

TOWN OF HULL
PLAN COMMISSION
MEETING

April 15, 2015
TIME: 5:30 p.m.

- 1. CALL THE MEETING TO ORDER:** The Town of Hull Plan Commission Meeting was called to order on Wednesday, April 15, 2015 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, Jan Way, Bob Enright, Bob Bowen, Dennis Ferriter, Jocelyn Reid and Secretary Patty Amman.

Excused: Shelley Binder

Also present: Jeff Schuler – Director of Portage County Planning & Zoning, Dave Wilz

- 2. APPROVAL OF MINUTES OF January 20, 2015 Hull Plan Commission meeting:**
Motion to approve the minutes of the meeting of January 20, 2015 was made by Dennis Ferriter seconded by Jocelyn Reid. 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 You all got a copy of the press release regarding the new hours of the yard waste disposal site.

Reid My husband would like to know why the hours are so restricted.

Holdridge Did you see this? Because we just increased them.

Reid You increased them? I thought it was open all the time.

Holdridge It was open 24 hours a day.

Way Because everybody and their brother came and dumped their stuff (*from other places besides Hull residents*).

Reid So is somebody from the Town going to be monitoring it the hours it's open?

Holdridge Yes, we're paying (*a gate person*) \$10 an hour. We had it more restrictive but we increased the hours, particularly in the evening and later on Saturday. Ours was wide-open then we cut it back. We got quite a bit of reaction (*after cutting back the hours*) so we increased the hours. Hopefully we can hold these hours until the fall. We realize in the fall we need to open it longer.

Ferriter What about wood chips? Are they doing any of that? Chipping branches?

Wilz They used to years ago but now we pick up the brush in our trucks with a tractor and clamp then bring it over here and dump it. Depending upon how big the pile gets, and it gets big with 80 to 100 dump truck loads plus citizens dropping off their own. There are vendors that come in with a big machine to chip it down and turn it into kind of a bio-fuel and they take that with them to sell.

Holdridge We're doing what other communities are doing. This is for Hull citizens only. But in the fall we'll take a look at it because that's going to be the heavy period.

Wilz Over the past 2 weeks since we started this, the road crew noted the volume is down by 50-60%. The volume was part of it but because it was open all the time, you'd find stuff in there like construction material and other stuff people were just dumping in there.

Way On the other hand, Dave Pederson told me last night just in the last few days 4 tires appeared in the ditches by him.

Holdridge That can happen at any time.

Ferriter I get that down my road all the time. On Old Wausau Road, tires, TV sets.

Bowen Don't the Adopt-A-Hwy. people pick it up?

Ferriter They only pick up once or twice a year.

Holdridge I passed out the Somers's land map. I had a meeting earlier in the week with Nick and Diane. There's a new state law on implements of husbandry. It's a whole brand new law which attempts to control big farm machinery that's over 92,000 pounds. It particularly pertains to potato growers and big operators. The other thing I brought up is the Somers land at Jordan and Willow Springs. These are our 2 subdivisions, Emerald Forest created in 1992 and Stroik was created in 1969. This was all wooded (*Somers land*). This wasn't a case of subdivisions being put up against a farm field. The subdivisions were there and the Somers, who own the 80 acres behind it applied for a high capacity well. The fear was they were going to clear-cut the woods and put in some vegetables. They aren't going to do that right now. They're holding off. They'd like to have some options if somebody would like to buy it and develop it. That's a good relief for these people.

Bowen Are they expecting someone to buy their wooded area or their arable land as well?

Holdridge I don't know about that.

Bowen They're really just talking about the wooded area.

Holdridge I think what they're doing is trying to get ahead of the game. The number of high capacity wells put in Portage County in the past few years is substantial. George Kraft quoted that somewhere.

Schuler Yes, but overall it's kind of plateaued, leveled off from what it was. There was a big, big spurt.

Holdridge My feeling is they probably wanted to do this because the law may change and make it more restrictive. So if you know of a developer that wants to work on something, that might be a good spot.

Let me quickly go through a couple of other things. On garbage recycling, we met with Andy Gardner. Be sure you get your garbage and recycling out by 5:00 a.m. in the morning. That's crucial. You've got to put it out the night before. Keep these 2 carts at least 4 feet away from any mailbox. I didn't know that. Because the truck arm needs that space. One truck picks up both the recycling and the garbage.

Holdridge Portage County Gazette – that's where we now put our notices. We got a letter from the Stevens Point Journal and they want to charge us if we put an announcement in there so we went with the Gazette. We only have to post it 3 places. We post it here (*at the municipal building*), over on Maple Bluff and by St. Casimir right across the bridge on the left on a bulletin board just like the one over on Maple Bluff. We put it on the website too. Janet researched it. If we post it 3 places, that meets the law because we're a town, but not a city or a village. City and villages have more requirements.

Well #11 – Steve Gaffield has written a response to the City's critique. I think there will be a press release through our law firm. It's still moving along. Gary Dreier is representing those 30+ people who lost water and had to put in a new well/pump. They've worked out a contingency agreement. He'll be submitting a notice of claim for those that lost water.

Enright Can you tell us how it fits in with the newspaper account about what the hydrologist said?

Holdridge The hydrologist works for the City, just like ours works for us. He took a look at monitoring wells that were 7 miles away run by the USGA and made judgments on these wells based on that. Our judgment has been made using monitoring wells the City has and we've used the City's own data. Jansen conveniently ignored this. The other thing he never touched is the future, the out-years. When this well starts pumping 5 mgd or 13 mgd. That's going to have a tremendous impact on private wells.

527 Maple Bluff Road – a lawsuit has been filed and we have a jury trial coming up the 16th of September. The owner of the property has requested a jury trial. There was a summons and complaint. The defendants have to answer that. I've indicated we will send a copy of that summons and complaint to citizens over there. We've got very active citizens over there that have come with us through the whole process.

