

Draft Minutes - TOWN OF LA POINTE

Regular Town Board Meeting

Tuesday, July 8, 2008, 5:30 pm

Amended – Amended Items Underlined and Italicized

5 Town Board, Barb, Waggle, Keith, Jen. Note: These notes were not completely copied the first time.

Present: Mike Starck, Jim Patterson, Greg Nelson, Ric Gillman, Beth Fischlowitz

Called to order at 7:32 P.M by Chairman Greg Nelson

Special Item A: Open and possibly award bids for Emergency Services and Winter Transport Buildings

Mike Starck states the Jim Methven's bid is \$7,710 lower than the only other bid from Keith Jolma electric. Jim Patterson moves – to accept bid from Jim Methven of \$27,250, contingent upon timetable agreeable to EMS, LaPointe Town Board and Mr. Methven – Ric Gillman seconds – Motion Carries -- 5 ayes

1. Public Comment

Several people, among them, Paul Brummer and Charlie Brummer, point out that they feel that the Town Plan Commission must hold Public Hearings before LaPointe Town Board adaptation of new zoning changes. All are reminded the Town Board has proclaimed the third Sunday in July as Lake Superior Day.

2. Vouchers

Mike Starck moves – Ric Gillman seconds – to approve vouchers totaling \$41, 494.75 – Motion Carries -- 5 ayes

3. Alternative Claims

Mike Starck moves – Ric Gillman seconds – to approve alternative claims totaling \$77,882.36 – Motion Carries -- 5 ayes

4. Treasurer's Report

Jim Patterson moves – Beth Fischlowitz seconds – To approve and place the report, dated 6/03/08, showing a balance of \$1,008,212.69. Treasurer Carol Neubauer points out this may be confusing to some and the motion might read to reflect the checkbook balance, not total funds, as it contains the designated funds that are already spent. Jim Patterson amends motion – Beth Fischlowitz seconds – To approve and place the report, dated 6/03/08, showing a total of \$1,008,212.69, with a checkbook balance of \$278,893.59

5. Public Works

A. MRF

I. MRF Supervisors Report

Ric Gillman moves – Mike Starck seconds – To approve and place the report, dated 7/8/08, on file – Motion Carries -- 5 ayes

B. Roads

I. Town Foreman's Report

Mike Starck moves – Ric Gillman seconds – To approve and place the report, dated 6/9/08 to 7/3/08, on file --

II. Confirm or set date for Public Hearing on Rice Street Extension

Keith Sowl, Town Foreman clarifies that this is actually a Public Information Meeting which will be run by REI engineering. The town will post it. Mike Starck moves – Ric Gillman seconds – to schedule the meeting at 6 pm on august 13. – Motion Carries -- 5 ayes

III. Acknowledgement of letter from Father Phil Heslin regarding roadwork near Catholic Cemetery

Mike Starck moves – Jim Patterson seconds – To allow the clerk to reply to Father Heslin that the town will respect the burial sites and treat them with respect and dignity. Motion Carries -- 5 ayes

C. Parks

I. pay rates for rec center employees

Mike Starck moves – Jim Patterson seconds – to pay Ashley Sukenen \$10.28 per hour when she is filling in at the rec center. Motion Carries -- 5 ayes

D. Harbor

I. Town representation at the Commercial Ports 2008 Annual meeting

Beth Fischlowitz will attend representing the Town. It promises to be a learning experience, with topics such as habitat rehabilitation, invasive species, preserving environment, and more

E. Airport

I. Airport Inspection Report.

None available

6. Police.

A. Police Chief's Monthly Report.

Mike Starck moves – Ric Gillman seconds – To approve and place the report, dated 8/3/08, on file – Motion Carries -- 5 ayes

7. Emergency Services

A. Ambulance Director's monthly report

Mike Starck moves – Beth Fischlowitz seconds – To approve and place the report, dated 8/6//08, on file – Motion Carries -- 5 ayes

8. Committees

A. Zoning

I. Zoning

Jen Croonborg, Zoning Administrator, adds that there are coastal management grants available to help fund the rewrite for the Zoning Ordinance to come into compliance with the comprehensive plan.

Ric Gillman protests what he states to be a blanket accusation in the ZA report of all Town Plan Commission members that they may have thrown feces at Jen Croonborg's house and called her a Zoning Nazi.

Mike Starck says that he cannot find this in the Zoning report. Jim Patterson, referring to his memo, says that he did not mean to imply that the two incidents were related. Mike Starck asks where he might find this in the Zoning Administrator Report. Ric Gillman states that this should be resolved one-on-one, and if not possible, only then brought before the LaPointe Town Board. (Clerk's note: It is possible that Ric Gillman was conflating the memo by Jim Patterson and the ZA report in his protest, since there is nothing resembling these statements referring to Town Plan Commission members in the report, except that Jen Croonborg asked not to be referred to as "Zoning Nazi" in last Town Plan Commission meeting)

II. Carl Broberg Memo: Town Plan Commission recommendation for LaPointe Town Board to adopt changes to the Zoning Ordinance forthwith.

