

TOWN OF LA POINTE

Regular Town Board Meeting – Revised Agenda

Tuesday November 11, 2008, 5:30 pm – Revised Items Italicized

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

Called to order at 5:34 P.M by Jim Patterson Ric Gillman moves – Jim Patterson seconds – that Mike Starck chair this meeting.

1. Public Comment

Carol Neubauer wants Airport Manager to contact property owners before entering private property and cutting down trees.

Burke Henry asks about the status of the town web site. Ric Gillman says that there is progress, a meeting coming up soon.

Tim Eldred speaks in favor of LaPointe Town Board meetings being set and posted on Fridays, as has been traditional. He states that there was an item changed Monday that he would not have know about had not about had he not looked at the amended agenda. He also mentions a time constraint in looking over documentation in that short a period of time.

2. Vouchers

Mike Starck moves – Ric Gillman seconds – to approve vouchers totaling \$286,995.53 Motion Carries -- 4 ayes

3. Alternative Claims

Mike Starck moves – Jim Patterson seconds – to approve alternative claims of \$89,337.33 – Motion Carries -- 4 ayes

4. Treasurer's Report

Jim Patterson moves – Ric Gillman seconds – To approve and place the report, dated 10/31/08, showing a balance of \$1,137,279.88 and a checking account balance of \$381,813.77 on file – Motion Carries -- 4 ayes.

Treasurer Carol Neubauer adds that this report maybe a little difficult to follow because of a recently arrived grant for the Department of Interior.

Mike Starck moves – to move to item 8-D, Alternative Energy, 1,2, and 3. Ric Gillman seconds – Motion Carries -- 4 ayes

5. Public Works

A. MRF

I. MRF Supervisors Report

Jim Patterson moves – Ric Gillman seconds – To approve and place the report, dated 11/10/08, on file – Motion Carries -
- 4 ayes

B. Roads

I. Town Foreman's Report

Keith Sowl, Town Foreman, forgot to mention in his report that Roads Certification has been done by the State. The gravel transport bid is 500 tons light and Keith would like to keep that money to use on sidewalks.

Jim Patterson moves – Ric Gillman seconds – To approve and place the report, dated /08, on file – Motion Carries -- 4
ayes

II. Review and comment of THPO Service Agreement

Discussion: Will be revisited sometime in the future -- Premature to act on this now.

III. Rice Street Status

Keith Sowl, Town Foreman suggests that this be removed from the agenda since the LaPointe Town Board is not funding it. Mike Starck suggests, alternately, that bids for construction be posted so the Town has a better idea how much this might cost the Town, to find out if it might reasonably be completed.

Keith Sowl, Town Foreman indicates that the DOT is in charge of the bidding process but will look into it.

IV. Federal/State/Project Sponsor Transportation Enhancement (TE) Program Project Agreement for Hagen Road Bike

Lanes

Jim Patterson moves – to authorize Town Chair to sign (TE) Program Project Agreement For Hagen Road Bike Lanes project I.D. Number 9954-00-01/71 – Ric Gillman seconds – Motion Carries -- 4 ayes

V. MOU for Easement with Big Bay State Park for Hagen Road Bike Lanes MOU for Easement with Big Bay State Park for Hagen Road Bike Lanes

Jim Patterson moves – Ric Gillman seconds – to authorize Town Chair to sign MOU for Easement with Big Bay State Park for Hagen Road Bike Lanes – Motion Carries -- 4 ayes

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

Mike Starck moves – that Clerk correct a typo and sends letter that Keith Sowl wrote to Robert Hartzell encouraging harmony between MIYC and Inn On Madeline Island, and that Greg Nelson be authorize to sign on behalf of the LaPointe Town Board – Jim Patterson seconds – Motion Carries -- 4 ayes

C. Parks

I. Approval for boardwalk work on NSPT

Mike Starck moves – Ric Gillman seconds – to table until next meeting. Motion Carries -- 4 ayes

II. Letter from Dick Coleman – Condition of toilets at Big Bay Town Park

Mike Starck: How do we fix it?

