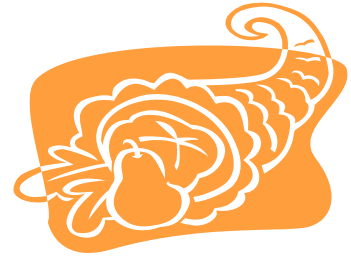




TOWN OF HULL  
**PLAN COMMISSION  
MEETING**

November 16, 2010



- 1. CALL THE MEETING TO ORDER:** The Town of Hull Plan Commission Meeting was called to order on Tuesday, Nov. 16, 2010 by Chairperson John Holdridge at 7:00 P.M., at the Town of Hull Municipal Bldg., 4550 Wojcik Memorial Drive, Stevens Point, WI 54482.

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

Also present: Tracy Pelky of Portage County Planning and Zoning, Atty. Bob Konkol, Engineer Dave Glodowski, Supervisors: Dave Wilz, Dave Pederson, Mel Bembenek.

Citizens: Dan Hebbe, Tiffany Broecker, Mike & Marie Gawlik, Ray Firkus, John Oberthaler, Jerry Kozickowski, Jim Kozickowski

- 2. APPROVAL OF MINUTES OF Sept. 21, 2010 and Oct. 7, 2010 Meetings:**

*Motion to approve the minutes of Sept. 21, 2010 by Bob Bowen, second by Al Stemen. Motion approved by voice vote.*

*Motion to approve minutes of Oct. 7, 2010 minutes by Al Stemen, seconded by LaVerne Syens. Bob Enright noted one correction to page 18 in the middle of page that should be corrected from "33 feet" to "3,300 feet". 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.**

Holdridge I would like to talk about our tax situation, this being the tax season. Municipal governments are going through their budgets and adopting them and establishing the tax rate. (John handed out an article from the Stevens Point Journal regarding Hull taxes staying the same.) On the other side is an article about local leaders dreading state aid cuts. What that is about is the state shared revenue and the state transportation aid which is so much per mile, that will probably be cut for 2011. (John read part of the article.) The word for us is sustainability. How to keep a local tax rate, which is about \$2.55 for Hull, the same.

Bowen A pro-active response to that would be for people to contact the people in Washington to encourage them to have Wisconsin keep stimulus money that's not going to be

spent on high speed rail. Walker has said that he's putting emphasis on road maintenance and repair and that may result in him being more generous with the allotment to municipalities. But somebody has to talk to the people in Washington and make sure that they realize that citizens want that money to stay in Wisconsin. Does the Town's Association do things like that?

Holdridge Oh yes.

Bowen Maybe give him a call and tell him to call Carver.

Holdridge Here is something every citizen should know. (*John passed out a handout with a pie chart showing the tax split for the Town and other local uses.*) It's from the 2010 Town of Hull budget. You pay a property tax. When you send it in to the Town of Hull, 13% goes to the Town of Hull to be used to pick up our garbage, plow our roads, fire service, elections, etc. 51% goes to the Stevens Point School District, 27% goes to Portage County. When we get complaints about taxes, I ask them how much they think that our Town controls. It's only 13% and for the last year, that was steady. This year it's steady. We're going to try to keep that steady but we cannot control what the School Board or Portage County does or the Voc.-Tech. system which has no elected representatives. Those are all appointed. At least the School Board elects representatives and so does the County. We'll have this out for the 2011 budget so that folks in the Town of Hull will see where their money goes. There is also a letter I wrote to the DOT about Firkus Road ¼ mile stating that we do not claim that for State Highway Aid. We've reduced our mileage by 1/4<sup>th</sup> of a mile. You can see the response of the DOT person who couldn't understand why we wouldn't take the money. I talked with her and explained it to her saying we wouldn't take the money, which is about \$500, because that road isn't open for travel. The road hasn't been turned over, it's still a public road, we haven't given it up, we just said that we don't want to take their money so she finally understood that and it finally got clarified.

Jim Koz. Did you tell them how long you've been collecting on it?

Holdridge I probably did. I can't remember, but I probably did. I'm not secretive about it. I'm just saying, now that we discovered that this year, that we have a road that we've been collecting on since 1991 or 1992 and now that we know it, we're not going to do it anymore. They understand that. If people discover they have a road that isn't open or been destroyed or went back to the owner and it's on these maps, somebody has to make a change.

##### **5. FIRKUS ROAD REVISED PROPOSAL FOR DEVELOPMENT. CONTINUATION OF DISCUSSION FROM HULL PLAN COMMISSION MEETINGS OF AUGUST 17, 2010, SEPT. 21, 2010 AND OCTOBER 7, 2010.**

Holdridge Let's look at our ordinance as we should all know what our ordinance says. It was adopted in about 2004 and amended in 2007. (*A copy of the ordinance was handed out and John read parts of it that pertained to road development and improvements and how developers pay for that cost.*) This is absolutely consistent with what we've been doing, right Pete?

Kaminski Yes John.

Holdridge On #18, any deviations from this ordinance require the approval of the Town Board. So if you know this, you know what we expect from developers. It's been consistent. Let's go to the proposal and talk about that. The first one is proposal #2 (*second proposal from the Hebbe/Oberthaler group*). Who from that group would like to talk to this proposal giving us an overview?

Tiffany B. (*Tiffany read through their proposal, see attached.*)

Bob Konkol There's a memo I prepared regarding some issues for the Plan Commission to review and consider. (*see attachment*) Regarding #2 with the topsoil; looking for clarification that the Town would need 4"-6" and presumably that would be available at no charge from that stripped top soil and the remaining top soil not needed or used for the ditches would remain on Mr. Oberthaler's land for his future use. That needs to be clarified.

Oberthaler I meant that it would be excess top soil. Residual, not needed.

Konkol Going on to the expectations of the Town of Hull. Tracy from Planning and Zoning can speak to this. What is requested is not a variance but a modification of the zoning ordinance regarding cul-de-sacs of 1,000 feet or less. Typically that request is made from the landowner as they are the ones with the most at stake. You would want to make sure that is approved. The forms should come through the owners so that should be initiated by the owners. The Town will have an input on that through the Plan Commission and Town Board as to whether or not that modification would be supported by them.

Holdridge Is that accurate Tracy? That it needs to come from the individual?

Pelky Yes. I have the forms here. It's for a request for a modification from the Portage County Planning and Zoning Commission. The landowner or agent needs to sign it.

Tiffany B. It was my understanding that had to be approved by the Town prior to Portage County Zoning. Now I'm hearing the request needs to be made from the landowner.

Pelky The Town needs to approve it first or the Planning and Zoning Committee will not act on it, until a recommendation is received from the Town.

Holdridge So you (as landowners) have to initiate it to us.

*Some clarifying discussion about the forms and in what order the request is done.*

Holdridge If you fill out that form and get it to our Town Clerk, Janet, we would put it on a future agenda and then act on it. Once we approve it, we would send it to the County. I assume it has to be approved by the Town Board because the Plan Commission is advisory to the Town Board. Then it would go to the County Planning and Zoning Committee.

Dan Hebbe The next Town Board meeting is when?

Holdridge December 6 is the next one.

Konkol The way I understand it is that the owner would complete the forms, submit them to the P&Z office and then you would send a copy to the Town for the Town to review and get their input. Then the P&Z Committee would take it up with the input from the Town.

Pelky We need the Town's letter from the Town Board indicating what their recommendation is before we would take it up or put it on the agenda.

Dan H. I'm confused, that form comes from your office, but that is really filed with the Town and not your office?

Pelky The applicant contacts us for a request, we'll review it, you talk to the Town, let them know about it and put it on their agenda. The Plan Commission recommends to the Town Board and if they accept it, then the applicants can fill the form out and submit it with a filing fee and then we'll put them on the next scheduled agenda. The filing fee is \$350. The County would notify the Town offices when it's on the agenda if they want to attend. *(Tracy gave them the forms to fill out.)*

Dan H. So the next Plan Commission meeting on December 6<sup>th</sup> is when you might talk about it, correct?