Bowen It sounds like the City's and Hull's hydrologists disagree on what the situation is.

Holdridge The City's hydrologist actually admits that Well #11 had an impact on those wells.

Bowen That's not what they said in the newspaper.

Holdridge I read the whole report, that's what he said. He actually admitted there was something to that so the question is, what's the impact of Well #11.

Bowen 33 dried up wells.

Holdridge They get experts, we get experts, they go head to head. The City's is out of the Milwaukee area but he works for a firm in Minnesota.

 In terms of Maple Bluff Drive, there are 3 issues: 1 is the vehicles that continue to be parked there. In our nuisance ordinance there's a description of how many vehicles you can have. Generally you can have an automobile for each resident plus one additional. The other thing is we'd like them to put up a fence and the final thing is we want the ability to inspect once the fence gets up because there's evidence he hauls stuff in. It's a real challenge.

 Does anybody else have anything?

5. STATUS OF PORTAGE COUNTY PLANNING & ZONING SERVICES TO THE TOWN OF HULL – OPTIONS FOR PLANNING SERVICES.

Holdridge I sent something out to you on this. Ray Schmidt, Water Quality Specialist for the County retired after 35 years. Steve Kunst who helped us and we really liked working with him, he was there a year and left to go to Rib Mountain. Sarah Wallace who did a lot of work on the Bicycle/Pedestrian project, she left and went to Green Bay. So Jeff has basically lost his planning section. I'm happy when people get promoted and all this but what happens to the mission of the Town of Hull and others who rely on these people? Where's the obligation there? In your packet is a letter from Mike Ostrowski who wants to have intergovernmental cooperation with us. I think that influence is coming from Gary Wescott. Gary wrote me a letter and I think you have that. I sent him a letter with that proposal we had with getting together with the City and he came back and said we ought to look at not only intergovernmental cooperation but boundary agreements. I said I think that makes sense. But right now, we don't have a planner. We've got a schedule that was worked out with Steve (*regarding our comprehensive plan update*). We're plugging through as best we can. Of all the services we get, there are 2 the town doesn't provide. The services you've come to expect, picking up garbage, snowplowing, elections, fire service, that's all provided by that 16% (*of the property taxes that go to Hull*). The 2 we don't provide are planning and zoning and police services. That's from Portage County. To cover that, 30% of your property taxes goes to Portage County. So I'm saying, we're paying for this service and we ought to have the expectation that we're going to get them.

Bowen So there's no assessment to the town for police protection?

Holdridge It's part of the general property taxes. You could, I suppose, talk with people from North Central Planning out of Wausau because I know they service other areas but probably nobody in Portage County that I know of.

Schuler They worked with the Village of Rosholt to do their comprehensive plan.

Holdridge But that would cost us money. So the reason Jeff is here is to give us some hope. Steve did a good job. We lined this out and were working through it. The City is ready to go in a good direction. I think Mike Wiza will continue to seek out intergovernmental cooperation.

Schuler I hope so. One thing I would like to say, I think you're going to need to be a little patient with the City because from what I've seen of the candidates who are now the alderpeople and the newly elected mayor, I don't know if they have a completely firm grasp of the planning process and what the plan can really do for them. That's been our frustration in P&Z, you look back at how the first planning cycle went. Every town had to create a Plan Commission when they didn't have one before and were very skeptical about it. I know the City has never really taken that to heart. So we're hoping, with the new crop of council people, get them to understand that from the very beginning. Understand how important it is and how there should be a basic instinct in how can they do stuff with the Town of Hull, how can they talk to the Town of Hull, the Town of Stockton, Plover. They haven't met as a group yet. I'm looking forward to being in front of their plan commission just to see how that is staffed and what their perspective is. They can't just walk in and pick up their plan process mid-stream. There's going to be some education there that's going to be beneficial because there are so many new faces.

Way I'm very optimistic because Mary Kneebone was a planner for the City of Dallas. She's got that background. She says to me all the time, we want to work with the Town of Hull and be good neighborhoods. She lives over on Sandpiper. I've talked to Mike Wiza before he was elected and he's very optimistic about some positive work together.

Holdridge Mary has a master's degree in regional planning; these people have got some skills. My concern is where do we get advice for the Town of Hull. Steve did a great job but he's gone. Will you be our support?

Schuler Yes, until such time as we get the positions restaffed. The actual position that works with Hull is the associate planner and I'm involved with everything they all do so I'll gladly provide that service until we get restaffed.

Holdridge I'm assuming your advertising?

Schuler Yes, we're interviewing for the assistant director on Friday and the associate planner position should get posted with the next day or so.

Ferriter Where do you work out of, where is your office?

Schuler The annex building, third floor.

Holdridge We're ready to go and I'd think this group just keeps pushing along. Get feedback from you. We've got a chapter we were going to go through tonight. We can always make some revisions.

Schuler I see according to the matrix, there was some homework to be done on the Plan Commission side with Chapter 6 and 7.

Holdridge Chapter 6 would be a whole new chapter on Groundwater.

Schuler One exciting thing from my perspective is, I'm grateful for Ray Schmidt's years of service, he did an awesome job and I wish him well in his retirement but we have a new opportunity now with it being a water resource specialist instead of a water quality specialist. It's a change that talks more about the overall issue. That closes on April 30th and we're hoping to get someone on board that's really good who can help give you a great feel for how to structure that Groundwater section of your comprehensive plan. That's a perfect learning experience for a new person coming into the county structure and the type of issues both with the well, the historic differences of water across your town plus the previous water study you've done. With all the discussions you've had, it's a perfect place for them to come and get acquainted.

