



TOWN OF HULL  
**PLAN COMMISSION  
MEETING**  
June 28, 2011

- 1. CALL THE MEETING TO ORDER:** The Town of Hull Plan Commission Meeting was called to order on Tuesday, June 28, 2011 by Chairperson John Holdridge at 6:30 p.m. at the Town of Hull Municipal Building, 4550 Wojcik Memorial Dr., Stevens Point, WI 54482.

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

Also present: Chuck Lucht, Associate Planner of Portage County Planning and Zoning and Citizens: Paul & Sandra Pringle, Jerry Koziczkowski

Excused: Bob Enright

General Announcements:

Holdridge The recycling grant / Portage County for 2011 has been reduced from \$306,000 to \$204,000, about a 35% cut. That cut will continue during the next 2 years.

We have a fireworks ordinance which we redid this year. It is a sound ordinance. The state a few years ago required anyone that shoots fireworks needs to have a permit from the local government. We developed an ordinance and got it approved. What it does is it separates rural from urban. The problems are more where you have a subdivision or cluster development. After doing some checking, we required that anyone that wants to get a permit in a subdivision, there needs to be a clear zone of 300 yards. In that clear zone, we would check with the neighbors to see if they are supportive of the fireworks. When you do that, you discover that most neighbors want no part of fireworks. Also, you cannot shoot them after 11 p.m. The biggest one is the liability issue. It requires an insurance policy of 1 million dollars; an umbrella policy. They have to present that to us. They pay a fee. If they are in a cluster development, it's a \$50 fee, if in a rural development it's \$25. We've given out 3 so far this year. They've all been rural with lots of open space. I think all 3 are along Brilowski Road. That's a way to try to accommodate people rather than just say "no fireworks". The City and Plover prohibit it. We've left the door open if you're in a location where it's safe.

The questions about the abandonment of roads; Bob Konkol and I are going to write up an ordinance for that. That will be complex and we need to make sure the ordinance is in conformity with Wisconsin law.

The MRF is being explored. That stands for Material Recovery Facility. That's where all your recyclables go in Plover. Currently Veolia operates it. The County still owns the building and we're going to explore selling the building. What people don't realize about recyclables is that

they don't make any money on it. That's going on in the later part of July. I think we'll have a meeting with the towns to look at that.

We circulated a letter from Jerry Koziczowski about Firkus Road. That's not something that can have any action on tonight (*it's not on the agenda*). What we'll talk about tonight is the current status of where we are at on Firkus Road.

Holdridge Any other announcements?

Bowen Regarding County X, as I read through the minutes, we had several things hanging there. The Portage County Board of Supervisors passed a resolution at their last meeting unanimously supporting it. I meet with Sandra Curtis and she is preparing a document that will include emergency services and alternate emergency routes. She also mentioned that when we do get around to this public meeting where we'll present this proposal to the DOT, she suggested Tom Eagan as our moderator or negotiator or arbitrator. He lives on North Second Drive.

Holdridge Tom's been active.

Bowen Patty Drier is preparing something for us. Those 3 were question marks in the last discussion and they've all been taken care of. I'm working on getting the truckers organized so they will either present something individually or as a group. Probably individually expressing their concerns about the economic impact of no access to X. Then we need to get the residents and citizens along North Second Drive to, if not write something, at least be prepared to attend the public meetings and express their views. The Heartland Bike Club has been contacted and Wally Schmidt has been asked to prepare something. I'm getting a school bus data report from the bus transportation people. They said there are 16 bus stops on North Second Drive. That was in 2010. They don't have data for 2011.

Holdridge There used to be 12, they've increased.

Bowen I'm going to ask the sheriff how many stops he's made on North Second Drive for speeding or any violations so we have some data from them. We still need to pull everything together and get organized so it can be a professional and formal presentation. An introduction and background to this whole thing, dealing with the specific issues we are addressing, then the coalition comments and letters of support so people can see the breadth of the interest in this.

Holdridge This is a delicate operation.

Bowen It is. That leads me to my last point: John shared this e-mail that I sent to Madeline Henry.

Holdridge She's in the governor's office.

Bowen It's my personal opinion so I wouldn't want it to be widely distributed. I'm glad John gave it to you because you should know about some of the points that I made. I do feel that

the DOT is trying to upstage our effort and they know what we're doing, I guess, but we're not prepared to talk with them yet. It's premature. We don't have all of our support elements in place and until that happens, we shouldn't be talking to them.

Holdridge Do you have that Bronson letter? The DOT is organized by region and the North Central Region is from Wisconsin Rapids way up to Rhinelander. Why don't you read that?

Bowen This is actually a copy of the e-mail he sent to Don Butkowski and me. Matt Bronson is writing this. It says, "*Dear Mr. Holdridge: Russ Habeck, our new North Central Region Director, has asked me to set up a meeting to discuss your concerns regarding the local roadway system near the new I-39 /U.S. 10 West Interchange in Portage County. The meeting is scheduled to take place on Tuesday, July 12<sup>th</sup> from 10:30 a.m. -11:30 a.m. in conference room #136 at the Wisconsin Rapids state office building, 1681 Second Ave. South in Wisconsin Rapids. During the meeting, we will discuss the history of decisions made in regard to the construction on the I-39/US 10 West interchange. We are also willing to discuss any opportunities for the department to work with the local officials on upgrading the local road system between X and Casimir Road.*" In between the lines, that means turning North Second Drive into County Trunk Highway X. "*Please let me know if you plan to attend. Also please provide any new information regarding this topic that you would like to discuss during the meeting. If I can provide any additional information, please do not hesitate to contact me. Matt Bronson, DOT*".

Holdridge What do you think we should do?

Bowen I don't know. We're running this thing. We simply want to organize a presentation.

Holdridge Does anyone know this Mr. Habeck?

Bowen Russ, no I don't but I imagine he is a career engineer. Do you know of him at all?

Binder I don't know any people over there. I just know computer people.

Bowen He is a design engineer, I'm sure and risen up through the ranks and when they moved Dan Grasser to Madison to head up a department, they needed somebody and they appointed a woman as the interim person, now he (*Habeck*) is the permanent appointee.

Holdridge Two of their highest ranking people were in Wisconsin Rapids, Grasser and Berg so they know the whole story of Hwy. X.