Holdridge We do not want to act as a bottleneck. If there is a consensus from the Plan Commission that we make a modification, there are 2 of us here from a 5 member Town Board. We would take it to the Board and they would act on it. If there is an agreement on the 1,320 feet for the cul-de-sac, if it was 1,000 feet or less, there wouldn't be a need for a modification..

Jim Koz. As you read through this, it says every dead end road should have a cul-de-sac. Why doesn't Firkus Road have a cul-de-sac?

Holdridge I haven't had anyone call me and request a cul-de-sac there. What happens now with the garbage truck? Do they turn around in your driveway?

Jerry Koz. Yes. The school bus would not come down there. The kids walked out to North Reserve. We didn't request one yet.

Kaminski In this Town, there are about 15 or 20 dead end roads that we do not have cul-de-sacs on. This is not the only road. We have them all over the Town.

Jerry Koz. We didn't ask for one and depending upon how all this all ends up, we might need one for access. There are some concerns about snow plowing but the road crew does a good job. We have 2 driveways there and it's a hard place to pile the snow. Bill Gollon cleared out a spot where they can shove the snow in more and that helped.

Holdridge We'll work with that, if a cul-de-sac is needed, but I've never heard that. That a cul-de-sac is requested.

Enright I have questions for Tracy with regard to the 1,000 foot cul-de-sac rule. What is the purpose of that? What is a legitimate reason for us to allow a modification of that rule? Or is it just that the Town wants it?

Pelky The reason it's 1,000 feet, cul-de-sacs are dead ends, it's a safety issue. If you get 6-10 homes there and have some flooding like you did a few months ago and if the road gets washed out and there's only one entrance, the issue could become a safety issue of how do you get emergency vehicles back there. The rationale for granting a modification, the Planning and Zoning Committee takes each one on a case by case basis. Firkus Road has a history of that portion that goes north. When we discussed it, with that history, we don't want 2 roads but just one and we would probably recommend one route.

Enright So you don't have to be shown that safety is not an issue?

Pelky It's still a factor out there because if lots do get created and this road does turn north with numerous homes out there, the safety issue does not go away. If the road is not accessible, you could have a lot of stranded homeowners out there.

Holdridge That would be true of either proposal. There are the same issues. But this does not come from the Town. It comes from the citizens. The Town would have to approve it. We're not initiating it, it's being initiated by the citizens.

Enright I would say the Town would need some basis on whether to accept the proposal and support it as you say, so how would we know how to decide?

Pelky There are other issues like snow plowing, there are numerous issues, other vehicles that need to get back there, school buses.

Holdridge Why doesn't the school bus come down Firkus to pick up kids?

Jerry Koz. Because they can't turn around.

Holdridge Even in your driveway there?

Jerry Koz. They looked at it and said they would not come down there so my kids had to walk that ½ mile.

Enright At the last meeting, we talked about putting in a dotted line and going east off of Reserve. Could you give us some clarification on that? Would that be necessary if there was a lot of development in that area? Is that a realistic location to build a road? Are there some legal or natural reasons why a road can't be put in there? Wetlands, that came up last time. Would that be a realistic thing? Or would that be a dotted line on a map that really could not be put in?

Oberthaler There's wetland going north and south on the eastern 40 acres. The 40 that's on the corner of North Reserve and Firkus. There's a wetland that goes entirely from one end of that 40 to the other in the middle of that 40. What it would require is a request to the Army Corps of Engineers and the DNR for a special variance across the wetlands. At this point it's a moot point whether or not to put a dotted line in there. Until you have authorization from the Army C of E, there's no road there.

Pelky In some subdivision layouts, if there is a way of anticipating future development, they can put a dotted line to reserve for a future possible street. I'm not saying is it or is not a wetland. I'm not saying they have to set aside or dedicate anything this evening. There's the possibility of making this road a through street, but we don't know that until the Corp of Engineers or DNR would get out there and delineate if there are wetlands there.

Oberthaler We've had that done and I'm quite certain. It was all assigned and mapped.

Enright So if its wetland, does that mean you could not build a road out in there?

Oberthaler You could not assume you could build a road in there or across there. They built Highway 10 through wetlands and then mitigated wetlands to the tune of 3 acres for every 1 acre you disturb at \$30,000 an acre or whatever so you can't just assume that the government is going to allow you to do anything. You need to have those permits in hand first.

Stemen John, is the wetland you are talking about to the west of Jerry's land, the 33' we have there already?

Oberthaler No, that would be further to the west of Jerry's. East of North Reserve in the first 40 acre section.

Jerry Koz. So a road going from either proposed road, the one that was dedicated and Oberthaler's new road, we can assume there's never going to be a road to the west to North Reserve to go through those wetlands because of cost and also you're not going to be able to build any houses in there?

Holdridge I don't think you can assume there would never be a road there. Like John Oberthaler said, that requires a special permit.

Oberthaler There's a process through the Army Corp. of Engineers where you can request to cross wetlands. It has been done. It was done in the subdivision out at Eagle Point. You have to evaluate how valuable the land is that you're accessing versus the cost of going across the wetland and building a bridge or culvert or whatever kind of hoops you have to jump through to cross those wetlands. To think that the land back there, in my opinion right now was valuable to allocate a couple hundred thousand dollars to a road that goes to a couple of 40's in the Town of Hull, I don't see it happening in the near future, but I've been wrong before.

Holdridge It would be a real process.

Enright        So a dotted line across that should not be interpreted as an easy way to put a second road into that place. It could be complicated and there could be some expense.

Pelky         We don't have all the information to make that decision. It's just an option. Just to put it on the map, whether it happens or not, with further development. Sometimes it takes a number of homes to be built to happen.

Holdridge     It could be fraught with difficulty. What do those dots mean?

Pelky         Just that there's the possibility of a future road. What we would look at is if at a later date, they wanted to put a garage or storage building on the property, if you have a designated future road, we would want that building to be set back 30 feet from the right of way. They can't build too close there with the possibility of a future road. You don't want a barn or pole building in the way of that. So it's just on the map.

Konkol        On the 3<sup>rd</sup> point regarding signage, it seemed that the expectation was that the Town would provide and install the necessary signage. That's true to the extent to that they would do that, but at the expense of the landowner. So that was a little unclear there. The 4<sup>th</sup> point had to do with the blacktop and the issue of when the road would be paved and who would bear the cost. One approach would be to have a marker such as having 6 houses off the road and cul-de-sac, then that would be the time that blacktop would be needed for that road/cul-de-sac. The second issue would be who would be responsible for the cost of that. The Town could do a special assessment back against the landowners or require the owners to purchase a bond that would obligate an insurance company if the owners failed to provide for the cost.

Dan H.        Where would you get such a bond? In doing research, I don't know if it's a bank bond or an insurance bond?

Konkol        It's an insurance bond. I would call a local insurance agent.

Dan H.        I did that today and they didn't know which direction to refer me to. They referred me to a place in California by doing a Google search.

Bowen        Call the Clerk of Courts, they do bonds every day.

Glodowski    Contact a road contractor, they do bonds all the time.

Dan H.        Is that in case something happens to the road or in case one of the owners doesn't pay?

Konkol        The obligation would be on the owners so if the owners paid, there would never be a claim against the bond.

Holdridge    That requirement is true for any development. Any developer would be responsible for that.

Stemen Several years ago I wanted to run a cement truck on Old Wausau Road in the winter and I just called Sentry and posted a bond through them. I think at the time it cost me \$10.

Stemen What kind of dollars or cost are we talking about on the signage?

Dan H. We guessed at \$300.

Holdridge What is the cost of a stop sign?

Kaminski A 30x30 stop sign is \$32 plus \$10 for the post.

Konkol On #5 we recommended that Oberthaler would dedicate a triangular shaped parcel on the southeast corner of his lots that's adjacent to Firkus Drive in order to provide for a 66' wide public access from Firkus Road to Firkus Drive. I don't know how wide that would be but it would be a triangle.

Glodowski We have a kitty corner situation where you can't legally get at it and you have a Town road. We would need a 66' piece and it would just keep the potential open to get a road through without having to get another property owner involved like Gollon.

