

TOWN OF HULL  
**PLAN COMMISSION  
MEETING**

Tuesday, November 19, 2013  
TIME: 5:30 p.m.

- 1. CALL THE MEETING TO ORDER:** The Town of Hull Plan Commission Meeting was called to order on Tuesday, November 19, 2013 by Vice-Chair Robert Enright at 5:30 p.m. at the Town of Hull Municipal Bldg., 4550 Wojcik Memorial Dr., Stevens Point, WI 54482.

Present: LaVerne Syens, Bob Bowen, Robert Enright, Al Stemen and Secretary Patty Amman.

Excused: John Holdridge, Shelley Binder, Jocelyn Reid

Also present: Mary Rosicky, Dale Rosicky-Surveyor, Dave Wilz.

- 2. APPROVAL OF MINUTES OF October 22, 2013 meeting:** *Motion to approve the minutes of the meeting of October 22, 2013 made by Al Stemen, seconded by LaVerne Syens. Motion carried by voice vote.*

- 3. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS. AGENDA ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION.**  
*None.*

- 4. ANNOUNCEMENTS; CHAIRPERSON AND PLAN COMMISSION MEMBERS.**  
Enright John is not here because his doctors are doing some tests on him. We hope to see him next time.

Amman There won't be a meeting in December as far as we know unless something critical comes up.

Enright Any other announcements?

*(Although the following part came up at the end of the meeting, it's being put under this section where it's more appropriate.)*

Bowen Patty, do you know anything about this? It was never brought up in a meeting.

Amman That was couple of meetings back. Can you read it to me; I forget what's on it.

Bowen           It's regarding broadband internet service grants that are available. It says, "The 2013-15 Wisconsin State budget contains a provision for grants for the expansion of broadband internet access in rural areas of the state. Your town is eligible for a grant. The application process is still in development, but my office will update you on the application procedure when it is available. If you have any additional questions, please contact my office."

Amman           What was the date on that?

Bowen           July 24<sup>th</sup>.

Amman           That's where we had a meeting, I think, that was cancelled. Dave, do you know anything about that? The broadband grant?

Wilz             We had Charter here at the last Board meeting on November 4<sup>th</sup> and they let us know they wanted access to the right-of-way because that's where they lay their infrastructure. I believe they were laying it down Jordan and heading out towards the I-39 West area and back up here. We gave them permission to do that. They are expanding their broadband services based on return on investment. In other words, they're not going to lay infrastructure if Bob's the only one at the end of Two-Mile Road. That's just not going to happen. But they were expanding in part of Hull. We asked them about this. "Had you applied for these grants so you could expand maybe without a return on investment?" The response we got from him was that Charter doesn't even want to mess with those grants, the government doesn't know what they're doing, it takes too much work and they put so many handcuffs on you it's not worth the effort. This came right from the general manager.

Syens            But in regard to that, isn't Dave Pederson staying in contact with Amy Sue V. as far as grants?

Wilz             Yes, you're right. Keep pressure on Amy Sue, our state representative to get comprehensive reform or come up with a workable solution to expand the broadband because we have people out there that need it, that run businesses, that have farms and they've got to have a way to do it. That's the new norm.

Enright           How much of the town does not have broadband? Is it mostly that northwest part?

Wilz             You can't get anything out there. They're going to bring it up to Casimir, that's where they're going to stop. So Casimir doesn't have it or Old Wausau Road going back to Stevens Point. They're going to lay it in there, I believe.

Bowen            I would think they would run it up to Evergreen Villa.

Syens            That's part of the plan.

Wilz             So to answer your question, Bob, I don't know what percentage of households don't have it or access to it.

Enright I was just wondering about the geographic area, it's not even close to you.

Bowen It comes up as far as the subdivision and mobile home park which I think they would justify in terms of return because of the number of people that live there. It's like the natural gas. They come that far, they won't come north. And if they did, it would be prohibitive to hook up to it because they want you to pay for their investment.

Enright So what kind of access do you get to the internet?

Bowen Hotspot on my mobile phone which is very good. It's expensive but it works.

Wilz I'm sorry, they're not going up to Casimir, they were going to go up Old Wausau to Casimir Road because they have these various loops they can connect to and he said, We're not going to do that because the cost of blowing through the infrastructure granite on Old Wausau Road could never be offset by a few houses on Casimir." So it's going to take a bigger push. In fact that's why that annexation out there with Klismith got shot down because that was on a balloon string from the City. The reality was, if the State hadn't stopped it, I wasn't worried about Point pushing that through. To get infrastructure out to there, they would go broke because it is nothing but granite.

Bowen They're pretty good at that, going broke.

Wilz I think they want to take an interim route and go somewhere up the ditches up I-39 to avoid all of that. Laying infrastructure is sometimes no big deal and sometimes it's like, you've got to be kidding me.

Bowen Well they're doing something now along North Second Drive. Is that the project? Meyers Cable or something.

