



TOWN OF HULL
PLAN COMMISSION
MEETING

September 27, 2011

- 1. CALL THE MEETING TO ORDER:** The Town of Hull Plan Commission Meeting was called to order on Tuesday, September 27, 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, Bob Enright, Al Stemen, Jocelyn Reid and Secretary Patty Amman.

Also present: Chuck Lucht, Associate Planner of Portage County Planning and Zoning

- 2. APPROVAL OF MINUTES of July 26, 2011 meeting:** *Motion to approve the minutes of the meeting of July 26, 2011 by LaVerne Syens, second by Al Stemen. Motion passed.*

- 3. ANNOUNCEMENTS; Chairperson and Plan Commission Members.**

John Holdridge gave an update on some work on a proposed draft ordinance within the Public Safety Task Force and some of the interest and comments it has been generating.

Holdridge We are working hard on the 2012 budget. We're going to put together a 3 year budget based on the out years and some assumptions. We know pretty much what our state road aid is going to be and what our state shared revenue is going to be. We know this year we can't raise the levy. So a lot of things are just set. I think if we go out 3 years, we'll have a pretty good handle on what we can do in terms of buying or replacing dump trucks, we have to replace those occasionally. We have to plow the roads and any modification of buildings, plug that all in to the 2 year projection. I think we may have the skills to run that out on a spreadsheet. I think our new treasurer, Jim Kruzicki can do that. He's retired from teaching accounting and business at Mid-State. We're about a month ahead of where we usually are in putting together the budget.

Syens I think on the budget the key words are spending controls. Our revenue is fixed. So we have to watch expenditures.

Enright How much was the Town cut in shared revenue?

Holdridge In shared revenue we got cut about \$50,000. We get shared revenue and we get so much per mile for roads, I think it's 2117 per mile and we have 80 miles of road. But that's set for the next 2 years by the governor. The other thing they set was no tax increase. So it's pretty well laid out.

Enright

What is the Town not going to be able to do? \$50,000 is a lot of money.

Holdridge It is, yes. People had thought we were going to build a fire station and all the rest. We had people standing up about how we need a new building and all that, nobody disputes that. We have some real needs but we're not going to have the money. We're not alone. We anticipated it early on and put aside the money for capital improvements and just held it so I think we'll be pretty solid as we go forward.

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

None.

5. THE I-39 AND HWY. X PROPOSAL TO ESTABLISH SOUTH ON/OFF RAMPS TO AND FROM I-39 TO HWY. X – STATUS REPORT.

Holdridge Bob, why don't you talk on this, you had a big week on this, 2 weeks.

Bowen We're trying to bring it to an end and get a decision on it. We're about at that point. This last week we met with the business council, on Wednesday, and got a very strong endorsement from them with a letter signed by the chairman of the board of directors. Of course the board of directors includes a lot of people from Stevens Point that have a lot of influence. So that was a very strong endorsement from them. The mayor was the only one of 31 members that had anything to say by way of objection. He thought that if they support the County Trunk X ramps that the DOT would remember that and not help get the Burbank interchange put in on Hwy. 10 East, which will probably be 15-20 years from now. It was voted 30 to 1, he was the only one that opposed it. That was an interesting part of that meeting. John gave an excellent overview of what was going on. They have the information from the legislative committee which Louis Molepske and Julie Lassa attended and made some very strong supporting statements. So we have a lot of legislative support. All 3 of our representatives have written very strong letters stating that this needs to be dealt with and it's not a superfluous issue and it shouldn't be overlooked. We've gotten some more letters of support. I spoke with County Materials today. I talked to Bob Wells over there and he said, "You bet we'll give a letter of support for that" because they are the #1 permit requester at the Town of Hull. You know that takes a lot of time for Barb Brilowski. She shared how much time it takes to deal with those things. She just gets started on something and then the telephone rings and someone needs a permit. She said today she just doesn't have the heart to tell some of these truckers to go all the way up to DB when they want to go through Hull to deliver a load of something, so she's been very lenient on that and I can understand. These guys are struggling as it is and if they have to drive 20 miles out of their way, it just doesn't pay to do the job.

Holdridge Hulls interest in this goes back quite a while. The fight was where that Hwy. was going to go across to Marshfield and we of course wanted it to go north up in Dewey. We lost that issue. Sort of as a prize, the DOT supported the Casimir interchange. Once they made the decision to close those ramps at X, then the DOT got real heavy handed and said they'd turn North Second into County Trunk X and if we don't do that, they won't build the Casimir

interchange. We had a big meeting up at SPASH and decided to sue the DOT. Lassa and a couple of others, myself and Maurice King from Dewey met down at the governor's office and showed them a number of scenarios. O'Brien had written this letter to the Secretary of Transportation telling him we were considering a lawsuit on this, putting him on notice. I got a call while in Madison saying the governor's office wants to talk to you. I talked to Pat Henderson and he said, "I just want to let you know that tomorrow, the governor is going to announce that he is going to direct the Secretary of Transportation to build the Casimir interchange." So I said, "Are there any strings attached?" in other words, would we have to turn over North Second Drive, and he said there were no strings attached. So we got a real wacky situation with a few roads on an interstate system. When you get off it, you're on a Town road and we posted it a class B road. The reason North Second is posted a class B road is because we have 12 bus stops on there with all kinds of development along there. We kept the big trucks off of there or regulated so that meant they couldn't come down the Casimir interchange. They guy I always felt the saddest for was Jim Grezenski because he's the guy that has a development there and wants to expand. Jim told me back in 2003 that he doesn't want to travel North Second because he can't stop these big lumber trucks. So we're in a situation where we want to protect the neighborhood, which is what we've always been about here, and the neighborhood is North Second so we want to eliminate trucks on there. That means some of those truckers up north of us have to go north to DB in order to go south because Hwy. X is closed. Our fight is trying to get Hwy. X open with north and south lanes there. When Governor Walker was campaigning, Bob approached him on that and I think that's where it started, he said, yes, I think I'll look at that. We've had some contacts within the governor's office encouraging us and with Bob Bowen's effort, we're getting to the point where the rubber is going to hit the road.

Bowen All of you should have received these progress reports except Al, those of you with computers (*e-mail*) so you know as much as we do, if you've been reading them. There's one on your computer right now from today or yesterday that was just sent out. I hadn't embraced the Portage County Business Council enough for John's satisfaction so I had to change that a little bit and say it was a very strong support because it was, when you think of the people that are on that legislative committee and then the ones on the Portage County Business Council board of directors. That is really representing power structure in this County. They didn't even have a question. They could see it was so obvious, so common sense and so logical that it's simple, support it.

Holdridge There's a story about that too. They have a small legislative committee. Jim Henderson who lives in Hull, chairs and he's with Ellis Stone, and they support it. So the next step was to get the board of directors to support it. I called the executive director and asked, "When is the board of directors meeting?" She gave me the dates but said I can't go to those meetings, those are closed meetings. I said I can understand the executive committee but I can't understand the board of directors meeting because we are probably the only Town in Portage County that is a member of the Portage County Business Council. We have been for years. I said I don't understand this. We're stake holders in what you're operating. I came in late the next morning and had a note on my desk to call Jeff Peterson with Clifton Gunderson, he's the president of the Portage County Business Council. So I called him and he said, "John, you can come to that, she's got that all wrong." So I called Bob and we went in there and Jeff put us right after the minutes. We presented, the mayor made his statement, Dan Mahoney made a great

statement. He trumped the mayor. So they took a vote and this is a big group and they voted and the only dissenter was Halvorson. I got a copy of a letter that Dave sent to the governor. It's one step at a time. We're in the process of putting a booklet together.