Bowen It's been a very controversial mission. So many people sort of fade away when it comes to the DOT. They say they are going to do what they want to do and you have no way of influencing their decisions. I disagree with that.

Holdridge We know how to deal with them. We get the governor involved. That's where this Madeline Henry comes in. She's in the governor's office.

Bowen Right. They have a new person appointed in the governor's administrative team that is responsible for just transportation. Madeline said this was one of the first things on her desk.

Holdridge I did call Amy Sue V. and Julie Lassa. We have a date that Amy Sue can make. We're trying to get Julie Lassa on the same date. The way I phrased it was that it's not a public meeting; it's a discussion to let those people who want to see X south on/off ramp and how we do it.

Bowen Yesterday I attended a meeting of the Stevens Point Transportation Committee. That's the one that runs the bus routes. Matt Brown was there from the Portage County Gazette, he recognized me and we talked after the meeting. He wants to go up and talk with Jim Grezenski and find out if this is a real serious issue because I said Jim suffers economically from this problem and has for many years but when they closed the ramp, it really got acute. He'll probably go up an interview him. I asked him not to talk about what we're doing here in organizing a proposal.

Holdridge The governor's contact doesn't want us to feed information to the DOT or send information to the DOT to say what we're doing.

Bowen I think what she is advising us is to get your act together. That's why she's saying that, because if you go in there and you are unprepared, they'll just smother you.

Holdridge I think they'll smother us unless we have Walker in our corner.

Bowen I believe the value of doing this is that if they will not deal with the on/off ramp, they may accelerate something with the frontage road on the west side; connect it with Casimir and X.

Holdridge That's what I was thinking of with this meeting with the new guy. That's already in a plan, right? The frontage road?

Bowen Yes, but I haven't talked to (*the contact*) in Madison for some time. I'm going to get in touch with him and ask him what has happened to this study. This recommendation was all ready to go and a new administration came in, there hasn't been anything. I don't know what the scoop is. He hasn't communicated with the people unless he's talked with the North Central Region office. Do you know what that is?

Holdridge The Planning Commission.

Bowen The Planning Commission, those people are all on this.

Holdridge For some reason, Portage County isn't a part of it.

Bowen Dan Mahoney and the planner for the city....

Holdridge Does the City buy planning services from the County?

Lucht No, however when they need assistance, we offer it to them.

Bowen Who is the new planner?

Lucht I would need my blue government book to check the name.

## **2. APPROVAL OF MINUTES OF April 26, 2011 meeting:**

Holdridge In those minutes, some of the proposals to have this subdivision ordinance from the Town's perspective .....that has not totally come to fruition. Our problem is we have a lot of other things going on down here. If you take one of these subjects and spend a couple of days on it, you can really get into it and do something, but it's difficult if you do it for a couple of hours and leave it and come back to it. But that's a process we're going through to develop that.

*Clarifications and corrections by Bob Bowen:* I have a couple of suggestions: on page 9 (of the April 26 minutes), I'd like you to insert the word: "in" the state budget of 1989. It's referring to Dave Helbach's amendment to the 1989 budget where the legislature passed it and that resulted in the Hwy. 10 bypass. Then to make it clear to anyone who might read these minutes at some other time, I would put in parenthesis (U.S. Hwy. 10 bypass of Stevens Point) which is what the "it" refers to at the end of that sentence.

In the next one under John Holdridge's comment, it says, "Bob's question is a good one." Which Bob? Then put a "B." behind Bob if it's me (*Bob Bowen*).

I think on page 13, the second person, Stemen, is asking a question "to X" to which there should be a question mark following it.

Then in the 5<sup>th</sup> paragraph on that page (13), Bowen: "before submitting the proposal..." I think you should put in "2008" before the word "proposal". Again that would clarify that.

Then about half way down in the middle where it says the word "contents", it should read "But the DOT contends...."

*Motion to approve the minutes of the meeting of April 26, 2011 by Bob Bowen, second by Al Stemen. Motion passed.*

*Note: Clarifications and corrections appear, as noted above, in this set of minutes (June 29, 2011). Hard copies of the minutes (printed out copies) and the copy on the Hull Town website cannot be legally changed once they are printed and posted. Corrections are noted in the next set of minutes, as you see they are above, in this set of minutes.*

### **3. PLANNING & ZONING DEPT. EVALUATIONS SUBMITTED TO JEFF SCHULER.**

Holdridge I wanted to share with you my evaluation of the Planning & Zoning Dept. There were other evaluations which I sent in but I thought, if we're going to look at any, we should look at mine. I took some time to think this through some. Under the part about the opportunity to work with P&Z, I said in general, satisfactory with fits and starts, and I went into that a little bit. #3 in terms of what I suggest, I suggested cross training of staff. The Zoning Dept. should know something about planning and the Planning people should know something about zoning. At times, staff appear before the Town of Hull Plan Commission. *(John read through his comments on the evaluation form and indicated how anyone from P&Z, when they attend an event or meeting, represent P&Z to the people they come into contact with and are a reflection of that department.)* What was done here by offering this survey opportunity, to me, I think it ought to be done with a lot of government agencies. Those who use an agency ought to be able to comment on the performance of the agency. I think if we did that, we'd have much better performance. I sent that to Jeff Schuler. Chuck, did you ever see this or get a copy of it as a staff member?

Lucht I think I did.

Holdridge I'm hoping it gets circulated. Generally, I applaud the Planning & Zoning Dept. and that they put you out there. People comment on you and that's not always easy.