Wilz He said they had contracted with some people to do the laying in of their cable and infrastructure. They were just giving us notification of what they were doing. They always have a right to the right-of-way. I think we somehow have to bless that but they have a right to it because that's what it's there for, infrastructure.

Enright It was Charter that said that, that the grant was too difficult.

Wilz The company had taken the position that they weren't going to mess with them.

Enright But that might be different from our perceptive though, right? That if there's a State grant to extend this that even if Charter would find it a hassle or unprofitable, it would still benefit the residents in those areas. If the State will help support it, then it's like electrification.

Wilz            That's what LaVerne was saying. We said we still won't give up on this. Dave Pederson was going to continue to explore those options that Bob just mentioned. How do we get this to work for us? Is there some money, can we get this to work for us?

Bowen           I was thinking along the lines of the installation in the new building. Regardless of the provider, whether it's Charter or whoever we are with now.

Wilz            We just switched to Charter.

Bowen           But the expense of wiring the whole building for multiple work stations and so forth, maybe these grants would cover something like that, reduce that \$600,000 cost. I was thinking of something very local and a direct application to the Town, a benefit to the Town.

Enright                If we have Charter, we have broadband here, right?

Wilz            We do not. We voted to convert to Charter.

Amman           Who did we convert from?

Wilz            The guys that have the tower up there.

Enright                You're talking about your phone service.

Wilz            For internet.

Bowen           So you're going with a dedicated line right?

Wilz            For cable, for internet?

Bowen           Yes.

Wilz            We decided to go with Charter, and I saw some people out here last week working on something and I know that's the computer guy we use too, but if we haven't made the conversion yet, we're getting Charter instead of the other thing we had which was just crazy. I've never read anything good about it for the last 5 or 6 years.

Bowen           Charter is DSL, dedicated service.

Wilz            Right.

Amman           When is that conversion going to be complete? Is it in process?

Wilz            I don't know. We said go ahead and do it. We put it in the budget for 2014 because what they gave us for putting that tower up there and wrecking the whole side of our building was free monthly service. At \$29 a month, now we've got our building structurally messed up over there. That was discovered during this renovation process that they're forming.

They can't be putting that up against the building. The building is not built to handle that. It's pulling stuff away.

**5. Certified Survey Map for Gary Swanson – land located in part of the NE ¼ of the NE ¼ of Section 21 and part of the SE ¼ of the SE ¼ of Section 16, Town 24 North, Range 8 East, Town of Hull, Portage County, abutting Wilshire Drive. Surveyor – Dale Rosicky.**

Enright                      You're Gary Swanson?

Rosicky                    No, I'm Dale Rosicky, the surveyor. Gary is in Texas, he's in Corpus Christie half the year. He's retired so I'm here representing Gary's property.

Amman                    I had sent you all a copy of a letter that Gary Swanson had sent us from Texas. That was the October 31<sup>st</sup> letter. He was explaining what he was doing with his property. If you have any additional questions, Dale would be the person who could explain further.

Rosicky                    Basically he's downsizing. He wants to make sure he's prepared if he wants to sell his house so he's not having to sell the whole parcel. He's thinking about looking at some programs but he's not looking at anything specific, as far as harvesting timber off the land that's outside of his house, that would be Lot 1. So he hired me to separate the house from the rest of the land for future use. He's got children doesn't he?

Mary R.                    One daughter.

Rosicky                    He was telling me he just wants to make sure he downsized his house so it's not one big parcel in case he ever wants to sell.

Enright                    So the proposal here is to take that Lot #2, a little over 3 1/3<sup>rd</sup> acres and separate that from the larger parcel. That's where his house is going to be?

Rosicky                    Right.

Enright                    The rest is going to be wooded.

Rosicky                    He's not planning on selling or developing the land. It's not for sale. He just wanted to separate the house to a smaller parcel.

Amman                    Is the part he's separating out, the larger part, is that all wooded or is there some swamp in there? We've all got the diagram. It looks like there are some wetlands along the road.

Bowen                    Since this is 20 acres, the whole thing, how does that fit with our ordinance?

Enright                    Yes, I thought about the same thing. I looked at this on the map and I believe this in on the east side of I-39. The other proposal is on the west side.

Rosicky I ran this by Tracy Pelky and he said everything was fine, that it just had to be at least 2 acres.

Bowen West of the interest is where they have the limitations. Thank you for clearing that up.

Enright Any other discussion or comments?

Amman If that is a wetland going along the road there, that new lot that they're subdividing out, would that be a problem at all for them to build a driveway across those wetlands?

Rosicky He's not planning on putting a driveway in.

Amman I'm not thinking of him but anyone who might buy the new lot. Where does his driveway come off of?

Rosicky Off from the north.

Amman I'm looking at the actual aerial view where it shows these wetlands and I was just wondering about it.

Enright Why is that part staying in the part with the Lot #2?