Bowen Casey said there's 3 ways to get proposals to the governor's office; that's to mail it, to drop it off and to have a meeting. So of course we said we're interested in a meeting whether it's in Madison or in Portage County because if they came to Portage County, we could go up there and show him the situation and maybe go up and talk with Jim Grezenski. But if you read today's report, that will bring you up to date. There's no guarantees, that's what it says in there. We could be very well prepared and do everything that Madeleine Henry has suggested in preparing the document and they could still say forget it.

If we were asking for a multi-million dollar investment, it would be a different thing. But we're talking about only a half million dollars to do this little thing that you see on the map up there, those yellow stripes. Again, the contractor said that's a piece of cake, he could do that in 2 days with a crew on the west side and a crew on the east side and it's done.

Holdridge We'll keep you informed on this.

A motion was made to approve the report on the Hwy. X project, motion made by Bob Enright and seconded by LaVerne Syens. Motion passed.

6. PETITION (DATED 9-19-11) BY KLISMITH/CALLAN PROPERTY OWNERS TO ANNEX THEIR PROPERTY AT I-39 / CASIMIR ROAD TO STEVENS POINT.

Holdridge You got a copy of a memo I sent to the Plan Commission and to the Common Council together with the actual letter from Shane VanderWaal who has been retained by Pete Klismith. That went to the Common Council members and to the Plan Commission. The last sheet is the membership. The big one is really the city plan commission. You have a couple of people on there, Anna Haines for example is the land use person with the College of Natural Resources. Maurice Rice is an attorney with the O'Brien firm and he's retired. Tony Patton is on the county board. But what I think they have to do is like we did, we voted and then the recommendation goes to the elected body which in this case, is the common council and they have to affirm it or whatever. That's what we did when we took a position against Klismith on that interchange and he came to us. It takes a 2/3rds vote of the common council to make a change. Then the actual petition is there. When Pete first submitted it, he had written it up and it was all hand written by him. He may have talked to a lawyer but a lawyer wasn't involved. His wife had to sign it and it had to have a legal description so the City sent it back saying you have to get these things right. Then that's when the attorney was involved, this Shane VanderWaal who was actually at our meeting when we had the public hearing out at SPASH in the west commons, the Plan Commission. The most important part here is where Bob Konkol wrote the 3 or 4 pages on what the process is. It's probably as much a political process as it is a legal process.

Bob Konkol went through this and outlined what the process was. One of the things that struck me, on the 2nd paragraph on the 2nd page, Konkol says, "You next ask if there is a required process for the City to act in reviewing such petition. The City Community Development Director indicated that the matter is first referred to the City Planning Commission. This is

consistent with the statute which indicated that it is the function and duty of the plan commission to make and adopt a master plan for the physical development of the City, including any areas outside its boundaries that in the commission's judgment bear relation to the development of the City. The statute further indicated that the commission may, from time to time, amend, extend or add to the master plan. Therefore, the Town should request a copy of the City's master plan as it relates to the proposed area to be annexed." What Bob is saying is we all had to do those comprehensive plans. Portage County under Chuck Kell was one of the first to get involved in it. We started it with the smart growth plan. Ours was finally adopted in 2006. A number of you were involved in that. That was a real process. As part of that, the City had to do that too. Every municipality had to do it. What Bob is saying is if they were going to annex an area, it seems that they would need to have it in their development plan that that would be the area they would want to go. I talked with Chuck earlier. Chuck, did you have any luck in finding the master plan?

Lucht We've looked at the sewer service boundary and no sewer service extends north anywhere near close to that. We looked at the extra-territorial boundaries and while it falls within the extra-territorial boundaries, there was no indication they had designs on that area as far as what it should be zoned or as far as providing a land use. In fact when you look at the extra-territorial land use that they do apply a land use to, the map doesn't even go that far north. So there's nothing in the Stevens Point comprehensive plan that says they're interested in expanding in that direction.

Holdridge That may really have a big impact on this. I think it comes down to a comprehensive plan which is mandated by the state that you had to have one by a certain date, and the annexation statute.

Let's look at the annexation statute. In 2010, I can remember this because we were involved in it, there were people over there who were concerned about this intersection. That the City would try to annex it. A number of people up in that area wrote to Lassa and their representatives and what came out of that was an amendment in 2010. What that said was that you had to have a contiguous annexation. That's in the law. The last time we had an executive session meeting, Bob Konkol said that. The problem with that is that another part of that says that the town doesn't have standing. In other words we can't sue the City even though the law says you can't do it. So the question comes up, who can sue the City. Bob Konkol has commented on some of it. There has been some non-registered opinions on that, but it's really up in the air, I think, at this point. I know when they passed that amendment to that statute in 2010, they did not want these annexations going along roads to getting way up and that's precisely what they (*Klismith*) are talking about (*doing*). They (*Klismith*) are going to use I-39 from about North Second to reach that intersection up there (*by Casimir*). Read this over. I'd be interested in your opinions on it. From a legal standpoint, that's where we are at.

Stemen Legally, can they annex the Highway to any of that?

Bowen That was my first questions. How can a city annex a state property?

Holdridge It's a federal highway.

Bowen But it's a state property that it's built on.

Holdridge Well there's a lot of interesting questions here.

Syens That's a good question, Bob. Probably the only one that could oppose that is the federal or the state. If they would have an interest in opposing.

Bowen I can't imagine....if they annex something, they've got to maintain it, they have to provide services to it.

Reid Wouldn't they have to run sewer lines along the interstate?

Bowen That would all be part of it.

Holdridge They could never....it would be so expensive.

Stemen That wouldn't necessarily mean they'd get city services just because of the annexation. My neighbor has got 10 acres or so in there and he has nothing but city taxes.

Holdridge My neighbor right across from where I live, in the city, they don't get anything except (*city*) garbage pickup and (*city*) taxes.

Syens Chuck, did you read statute 62.2.3?

Lucht No, I didn't.

Holdridge I think this is really well written. He answered all my questions. As you read it, you'll be interested in it I'm sure. So there is a question, can a citizen initiate a suit. You can't have a law with nobody being able to challenge it.

Bowen What it sounded like was adjacent property owners that would be harmed by this in some way could contest it. That's what I got out of it.

Syens It claims you could but you've got to be able to prove there's some kind of loss involved.

Binder But I thought the rulings were that they can't and he thinks the only way you can attack it is constitutionally. That the law is unconstitutional. That these 2 unpublished rulings that citizens have that the lower courts said you have no standing in it. That was my take on it.

Holdridge I don't know when the dates of those were.

Binder One is 2011 and the other 2007. Village of Richfield.

