

**City of Stevens Point  
SPECIAL COMMON COUNCIL MEETING**

**Council Chambers  
County-City Building**

**October 22, 2012  
6:00 P.M.**

**Mayor Andrew Halverson, Presiding**

**Roll Call:** Ald. Beveridge, Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore

**Excused:** Ald. Wiza

**Also Present:** C/T Schlice; City Attorney Molepske; Clerk Moe; Kyle Kearns; Carrie Freeberg; Corey Ladick; Cathy Dugan; Bill Scholfield; Jeff Jahnke; Joan Raschka; John Konopacky; Bill Sniadajewski; Tim Karcheski; Betty Trainer; Steve Lindsley

- 2. Ordinance - Annexation - Request from Myron Soik and Sons Inc., Blue Top Farms Inc., The Mocadlo Family, and James and Delores Zakrzewski for the purpose of annexing multiple unaddressed properties located in the towns of Hull, Stockton, and Plover to the City of Stevens Point. Such land, consisting of approximately 762 acres, is to be known as East Park Commerce Center, and is located north of County Road HH, east of Brilowski Road/County Road R, south of Canadian National Railroad right-of-way, and west of Burbank Road (County Parcel ID's: 30230801-13, 34230906:08.01, 34230906:07, 34230906:09.01, 34230906:10, 34230906:24, 34230906:09.03, 34230906.23, 34230906.25, 34230906:26.01, 020230801-03.02, 30230801-14, 30230801-09, 30230801-15, 30230801-12, 020230801-01.04, 020230801-01.02, 020230801-04.02, 020230801-04.01, 034230906:08.04, 34230906:09.02, 020230801-05.02, 020230801-02.06, 020230801-02.02, 020230801-03.01, and 30230801-16.01). Such annexation includes the northern half of the adjacent right-of-way of County Road HH.**

Ald. R. Stroik read a letter from Ald. Wiza regarding the zoning and his disappointment in the way the annexation was handled with the other municipalities. Ald. Wiza is concerned about the resources and the general welfare of the people in and around the area. He would like to see a site evaluation study on the area before permanent zoning is placed on such a vast area and requested more time to review the matter.

Mayor Halverson said the annexation ordinance has also been amended by the City Attorney and the City Clerk relating to congressional district alignment as well as voting alignments even though there are no residents in the annexation area. Mayor Halverson discussed a letter written to Mr. Tim Karcheski, Town of Plover Chairman, and Supervisor William Sniadajewski which addressed concerns of insulating the residential properties within the annexation area. Mayor

Halverson's proposal in the letter is to bring in all 762 acres to be annexed. The permanent zoning is to be a reservation of the land to stay within the Low Density Residential, which is what all of the 762 acres will come in at initially and then permanent zoning will be placed on it per the map.

Mayor Halverson said the concerns of the Town of Plover have been taken into account and there is very little in terms of effect on the Towns of Stockton and Hull. The overall lay-out of a Planned Industrial District over the top of that will allow for better site plan review by the Plan Commission and Common Council. This will also allow for review on a project by project basis. Mayor Halverson stated that site plan review is the mechanism whereby better setbacks, especially for those five properties, would be allowed via that review process.

Ald. Trzebiatowski commented about a newspaper article which Ald. Wiza mentioned in his letter regarding a bluebird/butterfly study. It dealt with the Little Plover region which is a totally different region of the township.

Ald. R. Stroik asked Mayor Halverson if Town of Plover Chairman, Tim Karcheski, could comment on the letter.

Chairman Karcheski said their concern is the residents of the Woodland Subdivision area specifically, the value of their homes, protection of their groundwater and keeping the area peaceful.

Ald. R. Stroik asked Chairman Karcheski if he is generally supportive of the annexation with the recommendations that Mayor Halverson has put forward with the area being Low Density.

Chairman Karcheski said as long as that neighborhood would be protected.

Ald. R. Stroik asked Chairman Karcheski if a 20 acre buffer provides adequate protection.

Chairman Karcheski said yes.

Ald. R. Stroik asked if the City Attorney could discuss why the state submitted the letter they did and what the impact would have on a decision in terms of the annexation.

The City Attorney said he spoke with Eric Schmidtke of the Annexation Review Department on a number of occasions. The initial issue was that the property creates what is known as a functional island. The City Attorney explained that a functional island is a legal fiction that came out of two court cases which he cited and explained. The City Attorney said the law also says there is an exception to the reasonableness issue when the petitioners, or the annexing property owners, give the City the annexation. The annexation is also in the City's comprehensive plan.