Jerry K. I would like a sketch of that. Is that being put in there because I would be landlocked?

Konkol How long have you been living there?

Jerry K. 15 years.

Konkol Are you the original owner? Did you build the house out there?

Jerry K. Yes.

Konkol You've been getting in and out without any problem?

Jerry K. Legally, for the future. The purpose of this triangle on John's corner does not affect Gollon, it affects me. Gollon is on the other side. I want to know why we are putting that corner in there. If you look at property lines and go down and have a point, a dead end road without a cul-de-sac, we end up with a dead end point. We have a square corner there. Like Tracy said, if one plan is approved and the other one isn't, there probably won't be a road there. If that happens, then I'll go after that dedication. Now the road will come to a point and I'll have a square corner to get into my land. You can't drive a car across a square corner point. It's no different than at the end of Firkus Road right now. The Gawlik's can't get in on that 33' because they'd have to jump across that 90 degree corner. That's what we'd be creating at the end of Firkus Road by my house. That's why I'm assuming the engineer wants that triangle. With that he's going to give me access. This is what I want to protect.



Glodowski I don't see how you're landlocked. You have a 33' legal connection there from your corner 33' north, you're connected to Firkus Road. That's not changing. Adding the triangle would give you more room to potentially put a Town road through there.

Jerry K. I need 33' all the way along John Oberthaler's east property line in order to put a road through there.

Glodowski Why couldn't you take the full 66' on your side?

Jerry K. Because my garage is in the way. My house has been there for 15 years and if you put a road in, you split it 33' on one side and 33' on the other side.

Glodowski You're asking for the right-of-way to be centered on the property line because you don't have room to fit it all on your side?

Jerry K. Correct.

Oberthaler I'm not interested in that at all.

Glodowski You're not landlocked by that. It means you can't fit a road on your property. You need some of John's property.

Jerry K. That's been dedicated there for 20 plus years. That would be eliminated now per what Tracy said. The Town has collected tax on that.

Enright Could you clarify where the triangle is? (*John Oberthaler showed them on a map and clarified which land was being talked about.*)

Oberthaler I don't know if it's really landlocked for now but if there was a 66' road built in the future, that is why they would propose this corner with me so you'd end up with 66'.

Enright You're saying even if the road was built here?

Glodowski Correct, because we could make a connection to North Reserve. Make it not a dead end, but a loop street. We could extend off of this road onto Jerry's property and this triangle would allow for that. If he thinks he couldn't fit a road on this property, then that's a different topic.

Jerry K. There's no way you can.

Stemen Theoretically, if you moved your garage?

Jerry K. No. I would lose too much value in my house. There's no way feasible to ever do it. I'm offering to buy 33' from John for future use.

Holdridge We can come back to that. Let's finish this up and then go to Jerry.

Konkol        The last point in the memo is for the Town to consider passing a resolution to create an official map. (*He read #6 from his memo, see memo for details.*)

Holdridge     Jerry stopped in yesterday and he's got a letter dated Nov. 14. Today we got a letter from Maris Rushevics, his attorney. (*Letter was handed out, see attachment.*) Jerry, do you want to highlight what your concerns are and your proposal?

Jerry K.        Actually, it's all there in writing and I'm not going to go over much of it here today. Maris, my attorney, can highlight it. (*Maris is currently on medical leave and unavailable. Jerry didn't have a copy of letter with him so someone shared one for him to be able to respond to the question.*) #1, this road shouldn't turn into a race into who can build a road faster or who can do this or that. This proposal specifies Firkus Road yet this has nothing to do with Firkus Road other than it's in that area. It's a subdivision being developed off Firkus Road and it needs to be called something else. C: we ask that there be no decision on the variance today because there are too many other issues to be addressed. Mainly that dedicated road and the possibility of being landlocked and the loss of value to my property. Before the Plan Commission makes a decision on that 1,000 foot variance, what are we going to do with that dedicated Firkus Road? If they say we can't have 2 roads, or we don't approve 2 roads, I'll still have the same initial problem I started with at the very first meeting. I've got 33' that's been dedicated since I bought that property that the Town made me dedicate, made me have in my certified survey and that's not resolved. If that's not resolved, where does that leave me? I still have 33' that I'm going to block off that the Town of Hull is going to say it's their property and I can't ever put a road there. When John does his plat for his subdivision, it better be a certified survey. We're looking for 33' on the edge of those lots so I can eventually put a road in there. The Plan Commission better think of that. If we go ahead and approve Oberthaler's road, when he subdivides that out, he's going to need to have a certified survey map of how he's going to create those lots. When that goes in, I'm going to assume, if I cannot get a road, I'm going to still want 33' dedicated off his side since he's not willing to sell it to me, so that in the future, I can put a road in there. If the Oberthaler road is approved and my dedicated was eliminated, at that time it's going to be the Town of Hull's responsibility to put a cul-de-sac in there so I can get a school bus in there and so I can have a garbage truck come in there.

Holdridge     The school bus won't go down there, but the garbage truck will? Does the garbage truck go down there now?

Jerry K.        Yes.

Holdridge     But the school bus doesn't?

Jerry K.        No. The Town of Hull needs to consider all landowners in this decision. When this first started, I was blind sighted by how this was all going to come about. I knew I have 33' dedicated there and I assumed there would be another 33' and then a road. I didn't assume somebody would want to come down my 33' that I dedicated, that's been abandoned or not, to be determined later. Now I have that issue of who's going to cover the insurance cost if someone gets hurt. It's not a road. Is it a road? The state funding was for that road and for that

road only. If the Town eliminates that road, they can put the state aid for maintenance for any other place they want, but that \$6,000 should never be spend on a new subdivision road unless you're going to give \$6,000 to every new subdivision road.

Holdridge Bob, is that accurate? We're estimating that it was approximately \$6,000 over 20 years that was given to the Town of Hull under the assumption that the ¼ mile was open. Is there a requirement that need to be used on that road?

Konkol The only requirement is that it be used in connection with the Town roads, it's vehicles, maintenance of roads. So it's not specifically earmarked for a certain stretch of road. It's with the Town's discretion.

Jerry K. Correct and I believe that but I don't believe it should be put towards a new subdivision. I don't have a problem if they want to put a road in there. I do have a problem if it's going to devalue my property when I've had a dedicated road for over 20 years that took state aid and has been on the plat book for all these years. All we're doing is moving a road over 220 yards to benefit those people. Thank you, John.

Oberthaler I would like to speak to this and to the record here so that maybe some of the stuff that has been called the Oberthaler subdivision and the Oberthaler road be completely stricken from the record. The way this whole thing started out was I got a letter from the Town of Hull asking me to come to a meeting to help with a problem. It's interesting to me that he calls this in his letter, the Oberthaler subdivision. There is absolutely no subdivision going on here, whatsoever. Every parcel of property has its individual, independent and unique tax ID number. There's one on one side of the road, one on the other side of the road going into 2 parcels to the north. There's absolutely no subdivision and I don't like it to be indicated that Oberthaler's subdivision is going in here. I had nothing to do with this. You guys invited me to be part of the solution. I'm not part of the problem. Since the very first meeting, you invited me and told me there's a problem with landlocked property. We talked. At that time, Jerry threatened to sue. We didn't know what was going on. There was no road that was going to be on his property. We got together as a group of interested people trying to fix a problem. I've been proactive every step of the way to try and find a solution at the request of the Town of Hull and interested parties. If it's going to be called somebody's road, it can be called the Hebbe Road or the Broecker Road or whatever. I did not initiate one thing that has happened here. That should be on the record. This is not the Oberthaler road. I have signed my name to a proposal because I agreed with the proposal. That's the points I wanted to make and to call this a subdivision in incorrect. What we're doing is trying to provide a road to the Gawlik's and the Firkus' who are currently landlocked. That's how this whole thing came about. It's not my big subdivision. It's how can we help these people get access. So then we get handed a document from the Town of Hull saying that this is what developers should be responsible for. I'm not a developer. I'm lumped into this group as a developer. I'm an interested landowner. Will I have any benefit from this? Yes, I will. But I'm also giving. In the past, Jerry hasn't been willing to give anything. Not money, not land, nothing. So this isn't a cut and dried situation. What we have going on here is trying to resolve a problem in the best fashion possible. When there's money being spent, because the Town of Hull said they're not building the road, you laid it on our

shoulders. Who is going to build the road? Well, the people paying for the road should have an opportunity to decide where it's going to go.