### **4. REPORT OF TASK FORCES ON PUBLIC SAFETY AND WATER STUDY.**

Holdridge We've got 2 Task Forces, one on Public Safety and one for Water Study. The Public Safety meet within the last 2 weeks. That group is looking at the conflict in Hull between vehicles and pedestrians. One of the last issues to be studied is SPASH students traveling to and from Bukolt Park during the school year creating neighborhood issues. Al Stemen is familiar with that. The group talked about it. At our next meeting, which is the 3<sup>rd</sup> Thursday of July, Dan Kontos from the Portage County Sheriff's Dept., a new chief deputy, will talk about speeding. We'll talk about running stop signs, protocol for the bikers, walkers and joggers we have in the Town of Hull and we have a lot of them, and how the sheriff's dept. can assist in that. It's a big issue. I had a memo the other day about a dog that was killed along Jordan that was hit by someone. We'll work through this. It's a 6 month effort. We have a good group, a full house about 13 people from throughout Hull. By the time we get through, we'll have a plan to be implemented that involves the conflicts. Anyone who rides out here knows about them. The second task force is the Water Study Task Force which will meet the 2<sup>nd</sup> Thursday of July for the first meeting. We'll identify about 5 areas in Hull, collect all the data that's been developed from well testing. There's all kinds of people who have had their water tested. Then we will try to make sense of water flows, condition, quality and quantity. Our problem isn't that people don't test their water, the problem is that nobody shares that information. In fact, I think the City of Stevens Point has more information on Hull's water than we do. It's their recharge area. I have Paul McGinley from UWSP College of Natural Resources and Ray Schmidt from Portage County, Water Quality Specialist sitting in to assist us. We'll probably hire an intern to do the leg work on collecting the data. By the time we get through, we should have a good handle on the water quality and quantity issues. We have over 2,000 private wells in Hull. We'll have to

protect confidentiality. No town in Wisconsin has attempted to look at their water and see what the status is so this should be an eye opener. There is really a lot of interest in this. You talk about streams and lakes being down but what are you going to do if you don't have drinkable water at your household? Think of that one. The big start will be this new Well #11 over here that the City of Stevens Point put in. They paid for some testing. Patrick Planton, (*engineer with SHE out of Appleton that is working on that project*) is going to be here; he's the City's engineer on that. Those are public meetings and anybody that wants to attend, feel free to attend. The Water Study Group meets on the 2<sup>nd</sup> Thursday of the month (*starting in July*) at 6:30 and Public Safety meets on the 3<sup>rd</sup> Thursday of the month at 6:30 p.m. Both will go for about 6 months then we'll wrap it up, disband and find out what we've got.

Syens            I think you've got a good group that has come together.

Bowen           Can you identify the people in your Safety group?

Holdridge      I have Deverell from your area, Randy Kruzicki, John Jury.

Bowen           That's great, that's wonderful.

Holdridge      We've really got a good cross section. Tina Peters is on it from my subdivision. Subdivisions have different issues. In subdivisions it's kind of a case of getting people to move in the right area of the road. You go into these subdivisions and they can be on one side of the road, the other side, some in the middle of the road. Walkers are what I'm talking about. When I was coming down here on Green Ave., there was a lady pushing a baby carriage facing traffic. There's about 3 feet there and I don't know if I'd do that. They limit the speed limit there to 25 mph and they enforce that, the City does. Those are our efforts and we'll obviously need to get some data from Stevens Point.

Bowen           Are both of the committees 6 months?

Holdridge      Yes. On the Water Study, there tends to be more members that are from the new City well location because that's how this initially got started way back in January. The City put in that well and the people in Plover Heights subdivision were all concerned when they saw that. The interesting thing about private wells is that it's all about sustainability. Because you use the water and the water goes right back into the ground. What happens in the City or the Village of Plover? They treat the water and then it goes into the Wisconsin River and it flows down to New Orleans. That's what really happens. So if anybody wants to talk about sustainability, our system out here with these 2,020 wells is a pretty sustainable system, we keep reusing the water. We'll update you on that.

## **5. UPDATE ON FIRKUS ROAD DEVELOPMENT.**

Holdridge      I sent you a copy of Bob Konkol's cover letter. A memo that I wrote to the Town Board. A letter I wrote to the Firkus Road group updating everything. Then we have a letter from Dan Hebbe, etc. and that was the most recent proposal except for what we got tonight. I don't know if the one from Jerry is even a proposal. Bob Konkol's letter reiterates what the

Town Board has been saying that any development that goes in, (*the road*) has to be paid by the developer. That's perfectly consistent with what we've done. Roads need to be up to our standards, that means blacktop roads. In terms of this argument of land locked, Bob Konkol wrote a legal opinion on what that really means. People who are landlocked can petition the Town Board. The Town Board doesn't have to authorize roads. If someone wants to develop their land, the developer will probably have to pay for roads. The Firkus Road thing isn't going anywhere. We had 4 Plan Commission meetings and 2 Town Board meetings and 2 meetings before the Portage County Planning & Zoning Committee. I thought the Portage County Planning & Zoning Committee came out with a great plan that made a lot of sense. Our hang-up came with John Oberthaler and the prevailing wage rate. All that says is if you do work above a certain threshold, the law says you have to pay prevailing wage which tends to be union wage. A lot of people thought when Walker came in that he would veto that but apparently he kept it as far as we can determine. I'm sure if John Oberthaler was here, he would tell you that drove up his costs. He could get his labor for less than that and so that was sort of the deal breaker. Any comments or thoughts about that?

Binder            So right now, everything is on hold, is that what I understand? Because John O. doesn't want to pay for the road?

Holdridge        Pete Kaminski, myself, John Oberthaler, Tiffany B. met here and that was the deal, he didn't want to pay the prevailing wage rate. Bob Konkol told us that the Town does not want to get in a situation that violates that. We are the ones that are on the line. I don't know if you call it "on hold" or what but there is no action there. If people want to come up with proposals, they can certainly do that. I think our position is clear. We spent over \$4,000 on legal fees. All of that (*information*) was shared with participants. There was no hidden agenda here.

Stemen            It sounds like it's a dead issue.

Holdridge        That might be. I was told by several people on the Portage County P&Z Committee that they felt the Town of Hull bent over backwards on this. From a policy standpoint, our policy is clear and has been clear, the developer has to pay for those costs. So we're not treating anyone any differently. In fact, if we were to negotiate something differently, then I think we'd really have a problem with other developers. Any other thoughts about that?

J. Koziczowski    Just on that letter we sent, that was just to voice our opinions, nothing more than that as of right now. We just wanted to let the Town Board know how we feel about that. That's all.

Holdridge        Anybody else want to comment on that? (*There were no other comments.*)

## **6. LAND DIVISION/SUBDIVISION ORDINANCE.**

Holdridge        Chuck Lucht provided a memo on wetlands mapping and different resource detection which would be useful when we start to look at updating our Comprehensive Plan. It looks like it covers pretty much everything. Do you have anything you want to add to this Chuck?



