

TOWN OF HULL  
**PLAN COMMISSION**  
**MEETING**

August 28, 2012  
TIME: 5:30 p.m.

- 1. CALL THE MEETING TO ORDER:** The Town of Hull Plan Commission Meeting was called to order on Tuesday, August 28, 2012 by Chairperson John Holdridge at 5:30 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 and Citizens: John Oberthaler, Lisa & Maggie Burant, Fred Gollon, Ryan Firkus.

- 2. APPROVAL OF MINUTES OF July 24, 2012 Hull Plan Commission meeting:** *Motion to approve the minutes of the Hull Plan Commission meeting of July 24, 2012 made by Al Stemen and seconded by LaVerne Syens. The motion carried by voice vote.*

- 3. ANNOUNCEMENTS; CHAIRPERSON AND PLAN COMMISSION MEMBERS.**

Holdridge Yesterday we got a note from Maris Rushevics. It says (*from Barb B.*): “Maris Rushevics called this afternoon. He spoke to Mike Ostrowski at the City. The next City Plan Commission meeting will be help on September 4<sup>th</sup> at the Lincoln Center at 6:00 p.m. This is the normal time for the City Plan Commission meetings. If the City Plan Commission acts favorably in regard to the development at the corner of Badger and Hwy. 10, the City Common Council will meet before the regularly scheduled Common Council meeting on September 17<sup>th</sup> at 7:00 p.m. We should be receiving an information packet from the City in the next few days pertaining to the annexation/development of this property.” So that’s on Tuesday at 6:00 p.m. at the Lincoln Center. That’s a little bit better because then the Council will face you. The way it works there, they look at you while you talk then they turn around and vote. Then the actual major decision by the Common Council will be at the September 17<sup>th</sup> meeting. We’ll get out the information on that.

Enright Is there a reason why the meeting would be earlier than the regularly scheduled time?

Holdridge I don’t know. We’ll see when we get the packet.

Enright It sounds like they really want to get this done.

Holdridge It might just be that they understand that it’s going to be a process, which I think they probably do.

**4. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS. AGENDA ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION (Wisconsin law requires that no government action can be taken until a topic is placed on the agenda and published 24 hours in advance of the meeting). *None.***

**5. CERTIFIED SURVEY MAP FOR JOHN OBERTHALER – LAND IN SECTION 4, TOWN 24 NORTH, RANGE 8 EAST, ABUTTING LEGACY LANE AND FIRKUS ROAD.**

Holdridge John (*Oberthaler*) is here tonight. Phil has written a brief note and he doesn't see any problem. Is that all one parcel John, the one you're splitting?

Oberthaler Yes. That 20 acres had its own individual tax ID # so it was a 20 acre parcel before this request.

Holdridge Did you get anything from Ray Schmidt on that, about the water test?

Oberthaler No, I have not received that.

Holdridge Did you get his letter?

Oberthaler I got his letter. I employed them to go out and do the testing that they required and I haven't seen the results yet.

Holdridge We haven't either. After we act on it, it will be on the September 10<sup>th</sup> Board meeting and we'll undoubtedly have his water report. It was fairly expensive, wasn't it?

Oberthaler Yes.

Holdridge \$300 some dollars.

Oberthaler And that's just to measure if somebody else's wells are good. It's not even measuring my well.

Holdridge Anybody have any questions about that?

Bowen John, where did all the chips go from those trees that you cut?

Oberthaler I honestly don't know the market. But it's worked out really well for me.

Holdridge How many lots do you have left?

Oberthaler I've got offers on two of them should you guys decide to go ahead with this split and then there are four more that can be added on the other side of Legacy Lane. So there could be a total of 8 five-acre lots, on the 20 acres on the east and the 20 acres on the west of Legacy Lane. But I suspect over time, I'll be coming back to ask for a land split for the ones on the west side of Legacy Lane.

Holdridge Have Hebbe and Broecker done anything up on the north lots?

Oberthaler Broecker has, it would be hard to call it a pole building, it's a pretty nice building that they built on their property and I think it's their intent to build maybe this year, but for sure by next year. I don't know about Hebbe.