Holdridge Whether it goes the middle route or the end route, the Town of Hull is not going to pay for it. So Jerry, if you somehow get 66' and want to put a road in there, we'll probably insist upon a cul-de-sac at the end and that will still be your cost.

Jerry K. John, I understand all that. In the Sept. 21 Plan Commission meeting, I stated on page 20 of the minutes that the best place to put that road is right where it belongs. Right where it was dedicated and right where the plat book shows it. Way back then I was willing to negotiate and work with these people. But they did not involve me in that for one reason. Because John wants that in the middle of his property. #2 from the letter of Bob Konkol, your attorney, is about road pavement. One approach to be a road and cul-de-sac will be paved with blacktop when 6 houses are constructed on the lots. So if this isn't a subdivision, then the asphalt should be paid for immediately because there aren't going to be any lots.

Oberthaler I didn't say that Jerry. I said this is not a request from John Oberthaler to have a subdivision.

Jerry K. We all know that piece is going to get developed. I'm fine with that. I'm not against that at all.

Holdridge Jerry, we have a fairly substantial proposal from the 3 families here and we have a split on who pays for the road. We have questions on the length and modification, that's a factor. Now what are you proposing? Because this is a pretty solid proposal. It's the second one they've submitted. They've come back with one and it's even signed by them. So what are you proposing?

Jerry K. John, #1, what's the hurry here? #2, I propose we put that road where it was designated more than 20 years ago. I dedicated 33'. We get together with all parties like we were supposed to do and we come up with a plan where the road is 100% funded by all of us, me included.

Dan Hebbe I'd like to comment on that. The night he refers to, we were out in the parking lot trying to come up with a resolution that would be best for all parties. The issue at the end was that Jerry wanted the road not on the 33' but next to it so that John Oberthaler would give up 66' of his east side property and Jerry said he would not pay a dime. That is his verbiage, not mine.

Jerry K. That is exactly correct. But John said, "I will not only give you the 33', I will give you 66'". That was the beginning of negotiations. We were supposed to go to the next negotiating meeting and we were never called to it. I'm talking we, my wife and I. At that point, I would have still offered to buy that 66' off of John and put that road on his just to save those red oaks down that fence line that would be right down the middle of that property line. Yes, that would be a lot more expensive to take those oaks out. So I would have paid. I was going to offer that on that night. But who's going to offer to pay \$8,000 for 66' when John's offering it for nothing?

Tiffany B. Jerry, that's right. John did offer that because he knew those trees were very important to you. We were all trying to accommodate you so that you would work with us. We did not get your cooperation. After looking at it, we all thought that without giving financially and if John were to give that land, why not do it in a place that benefits the most people. It just made the most sense. If you were going to slice and dice land from the natural surrounding habitat and you want to get maximum benefit.....We put a lot of time and thought and the fact that you were so unwilling to concede anything, even one tree. Why would we have any reason to believe that we would make any headway with working with you? We had all the rest of the parties on board and it wasn't to exclude you. We thought we were giving you what you wanted. Keeping that road as it was and completely taking it away from you so that we were giving you what you already had and not devaluing your land. Looking at a solution so that we could help maintain exactly what you had and not have issues with public people going down there, vandals, anything. So it was that we were considering your interests.

Jerry K. You were considering a lot of my interests but you don't even know what my interests are. You tell me I want my privacy. I said on Sept. 21 at the Plan Commission meeting that the best place for that road is right where it was dedicated. I didn't give anything to that road? I dedicated that for 20 years. We just got to the start of negotiations and the reason why you wanted that road over there was because it was cheaper for electricity.

Tiffany B. That was one factor.

Jerry K. But I had to put that electricity a quarter mile to my house, that you will gain...

Tiffany B. We will not gain a thing. You can call Wisconsin Public Service.

Jerry K. It doesn't really matter. The thing is, you are trying to make me look like....yes, I came into this with a hard stance. I will agree to that wholeheartedly, because I had lived there 20 years. It's not because I didn't want a road. It's because I had people saying that 33', which isn't a road, is a road. That was my whole discussion. There should be a road there. It's been dedicated and on the plat books.

Bowen I'd like to clarify how Mr. Kozickowski can dedicate something he doesn't own. I've thought about that since you talked about that at the last meeting. He dedicated it, but he didn't own the property did he? The Town owned it.

Holdridge No, he dedicated 33' of his property back in 1991.

Jerry K. In my original survey, there wasn't a road there.

Holdridge Who owned the 33' that is now dedicated? Did you own it?

Jerry K. When I bought the property, the first initial survey was without 33'. Then they made me dedicate it and put it in there.

Holdridge How could you dedicate some land you didn't own?

Pelky In my understanding, roads that go across properties, if they are town road, many people own to the centerline of the road. The Town of Hull in Portage County is the only town that accepts dedication of a road. So if there is a survey of a 2 acre lot or whatever acreage is being surveyed, the Town will require dedication of that land to the Town. If you're in another township and have acreage which is bought or sold, the owner owns the land under the road but there is an easement out there for the town's purposes to use the road. He owned the land under the road but when it was surveyed and he dedicated it, the ownership transferred to the Town.

Holdridge So you had owned the land?

Jerry K. Yes, I owned the land before the survey was done.

Holdridge So they surveyed it and dedicated it to the Town.

Jerry K. Yes.

Pelky Physical ownership transferred to the Town. Whereas before that, he did own it.

Jerry K. It's in the plat book all the way back to 1967 indicating that is a road.

Holdridge Somebody explain the plat book issue. The dedication of that 33' to the Town of Hull and that's a legal fact right? This idea of the plat books, how do you explain that Bob?

Konkol When Chuck Lucht from Planning and Zoning was here, he indicated that maybe just tradition showed it. In terms of research that we did, we couldn't find any Town order that laid out a deed or title that laid out a road there. There is a statute that says if a road is worked as a public road by the town for more than 10 years, it a presumption that it's a town road. We didn't have any history of working that stretch as a town road so that statue didn't apply to our situation. To me, it was clear that there wasn't anything we could point to that it was a town road until 1991 when Jerry dedicated that in a certified survey map and the Town officially accepted that as a public road. So it's clear that from that point going forward, it was dedicated and accepted as a public road. What has happened since that time is that since there was never a need to open it, the Town never spent any money on opening that road to public travel. So legally, it's a public road, but technically, it's not open to them.

Jerry K. How many triangles are there like that in Hull where we do a 66' triangle on the corner?

Glodowski I would have no idea.

Jerry K. Any estimation? Do you know of any?

Glodowski I've never been involved in any.

Enright Are you saying you are willing to participate in the cost of constructing a road on the end?

Jerry K. Yes I was, but they excluded me.

Enright Are you now?

Jerry K. Yes.

Enright And you are also willing to purchase some of Mr. Oberthaler's land in order to participate in the creation of a road?

Jerry K. Yes.

Enright How far north does the dedicated road go?

Jerry K. It goes up to the Gawlik property, yes, ¼ mile.

Enright All the way up to where these lots are?

Jerry K. Yes, it would be the same length.

Holdridge When we started this, we looked at that 33' as part of a road and we were talking about a cul-de-sac up at the end where you would run private driveways off that. You stated earlier that you weren't going to develop anything up there and you didn't want to. That's how I read it. So then there would be a cul-de-sac at the end of your road with private roads that would go over to those 2 lots. But we were not going to have a 33' road because we need a 66' road. So that became the hang-up. John wasn't going to dedicate 33'. He just spent a bunch of money buying it and paying back taxes. So that became the hang-up. So these folks eventually came up with one proposal then a second proposal. I would like to know what you are prepared to put in writing to us that says what you want to do.