Amman I'm thinking if he sold that off and those wetlands are there, would that be a problem? Because people would have to build behind that somehow and they'd have to get a driveway across there.

Rosicky He's not planning on selling it for building purposes.

Stemen But things do change. Change is the only thing you can count on.

Rosicky The land is what it is. If they can't build next to the road when it isn't subdivided, they can't build the road after it's split off.

Enright So the entrance is on that north part?

Rosicky Yes. He has a blacktop driveway all the way through there. I think initially, when he bought the 20 acres, he put his driveway too far north, so you can see why he had to buy some land from his neighbor. That little strip of land in the next 40, it connects on there. He didn't want to re-do the asphalt so he just asked his neighbor if he was willing to sell him 8 feet or whatever, so he accommodated the driveway that Gary had already put in. You can see he owns a little bit, 13 feet it is. He bought 13 feet in the next 40. Not now. This was 15-20 years ago.

Bowen Okay. I was just going to say, because it was a certified survey map and they've got all kinds of regulations on driveways and for culverts.

Rosicky This was already done. I have the certified survey map when it was done originally. I even gave it to Janet. This is the original certified survey map, Ernie Woster did it. I didn't change any of the external boundaries, that's what he owns, but he wanted to have a smaller parcel around his house. I gave a copy to Janet when I brought the final map in.

Enright This is the one we got. Why does he want to keep that little narrow strip?

Amman That's his driveway. The panhandle is his driveway.

Bowen I'm getting interested why that could even happen 15 years ago. A survey error?

Rosicky He bought the land, the 20 acres from a guy and never bothered to find the lot corners prior to putting his driveway in, most likely. After the driveway was put in, he realized that...

Bowen He had encroached on the other guy.

Rosicky Yes. So he had to ask the guy if he would sell. I don't know who the landowner is to the north but he agreed to sell him the 13 feet. Ernie did this survey back in 1996 so it's 17 years ago.

*A motion was made by LaVerne Syens to accept the Certified Survey Map for Gary Swanson. Motion was seconded by Bob Bowen. Motion passed.*

Enright Then it will go to the Town Board.

Rosicky It does?

Amman Yes, we are advisory to the Town Board.

Rosicky They'll meet on December 2<sup>nd</sup>?

Syens It's usually the 1<sup>st</sup> Monday of the month.

Rosicky While I'm thinking of it, here's another map for your next meeting, we can talk about this later, or if you want to move on to Mark and Tina Gawlik's survey. But that one, I usually drop it off for Janet. It's for Randy and Tammy Grezenski. They're on Orderinda Court. He's trying to sell his house and then he wants to build a house on the other part of his land. That'll be for the next meeting.

Amman Right. That would be for the next Plan Commission meeting which won't be until the end of January.

**6. Certified Survey Map for Mark & Tina Gawlik – land located in part of the fractional North ½ of the SW ¼ of Section 7, Town 24 North, Range 8 East, Town of Hull, Portage County, abutting Weatherfield Road and Biscayne Road. Surveyor – Dale Rosicky.**

Bowen Is there any possibility that when they present the certified survey maps, that they could put the location in common language rather than survey language? I brought that up at the last meeting. I don't have a clue where this is based on the quarter of the quarter fraction of the southeast third. I don't look at my plat book every day.

Amman I did put on there that it's abutting Weatherfield Road and Biscayne Road. I try to put the 2 closest roads.

Enright I just Googled maps for this address and that's how I got to see the picture that came right up.

Bowen I know it's east of I-39, no, west of I-39.

Enright Just to the east of Granite Ridge, right?

Stemen West of I-39.

Bowen It's west of that little creek that was renamed a couple of years ago.

Stemen That must be right by the church then, that property.

Bowen Right, it is, the church is right down here at the end.

Stemen There are several new homes in there already. Infinity Lane has got to be in there somewhere too. Because that's closer to the highway than Infinity Lane is.

Amman You had some questions about what it was that they had and what it is that they want to do or are trying to do.

Rosicky I gave a copy of this original survey to Janet as well. This was a survey that Joe Glodowski and I did in 1996 for Linda and Dale Strehlo. On that survey, we split it into 2 parcels. At the time, they sold this parcel to the adjoining landowner and that parcel to that adjoining landowner. In the meantime, I think the northern portion, one or the other is Gawlik's. But then Gawlik's ended up buying both of these halves. So in order not to be land-locked, they wanted to combine it as one parcel and separate it from the subdivision because this is all recreational land and this is residential and so the tax differential is too great. They wanted to separate this from the residential so that's what we're doing with this map. We've combined the 2 lots into one and then taken it away from the subdivision lot so they have access from here and it's just one parcel because it's all now owned by the Gawlik's and they want to sell it to their kids.

Enright You're not doing anything with these, which were all previously approved.