Holdridge We have a Hull Water Committee that has met twice this year. It's got some really good people on it. One of the things we'll be talking about next time, Patty (*Amman*) has plotted the monitoring wells and what we want to do is develop a monitoring system to check both quality and quantity of water throughout Hull. I've talked with Steve Gaffield and others looking for some kind of model but nobody has a model. I know Patty (*Dreier*) would like to have some sort of monitoring system throughout Portage County to make some sort of judgment about the water. Nobody is doing that. I talked with Steve Gaffield today and his argument is, probably what we should do is hit sensitive areas like these subdivisions next to the Somers, over by Fleet Farm where the water comes in from the east. That area, Bob (*Enright*) that you were going to look at, is another place we'd want some monitoring wells. That's a big role and should certainly be part of the planning.

Schuler We get back to what is planning and that's why I'm curious as to the City's perspective on planning. You're in a process of updating your comprehensive plan and the City is doing theirs but there are so many other things that relate to community-wide issues. Within our department as we're getting a new water resource specialist, we've got the groundwater management plan that is in the process of being updated. We've got a brand new person who is going to be the resident expert within our organization on groundwater. We've got the Groundwater Citizen's Advisory Committee that has functioned for years with no real solid purpose or mission. They've done a lot of stuff but it hasn't been as effective as it could be. We've been meeting a few times with George Kraft and the Watershed Center to try to make sense of how to talk about groundwater in Portage County. It's not a groundwater management issue, it's not a Hull Chapter 5 issue, it's not one single thing. It's a lot of different people involved and they need to make sense of it. We hoping to figure out, how does it make sense to monitor your water? Is there an efficient system or model you can follow to give you information. All that information is intended to do is allow you to make local decisions on what

makes sense for the resource. That's like anything to do with planning. You're trying to figure out what you can do as a town or county to have an impact on something that's important. That's why you've got this summary of issues in here. Based on all this background stuff we've talked about, these are the important points we can do something about.

Holdridge Our problem now is some data goes back to the late 1980's that nobody has articulated, nobody has extended it out through the years. Gaffield told me today one of the things we could do is monitor it quarterly. The City on their wells do it annually. You really have to do it more because of the seasonal fluctuations. The other thing about our plan is our 5-year plan and we have a chapter in our comprehensive plan. I see our 5-year plan as fitting into that structure. If you read this plan, it talks about agriculture all the time. We're an urban town with all these subdivisions. Yet if you look at this, we've got a whole chapter on agriculture. So we need to start getting more into the urban part of this.

Schuler I think Steve made a good point at the January meeting about when we first did all these, we had to have everything in all of them because the state required it. That's why the Town of Linwood had to talk about their mass transit system if only to say they didn't have one so the state would say, okay, you discussed it so we can check that box off. Now the second time around you can go after what's important to you.

Holdridge Are there still real strictures on what you have to include?

Schuler No. It was a program that they put through in the budget in 1999, it didn't have its own discussion, then when they went to implement it, they made it up as they went and they had some really hard-line people saying you've got to include every single thing.

Holdridge Do you still have to have a comprehensive plan to make zoning decisions?

Schuler Yes. That's the one thing that made sense. You're zoning should be based on long-term discussions of what you want your community to be like.

Holdridge Are you prepared, as the Director of Portage County Planning & Zoning to come in on these issues and decisions we need to make as the overall planner for Portage County?

Schuler Sure and I don't mean that lightly.

Holdridge I'm hopeful the City will have some responsibility to the metropolitan area.

Schuler Our department is a reflection of the County Board. They are very strong on the fact that when we speak, we reflect their opinions. Through the Farmland Preservation planning process there's a chance to give the County Board a perspective that the County can have a voice on county-wide issues. So we're hoping to be able to create an environment where we can take more stands on issues. I know that's been a concern of yours for many years. A stronger voice from the County. It's not that we can't. But it's always been on my mind how can we be more of an advocate that way within the system.

Holdridge All I would ask is professional judgment, be prepared to defend that and make statements on that. Jeff, I'm glad you're out here. We can take a chapter tonight and develop the groundwater one and shoot that off to you to get your reaction to it and keep going on this.

Schuler Tonight you're set for Chapter 8, correct?

Holdridge Yes.

Enright Are you the one that's going to get us the data for the water study we're doing on the nitrate levels in the southeast quadrant/sector of Hull. We've been waiting for the data we requested for well over a year now.

Schuler You'll have to back up to catch me up on this.

Enright Patty (*Amman*) had sent me the data set originally and you did get it from the County, right Patty?

Amman Yes, I think I got it from Ray (*Schmidt*).

Enright It had data up until about 2008 or maybe 2009. Then we ran a pilot data analysis on that data but we wanted all that data from when a number of cases were done in late 2013. All the data from then and after that.

Schuler So you're looking for year-specific data over time. You have through 2008?

Enright I have to check. It's been awhile since I looked at it because we've been stalled without the updated data. We have it up to somewhere around 2008. We got information on nitrate levels, every test that was done. I can show you the data set. Patty has it as well. It had the well construction date, well depth and other data.

Amman It was in an excel spreadsheet.

Enright They get the data from the DNR I think, is that right?

Amman From the well drillers, it goes to the DNR and then it gets shared with the County.

Holdridge What happened Jeff, when that Task Force did that study, we divided Hull into 4 quadrants and we discovered that southeast quadrant had all that testing prior to our getting involved. I know we talked with Ray about that, several times. He was going to get it for us and we just didn't get it. That area really has a lot of testing, north and south of Hwy. 10 East.

Enright We have historical stuff with data going back to the late 1970's. We were going to look at changes in nitrate levels over time and by geographic area. We'd be happy to meet with you or someone else to get that data. I think it's available, it's just a question of getting it.

Amman We were missing the last 3 years.

Enright Now we could probably get all the way up to 2015 so as recent as possible. I think there's a time lag involved in there of about 3 months or so. Would you like us to show you what we have? We can send you the data set to show you and we just want that updated.