Jerry K. How can I put anything in writing when we're working with a party of 2 different property owners, 2 potential buyers and me a property owner and Oberthaler a property owner? How long is it going to take to get all our financials together? We could have after that meeting in the parking lot here where it was very civil after that meeting and my wife was involved. That's when our money issue came in, but we never got the opportunity.

Holdridge What are you prepared to do now? Because these people have a proposal. We have some problems with it. What are you prepared to do?

Jerry K. I'm not going to build a road there all by myself. If I'm going to build a road, it's with these people and all the property owners that are going to benefit from it. We would need to sit down and figure it out financially and have everything documented in black and white. The money would be there and the road would be there. There wouldn't be a question as to if

the Town will pay for the asphalt. We know what the Town wants for a road. We know what the specifications are and that's what we need to follow.

Tiffany B. Jerry, out of courtesy to you, we tried to work with you throughout this process. We did have that meeting and 2 days before the Town meeting, when that proposal got signed and drafted, out of respect for you I contacted you and went through that proposal. I told you what happened and asked you at least 10 times, what were you willing to contribute to this. You had talked about another option; running it along that property line. I asked if you want that, because there's a benefit to you, what are you willing to contribute to work with us to help us do this. I probably asked you that at least 10 times. At that point you gave no response, so we didn't have anything to work with. You've had plenty of opportunity to call all of us. I've never heard from you. If you had a proposal and wanted to sit down and discuss anything, I think everybody in this group would have been glad to hear it. Anything you would do with us. Also we wanted to make sure that your needs were being met so for you to sit here tonight...

Jerry K. This goes back to Sept. 21<sup>st</sup>.

Tiffany B. That's the night we stood in the parking lot.

Dan Hebbe That's the night I offered \$4,000 to pay for 33' that is supposedly a Town road.

Tiffany B. After you had time to think about it and see the proposal, I had asked you several times, what are you willing to contribute. There was zero that you were willing to contribute.

Jerry K. When Mrs. Gawlik stood up and said, "Jerry K. had an opportunity to come to that meeting and he didn't come." Then I said, "I was never called about any meeting." Dan stood up and said, "No, he wasn't called." That's the meeting I was left out of and that's where they decided to move the road over.

Holdridge Let's look at what we have. Right now we have a proposal from a group that wants a center route that obviously serves their interests. That shouldn't surprise anybody. They have not yet agreed to pay the cost for the road. That's a split. We also have the modification. They are prepared to put some money up now. You have a problem. You need to have 33' for us to get a 66' road. You have stated that you will not pay for the whole bill. So who would pay? It would probably be these people. So they need to make a decision to pay to help to construct that road over on the dedicated one, add 33' and build a cul-de-sac. Maybe they're prepared to do that. If they're not, then it seems to me that somebody's going to have to pay for that road. If you want a road, you're going to have to get 33' more feet and somebody's going to need to pay for the road because the Town of Hull is not going to pay for it. Now where do we go from here?

Jerry K. I'm not against them putting a road in. What's the difference between reserved for future use and dedicated? Those dotted lines? Mine is dedicated. If the Plan Commission and Board wants them to put that road in, I'm not against that. They can put the road in. What I'm worried about is the value of my property and the access to it. So I would need it indicated as reserved for future road use, 66', and would want my dedication changed from dedication to



reserved for future road so that way we would have enough to put a road in there in the future and we don't have a problem. They could build their road and I can put in my road.

Holdridge      Going back to the cost for the road, which is a big one, it's a heavy cost for anybody. You lost a constituency that maybe in the beginning, would have been willing to split the cost of developing that road there. They now have a whole new plan. They're going to put money on the table.

Jerry K.        Which benefits them 100%.

Holdridge      Everybody is going to benefit somewhat. You don't do anything that's not benefitting you.

Jerry K.        I would actually lose value.

Holdridge      Who said we were going to eliminate that? You keep thinking we're going to just abandon that 33'.

Jerry K.        Tracy did. He said the Planning and Zoning Committee would recommend only one road.

Holdridge      We don't know. The Town Board has not made any decision on it. I saw that in your literature, but that hasn't been made. The Planning and Zoning Committee and Tracy can say this and that but remember, the Planning and Zoning Committee tends to defer to local government. Right now, we are not saying that we're prepared to turn that 33' back over to you.

Stemen         Jerry, if the road was built by you, you would need to buy either 33' or 66' from John. John, are you willing to sell that to Jerry?

Oberthaler     No, I'm not. I'm interested in the road going where we have proposed it to go.

Stemen         That's what I thought you said before.

Jerry K.        So you see, I can't negotiate with them.

Enright         If you had choices that looked like this, which one would you choose? One choice would be that the road would be developed on the east end and you participate in some agreed upon fashion to construct the road. That's one choice. The other is that the road is abandoned and dotted in as a possible future road or written off entirely and these people go forward with the middle road. Which one would you want to be in on, the road thing or not?

Jerry K.        The first one.

Enright         So you would like the road, you would like to participate in the road?

Jerry K.        Correct.

Enright        It seems to me here that nobody is going to get everything they want out of this. There's just no way. Somebody's either going to be a winner or a loser or you can work together. You people have an interest in constructing a road and Jerry has an interest in not being locked out of the deal here. It seems as if ideally you'd have the middle road and ideally he'd have the one on the end and the Town will be asked to make a decision on which one of these things go. The fact is that both parties here have some claim to the truth. Each one of you can be an obstructionist to the other. On your behalf, if you are saying that you are willing to participate in the road on the end, you can't come back to us in a month and say, "Oh well, this isn't going to work and so we're not going to be able to do it." It's extremely unlikely that the Town is going to put up the balance of \$17,000 to put this road in here. This isn't going to happen which means that unless the portion paid by the parties who want the middle road put up some more money, it isn't going to happen. But you could benefit because you just stated that you prefer that road. If you make a contribution to make up the difference, you don't get everything you want because you're going to need to pay for some of this and they don't get everything they want because they're not getting the road in the place that they want it but at least you could make it work. I don't know that the Plan Commission is getting everything they want either because I still don't feel comfortable with a 3,300' road that's a cul-de-sac/dead end because I'm not convinced this is a good way to do it. I don't think it's going to work unless everybody kicks in. If you are serious about this, you should think seriously about what it is that you are willing to come up with. You already said that you would be willing to purchase the land. Mr. Oberthaler is unwilling to sell it. But on the other hand, if they're going to want the land, it's going to go to somebody giving up something and I recommend that each of you give up something in order to make this work.

Holdridge      The other problem though is that these people have got money behind them. They're willing to stick the money in there. I don't hear any of them saying that they're willing to stick the money into this other road and share those costs.

Enright        That's what I'm saying they would need to do in order to make this thing a go.

Bowen         The whole purpose of this was to benefit the Gawlik and Firkus property so they'd have access. If the road was built on the east side with a cul-de-sac at the corner of the Gawlik and Kozickowski property, how do you propose that the Firkus property would be accessed?

Oberthaler     I went home that night and said, "This just doesn't work. It doesn't benefit me at all." The only people that are benefitting are people other than me and I'm giving up the land that I just bought. The proposal for the road going all the way on the east side, you can deduct \$8,000 for clearing and grubbing, deduct \$6,000 for base course and deduct \$9,360 (*for 2.34 acres*). I am not interested in participating. You can try to figure out how to get the 66' and the 10' for WPS to go down the road. It doesn't serve my property at all so why would I pay? I just paid for that land. I'm going to give it back to somebody else? I am not interested whatsoever. For the Hebbe's and Broecker's to run the electrical back to a private lot over on the Firkus property would be another 660' plus 660' at \$10 a foot. It just doesn't make economic sense. When we looked at it, we thought the Town of Hull would build part of the road or half of it.

But you guys don't want anything to do with it. It's coming out of somebody's pocket. It's our pocket. We should be able to decide where the road is going if we're paying for it.

Enright I'd say the same thing to your parties. Just as Jerry runs the risk that if he doesn't cooperate with you, he may be locked out of the road where he wants it, the same goes for you. If you're unwilling to work with the Plan Commission, it's possible that you may not get it at all.

