

Chippewa-Eau Claire MPO  
Policy Council

September 28, 2022

Meeting Packet

CHIPPEWA-EAU CLAIRE  
METROPOLITAN PLANNING ORGANIZATION



800 Wisconsin Street, Mail Box 9  
Eau Claire, WI 54703  
715.836.2918 wcvrpo.org

## MEETING NOTICE

### Chippewa-Eau Claire Metropolitan Planning Organization Policy Council

Wednesday, September 28, 2022  
5:30 p.m.

Meeting Location:  
Chippewa Valley Technical College  
620 W. Clairemont Ave. Eau Claire, WI  
Casper Room - 103 A/B

#### AGENDA

1. Call to order
2. Welcome and introductions
3. Approval of minutes of August 24, 2022 Policy Council meeting
4. Review of minutes of September 14, 2022 TAC meeting
5. Review and approval of Amendment #6 (Projects) to the Transportation Improvement Program for the Eau Claire Urbanized Area, 2022-2026
6. Review and approval of Amendment #7 (Recertify) to the Transportation Improvement Program for the Eau Claire Urbanized Area, 2022-2026
7. Review and approval of the 2023 Urban Work Program
8. Review MPO Safety Report
9. Public Hearing concerning an application dated August 4, 2022, from the City of Eau Claire to modify the boundary of the Chippewa Falls-Eau Claire Urban Sewer Service Area titled *Type I Sewer Service Area Plan Amendment-Orchard Hills*.
  - a. The hearing is called to order as a Public Hearing – *Chair*
  - b. Staff Report – *WCWRPC staff*
  - c. City of Eau Claire presentation (5 minutes)
  - d. Town of Brunswick presentation (5 minutes)
  - e. Town of Washington presentation (5 minutes)
  - f. Previously Received Public Comments Summary – *MPO staff*
    - a. Summary of written comments
    - b. Summary of Opinion/Speaker cards received this evening
  - g. Public Speakers
    - a. Guidelines and process – *Chair*
    - b. Speaker presentations (2-minute limit per individual)
  - h. The hearing is called to a close – *Chair*

10. Review and potential action on an advisory resolution titled “Resolution 22-09 Boundary Amendment of the *Chippewa Fall-Eau Claire Urban Sewer Service Area Plan for 2025*” as requested by the City of Eau Claire in an August 4, 2022, application titled *Type I Sewer Service Area Plan Amendment-Orchard Hills*
  - a. Discussion – *Members*
  - b. Motion
  - c. Discussion
  - d. Vote (3 options: Recommend Approval to DNR, Recommend Approval with Conditions to DNR {could be Staff recommended conditions and/or others}, recommend Denial to DNR)
11. Other Business
12. Establish next meeting date (tentatively February 1, 2023)
13. Adjournment

# CHIPPEWA-EAU CLAIRE

METROPOLITAN PLANNING ORGANIZATION



800 Wisconsin Street, Mail Box 9  
Eau Claire, WI 54703  
715.836.2918 wwrpc.org

## **Minutes of the Chippewa-Eau Claire Metropolitan Planning Organization Policy Council**

*Wednesday, August 24, 2022, 5:30 p.m.*

*Held at: Banbury Place, 800 Wisconsin Street, Building 2, Suite 405H, Eau Claire, Wisconsin*

**Members Present (8):** Gary Spilde - Village of Lake Hallie (Chair), Jim Dunning – Eau Claire County (Vice-chair), Dean Mueller – Chippewa County, Wes Vleck – Town of Brunswick, Mark Brennan – Town of Lafayette, Jennifer Meyer – Town of Union, Mike Peterson – Town of Washington, Brett Geboy – Eau Claire County (non-voting)

**Members without representation present (9):** City of Altoona, City of Chippewa Falls, City of Eau Claire, Town of Eagle Point, Town of Hallie, Town of Pleasant Valley, Town of Seymour, Town of Tilden, Town of Wheaton

**Staff Present:** Eric Anderson - Director, Chippewa-Eau Claire MPO; Edwin Rothrock, Chippewa-Eau Claire MPO, Chris Straight – West Central Wisconsin Regional Planning Commission