Rosicky        The Gawlik's must have owned Lot #8 of the subdivision and so they combined it at the time of the survey, in 1996, they bought Lot #2 then someone else bought Lot 1 and they combined it with theirs. So in the meantime, Gawlik's have bought both of these, they own both of these and they want to separate it from the subdivision. So that's what this map is doing. It's combining this as one parcel and eliminating it from being attached to the subdivision.

Enright                Was it attached to just Lot #8 that you said they owned?

Rosicky        Lot #2 was attached to Lot 8 because it was divided here. Then Lot #1 was attached to Outlot 1 just the way those hooks are shown on here. At the time we did the survey back in 1996, Strehlo's were selling it. They split it in 2 because 2 different people were interesting in purchasing the property. Now, in the meantime, the Gawlik's have bought the other lot, whichever one it is, I don't know. Now they own them both and they wanted to have one parcel so their kids can have it.

Bowen                Where is access?

Rosicky        Right here on Weatherfield Road.

Amman                So they wouldn't ever be able to sell Lot 1 because there would be no access, correct?

Bowen                Weatherfield comes off of Granite Ridge.

Rosicky        There is only one lot now. It's just one lot. See originally it was Lot #1. That's why they had to combine it with the subdivision lot because there was no access when it was split. But now, because it's combined, now they have the access off of Weatherfield Road.

Bowen                What is the total acreage? Lot #1 is 5 acres but I don't see the acreage for Lot #2.

Rosicky        No, Lot #1 is the whole thing now. It's becoming Lot #1 now of a new certified survey map. We wanted to show that it was being divided exactly in half so we broke it down into square footage which was 113,477 on each parcel which is almost an impossibility to be that accurate because we're talking about a meandering stream. But for all practical purposes, we wanted to show we were splitting it exactly in half or as close to half as could be for the people.

Enright                There's some sort of tax implication?

Rosicky        I think if you have a bigger residential lot, maybe it's taxed more, I don't know. But they said this is all recreational land. I don't even think it's buildable. I think it's just too wet. I don't know. I've never been out there. They just wanted me to go through the paperwork to separate this. I was out there in 1996 but I don't remember back that far.

Enright                    So if I understand correctly what we're doing here, you're asking for these 2 lots to be combined into one lot and they're separated because the lower one was connected to Lot #9/10 and the upper one was connected to Lot #8 and those would no longer be connected.

Rosicky                  Correct. It was connected to Outlot 1 and the other one to Lot #8.

Enright                    Is Outlot 1 then a lot in and by itself?

Rosicky                  It must have been considered a non-buildable lot at the time of the subdivision because that's normally what an outlot is designated as because it's not a buildable parcel.

Enright                    They'll still own title to Outlot 1?

Rosicky                  Whoever bought Lot #1 of the original CSM sold their half to the Gawlik's so now the Gawlik's own both halves or vice-versa. One or the other of the Gawlik's only owned half the lot, now they own both.

Bowen                    Is this Pete Klismith's land? To the south?

Rosicky                  I don't know. I couldn't tell you.

Enright                    South of these lots you mean?

Bowen                    Yes.

Enright                    Just to try to orient yourself to where it is. Do you have a document to show that, to answer Bob's question?

Bowen                    It's not important. I just was curious. Possibly not, because his lines up with the west side of that subdivision and he owns from there over to Granite Ridge.

Rosicky                  Is Pete finally selling some of those lots? That's good.

Enright                    So this is not going to be a buildable lot?

Rosicky                  I'm not sure, I don't know. Maybe it is but they just wanted to separate it from the subdivision lots. It's got a creek going through it.

*A motion was made by Bob Bowen to approve the Certified Survey Map for Mark & Tina Gawlik. The motion was seconded by LaVerne Syens. Motion passed.*

Enright                    Then this will also be on the next Town Board meeting agenda.

## 7. VILLAGE POWERS FOR TOWN BOARDS.

Enright                    We had this document and also the power point presentation sheets. I think this document is easier to understand because the power point is only in phrases. It would not make Hull a village but it seemed to me the main thing with respect to this is that without getting village powers like this, this body doesn't legally exist? We're not empowered to even exist or write a comprehensive plan. So I think the first question is, did we ever get the village powers 12 or 15 years ago?

Amman                    Wasn't that what they were talking about at the last meeting? It was in the minutes how John Holdridge had asked Janet Wolle if we had done that and Janet said, "Yes, we did that back in 1967."

Syens                    I have been under the impression that we have village powers, from discussions with John (*Holdridge*).

Enright                    It would have had to take place before you were appointed Bob (*Bowen*) because you're the longest serving member on the Plan Commission. But in order to appoint you, this should have been legally done. I assume Janet's memory is correct on that. It's a continuing resolution so once it's done, it continues. To make subdivision and land division ordinances, it seems as if this was done and everything was just fine. So if that's the question, do you know why John (*Holdridge*) wanted us to talk about this? If it's been done and in place already, I guess we could know what this allows us to do. It does say in here that we would still need our subdivision, zoning ordinances or changes still need to be approved but that's the way it's been going along anyway.

