

TOWN OF HULL
**PLAN COMMISSION
MEETING**
September 21, 2010

- 1. CALL THE MEETING TO ORDER:** The Town of Hull Plan Commission Meeting was called to order by Chairperson John Holdridge at 7:00 P.M. on Tuesday, September 21, 2010 at Town of Hull Municipal Bldg., 4550 Wojcik Memorial Drive, Stevens Point, WI 54482.

Present: John Holdridge, LaVerne Syens, Bob Bowen, Shelley Binder, Bob Enright, Al Stemen, Jocelyn Reid and Secretary Patty Amman.

Also present: Tracy Pelky of Portage County Planning and Zoning, Attorney Bob Konkol, Engineer Dave Glodowski

Audience: Kelly & Dan Hebbe, Dave Firkus, Barb Brilowski, Tiffany & Lance Broecker, Marie & Mike Gawlik, John Oberthaler, Jerry & Teri Koziczowski, Andrea Cisewski, Jacalyn Cisewski, Ray Firkus.

- 2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS. AGENDA ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION:**

None.

- 3. APPROVAL OF MINUTES OF August 17, 2010 meeting:** *Motion to approve the minutes of the meeting on August 17, 2010- by Al Stemen, second by LaVerne Syens. Motion passed by voice vote.*

- 4. CERTIFIED SURVEY MAP FOR ESTATE OF ROBERT BRILOWSKI IN SECTION 25, TOWN 24N, RANGE 8E, ABUTTING BRILOWSKI ROAD N.**

Holdridge You have a memo from Phil Deffenbaugh who is the assessor and inspector and you have the actual map. What the Brilowski family is doing is taking his house and pulling that out. It's on Brilowski Road. The interesting thing about Brilowski Road that runs past Bob's old house is that it's in the city of Stevens Point, that is why there was an annexation. The big thing was, there was a dedication of a road here for 33' that is on the map. If you read Phil's memo, he talked with the assessor of the city and the public works director and they wanted that in there so there is no conflict about the road. Even through it's been driven on, etc. But it's on the certified survey map and I don't see any problem with this. It is pretty simple. Barb, did you want to comment?

Brilowski The house is on 40 acres and in order to sell the home, we're going to keep the farmland with the farm and pull 2 acres off of it with the house and sell the property.

Holdridge Once we approve it, it will be on the Town Board agenda for October 11th so I don't expect any surprises.

Motion made by LaVerne Syens to approve the certified survey map for the estate of Robert Brilowski, seconded by Jocelyn Reid. Motion passed without any negative votes.

5. CERTIFIED SURVEY MAP FOR BRAD CISEWSKI; SECTION 5, TOWN 24N, RANGE 8E IN THE TOWN OF HULL AND SECTION 32, TOWN 25N, RANGE 8E IN THE TOWN OF DEWEY.

Holdridge Another certified survey that was done was for Brad Cisewski. He bought some land from his parents and he wanted to change the zoning so he changed the land use and changed the zoning on the parcel. The last step is to get a certified survey map which defines it, which is what we have here. This has gone on for 1 ½ years and I told Brad the Town Board would approve this. It's not a controversial one. Contingent upon the Plan Commission approval and that's what we have tonight. If we don't approve it, it doesn't go anywhere. There's a road that comes to it that is Rocky Ridge Drive and it terminates at his property so he has access to a road. Any questions about that?

Without any further questions, LaVerne Syens made a motion to approve the certified survey map for Brad Cisewski, seconded by Al Stemen. Motion passed without any negative votes.

6. FIRKUS ROAD DEVELOPMENT – ROAD RIGHT-OF-WAY, ACCESS TO LAND AND LAND DIVISION (CONTINUATION OF DISCUSSION FROM AUGUST 17TH PLAN COMMISSION MEETING).

Holdridge The main topic tonight is the Firkus Road and projected development up there. Does everyone have the map, Bob Konkol's legal opinion letter, and cost estimate sheet to put in a road? (*Handed out to all interested parties.*) I'm going to go through this and bring everybody up to speed with where we are at and then I'd like to turn it over to Bob Konkol who will read his opinion. After that, we can take questions and we'll also talk about the alternative map and the cost of putting in a road. In reading from mine that talks about background. The Town of Hull got involved in this when John Oberthaler had talked about a cranberry marsh up there. We met with John and some loggers and eventually that dropped off. The vehicles were heavy, it was going to be done in July and we were very concerned about weights but eventually that did not proceed any further. Then we had 2 couples that wanted to buy some property on the back north 40 and that got things going. As best I know from our records, we seal coated Firkus Road that runs from North Reserve to the dead end of the east-west Firkus Road, about ½ mile. That was done in the mid to late 1990's as I recall. Then I thought I'd go through some budget information as these are ultimately budget questions as well as legal questions. The Town's 2010 budget is 1.7 million. Wisconsin road aides that we get based on the miles of our roads are \$167,455. That will probably increase a little bit in 2011 because the pre-mile cost went up. The pre-mile cost for 2010 was \$2,055 for every mile, that is what the state gives us. That goes up in 2011 to \$2,117. So that \$166,000 will go up slightly in 2011. Miles in the Town are approximately 83 miles of Town roads. That includes that ¼ mile that goes north. That is still

on the official map and still listed on our printout that shows roads that get state aide. Don't be afraid to ask questions because we'll recognize you. Interested parties: there's a lot of interest in this and I mean in terms of financial interest, cultural interest. I count at least 4 land owners. Potential buyers: we've got 2 couples. The Hull Plan Commission and by extension, the Town Board, because everything we do is advisory to the Hull Town Board. We have all of the Town Board members here tonight. Two are on this Plan Commission plus in the audience are Dave Wilz, Dave Person and Melvin Bembenek, so they are sitting in on this tonight. The Portage County Planning and Zoning Dept. is represented here by Tracy Pelky. So in expertise, we have attorneys, zoning officials, civil engineers and our road foreman. The reason Portage County Planning and Zoning is important in this is because it falls under County zoning. We don't have our own separate zoning in the Town of Hull. All the towns in Portage County are under Portage County Zoning. Issues: road aide but no road. We've taken road aide but there's not been a construction of that road. 33' right-of-way: the Town of Hull has a 33' right of way there. We'll talk about that with Bob Konkol. Land locked access, that's an issue. Roads and cul de sacs: that's what we're going to do, not only seriously consider a road, but we're also going to need a cul de sac because there would be garbage trucks, school buses, emergency vehicles and snow plows that would need some way to turn around. Development of land division: if you stand off and look at it, this is land development up there. People have land and they want to sell it. John Oberthaler of Chopper Farms is here and he is going to want to sell that, or some of it, so it's land development. Cost and who pays: that's the big issue. In terms of land development direction, Bob Konkol has the letter that you all have. We have road construction costs put together by Gremmer with Dave Glodowski over here and Pete Kaminski is our road foreman. There's two different estimates with the high at \$70,000 and the low at \$40,000 but as you look at that and sort it out, it might be less than \$40,000. You need to know that our roads in the Town of Hull are 66' wide. That's a 4-rod road which is a standard road. So the 33' is needed to get a 4-rod road. Road network and land division can be addressed by Tracy Pelky. You have the map, the big one and we'll come back to Bob's legal opinion. We have the estimate for road and cul de sac and you have an alternative map that was developed, that is in the center of a 40. Now I'd like to have Bob Konkol read his opinion. Why don't we go through it because you might have a question that's on the 4th page when you see the first paragraph so let him go through it and then we'll open it up for questions and discussion.