Holdridge Any questions?

*A motion was made by Bob Bowen and seconded by Jocelyn Reid to approve the Certified Survey Map for John Oberthaler. Motion passed with voice vote.*

Holdridge That will be put on the Board agenda meeting for September 10<sup>th</sup>.

**6. CERTIFIED SURVEY MAP FOR DARREN & LISA BURANT – LAND IN SECTION 19, TOWN 24 NORTH, RANGE 8 EAST, ABUTTING OLD WAUSAU ROAD.**

Holdridge This is kind of an interesting situation. Apparently when the lot was certified back in 1977, the lot was actually split by Old Wausau Road. Today, according to Phil, we'd never do that, we'd create 2 lots. So what they have done, the last page in particular has the most recent map, they've taken half of that lot that is west of Old Wausau Road and they combined that into one lot, then they have a lot 2. The setbacks from the River are 100 feet and that's marked on there and then the right-of-way is 33 feet. I think it's about 29,000 square feet but that's not a problem. Phil's memo is a little bit confusing but I think what we're doing is straightening out a lot situation that probably should not have been originally established. Any questions on that? Anyone from the audience want to say anything?

*A motion was made by LaVerne Syens and seconded by Al Stemen to approve the Certified Survey Map for Darren and Lisa Burant. Motion approved by voice vote.*

Holdridge We'll put that on the September 10<sup>th</sup> agenda.

**7. CERTIFIED SURVEY MAP FOR FIRKUS MASONRY – LAND IN SECTION 24 TOWN 24 NORTH, RANGE 8 EAST, ABUTTING BRILOWSKI ROAD NORTH.**

Holdridge Is Mr. Firkus here? Okay. You're really just shaping up something that was there. Is that right?

Firkus Yes. My parents are transferring land to my brother and myself rather than have future issues down the road. My brother and myself are just looking to build a shed for ourselves on the same property that we'll be getting from my parents.

Holdridge That lot #1, is that all in the City?

Firkus Lot #1 is my parent's lot and that's all in the City but that 1.4 is in the Town of Hull as well. A line came through and it got annexed.

Holdridge Then you have an easement through to your parents.

Firkus Yes.

Holdridge Any questions?

Enright When you said lot #1, you mean these?

Holdridge That lot #1 up above.

Enright And that's in the City of Stevens Point did you say?

Firkus It's in the City from when they did the annexation for the Wellhead Protection and in order for us to build a shop, we needed 2 acres so the City was just going to draw a line across to make our lot 2 acres so we can get our shed built.

Holdridge When was that annexed? Do you remember?

Firkus 1988 or 1990 in that area.

Holdridge They did that for Wellhead Protection?

Firkus That's what I remember, but I was only in 8<sup>th</sup> grade so I don't exactly remember the details.

Bembenek That was when Scott Scholtz was the mayor.

Enright So we need to annex that back to the Town?

Firkus The City said they would just draw a dotted line there and I'll pay 2 tax (*bills*).

Holdridge Lot #2 is in the Town.

Enright So you'll pay a tax bill on that small rectangular.

Firkus Yes. My parents get 2 tax bills right now; one from the Town of Hull and the other from the City. Now my parents will just get a City tax bill and I'll get 2 tax bills. One for

65 feet by whatever makes it 2 acres and then I'll get the Town of Hull with the property and the shed; I'll pay the taxes on the shed so the Town of Hull will pay 65' of taxes to the City.

Holdridge On the Lot #1 there, you're parents are in the City?

Firkus Yes.

Holdridge But all they probably get is garbage pick up?

Firkus Yes.

Holdridge They still have their own septic.

Firkus Septic and everything.

Binder What's the cross road? It's along Brilowski. So what else is close by? I'm trying to picture where this is.

Firkus If you go north of Fleet Farm and the road takes a hard 90 degrees to the right, then just before Rainbow. It's in between there and Rainbow.

Holdridge Almost mid-block. Any other questions?