Jerry K. David Firkus' 40 acres was split for the Gawliks and that's what landlocked that 40 off that 33', or made it more difficult or more expensive. I've got a bunch of 40's I can split. What are we going to do if I split those and sell them? I can't if I don't have a way to get back to them. You can't move a road over 220 yards just to benefit 3 property owners.

Holdridge Why can't we? The Town Board can't decide where that road can go?

Jerry K. Yes, the Town Board can. But we've got a dedicated road for over 20 years.

Holdridge We have a dedicated 33' which isn't a road. You put a barricade across it. We've collected state aid, you haven't paid any taxes. That's what we've got. I find it hard to call that a road as our standard for a road is 66'. That might be a trail or something but it's hard to call that a road Jerry.

Jerry K. Exactly. I'm between a rock and a hard place here no matter what. Whoever owned that property before Ambrose Firkus' death never put a road in there so I never did anything with it either. Now that property is up for development. Now is the time to put the road where it was intended. If we're going to move it over, we better have it clarified what we're going to do with that dedicated 33' strip.

Binder If you need to get to the back, can't that 33' be a private driveway? If he wanted to sell off property in the back, 33' is enough for a private driveway.

Jerry K. Correct, it is. But what is the difference in property value if it's a private drive versus a Town road?

Binder I have no idea other than you said there's no way to get back there but you can have a private drive.

Jerry K. The other thing is why do we need that triangle on the end?

*Discussion about private drives needing to be kept open by owners having branches cut back in order for fire truck/emergency vehicle access.*

Oberthaler I have a concept. Remember this wasn't my deal. I was invited. So I have another idea. The 38 acres in the back, Jerry supposedly has 135 acres. Take the cost per acre for the road and have them divide it. I don't want anything to do with it. I may consider selling some property. Jerry could give another 33' of his property but Jerry has the most to benefit here. He's got 135 acres back there that he's talking about selling in the future. These people

have about 36 acres. You guys work out something between the two of you and come up with a happy agreement. Then you guys can split the road and I'll try to work with you.

Jerry K. This road would only service 40 of my acres and 5 of those have my house on it so actually John would prosper on his side as much as I would.

Holdridge So if your road was 66', that would serve your 135 acres?

Jerry K. No, it's going to serve my front 40. If the Town would let me, I could go into that 40 and do some cul-de-sacs and if I bought some more property, I could swing a road in there. It could all be developed other than the back 60 acres. The road that we're talking about would initially give me one fewer lots than John could get on his 40 acres. So actually, John would benefit more than me.

Holdridge Is there a feeling by the Plan Commission that we ought to formally agree to keep the 33' as a dedicated 33'? We're not going to abandon that or give it back to Jerry?

Enright I think it might depend upon what we agree upon in where the road is to go.

Holdridge But let's just take that issue. Do we really want to keep that? Because at some point, there's going to be development and if you're going to get back to your acres at some point, there's probably going to need to be a road in there.

Enright I don't want to avoid your question, but I think we've been getting conflicting interpretations on whether or not there can be another road in there. I thought we got word from Portage County Planning and Zoning that if we had one road, then the other one couldn't be built. But if we could build that one, we could make a loop. So can these roads be built? I'm not saying right now, but could one of them be left open to be built in the future? Could we build the middle one and still leave open that end one for a future date to also build?

Holdridge That's what I'm suggesting.

Pelky Staff recommendation was that Planning and Zoning would support one road. Your committee could overrule us, but if the committee approves it, you could run 3, 4 or 5 cul-de-sacs in there.

Holdridge What happens if that road that Jerry has came back, got up there and then went west? If it came back around and you'd have a middle road there, then came down the middle route, like a circle?

Pelky It's only one entrance. If you loop it around like this, it's still only one entrance.

Holdridge No, I'm saying loop around and come back down the Oberthaler road.

Enright I'm saying that already there is a long cul-de-sac going east. Now we're talking about extending it longer and I've stated a number of times that I'm not comfortable with going

with that. However, if at some future time, more roads were built back there and there was a loop, you still have that 1,000' but there would be 2 ways out of the rest of the place in case of a flood or fire. To me, for the safety of the people who live in those homes, that makes a big difference. An internal loop. If at some point in the future, both the end and the middle road were constructed and an east-west section connected them at the top, that would be better than having only 3,300' in and 3,300' out again. You're cutting half the distance out of those roads if they would be blocked by fire or flood or a fallen tree for emergency vehicles entering. If the Town said we would leave open the possibility of a second road being built, we might be able to make some progress. Would Portage County Planning and Zoning say no, we can't do that?

Pelky            It was staff recommendation to support one route. Will the committee vote differently? I don't know.

Holdridge      Would the staff, with reasonable arguments, change their mind? We don't know the answer.

Enright        But it's a possibility?

Pelky            Anything is possible.

Enright        That's another solution to this thing. Build the middle road but put in the possibility that we'd like that left one open in case at a future date, Mr. Kozickowski wanted to develop that land. Of course, just like in this instance, he'd be doing it at his own expense or however he would work it out. He'd get his road, they'd get their road and eventually there would be another way out of the place for safety purposes.

Stemen         Jerry, is there even a possibility that later on, if you want to develop your land, you could run a road to the north from the east side of your house?

Jerry K.        No. That's all surrounded by Hay Meadow Creek which is a huge wetland area. Firkus Road goes in there and there are wetlands all the way around it.

Stemen         Up through the middle of your land?

Jerry K.        My front 75 acres is all developable. That would be up to the Plan Commission on how I could lay that out. But at this point, I would still need to loop back to Firkus Road. We'd need to include another landowner. This road, as of right now, would be for my front 40 where I could put some lots off of it.

Holdridge      If we had our druthers, we'd have a whole different road system, but we don't. We've got what we've got. Bob's suggestion seems to make a lot of sense. Keep yours open because if you're not prepared to develop and you are not ready to put in a road, somebody's not ready to dedicate 33'. These people don't have their ducks totally in a row but they're getting there. They have some stumbling blocks, but you are almost in your infancy (*with development*). You can't build a road there without somebody to help subsidize it.

Jerry K. Correct John. I'm between a rock and a hard place.

Holdridge If this Board takes a position, we've said we're not going to collect state aid, but we've not said to anybody that we're not going to continue to dedicate that 33'.

Jerry K. Correct. My first choice would be to get together with everybody and come up with a reasonable amount for that road that was dedicated 20 years ago. If the Town goes with the other road, then I would prefer to have that dedication changed to "reserved for future" road. Then John would also need to do 33' so we could get a road through there. Also, I would like that loop around because I would think that would make the most sense and that be "reserved". This is my second choice.

Holdridge The question is whether they want to go that route. That's a free choice.

Tiffany B. I feel we have a solid proposal here with a location. I'm not suggesting anything at all be done with that strip that is dedicated as a road. Jerry can obviously do with it as he wants. No part of our proposal says anything about that needing to be abandoned or anything done with it. We're asking for the Plan Commission's approval for allowing us or saying you would accept dedication of a gravel road. If we need to modify it to be blacktopped or seal coated, that's fine. We're prepared to invest a lot of money to move forward with our project. To look at every consideration to who benefits. What is least invasive on the natural environment and what makes the most sense. We would like a decision. If we could at least have the location of the road determined and your willingness to accept dedication of a gravel road. That's all. It has nothing to do with Jerry's land and access to his land. I feel like we're getting this whole thing convoluted by looking at that and trying to pre-plan for other people's future development. If Jerry wants to be a land developer, I'm not interest in participating in his ability to develop his land. I simply want a solution to getting access to my house. Dan wants the same for his. We're not looking at how other people are going to cross it or divide it. Like John Oberthaler said, that's not why this came about. It is not about what other people want to do to profit from smaller division of their own land.

Jerry K. Could they put in a private drive?

Dan Hebbe Not interested.