Bob Konkol The letter is in response to some questions that John had raised that he has alluded to when he was talking a few minutes ago. *(Bob then read his letter – see attached copy - adding a few clarifying comments).*

Holdridge Is Jerry Koziczkowski here?

Jerry K. Yes I am.

Holdridge You understand what Bob said. I sent you a letter earlier and he's basically reiterating what I said.

Jerry K. I have a couple of questions. #1 is the stuff that you said about the landowners trying to --- on property, is every piece of the law in on that? Or did you pick and choose stuff

that you needed? Landowners that have landlocked land, do you have all the documentation of all the processes and all the statues found on paper or just the ones you told us?

Konkol I can't say that I looked at every statute.

Jerry K. Question #2: On that 33', #1 I was forced to leave that in there by the Town Board at that time because they wanted that road tax. They told me to block it off and that's the only reason they wanted it for. And if I wanted a road, I would have to pay for it and put it in. They did not do anything to that road for 20 plus years. I assumed after 10 years it was mine. At this point, unless we resolve something else, which we can, I would have to take that to court. Right now, I assume that I own that 33' no matter what you are telling me or the Board right now, I would have to dispute that in a court of law.

Holdridge You understand that from our records, you didn't pay any property taxes on that portion since 1992.

Jerry K. Correct, but that's the Town Board. The Town Board wanted the road tax but didn't want a road. My first survey didn't have a road and they wanted the road, not the property tax.

Holdridge There's only one person on the Board that was on the Board then. LaVerne's on the Board, I'm on the Board, we weren't on the Board then so we don't know what happened. We know that your certified survey map was recorded in our minutes as being approved by the Town Board. The reality of that might be, I think it was the chairman that told you that, why would they develop a road when there is nobody back there? You know what I'm saying? They could build that road at whatever it would cost and it would have cost plenty back then as it does now, why would they develop a road back there when there was nobody there?

Jerry K. Why would they want property for a road?

Holdridge This year we will not claim any state aide on that road. I don't think that was proper to do that. Even though as Bob Konkol points out, the money comes in based on the road aide but that 1/4th mile is part of our deal for money from the state. So that's where we are coming from but I don't think there's any question that there was a certified survey map. It was in our minutes and recorded by Portage County, dedicated to the public, the tax record indicates that in 1992 there was no taxes paid on that 33' for 1/4th mile. That is in the record. Tracy did you want to comment any?

Pelky Not at the moment. If there are any questions out there relating to this, if it looks like from a development end that they want to subdivide these lots from the existing acreage. Each are 19 1/2 acres approximately. I know there's numerous thoughts and ideas on developing the lots to the north as well as potentially Chopper Farms. This is the first I've seen of this list tonight but if there are any questions on development, fire away.

Holdridge We'll go to the map and then go to the cost and come back for any questions. That map that was put together by John Oberthaler draws a road that is on his 40 midway

between each 20. So it's about 20 acres over from the road that was certified at 33'. That road would go north and you'd have a cul de sac right at the end. The advantage of that is clearly it gets up to these lots and it's right in the middle and these people can have their driveways coming in to it. Plus from John's standpoint, he can develop private roads off here. You don't have a problem with that do you, Tracy?

Pelky This would be a Town road, proposed?

Holdridge Yes.

Pelky The problem with that is that it is over 1,000 feet and it's a dead end road. You have to look at North Reserve as a through road and Firkus Road is a dead end road. You cannot take Firkus Road and extend it more than it is. The one issue that popped up would be here where if it gets 66' wide you and you need to, for safety here, to put a cul de sac in and we can allow that at the end for turning around but you can't extend Firkus Road here because you'd have to go from here to there which is 1,320, another 660 and you're adding another 1,320. You making this a dead end road well beyond 1,000.

Holdridge So you're saying because this would be 1,000 feet up here?

Pelky That's 1,320 right now.

Holdridge You've got the ordinance but would this be a Board of Adjustment or something where you could get a variance?

Pelky An appeal would be through the Planning and Zoning Committee. If they want to extend, 1,320, 660 and another 1,320, you're making that much longer than what it is.

Holdridge This one we would do something with. I'm not sure what you'd do with it. You still have the dead end at the end.

Pelky Another way they could do it is that it wouldn't have to be a Town road. It could be an ownership by both parties. You don't need a road if that land was sold to the individuals up here. A private driveway would be one way of getting around it. Why go through the expense of building a road another quarter mile when you could just sell them the land and then they could access each acreage that way.

Dan Hebbe This would be along that same line: that 33', right now, that sounds like it is a road. What if the Town dedicated that back to Jerry K. and then we utilize that road? I don't know how that would be approached. You're not really extending it. You're shifting it over and then you're giving that road back to Jerry.

Pelky That would be a legal question. I'd need to confer with our corporation counsel. I'm not sure if Bob Konkol could comment on that. If the road is shortened instead of being here, it's put there. I wouldn't have an answer if we can allow that.

Holdridge If we'd abandon this road and instead put in this road.

Dan H. It's just an idea.

Holdridge I think we need ideas.

Pelky It's something we would look at.

Jerry K. On that road, who's going to pay for the cost?

Holdridge That's the major question.

Oberthaler I'll help answer it...I'm not (*paying for it*).

Jerry K. The only type of road I want there, and this has nothing to do with me, and I'm assuming I'm going to have to fight for my 33', so I don't need a road right now. I don't know if I want a road in the future. Maybe I do. If we put a road where you're showing on that piece of paper, what does it do to my property?

Holdridge That's a major question for you.

Jerry K. If John Oberthaler wants to sell, and that is up to John, and this is my opinion, if he doesn't want to, that's fine; 66' off the end of that property, give me the 33' back and whoever wants the road, pays for it. Pays for it to be done and puts the road in. That way I get my buffer. I get a little buffer to my house. I've got a 4 wheeler trail that I like to utilize. Am I going to get a ticket right there if I want to run my 4 wheeler down that road to go hunting? Or do I now need to drive my truck a quarter mile and park my truck and trailer and drive my 4 wheeler the rest of the way?

Holdridge I suppose it's an evolving situation. We've established that 33' is a road and that the Town of Hull possesses it. That's what our records indicate.