Keith: Try harder. These are heavily used pit toilets and the spider webs can fill them in a day... but we have to keep on top of them. Keith has begun some action already.

D. Harbor

I. Review and comment of USACOE letter relating to Harbor Fact Sheets

Beth Fischlowitz would like the record to congratulate the Bell Street Tavern and Madeline Island Ferry Line for the sustainability steps they have taken in running their businesses.

6. Police.

A. Police Chief's Monthly Report.

Jim Patterson moves – Ric Gillman seconds – To approve and place the report, dated 11/06/08, on file – Motion Carries -- 4 ayes Beth Fischlowitz mentions that there is a need for a handicapped parking space on the dock and would like to have this as a future agenda item. Mike Starck would like to provide the public a check list to let them know what kind of electric vehicles are permitted on the roads.

7. Emergency Services

A. Ambulance Director's monthly report

Ric Gillman moves – Jim Patterson seconds – To approve and place the report, dated 11/09/08, on file – Motion Carries -- 4 ayes

B. Discussion of By-Laws of Fire Department

Some desultory discussion, nothing clarified.

Mike Starck moves – to table until next Regular Town Board Meeting -- Ric Gillman seconds – Motion Carries -- 4 ayes

C. Fire chief compensation

Mike Starck moves – to set Fire Chief Compensation at \$300 per month – Ric Gillman seconds – Motion Carries -- 4 ayes

D. Eliminate clerical asst. to fire chief position

Ric Gillman moves – to eliminate the \$300 monthly reimbursement to the Fire chief clerical assistant – Beth Fischlowitz seconds – Motion Carries -- 4 ayes

8. Committees

A. Zoning

I. Zoning Administrator Report

Not provided. Ric Gillman moves -- Beth Fischlowitz seconds – to table until next meeting.

II. Monthly report from Town Plan Commission

Carl Broberg reports: Would like to send editorial responses to GeneralCode in January. Carl distributes the report at the table. Jen Croonborg, Zoning Administrator questions why Zoning Administration needs to be reconsidered and who suggests that it needs to be reconsidered. Carl responds that Administration in the Zoning Ordinance covers a lot more than Zoning Administration.

III. Rumored Resignation of Town Plan Commission member -- Letter Submitted? Accept?

Apparently a letter of resignation was sent to the Zoning Chair and the Town Chair, but not distributed. Carl Broberg, Town Plan Commission chair provides a copy.

Ric Gillman moves – Jim Patterson seconds – to accept resignation, Motion Carries -- 4 ayes. Clerk is asked to send a letter thanking Lois for her service and dedication to the Town Plan Commission. Waggie to post for position.

IV. Discussion and Possible approval of Revised Zoning Administrator and Zoning Assistant Job Description.

Changes to 3-a-11 and 12 “Change prepare and update” to “maintain”

8.2c Land Use. May change land use permits but Town Plan Commission should be informed. Carl Broberg states that 13.5 clearly states that the land use permits are the domain of the Town Plan Commission.

Ric Gillman moves – Beth Fischlowitz seconds – to approve draft Zoning Administrator job description with amendments 3-a-4 (recording garbled – will check, Barb, Jen Croonborg had a clear picture of what happened here if you need it in the morning.)

Motion Carries -- 4 ayes

Zoning Administrator has responsibility of directing assistant when not attending to Town Plan Commission and Zoning Board of Appeals meetings. Agreed 599 hours.

Beth Fischlowitz moves – Ric Gillman seconds – to approve Zoning Assistant Job Description at less than 600 hours. Motion Carries -- 4 ayes

Jen Croonborg will ask Jessica Hatch if she is willing to fill the position.

Ric Gillman moves – Mike Starck seconds – that Clerical Assistant job will take effect Jan 1, 2009. Motion Carries -- 4 ayes

Ric Gillman moves – Mike Starck seconds – that Zoning Administrator job description will take effect immediately – Motion Carries -- 4 ayes

V. Procedure for land use – permits for CUP's

Mike Starck moves – Jim Patterson seconds – to approve the clarification – Motion Carries -- 4 ayes ???