*A motion was made by LaVerne Syens and seconded by Shelley Binder to approve the Certified Survey Map for Firkus Masonry. Motion passed by voice vote.*

Holdridge We'll put that on the agenda for September 10<sup>th</sup>. You're certainly welcome to come but I don't think it's necessary.

Bembenek Mr. Firkus was wondering if he can go ahead and get some of the paperwork done.

Holdridge Janet (*Wolle*) has the original. We'll sign it tomorrow. She'll be in and notarize it. But it won't be official until the Town Board approves it. All actions of the Hull Plan Commission are advisory to the Hull Town Board.

## **8. HULL PLAN COMMISSION ORDINANCE.**

Holdridge The Hull Plan Commission was started in 2002 and we have an ordinance. There are 7 members, 5 of whom are citizens. When Bob Brilowski died, we never replaced the Vice-Chairperson. We have several that began with the creation of the Commission, or almost began with the creation. Bob Enright is willing to serve as Vice-Chairperson. It's a hefty responsibility. He would actually chair the meeting if I'm not around. Any questions on that? We'll need to vote on that and have the Board formalize that.

*A motion was made by Al Stemen and seconded by Bob Bowen to approve Bob Enright as Vice-Chair of the Hull Plan Commission. Motion passed with voice vote.*

Enright                      Do we need a secretary too?

Holdridge      Did we ever designate you as secretary, Patty?

Amman              I'm not sure there was ever a motion made on it. There could have been a motion at a Board meeting that I didn't know about.

Enright                      So it could be an appointed position.

Amman              Yes. I was appointed that.

*A motion was made by LaVerne Syens and seconded by Shelley Binder to approve Patty Amman as Secretary for the Hull Plan Commission. Motion passed with voice vote.*

## **9.      HIGHWAY 10 DEVELOPMENT.**

Holdridge      Bob, you want to talk about that? That parcel by Copps straight across from the (US) bank.

Enright                      Some history on that: When we were doing the Comprehensive Plan, we identified that parcel of land, which is a little less than 6 acres, as a special land-use area. We were advised by the County Planning & Zoning representatives that what we ought to do would be to come back and visit that piece of property again for special land use and to make the appropriate zoning for it. So at the initial time when we went through the Comprehensive Plan, we just identified it as that and then we would go back.

The reason we were doing that was because we recognized that the position of that parcel was close to a residential area but it was also adjoining to the Copps shopping center. So in order to avoid conflicts over how that land would be used after a sale of the property and an annexation, that we would do something similar to the Parkdale, not necessarily in as much detail, so that we could identify a commercial use for the lot so that the owner could sell it commercially, but we would do so in a way that would be not so intensively commercial that it would have a negative impact on big residential areas.

When we finished the Comprehensive Plan, we did at one point go back to that issue that we said that we would do to work on that special land-use designation. We met a couple of times with John Gardner and there may have been another representative from the City, oh, it was Jeff Schuler also. Both of them were working with us. We had several discussions over several Plan Commission meetings and in between each time, Jeff Schuler and John Gardner revised the plan and brought it back to the Committee.

What we were doing was again, trying to work out a way so that it could be a commercial lot but not be a challenge to the residents in the area. We went through several drafts and after the second one, I think, that came through, as I recall, the City never came back with a revision. Part of that was because the Plan Commission in the meeting had made some recommendations on how we go about doing this. It was supposed to come back; each iteration was more specific

on what you can and what you cannot do. The last time, the Plan Commission was presented with a rather confusing document, 3 pages long, and the definitions of what you could do with the land had changed 3 times in 3 pages. Some of you might remember. Bob I think you were on it and I think Shelley, you were as well. The first page made it look like it was going to be low-intensity commercial. I don't remember what the second page was. The third page, when it got right down to the specific ordinance, the motion we would have passed accepting that document, would have allowed a developer to build a 4-story hotel within 6 to 8 feet of the residents property in our subdivision. At that point, we discussed that and asked, "Is that what you mean by this?" John Gardner admitted that is what it would allow us to do and then someone pointed out the inconsistency between that specific plan and what the intention of the land was and so they were supposed to revise it again and bring it back to us to approve and we never saw it again.