Syens In that Village of Richfield case, the court indicated that in order to have a standing to sue, the party must have a personal stake in the outcome and must be directly

affected by the issue of controversy. So apparently the group that brought this action did not have that standing. But someone who would be affected directly would have standing. You can change that to “could” have standing.

Stemen Those other landowners that are involved, did they get any notification that this is happening?

Bowen John sent it to the citizens residing in that area.

Stemen I see Ralph Shuda’s name in here.

Holdridge I got letters, phone calls and e-mails from probably 15 people up there in that area all opposed to this.

Stemen I saw Ralph this morning and he said, “What’s happening? I don’t get anything from the Town of Hull and I don’t know what’s going on. What’s happening?” And he’s a landowner.

Bowen According to this, it says citizens residing in the area. That’s who he sent it to.

Holdridge I didn’t send it to everybody. We have mailing costs here. The people who were....

Binder Directly affected.

Holdridge No. It was the people who send me a letter, called or e-mailed saying they were opposed to it. I’m looking for an interest group who will fight this.

Stemen He’s opposed to it for sure.

Holdridge He’s opposed to it?

Stemen Absolutely.

Holdridge Okay. We could send him something.

Stemen He doesn’t have a mailbox though. He has a post office box. You have to call and get it.

Holdridge Does he have a phone?

Stemen He’s got a phone, yes.

Bowen He doesn’t answer it though. I know it, it’s in the book.

Holdridge This is a political issue and the political issue may be far more important than the legal issue to get a resolution. When you look at the membership of the City plan commission, one of the guys I'm going to talk with is Mike (*last name?*) because Mike opposes any development and I'm going to say, "You need to talk to Anna Haines because she was out at one of our meetings." You've got to work on these people and say this is not logical. The City has no planning to go up there and then the fallback is probably the legal issues if we get that far.

Binder John, on this annexation, when it ends up going to the common council, if the planning commission sends it up to them, isn't the City required to send the adjoining landowners notification of the request for annexation? That's what's happened in the past in my area. So people up in that area, the ones that live right around there, they should be getting notified when it goes to the Common Council.

Holdridge I don't know.

Binder I was just wondering if that has changed in the last few years.

Holdridge When we send out notices, we send it to everyone and their brother.

Binder They only have to do it to the ones that are adjoining.

Holdridge Usually they do the minimum.

Binder Yes. And they do it maybe the day before or the day of. You don't know when it's going to the plan commission yet. They've filed the proper paperwork as far as you know, right?

Holdridge Yes, they filed the...I got a copy of the letter that they have to notify Madison to let the administration know about this too. They're going through the right steps. They have a lawyer at probably about \$150/hour or so to do this. The church I think is a player in this. I can't believe that St. Casimir church wants to see a big development there and who knows what the development might be. Obviously what Pete Klismith is doing, he couldn't win at our level so he goes to annex. He called up Pete Kaminski and asked if we can close off Infinity Lane (*end of tape side*)...I said no, if he wants to do that, he needs to send a letter on that. He hasn't sold the lots, he sold one maybe, and so he's looking for the best use of the land from his perspective. He hasn't been able to get it through at the Town level so he's just ratcheting it up to the Stevens Point level.

Enright So does the mayor know about this?

Holdridge Oh yes.

Enright Have you gotten any indication of where he is on it?

Holdridge We sent letters to the plan commission and common council. I sent that letter to those active citizens and I indicated that the plan commission and common council are public

bodies and they're subject to phone calls and all that. My thought is to get a hold of Dave Pederson and make an appointment with the mayor and we'll go in and see him.

Enright The indication is that he's not in favor of this. It seems to me in this case there's a lot of reasons why the City should not be interested in doing this. But there are many other areas where the City would. We're really vulnerable on it because we have no defense against defending our borders or boundaries at all.

Holdridge This is 2 families that want to annex. If they were to go into a subdivision, for example, and say they wanted that, I think you would need a majority of all the land owners. There's some real restrictions there. When I talked to Chuck today about where the City would want to expand, when we went through these plans, one of the goals was to have all this interaction with your neighbor, whether it was Dewey or Stevens Point, once you got the plan developed. I don't know if any of that has happened. We have never been approached by the City plan commission and we haven't approached them. One of the areas they were looking at was out at Old Hwy. 18, particularly by the railroad tracks there, as an expansion area. They have a subdivision right behind the old Walmart. Hunter Oaks subdivision. That was the expansion area they were talking about because that one family in there, he annexed the land to Stevens Point then Stevens Point put a subdivision. That's where Rutter, the police chief lives.

Enright John Gardner may have been the one that showed us on the Stevens Point map the areas of Stevens Point expansion and one of them was up Brilowski Road, so that's a possibility. The one that is on the list is the one right next to the US Bank. That lot has been for sale for over a year now. It's pretty predictable what's going to happen there. As soon as there is a buyer for that lot, they're going to petition to annex to the City and they're going to get it. In this case what we're discussing here, as I said, there's people against it, it's so far away, it's such a stretch, annexing an interstate freeway and things of that type. But in the case of this property on Hwy. 10 East, it is adjacent, contiguous to the City and we know that the owner wants to do this.

Holdridge The realtor had a sign up saying commercial.

Enright Right, and you called and told him to take it down. In a sense, it almost doesn't matter. The problem from the owner's viewpoint that it doesn't say commercial is that it's not even requiring a potential buyer to read between the lines, whereas you have to use a little bit of imagination to figure this out (*the I-39 property*). I think that's what's going to happen. We spent a fair amount of time talking about a special land use designation for that area. I think we are vulnerable on that because the plan that the City brought to the plan commission showed what they were going to do with that land (*Hwy. 10 east*) which was going to enable them to build a 4 story hotel within 6 or 10 feet of the back yard of the people that live on Algoma Street. Remember that John?

Holdridge I don't remember all those details. Gardner didn't support a development there although I think you're right. It's right next to a shopping center there. It's certainly potentially a commercial site. Nobody's going to buy it to build a house there.

Enright No. But we talked about a special land use plan that would have a possible mixture of the uses or a low intensity use for the property.

Holdridge I don't know how to get it to these areas. We can talk about this stuff but to get the door open with them down there, some sort of joint plan, that's fine with me. But they've not approached us. They're the larger government, they're the encroachers. We're not going to be annexing land from Stevens Point. So logically, when we went through that comprehensive plan, we had to send copies of our plan to all the governments around here. They were going to look and it and we were going to talk about joint planning. That has never happened. Once Kell left, I think a lot of the wind went out of that whole comprehensive plan effort. It's still on there and I assume most of the 17 towns and villages all have comprehensive plans.

Lucht Everybody. Every municipality and government has one.

Holdridge I don't know how a special district would be constructed.

Enright That's what we were attempting to do for awhile. We needed help from the planners because we really didn't know how to do it. It was something on the order of low intensity commercial like a dentist office or a small store.

Holdridge A gradual kind of thing.

Enright That's right. Because the way it could be done is it could be a very high intensity use as it is right now. I'm pretty confident that that is exactly what they're going to want to do. It could be something like a hotel.

Holdridge How do we plan for that Chuck?

Lucht In reference to the one close to the shopping center (*on Hwy. 10*)?