Schuler Okay, that would be helpful. Then I can see what I can find. What is your intent for the results?

Enright We're under contract with the Town to produce a report so our intent is to present a report to the Town Board showing what we found. The central questions are what are the nitrate levels in that area and breaking them down geographically because we've noticed in the pilot data set there seems to be significant geographic differences. We want to look at them over time and we want to be able to identify the areas where they are the highest.

Schuler Leading to what?

Enright Ultimately if we have that, trying to look for where the sources of the nitrate could possibly be coming from and then link that to policy or public education in terms of how to protect yourself against high nitrate. That's linked to other studies like the one Paul McGinley is doing.

Schuler This is my frustration from my position, to me that sounds like it should be a county-assisted project in support of a public information plan for understanding, creating education and possibly directing policy toward the groundwater resource. I'm hoping when we get the new water resource specialist we can try to help make sense of that. From the County's perspective, we have a direction from County leadership that is somewhat at arm's length for advocacy of a certain type for the groundwater resource. The great thing about the discussion over the last couple of years, it's brought in the growers, the WPBGA, it's brought in academics from the University and concerned citizens all into the same conversation. It was really pretty adversarial before. One thing we're trying to do in the re-staffing of our department is to get to an understandable position for Portage County. A lot of the time when we come out here, the question has been, why don't you do that, did you ever think of doing that. So there's confusion over what the County's role is. That's why I would really like to have a public information program about what type of information we track, why we track it, what the results are and what we do with the results. It has to be in support of policy decisions that the County Board can make and also serve as information so town boards can do whatever you need to do at the town level. I'm hoping this type of thing you're talking about is something we can partner with you. We have resources that should be more readily available to you than you have received and you shouldn't have to contract or try to somehow make sense of the information on your own. I'm hoping we can make sense of it county-wide.

Holdridge Let's understand that we have George Kraft, Paul McGinley, Steve Gaffield, we've got some real expertise. That expertise isn't at the County because the one guy that had some expertise is gone. We can't just sit here and wait for the County to get staffed up. It's just

like on the pedestrian issue. We've got issues in Hull with bikers, walkers and joggers and virtually no solid way to control it. We had Sarah Wallace go out and develop this big plan and we have real issues right now just like on the water issues. We've got Paul McGinley doing a study with Bill DeVita. They've got test wells around. In terms of that Task Force Report, what Bob is working on, that was in the report (*as a suggested action*), what Paul McGinley is working on was in the report (*as a suggested action*). We even want to look at some kind of wellhead protection much like the City, but we've got all these private wells. I'd be happy to see the County come in and provide assistance. I was on the County Board 17 years and you're going to have a stand-off. Why doesn't the County take a strong position on water resources? Well I know why they don't. Because you've got a lot of rural interest there and that's what holds it up. Nothing was happening until Patty Dreier got in there. She's trying to do some things, get people together. So the Town of Hull has some needs. We've got talented people out here. Now if we can get assistance from the County in any way, and the most recent one is this effort to get this data, boy, that's a big plus for us.

Schuler My main point was, all that stuff and all that talent is great but it's not as coordinated as it could be in terms of the water resources in Portage County. Does everybody know their role? Who helps? No redundancy. I'm a systems guy and I see a lot of wonderful people doing stuff but what does it mean? The results of studies, how does that impact the actual policy for the resource county-wide? That's a connection I'm looking for.

Holdridge I'm interested in the Town of Hull. Some of us at this table were elected to represent the citizens of the Town of Hull. But my effort is to take a look at our town and we went through this is the Water Study Task Force. We had people collecting water data in the late 1980's and it went nowhere, it was just collected. What we're saying is we want a systematic way to collect the data and we're willing to listen to anybody. If you come up with a county-wide system, wonderful. But I don't see any county-wide system. I've been to the groundwater committees and it's been a stand-off.

Schuler We're working on it.

Wilz When he asked Bob, to what end, and I know why you're saying that. Because why do you track anything, there's got to be a purpose. John and I went to a water symposium over at Sentry. When we came back, we said this could be the next big thing and we need to find out what's going on. So we started to get people together that had an interest. I don't know that we knew enough to know what we wanted to track or why. So it was like, we have a problem over by where Bob lives so let's see what's going on over there. To say to what end? I don't know if we know to what end but we'll figure it out when we get there. If it's a high area, we need to look at it.

Holdridge I've talked to experts and sometimes they don't know either.

Enright I might just say the context of where this came out, it certainly wasn't my idea to do this, but it came out of several meetings with virtually every water specialist that was around. There were 13 people in the room that day, I counted them because it was a gigantic room. The County was represented, the people from the College of Natural Resources were

there and so it wasn't a secret. This idea came out. Paul McGinley had an interest, I think, for broader purposes of looking at water and then this idea of that earlier study that had been done; I think the County was involved in that. It identified that region of Hull as having high nitrate problems. So John came to me and said, well can we find out where these are and is there any evidence of it changing. As far as I am concerned, I'd be very happy if the County would do all this data for us. I don't really need this extra work. But I feel obligated and I understand why we're doing it. But we can't even get the data (*update*) let alone get any help in understanding what the....

Schuler I understand why you're doing it too and my whole point is I just think we're all going to benefit from some much greater coordination and understanding of what everyone is doing. What you're doing is great and my question isn't why you're doing it, it's more I want to see where you're going so I can see how our resources can work. Is this going to be a model for other ways to look at things? So you're generating the data to look at the trend to draw conclusions you have for specific areas. The next step is what can be done if it's identified as an issue, to try to make some headway in it. That's always the hard part. That's the policy part. What actions can the town take or recommend to the County because it might be a County issue, whatever ordinance regulates it. So that's why I'm trying to understand it as we position ourselves to re-staff the position. We want to make sure we can assist. The days of one agency solving a problem are done. If there's a community issue, how many agencies or organizations can you rally around that issue to solve it. It's all about coordination and making relationships.