Amman                    I know when we were talking about it at the last meeting you had said that you wanted more information. So that was the information we had, what we sent out, so you could look at it to see if it would answer some of your questions.

Bowen                    They refer to the town meeting in that introductory paragraph. Are they referring to the annual meeting? It doesn't appear to be the town board.

Enright                    No, I think it is that. I think it says in here that it could be done either by the annual meeting or it could be a special meeting that would be for that purpose. I think whoever shows up, a majority of the people to vote, so I guess that's the people who are in the room at that time.

Bowen                    Did the Town of Hull ever do that? Because we went ahead and established our Plan Commission and our Comprehensive Plan.

Enright                    Janet's memory is that we did this or they did it.

Bowen                    I don't ever remember anything about that.

Enright                    Maybe if we could actually find the record. It says in here that it's a good idea to keep the record of this so that if the issue ever comes up.....

Bowen                    Well, we're not going to take any action on this. I would suggest that we go back and find the document that contains the move to do this, which would be an annual or special meeting somewhere.

Enright                    I suppose you could narrow it down by time. Because when the Plan Commission was formed, it was probably within a couple of years before that time. I think you've been on it for over 13 years. It's been a long time.

Amman                    It started after John came.

Enright                    Maybe it's only like 8 or 9 years.

Amman                    In the minutes, it says Janet said we adopted it in 1967, village powers. Maybe Janet could shed some light on that too.

Enright                    Maybe this title here of village powers might have been interpreted to mean we could have village powers in a broader sense than this document gives. For example we could resist annexation of our land. Maybe that was what John wanted us to do, to read this to make sure that wasn't going on. But as I read this, that doesn't give us any of those powers because it can't contradict any of the State Statutes.

Stemen                    Wasn't Chuck Lucht talking about that at the last meeting before he left? He was going to look into that but the ball got dropped then. We would definitely have more power if we were a village.

Enright                    Right. This is not the way we would do it though, as I read it. This wouldn't give us that. We'd have to, I think, incorporate as a village. So this document doesn't really answer that question right? Because we really want to know what was required in order for us to incorporate as a village so that we would have more control over land use and other things and then we would be more independent.

Amman                    Didn't they say, as part of the discussion, that you couldn't be a village or couldn't incorporate into a village unless you had a business district?

Syens                    That's correct.

Amman                    We don't have a business district.

Syens                    That's correct. I looked into it. You have to have a business district and there are some other things that are related in Chapter 61 I think, but I'm not sure on the statutes. But the big thing is the business district. Can you consider, on Hwy. 66, we've got an electrician there and somebody else, is that a business district? I think that's probably stretching it.

Enright                    Was there in the documents you read a definition of a business district?  
You probably have to have more than one.

Syens                    It's more than just a business district. There are more things involved. Something  
to do with water supply and sewage disposal and so on.

Stemen                    Mr. Bowen has an international business.

Amman                    I thought it had something to do also with commercial land where somebody  
could come in and build a new business. I don't know if we have that. Janet was explaining it.

Syens                    Reading it gives you a headache.

Stemen                    That's kind of what Chuck alluded to.

Syens                    It's been awhile since I read it.

Enright                    Could the Town take a plot of land, I'm not saying this is a good idea, then  
designate it as a commercial area? Even if there are no businesses in it and then that would be  
the business area.

Amman                    So we'd have to buy the land?

Enright                    Yes, right.

Amman                    Because we don't own any land ourselves.

Syens                    We do, we own land.

Amman                    I mean other than the land that these buildings are on (*municipal buildings*).

Syens                    We own the land that the Copp's company is on. There's a Copp's building on  
our land and the old Spectra Print building, we own that. Rasmussen is on that now. We own  
that property.

Amman                    That's commercial?

Syens                    Yes.

Wilz                    We own the land, they own the building then they lease the land from us. That's  
within the confines of Stevens Point. We're surrounded by Stevens Point.

Enright                    But it's Hull land?

Wilz                    We own the land. In fact they have water and sewer through Stevens Point.

Enright                    So Hull owns the land but it's in the City?

Syens                    Yes.

Enright                    Okay. But that's not what we mean though, right?

Wilz                    He was giving an example of what we currently have. I know what you're asking, Bob, and I think I know where you're heading with this and I think the answer is I don't know if you can own something and call it something if it gives you something else. That I don't know.

Enright                    But I wasn't really thinking about owning land. I mean the City doesn't own land that's commercial. They don't own Main Street but that would be the business district. The land use and the zoning is commercial. So if you said Spectra Print was in the Town of Hull, what would stop you from identifying that as the business district and therefore we've met that criteria for incorporation?

Syens                    And that's a big business district. The Copp's company, the dollars that flow through there are in the millions.