Jerry K. In my opinion you lost it and the court would have to decide that.

Holdridge Let's turn to that cost. If we were to put in a road, Dave Glodowski, you want to talk about your estimate of around \$70,000? You can elaborate on that.

Dave G. We worked up the quantity needed for a quarter mile of road and this is a pretty simple road. You can double seal coat it, not a paved road at all. We came up with roughly \$70,000 which is a conservative number.

Kaminski If we do it, we do have a grader here. We'd need to rent a backhoe and things. We do have a stockpile of granite and sub-base that we would save on cost. I did not, in my opinion, put on there for chip sealing.

Holdridge This one here would be cheaper because you don't need to take out at many trees.

Kaminski Not as many trees or stumps. You would need to take out some but not anywhere near as much as for the other.

Holdridge Questions from the Plan Commission? (*None.*) Questions from the public?

Oberthaler Let me lay it out as I see it. I'm the owner of Chopper Farms 80 acres along Firkus road. The Firkus family wants to sell one or 2 of those parcels behind my property that are landlocked. If we tried to use the 33' that is at the end of the road and was previously called Firkus Road, there's going to be a lawsuit. I believe that is true. So that would push it off for a year. I don't know what you think about the courts, but it would push it off for a year or a year and a half. So the people currently interested in buying the land would not get to buy it. The people trying to sell the land wouldn't get to sell it. It's a year and half later, people are going to be mad at each other. Disappointed in what was told to them 10 or 15 years ago that they would have easement and they don't, in fact, have easement. I don't think that he's bluffing when he says he's going to bring it to court. That's a true statement on his part. It's a fact. If you try to take the property, he's going to bring it to court and at least get a judgment one way or another. If you saw his property, you'd understand exactly what he's saying. He's got 4 wheeler trails on there back to his properties and so that's just a fact of life. It would need to go to court and the judge would decide it. But I do know that I don't intend to pay for this road that I'm trying to cooperate with in trying to give somebody else easement to property that is landlocked. I'm not going to donate a right-of-way either. So that's my position. I will try to cooperate however the Board determines is the right way to do this. But I don't expect to have to pay for finding a way to give people something to have their land unlocked.

Holdridge Okay. Any questions of John? Any other citizen thoughts?

M. Gawlik We want to sell it. When I acquired it from Dave (*Firkus*), that was after 1992, I checked and they told me the road did exist. They told me here that they wouldn't develop it unless somebody was going to build back there, which I understood. So we'd like to sell it, but we're landlocked. Otherwise it's useless land if we can't get back there.

Holdridge Yes, you need to have access.

M. Gawlik Right.

Holdridge Other comments?

D. Pederson Do I understand the County ordinance doesn't really want roads beyond 1,000 feet that dead end, correct?

Pelky Correct.

Pederson Right now it's more than that, but that would probably stay that way unless something changed, because it was there. But you're suggesting any road that goes off of that would need to be a private road.

Pelky Correct.

Pederson Without having to appeal for a variance.

Pelky Correct. The road is pre-existing since 80 or 90 years ago if not more, but....yes to get access to these back properties.

Oberthaler By the way, I am not interested in having a private road subdividing my property so I wouldn't be interested in selling (*for a private road*). So that doesn't even need to be discussed because it's a non-issue.

Holdridge But you would be somewhat sympathetic to a public road?

Oberthaler Yes, I'm the one that drew that in, to get access to the most amount of properties. The only disadvantage is that if there ever would be property sold at the end of that 33' strip, there would probably never be a road put there in the future.

Bowen John, could you expand on your thoughts about deeding that right-of-way to the Town and what you see as costs in it? Or value if not costs?

Oberthaler If we did it like the drawing is done, I would offer to the land owners, the land sellers to buy a 66' piece of property from me or give me 66' across the back of my 40 acres. I don't want to lose the land for nothing and I don't know that the value....I would cooperate is what I'm saying. And I'm not going to be gouging anybody. Basically what I paid for the land. Or I'd rather have the 66' across the whole back of the property. If I'm going across the 40, I'd take 66'.

Holdridge You couldn't go to North Reserve though, could you John? It's a wetland.

Oberthaler No, it's a wetland and maybe the Army Corp. would allow it, but I doubt it.

Pederson You talk about being willing to sell, but there would be an advantage to you for developing anything along that road.

Oberthaler Absolutely. That would be my benefit.

Jerry K. Just like John, the Town Board back in 1991 forced me to give that 33'. I assume I own that land and I'm the same as John. I'm not asking to stop this development, but in my mind, I'm not going to give that land away. So if somebody is going to put a road on that, what's the cost to go to court versus paying for that 33' just like you'd have to pay to John?

Holdridge So you're talking about the 33' that was dedicated right?

Jerry K. Dedicated and as of last month I told you that I'm starting the process to take that back because the road was abandoned.

Syens What documentation can you present to us to show us that road was abandoned?

Jerry K. The original survey, the only documentation I can have is hearsay that even John said last month, "Well, they aren't going to document that."

Holdridge Did I say that? Now who is the John you're talking about?

Jerry K. John, that was you.

Holdridge If we've got something in writing Jerry, and that was put in writing to you, that has some standing.

Jerry K. I understand that. The court of law will decide. These 2 young couples want this property and 21 years ago, I was that young couple. I had to buy this piece of property and the Town Board said that I've got to have the road in there. What was I supposed to do, so I said okay, then develop it. They said no, and that's fine. They didn't develop it and so right now, I'm saying that in a court of law, I'm going to win. I'll get my 33' back.

Holdridge You get your lawyers and we'll get our lawyers and somebody else gets a lawyer and the judge will listen to all of this and the judge will decide. That's pretty well established.

Dave Firkus I own a parcel in the back there. You're talking about abandoned roads and roads that weren't taken care of. Jerry bought that and built his house. That road was pretty much abandoned at that time also. It was never plowed, never used. We could have done the same thing and said, okay, it's abandoned and we want the property back. My dad could have asked for the property back also. If it's documented that the road is there, then the road is there. Everybody's getting their share out of it, taxes weren't paid. You were getting money to maintain the road, even though it wasn't built and I understand, why make a road if there's nobody back there yet. But there are laws and documentation that was done so why is it not being held up where it belongs?

Oberthaler In the wintertime, I've have to plow since I built there, that was in 1995. What he's saying is Firkus Road is dedicated 66'. This is dedicated 33'. That's the difference, the 1st half mile. I built my house, the Town decided to plow to the corner. I have to plow myself 50 yards to my driveway, down the Town road, I personally plowed, maintained, graded since 1995. When I built my garage, I ended up 120 yards of that road myself and maintained it. So I guess that is the only documentation that I've got that the Town didn't do anything for me and if you're saying I didn't pay any tax on it, well you didn't pay me to plow it.