Enright I think it would be excellent for this study and all the other ones to be in connection with the County because of the resources and it would also give weight to the interpretation.

Holdridge I think there's an assumption that people at this level, whether town, village or other, somehow lack the motivation or the skills and I've got to tell you, we've got a lot of skills. I don't want to be leading the County in this. I wish the County was leading us on this. But we've tried to get this stuff from Ray Schmidt. We had the Water Task Force. We had 109 Town of Hull residents that had their water tested (*as part of a town water test/education program*). Paul McGinley has that study he's doing now trying to trace nitrates. We've got a lot of things going on regarding water. That didn't come from the County. That came from the grass roots. I'd welcome any help Portage County could give. We've gotten great help from your GIS system people. Those guys do good work. Patty's getting maps from them all the time. So we get a lot of assistance (*that way*). Now the planners are gone and we hope it gets refilled at some point. But we've got needs down here. We've hired some experts like Gaffield, and Bob's a professor of sociology, he knows scientific methods. Paul McGinley has been a big help from Natural Resources. So we've got all these people. But if the County gets involved in this thing, that would be a real plus.

Schuler Hopefully within 6 months, you'll see it will make a lot more sense over where the resources are, how the planning at the County will go. I know this sounds like a lot of talking about water but it relates to a lot of chapters in your comprehensive plan too. Because if you're going to talk about land use, economic development, natural resources and that brand new

groundwater chapter, there's going to be some things coming up with what's going on with the City and County that will impact those things. It's kind of fluid.

Holdridge I think a big thrust will be to interact with the County and come up with a plan we can both agree on. That would be a giant step.

Schuler We've got a mayor that's been talking about that in the debates and forum.

Holdridge You've got a Common Council now that seems from when I've talked with them, they're very interested in progressive movements.

6. JOINT PLANNING WITH STEVENS POINT – INTERGOVERNMENTAL COOPERATION.

Enright I wanted to talk a little about the Badger Avenue. The Planning Commission met a week and a half ago or so. I have to admit I was really disappointed with how the issue was framed in terms of the protection of the City's water. As we were told, the travel time from Badger Avenue and Hwy. 10 East to Stevens Point City wells is about 5 years but it is directly across the street from private wells (*in the Town of Hull*).

Schuler What are we talking about?

Reid The gasoline spill at Schierl gas station at Badger.

Schuler When was there a gas spill?

Enright I was going to ask you when there was the gas spill.

Schuler I have no idea.

Enright We should know when that spill existed for this reason. We were told, when we had all the discussions with the City, that there were monitoring wells and if there would be a leak, we would know about it. The engineer representing Schierl spoke to the City Plan Commission and said they believe this leak or spill/contamination occurred during construction. It was built in 2012 and it's 2015 now. But we talked about this at that time and asked how the water was going to be protected and we were told, I think you told us Jeff, that there were monitoring wells there and we would know if there was contamination in the water. So my first question to you is when was the water contaminated? If it's not known when the water was contaminated, what was the purpose of saying there were monitoring wells there to protect our water if it could go on for 2 ½ or 3 years without us knowing there was benzene in the water?

Schuler Okay, 2 things: I have no idea when the spill happened, and the comments were geared towards the state requirements for the construction of those facilities. So the question would be, when did it happen and how effective were the systems that were put in place as a part

of the construction to handle the spill. I think that's the question. What was the effect of the spill? Is it something that was contained on site?

Enright We don't know.

Schuler That's right.

Ferriter What kind of spill are we talking about here?

Bowen 5 gallons of gasoline.

Ferriter Did it overflow when they were filling the tanks?

Holdridge There's a report and a 2-page letter.

Enright Right. In addition to that, it also says the well was tested in May.

Ferriter What I'm asking is, there was 5 gallons of fuel spilled. Am I filling my tank up and it happens?

Holdridge No. It was during the construction of these tanks.

Ferriter So those tanks weren't sealed properly?

Schuler Wild speculation. No one knows.

Holdridge Here was the other problem with that. Schierl didn't even tell the City. Now there's a 24-hour requirement they tell the City and they also tell the Town of Hull. That came out of that meeting you went to.

Enright Right. But it also is they have to notify within 24-hours but where is the requirement, they don't test the well 24 hours after whenever they test it. In this case, if they didn't test the well for 3 years. What I would like to see is, what are their testing requirements and can it be known publicly and to the Town of Hull, the water is tested at these intervals, like every 3 months and if it's a negative test. Because we have contradictions here. One side said when the well was tested in May, there wasn't any evidence. But Schierl's are testifying that the contamination may have occurred during construction. So there's about 2 years difference in there. So we're confused. What's at stake is the water table; the water is 11 feet below the surface of the ground and it has benzene in it.

Schuler Does it?

Enright Yes! That's what the report says. They said there is benzene in the water. So the City is concerned about the contamination of their wells which are 2 ½ miles away and we have people living within 100 yards of that. So my question is, who is protecting the county residents who live in the Town of Hull? How do we know there isn't any benzene in our water?

Schuler That's a legitimate question. So the question is, who is the agency that receives the report? My guess is it's the Dept. of Natural Resources. Whatever underground storage tank, whatever branch of the DNR regulates and oversees that. That would be the place to start to get a report. I only became aware of this in the last couple of days.

Holdridge You never got the conditional use request from the City? They went back and looked at the conditional use. They sent that out to us.

Schuler It's very possible I got it but....

Holdridge You never got that? I tried to get it out to the Water Committee and the Plan Commission. Did you send that out Patty?

Amman I didn't. Barb did. She sent it out but if anyone is looking for it, I have extra copies of it. *(I gave Jeff a copy of the packet as we were speaking about it.)*

Holdridge There's a letter in there to Joel Lemke from REI who did the testing. It's a 2-pager and it tells what happened.