Holdridge It's the old building there at Hwy. 10 East (*5707 Hwy. 10*). I think Ward Wolff has it. Ward stuck up a commercial sign and Bob goes by there every day and I remember I called Ward and nothing happened. I wrote him a letter and I said in the letter, "If you guys don't change that, because it's in Hull and zoned single family...". Then he took it down. I had said our attorney will get involved in this and you as a realtor have to follow the laws.

Lucht What they'll do, if they're really intent on annexing, is they can sell it as commercial pending annexation and rezoning in the City of Stevens Point. I'm not sure there's a whole lot you can do since it's right up against the City of Stevens Point. If that's their intent to annex, I don't see that not happening.

Holdridge That is clearly contiguous. It's hard to argue from our zoning, nobody would build a single family house on Hwy. 10. Our concern was how we protect our neighborhood over there. Gardner was sensitive to that. I don't think Mayor Halvorson is going to be sensitive to that at all. Wescott certainly was. I don't know where you go with this Bob (*Enright*).

Enright My thought was that just like the Parkdale development, the citizen creation of a land use document so that we had an agreement of development before it got annexed. Done in such a way that we're not going to be obstructionists to the owner or new owner of the land but that it would be developed in a way that would be compatible with the neighborhood there. But we haven't done anything with it. We're saying here with the comprehensive plan about not having standing to bring a law suit against it, what could happen would be that they could sell the property, the new owner could petition to annex and then we're going to have the neighbors fight the annexation.

Holdridge I don't know if you'd fight the annexation, what you might fight is what goes in there and how does the City plan commission make it as amenable to the neighbors there as possible. Remember Parkdale was a big development. This is a small area compared to Parkdale. That area, it's possible to annex there.

Enright That's what I'm saying, yes.

Holdridge We can't do a lot except influencing the City council to make sure they don't put up a big hotel with all these lights and all that stuff.

Enright Right, I agree with you. The vehicle we were planning to use was to have that land use designation.

Holdridge That was some time ago, it's been a long time. If we get some help from the planners on how to work that and the City cooperates....One of the things that could come out of this is a better relationship particularly with the City planning commission. We do have these joint areas that ought to be looked at. I'm not talking about way out, a mile from the City where Casimir Road is. That's a long way out there. We have these closer-in areas. I don't know what to do with that area. A guy puts up a real estate sign and misrepresents it and we got him to take that down under a little threat but that building, if the economy picks up, some commercial person could buy that. A commercial operation – they could annex to Stevens Point and I don't think there's much we could do about it.

Enright Only the intergovernmental cooperation...

Holdridge You've got to have 2 people to cooperate with this. The City has never approached us on any of this for anything from a planning standpoint. We've never met with the City planning commission and they are the bigger unit so it seems to me there ought to be some initiative there on doing this. There's been no pressure from the Portage County Planning & Zoning Dept. that I know of. When we developed the plan, one of the biggest deals when we got that done was that we were supposed to send a copy of that plan to our neighbors. We did all that. Dewey and the City have a copy of ours. That was supposed to lead to cooperative planning between municipal governments. Maybe somewhere in Portage County that's happened.

Enright Did the City send theirs to you?

Holdridge I assume they did. That was some time ago and I haven't seen it. I assume somewhere in our archives we've got it. Wasn't that a requirement Chuck?

Lucht Yes.

Holdridge So their plan ought to be here. We've probably got Dewey's and any municipality that is contiguous to us, we were supposed to get a copy of it when we sent them our plan.

Enright Is there something you can help us with in respect to that Chuck? I think there are about 6 acres of land there, so it's a pretty good chunk of space. Help us make it a gradual increase in land use intensity, or something that would not have a negative impact on the subdivision.

Stemen That's on Algoma Street?

Binder It's next to Copps by the traffic light.

Enright The lot is that old house that's right next door to the US Bank.

Stemen He had a trucking business there.

Enright He's not the owner anymore.

Stemen He's dead. He's not the owner.

Lucht The answer to that is until you have a willing partner in the City of Stevens Point to sit down and actually apply a zoning scheme that will have it either stay in the Town of Hull, in which case you would apply different types of commercial space to it, commercial zoning to it or you work with the City of Stevens Point to do what it would transition to as it enters the City of Stevens Point through annexation. Until you have that willing partner, there's not a lot that can be done there.

Enright The sense is, they're just not interested.

Holdridge I don't know. We've had reactions from the mayor. We fought the battle over by LaVerne's area where they were going to put a big multi-complex apartment right off of Carol's Lane and for all intents and purposes, that's in our subdivision. That got stopped and now they're building duplexes there which is a much better situation for those neighbors. They're fairly expensive duplexes.

Enright I'm just looking for a way to head off that conflict and have planned development in that area so we don't end up with frustration on both sides. That seemed like the purpose of what we were trying to do with that land.

Holdridge Not only that land...

Enright You're right, that other one right across the street from the city subdivision behind Walmart on Old Hwy. 18 and Brilowski Road. That one is also for that purpose too.

Holdridge I think it was McConville that had all that land and they would have loved to stay in Hull but they understood they'd get smaller lot sizes on sewer and water, much more building there and much more income to them. So they annexed. It was all open land at that time.

Enright Eventually, it might take some time, but that's what will happen to more of their land. That's just the part that's furthest to the west but their land goes further to the east by a long way.

Holdridge So where do you fight your battles is one question. How do you communicate with a group that doesn't seem to...with the current leadership down there, I'm not so sure they are real anxious to communicate. However much charm you want to use, you'll probably be getting into some squabbles and that may be the case up at Casimir and I-39. Maybe out of that, you'll get a planning commission that think there really ought to be some decent metropolitan planning in this community. But it seems to me a lot of that has to start at the top. Gardner wanted certain things to happen there and John was on our side because mayor Wescott was on our side. The current mayor I'm not sure where he's coming from.

Enright John Gardner actually drafted a land use plan that I was talking about. That was the one where we had all that discussion on with this group. I think we pretty much rejected it because it wasn't anywhere near what we had been talking about in meetings before that. I think that is an issue that's going to come up again when a buyer for that property comes along. Then it will move very quickly at that point.

Holdridge It's going to be hard to argue that it shouldn't go into the City for sewer and water.

Enright I wouldn't even take that position. What I'm trying to do is make it clear to the present owner of the property the way in which there would be no opposition to this and it will be within what the Town would accept. But I think a high density commercial development within 10 feet of a couple of houses is not a good use of the land there.

Holdridge No, it probably isn't. But all I'm saying Bob is our leverage on that is probably the City planning commission and whatever development group they have requiring things on behalf of the residential area, they've done that before in other areas that back up against Hull. Remember the City wanted to run, when they had that Parkdale development, a road north up into our subdivisions and come out Brilowski. We opposed that so that was dead. So depending upon who is there, they're supportive of that. Again, what battles can we fight and possibly win? If I was to rank that with this business up on I-39 and Casimir Road, that's a big...and we have a heck of a constituency up there that doesn't want any part of that. It's so unreasonable.

Enright I'm not saying that is the higher priority issue. I'm saying that the one we're seeing up there is almost like a test case. If they get that one, we're not defending our borders anyplace. If you can go a mile and a half out of town and annex...