Lucht It's primarily to let you know that the recent FEMA flood plain maps were redone and what you have down for natural areas may have changed. Whether it's changed or reflected in your future land use maps or not, so the memo was sent out to say that things may have changed and it may be worth looking at and updating. In the next year we're going to have a bike/pedestrian plan county kick off in Portage County and I see some of that's addressed in your road standards.

Holdridge Our Public Safety Task Force is really looking at that.

Lucht Information from that will be good to share with the bike/pedestrian plan group when it gets going because certain roads will be required to have it and others won't. Some of those levels of service may be triggered in Hull. You have a lot of bikers since you are the most populous town in the County so that's something to keep in mind. You won't have much to do with the farmland preservation plan which is kicking off too. That has implications for some of these FEMA land use /mapping issues for land use. That's all I have unless people have very specific questions.

Holdridge I think our issue with bikers, walkers and pedestrians is that we have 3 educational institutions on the north side of Stevens Point and we're close to that community. People love to come up into Hull on Old Wausau Road and Wilshire, Reserve and North Second Drive along the river. A lot of those people are not from Hull. What do you do about the safety issues? What do you know about the safety issues? In terms of legality of bikers, do you ever get into that?

Lucht Bikers have equal rights to the road, the same as a car. Anybody who doesn't think a bike has equal rights to be on a road as do cars, is flat out wrong.

Holdridge How about the joggers?

Lucht Joggers have every right. Bikes and pedestrians have every right to use the roadways as a vehicle does. There's no side stepping around that. However, certain levels of service on the road, say bikes and pedestrians using Old Wausau Road, there may be enough bikes and pedestrians on it that you may need to have a 3 foot shoulder. The state DOT workshop that I was at dealt with the issue. If you have somewhere between 750 and 1,200 vehicle trips or cars and trucks, there's a grey area where you may or may not be required to put a 3 foot shoulder on the road.

Stemen What's the period of time Chuck?

Lucht Anytime a road is going to be reconstructed. A brand new road will need to have them if they are expecting a high traffic flow. That would be 1,200 per day. The DOT says that's sort of a grey area because on the riverside, where you know it's an attractive ride or walk, they'll say at 750 vehicles a day, you're going to need to rebuild that road to the cost of up to 20% more than it would normally cost to put it in. It doesn't mean that if it's going to cost more than 20% more, you can get out of it. Then you'll need to spread it as far as it will go. If you

have an 8 mile stretch and that 20% extra will only pay for 5 miles of pavement, you're paying for those 5 miles of extra road shoulder. The other 3 miles won't need it but you'll have it on the 5 or 6 miles you can put it on. Getting used to that will be a trick for some towns. Out in the middle of nowhere where it isn't scenic and it doesn't attract anything but packs of bikes that are in transit from one place to another once in a rare occasion, you wouldn't need to have that 3 foot shoulder. But roads you know have lots of bikes and pedestrians on them, that level is also triggered by another level of service for the number of bikes and pedestrians. I don't remember what those are.

Holdridge Who is your source for all of this?

Lucht The Dept. of Transportation.

Holdridge Who is the person?

Lucht I don't remember the name.

Holdridge Can you get that for us?

Lucht Yes, I can get the names.

Holdridge I think the DOT will have a hard time trying to enforce that stuff when nobody has any money. They used to have a requirement...I think they called them bike paths, which had to be detached from the roadway. Nobody could afford that even when the money flowed more.

Lucht The key is, if the state shares road aid with you on that, you'll put the up to 20% in or you won't get your road aid for it. They share the cost with you. If you share costs, that's their stick. You're going to do it or they're not going to share costs. That's how it was put out there. They made sure they let us know at the DOT training that getting out of putting in the required shoulders when necessary is not going to be an easy thing. That's how it was presented. Whether they stick to that or not, that's another question.

Holdridge If you can get that person's name for us, because we need somebody from the DOT who is really into the safety aspect.

Lucht The bike lanes are a safety feature. That's the main safety feature because then you're not sharing the same lane.

Holdridge I want to know the source. Is this somebody talking about this or is there a statutory authority for this?

Lucht There was a state bike law passed.

Bowen           The quickest way to get to these people in the DOT is to go to Wisconsin Bicycle Federation. They work with all of those people and would know all the names of the most useful people. They're on-line and they have a website.

Lucht           I'll ask Sarah Wallace (*at Portage County*), she's familiar with that.

Syens           Chuck, is there a timeline on that for when it's going to be enacted?

Lucht           It's already enacted. The state statute and rules are already in place now. For a year ahead of time, before they were enacted, they generally knew the outlines. For instance, if you are familiar with Green Bay and Velp Avenue, it was prior to the rules going into place, the money was funded, that is going in this summer and they planned to have a sidewalk that goes that whole strip of road. It's a state highway. Since I'm familiar with it, there's never been a contiguous sidewalk on either side of that road for the last 40 years and now there will be. They said explicitly that path was put in because the state regulations that were coming up that required bike/pedestrian facilities on busy roads. They're no longer capable of saying that they just can't fit a bike path in. They need to try to find a way to put a bike path in because bike and pedestrians have a right to use the roadways.

Stemen           Isn't Velp Ave. primarily business?

Lucht           It's a mix on either side of the road. Sometimes it's business, sometimes it's residential, sometimes it is a cemetery. They had to work hard to fit it in on that street.

Holdridge       Chuck, I would suggest that you folks at the County level get going on this pedestrian/bike...because the City, I know, is going to it, Hull is going to be going through it, you guys are going to come in at the end.

Lucht           We are moving at the speed of government.

Holdridge       But I heard this discussion last year, that there's going to be a committee appointed to look at pedestrians and bike paths, county wide.

Lucht           We've been working hard as fast as the speed of state government will let us.

Stemen           The City can't even fix the road let alone put in a bike path.