Way I heard about it from Mary Kneebone.

Ferriter I read about it in the paper, that's the first I heard of it. Are we still saying those tanks are still....have they been repaired? Are they leaking?

Multiple people talking at once.

Enright We were assured 2 ½ years ago that the tanks were not a problem. We were told the tanks are so modern, that's not a problem. What's a problem are the connections and the other thing is, if the monitoring wells are not protected, they could be hit by a snowplow. Incidentally I went out there and looked at them. They're at surface level so there's nothing sticking up. But we were told, despite the fact this is located in a wellhead protection zone and it is right adjacent if not right on top of wetlands that serve the aquifer that the people across the street drink from, that there was minimal risk to this. That the monitoring wells would assure us if there was a leak. I'm saying a monitoring well that does not give you a report for 3 years is useless. The federal government says no level of benzene is safe in drinking water. So I think the County should have some responsibility for testing the water and making sure the people who live there are not drinking poison.

Holdridge That was built on a wetlands. We fought it because it was going onto wetlands but also a wellhead protection area. Jeff, do you have anything else?

Schuler I want to follow up with Bob. I think it's a legitimate question, is there anything the County can do to find out any information or figure out what the impact of that is. Let me try to do some investigating and maybe report back when I find something. Hopefully before your

next meeting, just what has taken place. I don't even know what the state response is. As I look at this, I not sure who contracted with REI.

Holdridge Get a packet from Mike Ostrowski.

Enright It's on the website, if you look at the attachments for the Plan Commission agenda.

Schuler Let me find out what the County's role in this can be. To me, it's a situation that hasn't come up previously and we should have some procedure for reacting to it internally. We need to be more pro-active on this stuff in both our education and our follow-through on this.

Enright Is it the case that the planners either approved or wrote the conditional use permit?

Schuler We didn't write the conditional use permit.

Holdridge The City planners.

Schuler The City planners, right. We were there saying based on the current regulations and the abilities allowed within them, they followed the procedures correctly for how they approved it. The information they received, both from the state and the research they did themselves, there wasn't anything other than the idea that it was a bad idea to vote against it.

Enright It is a heightened risk to build a gas station that close to an aquifer. It does not make sense to expose people to this risk when the government in charge of it states outright they have no responsibility. It was not until John contacted the mayor, and it was reinforced by 2 speakers at this, of asking just that we'd be added on to the notification list. That is not protection for county water.

Schuler Based on all the science and information provided and the regulations in place, the City of Stevens Point was completely within its right to approve it the way they did with the conditions they did. Given the rules in place, the application requirements, the information provided and discussion held and conclusions made, totally legitimate approval. Does common sense say you shouldn't do that? That may be the case. But there was nothing in the law that prevented that from happening. That's the sad bottom line.

Enright So there's nothing in the law that says they don't have to test the water for 2 ½ years?

Schuler You're making a side-point beyond the actual approval.

Holdridge Jeff, that was a conditional use permit. That could have been approved, or disapproved. I think the City attorney voted against it as an alderman and Mike Wiza may have voted against it. So that was not just a slam-dunk. You said they met the conditions.

Schuler They did.

Holdridge But they could look at those conditions and say, that's not what we want, that's in a wetland area, it's in a wellhead protection area. I know one alderman wants to get that repealed that you can even consider that in a wellhead protection area.

Bowen The issue to build there or not to build is a moot question now. We now have an incident. Does anyone have a liability if they're the cause of the water contamination as we have from the spill?

Schuler That's what I'm going to try to find out, what rules are in place because no one seems to know.

Bowen Are you getting your water tested now?

Enright We're going to. This seems to me to be a collective issue. Somebody builds a gas station next to high water table and we're supposed to go and test our water to protect against something that shouldn't have been done in the first place. It seems to me the government has a responsibility to say this is an unwise thing to do. Your statement, and I believe it's in writing, said that you did not believe the mayor's initiative would do anything that could damage the surrounding area of people who live in the county. It's obvious this has posed a threat. We don't even know where it is and we do not know if there's been benzene in the water for over 2 years.

Schuler Correct.

Enright So I'm saying what I would like in that conditional use permit is that it be amended to say that at periodic intervals, that water is tested and the results of those tests are given to the town. I'd also like to have some understanding of what Bob raised here which is who has the liability if our water is contaminated. Who has the liability if that water becomes undrinkable and those houses are uninhabitable? That issue should have been part of the conditional use permit to begin with but they were just rushed under the rug and any of the concerns we had about contaminated water were being dismissed .

Holdridge Jeff, if this thing should happen again, somebody tries to put a gas station in a wellhead protection area and the town objects, the Town of Plover, the Town of Stockton, would it be appropriate that we'd come to the County, your office?

Schuler If you're willing to deal with objective facts, yes.

Holdridge You as the County, one of your functions is to represent the towns in Portage County. The City has their own planning, Plover has their own planning. We have to rely on the County Planning & Zoning. Is that an appropriate thing that we would do?

Schuler Yes.

Holdridge And that you would be prepared to take a tough position.

Schuler If the facts warrant it, yes.

Holdridge That's been a gap. We have not had strong leadership from that department on these issues for whatever reason. Now you're saying you're going to change some horses down there and get far more involved in groundwater and we're saying that's great. But what Bob is expressing is some frustration. When we went through that, we were out there all by ourselves. I had Randy Stroik tell me, "John there won't be any...look at the Mobile Station, they haven't had any problem with that, there'll be no problem there." Well what's happened? He's no longer an alderman. He got voted out. I just think we need County leadership. The County board is a big amorphous thing and we've got 3 representatives and the City has 8 or 9 but the staff at the County level who reports to the planning and zoning committee, we spend 30% of the property tax for County services and we ought to get some leadership out of that. I'm glad you're here tonight and you said you're going to get some leadership down there on the water issue because that's what we need.