So in other words, what has happened is that there has been no special land-use designation. It is in the Town of Hull Plan as R-2, I believe, it's residential. We know that the owner of the lot would like to sell it commercially because they've put up a For-Sale sign a couple of times and most of the time it's initially posted as a commercial lot. When John (*Holdridge*) or a neighbor notices that, he (*Holdridge*) calls the realtor telling them it's not a commercial lot and so they change it, sometimes within a day. Last time it was about 3 ½ weeks. But it's an important issue because the lot is for sale right now and I strongly suspect we'll be in an identical position to where we are with the gas station proposal. Not that I'm saying that they'd put up a gas station, but she wants to sell the lot. A buyer will want it annexed to the City. The City will change the zoning on it and the Town of Hull will have lost the opportunity that we've had for 8-10 years now to have some say-so on how that lot is going to be used. My opinion on it is that nobody has to be an obstructionist and stop commercial use of the property, but on the other hand, it should be a use of the property that is consistent with its location that is abutting 3 or 4 residences.

Bowen            You know the City will favor anything that will give them a higher tax bill.

Enright            That's exactly the point. If she has a buyer for the property, very much like the Ford's had with Schierl who want the gas station, it would just be a repeat of that. What I think we should have done, which we said in our Comprehensive Plan, is that we would work with all the parties involved just like we did for Parkdale and decide what the appropriate use of that property is then liberate it for sale in a use of the land that is appropriate for its location.

Bowen            At the time the land is sold, I doubt that it's likely the buyer would have to disclose what they wanted to do with it. After annexation, to get a different zoning, then they would probably disclose what they wanted to do with it.

Enright            We have already seen that the Common Council of Stevens Point passed the annexation without a public revelation of what the plan was. They did find out, in that instance, publicly it was announced, about 10 minutes before the vote on the zoning change, that it was a gas station. But that was only after one of the members of the County, Mike Wiza asked for it. Now, I think that we should be working with the City for planned development there just like we did with Parkdale. The owner can sell the property commercially but it would be done in an appropriate way.

Holdridge      You have to accommodate the neighbors. Chuck, do you have any thoughts on this?

Lucht            Free floating thoughts? No.

Holdridge      Free floating or not. How would you recommend we proceed on this?

Lucht            The idea is a good idea.

Bowen            What idea?

Lucht            The idea of working with the City is a good idea. However, under the present circumstances, I don't foresee an agreement which would put a lot of limits on any property coming in under commercial aspects from the City.

Enright            I recognize that but we're just sitting on keg of dynamite right now.

Bowen            It can't hurt to provide them with our preference for use of the land. In recognition of the impact on the residential area and anything else you would want to say about what the public would prefer to see there.

Enright            Right.

Bowen            If they don't accept that and go with it, then they are obviously disregarding what the people impacted by the area think.

Stemen            The way that meeting went the other day, they don't care.

Bowen            Well I know. That's obvious.

Enright            I recognize that and I'm fully aware of the....

Bowen            But I think we should publicize this.

Holdridge      Take a positive position.

Binder            And I think you need to add a third lot onto that too. The corner of Old Hwy. 18 and Hwy. 10 is targeted for a Kwik Trip. So that's another one abutting the Town of Hull right across from Town of Hull residents.

Stemen            Is that Town of Hull property right there?

Binder            They annexed into the City.

Holdridge      Let's finish this then we'll come back to that.



Enright                    When you say....to be consistent with that, I've spoken out several times that we should be doing all the border regions. I believe it's in our Comprehensive Plan document. There are other ones we could name as well. Brilowski Road and Old Hwy. 18 on the southeast corner, there's one sitting right there.

Binder                    The City annexed that.

Enright                    Not on the south, on the north.

Holdridge                You're talking about Hwy. 10 and Old Highway 18?

Enright                    I'm talking about Old Highway 18 and Brilowski Road. It's a field.

Binder                    You said that they're going to jump over that to do their transit center? By the train tracks?