Holdridge       What I'm suggesting is, Hull, after 6 months, we may have the signage in terms of putting in 3 foot lanes. It probably won't happen as we don't have the money for that. We are trying to get some control and give some directions, bring some discipline to the whole process of biking, walking and driving. We'll deal with some issues, Old Wausau Road with the school. Hwy. 66 which has been a big issue for 6 or 7 years. There's 4 turn offs on there and only 2 that have bypass lanes. People who live out there are always concerned about the speeding. The faster you can do that...are you going to have a representative from Hull on that?

Lucht           We hope that someone is interested from Hull in sitting in on that.

Holdridge We're interested. We have a whole task force that will be devoted to it. I just think that by the time you get around to doing something, they'll be an awful lot done. Maybe not in the physical construction. I'm not so sure you're going to do much of that because just finding the money for that...that's why you don't have bike lanes today, because people can't afford it, towns can't afford it, that's a real problem.

Lucht Things change.

Holdridge Well the next 2 years, we're cut 26%. So we know what is going to happen in the next 2 years. We'll check this one website out, Wisconsin Bicycle Federation. Is there anybody in the Wisconsin Rapids office?

Lucht I'll find out for you.

Holdridge Let's go to subdivision ordinance. This is an evolving sort of thing. If you take #6, I call it the land division/subdivision ordinance. As an introduction: "The Town of Hull is one of 16 towns in Portage County operating under the Portage County Subdivision Ordinance." I assume that is right Chuck?

Lucht Correct.

Holdridge There's one town that doesn't have any zoning at all?

Lucht We have one town with no zoning and we have the Town of Grant which has their own zoning although they use the Portage County zoning ordinance.

Holdridge Okay, so I'm accurate. "The Subdivision Ordinance, sometimes known as the Land Division Ordinance, covers all lot splits or division of lots of record." In non-incorporated areas, right?

Lucht Yes.

Holdridge That's accurate. In parenthesis I put "towns". Unincorporated areas are towns. Incorporated areas are villages and cities. They have much more structured government and also have more responsibility. "The first section of the Town of Hull land division/subdivision ordinance reprints entirely Portage County's ordinance. The Town of Hull modifications or supplement to Portage County Ordinance is printed in section II. In that section, Hull's land division ordinance is updated and reference to specific sections of the Portage County Subdivision Ordinance. The last major update of Hull's Ordinance occurred in 1979." So it's a long-long time that it's been in force. I reprinted the whole ordinance (Portage County's). This is up-to-date. I got this from Chris Mrdott, I think it's February of 2011. The first part of it they give you the various indexes. The purpose on page 1, on G of 7.4.1.2, it says "To provide for the safe and efficient movement of vehicular and pedestrian traffic, to provide for the proper location and width of streets and access points and to help implement official street plans." This is one of

the key functions. On the next page, they identify the functional classification system. Collector roads and arterial roads. Is that a uniform system, Chuck, for all the towns and villages too?

Lucht Yes.

Holdridge So the roads system you've identified here is the same road system we identify right?

Lucht Right.

Holdridge So our terms should match your terms for roads.

Lucht Correct.

Holdridge Under county plat, it says, "Division of a lot, parcel or tract of land by the subdivider, where the act of division or successive division creates 5 or more lots or out lots 20 acres each or less in area within a period of 5 years." So there is a time period when you get a county plat. When somebody comes in with a county plat, how do you know it's going to be 5 years? Are they locked into that?

Lucht It's a separate method of laying out the lots like a certified survey map. You could subdivide 4 lots or less and it's not a county plat, it's a surveyors formal system of creating legal descriptions for lots. A county plat is a little bit more formal process but it's similar. I believe you can have a minor county plat and a major county plat. *(end of tape side)*

Holdridge ...identify that as basically 66', hard surface. You're general here, right? You mentioned certified survey. I don't see any definition of a certified survey map there. You mention it in terms of other descriptions but isn't that a big way you divide land these days?

Lucht Yes, it happens often.

Holdridge So I would think what we need to do, for our part, is identify what a certified survey is, right?

Lucht Yes, if you feel that is something you need to identify.

Holdridge People often bring in certified surveys.

Lucht Under the process you are talking about though, they'll be bringing them to you and we won't see them.

Holdridge We have to state that too, right? Down at the bottom of page 2, Functional Classification System, I'm going to run this past Pete Kaminski. I want to make sure your definitions of roads are the same as ours. If they're not, we've got a problem. I'm assuming that the state system is the same for the County as it is for the towns.

Lucht Yes.

Holdridge Over on the next page, you have major subdivisions and minor subdivisions. The major is 5 or more lots. Minor is "Division of a lot, parcel or tract of land by the subdivider where the act of division creates one or more lots." Just like John Oberthaler, he maintains that he's not a divider. He doesn't want to be known as a subdivider. If he's known as that, he is sort of dragged into that. But based on this, he's dividing up one parcel, which is 20 acres or so, dividing that up into about 10 lots. That is clearly a subdivision.

Lucht Yes.

Holdridge And it's a major subdivision right? It's not a minor.

Lucht Yes.

Holdridge So by the County's definition, and we're under the County, that is clearly a division of land.

Syens John, you mentioned a lot size of 1 ½ acres. We have an ordinance of 2 acre lot size minimum with the exception of the I-39 west area. So do we have to do anything with that?

Holdridge I think we have to modify that. As I understand it Chuck, we can be stronger or more strict but we've got to be at least as strict as the County.

Lucht Correct.

Syens In the subdivision ordinance, do we also have to reference the I-39 west area?

Holdridge That would be part of it. That's a big part, a big division of land. Then over on the next page, there is right-of-way. Again we need to define that in terms of 66'. You just have a general description. Is that because towns may have different descriptions of right-of-ways?

Lucht No. It's because the road itself may only be 20' wide or two 12 foot lanes with 3' bike lanes or whatever so the pavement may not actually cover the width of the right-of-way. That includes that you need to leave room for utilities to go in the right-of-way that the County or the town owns as well.

Stemen So you're saying sometimes it could be greater than 66'?

Lucht Yes. The minimum right-of-way just describes the parcel the town owns, it's not the actual width of the pavement. The pavement could be something else.

Holdridge Our right-of-way is 66'. The pavement is about 22' or 24' with 11' or 12' lanes. That's the pavement.

Lucht Right. That gives you room for expansion and other utilities that they need to put in the right-of-way.