Bowen I think at this point, if contamination of your well is a likely issue over time because of the flow of groundwater in the direction of your home, somebody in an authoritative position should be able to go the Schierl company and ask them, are they going to bear any liability for water testing or clean up.

Enright The facts are, we identified risks. We were told that was minimal and the facts bear out that there is risk because there was benzene in the water. The conditional use permit should have included answers to these questions of what if, but they were never answered because it was said that the risk was non-existent. The facts are that the risks do exist and that there should be protection of groundwater by the County government because the City refuses to take responsibility and feels they only owe their responsibility to protect the groundwater for the City. But the County is at a higher risk because of its geographic proximity. That's what we want to see addressed.

Bowen It's beyond the risk level. The event has already occurred. It's just a matter of time before that contaminates the groundwater, whether it goes over to where your pump sucks it up and you get benzene in your body and get cancer and die. That's a catastrophic event.

Enright Right. So how do we know. If this is right, if this engineer and the owner of the company said this occurred 2 ½ year ago, and the City is requiring them to clean it up to a non-detectable amount, how do we know that it's clear of the gas station but present in our wells? Who is going to bear the responsibility of testing that water for benzene?

Schuler That's what we're going to try to find out.

Bowen The first logical thing, if there's benzene in the test well on the north side of the road, they need to get a test well on the south side of the road, right now.

Holdridge Isn't it accurate to say water flows from the east to the west?

Enright I can speak directly to that because that's exactly what the engineer testified at the meetings of the plan commission and the City. Ray Schmidt was in the back of the room shaking his head that it wasn't true. Because it's like this: San Francisco is pretty much west of here but you may have to go around a mountain to get there. Similarly, there are rocks under the ground so as the water comes down, it may go this way and then back around here and it ends up someplace west, but it hits someplace south along the way. Because nobody really knows what those rocks look like under there. This is what I got from Ray Schmidt because he was there, present at that meeting.

Wilz He did say that, that you can't be 100% sure.

Holdridge Overall water runs from the east to the west.

Wilz That's accurate but he said you can't be sure what's down there. It could be doing this, it could be doing that, it's doesn't just move in a straight line. Again, science on something that you can't see.

Holdridge Well I welcome you getting involved in the water issue Jeff, being supportive.

Enright We have no one else we can turn to.

Holdridge That's right.

Schuler When did the town become officially aware of this?

Enright Became aware of it on Saturday before the meeting that was on Monday (*April 6, 2015*).

Holdridge You know how I became aware of it, Mary (*Kneebone*) called and said, "Are you aware...."

Schuler Okay, the town has officially become aware of it. So what's the plan for the town?

Holdridge They had a conditional use hearing, they went through that. I think Wiza wants it in the ordinance.

Way That's what he told me, after the meeting. He wants to bring it up at council and get that re-written so that's in there, that we are notified within 24 hours. Otherwise we're just sort of on a check list.

Enright But if they have to notify the town 24 hours after, but they don't have to test it any more frequently than once every 2 ½ years, it's pointless.

Holdridge They didn't even have that in there.

Enright There's not a requirement for regular....I thought that was in there.

Schuler What laws of the state apply? What local laws apply? That's the question. The thing that needs to be answered is, what is the responsibility of the agencies that have been responsible for this or for overseeing it. The reason it could be installed in the first place is because the state requirements through the Department of Natural Resources for the construction of these things, that's the basis of the approval, as to safeguards – state regulations. It's not a local issue. It's the installation of this thing in the ground. The locals regulate the land use, relying on the state regulations to make sure this is installed in an approvable way. Here's a problem that happened in mid-construction, it sounds like. What I was getting at before is the town needs to take official actions, summarizing its concerns and requests and formally send that to the state. If you're looking for things you can do, the town board has to say, these are our concerns, what satisfaction can we get to understand this information.

Wilz I agree and we couldn't have even articulated those the night of the plan commission. I watched the plan commission meeting over the computer (*on-line*). A lot of the information came out at the plan commission meeting, not in the paperwork they sent out ahead of time. So you almost had to go there to find out what went on. Mike kept it very short because he was trying to get through the agenda. Ostrowski was giving the low down. We need to re-look at that tape and the information that was sent to the town, through Kneebone, and then we need to draft a position statement, we have this, we learned this and here's our concerns moving forward.

Reid You also have to address if you do get your 24-hour notice which is one thing you requested that the Town of Hull be notified within 24-hours, the Town of Hull, therefore will have to come up with a plan to respond to that.

Wilz Right, there's a whole bunch of other stuff that needs to happen after that. But I agree with what he said. We need to take a position.

Enright I think your right.

Schuler Also, I would address it to the Mayor of Stevens Point and I would address it to the County Executive because those are the 2 people that you're curious to get action from. You want to know what the City is going to do on City-owned land to try to understand and remediate this problem and you're going to have to communicate to the Executive that you also want to know what the County is going to do about this. The only way you get action is by properly making sure that people who can do something about it know your concerns.

Holdridge We've done that a lot out here and that's a great suggestion but who wants to draft a letter that takes that on?

Wilz I'll do it. I agree with what you're saying. Portage County needs to be behind this and find out how they can serve the citizens of Portage County that aren't within the City.

Holdridge We can send all these letters and that's fine, but what happened, happened and what we need to do is make sure if something like that happens again, we get proper notification. Anything you can do to help would be a giant step forward.

Wilz We'll be the starting point, we can't take it all on ourselves.