Bowen It's not clear to me why you want to tell the owner (*on Hwy. 10 East*) of that property that we would not contest annexation.

Enright Because the idea was that we would have a land use designation for it that would not conflict with the residential character of the land.

Bowen Why do you want to notify them of this?

Enright I didn't say notify them.

Bowen I thought you said you wanted to....

Enright They would know it as it would be a public document in our comprehensive plan. We left a place in the plan that would say that particular plot of land was going to be a special land use designation that would accommodate a transition from the commercial development of the shopping center to the residential one. So we left that to come back to it. The problem is we never came back to it. I think any place in the path of development of Stevens Point and Hull we'll have these issues over and over again. The idea was to stop land-use conflict. That's why we spent all those years doing that.

Holdridge It was supposed to be cooperative.

Enright Right.

Holdridge That never occurred. It was pushed heavily in the beginning by Chuck Kell. That was one of the big deals, that we would have these meetings between planning commissions and we would...none of that ever happened and none of that got pushed by the Planning & Zoning Dept. that I know of. Chuck is fairly recent down there. Steve Brazelle was there and I don't know if Steve did anything. We really haven't had much conflict. We certainly didn't have much conflict when Gary Wescott was mayor. He didn't support that Home Depot going out there behind Fairfield Inn.

Enright The whole history of development along Hwy. 10 East was to tear up the plan and make a commercial development. That goes back over 20 years, with the gas station out there, with Fleet Farm, with Target, with all the other businesses, Walmart, all that was ripped up. But then we were asked to make a comprehensive plan. That was the whole purpose of this. That obviously got put as a lower priority. Now we're back to where we were before only we spent years putting in a plan that doesn't seem to have any legal standing.

Holdridge I'm not sure we're back to where we were. You've got a situation there where you've got an old dilapidated house. It's right across the street from US Bank on Hwy. 10. It's in Hull and it's single family. Nobody is going to build a house there. That property owner, to

do anything with that, is probably going to have to annex to Stevens Point if he wants to build something commercial. If he puts commercial in there, we can make the argument that it needs to be amenable to the neighborhood. We can go to the plan commission and have this interaction. I don't know what else we do there Bob. You can say we should have a plan but unless the County starts pushing this stuff, the comprehensive approach, or somebody in the metropolitan area starts pushing it, it's a pretty tough sell. We've fought some battles. People don't know this but the reason why Menard's isn't out there is because a group, largely from Hull, opposed it because it was never planned for. So what happened is that it's down in Plover now. It should have been where Jung's feed is at, remember that Bob?

Enright That's how I got on this committee.

Holdridge That was where Menard's was going to go. We didn't want it there, it was never planned for. The mayor had plunked it down there and that was where it was supposed to go. There's no frontage roads, that's the other big bugaboo about that. There's no frontage roads. It's terrible on Friday afternoons out there, just absolutely terrible with the traffic going through there. So you do what you can I guess.

Bowen The solution is to find a benevolent humanitarian that will buy the property and not develop it and not annex it to the City.

Enright It was priced at over \$900,000.

Holdridge Different realtors have had it.

Enright That would be sold as commercial (*price*). I'm saying the commercial value of the lot, if you sold it as residential, someone would have to purchase it pending the annexation.

Holdridge Is it still listed with a realtor?

Enright Yes.

Holdridge The signs are still up?

Enright Yes.

Holdridge Ward Wolff?

Enright Yes, I think so.

Holdridge But he doesn't have commercial on it?

Enright No, that part of the sign is gone.

Holdridge Some of these situations you can do something with and some you can't. Obviously somebody at the City has to be more planning minded. We'd certainly be interested in it but we can't do it alone as much as we'd like to do it alone. Anything else on that topic? Anything else on the petition here that you can think of?

Bowen We sent our recommendation to the Board, what did the Board do with it? The Plan Commission made a recommendation to the Board to oppose it.

Holdridge We met in a joint session. Letters went to Halvorson and then we sent letters to the city development guy and most recently to the common council and the city planning commission. There's all kind of cross currents in this community. I don't know what the group will do up at I-39 but there has to be some plan on how to approach this thing. There's an awful lot of creativity when you get these people involved. I know there's really strong feelings against that. Not only coming from the ones west of there but there are some along North Second that are really opposed to it. One is Cindy Eagan and others up there. We'll have to see what transpires. If you know these aldermen and the city planning commission people, make a contact. Friends talking with friends is probably the best way to approach it but I think the Board has to talk in executive session about where do we want to go with this thing. Obviously when it comes before the city planning commission, there will be a group there. There will be lots of attendance at that. We have to explore this plan business. If it's not in their plan, and the planning process requires that, that seems to be an important factor here. The state mandated all these plans. If they haven't followed that in terms of expansion, then that's a big issue. I think St. Casimir's church is a factor. The other thing that we found in this water study we're doing is the water situation there. If that's sitting on a junk yard.... if there were old cars there and that's what we're getting, there's potential oil there, that whole area might be potentially contaminated and who's going to buy a house, if it stayed single family, if they know it's contaminated? Anything could come out on this. These becomes public issues.

Syens Even if it goes commercial, it would have to be cleaned up beforehand.

Holdridge Commercial would be even a bigger one, nobody wants to buy into that stuff.

Bowen There is a junk yard right next door.

Holdridge I've heard there were old cars there.

Stemen Shuda had a junk yard there for 20 years.

Bowen He's still got it. Ralph's....have you been over to Ralph's recently?

Stemen Well yes, in his front yard.

Bowen Front yard?! Have you seen how far back that goes?

Stemen There were acres of cars there years ago.

Bowen I'll bet you there's an acre left, at least an acre left.

Stemen At least it's not an operating one like Firkus'.

Holdridge No, it's not like Firkus' set up. So there's a whole host of things there. I think the Board has to decide how far they want to go with this from a legal standpoint. If you get into this from a legal standpoint, you could be talking \$20,000-\$30,000. The thing about the zoning, if it goes into the City and Klismith gets a certain zoning, it's everything and anything in that category that could be built there. Who know what would go in there. It could be a truck stop, it could be a convenience store, who knows. I'm hoping the City plan commission will recognize this as a poor concept that's way outside of a planning concept any way you look at it. The one that has to recommend or make the decision is the elected board.

Stemen Didn't you make the statement in an earlier meeting that if the City wants to take this land, we can't stop it?

Holdridge No, they're in the legal process and we have to conform with the law. The other is the political process which is neighbor to neighbor. The most frustrating part of this is that you pass a law that says you can't do it and then nobody has standing to challenge it. I don't care what you think of lawyers or legislature, that's just very poor. It's made for lawyers.

Syens In that unpublished case, and it's unfortunate that's it's unpublished, it says in here that in order to have standing to sue, a party must have a personal stake in the outcome and must be directly affected by the issues and controversy. When a party does not claim that the action affects property they own, or is not able to show a risk of pecuniary loss or substantial injury to themselves, then they do not have a personal stake in the outcome. In that case, he's indicating that a property owner adjacent or contiguous to the property could have standing.

Holdridge There's some other qualification in there saying if it affects your taxes.

Syens That was for a citizens group.