Ald. Slowinski questioned the rights of the Townships of Hull and Stockton to fight the annexation.

The City Attorney said that has been discussed at length and they probably wouldn't object.

Ald. R. Stroik questioned where the 15' strip of land is located and if it was behind what is currently The Store.

Mayor Halverson said yes and explained where the strip would be located

Ald. Suomi asked if the City and Town had any interest in entering into a boundary agreement.

Mayor Halverson said absolutely except there would no way that the City could do it where it would make sense to the residents of that forty. The City has had several boundary adjustment agreements with the Town of Plover dating back to 1996. Mayor Halverson said the City would be very interested in that, but the likelihood of getting an agreement based on the cost of the installation of the utilities would be almost impossible. He said there is also no way for the City to redraw the annexation; nor is there another way for the City to comply with the petition but to go around this forty and leave the strip down to the right of way of County Road HH. Mr. Schmidtke's suggestions as laid out in his letter, did not leave a way for the City to accomplish any of those where it would make sense for all three parties; those being the landowners, the township and the city.

Ald. R. Stroik said Chairman Karcheski mentioned the residents of the Woodland Subdivision are fairly happy with how Lands' End laid out their properties but there is nothing preventing Lands' End from expanding to the north side of the three abutting properties and there is no agreement between Lands' End and those homeowners that could be duplicated.

Mayor Halverson said in M-2, it would probably be 20' and when annexed, it will stay in Low Density Residential up until the time that the permanent zoning goes over the top of it which would be a Planned Industrial District. A 20 acre parcel of Low Density Residential cannot be carved out. The overlay district that would come up over the Planned Industrial District would allow the Plan Commission to have site plan approval on a project by project basis. Mayor Halverson said the City can then exercise discretion on better screening, fencing, added foliage and greater setbacks at that point and nothing could happen immediately with the 20 acre parcel abutting the property based on that zoning. However, at either the November or December Plan Commission meeting, is when the Planned Development District would go over the top of all of the acreage.

Ald. R. Stroik said the Lands' End property and the property that is adjacent to Venture Drive would not fall into that zoning. The forty acre parcels both north and south of the subdivision would be unprotected and subject to a 20' setback which has been in effect for years.

Mayor Halverson said that is correct.

Ald. R. Stroik **moved**, Ald. Moore seconded, to approve the Ordinance as amended and presented.

Roll Call: Ayes: Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski,  
M. Stroik, O'Meara, Suomi, Beveridge  
Nays: None. (Ald. Wiza, excused). Motion carried.

**3. Ordinance amendment – Amend Chapter 23 (Zoning Code) of the RMC to establish permanent zoning classification for the properties indicated in the previous agenda item (East Park Commerce Center).**

Mayor Halverson said the revised map shows the permanent zoning related only to the area that is still highlighted as either M-1 or M-2. There is a 20 acre swath to the east of the Woodland Subdivision that as it comes into the City, would remain as the standard zoning classification which would be Low Density Residential. All of the other permanent zoning would be laid out as either M-1 or M-2 with the more intense and more aggressive heavy industrial toward the railroad and the less intense, light industrial closer to this subdivision and along County Road HH. Once the zoning is in place, it is the last step for the City to submit this site to the State for certification for the Certified Sites Program.

Ald. Suomi said the City is doing this right now to get the land certified by the state. She wanted to know if in the future, it possible to come back and amend the zoning.

Mayor Halverson said it could be, however, with a Planned Industrial District, each of the sites could be looked at on a case by case basis.

Ald. Moore **moved**, Ald. Trzebiatowski seconded, to approve the permanent zoning as laid out with M-1 and M2 with the exclusion of the western 20 as defined on the initial proposed zoning map to be left as Low Density Residential. The other areas are to be zoned as M-1 respectively on the map and M2.

Roll Call: Ayes: Beveridge, O'Meara, M. Stroik, Slowinski, Trzebiatowski,  
Patton, R. Stroik, Phillips, Moore  
Nays: Suomi. (Ald. Wiza excused). Motion carried.

**4. Resolution – Authorizing the City Clerk to appoint Election Day Special Registration Deputies for the upcoming election.**

Clerk Moe explained that he has the authority to bring in a certain number of poll workers based on the ordinances. Special Registration Deputies are individuals appointed to assist with registering voters. He explained that the Government Accountability Board said Council approval was needed in order to create these positions.