Enright                    Yes. I believe they do. That hasn't been annexed. If it has been, I....that's just an example. Also, what we've been saying, all that land on Hwy. 10 East that is east of Badger. We know now that a commercial buyer has purchased a residential property there. So it's not a mystery as to....we don't know what's going in there but LLC's don't go around buying up ranch-style houses for....

Stemen                    From Badger Ave. east to those 2 houses, the woods and the wetlands that go right up to .....

Holdridge                Let's come back to that. Let's deal with Bob's (*Enright*) specific question. We've got these other things and those are big topics and some of that we'll talk over in the executive session.

Enright                    I don't know what else you can do and I know that the City can ignore us and I know they have ignored us. But we can stand on the basis that we did comprehensive planning, that we did write this in our land-use map. And just as we are saying that the other development that we've been having this issue with, that the City and Town should be in conversations about, we can reiterate that this is what we should be doing with respect to this. We can go on record that we are standing by what the State mandated that we do and what we are doing is making them aware that we are available to have this conversation and we're doing it in advance of any sale of the property and that we have a good-faith effort to try to make this a peaceable transition in the use of the property.

Holdridge                Do we have the documents on this? The plan itself?

Enright                    Yes, I think that we probably all do and it should be in the files. I can look and see in my big stack. We would definitely have that. Planning & Zoning should have it too because Jeff Schuler was a co-author on it and the Community Development Director ought to have it as well because John Gardner and Jeff jointly.... It's about a 3-page document.

Bowen           The problem with referencing anything from the City is that they never responded to the finalization of that process. We just said that. So the City side of it is non-existent.

Holdridge       There might come a time when the City is going to want to reach out and change their attitude. I think we should run down the basic document. Do you know when that was?

Enright                 It was maybe about 3 or 4 years ago.

Binder            Oh no, it was more than that.

Enright                 Was it?

Holdridge        It was when Wescott was mayor.

Binder            Yes.

Enright                 Was he? Okay. You were on the Plan Commission at that time too.

Binder            But what were we going to see him for at that time? It wasn't Parkdale.

Enright                 No. It was way, way after that. It was here.

Holdridge        Patty, why don't you look through the Planning records. Chuck, can you check on your end?

Lucht             I can ask Jeff about it.

Holdridge        Let's get the formal document and next time put it on our agenda. Maybe we'll just reauthorize it and re-communicate it to the mayor.

Binder            John, do we have a copy of the Intergovernmental Agreement?

Holdridge        Yes.

Binder            I know you do, but do we, the Plan Commission?

Holdridge        I don't know. You know the Plan Commission...

Binder            Was that from 1998? Before the Plan Commission.

Holdridge        Yes, 2002 is when we started. In fact we didn't have anything except that Ad Hoc Committee. But we can get you a copy of that.

Bowen            In order to expedite this and not let another month pass until the next meeting in September, if Patty finds this material, I think it would be good if she deferred to Bob Enright

who seems to have a real handle on the meeting issues involved in that document and either take the document verbatim as it was then or draft a revision of it so we can deal with it next time. Can you do that?

Enright                    Yes.

Bowen                    The way you spoke earlier, you seemed to be quoting from it.

Enright                    I remember it. I can't remember the details but I remember the circumstances. Oh, you mean the Parkdale one.

Holdridge                Let's stay on the one right to the east of the US Bank.

Enright                    I don't have that document. I think we have them in our archives.

Binder                    Gardner has been gone for how long now?

Holdridge                Halvorson has been the mayor for 5 or 6 years.

Enright                    Then you're right. It has been longer.

Holdridge                I think we just go back through and approve it and move it on. We'll send it to the press and everybody else. Don't you think? Move on with it.

Enright                    I think so.

Holdridge                So Patty, if you can look....why don't you look for it.

Enright                    I'll look for it.