Holdridge At the bottom, there is subdivision. It says, "The division of land into 2 or more lots, parcels or tracts by the subdivider." So anyone who comes in here and has 10 or 20 acres and splits that, that's a subdivider. So they are therefore, subject to this ordinance. On page 5, section 7.4.2.3 (B), it says, "If an existing town ordinance relating to subdivisions is more restrictive than this ordinance or any amendments thereto, the town ordinance governs in all respects to the extent of the greater restrictions but not otherwise." There, that's your answer. On the next page under 7.4.4 (A) it says, "The subdivider who creates a major subdivision shall be required to pay a fee or dedicate suitable land for public parks or other related use according to the following schedule." That's a good one. Our Park's Commission is very interested in this one because as these subdivisions get created, they see the need for a park. From a subdivider, you either give the land or give so much per lot. That's an important feature. On page 7 (D), "Where a pre-existing, official plan of the County or any municipality of the County calls for a public development, the subdivider shall reserve said land with no building development for acquisition by the County or the municipality in which the land is located, for a period of 3 years, unless this period is extended by mutual agreement which shall be in the form of a written contract." Where does that come into play?

Lucht Say there is a big chunk of land and you wanted to put a high school in Hull and the person that owns it would also like to develop a big apartment complex on it. You could say, this part of your land. We want you to dedicate to us. We've got so much time to buy it from you or a lot of times in larger cities, that get's extended. They'll say this is where we want to put the school and we're going to buy it from you but we're going to wait until the time we'll actually need to have the school. It's a way of setting aside lands like parks as well to make sure you have appropriate public infrastructure. You may have a policy of saying if we are going to have big developments; we would like them to design their lands so that there is a path right through the center of it for bikes and pedestrians as opposed to going through the parking lot or something like that. You can do lots of things with it but it is a way to get land set aside for you to acquire for public infrastructure, utilities.

Holdridge This is sort of what we did on the cul-de-sac at Firkus right? We had extensions off to the east and west.

Lucht That's what the 33' dedication was. Yes, if you would have had the east and west dedications so you could put a road in later to the east or west, yes, that would have been the same thing.

Holdridge On the next page they talk about frontages. What is a flag lot, (E)?

Lucht A normal lot has its entire frontage on the road. A flag lot is where someone owns the entire lot here and you have a driveway that comes into the back of the property. The property shape looks like a flagpole with a flag on it. It has a long driveway then a large property behind it.

Holdridge Then there is a whole section on lot averaging on pages 8, 9, 10, 11 and part of 12. When I was looking at this, you don't have anything in there on what was called a conservation subdivision, like off of Hwy. 66.

Lucht No, it's a separate ordinance by itself. It's an open space design ordinance. It's completely separate from that.

Holdridge What else do you have that is separate? Because I assume we are subject to that as well as everything that is in the subdivision ordinance.

Lucht No, you're not.

Holdridge Open space?

Lucht It can be used. I guess you are subject to it. The open space design is a bunch of developer agreements on what is required to use it. It's very complicated and designed for real developers to use. It's not designed for Joe Smith who just wants to cut off 2 acres of his land. You need to have maintenance agreements and share agreements. It's closer to a condominium development with a homeowners association than it is anything else I can think of.

Holdridge Do you have anything in your ordinance about condominiums?

Lucht We state in our ordinance that you can't discriminate against condominiums, because they're a form of ownership. However, if you can regulate the condominium as a form of ownership, it can be limited to the same lot size requirements as any other form of ownership. In other words, if there is one unit per 5 acres, your condominium is sitting on 5 acres. One condominium per 5 acres. You can't discriminate against a form of ownership. You can only say this is the density limit allowed on this number of acres of land. Does that make sense?

Holdridge That was the big issue up on DuBay wasn't it?

Lucht That's why we started looking at it because it's happening in counties around us. So how are we going to deal with it? One could say, a condominium could come in and they could do an open space design option on a piece of property. A condominium is likely to already have a homeowners association. A shared open space agreement for maintaining the property. A way to sue other property owners that aren't playing by the rules, X, Y, and Z. Lot averaging was really designed for the guy with 10, 20, 30, 40 acres that wants to carve off 1 or 2 pieces without a lot of the agreements.

Holdridge But it's never been used.

Lucht No. We've had a few people try but either they're in too big of a hurry or the different land owners that are going to be involved all want their maximum share so it falls through.



Holdridge Chuck, under Improvements on page 12, it says, "Where required by the town board, the subdivider shall install, at his own expense, any required street and utility improvements, or other improvements as required herein. In addition, where required by the town board, the subdivider shall, prior to the final approval of any major subdivision, County plat, or minor subdivision, enter into a contract with the town agreeing to install the required improvements and shall file with said contract a surety bond or make other financial arrangements with the town board guaranteeing the completion of such improvements with a period of time specified by the town board." That is exactly what we had with the Firkus Road.

Lucht Yes.

Holdridge That's what kind of fell apart. We don't use bonds. We've had some very bad experiences with bonds. What we use is a line of credit where that developer has to get a commitment from a bank which says they have to back that up if, for whatever reason, the development doesn't materialize.

Stemen Do you use bonds with individual land owners?

Holdridge We used to use bonds but we had an incident up in the Pipe area. It was a \$10,000 bond. We started going through that and you have to prove this and that and it's a 50/50 deal.

Stemen So we don't use bonds at all?

Holdridge No. If we're going to get a guarantee, it will be a line of credit. That's on the advice of our counsel. Everybody was convinced that there were 30 trees cut up there. Everybody thought they knew who did it but nobody saw them. There was a lot of checking. When we looked at the legalities, there was about a 50/50 change we'd win. He had a \$10,000 bond. You know where the Pipe is? Out in the wilderness, literally, trying to catch someone cutting down trees there. It was a tough call. Over of page 13 (D) cul-de-sacs, that was another one that came into play on that Firkus development. We fought for the middle route. They got a cul-de-sac over 1,000 feet. They had to get special approval from the Portage County Planning & Zoning Committee. On page 14 there is groundwater management, water supply facilities as part of it. Protecting monuments on page 16, so people don't disturb the borders. Storm water management and construction site erosion control on page 16. We've an on-site visit tomorrow night where we're going to go to a cul-de-sac which we know from previous experience has a real surface water problem. The fellow wants us to put in blacktop on the cul-de-sac and we'll have some serious discussions about the need for a surface water management. The houses that front on that cul-de-sac have had some real water problems. It goes back 15 years. The more you work in this, the more you see the need for these provisions.