Beth Fischlowitz can't find any laws that demand a public hearing on Zoning Ordinance change at all, and since the LaPointe Town Board is the deciding body anyway, can't the Town Board just hold the hearing? Carl Broberg wants the town board to hold the hearings also – it is his understanding from his interpretation of the law that either body may hold a Public Hearing. Keith Sowl points out that it was the Town Plan Commission, who gathered the information, and are schooled in the zoning law and procedure that the hearing might make more sense if it were held by the Town Plan Commission even though the LaPointe Town Board makes the decision.

Carl Broberg states that these items are urgent because of ambiguities and questions from the public, and he felt it was imperative to push these items through before the GeneralCode finalization.

Beth Fischlowitz reminds that there were public workshops on all of the items.

Some town board members say that they have not read the proposed changes. Ric Gillman moves – Jim Patterson seconds – to schedule a public hearing, that the LaPointe Town Board be agent of the hearing, and schedule hearing. Motion Carries -- 5 ayes

Discussion before passage: Jen Croonborg wants possession of documents, land use changes, and the actual map delineating the changes she has received no documentation on development or work product from the Town Plan Commission.

Ric Gillman moves – Jim Patterson seconds – to schedule public hearing, before the Town Board, for July 29, 2008 6 p.m. Motion Carries -- 5 ayes

The Town Board did not adopt the changes recommended by the TPC, but did schedule public hearings.

A. Revision to Section 3 (Zoning Districts)
addressed above.

B. Additional to Section 2 Definitions
Addressed above.

C. Addition of Section 6.10 (Special Uses/Use of Residential Dwellings and Property for Occupational or Business Use.
Addressed above.

D. Revision of Section 8.4.2 (Conditional Uses) and repeal of Section 15 (Permit Complaint Process)
Addressed above.

III. Letter from Jen Croonborg to LaPointe Town Board concerning her property history.

Summary: Apparently, the Ashland County Housing Authority put the house and property lines where they did not fit, i.e., in a road or alley, as well as a few other issues. Consensus, Meet with Ashland County Housing Authority, future agenda item.

IV. Appoint new Chair of Zoning Board of Appeals

Greg Nelson moves – Ric Gillman seconds – to appoint Allan Fischlowitz chair of Zoning Board of Appeals – Motion Carries -- 5 ayes

V. Consideration of the Conditional Use Application submitted by Robert Hartzell for a year round resort, spa, and exercise facility on parcel #014-00206-0200, 580 Mondamin Trail

Ric Gillman moves – to approve as presented and determined by the Town Plan Commission – Beth Fischlowitz seconds – Motion Carries -- 5 ayes.

Mike Starck aye – Support from public at hearing and conditions written into CUP, compliance with our ordinance

Jim Patterson – aye – every thing seems to be in order and the homework was done, and it should be a good condition to the Island, especially during the winter months.

Ric Gillman – aye – of benefit to the community the permitting processes will make this a good facility.

Beth Fischlowitz – aye – Conditions, rules and ordinances are complied with, and good for community.

Greg Nelson – aye – believes conditions placed upon it are good – input states benefits

B. CAPP

9. Approval of Minutes

None

10. Town Hall Administration

A. Discuss Meeting with Alder Engineering

There was no formal meeting; no quorum was present. Mike Starck asks Jen Croonborg if the meeting helped her. She replies that it complicated things in some ways but helped to elucidate process. She states that the Town is not liable if the business is noticed by the town.

B. La Pointe as an Eco-Municipality

Beth Fischlowitz states that this is a draft, but could be voted on tonight. Mike Starck moves – to authorize Town Chair to sign – Jim Patterson seconds – Motion Carries -- 5 ayes

C. Finalize loan vendor for Town of La Pointe

Jim Patterson moves – Beth Fischlowitz seconds – to approve loan with Bremer contingent on Treasurer getting Automatic Clearing House Charges waived, and the loan in place and signed by August 1, 2008 – Motion Carries -- 5 ayes

11. Future Agenda Items

County Housing Authority Meeting – Invite Denise Lutz for meeting

Secretary for Zoning Board of Appeals – finalize

Open book – August 2 – Board of Review August 19.

Move towards the vacation of Baraga Street and other platted roads within Block 5, and other possible platted road vacations, such as roads around the marina and Pub area, after Labor Day.

12. Lawsuits and Legal Issues

A. Town of La Pointe vs. Michael Mattingly 04-CV-128

Not Discussed

B. Stephanie Zuehlke Discrimination Complaint with Department of Workforce Development

Not scheduled

Larry Whalen, the Town Clerk, takes this opportunity to comment, under the heading of legal issues, on the subject of the LaPointe Town Board holding the public hearing on the Zoning Text Changes urgently proposed by the Town Plan Commission.

The town hall staff is very unfamiliar with zoning issues. He suggests that the Zoning Department be intimately involved in this process of the public hearing.

Town Clerk will address these issues with the Chair as they arise.

13. Licenses – Operator: Elizabeth Coleman

Ric Gillman moves – Mike Starck seconds – to approve license contingent upon discovery of no delinquent debts to town.

14. Adjourn

Jim Patterson moves – Ric Gillman seconds – to adjourn – Motion Carries -- 5 ayes