Holdridge                Any help you can give us, Chuck, we'd appreciate it. Is there any other thing of a general nature? That's a pretty broad category here, Hwy. 10 East, that we might want to discuss? Going to the issue of a gas station, probably a Kwik Trip at the southeast corner of Old Hwy. 18 and Hwy. 10. I don't know that there is anything pushing much on that one. We'll know within the next couple of days when they come up with the agenda for that City Planning Commission meeting on September 4<sup>th</sup>. I don't think they've gotten the ball down the road very far. Our intent on that would be to notify all the citizens in Hull and notify those citizens in those City subdivisions that here is what is a potential (*building*) there.

Reid                        Is that right across from Target?

Holdridge                Yes. There's Pete Taggatz.

Bowen                    There's 2 businesses there now. The insurance and a cell phone store.

Binder No, not the cell phone place. The cell phone place is on the other side of the street.

Reid It doesn't seem like a very big area.

Binder And a private well is next to Taggatz.

Holdridge Kwik Trip may size this based on the size of the lot. If you go down Hwy. 10 where Hwy. 54 runs towards Waupaca, they just built a huge Kwik Trip there. I was in one in Oshkosh that's the biggest one I ever saw. They've got stuff like you'd find in Fleet Farm.

Reid They have Super Kwik Trips.

Holdridge Is that what they call it? Well this one was a super, super Kwik Trip.

Stemen John, is that the Town of Hull land there, or is that the City's land?

Holdridge Hoppa is in the City.

Binder Is Taggatz in the City? Did they annex too?

Holdridge I don't know, we'll have to check that. We've got tons of things to check on. Janet's been looking in the files, pulling out maps.

Enright That block is in the City?

Holdridge I don't know.

Binder Hoppa is.

Holdridge I think Hoppa is and if he is, I think Taggatz probably is. But I would want to confirm that.

Binder He's the one that wanted to put a car lot in there.

Holdridge So that's what we've got. Any other questions?

Enright Is there any requirement from the State or other level of government something like an environmental impact report that needs to be done before a significant change in land use and development occurs?

Lucht No. Once the City annexes the land, it's all based on the City ordinance.

Holdridge What happens when these Comprehensive Plans collide?

Lucht            Periodically they do collide because you can try to make your Comprehensive Plan as consistent as you possibly can but you're still going to have competing interests inside that Comprehensive Plan so you have to generally ....the entity will make a decision on the most appropriate effort it feels is important to the Comprehensive Plan for that location.

Enright            In this case you mean the City?

Lucht            Yes.

Enright            So the City trumps the desires of the Town in all instances?

Lucht            Right. The City and Villages trump the Towns. The Towns trumps the County. The County trumps the State.

Holdridge        That is if you are contiguous.

Lucht            Right.

Enright            We spent all that time making the Comprehensive Plan and we were mandated to do by the State; does anything we've written in the Plan have any enforcement capacity? Or is this just a narrative?

Lucht            In the case before this, what was in the Comprehensive Plan helped to keep the interchange at Casimir Road from being annexed. You had good, solid, basic, fundamental information which said that this is not a good idea. Nor is it really contiguous. In that case, it helped because everybody, outside of the City, looked at this and said this really does not make any sense. So in that case, yes. In this case, the property is clearly contiguous with the City and the City clearly has a desire to annex out towards Highway J and there is really nothing the Town can do to stop someone from annexing into the City. So there's no mechanism to force the City to follow whatever rules and ordinances the Town wishes outside of an agreement that both keep in good faith.

Bowen            Chuck, what was the State agency that provided an advisory statement about that Casimir issue?

Lucht            Wasn't it the Department of Administration?

Holdridge        There were a number of factors. One was the DOA's strong view; the Town of Hull's plan from day one didn't want any construction there, strongly supported by the citizens there. Those were important. Then Jeff Schuler wrote a really solid letter.

Lucht            We went through both the City plan and the County plan and Town of Hull plan and there was clear evidence in that case that the annexation was not really well documented in anybody's plan except for the City. The City of Stevens Point Comprehensive Plan showed no designation for anything to happen there, commercial-wise. It wasn't even contiguous.

Holdridge The 4<sup>th</sup> thing was that string sort of thing.

Lucht Yes, the non-contiguous.

Holdridge Out of that came a change in the State law. Those of us in the Town of Hull had a real role in it. Annexations would have to be contiguous. That was a huge step. That's in the State law now.