Holdridge Every time you read this stuff it seems pretty simple. Then you get into the courts and the lawyers start arguing about it, then there's the question, how is he harmed. I think the thing that would stand out would be the water supply.

Syens He's harmed there and there's a reduction in the value of the property because of the buildings that are there, that's damage.

Holdridge If they put up a commercial, why couldn't this neighbor also become commercial and develop a motel? If that gets in there, where would that end? The neighbor right down the road, maybe he wants to put in a bar or restaurant.

Enright Then they would annex.

Holdridge Right. You could have a snowball effect potentially. The guy that might say he's harmed and it hurt his property, he might be the first one to find out he could make a buck. Don't you think he's going to try to make buck? I'm thinking the closest house is Paul Pringle on the corner right across from St. Casimir. Then there's a lady right on the same side as St. Casimir (*church*). That house right by the stream.

Stemen Didn't she just pass away?

Holdridge I think she did.

Stemen A couple of months ago.

Holdridge We'll see what happens and keep you informed and keep plugging away doing what we need to do.

A motion was made by Bob Bowen to accept the report on the information on the Klismith request for annexation of property at I-39/Casimir. Motion was seconded by Jocelyn Reid. Motion passed.

7. LAND DIVISION / SUBDIVISION ORDINANCE FOR TOWN OF HULL (continued from 7/26/11 Plan Commission meeting).

Holdridge You have an outline before you. You have a write up of a background and then the purpose which could be modified, which is taken from the County's ordinance. They have A through J of purpose. They have the statutory up there. I would use the legal authority which is #3 from the County's. I would have this reviewed by Konkol at some point. Then the purpose would be modified somewhat and we might drop some things off. They have a long purpose which is not much different than what we would have. On the next page are the definitions. To me some of them are not clear and some of those would need some clarity but those would be part of the Town of Hull ordinance. An important one is; IV Procedures/Processes. Chuck, I took some of what you had written up. To me this is one of the most important things because it gives the citizen some knowledge of how they do this. Too often we don't do that. Trying to explain to the citizen, "Here's where you need to go and here's what you need to do." Chuck, this first paragraph is lifted almost verbatim from what you said. It says, "Citizens creating a land division through a major, minor county plat or certified survey map need to start the process with the Portage County Planning & Zoning Dept. The staff at the Portage County Planning & Zoning Dept. will initially review the proposed division and when complete and correct, make a preliminary determination that it meets County subdivision requirements." That's what we want to do, right? Everything starts at the County. Chuck, is that true?

Lucht It starts in both places. The people come to the Town and ask about it.

Holdridge They do, then we send them to the Portage County Planning & Zoning Dept.

Lucht The Procedures/Processes as a handout is all you need to have.

Holdridge Do you guys want to be the intake for whoever comes to this desk or should they go down to you? They start at Portage County and you do the analysis?

Lucht One way or the other, they come to us. That information is great to use as a handout to someone coming in wanting to know the process. That's great.

Holdridge Yes, that's all we're trying to do here. We get them coming here and they don't know where to go and we usually direct them to go to Portage County Planning & Zoning at the County Annex. So you agree with this first one?

Lucht Yes.

Bowen The importance of that is that the Town of Hull puts a professional expert stamp on the issue right from the beginning. If you guys reject it, then we probably would too.

Lucht Right.

Holdridge They're going right to the authority that knows it. #2 "The Planning & Zoning Dept. would then refer the applicant to the Town of Hull after making a preliminary approval decision to the Town of Hull for review. Review at the Town of Hull is the responsibility of the Hull Plan Commission based on the Town of Hull ordinance." You make a decision, they want to go ahead with this. It would become an agenda item for the Town of Hull Board. We'd compare what they want to do with any ordinance implication we have. We have your recommendation that becomes the foundation. So the Hull Plan Commission gets involved. *(End of tape.)*

Lucht It's not a final review, for further review is how we usually mark it.

Holdridge We may get 1 or 2 of these a year. These do not happen every month. It's not a real frequent kind of thing but it does happen a couple times a year. #3 "Based on the recommendation of the Hull Plan Commission, the Hull Board will take action upon the request for a land division. The approval of the land division by the Hull Town Board will be noted and the document will be signed by the Town Chairperson and the Hull Town Clerk." Now how does that fit in with what you guys do?

Lucht We don't put it on the Planning & Zoning Committee agenda until....

Holdridge When we get the certified survey map, for example, and we approve it, it goes to the Hull Town Board after a recommendation from our Plan Commission. The land surveyor will bring in a document and we sign it, Janet Wollé signs it and then where do they go with it?

Lucht They take it to us. It comes to us.

Holdridge So let's look at this: so #3 is correct, right?

Lucht Yes, that's right.

Holdridge Let's go to #4: "The final step in the process is for the applicant to bring the proposed division back to the Portage County Planning & Zoning Dept. for final review." So if we sign off, you still review it, right?

Lucht Yes.

Holdridge For final review. "If it complies with all applicable County requirements, the division would be approved and then signed by Planning & Zoning staff and recorded with the Register of Deeds." Do you then sign it?

Lucht Yes, Jeff signs off on it then it goes to the Register of Deeds.

Holdridge Okay. "Any problem with the document would need to be resolved before County staff would sign off." So this basically is the process, right? This links the County and the Town of Hull and maybe other towns that have something.

Lucht We use the same process for everybody that we are responsible for.

Bowen In the first sentence, I would recommend you put the word "approved" proposed division. Put the word "approved" in there and that would differentiate it from the initial one they brought to you.

Lucht There is a slight difference in process there between a rezoning and a land use CSM.

Holdridge Let's go back to a person who brings in a plat for a subdivision. They have 40 acres and have this plat. I know when they first come to you, you want a sketch, right?

Lucht Yes.

Holdridge You look at that and then you also make your sheet recommendations on that?

Lucht Yes, we check the zoning, the land use, the zoners check the road classifications so they know what driveway separation they're looking for.

Holdridge Then that would come back to us and the Plan Commission would review it. Look at our ordinance to see if there are any potential conflicts, then we would send that to our Hull Town Board and they would approve that. But there's a preliminary plat and a final plat. How does that work?

Lucht A preliminary plat is not the same in that it hasn't been approved. Once the preliminary plat has been approved, then it's the approved plat. Once you sign off on it, it becomes the approved plat.

Holdridge Once the Town Board takes action on the preliminary plat and we sign it, then it becomes the approved plat.

Lucht It's not approved until it's acceptable by the Register of Deeds. Our department has to sign off on it too.

Holdridge The process is the same. We sign off and it goes back to you?

Lucht Correct.

Binder John, in #4, I think that last sentence doesn't need to be there because it's implied that if it complies with all applicable requirements, then it will be approved and signed. So it's not going to be approved and signed unless everything is correct in the document. I don't think you need that last sentence in there. Or, at least better terminology if it is there, because they're not going to sign off on it unless it meets all the requirements above.

Holdridge Yes, I don't think you need that sentence. The final step is the Register of Deeds. Everybody agree with that?

(Everybody agreed with it.)

Holdridge It is useful to let the public know what is expected.

Enright So if we would have had this before the case we were talking about with Oberthaler, we wouldn't have had all that because it wouldn't have come to us until the preliminary.....