### **Minutes**

1. Chairman Spilde called the meeting to order at 5:32 p.m.
2. Welcome and introductions
3. The minutes of the July 13th, 2022, Metropolitan Planning Organization (MPO) Policy Council meeting were presented. A motion to approve was made by Mr. Dunning, seconded by Mr. Mueller and passed unanimously.
4. The minutes of the August 10<sup>th</sup>, 2022, meeting of the Technical Advisory Committee (TAC) were presented and accepted as information.
5. Mr. Straight presented a review of the Chippewa Falls - Eau Claire Urban Sewer Service Area (SSA), the Sewer Service Area Plan, and the MPO's Water Quality Management role. After the presentation, there was a question-and-answer session to help clarify the geographic extent of the SSA, some of the details of the SSA amendment process, the advisory nature of the MPO's actions in the amendment process, and the differences between the MPO's transportation and water quality processes.
6. Mr. Anderson requested that the Policy Council reaffirm the MPO's Transportation Technical Advisory Committee (TTAC) be reaffirmed as the MPO's Water Quality Management Technical Advisory Committee (WQMTAC). He explained that The TTAC has acted as the WQMTAC for at least 15 years, but it would be best to have the MPO Policy Council be on record as having recently considered and affirmed this decision. A motion to Reaffirm the TTAC as the WQMTAC was made by Mr. Peterson, seconded by Ms. Meyer and passed unanimously.
7. Mr. Anderson presented Amendment #5 (Projects) to the Transportation Improvement Program for the Eau Claire Urbanized Area, 2022-2026 for adoption. A motion to adoption Amendment #5 was made by Mr. Brennan, seconded by Mr. Mueller and passed unanimously.
8. Mr. Anderson presented the scoring and ranking of projects for funding under the second round 2 of Bipartisan Infrastructure Law STP-Urban. There was some discussion of the various funding scenarios considered by the TAC and the reasons that scenario #2 was recommended. Scenario #2 provided for 80% of the projects' funding for the top three ranked projects: CTH-OO from Chippewa County, County Line Road from the City of Eau Claire, and East Hamilton Avenue from the City of Eau Claire and Town of Washington. A motion to approve granting the funds as specified in Scenario #2 was made by Mr. Peterson, seconded by Ms. Meyer, and passed unanimously.
9. Mr. Anderson presented some background on the MPO's Annual Work Program and led a brief discussion of the 2023 Work Program being developed.

10. Other Business – None was presented
11. Mr. Anderson presented a proposal to set the next meeting date for September 28th. There was a discussion among the members and staff about holding the public meeting for the City of Eau Claire's application to amend the Sewer Service Area to swap approximately 219 acres out of the SSA and add ~219 acres of an area recently annexed into the City from the Town of Washington as part of the next Policy Council meeting. The possible size of the public attendance due to the high level of interest in the application was discussed and staff will explore options for larger meeting space to accommodate the anticipated meeting size. Arrangements for the speakers interested in the Policy Council's consideration of the SSA Amendment Application were discussed. Members decided to allow 5 minutes to speak for each of the impacted jurisdictions and to require each member of the public desiring to speak to fill out a card to reserve a speaking slot and each will be allotted 2 minutes each to speak. Some technology considerations were also discussed.
8. After a motion by Ms. Meyer, seconded by Mr. Vleck, members all voted to adjourn the meeting. Chair Spilde did so at 7:10 p.m.

# CHIPPEWA-EAU CLAIRE

METROPOLITAN PLANNING ORGANIZATION



800 Wisconsin Street, Mail Box 9  
Eau Claire, WI 54703  
715.836.2918 wcwrpc.org

## Minutes of the Technical Advisory Committee (TAC) of the Chippewa-Eau Claire Metropolitan Planning Organization

Held as a hybrid virtual/in-person meeting via Zoom and at the Gillette Room, Banbury Place, 800 Wisconsin St., Eau Claire, WI, Wednesday, September 14<sup>th</sup>, 2022, 1:30 p.m. Due to room capacity constraints, the Eau Claire Room had an audio and video feed of the meeting that members of the public could view.

