

# Public Hearing - Utility District Creation



**Town Board**

**Attorney: Al Reuter – Reuter, Whitish, and Evans, S.C.**

**Engineering Consultant: Ben Wood, P.E. and Nate Ewanowski, P.E. – Strand Associates, Inc.®**

**Public Hearing – 6:00 PM**

**N2235 Shore Drive, Marinette, WI 54143**

**March 13th, 2023**



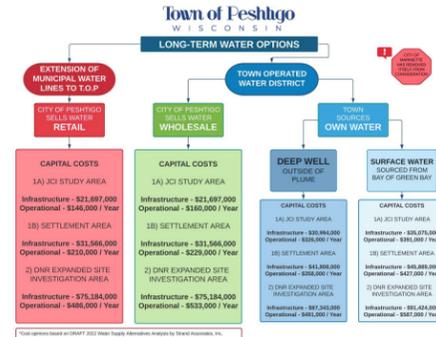
# Agenda

- Timeline
- Authority
- Utility District
- Future Planning
- Information and Resources
- Frequently Asked Questions
- Public Comment Period
- Close of Hearing

# Timeline – How Did We Get Here?



Private Well Water Sampling  
(2019 to 2021)



Water Supply Options Matrix  
(February 2022)



Congressional Direct Grant Dollars Awarded (\$1,667,000) (January 2023)



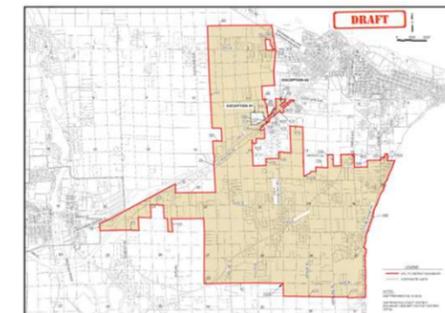
Water Supply Evaluations  
(2019 to 2021)



WDNR Funding Intent to Apply  
(October 2022)



Create Utility District  
(Today)



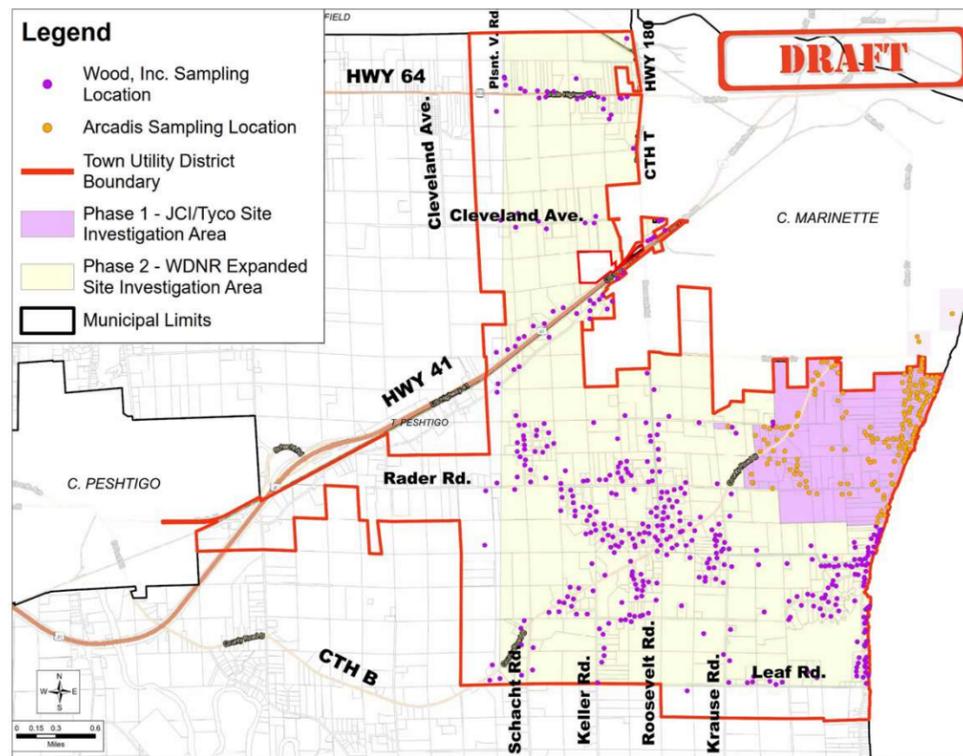
# Authority to Establish a Utility District