B. Konkol We're not going to get that settled. That's why we have courts.

Holdridge Right, I agree. Are there other questions from other interested parties?

D. Hebbe When you look at it from a business standpoint, getting \$1,000 for an 18 acre parcel, if you have 2 houses that go back there, I'd love it if our property taxes were \$1,000 a

year but I don't see that happening though. So from a business standpoint, incurring the cost of that road, in my opinion, maybe a shared cost, possibility. You're going to reap the benefits in a recuperation time, right? Generally, you recoup it in property taxes. I'm not disagreeing with Jerry or anyone else. He shouldn't have to pay for the cost. Obviously we're the interested party but from my standpoint, \$70,000 might be more than the cost and too much to move forward. Looking at the future, I think it would be a benefit to the Town of Hull and Portage County, from a tax standpoint if we built.

Holdridge I don't see anything set in concrete on this so we're interested in proposals, solutions at this point.

D. Hebbe Jerry, you just mentioned that you..... and I understand your opinion that you felt you were forced to give the land. I'm not saying that's right or wrong, but I can understand your opinion. In the last meeting you mentioned that you don't necessarily want someone back there but today you're saying you might not be opposed if you were compensated. Have you thought of a numeric value that would compensate you to allow this to go forward without going through the court system?

Jerry K. What's 33' x ¼ mile long? Is that a half acre?

Oberthaler I can tell you my property was appraised at 20 – 80,000 dollars with 4,000 an acre.

Jerry K. So if you're looking at 4,000 for me or fighting it.....but still the bottom line is I don't want any cost on any road. So if we go that far, now who is going to put the road in and at what cost?

Holdridge You have several estimates. That's probably to be worked out. We want quality but we want it at a reasonable cost. We clearly want a 66' right-of-way.

D. Hebbe So what you're saying is, you might be interested in \$4,000?

Jerry K. Possibly.

Holdridge Anything we do, though, will be in writing. We all know where we stand on this and it will be formally acted upon by the Plan Commission and the Town Board. The Town Board ultimately makes the final decision.

Pederson Are you proposing buying the property so you'd have a private road there?

D. Hebbe No, I would propose that there might be interest in the overall costs with all parties, if it's realistic, we could purchase it and then formally dedicate that so we could get that Town road in. But if we, as buying couples, have to up-front that charge, I don't know if I'm interested in too much of an extra cost for the road and your compensation for putting a road in for future development and property taxes.

Holdridge How much of your household property tax do you think goes to the Town of Hull?

D. Hebbe That's the question I have.

Oberthaler Not much.

Holdridge 13%. Other questions?

Pederson We're still up against the issue of the County allowing us to extend the road. I don't know how we resolve that.

Syens Would Chopper Farms be interested in selling 33' boarding the 33' that now exists?

Oberthaler Yes, I would work that out, that's fine.

Syens Would you work that out at a similar cost?

Oberthaler Yes.

Holdridge So that way, you'd have 66' of right-of-way.

Syens You'd have a 66' right-of-way assuming everybody agrees to \$4,000 per parcel or ¼ mile x 33'.

Holdridge The way we would envision that, you'd have a cul de sac up here. We'd want a cul de sac and what is the dimension for that Pete?

Kaminski 80 feet, for a paved cul de sac we need a 130' radius.

Holdridge Then off that cul de sac would be private roads. Like your private driveway.

Tiffany B. Would there be any problem with more opportunities to extend a road, like if part of those northern 2 parcels that are currently part of the Firkus parcels were dedicated to an additional 66' road?

D. Hebbe That's a good question for you (*Tracy*) – that can't happen, right?

Pelky You can't extend it. You can create a strip of land from the end of the cul de sac – a 33' strip to get to the westerly property then this property would have direct access there.

D. Hebbe Then the west property would not be

Pelky It's kind of a driveway.

Tiffany B. I was asking if you could extend, if there'd be a possibility as far as any County extensions on it, could you possibly run a 66' road all the way with a cul de sac on his side, so it would travel up here and then up here?

Pelky Extend the road, no.

Tiffany B. You can't do that.

Pelky The Portage County Planning and Zoning Committee would have to approve that. It's not really a variance, it's just a modification to our sub-division ordinance to have that road extended. The Committee would have to grant that request to run it another 660 over here. That's what you're talking about right?

Tiffany B. Right. I'm just wondering between going up the middle versus going on the side, if you felt that one would be easier to get the variance within.

Pelky That is one thing I'd have to check, if this is vacated, something that troubles me, this land owner, if that road is eliminated, sooner or later, he's going to sell his property and if that road frontage is gone, he'll have the same situation here that you have. If a guy owns 70 acres without road frontage, that's one thing you need to consider when you sell your property. If you're going to eliminate this here, from my standpoint, it's great if you're the only one back there. You don't want a road back there, but at some point in time, when you decide to sell, the value of this property is going to be worth a lot more having the road there. If you eliminate that road and have a part that's 33' and no development here and then ask a realtor what this property is worth with this quarter mile versus without it, you're probably talking \$6,000-\$8,000 an acre down to \$2,000-\$3,000 an acre just because of that. There would be no development potential by you eliminating that. That's just my personal opinion. If it was my land, I wouldn't be interested in giving that up. I understand that I wouldn't want anyone back there either. I'd have my land and my 4-wheeler.

Bowen I'm just trying to clarify in my mind where we are going with this. Is this discussion leading to a conclusion that the Town wants to develop this road regardless of whether we're petitioned by these people, or are we going to wait for a petition to come before we do anything? In light of Bob Konkol's comment about what he thought needed to be done to get some action going.

Holdridge I think we need a proposal.

Bowen That's what I mean, a petition. That need seems to be the next step.

Holdridge If those interested parties of 4 owners and 2 couples who want to purchase the land, if you folks come up with something and bring it back, we'll certainly look at it. If you weren't back there, I think the Town Board would say we're not going to collect any state aid on that right away but we wouldn't develop the road. Now you folks are back there and there's a 40 that is landlocked. Bob Konkol explained the process to get it unlocked but I think what we need from those who want to purchase the land and those who own the land is to give us some kind of

proposal. We would want that in writing. We want it to be a legal document and we want it recorded. We would have Bob Konkol look it over.

Syens From those landowners that are landlocked, assuming that the purchasers can make an agreement with the landowners to purchase, that ¼ mile long stretch, it is going to add \$4,000 to your lot cost. Then there's the question of who's going to develop the road. At this point, we don't know if we can, without going to court or going through some other process, that we even have a road to develop. So if you could make the arrangements to purchase that land and get a written agreement that they will sell you the land, then I think we could address the problem of developing the road.

Enright Could you just clarify this business with the 1,000 foot road that will be a dead end? Do you count this east-west portion of that road? You're over the 1,000' when you're only 2/3rds of the way down there. Could you say again what would need to happen in order to get that made into a road?