Stemen What part of the Town of Hull is that in?

Holdridge That's off of Jordan Road, east of Torun. By definition, there is 1 house and he's going to create 2 more lots, so that's a subdivision so that comes under the ordinance. Then there's Sanitary Sewer on page 17, which we don't have much going. On page 18, Procedures

for Major Subdivision Review. The County has a procedure and a timeline. First of all you submit a sketch of it, then you go to a preliminary plat, then go to the final plat. All of those have timelines for the County to act. If you don't act within a certain timeline, it becomes approveable. I think the procedures are pretty solid. What has to happen is we need to incorporate our procedures into that. On page 20, on top, it says, "The Planning & Zoning committee shall approve, approve conditionally, or reject the preliminary plat within 90 days as provided by Section 236.11, Wisconsin Statutes. Failure of the Planning & Zoning Committee to act within 90 days shall constitute approval, unless this time period is extended by mutual agreement with the subdivider." So in other words, the P&Z Committee can't just sit on this thing. On the bottom of page 20 is the Procedures for Minor Subdivision Review and then Modifications on page 21. We had a modification that the P&Z Committee gave to the Firkus Road development. The modification was that it was over 1,000 feet. Am I right on that Chuck?

Lucht Correct.

Holdridge On page 22 is Enforcement and Penalties. So that's the County's. As I look at this...do you all have this, Ordinance 2011-0228 Amending, Road Standards? This would be a modification of the County subdivision ordinance. Maybe the way this is handled is to make a reference to the County section and just plug this in its entirety in there.

Lucht Do you have a road ordinance?

Holdridge That's what this is. Yes, is it a separate ordinance. Yes, this is separate.

Lucht Then it should stay separate, it shouldn't go in the subdivision ordinance.

Holdridge I'm talking about Hull's part.

Lucht Right. It should stay as your own separate Road Ordinance as opposed to putting it in the subdivision ordinance. I have this project that I keep putting off for one town. They want me to create a subdivision ordinance or rules for guidance and they put all their subdivision type ordinances and their road ordinance together and it doesn't make any sense. I have to untangle it and try to massage it into something. Really what they need to do is separate their subdivision stuff from their road ordinance stuff so that they remain separate ordinances.

Holdridge My problem with that is, if you put it in with your land division, you have it all under one cover. Citizens who come in and you reference this as land division, which is really what sparks this, we have the road standards. Right at #1, "All road development and improvements for roads within subdivisions and non-major thoroughfares shall be at the developer's expense." That's the whole story on the Firkus Road development. We said subdivision.

Lucht This is how you get around in the town, the standards for the roads, this is driveway access. It's split up separately for the roads and subdivision ordinance deals with how you handle land once you split it. They are not actually the same thing. They interlock with

each other, we can all agree on that because you can't have a parcel without a road that goes somewhere from it. However, it may be best to keep them separate.

Holdridge Remember that right-of-way general description, we say in here on #3, "All roads shall have a 66' right-of-way. Actual traveled roadway shall be 22' wide with 3 foot shoulders on each side."

Stemen Does that 3' suffice for the bike path we were talking about earlier?

Lucht I would have to check. I do believe it does in a rural area.

Holdridge Do you see what I'm saying Chuck? I would like to have something that is convenient for citizens. Not just you and I and the bureaucracy. Somebody looks at this as what the Town of Hull has adopted as part of the land division ordinance.

Binder When a person comes in, you probably have a number of things you give them when they're talking about doing a subdivision. So you could have a little checklist and hand them the subdivision ordinance, the copy of the road ordinance and whatever other things they should have. Just check it off as it is given to them. I could see not taking all the stuff that pertains to a subdivision and putting it in there. I see Chuck's point. It actually applies to all our roads I believe. So I don't know if you even need the part about development for roads within subdivision and non-major thoroughfares because of the Town of Hull standards for roads.

Holdridge If you didn't have it in a subdivision, we don't typically create new roads. What we would call collector roads and roads that go from one road to another. That's very unusual. We might re-construct one. If we reconstruct it, then the citizens along that road don't pay for that. The only time they are paying for it is when they have a land division and you need to create a road to serve that land. That's the developer's expense. In terms of how this works in practice, usually if they are going to subdivide, they start at the County. That's in your ordinance.

Lucht However I have 2 points. First, most of the time when people subdivide, they are already on a road and they have no intention of dealing with any of the stuff in the road ordinance. That's someone who has large chunks of land that have grand visions of subdividing their 80 and getting 40 lots. They're not really going to get that many but they have a belief that they are going to sell their 80 and do that. The vast majority of the time when people come in to subdivide, it has nothing to do with creating a new road other than a driveway to get to it.

Holdridge That hasn't been our experience. You take this development of Plaski's right off of Hwy. 66, that subdivision, he paid for all the roads in there.

Lucht I'm going to suggest that you make private roads applicable to what you would get on a public road because sooner or later, they're going to turn those roads over to you after awhile and they'll be your roads. They should be designed, built and maintained to town standards.

Holdridge The reality is that when people buy property and they say it's on a private road, they don't want any part of that. They want a public road guaranteed that the road is going to be constructed and maintained.

Lucht I agree that sometimes it does happen that they say they're going to build a private road and maintain it that way because they think they'll be able to get away with a shoddier road than if they construct it to the town standards.

Holdridge That hasn't really been our experience. But if you just took Firkus development, what happened there, we had a central road going up to a cul-de-sac and that road, based on this standard, Dave Glodowski sent us a memo and he has 4 or 5 subdivisions that all follow this, that have been put in the Town....this Hawk Haven up here off of Willow Springs, it's the same standard. Cul-de-sacs, roads were all put in based on this standard, inspected by the Town of Hull and they all agreed to it. The only stumbling block has been that Firkus Road situation. My goal is to have an ordinance...we've got the County ordinance, you've got paragraphs in there that refer to towns. I want to make sure that what we have is out there. If someone says, "What is your standard?" That's the ordinance, part of the land division ordinance. Another example is the I-39 west area. That isn't as manageable as this is but it's clear that the land division... anything over 20 acres – 5 acre lot splits. That's part of an ordinance too. Other thoughts? How do we combine these 2 ordinances? That's the big question.