Binder No, that was a road issue, wasn't it?

Lucht Oberthaler was up to our office a couple of times in the past asking questions about what he could do with his land. Anybody at any time is entitled to come in and ask questions about what is allowed in their present zoning and to ask questions about what the process is if they want to do something with their land. You can do it as often as you like. You have a right to know what you can do with your land. There had been inquiries from Oberthaler as to what he could do and we told him this is your zoning, this is what you're allowed. Our zoners, especially Tracy, are very good at chatting people up when they come in and getting them to tell exactly what they have planned for it. The process was the same. Eventually, however that land back behind, north of his property became available and the circumstances played out. That is essentially the process that was followed, exactly how it's been laid out.

Holdridge I think that issue was an exception to the zoning, right? Because he had to get that culdesac extended?

Lucht It was a modification under the road ordinance.

Enright A lot of those questions might have been resolved because it wasn't just a question of the road, it was access to the back. Through almost the whole thing, we never agreed on if that was a subdivision until the very end.

Lucht The way that process played out, there was not any faster way to do it. So the answers weren't going to come out any faster than they did. It was just a tortured process.

Holdridge You had to get the modification for the culdesac to run it back. The biggest issue there was always who was going to pay for it. They agreed, then Jerry agreed, then Jerry backed out. It was always clear that we (*the Town*) weren't going to pay for it. So it finally got resolved. I think that is pushing along now. They've hired Dave Glodowski to do the engineering as far as I know. But that would try the patience of a saint. Then you go do definitions. This Portage County ordinance: what I would say should be done is that needs to be part of our ordinance. That should be an appendix and I would refer to it as the appendix and we have the latest one from Feb. 22, 2011. So anybody who comes in and wants to know what our ordinances are, ours will be in the text and they have to comply with this.

Lucht This is the point where I bring up the question again. If you're just going to use a copy of Portage County's subdivision ordinance, do you need a Town of Hull ordinance that is specific to yourself? That needs to be addressed because we've answered that issue about condominiums. Your special I-39 area is addressed. That's been dealt with through town ordinance. This Procedure/Process is a great handout that can be used without it needing to be part of an ordinance. On multiple nights we've sat here and I've said our subdivision ordinance accounts for that. You've come up with some stuff that maybe should go in your road ordinance, but that is a separate ordinance that is very specific to Hull with very specific things. You've yet to address whether there's anything special other than changing from subdivision to land division that is specific to the Town of Hull. When I talked to you today, you were talking about as an appendix to your subdivision ordinance, accepting the Portage County zoning ordinance as part of that, which is not a good idea.

Holdridge This is called Portage County Subdivision Ordinance.

Lucht Right.

Holdridge That's what we're talking about, land division ordinance.

Lucht Right, whether you call it subdivision or land division.

Holdridge Okay. But all I'm saying is, anybody who wants to subdivide land in the Town of Hull, this governs that, right?

Lucht But it already governs it. In essence, you have an outdated subdivision ordinance (*Hull's*) that hasn't been enforced or used in many years.

Holdridge Just a second, we have a section down here that says, “Town of Hull ordinance, modification to Portage County.” Then I have special areas in Hull. That I-39 is a special area in terms of land division.

Lucht But you have already taken care of that.

Holdridge No, Chuck, this is a land division/subdivision ordinance.

Lucht It’s a proposed one, John. The Town of Hull is already working with the Portage County Subdivision Ordinance. It seems to be working.

Holdridge Chuck, I got a 2 page memo from you and it says clearly that the Town can have an additional modification(s) to the Portage County Subdivision Ordinance.

Lucht It can. My question is that what’s being proposed is already being taken care of through the Portage County Subdivision Ordinance or things you’ve already done. The question is, if the Portage County Subdivision Ordinance is presently working for you as it stands, what you are saying is that we’ll (*Hull*) take on all the requirements of administering the subdivision ordinance. If you adopt it as yours, then you have to administer it.

Holdridge This has already been adopted by you and I’m just referencing that and we are under that (*the County’s*). Right?

Lucht Right now, yes.

Holdridge What do you mean, “right now”?

Lucht If you adopt your own subdivision ordinance....

Holdridge This still applies.

Lucht Right.

Holdridge We can modify it by making what modifications we want. I’m just trying to give something to the people who come in here and want to develop. We’ve done that with our weight limit ordinance which is pretty complex but truckers all have that down. I want to give them that and say, “Here, you need to understand that and comply with the Portage County Subdivision Ordinance and you have to comply with the Town of Hulls.” That’s all I’m saying. There will be modifications of the County ordinance and we will ask for whatever approvals we need from your dept. and we already know we have special areas that ought to be in here so that someone knows if you want to develop over in the I-39 area, there are certain lot size requirements.

Lucht So to be clear then, you’re not actually going to adopt the County’s subdivision ordinance?

Holdridge It's already adopted.

Bowen It's just a reference.

Syens You have the lot averaging in yours.

Lucht We've already addressed the fact that the Town of Hull hasn't asked for it to be used. The fact that it's in our (*County's*) subdivision ordinance doesn't apply to you as it already says in the ordinance that you don't want to use it.

Holdridge That lot averaging that we really didn't understand, we'd note that in our modifications.

Lucht No, it's already in the (*County's*) subdivision ordinance that Hull specifically doesn't want to use it.

Holdridge What page is this on?

Lucht Give me a few seconds to find it.

Holdridge I think everybody understands we are under Portage County Subdivision Ordinance.

Bowen And we are going to have a section that says exceptions and modifications to the Portage County Subdivision Ordinance.

Holdridge We're happy to run those by the County staff. We'll run them by our attorney and if there's something there that conflicts with yours, we'll be happy to discuss that.

Amman While he's looking that up, I'm wondering if the point that Chuck is trying to make is-- what exceptions and modifications does Hull have that are not already covered either under the Portage County Subdivision Ordinance or under Hull's road ordinance? He's having a hard time finding a reason for Hull to have its own separate subdivision ordinance.

Holdridge I can't answer that because I haven't had a detailed reading of this. But as I read it and as others read it, there may well be modifications ... remember we're talking about the subdivision ordinance. We're not talking about the height or setbacks along a road and you need to have a certain setback. You can't have those branches out. That's part of the road ordinance. This is the subdivision/land division ordinance.

Lucht The language is right here under page 8, 7.4.5.2 A, look under the very first thing that says A: applicability – the lot averaging for subdividing land may be utilized in the A20, A2, A3 agricultural zoning districts only and only in those towns that enable its use through specific action of the town board. It's the very first set of language that says, until we (*the County*) get some sort of resolution (*from a town*), or it's in the text in the town's plan, as some places have

put it, then the town can't use it. It's right in our subdivision language that says, unless you authorize it in writing from the town board, it can't be used in your town. Right there under A.

Holdridge If I were reading this, I wouldn't know that it applies to the Town of Hull at all. Or doesn't apply.

Lucht It does, in those towns that enables its use, and only those towns.

Holdridge Probably what we'd do in the modification section, we may well have an "A" under there that says the current lot averaging scheme of Portage County is not applicable to the Town of Hull, unless specifically approved by the Hull Plan Commission or something.