Pelky This proposal here, if it would be put in, you'd need to look at the distance from here to there. If this road was being proposed, it already exceeds 1,000 feet. That would need to be proposed to the Portage County Planning and Zoning Committee to grant that modification to exceed 1,000 feet.

Enright Is that likely given that it would be almost 3 times that length?

Pelky It's about safety and things like that, if you've got the dead end road.

Holdridge The Portage County Planning and Zoning Committee is made up of 5 elected officials. I used to be on it and I think they would certainly listen. We've got some extraordinary situations here. We haven't seen anything like this in the Town of Hull since I've been around. Most people I talk to haven't seen anything quite like this. I would not write off the Planning and Zoning Committee. They are elected just like the 5 of us are elected in the Town of Hull.

Oberthaler I drew that one drawing....do you think they would look at that differently than if you built the road 20 acres to the east? So if that same length road was built over on the east-side, the County would look at this differently than if you built in on the end?

Pelky We're assuming this is a road right now. That's what I was getting at. I would need to check if this is vacated in order to move it here and how does that come into play. Yes, you're shortening that and essentially going here and so replacing that with this. Then the other land owner back there may have issues.

Jerry K. The difference to me is if you 90'd it on the end and continued it to the north, it would all be called Firkus Road. If you turned it to the north in the middle of that 40 acres or anyplace else, that would have to be called another road.

Holdridge Firkus Circle.

Jerry K. So in essence, instead of having one road, you'd have 2 roads.

Holdridge I would think if this got put in and all the arrangements were made and a compromise was worked out, this road would be somewhat abandoned, that 33', would be my guess. You're shifting a road 20 acres to the west to solve a problem that you've got here. To me, this would be a much better location for that road than over here because it's offset. I don't think Jerry is going to give any land for a cul de sac. So you'd need to put the cul de sac to the west. Whereas this road here, if that went in, it would reach almost every part of this lot.

Jerry K. That's what I said, instead of buying my 33', is John O. willing to sell 66' on the end?

Oberthaler That's my best case scenario (*to have the road in the middle*). This is not my best case scenario (*to have it on the east side*). There are some advantages to me where I located it. So if I'm going to sell 66', I want it to go where I propose it.

Tiffany B. Would the Town look more favorably upon granting an option that benefits more people? I would think it would raise more tax dollars for the Town of Hull if John O. was willing to sell this and create...it would benefit him and the Town. It just seems like the benefit would be to more people to be able to access all these individual parcels. It opens up more options and then would generate more taxpayer dollars.

Syens Absolutely Tiffany, but the County controls the 1,000 foot road issue.

Holdridge Now wait, let's not say the County. That's what has been said here, but I'm not convinced of that. We're solving problems involving landlocked issues, commitment issues for roadway, etc. So this is a rather extraordinary situation and I can't believe that anybody who is elected to office wouldn't listen to that.

Jerry K. On Tiffany's comment, she is totally wrong because if you put that road down by my end, you've got the exact same amount of land to work with. The only thing is you're developing it on John Oberthaler's, mine and the proposed back portion.

Tiffany B. What I'm trying to find out is if we need to come up with some kind of proposal to benefit everyone. I would at least want to take away from this meeting what is being the best direction to go for the proposal because there are so many options. The point was made earlier that this could be dragged out indefinitely in which case, for us, we need to move forward on something.

Holdridge If there's going to be a road put in there, if it's going to be put in this fall, something is going to need to happen pretty soon.

Tiffany B. Right.

Holdridge If it's even going to be considered.

Enright It seems that from an economic standpoint, the cost of the acquisition of the land is small in comparison to the price of the road construction. Whether it's \$69,000 or \$40,000 compared to a total of \$8,000. The bigger issue seems to be how much is it going to cost and who's going to pay for the road. Also from an economic standpoint, not counting anybody's personal or sentimental attachment to the land, the existing road is actually the best one. The reason is that if you build the other one, as Tracy said, the lot to the east, Jerry's lot, becomes landlocked.

Bowen Right, you'd unlock one but lock up another.

Enright The land that is to the northeast of all of this is similarly landlocked. Whereas where the road is right now, if it went there, then it makes possible access to all of those lots, with private drives off of it. That might be a better compromise. Now the issue here is that the Town does not pay for the road construction in the end because of all the advantages and disadvantages that Mr. Konkol reviewed for us, right?

Konkol That is when there is a land owner that is landlocked and petitions the Town to lay the road out and the Town agrees to do that, then you're right, that is the procedure that is followed.

Holdridge That is discretionary, whether to lay the road out or not.

Gawlik A lawsuit might be more than what our land is worth.

Holdridge John O. when you were talking about this 33' here, potentially selling it, you were talking \$4,000 weren't you?

Oberthaler Yes. That's what I paid for it and that's what I'd sell it for.

Holdridge 33' times about a quarter mile. John would dedicate that to the Town of Hull.

Bowen Could you clarify where you were getting the \$8,000?

Enright I thought it was \$4,000 for John's property, new acquisition, and the other \$4,000 was based on the assumption that Jerry still owns that land. Even if you start with the highest land cost of \$8,000 and the lowest road cost of \$40,000, that's almost \$50,000 to put a road in there. Is this project still feasible under those conditions? Would you actually propose \$50,000 to build a road? Does it even make sense to talk about some combination whether 100% for one and 0 for another or some kind of a split of interested parties including putting in a road that would be that expensive? And if not, would it be a possibility that this northwest portion of the road there could just be a private road with a shared easement?

Oberthaler That would not interest me at all.

D. Hebbe Nor me.

Jerry K. Nor me.

Enright Alright, so basically we're back to looking at almost \$50,000 to build this road.

Oberthaler Or no road at all.

Stemen Just to clarify, if it's a Town road, it's 4 rods or 66' wide. If that's a private road, is 2 rods wide acceptable?

Holdridge The fire dept. would have some concerns as they want to be able to get back there and often that has something to do with branches and that sort of thing.

Oberthaler Tracy, isn't that 33'?

Pelky For private access, 33', that's what the subdivision ordinance requires.

Stemen So if it was a private road, the existing road is 33'. The Town would have no jurisdiction over that whatsoever, correct? For plowing and maintenance?

Holdridge I think it would be fair to say we wouldn't want any.

Stemen So that would be on the landowners then.

D. Hebbe That's a lot of shoveling.

Marie Gawlik The question I have is whatever happened to all the State aid you were getting for this dedicated road plus the .75 (*3 quarters of an acre*) above Dave Firkus' and our property? What happened to that State aid?

Holdridge I don't know. Until that was pointed out last time, I don't think we even realized it was up there. That's the one that doesn't go anywhere, correct? What is it? About 25' wide?

Oberthaler Yes, approximately.

Holdridge I don't know. If somebody can come up with a proposal. As far as I know, we own it.