Lucht Yes. But that doesn't apply in this case.

Holdridge I agree with that. My question is, this whole planning process was started by the Portage County Planning & Zoning, State grant. Chuck Kell was very vigorous in this. Now we've got a situation where we've got a conflict between the municipalities. Why isn't there a role of the Portage County Planning Department to try and resolve these conflicts?

Lucht Because if we had a role where we could actually affect the outcome, you wouldn't have the local control for either the City or the Town. That's what everything has been based on. In this case, those municipalities, villages or cities, once they have annexed land, they fall under the City's jurisdiction as to how to administer it.

Holdridge But what I'm saying is that we have two Comprehensive Plans that are in conflict. Our plan for Badger and Hwy. 10 was to have Natural Areas Limited. The City's plan was basically to have R-5 all the way through to Stockton. Now those are in conflict. Why isn't the County that is sort of over this, clearly we belong to your zoning, why aren't they stepping up to this thing and say look, these two plans conflict, we could act as mediator in this.

Lucht We know when the Planning Commission has a project on the table for these areas in conflict, that Ray Schmidt and Jeff Schuler will write a letter asking for the City to take into consideration the Wellhead Protection and the quality of the water. Past that, the County has no jurisdiction over anything the City does.

Holdridge So you are saying Jeff will come in, in terms of the Wellhead Protection?

Lucht He's going to argue for maintaining and being mindful of water quality issues. That being said, that doesn't mean that it's going to be.... don't put in what is proposed to be there, it's please put controls in place so that water quality can be maintained.

Holdridge Do you know when he's going to come in on that?

Lucht Whenever there's a real proposal for the site.

Holdridge Well there's going to be one on Tuesday night at 6:00 p.m. That's not the final one. It's got to go to the Common Council.

Lucht Right. I don't know. That's what he relayed to me that would happen.

Enright                    You mentioned a few moments ago that I asked this about this for the Town, what the City can do, and you said that the Town has to act in good faith.

Lucht                    I did; an agreement where both parties are dealing with each other in good faith. Then you should be able to come to some sort of reasonable agreement and have trust that a project that is outside of that agreement wouldn't be accepted or would be guided towards that happening. That is the sense I have, that without an agreement at this particular time, I don't see the City of Stevens Point coming to an agreement that limits their options at all for any land that comes into it.

Enright                    I just meant that in a general sense, that it is written in there...

Lucht                    It's not written anywhere because any agreement has to have parties that deal with each other in good faith or there's no real agreement.

Enright                    I know you are not the arbiter of this but what I'm trying to get at is this; if the Comprehensive Plan mandate says that in issues there has to be good faith, as simple as ....is that language in there?

Lucht                    No.

Enright                    So, do you know if it's implied? If there's no such thing as good faith, I don't see what there is to keep a City that always trumps the Town, from not acting in good faith and just ignoring anything that the Town wishes or has writing in its Comprehensive Plan.

Lucht                    And there is the limit to political guidance.

Enright                    Oh, I don't get that one.

Lucht                    There is nothing written that has anything to do with enforcement of good cooperation. Judging from the meeting the other night, I would say that cooperation in between the City of Stevens Point and the Town of Hull is in short supply. From what I understand of the meeting, I haven't read the Agreement that everybody was talking about that covered that area over by Badger Ave., but by the mayors response, he came ready for that meeting having read good parts of it and he was saying that by all accounts, that agreement said that the Town of Hull should support commercial development in that case. I haven't read the Agreement myself so I can't vouch for what it said but it seems like there was a whole lot of "you're not doing what you're supposed to do" on both sides. In that case, it answers your question about both sides being diligent in being cooperative with each other outside of the agreement. You don't have much of an agreement to stand on when it comes to Comprehensive Plans being different.

Holdridge                There is that provision at the end of each plan called Intergovernmental Cooperation.

Lucht                    Yes.

Holdridge There's an assumption that there be...we've sent our plan to Dewey and Stockton and we've gotten theirs but there was this assumption that people would sit down and talk about this. That's never happened. Has it happened anywhere in Portage County? Where the towns and villages have actually gotten together?