Wilz                    I don't think that would work for what you're saying, Bob. We just happen to be the landowners. It's in Stevens Point, they pay taxes to Stevens Point (*for the building*), they get their water and their sewer, their infrastructure needs met through Stevens Point. We just own the land, we're property owners.

Enright                    Then it's leased out to them?

Syens                    Yes.

Wilz                    Just the land, not the buildings.

Stemen                    It's a 99 year lease because we were paying for it. We built a building on that land. Valley Truck Leasing did. Actually in between Copp's, we built 2 buildings there and both of them were on the Copp's land so Copp's had the 99 year lease and we paid Copp's for our portion of the land that we got from them.

Enright                    What else do you remember, LaVerne, about that? You need a business district and there's probably a cost for the additional services you would need to provide. So this is really beyond our reach right?

Syens                    Yes, it's way beyond our reach. If you look at page 5 of that fact sheet you have, #10 is the one that lays out what village powers does for us. John went through a detailed explanation of that with me one day. It expands our powers beyond that of a town but it doesn't give us power of a city.

Enright                    So the only conclusion I can draw from this is that how it mostly relates to anything we're doing here in that it enables us to have these comprehensive planning exercises and the Plan Commission. But it doesn't step a whole lot beyond that. That seems to be the main message from this document as far as I can tell. That would be the summary of it. But it doesn't really inform us about any other things about being a village. Because "village powers" doesn't mean incorporating as a village. That's how I interpret it. Any other discussion on that?

## **8. REVIEW OF PORTAGE COUNTY PLANNING & ZONING ORDINANCES.**

Amman                    You've got binders here that I've given you. If you remember, it might be a couple of years back, we were talking about the Town doing its own set of ordinances and we started looking through some things. Then we hit other things we had to deal with and this got dropped for the time being. I went on-line to Portage County and copied what they have as their most current Portage County Zoning Ordinances and also their Subdivision Ordinance. Those are probably the two we would be most likely interested in looking at for consideration, as John was talking about, if we wanted to bail out of county ordinances and do our own. He said just give everybody a copy of this, put it in a binder, so we can start going through it and looking at it and seeing what the feasibility of it is. So that's the starting point. That's what you have. You have it in two sections in your binder with a divider there. The first is the Portage County Zoning Ordinances which is their Section 7. It has definitions and various other things in it. Then you've got a divider in there and it goes on to the Subdivision Ordinance which is a little bit smaller section. You could maybe do one and not the other, that I'm not sure about.

Enright                    You mean the Subdivision as opposed to Zoning?

Amman                    Yes, if you just wanted to do one or the other, that might be a possibility. Part of this came up, too, when they were talking about that legislation where towns could potentially withdraw from county zoning. That topic has come up again and again because John's not always real happy with how the county is doing things, is there some other way we could go about that.

A couple of years ago we had started to look at this and go through it, then other more pressing things came up like the Comprehensive Plan having to be reviewed and other things so this got put by the wayside. This is the most current one I copied off of the County's website.

My guess is in January we'll start going through this. If you want to start looking through it, feel free to do so. If you want to highlight some things or have questions, at least you have the binder to start looking through it.

Enright                    Can you refresh our memory, or maybe some of you remember the context in which that came up where we talked last time about how some other towns were going to try to opt out of county zoning.

Amman                    There was that legislation that had come up about possibly allowing towns to opt out of county zoning.

Bowen Mike Pagel had sent a statement because the town he's chairman of is planning to do that.

Enright So that, according to this document we just discussed, might require a change in the State Statutes because the statement about still needing to obtain county board approval for zoning changes has a footnote to the State Statutes. So I guess it would take a change in State law to enable us or any town to do that.

Amman Yes, I thought that was one of the bills that was out there.

Enright That was the bill, to change that.

Amman Yes. It's floating around but it isn't a bill yet. It's a proposed legislation.

Wilz If I could add something; there are 17 towns in Portage County. We're all under Portage County (*zoning*) except two right now. They had the ability to opt out years ago. I'm trying to remember which two. John always talks about it.

Amman Yes, there's one that doesn't have any zoning and one that has their own.

Wilz Exactly. They didn't want to have anything to do with the County's.

Enright How did they get it? Do you know?

Wilz I don't know, but my point is this, being able to not have to report to Portage County zoning is something we could probably do right now regardless of State Statutes because there are two towns in Portage County that fall under that already.

Amman Although they're a lot more rural aren't they? They're further out so that kind of makes a difference.

Wilz I think the requirement is, you don't have to have it but then you've got to provide the services to your citizens. I think that's the concept. Maybe you might be right. They're so rural that there might be only 30 citizens so it's not a big deal to provide for them.

Enright What kind of services? Do you mean like sheriff services?

Wilz No, planning and zoning.

Enright So you'd have to know how to write legal zoning and ordinance stuff.

Wilz I don't know what they've done or exactly how it works but John has mentioned so many times in his discussions that all the towns in Portage County are under county zoning except these two.