Gawlik Could you make it so these 2 people would have access to their land and give access to Tiffany? Why couldn't you bring it down and make room?

Holdridge I don't know, I'm not sure how you could work that, maybe you could.

Konkol Again, if it's dedicated as a road, and you don't know that yet, and if we abandoned it, it's not yours to trade with anymore. It goes back to the original owners.

Holdridge You know anything about that Tracy? That strip up on top?

Pelky No one really knows. It's a parcel up there and I really don't know where it goes.

Holdridge The County just had these things and decided to give them to townships.

Pelky It was given to the Town for whatever reason. I'm not sure. The GIS guys researched it. In the register of deeds, it was just dedicated, nobody knows why.

Stemen When was that given to the Town? In the 1990's?

Binder In 1955 or 1958 he thinks.

Holdridge That's up in the air. If someone has a solution or proposal, we'd love to hear it.

Enright Did you say that a private driveway or road is 33'?

Pelky If you are creating what's called a flag lot, 33' if the required ownership you need. It must be ownership, no easements.

Stemen There is 33' there now.

Enright Does it have to be paved?

Pelky No, it's a private road. It's your ownership so you do what you want with it.

Enright But you can't give someone else easement on access to their property?

Pelky For subdividing, no. I think what has to happen here is all the buyers and sellers sit down and see if they can work out the dedication of the road. Are Mr. Koziczowski or Chopper Farms willing to work that agreement out and a price because if you can't work that out, then the next big question it comes down to is who is to pay for the road. It's somewhat buyer beware. You don't want to end up spending money to buy land and find out no one is going to build the road and you didn't accomplish anything other than to buy land that you still can't get to. That can be offered to purchase from that standpoint but ultimately the question is going to come back, 40, 60 or \$70,000, who is going to end up putting the road in and who's going to pay for it. That's the question. If it all falls back on these people, they may just say they'll walk away from it and look for other land.

Holdridge Wait. We're just laying this out. We spelled it out and gave you the documents. It's going to be in your hands more than ours. If people want to develop up there, we'd be anxious to see proposals. Everything Tracy said is accurate so we'd like to see some proposals. I think if we're going to do something this fall, you're going to need to act pretty soon because our guys are working on the roads and who knows when the snow will start flying. We've got 82 miles of road to plow. That's where we're at, we've presented everything we have. The big question is who's going to pay for the road, that's a major question as it's a big expense. That

area is being developed, not by the Town of Hull, by folks who want to sell and buy. We're not saying that you have to pay for all of the road, but if you are interested in doing that, it seems to me that we need some proposals. We need them in writing. As Tracy says, we have 4 owners up there and 2 couples that want to buy so it seems you all have to be in the mix somehow. I would say as a member of the Plan Commission I would set some date that we need to get something back from you folks or it will be dormant. What's the reaction of the Plan Commission?

Bowen What's the next step? We have no basis for doing anything unless we have a reason for doing it. Right now we just have discussion.

Stemen I think the most economical way is for the landowners to get together and go with a private road. That would be the cheapest in the long run, if they can work that out.

Tiffany The cheapest for the Township.

Oberthaler I'm absolutely not interested in that. The only way you could acquire that land is if he can go up that 33' and wait until a court case is done. I would sell an easement on the back side of this so they could get to their property, I don't have any problem with that, but I'm not going to sell my land for a private road to go across it.

Stemen I can understand that. I'm just saying with Jerry, if it could be worked out with him, the 33' is there and it's a road already. You could take over the ownership of that if you pay him his \$4,000.

Jerry K. That will never happen because I'd rather have a Town road.

Shelley It's up to the people that are landlocked to come forward with a petition. We've just had some good discussion on possibilities.

Syens I'd like to see a plan from all the people involved. Give us something concrete to work with.

Enright It seems the issue is the construction of the road and the purchase of the land and is that feasible. It seems to me if the other landowners have an interest in it, they might be interested, but really this is not the kind of thing that is feasible unless the development is more than 2 houses, just because the road construction costs are so high. So they need to come up with some creative solution.

Oberthaler In your opinion, how much cheaper would the road be to put it here rather than there?

Kaminski What I come up with is \$10,000 for grubbing stumps.

Oberthaler So \$2,000 rather than \$10,000? They're just little stumps but....

Kaminski Further back there, I've walked back there and some are oak stumps. We'd save a lot.

Holdridge You're saying on the 33', there's oak stumps there?

Kaminski Yes, on John's side there.

Oberthaler This proposal has 12 inch pine trees at the stump and one side, pretty much field. There is an old roadway that goes through there. I'm familiar with road construction and one versus another is going to be....I didn't know how much less it would be, but I know it would be significant. The people that are buying and paying for a portion of the road, somebody is going to pay for it sooner or later and if you can save \$8,000-\$10,000, that's \$8,000 or \$10,000.

Jerry K. I believe you'd only save half of it, \$5,000, because in all reality, you've got a solid woods if you're looking at that map 20 acres back and from the road up, you're going to have pines to clear out on one side. I believe the road is right about there. The difference is the big red oaks right down the center of that property line and that's why I propose the owners buying all 66' from John and then you would have the same pine trees on that side. So your cost would be \$2,000 difference.

D. Hebbe Tracy, you mentioned the exceptions. How would we find out for sure if that would even be of interest through Portage County?

Tracy I can check with our Corp. Counsel and our Director in the office just to get the ball rolling.

D. Hebbe Just for options to even see if it's an option.

Tracy Sure.

Jerry K. Could you address my concerns if you go that route? If he's planning on going down the center, could you make sure to point out that I would be landlocked then?

Tracy Sure.

Jerry K. That's all I ask.

Holdridge Get back to us with that stuff too because we're the ones that will ultimately make the decision here.

Lance B. Is there any significance to the pink line on the map on the left, the 33' that's dedicated to the Town or is that just a reference point? It follows Firkus Road then goes north along that dedicated 33'.

Pelky That's just a line on their GIS map, when I asked the GIS individual about it. I think Bob covered it in his letter. Most roads don't have a legal description. They're just

assumed on the 40 line, where they are at, they are at. Town of Hull is the only township that accepts dedications of road right of way if someone is surveying property. If a survey comes before them, which is what happened with the Koziczkowski property, the Town required dedication of that road when that survey was done in 1991. Our GIS guy, when you talk to Rod, he indicated that when there is a road and there's no normal width, I think he just mapped it, usually 66', is what happens.

Lance B. So my point is it's probably 33' to the other side of the...

Pelky Correct, it's been assumed, now after reading attorney Konkol's report where there hasn't been a road or it hasn't been used as a road, then you can't use that assumption, correct?

Konkol Right. The Town hasn't worked it as a public road for at least 10 years.

Pelky So that 66' is not implied, it's a 4 rod road.