Tiffany Our proposal is well thought out. We've done a ton of work. I feel like we're taking steps backwards, not forward. We've listened to everything you've had to say and tried to incorporate it, tried to follow your guidance. You all have a lot of experience in this. We wanted to work with the Town and that's what we're trying to do. We've looked at where we can reach and what makes sense for us. We worked together with the Gawliks, Firkus', John Oberthaler and we need a decision, at least some firm direction. I would appreciate if you could at least see that the issues are not divided issues in your mind, because in my mind, they are.

Holdridge Lets have a few more questions, then we need to make some decisions. This is our 4<sup>th</sup> meeting on this. Jerry seems to think we've had quick meetings on this, but we haven't. We've gotten lawyers opinions, collected data, etc.

Bowen Tiffany, you people are ready to accept all the modifications presented in Bob Konkol's letter, is that correct? Signage and no blacktop until 6 houses?

Tiffany B. Would there be a stipulation that if there were 6 houses? Maybe we need to have a further discussion on that because maybe the road never gets blacktopped.

Oberthaler I'd need to know what the cost is before I'd say yes to that.

Holdridge David, what is the cost for blacktopping that?

Glodowski The difference between seal coat and asphalt would be about \$28,000.

Holdridge Is that hard cost, not inflated?

Glodowski It's pretty accurate, \$28,000 more. The same amount of base. We want 3" of hot mix (asphalt) and 8" of base course.

Holdridge What's our ordinance Pete?

Kaminski The ordinance says surfaced with 3" of hotmix with 6" of base, compacted gravel.

Holdridge The question is when does that go in? You say you might leave it gravel, but citizens aren't going to accept that. We've had that experience. Pretty soon the dust starts flying. We want a blacktopped road there because we'll be plowing it, have buses and garbage trucks on it. So we want a road that is substantial. When does it go in?

Bowen That's my question. Are they accepting the modifications? Yes or no. It's indefinite right now as to when it would be blacktopped.

Holdridge If you basically agree to this, we need some communication to that affect because we want this clearly in legal standing. We want you to sign off and we'll sign off. We'll know when these things get done and there will be no questions about it.

Tiffany B. I'm not sure how we can commit to other houses being there.

Oberthaler For the sake of making this proceed, why don't we assume that yes, we would do that and if we decide...., then you could rescind your decision.

Bowen I just wanted to give my personal view as sitting on this Commission. The first thing I'm concerned about is that I do not want to cater to private interests. We see this as a development project. That's why it's necessary to accept these modifications, because that's what we're seeing. It's not catering to your personal interests but seeing this as a development in this area and we need to plan accordingly.

Tiffany B. But if it's only divided by 6, our personal funds are deeply impacted if we need to come up with the money to blacktop once there would be 6 houses.

Bowen John said that we should come to an agreement for legal purposes for when it would be done.

Holdridge Maybe it would be 8 houses. Maybe it's 2 years. But we need that firmly decided. We want to make sure that in 2 years (*or whatever is decided upon*) from now, there's no wiggle room.

Bowen John is giving me the impression that he might develop some of his land. We don't want the rest of the Town seeing a decision in support of your proposal as us catering to private interests. We're thinking of this as a development project. At least that's my opinion.

Enright I would like to respond to this idea of compartmentalizing these 2 questions. From a planning perspective, they are related. The construction of the middle road does have impact on Mr. Kozickowski's land if it is the case that the Planning and Zoning Committee will not approve construction of a second road. Just like the land you are purchasing is landlocked, if we are prevented from allowing another road, the end road being built, then Mr. Kozickowski's land is in the exact same position that your land is in. An identical group of people could come before the Plan Commission in 2 years with the exact same request that you have now. Future citizens of Hull, no different than you are and we'd have to say no because we already committed to you. So if we go through with this, I would like part of the proposal that we approve to be a statement that we are not relinquishing the right to be able to develop another road and we would want the support of the County Planning and Zoning Committee. That is for two purposes. One is the interest that this action does affect Mr. Kozickowski's land and the second is that the construction of the road is at least some way of ameliorating the problem if there is only one road in and out of this.

Dan Hebbe John would need to sell 33' to make that happen.

Holdridge That's all up in the air. Tonight we could say that we are supportive of keeping this 33' road and not abandoning it or not giving it back. I don't know if we're saying anything else. We could say we're supportive of this group going ahead and we need some agreement on some of those issues. When Jerry gets to the point where he wants to develop and he comes to the Plan Commission, why wouldn't we support him? If he comes in and has 33' that he can get from John Oberthaler or some other way and is willing to pay for the road and a cul-de-sac, why wouldn't we support that? Now Portage County could say or do what they want to but none the less, you're going to be faced with a person who...we say we're supportive of a road and he's got a bunch of land back there and you're not going to provide a road for him?

Enright That's a good way to frame the proposal. That we're in fact not doing anything with this existing road or whatever it is. And that we're not supportive of abandoning it. But we're asking for permission to construct this one (the middle route).



Jerry K. But I can't construct anything unless I have that other 33'. Now we'll have 6 or 9 property owners depending upon how many lots there are on that side. It won't be John that I'll be dealing with, I'll be dealing with 6 or 9 homeowners who have lots.

Holdridge Jerry I don't know how you get an additional 33'. That's a private market issue and we aren't going to condemn land that he's got.

Jerry K. I don't want it back, I just want it changed from being dedicated to reserved. That way I would own it and in the future....there is a difference, I've got 33' that I can't ever do anything with it.

Holdridge That's not accurate. That is there and if you get 33' more you'll have 66'. If you get other people to support the building of the road, you're in business.

Enright Like I said, nobody is getting everything they want out of this thing. What you are getting by having that land stay in that way is that you are not locked out of the deal where a future development of the land you have. Yes you would still need to come up with the money for the land to build the road but what you're getting out of it is we didn't pass it this way and the middle road passed, you would have a lot of acres of land that would never be developed so what you're getting out of that is that you would have potential to gain off of this at some point in the future.

Syens Were this center road never proposed, you would still face the same problem. You'd have to come up with an additional 33' to access your property to the north. Nothing has changed. If we do not abandon this 33', nothing has changed.

Jerry K. Why create this problem for the future when we can have a 66' dedication?

Holdridge You have to get 33' and it's pretty clear these people do not want to participate in developing a road over there.

Jerry K. Okay, well then will John sell me 33'?

Bowen That's between you and John. Your best insurance is for the Town of Hull to own that road, which it does, and not do anything, we just own that land.

Syens I make a motion that we do not abandon that 33' of land and that it stays owned by the Town of Hull.

Bowen Why are we doing that? We own it already, we don't need to do anything.

Holdridge This is to tell Jerry that we are not interested in abandoning that road but to just leave it as is.

Reid Is the barricade going to stay up?

Bowen           The Town of Hull will put their own barricade up there.

Jim K.           So you're going to block Jerry's driveway off so he can't get to his own house?

Bowen           No! It will be set back.

Holdridge       The barricade is back, that's not at the entrance there. You can get in there now, right? You have a cable further back.

Jerry K.         Yes John, but you're talking about putting a barricade in there.

Holdridge       If I had my choice, I'd take the barricade down. That's a public walkway there if nothing else. How can you put a barricade across the Town of Hull? Pete, what's your suggestion?

Bowen           It's probably going to just end up being boulders.

Kaminski        I can take down the cable and put boulders up there.

Holdridge       How do you feel about that Jerry?

Jerry K.         Could we put the boulders at the start of the trees?

Bowen           We'll put them where you want them.

Jerry K.         Then the Town will plow all their land?

Holdridge       What do you mean by that?

Jerry K.         I was plowing up to 200 yards of Town land to access my house and garage on that.

Holdridge       You've been using that entryway, that's your driveway.

Jerry K.         Yes, it is my driveway, it's Town land

Holdridge       Have we plowed that in the past?

Jerry K.         No, never.

Holdridge       So why would we plow it now?

Jerry K.         Because you're restricting my travel on it.

Bowen           Nothing has changed.

Jerry K. Let's save this discussion for different time.

Holdridge Ok let's stay with this issue. Bob wants to call the question so let's have a roll call vote.