Members present: Dave Walter – City of Altoona Engineering, Rick Rubenzer – City of Chippewa Falls, Brad Hentschel – City of Chippewa Falls, Scott Allen – City of Eau Claire Community Development, Dave Solberg – City of Eau Claire Engineering, Tom Wagener – Eau Claire Transit, Karl Buck – Federal Highway Administration (Zoom), Wes Vleck – Town of Brunswick, Rick Bowe – Town of Eagle Point, Dan Hanson – Town of Pleasant Valley, Jennifer Janssen – Town of Seymour, Jennifer Meyer – Town of Union, Janelle Henning – Town of Washington, Alice Droske – Town of Wheaton, Derek Schaad – Village of Lake Hallie, Diane Paoni – WisDOT (Zoom), Dena Ryan – WisDOT NW Region (phone)

Staff present: Eric Anderson – Director Chippewa-Eau Claire Metropolitan Planning Organization (MPO), Edwin Rothrock - Chippewa-Eau Claire MPO, Chris Straight – West Central Wisconsin Regional Planning Commission (WCWRPC)

### Minutes

1. Mr. Anderson called the meeting to order a 1:35 pm.
2. Welcome and introductions- Due to the large number of attendees, an attendance roll call of members was taken.
3. The minutes of August 10<sup>th</sup>, 2022, TAC meeting were **approved by all** following a motion by Mr. Rubenzer, seconded by Mr. Solberg.
4. Sewer Service Area (SSA) Amendment request from the City of Eau Claire - Mr. Straight presented the draft West Central Wisconsin Regional Planning Commission (RPC) Staff Report on the report on City of Eau Claire's request for a Type I "Land Swap" amendment to the SSA. The Staff Report recommended that advisory approval, with multiple conditions to be required if 208 conformance review letters for a sewer extension were pursued at a later date. Mr. Anderson handed out a letter from Town of Washington's attorney reiterating its objection to the City's request. This letter was received September 9<sup>th</sup>. The letter is attached to the minutes.

Mr. Bowe spoke about the appropriateness of including the area which would be added by the amendment, the "receiving" area, to the City of Eau Claire and to the SSA. He also said that a wholistic approach to the SSA would be better than "doing individual pieces" on a case-by-case basis.

Mr. Solberg spoke about the receiving area already having been annexed into the City of Eau Claire and that development will happen. He said that it was better to have the area served by a city sanitary sewer system than with septic. He agreed with Mr. Bowe about the SSA needing a wholistic approach. He advocated for an SSA update with financial support for the effort coming from the Wisconsin Department of Natural Resources (DNR).

Ms. Henning stated that private well and septic water systems are legitimate and legal options. She said that a community septic system would be a viable option for the recipient area. She noted that the City of Eau Claire could have applied for an amendment request at any time, but only applied at this time in order to support the annexation. She objected to the receiving area being referred to as "Orchard Hills" in the RPC Staff Report since it seems to imply that the amendment approval was a foregone conclusion. Mr. Straight clarified that the report was using the project name that had been assigned in the City of Eau Claire's application for the SSA amendment and that WCWRPC's report is in response to the application.

Mr. Hanson said that there is no evidence that city sewer service is safer than septic systems. He stated that the County and Town of Washington had a plan for the area with private wells and septic systems, and that the proposed plan was obviously overreaching.

Mr. Vleck pointed out that if the area to be removed from the SSA (the “donor” area) were to be developed in the future, that it would need to be added into the SSA, making for needless paperwork. He said there was a discussion about a new park potentially located within the donor area and how it might need sewer service. He supported the idea that the SSA Plan was overdue for updating and that would allow for looking forward rather than backwards.

Mr. Solberg agreed that looking forward was best. He stated that City of Eau Claire utilities are only extended to an area that has requested that they be served. He also pointed out that during public meetings for the recent City annexation of the area, which includes the receiving area, that members of the public had voiced that no one thought septic and wells on private systems were a good idea and that adding wells to serve development in the receiving area might negatively impact existing wells.

Mr. Straight addressed the issue of updating the SSA Plan saying that the WCWRPC had asked the DNR for funding in the past to conduct the Plan update. He said he had earlier this year received WDNR encouragement to officially apply for funding which, if granted, would hopefully allow the Plan update to start in 2023.

Mr. Rubenzer said that the RPC had done a good and thorough preparing the Staff Report, and concurs with the report findings.

Ms. Janssen asked for an explanation of the use of the word “contiguous” to describe the receiving area. Mr. Straight explained that the north and east boundaries of the receiving area are immediately adjacent to the current SSA.