D. Hebbe Then to go along with Jerry's comment to protect him, if in fact it is an option to go up the middle of that 20 on John's land, we want to make sure that road is maintained for him too. I think that's your question, right? I mean maintenance and plowing.

Jerry K. I guess if we went with that plan, I'd want John to dedicate 33' so if I wanted to put a road in and incur all the costs on that road, I would have the right to put that road in on my side also.

Holdridge I think any dedication is dedicated to the Town or the government and the Town either accepts it or rejects it. If it's a County road, it goes to the County, if it's a town, city or village road, it goes to the local municipality.

Jerry K. Exactly, I understand that, but what I'm saying is the best place for a road is at the end of that road going north. I don't want a road and am not incurring any costs right now, but I also don't want that option taken away from me because somebody comes up with a better plan that is trying to solve a problem for them and creates one for me. We're not solving anything, we're just moving it over.

Holdridge Well we'd like to have a win/win. If we can win/win, that's great. But sometimes you make a decision and it's not a...somebody doesn't get as good as somebody else. We would like to avoid that. Any other comments?

Lance B. I have a question about dedicated property and the pink line: if that in the future was ever to become a road, does that have to dead-end in a cul de sac? Or are there other options to turn the road in another direction? Can the road go north and then west at a certain point? Or is north and stop the only option? I'm thinking about the properties to the west. Can that road go up and over and become a through street?

Tape turned and a small amount of conversation lost.

Pelky The same situation would need to be addressed by the Planning and Zoning Committee because you're extending an existing road that is longer than 1,000 feet beyond that and then if you're talking about bringing that west, 660', the Committee would have to decide on that. If a cul de sac is put at the end of the 66', then there would be a possibility of obtaining a 33' strip of land, your own driveway to go that direction. That would be something you have to put in, maintain, plow. It's not going to be a Town road.

Holdridge My understanding is that if that road went from the proposed cul de sac clear over to North Reserve, that wouldn't be a problem. But the problem there is some wetland. Otherwise that would be almost a circular road that went up north and then back west. That wouldn't be an issue would it be Tracy?

Pelky No that makes it a through street. That's a possibility.

Holdridge Haven't you indicated that if we had an additional 33' which we bought or whatever and we put a road in there and you got up here, the cul de sac even though might be beyond the 1,000 feet.... The reality is that you need a cul de sac there. We'd want one. But that's not an issue with the County?

Pelky We looked at that in past cases and technically yes, it extends the road, but for safety purposes we would go along with that. If we wanted to play hardball, the cul de sac needs to stay no farther than the north part which is not going to help the landowners out. The most we'd go along with is if the Town requires a 130' radius diameter cul de sac. Technically that would be extending the road, but we would go along with that for safety purposes.

Mike Gawlik John's map, if we'd live with that existing road, Firkus Road east-west, would that end at that road?

Holdridge No, Firkus Road would continue because we've got....Jerry lives at the end of it.

M. Gawlik You don't have a cul de sac down there.

Holdridge Whenever we get a new road, ask Pete what we need to do.

Kaminski I need a place to push the snow off and I have big trucks and I need a place to turn around. Right now I go down Firkus Road with a snow truck and I have to wedge my truck in between trees to turn around. Years ago the township never required to put in a turn around, just on brand new construction.

Holdridge I think maybe we've found places where we put a cul de sac on an old road.

Kaminski We do have places in our township, yes.

Binder Yes, at the end of my road.

Holdridge What's the thoughts of the Plan Commission? We could come up with a date and if we're going to do something, these folks need to come back with some kind of proposal.

Stemen What kind of date is reasonable, John? 30 days, the next Plan Commission meeting, how do you feel about 30 days?

D. Hebbe It would be nice to have resolution.

Tiffany B. I'd like to see it sooner.

D. Hebbe How long would it take to put the road in, Pete?

Kaminski Well you have to cut the trees and haul them out and develop it.

Bowen Don't forget we might have a court situation involved here that may delay things for a lot longer than 14 days.

Holdridge Well that's out of our hands.

Bowen Right.

Enright John are you saying we need a date that we can tell our road crew that they can't begin any later than?

Holdridge No, we need a date for these people to tell us what they'd like us to do. There may well be some negotiation. Then we have to say to Pete, how long is that road going to take and can he get it done this fall.

Kaminski I'm going to tell you, John, right now, no. We're busy shouldering roads, I want to add some gravel to other roads, I've got cracks I've got to router out, I've got snow fence to get up, I've got sand to haul in for winter, I've got truck maintenance.

Oberthaler Could you possibly rough a road in?

Kaminski Possibly but that would be about it.

Stemen Are you saying it's already too late?

Kaminski It all depends upon the snow, I can realistically work up there until about November 15th.

Holdridge There's a question, Al, of priorities. The other thing is that you might be able to hire somebody privately do some of it. It might cost more money, but it would cost us for our road crew to do it. These are union guys. So you think we ought to have a date in which these folks can sort through this and come back.

Enright It seems to me that if they brought a proposal any later than a certain date, it's unlikely they would get anything before winter. We can look at this anytime, March or April. But I think the question would be that we're not putting a date on you for any arbitrary reason but if the proposal would come in later, then we just won't be able to do it. If you say November 15th and we just work back from then, when would we have to meet in order to give you enough lead time to schedule it in? I doubt that you'll be able to guarantee us anything because you don't know what the weather is going to be, but at least it would be a guideline to the parties involved and that would be the only thing that would matter to us.

Holdridge The other thing is that we ought to reach some closure. This thing shouldn't just float there. If we can't do it this year, maybe people can think through this and go on with it. We have other things as the Plan Commission. This is literally a whole meeting. Now we meet once a month. We could meet twice a month but these are all volunteers. They get absolutely nothing for serving on the Plan Commission. So I think if we have a date that you folks can work towards. You might not have anything, but at least you know that we are interested in proceeding and we've got some time constraints and one of the big ones is the road crew.

Syens Do you feel that you could get back here within 14 days at the latest?

Tiffany B. Definitely I think we could work for that. My question is, after 14 days, what would happen? You all would review the proposal(s) that we bring forth? Let's say that maybe the Hebbe's and my family come up with one proposal and we talk to as many people as we can but we don't all come to an agreement. Maybe hypothetically Jerry has one proposal, John O. has one proposal and we have one proposal. I'm sure that's not ideal because you're hoping we all get together and talk and be in harmony and we would be one big happy family and say this is what we want. We would certainly strive for that within the timeframe. But what would your next step be? Would you review that and wait until the next Plan Commission meeting which is 30 days from now to then approve it or figure out if there's any further research necessary or legal opinions or loopholes or unanswered questions? I just want to know so we can make it as concrete as possible in getting all the information we can so that from a timing standpoint.....it's not reasonable to expect that a week after we approve things, the road is going to be in.