VI. Adopt, Reject, or discuss Recommended Zoning Ordinance Changes from Town Plan Commission

a. CUP's

Jim Patterson moves – to table Items 8-A-VI-a and b until next meeting -- Ric Gillman seconds – Motion Carries -- 4 ayes

b. Home Occupation

tabled until next meeting

B. CAPP

Not Discussed

C. Winter Transport

I. Appointments

Burke Henry states that WTC will approve and recommend appointments when ready

D. Alternative Energy

I. Clarification of the motion to grant blanket authority to the AEC to apply for grants and to accept grants.

consensus: AEC may apply for and accept grants w/out LaPointe Town Board authorization. AEC will contact LaPointe Town Board to approve any fund outlay.

II. DNR Land use Agreement – amend contract to Seventh generation

Agreed: Change of contract expiration to 10-10-08 to 12-31-09

Mike Starck moves – Jim Patterson seconds – to authorize Town Chair to sign contract with altered duration -- Motion Carries -- 4 ayes

III. Approval of contract consulting Meteorologist, Robert Owen, for the collection and analysis of data.

Jim Patterson moves – Ric Gillman seconds – to authorize Town Chair to sign contract with consulting Meteorologist, Robert Owen, for the collection and analysis of data for \$3,624 – Motion Carries -- 4 ayes

9. Approval of Minutes

RTBM 10/28/08

Sent back for revision

10. Town Hall Administration

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

Beth Fischlowitz would like all documents included in the minutes. There were two versions of the Comprehensive plan being distributed, one listed as being finalized by the LaPointe Town Board on April 25, 2005, and one being finalized by the LaPointe Town Board on April 28. The Town Plan Commission made some final changes to the comprehensive plan and the tracking of the documentation was lost in the information cracks between the Town Plan Commission and the Town Hall..

Clerk suggests that any document, especially on being work on long term, be mentioned in the discussion with date and version. No consensus, but further discussion promised.

B. GeneralCode Scheduled Analysis

Carl Broberg indicates that GeneralCode has moved the analysis back another quarter, and that there is a great deal of conflict and dissension surrounding CUP processes and Home Occupation and that these must be addressed by the LaPointe Town Board very soon. That is why they are on the agenda.

C. 2008 Budget Report

Ric Gillman moves – Mike Starck seconds – To approve and place the report, dated 11/11/08, on file – Motion Carries -- 4 ayes

D. 2009 Budget Report

None available, to be addressed at the November 12 STBM.

E. Special Town Meeting Agenda

Levy Resolutions, Highway Expenditures and a motion composed by Mike Starck; to wit:

The LaPointe Town Board requests the town electorate to approve the town board potentially hiring and elected official to perform other duties within the town at an hour wage of \$12 per hour. This is authorized by state statute 60.37(4). This authority, if granted, would remain in effect until the town electorate removes the authority at a meeting of the town electorate.

Ric Gillman moves – Jim Patterson seconds – to check with Barb Nelson to see if there are any other agenda items required by statute.

F. Discuss resolution for exceeding levy limit, if needed.

Not Discussed

G. Eco Municipality discussion

Beth Fischlowitz congratulates the Bell Street tavern and Madeline Island Ferry Line for making great progress toward implement green, resource saving, procedures.

11. Future Agenda Items

Rice St. Extension, Zoning Administrator Report, Fire Department By-Laws, Handicapped Parking on dock, Minutes of 10-28-08, Agenda Item 8-A-VI

VI. Adopt, Reject, or discuss Recommended Zoning Ordinance Changes from Town Plan Commission

a. CUP's

Jim Patterson moves – to table Items 8-A-VI-a and b until next meeting -- Ric Gillman seconds – Motion Carries -- 4 ayes

b. Home Occupation

12. 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.

Not Discussed

D. Communication and Protocol on Legal Issues -- concern that legal counsel might be sought by multiple boards on same issue.

Ric Gillman indicates that the first person to get to an attorney gets the opinion they want. There should be better communication about who is contacting an attorney.

14. Adjourn

Ric Gillman moves – Jim Patterson seconds – Motion Carries -- 4 ayes