Mr. Bowe asked for clarification of the difference between an SSA amendment vs. a Plan update. Mr. Straight provided that explanation.

A motion to pass the advisory approval was made by Mr. Solberg and seconded by Mr. Rubenzer. The floor was opened for any further discussion.

Ms. Henning encouraged members to vote against recommending the amendment to the Policy Council based on two points where she believes the amendment was not consistent with the SSA Plan: 1. Development of the receiving area was not “orderly”, 2. Removing the donor area from the SSA would leave two voids, which is not allowed by the Plan.

**A roll call vote was taken: Yes-7, No-8, Abstain-2.** The votes were read back to and confirmed as accurate by the members.

There was a question about next steps in regards to the Policy Council’s consideration of the amendment application; Mr. Anderson giving a brief explanation.

5. Mr. Anderson presented the proposed Amendment #6 (Projects) to Transportation Improvement Program (TIP) for the Eau Claire Urbanized Area, 2022-2026. After a motion to recommend this amendment be adopted by the Policy Council was made by Mr. Solberg, seconded by Mr. Walter, **all members voted “Aye”**.
6. Mr. Anderson presented the proposed Amendment #7 (Recertify) to the Transportation Improvement Program for the Eau Claire Urbanized Area, 2022-2026. He explained that the State requires MPOs to recertify TIPs in alternate years. After a motion to recommend this amendment be adopted by the Policy Council was made by Ms. Janssen, seconded by Mr. Walter, **all members voted “Aye”**.
7. Mr. Anderson presented the proposed 2023 Urban Work Program for recommendation of approval to the Policy Council. After a motion to recommend the Urban Work Program be adopted by the Policy Council was made by Ms. Meyers, seconded by Mr. Walter, **all members voted “Aye”**.
8. Mr. Anderson presented the MPO Traffic Safety report and distributed copies to the members. He stated that the Report will be discussed in more detail at a future meeting but wanted to distribute it now so that members could read it soon after it was completed.
9. Other business – none
10. The next TAC meeting was tentatively set for January 11, 2023.
11. Mr. Rubenzer moved to adjourn the meeting, seconded by Mr. Solberg. **All voted “Aye”**. The meeting adjourned at 3:05 pm.

**Rick Manthe**  
222 West Washington Avenue, Suite 900  
P.O. Box 1784  
Madison, WI 53701-1784  
RManthe@staffordlaw.com  
608.259.2684

September 9, 2022

Technical Advisory Committee  
Chippewa-Eau Claire Metropolitan Planning Organization  
800 Wisconsin Street  
Eau Claire, WI 54703

RE: Objection to City of Eau Claire's Request to Amend Sewer Area

Dear Technical Advisory Committee Members:

The Town of Washington re-iterates its objection to the City of Eau Claire's request to amend its sewer service area ("SSA") and opposes the staff recommendation because they do not comply with the Chippewa-Eau Claire Metropolitan Planning Organization's ("Organization") stated policies for SSA amendments. Consequently, the Technical Committee and the Organization should postpone a decision on the SSA amendment pending the outcome of the Town of Washington's lawsuit challenging the validity of the City's annexation, or in the alternative, deny the request.

The City's request for an SSA amendment is inextricably intertwined with a petition for annexation it received in May of 2022. Prior to filing the annexation petition, a developer working with the annexation petitioners proposed a residential development within the Town that would not need City utilities. Only after the developer was unable to secure a zoning amendment from Eau Claire County did the annexation petition come forth. The Town has since challenged that annexation in court, because it does not comply with Wisconsin law.

The proposed SSA amendment area is approximately 2.2 miles from the City's border. Any residential development that occurs will require installation of utilities a significant distance from the City's current boundary. In between that area and the City is a Town residential development using private onsite wastewater treatment systems.

All SSA amendments must comply with the goals and policies of the Chippewa Falls/Eau Claire Urban Sewer Service Area Plan-2025 ("Plan"). Plan at 103-104. This amendment does not.