- § 66.0827 Utility Districts
  - Towns, villages and 3<sup>rd</sup> and 4<sup>th</sup> class cities may establish utility districts.
  - In towns, the town board may direct that the cost of any convenience or public improvement provided in the district... be paid from the district fund.
  - In towns a majority vote... of all the members of the governing body is required to establish, vacate, alter or consolidate a utility district.
  - Before the vote is effective to establish...a utility district, a hearing shall be held as provided in § 66.0703(7)(a). In towns the notice may be given by posting in 3 public places in the town, one of which shall be in the proposed district, at least 2 weeks prior to the hearing.
- § 66.0703(7)(a) Public Hearing
  - ... the place and time at which all interested persons, or their agents or attorneys, may appear before the governing body...
- Note: A Utility District is not a Special Assessment District. A Utility District only requires public notice, a public hearing, and a vote of the Town Board creating the district (which the Town Board may pursue after considering public hearing comments).

# Public Notice was Widely Distributed

## PUBLIC HEARING NOTICE!

FOR TOWN OF PESHTIGO RESIDENTS & BUSINESSES



PRSR STD  
ECRWSS  
U.S. POSTAGE  
PAID  
GREEN BAY, WI  
PERMIT 460

\*\*\*\*\*ECRWSS\*\*\*\*\*  
Postal Customer

**Town of Peshtigo**  
WISCONSIN  
SEE OTHER SIDE  
FOR IMPORTANT  
INFORMATION  
ABOUT THE  
TOWN'S  
CONSIDERATION OF  
A UTILITY DISTRICT

## THE TOWN BOARD WANTS TO HEAR FROM YOU!

PUBLIC HEARING FOR CREATION OF A UTILITY DISTRICT  
TO BE HELD **MARCH 13, 2023 AT 6:00 PM** BY THE TOWN OF PESHTIGO BOARD  
LOCATION: **LITTLE RIVER COUNTRY CLUB, N2235 SHORE DRIVE, MARINETTE, WI 54143**  
*Written comments may be submitted to the Town Clerk prior to the hearing*

### WHY CREATE A UTILITY DISTRICT?

In order for the Town to move forward with engineering, pursuing funding sources and municipal partnerships, the Town needs to define a focus area.

### WHAT'S THE DIFFERENCE BETWEEN A UTILITY DISTRICT AND A WATER UTILITY?

A utility district is primarily a financial device which allows the Town to set up the accounting needed to receive funds (such as grants) and track how funds are used. Creating a utility district does not allow the Town to construct, install, or operate a water utility, which is a long process with rigorous agency oversight. More evaluation is necessary before a decision on creating a water utility can be made.

### HOW DID THE TOWN COME UP WITH THIS BOUNDARY? (See map on front.)

This boundary 1) covers the potential service route of municipal water whether it be from Marinette or Peshtigo, 2) includes properties that would be adjacent to the potential water main routes, 3) encompasses properties with known PFAS contamination and the WDNR PFAS investigation area at risk for contamination.

### WHAT IS THE TOWN GOING TO DO NEXT?

The Town has been awarded \$1,667,000 of federal grant funds for "predevelopment activities" (studies, engineering, accounting, etc.) for the Town's PFAS response. These funds will be used to further develop options and to start engineering a solution.

Visit <https://townofpeshtigo.org/water/> for more information.

