

MINUTES OF TOWN OF HULL BOARD
MEETING COUNTY OF PORTAGE WI,
HELD ON MONDAY MAY 15, 2017

01) Call to order by Chairperson John Holdridge at 5:30 p.m. at the Hull Municipal Building, 4550 Wojcik Memorial Dr., Stevens Point, WI 54482.

Present: Chair Holdridge, Supervisors David Pederson, Dave Wilz, Jan Way and Rick Stautz.

Also present: Clerk Janet Wolle and Road Foreman Pete Kaminski.

02) Pledge of Allegiance

03) Public Hearing regarding I-39 W speed reduction

Dave Glodowski, Hull's engineer was present.

- This speed reduction study went beyond the Casimir Road/Granite Ridge Road loop to include dead end streets that connect to the loop

Clerk Wolle read an email received from Scott Rifleman, 1866 Pine Bluff Rd. "I may not be able to make the public hearing tonight on the Speed Limit Reduction in the I-39 west proposal. Please advise Chairman Holdridge of my support of this reduction. I especially am concerned about the now posted 45 speed on Pine Bluff Rd; this absolutely needs to be reduced to the 35 MPH speed limit. Pine Bluff is not suited for the higher limit."

Mark and Joyce Turkiewicz, 1633 Granite Ridge Rd N:

- Would like to get a lighted speed limit sign on Casimir Rd & Granite Ridge Rd
- Speeders 2:30 a.m. – 3 a.m.; 5 p.m.; 10 p.m.
- Four (4) or five (5) pickups → from the area
- Sheriff's Department deputies sit on Casimir Rd but not on Granite Ridge
- New residents with small children

Larry Koy, 496 Granite Ridge Rd W:

- Walkers, bikers, pedestrian traffic
- UWSP, SPASH, Pacelli runners
- No brainer to reduce speed limit to 35 mph

Ellen Rutta, 2270 Driftwood Dr:

- There is a Slow Children Playing sign on Granite Ridge Rd.
 - o Should be moved closer to address where the small children live (1645 Granite Ridge Rd)

Carl Lewandowski, 305 Shady Oak Lane:

- There's no enforcement out there
- 35 mph won't slow them down.

Holdridge:

- We rely on citizens to drive the speed limit
- Need for enforcement by the Sheriff's Department
- Have to make roads safe for everyone

Kaminski:

- Fine grading will begin on Driftwood and Pinewood Dr on Monday May 22
- Chip seal to follow

Way:

- The lighted speed sign is a real wake-up call
- At least on Wilshire speeders are slowing down where houses are

Wilz:

- Off of Pinewood Dr there is Fox Ridge Rd. Are there signs on the road showing 25 mph?

Kaminski – Yes.

5:45 p.m. the public hearing was closed.

04) Adoption of ordinance reducing speed limits on Casimir Road, Granite Ridge Road, Walkush Road, Birch Point Drive, Pine Bluff Road, Driftwood Drive, Pinewood Drive and Shady Oak Lane

Motion Supervisor Stautz, **to conditionally approve the ordinance reducing speed limits on Casimir Road, Granite Ridge Road, Walkush Road, Birch Point Drive, Pine Bluff Road, Driftwood Drive, Pinewood Drive and Shady Oak Lane. The condition, receipt of signed State/Municipal Agreement from the Wisconsin Department of Transportation (WDOT).** Motion seconded by Supervisor Way.

Stautz: The process went well. Appreciate all the work of our engineer.

Wilz: Appreciate input of the residents.

Kaminski: Will put orange flags on new speed limit signs.

Motion carried

5:47 p.m.

Holdridge: Will take a 10 minute break and then go in to closed session.

6:00 p.m. meeting back in order

Announcement by Chair Holdridge:

05) The board will convene in closed session as per WI State Statute 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. To be discussed: 527 Maple Bluff Road property issues.

The board will reconvene in open session as per WI State Statute 19.85(2). Possible discussion/action relating to 527 Maple Bluff Road.

Present: Attorney Brian Formella and Attorney Bob Konkol; Dave Pringle, Warren & Judy Halverson and Wally & Linda Check.

A binder with pictures of 527 Maple Bluff Rd (2014 thru 2017) was provided by Wallace and Linda Check. The Check backyard adjoins the Rebecca Bohne property.

Stautz:

- Anyone not a board member has to be read in
- Board members are committed to not discuss things after closed session
- Question to our attorney's, how can we get the citizens committed

Holdridge:

- Those present have been part of the process since day one
- I called and requested they attend the meeting

Formella:

- Respect the question
- Don't want to overdo the executive session
- Understand from the Chair the citizens have been an integral part of the process
- How to keep everybody present committed? The board is taking a risk.

Konkol:

- Facts vs legal advise
- Will ask residents to leave when giving legal advice to the board

Motion Supervisor Stautz, **to convene in closed session as per Chairperson Holdridge announcement** . Motion seconded by Supervisor Pederson.

Holdridge – Aye

Pederson – Aye

Stautz – Aye

Way – Aye

Wilz – Aye

Motion carried by roll call vote.