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**Madison Office**

222 West Washington Avenue  
P.O. Box 1784  
Madison, Wisconsin  
53701-1784

608.256.0226  
888.655.4752  
Fax 608.259.2600  
www.staffordlaw.com

**Milwaukee Office**

1200 North Mayfair Road  
Suite 430  
Milwaukee, Wisconsin  
53226-3282

414.982.2850  
888.655.4752  
Fax 414.982.2889  
www.staffordlaw.com



The staff report—by its own admission—ignores binding policies that the Organization must adhere to. The Plan makes clear that “using the words ‘will’ or ‘shall’ are mandatory and regulatory aspects of the *Chippewa-Eau Claire Urban Sewer Service Plan*.” Plan at 82. Policy 1.1.9, in turn, requires that “Proposed plan amendments ... ***shall*** not create a void within the service area.” Plan at 83 (emphasis added). Yet the staff report acknowledges this amendment creates a void, but expressly chooses to ignore this mandatory provision. *Staff Report* at 19. The Organization cannot pick and choose which policies to apply and ignore. Doing so is arbitrary and capricious, and would subject the Organization and its decision to legal challenges.

The staff report also discards other policies that the TAC and Organization must consider in its decision. The Plan requires that “[s]ewer extensions that reflect the contiguous and compact pattern of development should receive priority over extensions that will contribute to urban sprawl.” *Id.* at 82. Similarly, the Plan requires that “[f]uture residential development should occur adjacent to existing development to contain costs of public service provisions, and reflect compact and orderly development.” Plan at 83. The staff report does not include any analysis of these policies. There is no doubt that the amendment does not comply with them. Residential development would occur miles from the City’s border. Lowes Creek Park and farmland would separate the area from the City. A residential development 2.2 miles away from the City is not a compact pattern of development. The City will need to extend miles of infrastructure just to reach the area. A nearby residential subdivision already has private onsite water systems and will not hook up to City utilities.

Finally, Policy 1.1.7 mandates that “the Sewer Service Area Plan (SSA Plan) and boundary should not be used to promote nor hinder annexation petitions....” *Id.* Again, the staff report ignores this policy. Unquestionably the City only sought this amendment because of the annexation. If the City truly felt the need to include the territory in its SSA, it would have made its request long ago. Instead, the annexation petition motivated the City to request the SSA amendment. Accordingly, this amendment violates policy 1.1.7.

The TAC and Organization cannot ignore these policies. At the very least, the Organization must determine whether the SSA amendment implicates these policies, and then determine whether good reason exists not to apply any non-mandatory policies. Failure to justify those decisions is arbitrary and capricious.

Given the pending litigation challenging the City’s attempted annexation, the TAC and Organization should table the application until the litigation is resolved. There are no requirements to approve the application within a certain time period. Similarly, there are no prohibitions against tabling an application. Tabling the application is the best course of action given that the annexation is unlawful.

September 9, 2022

Page 3

Alternatively, the Town requests that the TAC and Organization recommend denial of the SSA amendment. As explained above, it does not comply with Organization policies.

Very truly yours,

STAFFORD ROSENBAUM LLP

A handwritten signature in black ink, appearing to read "Rick Manthe", with a long horizontal flourish extending to the right.

Rick Manthe

RAM:mai

**Chippewa-Eau Claire MPO  
Resolution No. 22-06**

**AMENDMENT NUMBER 6 TO THE TRANSPORTATION IMPROVEMENT PROGRAM FOR THE CHIPPEWA-EAU CLAIRE URBANIZED AREA (2022-2026).**

**WHEREAS**, the Chippewa-Eau Claire Metropolitan Planning Organization (MPO) was designated by the Governor of the State of Wisconsin for the purpose of carrying out cooperative, comprehensive, and continuing urban transportation planning in the Eau Claire urbanized area; and

**WHEREAS**, all transportation projects in the Eau Claire urbanized area which are implemented with federal funds must be included in the annual elements of the Transportation Improvement Program (TIP) and approved by the MPO is a prerequisite for funding approval; and

**WHEREAS**, the 2022-2026 TIP was approved by the Chippewa-Eau Claire MPO in October 2021; and

**WHEREAS**, this amendment includes the addition or modification of one highway project and one bicycle and pedestrian project to the 2022-2026 TIP, as attached; and

**WHEREAS**, the MPO has adopted and followed procedures for amendments to make such changes to the program; now therefore

**BE IT RESOLVED BY THE CHIPPEWA-EAU CLAIRE METROPOLITAN PLANNING ORGANIZATION:**

That the Chippewa-Eau Claire MPO approves the major amendment to the 2022-2026 TIP and that the newly added and modified projects are formally adopted, as attached.