Sign up for electronic updates at <https://townofpeshtigo.org/subscribe-to-updates/>



# Why Would the Town Create a Utility District?

*“To achieve a permanent safe drinking water solution, within the current site investigation area in the Town of Peshtigo, at the expense of the identified responsible party.”*

1. Town Board has an obligation for the public health and welfare of its residents.
2. Establish a focus area of the PFAS problem.
3. Establish a district fund account to manage grant funds, expenses, and reimbursements.
4. Demonstrate the Town’s commitment to a permanent, safe drinking water solution for impacted areas to grant opportunities.
5. Establish a service area that can be included in a future application to create a water utility.

# What's the Difference Between a Utility District and a Water Utility?

## Utility District

- Primarily a boundary and a financial device to set up the accounting needed to receive funds



## Water Utility

- Authorizes construction, installation, and operation of a water system

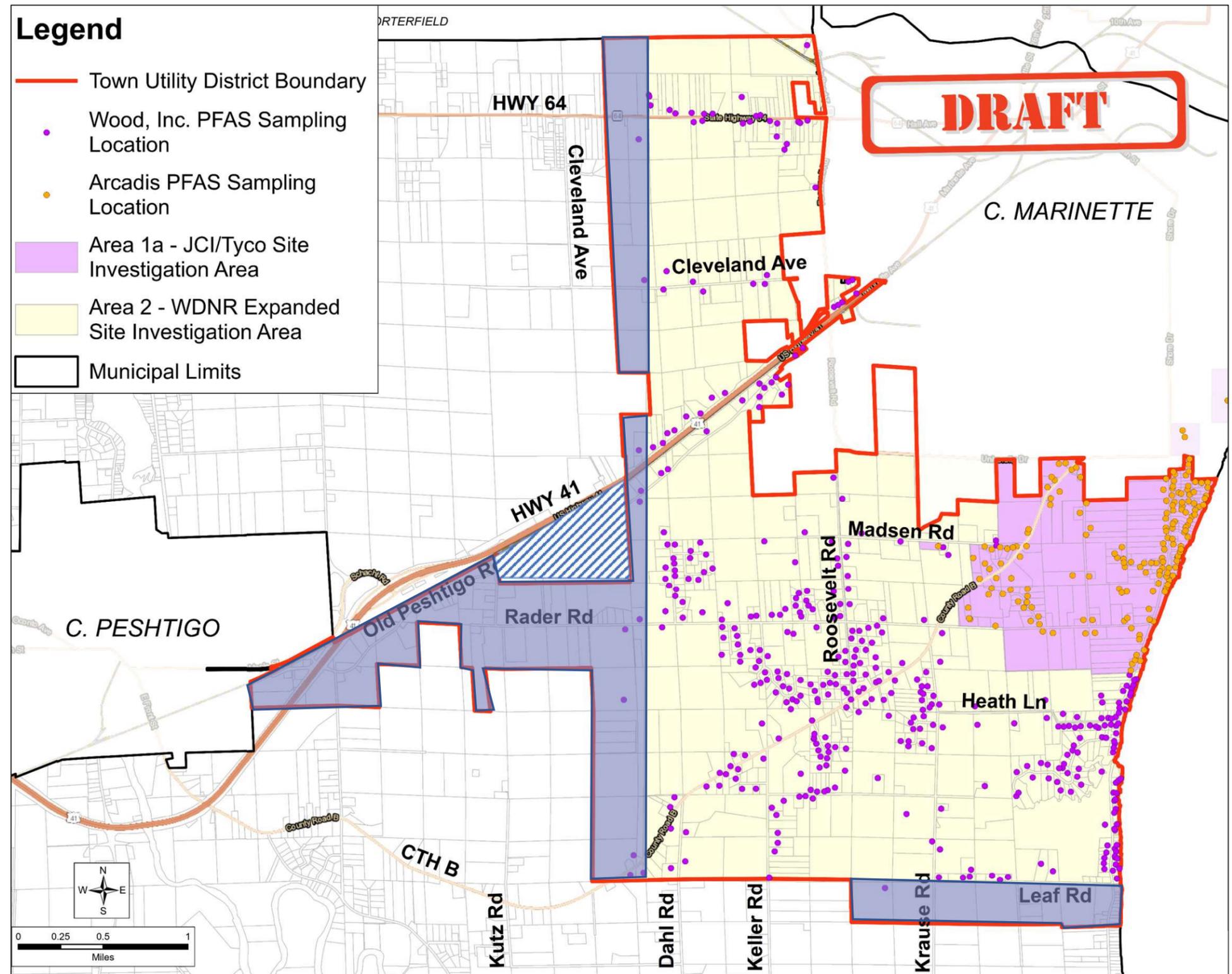


# What's the Difference Between a Utility District and a Water Utility?

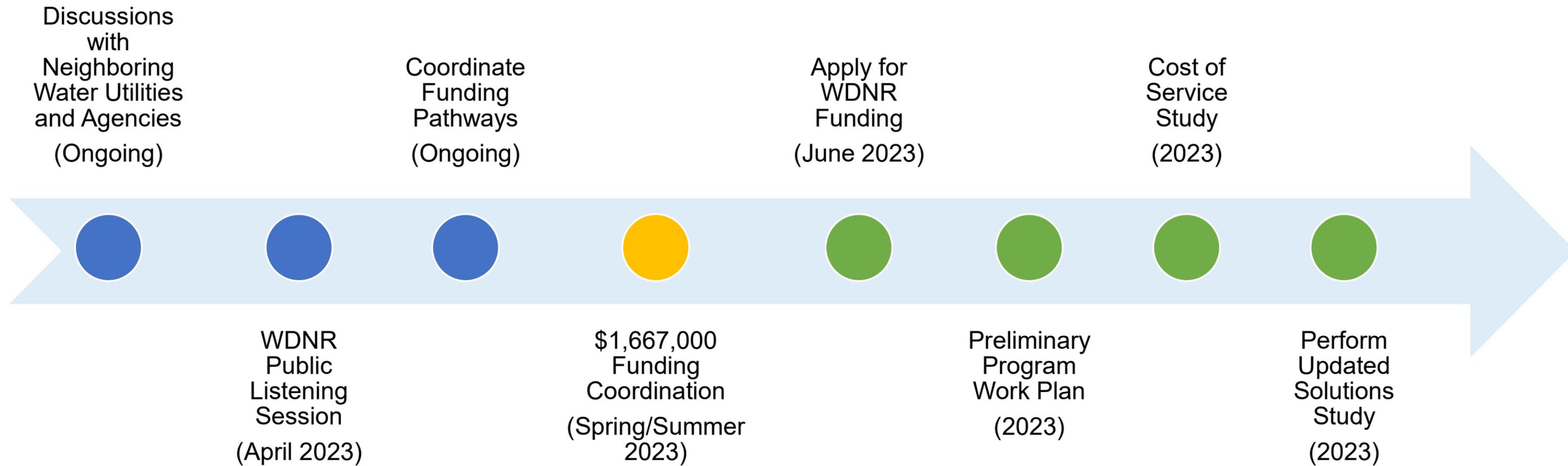
Utility District (now)	Water Utility (future)
Created by Town Board	Requires Public Service Commission (PSC) and Wisconsin Department of Natural Resources (WDNR) approvals
Requires a Town Board vote	Requires a referendum
Boundary can be modified in the future	Service area can be modified in the future
Governed by State Statute	Regulated by State Statutes, PSC and WDNR
Requires a district fund account	Requires customers, infrastructure, accounting, auditing, and operation
Establishes a proposed service area for a future Water Utility	Entity that actually provides water service

# Utility District Boundary

1. Municipal water routes from Marinette and Peshtigo
2. Adjacent properties to service routes
3. Properties within the WDNR PFAS Contamination Investigation Area
4. Adjacent properties to proposed water main or investigation area