Lucht No, it has to come from the Town Board.

Holdridge I understand that. Everything we do (*the Plan Commission*), is advisory to the Hull Town Board. We can't do anything by ourselves. The City planning commission can't do anything unless the common council approves it.

Lucht It was written into the County's subdivision ordinance specifically to provide towns a way to exert greater control over its use on purpose.

Bowen Right and we've done that. It's been approved by the Board.

Lucht Right, you have nothing to say you can use it so it's not even an option in Hull.

Holdridge I don't have a problem with that, but all I'm saying is we may well reference that in the Town of Hull ordinance. It's not applicable to the Town of Hull and I think you need a qualifier unless the Town Plan Commission makes a decision to use it or something like that. I don't think you want to totally close it off. We couldn't understand it and that's why it doesn't have much popularity out here.

Binder But again we addressed the lot averaging thing with the requirements up in the I-39 area and with 2 acre lots everywhere else, in our land use plan. Right? That's how we handled it.

Lucht It's handled through zoning and zoning districts. So parcels less than 20 acres had 2 acre zoning and parcels 20 acres and larger had 5 acre zoning.

Holdridge But that isn't lot averaging.

Lucht It's not lot averaging.

Binder No, it's not which means we don't allow it because we decided this is what you have to do with lots.

Holdridge That's why I say if you have a modification to the County's zoning ordinance, it seems it would be useful to make that statement that it's not applicable in the Town of Hull. You want to make some kind of qualifier that it might be applicable but the Plan Commission would have to authorize it. Then it would go to the Town Board because the Town Board is the only group that can confirm those kinds of decisions. That's my take on it.

Enright I think if someone came in about the lot averaging, they could go through the plan and say well it needs approval by the town to do that and I guess it wouldn't hurt to have that statement as a clarification. It's a little redundant.

Lucht If they come to us first or even second, we'd say, it's not an option, we can't use it there. We have a short list of towns that have said yes, they want to use it.

Holdridge Has it ever been used in Portage County?

Lucht For one reason or another, no. It's been proposed a couple of times and then fallen through. Usually it is not because we're unwilling to use it. It's because there are multiple siblings arguing over a chunk of land and they all want to maximize what is theirs. That's why it usually falls through.

Holdridge My problem was because I didn't understand it.

Bowen I was going to say, the reason it fails is because nobody understands it.

Lucht Oh no, we have a handle on it.

Enright Can I get a clarification on this: I thought what you were saying a few minutes ago was that if we adopted our own subdivision ordinance incorporating the one from the County, that we (*Hull*) would have to enforce it and have administrative responsibilities?

Lucht Correct. In essence when you adopt your additions, only adopt your additions, don't adopt the subdivision ordinance. Don't adopt the zoning code or the subdivision ordinance. Just adopt those special things, like I said at the beginning of this process, those very specific things you feel need to be added because that way you have just a few pages to understand and apply. Like your fees, that's fine. That's a good idea if you think that is a good idea for Hull. There's no problem with that. We'll apply our own fees.

Holdridge What are your fees, like for a CSM?

Lucht Off the top of my head, a CSM, I don't know what they are. I know that on plan commission cases, whether re-zoning or land use, it's like \$350 to take it there. If you really want to do something with your land, it's not horrible, but it's not insignificant either.

Enright The way the enforcement and penalty section is written, does that make us, the Town, responsible for enforcing the County's portion? Don't we want to say these penalties only apply to the portion that is the Town of Hull's?

Lucht If there is a violation, and this is where I would ask your attorney, who (*the Town or the County*) gets the fees on that, because I know when the subdivision is in violation and Chris Mrdutt goes through and meticulously take pictures and documents what went wrong, he's got a system...the court system in Portage County works fairly regularly with him and he is real successful, you may be doubling up on penalties. It may be a question as to who gets the penalty fee.

Enright We wouldn't have to pay him to check it would we?

Lucht He already does the checking. As long as you are under Portage County Subdivision Ordinances, Chris Mrdutt and Tracy Pelkey are the enforcers of that ordinance. They do the tracking and take it through the court system. That may be extra information that muddles the informational pool. Those penalties are already in the subdivision ordinance and zoning ordinance, violations, so it could be a question of are you doubling up on fees or are you just assessing fees for very specific things that are not in our ordinance.

Enright Don't we want to do that?

Lucht If there are specific things to enforce.

Holdridge Let me try to answer that. If we have a modification of the subdivision that pertains to the Town of Hull, say if someone doesn't divide the lots like they should and it gets reported to us and we discover that it's true. Then we'd talk with Bob Konkol and he sends them a letter. That always gets their attention. They may cease and desist or stop doing it. If they continue to do it, as a Town Board, we have issued orders under Bob Konkol's recommendation to do things like take down a dilapidated barn. The Town Board can do that. We've issued orders to take out an outdoor wood boiler under the powers of the Town Board. The Town Board ends up with this stuff which doesn't happen often. The authority comes from our attorney who is an officer of the court. That usually gets a resolution. Now if it's something there as a violation of the subdivision ordinance at the County, those people would handle that and pursue it. They have 3 attorneys. I don't think that gets into too much controversy. They've always made the point that if you have your own subdivision ordinance, they're not going to enforce that. That's got to be the Town of Hull doing that. First of all we want to make sure we have something. The attorney usually costs \$150 an hour and some of those costs can be transferred to the violator, but it's a rare sort of thing when this happens.

 In terms Bob, of the penalty thing, all of this we would have Konkol look over so we get the language right. But the fees, we're clearly going to have fees. There was a person who called me last week about a certified survey map. The first thing he said was, "Are there any fees?" I said there is no fee but we used to have a fee of \$250. We are going to look at that. LaVerne is on that budget group. We are going to impose fees on this kind of stuff. When you get into a certified survey map, our lead guy in all of this is Pete Kaminski, our road crew foreman. He goes out and looks at these sites. Whether it's someone putting in a septic system and tearing the heck out of our roads, Pete goes beforehand and films it before and after. When you present that to these violators, we've got some ways to deal with that and sometimes you have to put the legal on it. Most people understand the costs of that and don't want to get into

the legal. I've seen it in disputes between neighbors. Fence disputes. They call the sheriff's dept. and the sheriff's dept. goes out and looks at it and Phil Deffenbaugh, our assessor may go out and then you finally say to them, "Look, you get your attorney and you get your attorney, understand it'll cost you \$150 an hour..." The next thing you know, you don't hear anything and it gets resolved. It should have been resolved earlier. So the next mission is to look at modifications and look at special aspects of Portage County Subdivision Ordinance that are special to Hull. Once we put that in there and refine some of these other things, I think we'll have a pretty up-to-date subdivision ordinance. Chuck, do you have anything else to add?

Lucht No.

Holdridge I read your memo that you wrote back in 2010 and it's a very good memo.

8. Date of next meeting. *The next Plan Commission meeting will be held on Tuesday, October 25, 2011 at 6:30 p.m.*

9. Adjournment: *Motion made by Shelley Binder to adjourn meeting, seconded by LaVerne Syens. Motion passed. Meeting closed at 8:45 p.m.*

Respectfully submitted,

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