A motion was made by Bob Enright for Dave Wilz (with Enright's assistance) to draft a letter to the City of Stevens Point Mayor and Portage County Executive regarding the concerns the Town of Hull has in relation to the Schierl spill/groundwater contamination at the Badger Avenue / Hwy. 10 East station (The Store) and request what action the City and County will take to assist the Town of Hull and it's residents in that area for the protection and/or testing of their groundwater in relation to the contamination. The prepared letter will go to the Hull Town Board first for review and approval. The motion was seconded by Jan Way. Motion passed.

Holdridge This is important so we need to get it done. The next Hull Board meeting will be May 4th. Jeff, everything that is needed is in the conditional use permit application and documents that Mike Ostrowski sent out. It's all there.

Are we going to following up and get that information (*update*) we need to get that study done in the southeast sector? That's been going on for 2 years.

Enright Would you like to see what the data-set looks like so you know...

Schuler If you could get me part of it so I can go and find out what we have and get you something.

Enright We're very willing to work with your people. Ray Schmidt knew what we were doing. I was talking to him, making sub-categories of various geographic locations and I was asking him if this made sense as far as he knew.

Bowen As long as Jeff is here, I'd like to point out something on North Second Drive. There is a site development taking place just over the bridge. By the storage areas near the log cabin. My question was to Steve and he said yes, they got approval to do that. It looks like a very serious wetland situation yet they're building there.

Holdridge Chris Mrdutt knows all about that.

Schuler Is this the Erwin property?

Holdridge That's the Erwin property.

Bowen He came to me and wanted me to help him get his logs out of there. The Erwins.

Holdridge He's the one that wants to get it done, right?

Bowen Yes.

Holdridge Three owners, all in Hull, are very concerned. They're saying there's water running across the road. This goes back to January 2015. Chris Mrdutt has a letter and I just sent him another letter.

Schuler So the approval for the property, the storm water management for the property has been approved. They're waiting for the state to weigh in.

Bowen On what? They're already filling it in. It's half filled.

Schuler Right. It's not a wetland. It wouldn't have been approved if it was. The storm water plan, the site is going to be graded so it all goes away from Stan's Drive. The water will be collected along Second and the other property line with a weir to discharge it to the system farther down. From what we can tell, the water across Stan's Drive previously was probably the melt from the plowing that was put there and not necessarily the runoff from what had been an undeveloped property.

Holdridge Here's how the Town of Hull got involved. We knew nothing about it. Mike Nigel called and said they met with someone, not Chris, someone else and they said whatever happens there is going to be the responsibility of the Town of Hull. I said to Mike, we don't know anything about it. So I talked with Chris Mrdutt, wrote him a letter. He was going to get the 3 people plus the Erwins together and explain it. This was back in January. Nothing has happened. So now we've got Erwin sending me letters. He must have talked with you. Why doesn't Chris just call me, get the parties together and explain it? He told me when I talked to him he still had to get confirmation from the DNR. But this was in January. So do something will you because it's coming right back to us.

Bowen When they go through this process of development, do they have to give you any indication of what they're going to do with the site once it's developed, or will it be an undeveloped site until somebody else comes along?

Schuler Any commercial development in the County is reviewed for access, screening, storm water, all of that.

Bowen What's it going to be?

Reid It's going to be storage units.

Schuler I think we send out permits to the towns at the end of every week.

Holdridge We had no knowledge of that.

Schuler Because it's a permitted use, I guess.

Holdridge But one of your people told Nigel, and I think the other 2 that were there, that whatever happens there is going to be the responsibility of the Town of Hull and we had no

knowledge of it. So it was one of your staff that made that statement. I sent a letter the other day to Chris Mrdutt.

Schuler I saw it.

Holdridge About are you going to get the parties together to at least clear the air?

Schuler As I think Chris has told you on several occasions since the January conversation he had, maybe at the most recent Towns Association Meeting we had, we have nothing we can bring....nothing is definitive until the DNR tells us.

Holdridge Why doesn't he communicate that to the 3 owners in the Town of Hull? We haven't heard a word from him. I saw him out at Junction City and he said he was still working on it. That was a month ago. This Erwin is upset and I know Nigel says there's water coming across Stan's Drive. I don't know what all that means but they're concerned about, and nobody has pulled anybody together which your staff said they were going to do. Explain it to them.

We have another issue about the pawn shop over on Hwy. 66. Neighbors around there are pretty well convinced the guy is running a pawn shop.

Schuler And Chris worked with them on the sign and now Chris is following up to talk with him about the business.

Holdridge Okay, good.

Schuler As far as getting a permit for permitted use on the property, Mr. Erwin went through the proper steps to get an application and approval on the property with an approved storm water plan to make sure no water at all goes anywhere near Stan's Drive. So any water that was there previously....

Holdridge Jeff, that has not been relayed to the 3 owners or to the Town of Hull. He may have gone through all that process, but we have not had that discussion and it seems to be the reasonable thing to do. These 3 are businesses right in that area.

Schuler Yes they are. I will talk with Chris and see if he can have a better communication with those people.

7. CONTINUED REVIEW PROCESS OF HULL COMPREHENSIVE PLAN REVISIONS AND FOCUS ON:

CHAPTER 8 – ECONOMIC DEVELOPMENT (1st reviewed by Steve Kunst)

This agenda item (#7) was not taken up at this meeting due to time running out. Will be added to next meeting agenda.

Holdridge At the next meeting we'll take this up and also work on the Groundwater chapter, which we've got to write, and also the one on Finances.

Schuler There was going to be some material you were shipping to the County. Has that been done yet?

Holdridge Those haven't been done yet.

Schuler So when you send them, send them to me.

8. DATE OF NEXT MEETING: *The next Plan Commission meeting will be held on Tuesday, May 19, 2015.*

Enright I might have a scheduling conflict for that meeting.

9. ADJOURNMENT: *Motion made by Bob Bowen to adjourn meeting, seconded by Jocelyn Reid. Motion carried by voice vote. Meeting closed at 7:16 p.m.*

Respectfully submitted,

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