Enright                    Okay. I'd be interested to know how they did it.

Syens                    I don't know if he ever mentions the two that are not part of it.

Stemen                    We also talked about the cost of doing that.

Amman                    And it was a staffing thing. Would we go back out and hire someone like Chuck Lucht to work for us?

Bowen                    I think we dismissed the idea because of the new responsibilities we would have to assume which would cost us in some cases, and the additional work load.

Enright                    Do you think the County wouldn't let us do it?

Wilz                    I think it's more of a philosophical approach that John and ..... there comes a time now and then when you better look at what you've been doing instead of just keep doing it. It's time for review. I would tell you this, that in some areas, he doesn't feel like Portage County does the best job they could because they don't get us the effect we're looking for. They just say, "No, you're fine." We don't want that. A prime example; the Maple Bluff issue. There's nothing currently in any of the ordinances that you look at that says that the person out there is doing anything wrong. He's well within his rights. Yet when you drive by, you go, "What's wrong with this ordinance that says this is okay?" So there's the disconnect. Now we ask them to do something and they said, "No." Now we have to. Now we're paying Konkol. We had to write the nuisance ordinance because Portage County didn't even have one and still doesn't have one. They don't have the tools we sometimes need, then what good are they.

Enright                    Like in that instance, when the County didn't stick up for the Town in the land-use change with the gas stations.

Wilz                    Yes.

Enright                    Not that we would have been able to do it any better.

Wilz                    They weren't very vocal.

Enright                    That's right.

Wilz                    There was nothing they could do because the City trumps the County but they didn't dig their heels in and shoot a warning – be careful of what you're doing. Except for Ray Schmidt who put it out there and said to that geologist that was there for the City, "Water doesn't move the way you think." But you're right, they will not defend us in a way we would appreciate. So it's gotten John's ire up a little and maybe rightfully so. There are some philosophical disconnects there between the County philosophy and how they should support towns and villages versus what towns and village feel they should be getting.

Amman           Wasn't there something that if the County doesn't address a certain thing by an ordinance that the town can make something more restrictive? Does that sound right, hypothetically?

Wilz            Yes, that's the last thing. Maybe in John's mind to have the Plan Commission review this, I'm going back to Maple Bluff as an example. He was doing nothing wrong according to the current ordinances which tell you the current ordinances probably need to be changed. Because if that was okay, they don't work. In fact, the County Executive and Phil Idsvoog, County Supervisor, suggested strongly to the Portage County Planning Commission that they consider writing stronger ordinances and place it into the code that could be elected and used by townships if they wanted to. Kind of like a different tool in the toolbox approach. They took the approach of, "No, one size fits all, there's nothing unique about any township." And they voted down to take that initiative to come up with a separate specialized tool for various problems. It got voted down 6 to 1. If it wasn't for Stan Potocki, he said, "That's a pretty good idea. Let's give the tools to the town and they can use them if they want."

Enright           As I understood, though, the town could adopt, like say, a zoning category that doesn't already exist in the county. So we could make (*land use/zone*) R- X or something like that and say you could only have....

Wilz            That's what you would name this potential new tool.

Enright           Yes but we could do it even if they didn't make that kind of set of tools, we could make up our own.

Wilz            Philosophically John is saying, "They've got all the pro's there, they've got huge staff's and salaries; would you please provide for us the tools that we need." That became the rub and I was in agreement with him.

Syens            Yes, enforcement of the ordinance or whatever becomes a part of the town rather than the county. They have all the tools to enforce that zoning ordinance. We'd have to hire it to be done.

Enright           So if we made up our own, we'd have to take care of it. Whereas if they have the tool kit and we adopt it, then they would enforce it for us.

Syens            Sure, they would have to enforce it because it's a county ordinance.

Wilz            It was more, "Can you provide us with the tools. You guys are full-time planners. It's what you do for a living."

Enright           But it was at the Planning Commission that turned it down, maybe on recommendation of the staff?

Syens            Planning and Zoning.

Wilz                    That's where John has the rub, because Schuler, the new head of Planning and Zoning, he let that Plan Commission decide what to do with it. Hey, he's the head of Planning and Zoning. He should be saying, "This is what you can decide." He should give strong opinions on what he believes. He just sets back and goes, "Hey, you guys do whatever you want. We listen to you." Yes, we do listen to the Plan Commission, but at some point, they are only advisory and we don't have to follow your lead if we can make other sense of it. So he wouldn't take a strong, leadership position in making ordinances and planning and zoning documents broader and more flexible and better. That upset me and I told John and he agreed with me. It's kind of like with them right now, everybody falls under this planning and zoning and this is all we've got. So they kind of take the hammer approach that if the only thing you've got in your tool box is a hammer, every problem is a nail. We have 17 different towns and we've got to have some flexibility.

Enright                    That would mean, that kind of zoning approach to solving the Maple Bluff issue is not viable anymore because the Plan Commission of the County doesn't really want to give us those tools.

