

# TOWN OF LA POINTE

## Regular Town Board Meeting – Amended Agenda

Tuesday December 9, 2008, 5:30 pm *Amendments Italicized and Underlined*

**DRAFT**

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

Called to order at 8:30 P.M by Chairman Greg Nelson

### 1. Public Comment

Burke Henry – The Town Clerk did not have the variance from the proposed road budget to the passed road budget from last year’s Town Budget Meeting, causing approval of a Roads Budget amount which is far too high.

Charles Meech talks about his long history of permits, his patience, and biting his tongue until it is a mere stub, and he cannot hold it any more. The process has cost him money and time. He states that Jen Croonborg, Zoning Administrator, disobeyed a direct order from the TPC and the Town Plan Commission chair to issue a permit to provide a fill permit by a certain date, and should be censured or terminated for insubordination. He declares that wasting money like this is a tragedy.

### 2. Vouchers

Mike Starck moves – Jim Patterson seconds – to approve vouchers of \$47,902.79. Motion Carries -- 5 ayes

### 3. Alternative Claims

Mike Starck moves – Ric Gillman seconds – to approve alternative claims totaling \$71,064.61. Motion Carries -- 5 ayes

### 4. Treasurer’s Report

Jim Patterson moves – Beth Fischlowitz seconds – To approve and place the report, dated 11/31/08, on file showing a total balance of \$947,576.11 and a available checking balance of \$266,974.29 – Motion Carries -- 5 ayes

### 5. Public Works

#### A. MRF

##### I. MRF Supervisors Report

Mike Starck moves – To approve and place the report, dated 12/06/08, on file – Ric Gillman seconds – Motion Carries -- 5 ayes. Commentary: Door is fixed on the exchange & it will become more useful.

#### B. Roads

##### I. Town Foreman’s Report

Mike Starck moves – Beth Fischlowitz seconds – To approve and place the report, dated 11/08/08 to 12/05/08, on file – Motion Carries -- 5 ayes

##### II. Ron Lacy garage on platted road

Not Discussed

##### III. Town Mechanic, Ricky Fleischman, request for 30 day Leave of Absence

Mike Starck moves – Jim Patterson seconds – to approve 30 day leave of Town Mechanic, Ricky Fleischman – Motion Carries -- 5 ayes

##### IV. Nelson Surveyors proposal for bike/pedestrian lane work

Keith Sowl, Town Foreman, suggests that Emmer Shields, Ashland County Highway Commissioner, his indicated that he feels that this is a fair price.

Jim Patterson moves – Ric Gillman seconds – to approve cost for estimate, retainer of \$300, and another retainer of \$200 – Motion Carries -- 5 ayes

##### V. Rice Street Extension sewer engineering proposal(s)

Keith Sowl says that it appears that many infrastructure projects around the country that were previously on the shelf may be funded as part of Federal and State policies for financial stimulus, and indicates that Mr. Henry’s letter read at the beginning of the meeting was inaccurate, that new circumstances with funding for Rice Street actually needs around \$800,000 of flex money for borrowing, waiting for repayment by grantors, and spreading costs over fiscal years, and that we will have to have a Special Town Meeting to approve that amount in order to re-instate the Extension project.

Jim Patterson moves – to approve proposal from REI for \$4,670 for Rice Street Extension sewer engineering – Ric Gillman seconds – 4 aye – one abstention.

#### C. Parks

##### I. ATV purchase

Discussion: for work on the ice road, Capser Trail, North End Trail, and whatever else may arise.

Ric Gillman moves – Jim Patterson seconds – to approve up to \$7,000 to be spent by Roads Dept. on an ATV – Motion Carries -- 5 ayes

#### D. Harbor

##### I. Handicap Parking on Dock

Gary Russell feels that the dock is to small a space to have handicap parking, but offers that there may be room by the ticket booths. Discussion: about where these spots might go. Future agenda item.

### 6. Police.

#### A. Police Chief’s Monthly Report.

Mike Starck moves – Ric Gillman seconds – To approve and place the report, dated 12/04/08, on file – Motion Carries -- 5 ayes

### 7. Emergency Services

#### A. Ambulance Director’s monthly report

Jim Patterson moves – Beth Fischlowitz seconds – To approve and place the report, dated November 1 through 30, on file – Motion Carries -- 5 ayes

### 8. Committees

#### A. Zoning

## I. Zoning Administrator Report

Mike Starck moves – Jim Patterson seconds – To approve and place the report, dated 12/09/08, on file – Motion Carries -- 5 ayes: Discussion: Jen Croonborg, Zoning Administrator would like to streamline the report a little bit down to just activities, perhaps not report on every phone call

## II. Monthly report from Town Plan Commission

Carl Broberg states that the Town Plan Commission is covering Section III, and it will soon be before the LaPointe Town Board for review and acceptance.