The Hull Public Nuisance Ordinance revisions were adopted on March 13, 2017.

Section 1, paragraph 3 of the Public Nuisance Ordinance was read by Clerk Wolle:

“Whenever a complaint, usually initiated by a written petition from affected citizens, is made to the Hull Town Board of Supervisors (the “Town Board”)

that a public nuisance under this ordinance exists within the Town, the Town Board by a simple majority vote will decide if such complaint merits further investigation. If the Town Board decides further investigation is appropriate, then the Town Chair, Town committee or other agents of the Town Board shall promptly inspect or cause to be inspected the premises complained of and shall make a written report of its findings to the Town Board, which report shall thereafter be filed with the Town Clerk and kept of record in the office of the Town Clerk. Whenever practicable, the Town Chair, Town committee or other agents of the Town Board shall cause photographs to be made of the premises for inclusion in the written report to the Town Board. 'Other agents' shall include, but not be limited to, the assessor, building inspector or anyone else so designated by the Town Board to enforce Town ordinances. Under such circumstance, the Town Chair, Town committee or other agents shall be deemed to be 'peace officers' for purposes of §66.0119(1)(b), Wis. Stats." Further, the Portage County Sheriff's Department is authorized herein to assist Town's peace officers in enforcing any special inspection warrants issued under §66.0119(1)(b), Wis. Stats., by keeping the peace during such inspections."

Read by Attorney Konkol, steps that should be taken concerning investigation and enforcement of an alleged public nuisance violation:

1. A complaint is made to the Town Board of Supervisors
2. The Town Board decides by a simple majority vote if the complaint merits further investigation.
3. If further investigation is appropriate, the Town Chair, Town Committee or other agents of the Town Board such as the assessor, building inspector or anyone else so designated by the Town Board to enforce Town ordinances shall:
 - a. Promptly inspect or cause to be inspected the premises complained of; and
 - b. Make a written report of its findings to the Town Board, with such report to include photographs of the premises where practicable.
4. As an initial step in the investigation, the owner of the premises complained of should be contacted for permission to enter upon the premises for inspection purposes. If such consent is refused, the investigators are authorized to obtain a special inspection warrant under §66.0119, Wis. Stat., to enter upon the premises in order to conduct an inspection of the alleged violation. The investigators may enlist the aid of the Portage County Sheriff's Department to assist in keeping the

peace during such inspection. The special inspection warrant process is initiated after the owner refuses permission to enter the premises by an affidavit of the investigator charged with inspecting the alleged public nuisance violation. After review of the affidavit, a Portage County Circuit Court Judge then executes the warrant authorizing such inspection.

5. After the investigative report is filed, the Town Board then determines whether or not a violation of the public nuisance ordinance has occurred.
6. If the Town Board concludes that a violation has occurred, the Town Board then decides on whether to take legal action to enforce compliance with the public nuisance ordinance. This action requires a unanimous vote.
7. If legal action is authorized, the Town Board should then issue an order notifying the alleged violator of the violation and granting such person a reasonable period of time to remedy the public nuisance violation.
8. If such period of time lapses without corrective action being taken by the alleged violator, legal action in Portage County Circuit Court may be stated by the Town seeking among other things, forfeiture of \$100.00 to \$500.00 per day until the violation is corrected, permanent injunctive relief restraining any future violations and the statutory costs of such lawsuit.
9. In addition to the above, an expedited procedure is authorized where a complaint is made about an alleged public nuisance that in the estimation of the Town Chair or the Chair's designee, poses a great, immediate and substantial danger or threat to the public health or safety, then the Town Chair or such Chair's designee is authorized to promptly inspect or cause to be inspected the complained of premises without obtaining Town board approval to do so.

Stautz: Regarding the process reviewed by Attorney Konkol relating to Town Board meetings, can meetings (steps) be combined i.e. 5, 6, 7?

Attorney Konkol – for efficiency would make sense to combine steps.

Attorney Formella – Start with step 1 as outlined above.

Motion Supervisor Pederson, **to reconvene in open session as per the announcement of Chairperson Holdridge relating to 527 Maple Bluff Rd.** Motion seconded by Supervisor Stautz.

Holdridge – Aye
Pederson – Aye
Stautz – Aye
Way – Aye
Wilz – Aye

Motion carried by roll call vote.

Suggested motion by Attorney Brian Formella: while in closed session the Town Board has conferred with legal counsel with respect to possible strategy or action relating to 527 Maple Bluff Road, and without stating too much about legal counsel strategy, there was a consensus to alert anyone who may be interested in 527 Maple Bluff Road complaints to follow the ordinance.

Motion Supervisor Wilz, **to move on the motion as presented by Attorney Formella.** Motion seconded by Supervisor Pederson. Motion carried.

06) Adjournment: Motion Supervisor Stautz, second Supervisor Way, **adjourn the meeting.** Motion carried. Meeting adjourned at 7:14 p.m.

Janet Wolle, Clerk