Wilz                    They could bring it back and John has asked them to consider bringing it back, the debate on that whole conversation. We need to have Schuler and some of those planners take a leadership role and convince that Plan Commission why that might be a good idea to do. But they won't give an opinion. John will always give you his opinion. Then he'll ask for yours. I guess that's what's the key. That's the rub on that one. But with that being said, in a lot of ways, the Planning and Zoning does a whole lot of good work for us every single day. Bob makes a good point, if we opt out and somehow have to provide that service or parts of that service to our citizens, I don't think they're going to take away that part of our Portage County tax because that's a decision we made.

Amman                    That was one of the things Shelley Binder had brought up, that she said, what about, is there a fiscal incentive if you opt of this? Do you somehow get some financial help to be able to do this on your own? It talked about it in that proposed legislation but then it said it was an addendum or an attachment and we didn't have a copy of that so we didn't know what that was.

Wilz                    It's kind of like the citizens of Stevens Point. They pay the same Portage County tax that we all do. They're paying for the sheriff's department, they also pay for their own police. That's how it goes sometimes.

Enright                    The other question is why did some towns want this freedom from county planning and zoning? Was that in any way connected to the fact that they just didn't want to have planning at all?

Wilz                    I don't know Bob, I don't know the history.

Enright                    That was one of the concerns I had. If that were passed like that and towns could do that, that there could be a lot of chaos in land use and even if you didn't live in that town, it could still make lots of problems here and a lot of inconsistencies with land use. I

was wondering why anyone would want to throw that kind of monkey wrench into a planning process. So was it just a way to undermine planning in general because of that?

Wilz                That I don't know.

Enright            I think even if it wasn't intended, it could have that consequence anyway.

Wilz                We get a lot of consistency having one governing planning and zoning. I don't think any of us have an issue with what they do provide, it's just, would you be a little more open and give us more flexible tools for unique situations. That's the only concern.

Enright            I don't think we'll take any action of this. It wasn't an action item. But if the minutes would then inform the other members of the Plan Commission so if John wants to put this back on an agenda for a future meeting, we would not have to start from the first step.

Amman            Thinking back when we were working on this before about a year or so ago when working on it with Chuck Lucht, he was saying, go through it section by section and as you come to a section where you want something different, that might be the section you want to make more tight, more something to suit your town, then that becomes something more restrictive than what the County has. Those are some of the things he was saying you could look at. That might be something John is thinking of too.

Enright            Look at it before next time and see if we want to make any changes. Presumably the County might then make amendments to this?

Amman            Well, yes, either that or I don't know if the town can have its own sub-ordinance that's more restrictive than what the County's is. So that when you get to that particular portion, if we have, like Dave says, maybe a little tighter tool that meets our particular needs without it having to affect all the other towns out there.

Enright            So kind of like that tool box kit idea. Say go and put one of these in there and maybe they would do it piece meal rather than them creating it out of what we don't know.....

Wilz                Or step back one step from that and say, if you look through those various ordinances, do these meet our needs, or could they be enhanced because of our particular needs? Maybe identify those as not meeting the needs.

Amman            Yes, a couple of different ways maybe it could be done. So that's where that starts and John may have other ideas about this that he can address when he is here to talk about it but we wanted to at least get it into your hands so that if we start working on it again, you've got the most current version to look at and work with.

Enright            Any further discussion on that? So the other members of the Plan Commission will get copies of this?

Amman Yes, Jocelyn and Shelley will get a binder either by the next meeting or someplace in between.

Bowen Are you going to review this? What was your action on this?

Amman We didn't have to take any action.

Enright Just that it would be distributed and we would have this available and if John puts it on a future Plan Commission meeting agenda, that we would review it for thinking about any changes we would like the County to make that would suit our needs.

Amman Or it's possible, John might get a hold of you between now and the January meeting. He might say, "Okay, you've got your binders, can you please review or start reading a certain section because we're going to talk about it at the meeting." So at least you'll have it in your hand to start looking at. We'll see what he says.

Enright So presumably just that we might suggest some things that might work for us in solving some of the issues we've had.

Amman Yes, if there's some holes in there where it's not addressing our needs, there might be things we could do to tighten it up or offer suggestions to Portage County. Maybe a couple of different ways we could go about it.

**9. DATE OF NEXT MEETING:** *The next Plan Commission meeting will be held on Tuesday, January, 28, 2014.*

Amman We not planning on having a meeting in December unless something awfully critical would come up. So the next meeting we would have would fall on the 4<sup>th</sup> Tuesday in January which would be January 28<sup>th</sup>. Barring unforeseen blizzards and who knows what else.

**10. ADJOURNMENT:**

Bowen I commend the Chair on a good job.

*Motion made by Al Stemen to adjourn meeting, seconded by LaVerne Syens. Motion carried by voice vote. Meeting closed at 6:45 p.m.*

Respectfully submitted,

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