## III. Craftivity LLC - 978 Middle Road re: Unlawful Structure: Construction of Classroom Building without Town of La Pointe Land Use Permit – request from the Zoning Administrator for Issuance of Cease and Desist Orders and Correction Orders

Discussion: The barn and the classroom are on the same permit, and the town board expresses agreement that the building of the barn shows significant progress on the permit, so the permit on the classroom part of the permit has not expired.

Mike Starck moves – Ric Gillman seconds – that the request for Issuance of Cease and Desist Orders and Correction Orders be denied – Motion Carries -- 4 ayes, Jim Patterson abstains

## IV. Tax Statement Bulk Mailing Stuffer re: Zoning Reminders and Updates

Mike Starck moves – Beth Fischlowitz seconds – that the LaPointe Town Board approves the reminder and update from Zoning in the mailing. Motion Carries -- 5 ayes

## V. Town Plan Commission appointments -- Greg Thury is an applicant

Jim Patterson and Beth Fischlowitz praise Greg. Greg Nelson moves – to appt Greg Thury to the Town Plan Commission to the term ending April 30, 2009 – Ric Gillman seconds – Motion Carries -- 5 ayes

## VI. Discussion with Jim Price of Alder Engineering including but not limited to matters of Craftivity Project on Middle Road James Price would like to be called James Price.

Letter from Charles Meech questioning Mr. Price's authority has been addressed by LaPointe Town Board (See RTBM Minutes of November 25, 2008) to Mr. Meech's satisfaction. On the Craftivity project Mr. Price says that there is confusion on fees, smaller projects can simply register with the state with the Designer held liable as the Supervising Professional (State Inspector?), that he will be doing a plan review but has not received any plans, and is still waiting for drawings. Mr. Meech vocalizes disagreement.

Mr. Price has also been attending to the Snow Removal Equipment Building, which he feels is progressing slowly.

He has also been dealing with the Island Market, The Little Building across from the Bell Street tavern, which is getting a foundation, and the Clinic, which is repairing some siding. These, he says, are all Maintenance and Repair and require no plan review or permit. Mike Starck suggests meeting with local contractors to educate them about Commercial Code.

## VII. Consent to Conflict of Interest Waiver for Atty. Anich to represent both the Town and Ashland County in the matter of Amendment of the Town of La Pointe Zoning ordinance.

Mike Starck moves – Ric Gillman seconds – to authorize Town Chair to sign the consent form. Motion Carries -- 5 ayes

## B. CAPP

### I. Alternate #3 Term Ending on April 30, 2010 00 Chris Wolfe Recommended

Mike Starck moves – Beth Fischlowitz seconds – to appoint Chris Wolfe Board Member Alternate #3 Term Ending on April 30, 2010 – Motion Carries -- 5 ayes

## C. Winter Transport

### I. Alan Fischlowitz resignation from Winter Transportation Committee

Mike Starck moves – to approve the Alan Fischlowitz resignation from Winter Transportation Committee – Beth Fischlowitz seconds – Motion Carries -- 5 ayes

### II. Proposed Appointment – Gary Russell – Term ending November 14, 2011 – Ferry Line Representative

Mike Starck moves – Ric Gillman seconds -- to appoint Gary Russell to the WTC – Term ending November 14, 2011 – Ferry Line Representative -- Motion Carries -- 5 ayes

### III. Proposed Appointment John Soucek – Term ending November 14, 2011 – Citizen at Large

Jim Patterson moves – Ric Gillman seconds -- to appoint John Soucek to the WTC – Term ending November 14, 2011 – Citizen at Large Representative -- Motion Carries -- 5 ayes

## D. Alternative Energy

Not Discussed

## 9. Approval of Minutes

RTBM 10-28-08

Mike Starck moves – Ric Gillman seconds – To approve as submitted – Motion Carries -- 5 ayes

RTBM 11-25-08

Mike Starck moves – Jim Patterson seconds – To approve as submitted – Motion Carries -- 4 ayes, one abstain

## 10. Town Hall Administration

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

Discussion. Documents pertaining to individual LaPointe Town Board meetings are going into a single file folder, and a policy should be developed that no document be accepted for consideration which references itself as being passed at the meeting that it is under consideration.

### B. 2008 Monthly Budget Report

Mike Starck moves – Ric Gillman seconds – To approve and place the report, dated 12/09/08, on file – Motion Carries -- 5 ayes

### C. 2009 Fee Schedules

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

D. 2009 Wage resolution – Set wages for non elected town employees

Mike Starck moves – Ric Gillman seconds – to approve 2009 Wage Resolution 2008-1209 – Motion Carries -- 5 ayes

E. Budget Amendment #2008-03 – Shifting of Department funds.

Mike Starck moves – Jim Patterson seconds – to approve and sign Budget Amendment #2008-03 – Shifting of Department funds

Motion Carries -- 5 ayes

**11. Future Agenda Items**

2009 Fee Schedule – Town Plan Commission appointments -- Info handling sometime in January.

**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

**14. Adjourn**

Jim Patterson moves – Ric Gillman seconds – to adjourn. Adjourned at 7:20 p.m.