

Amended Agenda -- TOWN OF LA POINTE

Tuesday, October 28, 2008, 5:30 p.m.

Regular Town Board Meeting

Amended Items Italicised and Underlined

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

Called to order at 5:33 P.M by Chairman Greg Nelson

Special Item: Comment/Hearing on Special Assessment Ordinance #2008-1028

Special Item A. Passage of Special Assessment Ordinance #2008-1028

No comment from public

Beth Fischlowitz moves – Ric Gillman seconds – to authorize Town Chair to sign Assessment Ordinance #2008-1028, 5 year payment agreement with Ron Lacey

1. Public Comment

Allan Fischlowitz – meteorological data sampling tower installed and running as of this morning.

Jim Ryder would like to speak at his csm agenda Item

Gary Russell would like to speak at the La Pointe Community Clinic agenda item

Keith Sowl, speaking for sanitary district on Ryder CSM, passes on recommendation that road go to existing gate, and this proposal of Jim Ryder's constitutes an illegal subdivision. Will stay for agenda item.

2. Vouchers

Mike Starck moves – Jim Patterson seconds – to approve vouchers of \$106,075.26 – Motion Carries -- 5 ayes

3. Public Works

A. Airport

I. Airport Manager Monthly Inspections

none available

Ric Gillman requests that the clerk write a letter to Mr. Dalzell suggesting that timely reports are in order.

B. Roads

I. Rice Street Status

Discussion of holding a public hearing, depending on actual costs. Greg Nelson: Once we have some bids, we may hold a public hearing.

II. Presumption of Hagen Road ROW to be four rods

No contest. State law: if a road is not defined in the record, it is assumed to be 4 rods. Ric Gillman moves – Jim Patterson seconds – that the LaPointe Town Board express the belief that Hagen Road ROW is four rods. – Motion Carries -- 5 ayes

III. Rice Street TRIP-D construction progress

Not Discussed

IV. Concurrence with the Commitments laid out in Jim Becker letter from October 24, 2008

Keith Sowl, Town Foreman: Actually do not need any action on this. It has been settled. Tribal monitors have been agreed to.

V. Hagen Road Bike Lane Procedure

State Park is interested in funding some of this.

Emmer Shields, Ashland County Highway Commissioner is committed to a 2 foot paved shoulder along Black's Shanty Road.

VI. Hartzell Parking negotiations with vacation of Main St. between Pub and Marina

Greg Nelson: Town cannot vacate until owners reach agreement.

Mike Starck moves – Ric Gillman seconds – to endorse map #3762 provided by Bob Hartzell – Motion Carries -- 5 ayes

VII. La Pointe Clinic Building improvement discussion and decision.

Gary Russell lets LaPointe Town Board know that there may be full funding for a siding project for the LCC available from the Agee Foundation. Mike Starck moves – Ric Gillman seconds – to accept funding from Agee Foundation if indeed available to improve LCC building. Motion Carries -- 5 ayes

C. Harbor

Beth Fischlowitz is staying in touch with Wisconsin Commercial Ports association, and participating in Conference call meetings with them.

D. Parks

I. Town Park (Beth Fischlowitz memo)

Compares with State Park – which receives \$55,000 in revenue from camping each year, while The Town Park receives only half that. – These numbers speak for themselves, according to Ms. Fischlowitz..

4. Library

A. Library Director's Monthly Minutes

Mike Starck moves – Ric Gillman seconds – To approve and place the report, dated 9/08/08, on file – Motion Carries -- 5 ayes

5. Emergency Services

A. Fire Chief's monthly Fire Dept. Report

Gary Flores has turned over to Tyler – Is he aware? Larry will check at next Fire Dept. meeting

6. Committees

A. CAPP

Ric Gillman moves – Beth Fischlowitz seconds – To approve and place the report, dated 4/7/08, on file --

B. Zoning

I. Ryder, James and Ryder, Elizabeth: Certified Survey Map re: parcels 014-00118-1400, 014-00118-1600, and 014-00118-1800 at Big Bay Road and Snowplace Road Sec 21-T50N-R3W

Long Discussion, The crux of the problem seems to be that when Mr. Ryder built several buildings on his properties, he presented a map showing one property rather than two when applying for permits. Now that the property line has re-appeared, his buildings do not meet setback. To rectify this problem, he would like to shift the lot lines so that he would have three lots with access to the road, which would solve his setback problems. He does not want to combine two lots, to make one lot, which also would solve his problem.

After listening and trying to speak over Mr. Ryder, Keith Sowl, representing Sanitary District, declares that he cannot participate in this discussion, and leaves. He does manage to express the Madeline Sanitary District believes that this is an illegal subdivision, and that no structure may be built within 700 feet of the pond.

Mike Starck moves – Ric Gillman seconds -- to deny CSM and refund Mr. Ryder's fee so that he may pursue a map change or wait until the Zoning Ordinance changes pass and take effect to allow non-conforming lots to be created if they are closer to conforming than the original. Motion Carries -- 5 ayes

II. Gene Nelson Request to appear on agenda. RE: Appeal and Stay on Town Plan Commission decision on Brummer Co. Storage tank decision.

Consensus: Mr. Nelson may file appeal to Zoning Board of Appeals and the fee will be refunded if this is not the appropriate body.