*Motion was seconded by Bob Bowen*

Holdridge All in favor of the motion:

Bowen Agree

Binder Agree

Syens Agree

Enright Agree

Reid Agree

Holdridge Agree

Holdridge Motion carries. Let's go to the other group, we have a difference on the paying for the blacktop. You folks agree to pay for other things, now we need an agreement with possibly some details on when the blacktop would go in. If you agree to pay for the blacktop, we need to work out the modification which is up in the air and when the blacktop would go in, those are really the 2 issues, right? Because it's clear we are not going to back down on the blacktop.

Oberthaler So you're sure you need blacktop and not double seal coating? I think that Dubay road was double seal coated just a few years ago and that road gets a lot more traffic than that 1,000 foot road. I can understand when he was talking about the asphalt the back side of it and the cul-de-sac where the big trucks turn around. I can understand that but a road built up to standards way above most of your Town roads to only service 1,000' seems to me to be a lot.

Holdridge We don't know what's going to go on it. You have the potential of 18 lots, 9 on each side of if they would be 2 acres. It's really a new development and our practice that we've held to is that if somebody develops, we have a blacktop road there.

Oberthaler I guess that was my question. North Reserve for 12 miles is double seal coated but .....

Holdridge I can tell you John that Wilshire is blacktop. Jordan was blacktopped.

Oberthaler Those are heavily used roads.

Holdridge I'm not disputing that. But I'm saying when we put in these new roads in subdivisions we are requiring that they be blacktopped.

Glodowski Whispering Fields, Prairie Estates, Hawk Haven all those new developments are blacktop.

Holdridge That's the ordinance and that gives you far more longevity than double seal coating.

Oberthaler You can't blame a guy for asking.

Binder It says one year from the time approved by the Town Board so what's your time line?

Holdridge That last sentence, we could waive that, if the Town Board agrees.

*Discussion and clarification on Town ordinance which requires blacktop for new developments.*

Tiffany I think we're all on the same page here. It's something we can definitely work out as far as moving forward, whether 6 or 8 houses or however we need to figure it out.

Dan H. Who figures that out?

Holdridge If you have another threshold that gets us blacktop, what would you use? We've indicated that you don't need to put that in right away. That could be part of the cost of a lot. Put some of the cost of that into the lots that are purchased.

Bowen That's what I was going to say; that John could put a statement in his sales contract that at some future date, the buyer may be assessed so much for the blacktop road.

Konkol The concern is about the threshold being set at a later date for the blacktop. One way could be by special assessment process and another would be a bond. A bond would be for protection of the town so that the owners will pay the cost for the road.

Oberthaler We know that you require asphalt and we will come to some kind of agreement that works for you and if we don't, then we won't have a deal.

Holdridge That's fine. You put together a proposal. We've got a few issues; blacktop and modifications. So we'll leave that for you folks to come back to us with resolving those 2 issues. Then we can work out an agreement where it's all clear and legally correct.

Tiffany B. When you say resolving those issues, just for clarification, the proposal will be for you to sign off before we apply for modifications?

Holdridge It would be one of those contingencies that the agreement would be subject to. I think the modification is a County issue.

Tiffany B. I just didn't want to have miscommunication on that. I'm just saying we won't go to the County until we have our proposal approved by all of you.

Holdridge That's fine.

Oberthaler Can you vote on it based on getting the asphalt thing worked out? We agree to the signs and right now, we agree to the asphalt. If the asphalt doesn't go in, you don't agree to the deal.

Holdridge Right. The Town Board needs to approve it as we're advisory to the Town Board.

Stemen John, when do we take over the road? When the blacktop is in, or before?

Holdridge If we reach an agreement, once the road is dedicated, then it's our road. Probably it would be a gravel road.

Enright Is there an issue with plowing roads that are not paved?

Holdridge There's not an issue except that if you ask the maintenance crew, they would much rather have a paved road.

Enright Does it tear up the equipment or something?

Kaminski A gravel road, yes. Whatever gravel you put in there, 1" of it gets thrown off over time in grading it which is more of a maintenance issue. You need to re-grade it.

Enright So the Town would be responsible for regarding the road?

Kaminski Once we take over the road, we need to grade it, yes.

Konkol John Oberthaler, what's your view on that triangular shape parcel in the corner of your property?

Oberthaler I have 2 opinions on that. As a Town, you should work out with all the people at that corner so there would be a cul-de-sac at the end of that road until a future road would go north. There really should be one there. You should work that out with Jerry and the other parties. I'll dedicate my portion to get enough land to get a cul-de-sac there.

Holdridge I make a motion to accept it (*the proposal*) tentative to the writing up of the agreement. We would agree to go along with the 3 parties here but we need to deal with the modification and we need to have a time line for the blacktop going in.

Enright I would like part of the motion to be that it's the Town's intention to reserve the right to build the east road (*eventually in the future*). I want that to be communicated. Maybe it's redundant, but I'd like it to be part of the motion that this is the intent here.

Bowen I think it's unnecessary.

Enright As long as it's the spirit of the motion.

Jerry K. I can't even put a private driveway in, can I, on that 33'?

Holdridge You're already using the dedicated part to get to your house, aren't you?

Jerry K. Correct. But in the future, what is the overall view of the Plan commission if I want to sell my existing house and build another one further back?

Holdridge I don't have any view on that right now.

Binder Let's back up and finish the motion on the proposal.

Holdridge The motion is that we agree we need the modification and a timeline with some indication of the dates or time when the blacktop would go in. We're not disputing who pays for it. That will be clear in anything we write. We are trying to resolve when the ¼ mile blacktop would go in.

Tiffany B. The signage goes in once the gravel road is in?

Holdridge Yes, we'll put that in, but you'll pay for it as was written.

Syens I make the motion that John has suggested.

Bowen Second.

*A roll call vote was taken and all Commission members voted in approval of the motion.*

Syens We've had a lot of discussion on the funds collected on that ¼ miles section and as Mr. Konkol explained, the funds don't necessarily need to be spent on that section. It's at the discretion of the Board where they are spent. We've talked about contributing those funds to various things and had discussions on both sides as to how they should be used. I make a motion that the Town use the funds at their discretion.

*Motion was seconded by Bob Bowen. A vote was taken by a show of hands. Those in favor: 6  
Opposed: Holdridge. Motion passed.*

Binder I just wanted to make a point (*in reference to some earlier comments*) that this is an open session. Things can't be stricken from the record. It's not a court of law where they do that. It's all on the record. So your remarks on that are noted.

Holdridge Minutes are never official until they're approved. So we approved 2 sets of minutes tonight. Now you might have a dispute with them, but they are our best recollection of what happened.

Tiffany B. I just want to make sure with regard to timing, with holidays coming up, I don't think there is a meeting in December. In order to keep things moving along, if we get a revised proposal to you John, e-mail it within a week, when we set up a time line within the group, what we need to have done, we get official approval.

Holdridge We don't have another Plan Commission meeting in December. We have a December 6<sup>th</sup> Town Board meeting. The Plan Commission has heard the discussion and we had almost all the Board members hear, 2 on the Commission and 2 in the audience.

Binder I move that the proposal would be brought forward to the Board and they can act on that proposal.

Stemen Second.

*Motion passed.*

Holdridge So we can shoot for December 6<sup>th</sup> at 6:30 p.m.

**6. LETTER TO CHUCK LUCHT WITH QUESTIONS ON DEVELOPMENT OF HULL / I-39 (ATTACHMENT 10-11-10).**

*John Holdridge handed out the response letter from Chuck Lucht on this topic and John indicated this would be covered at the next Plan Commission meeting.*

**7. COMPREHENSIVE PLANNING SEMINAR BY WISCONSIN TOWN'S ASSOCIATION IN STEVENS POINT ON FRIDAY, DECEMBER 17, 2010.**

*John Holdridge shared an outline sheet on the seminar to be held at the new Holiday Inn Conference Center and encouraged members to attend. He indicated that the Town would pay for the conference fee for those wishing to attend.*

**8. ADJOURNMENT**

*Motion made by John Holdridge to adjourn meeting, seconded by LaVerne Syens.*

*Motion carried by voice vote. Meeting closed at 9:30 p.m.*

Respectfully submitted,

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