# Next Steps and Anticipated Timeline



## Information and Resources – Provided in the Handout

- Town of Peshtigo Water - <https://townofpeshtigo.org/water/>
  - Subscribe to Updates - <https://townofpeshtigo.org/subscribe-to-updates/>
- DNR PFAS Contamination in the Marinette and Peshtigo Area
  - <https://dnr.wisconsin.gov/topic/PFAS/Marinette.html>
- Wisconsin Department of Health Services – PFAS
  - <https://dhs.wisconsin.gov/chemical/pfas.htm>

## FAQ: Boundary-Related Questions

- **How was this boundary created?**
  - This is an engineered minimal area that encompasses the WDNR contamination investigation area, neighboring properties, and potential municipal water service routes.
- **Can this boundary be changed? What's the criteria to change it?**
  - Yes. Another public hearing and Town Board approval would be required after the district is established.
- **Does creating the Utility District affect properties outside of the boundary?**
  - No, if you're outside of the boundary, the Utility District will not benefit you nor cost you anything.
- **I live outside of the current boundary, what about my water?**
  - The Town has followed the WDNR site investigation area, resulting in the current Utility District boundary.
  - The Town has the legal authority to operate a water system but does not otherwise have authority to remedy private well contamination.
  - Therefore, test your private well, report results to WDNR, and the Town will continue to work with the WDNR. If the contamination expands, the Town will evaluate feasibility of expanding the service area.

# FAQ: Water Utility-Related Questions (Future Considerations)

- **Will I be forced to connect if a water main extends by my property?**
  - It will depend on the results of the next phase; cost of service, PSC/DNR approval conditions, and available funding.
- **What would a proposed water bill be?**
  - It will be determined based on the cost-of-service study and must be approved by the PSC.
  - It will depend on grant funding received.
- **What would the quality and safety of the water from a municipal water system be?**
  - All parts of a water system are subject to WDNR regulation and shall meet the minimum EPA Safe Drinking Water Act requirements.
- **Why is municipal water safer than my private well?**
  - Municipal water systems are regulated by the Safe Drinking Water Act.
  - All municipal water systems are required to frequently test for existing and emerging contaminants.
- **Will chlorine in a water system affect my septic system?**
  - According to the Wisconsin Department of Safety and Professional Services, municipal water treatment options do not adversely impact the proper operation of a POWTS/septic system.

## FAQ: Private Well-Related Questions

- **If I recently put in new private well, would I eventually be forced to abandon it if I connect to a public water system?**
  - If you connect to municipal water, you can only use your private well for outdoor use
    - DNR will mandate cross-connections be removed
    - Residents will be required to comply with current or future well water quality regulations
    - Universal well abandonment policy is left to the Town Board
- **How can I get my private well tested for PFAS?**
  - Cyclopure (~\$80) – not certified laboratory
  - WDNR certified laboratory list for drinking water (~\$380)
    - <https://dnr.wisconsin.gov/topic/PFAS/Labs.html>

## FAQ: Financial-Related Questions

- **What would the Utility District cost me upon creation?**
  - Nothing. No local tax dollars have been used or are planned to be used. The Utility District will be used to receive grant funds and account for any expenses.
- **How is the Town accounting for the Utility District finances?**
  - A designated chart of accounts will be established.
    - All grant funds will be deposited into this account.
    - Utility District expenses will be paid from this account.
- **Why isn't Tyco paying for all of this? Will they pay in the future?**
  - Tyco is unwilling to fund a safe and permanent solution to meet the needs of the PWSA or the full site investigation area.
  - The Town is pursuing legal action to have all expenses paid for by Tyco.

# Public Comment Format



## Spoken Comments

- 5 minutes per comment
- State your Name, Address, and District Boundary Status (inside or outside)



## Written Comments

- Previously submitted comments
- Note cards are available if you would rather not speak



## Online Zoom Comments

- Raise your hand, we will unmute you

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