Bowen I thought our original idea was to identify the exceptions. Where we wanted to have a more strict ordinance than the County.

Holdridge But do we produce the County ordinance?

Bowen Yes, I think we follow it. Then it becomes Hull's subdivision ordinance which is designed after the County's but ....you don't have any problem with us adopting it...because we're not going to do it in its entirety. We're going to have exceptions in it so it is a different document.

Lucht I think you need to be careful on the exceptions, making sure they are easily understandable as separate. As an example: the water calculations section, the storm water calculations, we know right now that is a combination between one of our water...land con. section, Dan does that. He's specifically trained to do the calculations. By leaving something like that in your (the Town of Hull) ordinance, it means THE TOWN IS GOING TO DO THAT. That wouldn't be our (the County's) responsibility anymore. That would be up to someone in THIS (the Town of Hull) office who would need to be trained in doing storm water calculations.

Bowen Another way of approaching it would be simply to have a paragraph stating that we refer to the County with these exceptions. Then just have a small section on exceptions.

Holdridge I think that area up off of North Star, Prairie Drive, when it had some flooding and the developer had to put in holding ponds. I think that requirement was from Portage County.

Lucht           The storm water calculations are new and they are finding out that people are usually quite happy when they find out what the whole idea is. Which is, at a certain level, you're trying to keep all the water that would run off your property on your property so that it will infiltrate. They are finding that the majority of people are happy and will do even more than what is required to make sure that happens. But it is new for the County and it was put in place so there was some sort of review of runoff water for businesses that were large enough to cause an impact to be adding to the streams and rivers and areas like that.

Holdridge      These were all residential.

Lucht           I'm not familiar with the storm water calculations. I don't work with them but I know Dan handles them and he works with the zoning guys on them, they go back and forth with them.

Bowen          Just what are storm water calculations?

Lucht           Your property has to hold so much water under a 25 year event and a 100 year event. So it would say, 3" of water is sheeting off of 4,000 s.f. of roof and so if the rain kept up for 2.5 hours, you'd have to have some sort of basin large enough to catch 4,000 s.f. of 7" of rain or 3.5" of rain or whatever that level of storm water calculation.

Stemen                 That applies to residential and commercial?

Lucht           It does with commercial, I'm not sure how it works with residential.

Holdridge      This stuff is nothing but grunt work; this hammering through paragraphs plus trying to understand the terminology. I don't know any other way to do this. If the County has a way to mesh or integrate the County ordinance with the local land division ordinance, I sure would like to see it. We tried to contact other towns that had done this and we couldn't find anywhere. It's a natural. You folks are at this level and we are at this level. You have an ordinance that overrides us yet we have special needs down here that ought to be incorporated into any land division ordinance.

Lucht           I'm here doing the best I can to give you ideas.

Holdridge      We're trying to make sure that whatever we have that is unique to our area like the I-39 area....how would you handle the I-39 west area? That's a land division ordinance at its heart.

Lucht           At most, I would reference it as a special reminder or a small section in your subdivision ordinance that handles unique neighborhoods. Enter it in as a unique neighborhood and just repeat the ordinance with the language and the intent of the ordinance, in as plain a language as you can put it.

Holdridge      That is almost the only way I can see to do it. I don't know how else you would do it.

Lucht That is a special and unique case where, yes, it's different than anything else you have. You should be able to cover it in a page, easily.

Bowen Are you volunteering to be a consultant to us to help us develop it?

Lucht Our entire department will do it's best to support you as best we can. As we do now. So when you write it, if there are certain things you need to defer to the County on because the Town staff don't have the unique skills to do it, then you need to say that (in the ordinance).

Holdridge If we took a topic like access points to lots; that come up fairly frequently. Somebody wants to put a driveway in. Under that, Pete Kaminski goes out and looks at that, measures it up. There might be a need for a culvert, what should be the size of the culvert. Those are the kinds of things that come up in these developments. One are that I think the Parks Commission will be very interest in is that paragraph on parks.

Lucht If that is something the Parks Commission is really interested in, they should get that section of the subdivision ordinance and let them put in there what they think they can really get out of it. It's alright to let different committees take a whack at what is important to them. You might be surprised at what they come up with.

Holdridge I know that one because they mentioned it.

Lucht If you have a bike committee that's going to work on it, the road ordinance itself is a good place itself to put whatever they come up with.

Holdridge We have a Public Safety Task Force.

Lucht That's the place to address road issues.

Holdridge That's what we're going to do. That's what the whole mission statement is about. The next 6 meetings we're going to be doing that (at the Public Safety Task Force). That's why if you guys are going to be doing something on County pedestrian paths, I would urge you to...

Lucht We are waiting for our grant. We have the grant money. They are writing the contracts now. Sometime this summer and fall, we'll be taking our first bike counts. We're going to put people at certain places that count bikes and pedestrians that come through in certain areas.

Bowen Is that the Sarah Wallace thing?

Lucht Yes. It's really neat because one of the planning firms (*ALTA Planning & Design*) that deals almost exclusively with bikes is going to come in and teach a bunch of us how to train the trainers session to count people coming through intersections and how to do it properly. So there will be a big push for people that are interested in bike/pedestrian issues.

Stemen                    Where is the grant money coming from?

Lucht                    The state. It did come through and we're right in the process of having the contract written up so it shouldn't be too much longer.

Holdridge              Sarah Wallace is the contact person for bike/pedestrian?

Lucht                    Yes.

**7. Date of future meeting.** *The next Plan Commission meeting will be held on July 26, 2011.*

Holdridge              The next meeting is July 26<sup>th</sup>, the 4<sup>th</sup> Tuesday of the month.

*(Comments of Bob Bowen are placed under the announcement section at the beginning of these minutes although they were actually given at the end of the meeting.)*

**8. Adjournment at 8:15 p.m.**

*Motion made by Shelley Binder to adjourn meeting, seconded by Al Stemen. Motion carried by voice vote. Meeting closed at 8:15 p.m.*

Respectfully submitted,

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