**Adopted this 28<sup>th</sup> day of September, 2022**

APPROVED:

ATTEST:

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Gary Spilde, Chairperson  
Chippewa-Eau Claire  
Metropolitan Planning Organization

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Eric Anderson, Secretary

**2022-2026 TIP Project Listing**

(in 2022 \$; in thousands of \$)

**Amendment #6**

Primary Jurisdiction/ Project Sponsor	Project Description	Type of Cost	Jan - Dec 2022				Jan - Dec 2023				Jan - Dec 2024				Jan - Dec 2025				Jan - Dec 2026			
			Fed	State	Local	Total	Fed	State	Local	Total	Fed	State	Local	Total	Fed	State	Local	Total	Fed	State	Local	Total
<b>Bicycle/Pedestrian</b>																						
<b>WCWRPC</b>	<b>Chippewa Valley SRTS Program</b>																					
	School districts: Altoona, CF, EC	PE	152	0	38	190	159	0	40	199	140	0	35	175	116	0	29	145	58	0	15	73
TIP# 370-21-001		ROW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1009-01-19		CONST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	TAP	TOTAL	152	0	38	190	159	0	40	199	140	0	35	175	116	0	29	145	58	0	15	73
Amendment #7																						
<b>Highway</b>																						
<b>Village of Lake Hallie</b>	<b>30th Ave.</b>																					
	118th St. to 113th St.	PE	0	0	0	0	0	0	0	0	0	0	168	168	0	0	0	0	0	0	0	0
	Reconstruction	ROW	0	0	0	0	0	0	0	0	0	0	526	526	0	0	0	0	0	0	0	0
	(Watermain and Storm Sewer)	CONST	0	0	0	0	0	0	0	0	0	0	551	551	0	0	0	0	0	0	0	0
TIP # 370-21-030	.4 miles	TOTAL	0	0	0	0	0	0	0	0	0	0	1,245	1,245	0	0	0	0	0	0	0	0
Amendment #7	Local																					

## Resolution No. 22-07

### **AMENDMENT NUMBER SEVEN (7) TO THE TRANSPORTATION IMPROVEMENT PROGRAM FOR THE CHIPPEWA-EAU CLAIRE URBANIZED AREA (2022-2026), EVEN-YEAR RECERTIFICATION.**

**WHEREAS**, the Chippewa-Eau Claire Metropolitan Planning Organization (MPO) was designated by the Governor of the State of Wisconsin for the purpose of carrying out cooperative, comprehensive, and continuing urban transportation planning in the Eau Claire urbanized area; and

**WHEREAS**, all transportation projects in the Eau Claire urbanized area which are implemented with federal funds must be included in the annual elements of the Transportation Improvement Program (TIP) and approved by the MPO is a prerequisite for funding approval; and

**WHEREAS**, the 2022-2026 TIP was approved by the Chippewa-Eau Claire MPO In October 2021; and

**WHEREAS**, the MPO has adopted and followed procedures for amendments to make such changes to the program; and

**WHEREAS**, the TIP is compiled and approved in odd numbered years, and reviewed and recertified as valid in even-numbered years, in compliance with 23 CFR Sec. 450.324; now therefore

#### **BE IT RESOLVED BY THE CHIPPEWA-EAU CLAIRE MPO:**

That the Chippewa-Eau Claire MPO, recertifies the 2022-2026 TIP as a valid programming document.

**Adopted this 28<sup>TH</sup> day of September, 2022**

APPROVED:

ATTEST:

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Gary Spilde, Chairperson  
Chippewa-Eau Claire Metropolitan  
Planning Organization

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Eric Anderson, Secretary

## Resolution 22-08

### **ADOPTION OF THE 2023 UNIFIED WORK PROGRAM FOR THE CHIPPEWA-EAU CLAIRE MPO and ANNUAL MPO CERTIFICATION, FOR THE PERIOD: JANUARY 1, 2023 THROUGH DECEMBER 31, 2023**

**WHEREAS**, the Chippewa-Eau Claire MPO is the Metropolitan Planning Organization for the Eau Claire (WI) Urbanized Area, and the Policy Council has the responsibility to direct, coordinate, and administer the transportation planning process in the urbanized area; and

**WHEREAS**, the Federal Highway Administration and Federal Transit Administration, under 23 CFR 450 Subpart C, have determined the necessity for a Unified Planning Work Program; and

**WHEREAS**, the Chippewa-Eau Claire MPO has been recognized as the Metropolitan Planning Organization for the Eau Claire Urbanized Area; and

**WHEREAS**, the Policy Council has reviewed the clarifications of transportation planning activities outlined in the 2023 Unified Planning Work Program and finds them consistent with the transportation planning process.

