

January 4, 2024

A meeting of the Plan Commission of the City of Eagle River was called to order at 5:00pm by Mayor Jeff Hyslop

Roll Call: Adam Grassl, John Hletko, Kim Schaffer, Mike Adamovich, and Deb Brown. Also in attendance; Robin Ginner and Becky Bolte

Motion by Grassl, 2nd by Hletko to approve the minutes of the 12/5/23 meeting as presented. Carried, all.

PLUBLIC HEARING: Proposed action to commence discontinuance of a portion of the following-described City Street, a copy of said legal description attached as Exhibit A, which discontinuance has been initiated by a Resolution of the City Council of the City of Eagle River under Section 66.1003(4) of the Wisconsin Statutes.

The public hearing was called to order at 5:03PM. Documentation of Resolution 1020; A resolution to discontinue a portion of West Tamarack Street, the published notice of hearing, the recorded Amended Lis Pendens with the legal description of the property being discussed, and list of either registered mail or ERPD service notification to all adjacent property owners was provided by Ginner. Dallas Trzcinski of DJ's Automotive LLC, located at 322 E Pine Street was in attendance and stated that he would also like to gain a portion of this property that abuts to his. Mr. Trzcinski was instructed on how to start the process with Robin Ginner. Ginner then read public comments received in her office into record:

1. 12/7/2023 - A condo owner, Richard Gehrke, from Cranberry Estates called simply wanting more information. He was not concerned about the discontinuance or the building project by Carl Ruedebusch, he had just called for more of an explanation.
2. 1/3/2024 - Spoke to Mark Ratty from the DOT. He said a concerned citizen called him about the project. I explained the project and the amount of property that would be left over should a street need to be constructed in the future. I also forwarded the meeting information that was sent by certified mail to the DOT office in Rhinelander so he could review. As of 1-4-24 at 4 pm, Ginner had not received any objection or comment from the DOT opposing the discontinuance.
3. 1/4/2024 - Kevin Penkert – owner of Eagle Estates on Raspberry Lane – called to talk about traffic issues in the area. His main concern was the traffic that's coming out of the back of businesses along Pine Street that are cutting through to Tamarack Street, and to let me know that upon occasion people are driving down the ATV/snowmobile trail. He also expressed concern about snowmobile traffic. He wanted to make sure that, should a road need to be built in the future, that there's still enough width to make that happen. I told him the property sale will still leave 33' of width, which would be enough to build a two-lane side street.
 - a. Examples of side street widths around town:
 - i. Walnut Street is 22' wide
 - ii. Birch Street is 28' wide
 - iii. Eighth Street is 19' wide
 - iv. Capich is 16' wide
 - v. Wall Street (downtown) is 23' wide excluding parking

With no other comments to be heard, Mayor Hyslop closed the public hearing at 5:09PM.

Discontinuance of a portion of West Tamarack Street: A letter dated 8/14/2006 from the WI Division of Transportation, regarding an old agreement for the City of Eagle River to develop a public street giving

direct access to Pine Street at this area, was supplied to all Commissioners by Deb Brown. Mayor Hyslop reported the City went to Sundstein and Sundstein is a feeder road, so this road was not needed. He stated he would like to see a written release from the DOT August 14, 2006 letter. Ginner read into record a letter from Attorney Garbowicz stating he doesn't see a problem, but if the DOT objects, it ends there. After an extensive discussion that led to many questions, *Motion by Brown, 2nd by Hletko to postpone to a later date, Nays: Grassl, Schaffer, Adamovich. Motion failed.*

After another lengthy discussion, the Commission would like the following questions answers before moving forward with any recommendation to the Common Council:

- Why is the discontinuance being done before the quit claim with Charlie Goldsworthy? The concern is what if Charlie decides he doesn't want to give the quit claim – then we've gone through all of this for nothing. The Commissioners are looking for why it's being done this way instead of asking Charlie for the quit-claim first?
- How will the deed be handled? Is the restriction only being lifted for that 33' deep strip of property? Or for the entire Tamarack Street extension property? How are we removing the restrictions on the deed filed on 8/28/2007 (Doc #458785)?
- Property abutting vacated streets – Debbie Brown said that statute dictates that if a street is vacated that half goes to each landowner on each side of the vacated street. There was some disagreement because the street was never built. Does this apply since the street was never constructed?
- Does it make sense to vacate the entire parcel, or just the portion to potentially be sold? Does that have any bearing on the above statute?
- If Ruedebusch development doesn't happen, can the vacation and subsequent sale of the property be dependent on the development happening?
- The Commission asked for a more detailed survey from Greg Maines that shows the width of the narrow section of the property and how much would still belong to the City if/when the sale is completed.
- The Commission has requested that Ginner reach back out to the DOT to get something in writing releasing the City from any agreement presented in the DOT letter sent in August 2006. There was some disagreement because we're past the 10 years dictated in the letter, but Mayor Hyslop said it's probably best to get something in writing for our files.
- Ginner to pull from the City archives the research that REI did on the development of the road and provide that to MSA for review and opinion on the future of building a road on that parcel.
- The Commission is requesting from Ruedebusch, a Developer's Plan for the property, showing the housing development (placement, how big, how many units, how many individuals to be housed, confirmation of who will be living there – J1 Visa? - etc), along with a request that the plan clearly shows the intention for use in the proposed discontinued street.
- The Commission requests information on what the plan is for the two properties and the existing buildings abutting the property to be acquired.

Motion by Hletko, 2nd by Adamovich to direct Ginner to gather more information to explore questions that have arisen before bringing the discontinuance of a portion of West Tamarack Street back to the Planning Commission. Carried, all.

Motion by Hletko, 2nd by Grassl to adjourn at 6:05pm.

Becky J Bolte – Clerk