Syens From my viewpoint, I'd like to see the 6 of you get together and come up with a consensus, something you all agree to.

Holdridge Otherwise 51% to 49% wouldn't tell you much. You need to figure out what you want and what is in your best interest. Get it to us and we'll try to act on it. If you get it to us ahead of time and we have to run some numbers and look at some schedules....

Oberthaler How are we going to get the question answered by Portage County whether....we could propose one thing and Portage County could say, "No, that's extending a road in the wrong place and it's a bad proposal." If we can't go splitting those two 20's, we don't want to propose that.

Holdridge In my experience, and I've heard the Director of Planning and Zoning tell us this, they generally go with what the Town suggests. Now Tracy can do his research but we're trying

to resolve a problem here and if we agree as a Plan Commission, we'd probably want a meeting shortly thereafter of the Town Board because they are the actual elected decision makers and from that point, we can talk with the County. If we don't support something, the Portage County generally will not support it.

Jerry K. I'm willing to meet with everybody and see if we can come up with something. But I want to say that I don't want to be the bad guy here, and I'm not saying that I am or that anyone thinks that I am. I've been there for 20 years and I've been waiting for this road issue to come up and now that it's come up about 30-45 days ago, I don't think that there is any way possible that we can come to a conclusion this year to have something put in before deer hunting. I think this is too big of a project to rush into that fast. I think everybody needs to sit down and look at the numbers and costs and what is the best and take our time at it. I've waited 20 years for something to happen there and I've been plowing the road so what's the hurry?

D. Hebbe I agree, I'll go along with that. This is a learning curve for all of us. So realistically we're not going to build this year. Do we need a road in there? Not necessarily this year. If we get it in concrete writing that it will go in, then I'd be okay with that, if it's in writing. Would it have to be in before we close on the land? Not necessarily, but I want to see something in writing that if we do this....but I'm not opposed if the road doesn't go in this year.

Tiffany I think we need to have identified what everybody is in agreement with and when it will happen and then we can make decisions based on that timeline.

Holdridge My view is that you probably have all the information you're going to have. If you think you need some more, let us know but I don't know what else it could be.

Tiffany Do you have other examples of how the road costs have been shared?

Holdridge For example if that 80 and 40 acres were a subdivision that was being platted out by somebody, all those roads in that subdivision would be paid for by the subdivider. The subdivider would buy the signs, they'd put them up, they'd have to have a ground water management plan, they'd pay for everything. When that all would get done and Pete would be the overseer and make sure the blacktop is so thick, etc., then we formally accept it. When we accept it, we formally take over the road and we plow it etc. If that were a subdivision development up there, the subdivider would pay for all the roads. Dave Glodowski, you want to give some examples of where that is at?

Glodowski The only example for a subdivision is... to run a road to serve 2 lots, I don't think it's been done in the Town. I've never been associated with it where the Town would pay for it.

Holdridge We're not closing that off in terms of looking at something. I'm not saying we're prepared to pay \$40,000 for a road but I would throw that out somewhere in the realm of possibility. I'm speaking as the chairperson of the Plan Commission. That ultimately will become a Board decision. But we need a proposal, something that's concrete. All this discussion is great but we really need something in writing and that's up to you folks.

Enright So the proposal has to come, it has to be distributed to the Plan Commission in advance of the meeting, then the Plan Commission would have to approve it then the Town Board would have to approve it. Then presumably the County will look at it somewhere to see if it would be acceptable.

Tiffany B. Is there ever a special meeting if we would have everything ready? Or do we always have to wait for the set meeting dates?

Holdridge Well that is up to the Plan Commission, if they want to meet before then. One possibility might be Thursday, October 7th. That would give you at least 14 days. It's possible to meet on September 28th but that's probably too soon.

Tiffany B. I guess we need to see when we can all meet and look at our options too.

Bowen According to Bob's statement here, that if this is a petition to the Town Board, that is processed through the Plan Commission, that 10 to 30 days to act upon it, so it would be within that framework of time.

Konkol I think we're talking about a hybrid here where that procedure I had in that letter, where the landlocked owner tried to buy the rights and unable to do it and this would be the recourse and then they come to the Town as recourse. So you are not necessarily bound by this.

Bowen Even though the road isn't going to be built this year, I would hope you wouldn't slow up on the momentum that has been gained in these discussions. This is just my opinion, but it's pretty clear to me that the best option to all parties involved is the 66' width of the Firkus Road extension up to a cul de sac along side of Jerry's land and next to John's. That seems to be clearly the best solution to this.

Holdridge From our point, you almost have half of that done. Because we view that as a dedicated 33'. Now that may be contentious.

Oberthaler You could either wait for the court to decide or you could pay Jerry the \$4,000.

Bowen But this all ties in to what the Town Board will see as value in developing this road for the future and future development considering the Kozickowski land as well as your land John and any other land up there that might be available for development. Keep those ideas in mind as the Town Board will act upon those lines as well.

Jerry K. Can we tie in the flood plain map to this too? I don't know where that flood plain actually goes.

Holdridge We're interested in the road. If you have an issue with the flood plain, then you probably have to pursue that Jerry.

Jerry K. No, I don't want to change that line. I just think that if looking at developing some land and I don't know off hand where that flood plain line is. I know some of my property is in the flood plain.

Holdridge I think you could talk with Portage County.

Bowen It's in our Comprehensive Plan. There's a map in there on the 100 year flood plain and it will show it in there, it does exist in this office.

Holdridge There might be an update to that because flood plains are becoming a big issue. Who handles that at the County level? You do? So Tracy would be your guy.

Stemen Jerry are you saying you would be willing to work with these people and not go to court if you got \$4,000 for your 33'? Is that what I understand you to say?

Jerry K. Yes, I believe so.

Enright The only other comment I would make is things like floodplains and the other characteristics of the land it might be a good idea to talk with the Plan Commission and what they think about it. This idea of extending the road 1,000 feet beyond, there's probably reasons behind that. I don't know exactly what this looks like but looking at the map I think one of the issues here is that you'd have a 1,000 foot cul de sac road that essentially is adjacent to a forest. That means that in case of a fire, there's only one way out. We often don't think about these things but in recent years we've seen examples of where that should have been thought about. The Plan Committee might want to see if this is a safe place to build a road.

Binder John, if they have something in writing, if you could get that to us before the meeting so we can look at it before.

A motion was made by Bowen to table the Firkus Road discussion, seconded by Syens. Motion passed.

7. Date of future meeting. *The next Plan Commission meeting will be held on Thursday, October 7, 2010 at 7:00 p.m. Other regular meetings are scheduled for October 19th and November 16th with no meeting in December.*

8. Adjournment

Motion made by Bowen to adjourn meeting, seconded by Enright. Motion passed. Close 9 p.m.

Respectfully submitted,

Patty Amman, Plan Commission Secretary
Town of Hull, Portage County