**NOW, THEREFORE, BE IT RESOLVED** that the Policy Council of the Chippewa-Eau Claire MPO adopts this Unified Planning Work Program and directs the staff to submit this document to the Wisconsin Department of Transportation and to the Federal Highway Administration and Federal Transit Administration; and

**BE IT FURTHER RESOLVED** that in accordance with 23 CFR 450.336(a) Chippewa-Eau Claire MPO hereby certifies that the metropolitan transportation planning process is addressing major issues facing the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

1. 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
2. In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;
3. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
4. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
5. Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in DOT funded projects;
6. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
7. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101et seq.) and 49 CFR parts 27, 37, and 38;
8. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
9. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

**Adopted this 28<sup>th</sup> day of September 2022**

APPROVED:

ATTEST:

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Gary Spilde, Chairperson  
Chippewa-Eau Claire  
Metropolitan Planning Organization

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Eric Anderson, Secretary

**Resolution No. 22-09**

**BOUNDARY AMENDMENT OF THE  
CHIPPEWA FALLS-EAU CLAIRE URBAN SEWER SERVICE AREA PLAN FOR 2025  
AS REQUESTED BY THE CITY OF EAU CLAIRE  
IN AN AUGUST 4, 2022, APPLICATION TITLED  
TYPE I SEWER SERVICE AREA PLAN AMENDMENT-ORCHARD HILL**

**WHEREAS**, the *Chippewa Falls-Eau Claire Sewer Service Area Plan for 2025* (SSA Plan) is a formal element of Wisconsin's areawide water quality management plan and serves as a basis for state and federal permit approvals and grant funding for the planning, construction, and extension of wastewater treatment and sewage facilities and infrastructure; and

**WHEREAS**, the Chippewa-Eau Claire Metropolitan Planning Organization (MPO) has been designated as the urban area's Water Quality Advisory Committee to assist the Wisconsin Department of Natural Resources (WDNR) in the development of the municipal point source element of the State's Areawide Water Quality Management Plan and acts in an advisory role to the Department in matters concerning the implementation of the plan; and

**WHEREAS**, West Central Wisconsin Regional Planning Commission (WCWRPC) has been designated by WDNR as the sewer service area planning agency for the Chippewa Falls-Eau Claire urban area; and

**WHEREAS**, the City of Eau Claire submitted a Type I SSA Plan amendment application dated August 4, 2022, to remove approximately 219.8 acres from the Sewer Service Area in one area and add approximately 219.64 acres from the Sewer Service Area in another area; and

**WHEREAS**, the MPO's Water Quality Management Technical Advisory Committee has considered a staff report dated 9/7/22 from WCWRPC on the requested SSA Plan amendment and has recommended the denial of the amendment to the MPO Policy Council; and

**WHEREAS**, WCWRPC has presented to the MPO Policy Council a staff report, and

**WHEREAS**, the MPO has provided an opportunity for public comment on the proposed amendment, in accordance with the procedures in the SSA Plan,

**NOW, THEREFORE BE IT RESOLVED BY THE POLICY COUNCIL OF THE CHIPPEWA-EAU CLAIRE METROPOLITAN PLANNING ORGANIZATION:**

- i. That the Chippewa-Eau Claire MPO has considered the amended WCWRPC staff report, Technical Advisory Committee recommendation, and any community and public comments received; and
- ii. Recommends to WDNR that the City of Eau Claire's requested amendment to the *Chippewa Falls-Eau Claire Urban Sewer Service Area Plan for 2025* be:

approved.

approved with the following conditions:

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denied.

**Adopted this 28<sup>th</sup> day of September**

APPROVED:

ATTEST:

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Gary Spilde, Chairperson  
Chippewa-Eau Claire  
Metropolitan Planning Organization

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Eric Anderson, Secretary