Lucht Yes. The Town of Stockton sat and talked with the City about their growth boundaries for the future. The Town of Stockton is well aware that large chunks of the best farmland in Stockton are going to someday be parts of the City of Stevens Point and the City of Stevens Point has said "can you keep that land in A-1 until it comes time to be brought into the City of Stevens Point so that real developers are the ones that develop that land rather than 2 acres here, 2 acres there, 5 in another". They would rather have those large chunks of land come in as much denser developments by real developers. They are also under the understanding that commercial will someday reach the Hwy. J intersection out there. All the way out there. So apparently the Town of Stockton has been in communication with the City of Stevens Point and they've made adjustments accordingly to their future for those areas.

Holdridge Chuck, what do you know about this whole business about growth, growth, growth, develop, develop and where that really leaves you in terms of a cost benefit?

Lucht It all depends upon how dense the development is. The more dense your development, the better off you are as far as the City, because as a City, you have to provide services. And services, whether they are road construction or water and sewer and residential wise, once you get less than about 1/5<sup>th</sup> acre size, it doesn't really pay for itself.

Holdridge Do you have any literature on that?

Lucht Specifically, I haven't had any since I was in school.

Holdridge The argument is that if a City doesn't grow, it dies. I've heard that.

Lucht That's a belief that some strategists take. Other believe it's not true. There's no proof one way or the other.

Holdridge I think of the Town of Hull; we don't annex anyone. Sometimes they take some of our property, but we're still surviving, keeping a low tax rate.

Enright Are you talking about economic growth or are you talking about geographic growth?

Lucht They're one in the same because if you are spread out too far and too thin, then you can't afford the services you need to put in or provide like police and fire. So technically you would rather have your geography grow and expand at a denser rate so that those services are cheaper to provide. The question comes as to how do you limit growth. The few places that I can point to where growth is limited, Washington D.C. and Seattle are the few places, they have put large boundaries around themselves and it saved the city money, but it still costs residents who live there more because it drives up the cost and value of land. Apartments become more



expensive, restaurants and just the cost of living becomes more expensive. One can wonder whether it's really worked or not.

Enright                    That is not the issue with Stevens Point because if it were.....a lot of cities have reached the density and land use to the point at where they are stuck and cannot do this unless they grow geographically. Stevens Point isn't like that at all. What Stevens Point is doing is manifesting a pattern of development and decay. This is not unlike a lot of cities back in the '60's, '70's and into the '80's where they rot in the center and grow on the periphery. Then the city looks to annex land that's less expensive to incorporate to increase its tax base. But Stevens Point has a rotten urban core with the Mall going down, a demolished large convention hotel, a major shopping center and a big box store that remained vacant for 3-5 years and is now looking at another Staples that's going to vacate so this is not a case of Stevens Point unable to meet needing land. What it is, is a case of developers finding inexpensive Town land in order to convert to commercial for an easy way to increase the tax base while the other parts of the City are rotting and they're creating an urban sprawl along the State Highway. So that argument that they need this.... It's just that it's the low hanging fruit because it's easier to develop a gas station on natural land than it is to convert an empty big box store into commercially viable space.

Holdridge                Okay, we're going to have to cut this off. I think we ought to have a debate about growth and the develop, develop, develop. But anything you can get us (*Chuck*) that enhances our knowledge would be appreciated. You're the planner and I would assume you have resources that we don't.

Lucht                    I'll see what I can dig up.

Holdridge                We're going to have to go into executive session and exclude anyone that isn't on the Board or on the Plan Commission.

**10.     DATE OF NEXT MEETING:** *The next Plan Commission meeting is tentatively scheduled for Tuesday, September 25, 2012.*

**11.     ADJOURNMENT:** *Motion made by Bob Bowen to adjourn the open meeting and deferred to the Chairman's request to go into the executive session, seconded by LaVerne Syens. Motion carried by voice vote. Meeting closed at 6:30 p.m.*

Respectfully submitted,

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