III. Petition presented at Town Plan Commission meeting of 10-01-08 – Reduce Town Plan Commission from a 7 member board to a 5 member board.

Ric Gillman wants to poll the board. All agree that the bigger board offers more representation.

Beth Fischlowitz moves -- that the petition has been properly addressed and that it is time to move on – the LaPointe Town Board will keep the Town Plan Commission as a 7 member body – Ric Gillman seconds – Motion Carries -- 5 ayes

Ric Gillman moves – to move to Item Number 8, B and C. Beth Fischlowitz seconds – Motion Carries -- 5 ayes

IV. CUP/Land Use Permitting Process

Jen Croonborg, Zoning Administrator states that she is responsible for routine interpretations, everyday permits for land use according to the Zoning Ordinance. If Zoning Administrator is to unclear on interpretation, the handbooks state that she is to seek guidance. LaPointe Town Board is to be arbiter when things get a little dicier or cross over into CUP territory. CUP is not a routine zoning matter. Greg Nelson recalls a CUP that had approved building sites under terms of the CUP, but had to change because of wetland issues. Jen Croonborg states that she would like to continue the setback and site work and work with the LaPointe Town Board or Town Plan Commission, whomever it will be.

Mike Starck: If the Zoning Administrator has a question on a CUP, should she bring it before the Town Board or the Town Plan Commission.

Greg Nelson: It should be Town Board. Town Board makes final decision anyway.

Consensus: Jen Croonborg would do the Zoning Work and the LaPointe Town Board would do the interpretation work.

Mike Starck: Town Plan Commission does not want to do interpretation that will be contradicted by the LaPointe Town Board, so would like to define these responsibilities now.

Beth Fischlowitz: Has an opinion from Carl Broberg on Jen Croonborg's job description that states that interpretation of CUP's is by the Commission, the Town Board, or the Court.

Mike Starck: If it is an interpretation of the ordinance, she can go to the Town Plan Commission. If it is an interpretation of the CUP, she can go to the Town Board. Perfectly clear, this makes sense. Town Plan Commission should not be working on it if it is actually a Town Board decision.

V. Proposed Zoning Clerical Assistant Job Description

V and VI to be considered together.

Jim Patterson: Beth Fischlowitz and he have been going over job description, and Carl Broberg has added his input, and proposes meeting amongst concerned parties to finalize.

Jen Croonborg states that this job description will outline procedures. I was too involved in planning, and Town Plan Commission was too involved in Zoning, without enough information flow. In proposed job description,

Jen has taken herself completely out of planning. Jim Patterson: The Zoning Clerical Assistant should be reviewed at the same meeting. Schedule meeting on the 30th. More than one person talking at once, Recording not understandable.

VI. Proposed Zoning Administrator Job Description

VII. Discussion of Town Clerk Duties State Statute 60.33 (No Documentation Provided)

Mike Starck supports referendum.

VIII. Who performs Town Clerk Duties when the time consumed in fulfilling these duties is greater than the half-time position allots?

7. Approval of Minutes

RTBM 10/14/08

Mike Starck To approve as amended (Minor typos.) Ric Gillman Seconds – motion carries -- 5 ayes

STBM Budget Workshop Thursday, October 16, 2008

Not presented

8. Town Hall Administration

A. Administrative Assistant Report

Mike Starck moves – Ric Gillman seconds – to delete Item I, Part A, (Minimum Purchases after installation of tank) Motion Carries -- 5 ayes (LP agreements with Brummers)

Mike Starck moves – Jim Patterson seconds – To approve and place the report, dated 10/08, on file – Motion Carries -- 5 ayes

B. MICC – report to town

Not Discussed

C. Chamber/Celebration Committee – Town Funding and Town Celebration Committee

MCC wants Town to contribute \$6,000 to the fireworks. Greg Nelson: If MCC has good fundraising year, is that money that we might contribute still in control of town? Of course.

Jen Croonborg suggests that committee keep in mind public safety in their planning.

Beth Fischlowitz moves – that Waggie post for celebration Committee members including a line that the committee will elect its own officers – Ric Gillman seconds – Motion Carries -- 5 ayes

Mike Starck moves – Ric Gillman seconds – to move to 6-B-IV -- Motion Carries -- 5 ayes

D. Process for handling and tracking long-term and complex documents over time, for example, the Comprehensive Plan.

Beth Fischlowitz moves – Ric Gillman seconds – to table until next meeting. Motion Carries -- 5 ayes

E. Treasurer Bonding Decision.

Mike Starck moves – Ric Gillman seconds – to pass #2008-1028 – Motion Carries -- 5 ayes

9. Future Agenda Items

8-D Document Tracking, 10-D, comm. and protocol, GeneralCode Scheduled Analysis

10. Lawsuits and Legal Issues

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

Not Discussed

B. Case Number 08 CV – 109, Winston et al vs. Town of LaPointe

Not Discussed

C .08 CV-112 -- Sara Owen and Paul Brummer suit Regarding Craftivity C.U.P.

Scheduling hearing November 15

D. Communication and Protocol on Legal Issues – Ric Gillman’s concern that legal counsel may be sought by multiple boards on same issue.

Ric Gillman moves – Mike Starck seconds – to table until next meeting – Motion Carries -- 5 ayes

11. Adjourn

Ric Gillman moves – Mike Starck seconds – Motion Carries -- 5 ayes

Adjourned at 9:05 p.m.