

Draft Minutes -- TOWN OF LA POINTE

Tuesday, February 24, 2009, 5:30 p.m.

Regular Town Board Meeting

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

Called to order at 5:32 by Chairman Greg Nelson.

1. Public Comment

Keith Sowl lets it be known that Coastal Management is coming under the jurisdiction of the DNR and foresees some possible problems. Beth Fischlowitz lets it be known that she will be moving to the audience for 3-B-IV, Road Vacation/Island Lane and others – Discussion and Decision. Warren Anderson reminds board that there are many procedures to go through in order to vacate roads. Larry Whalen speaks positively of the public hearing of Feb. 18, 2009 on proposed Zoning Changes, and points out that all of the people were in the same room with all the cards on the table, and that this could be the beginning of productive discourse.

2. Vouchers

Mike Starck moves – Ric Gillman seconds – to approve vouchers totaling \$33,449.79 – Motion Carries -- 5 ayes

3. Public Works

A. Airport

I. Airport Manager Monthly Inspections

Ric Gillman moves – Beth Fischlowitz seconds – To accept and place the reports, dated Jan 25, Feb. 1, Feb. 8, and Feb. 15, all 2009, on file – Motion Carries -- 5 ayes

Keith Sowl, Town Foreman point out that the Bureau of Aeronautics has already been billed for the site work for the new SRE building, contrary to report.

B. Roads

I. Rice Street Extension Status

Not Discussed

II. Letter from Sen. Feingold regarding stimulus dollars February 12, 2009 and La Pointe request for stimulus dollars

Beth Fischlowitz has contacted office; Keith is looking for board suggestions. Board will examine document making individual recommendations to be put in Keith's in box.

III. Town of LaPointe Resolution #09-0224 – Introduction of Resolution Discontinuing Public Ways & Unpaved Alleys

This is a document beginning the process of roads vacation, starting with a public hearing on April 8, 2008.

Mike Starck moves – Ric Gillman seconds – to approve Town of LaPointe Resolution #09-0224 – Introduction of Resolution Discontinuing Public Ways & Unpaved Alleys – Motion Carries -- 5 ayes

IV. Road Vacation/Island Lane and others – Discussion and Decision

Beth Fischlowitz leaves table to comment as MIHPA representative. Discussion (inconclusive about the status of the “road”) Nebulous conclusion that MIHPA has used the road as a driveway for 20 years, and may claim ownership, but exactly where the road, or driveway is, cannot be cleared up until the snow melts. She expresses concern about the office which has heat in it, being accessible to the fire dept. with heavy equipment blocking the way.

C. Harbor

Beth Fischlowitz submits correspondence concerning ballast water restrictions, feasibility study, etc. to board. It will be available at the Town Hall

D. Parks

Not Discussed

E. MRF

Ric Gillman moves – Mike Starck seconds – to provide computer for MRF so that Ted Pallas may do reports for town. Motion Carries -- 5 ayes

Special Item: Treasurer's Report – Not delivered at last meeting

Jim Patterson moves – Ric Gillman seconds – To accept and place the report, dated 1/31/09, with a cash balance of \$3,431,272.91, and a checking balance of \$504,209.61, on file – Motion Carries -- 5 ayes

4. Library

A. Library Board's Monthly Minutes

Ric Gillman moves – Jim Patterson seconds – To accept and place the report, dated 1-12-09, on file – Motion Carries -- 5 ayes

5. Emergency Services

A. Fire Chief's monthly Fire Dept. Report

Ric Gillman moves – Beth Fischlowitz seconds – To accept and place the report, dated February of 2009, on file – Motion Carries -- 5 ayes. All praise the thoroughness, completeness, and elegance of the report.

6. Committees

A. CAPP

Not Discussed

B. Zoning

I. Discussion – public concerns about process/procedure voiced at the Feb 18, 2008, Town Plan Commission Public Hearing on Zoning Revisions

Beth Fischlowitz indicates that she feels that it was a non-productive public hearing – the results cannot be evaluated because of a lack of information available and because of the antics of certain segments of the population but did appreciate Tim Eldred's (Red's) letter.

Jen Croonborg, Zoning Administrator indicates that she could do the strike outs and highlights to better inform the public – permits will probably be down this year, freeing up some time.

Greg Nelson expresses that people do not need to know the reasons and philosophy for proposed changes; that it will do no good *to people who have previously made up their minds and are already firmly opposed.*

Carl Broberg does not want to provide more information to the people. He says that people must put in the effort to study the changes with the available documentation; it only took him 15 minutes of study the night before the hearing to understand the changes. He presses the idea that people's inattention to studying the zoning changes is inexcusable and that the Island Gazette implied, with non-truths contained as a foundation for the questions that were asked, that the Town Plan Commission was secretly attempting to do something it wasn't. He says again that it does not take that much to compare and that people ought to do it. People are expected to know what Federal Codes they are governed by, and there is no public education going on in that arena.

Ric Gillman indicates that the Town Plan Commission must provide some information but that the public must be prepared to educate themselves about the changes.

Carl Broberg indicates that the strikeouts and highlights have a tendency to confuse the populace and should not be used. He cites the September Zoning Ordinance Public Hearing where there was much disruption and very little understanding of the changes. He said that he knows what was going on – that when people have a problem with content; they attack the process or individuals.

Warren Anderson would like a map with the map changes. Mike Starck states that there are no map changes because the text changes they proposed do not apply to any properties or land on the Island.

Jen Croonborg states that a map is a statutory requirement in this case, because you cannot apply text changes to something that does not exist.

II. Zoning Ordinance Revision Discussion; Sec.8.4.2, CUP Process – Sec 15, Complaint Process – Home Occupation (New)

Mike Starck explains the process: that the Revision was presented to the public, that the Town Board sent it to Atty. Anich for review, that his recommendations were accepted in totality, it is now before the Town Board for a vote, and then it will go to the county for final approval.

Jen Croonborg points out that this morning's version the CUP revision, distributed and submitted to the town board, has some new language, stating that if a CUP applicant has a problem with a Zoning Administrator's decision; it may be appealed to the Town Plan Commission. She states this is not Anich's recommendation and this proposed process is not legal according to State Statute. She states that this kind of appeal must go to the Zoning Board of Appeals. Some discussion between Mr. Broberg and Mr. Starck about who was

responsible for submitting the new language today. Greg Nelson asks if the LaPointe Town Board might be able to hear the appeal. Jen Croonborg: Yes, but then it may not go to the Zoning Board of Appeals. Mike Starck now wishes to remove the line about being reviewed by the Town Plan Commission and change it to Zoning Board of Appeals. He then urges the town clerk to send the ordinances over to Ashland County for review. Jen Croonborg, Zoning Administrator, says no, it is the ZA's responsibility.

Ric Gillman moves – Beth Fischlowitz seconds – to recommend that Sec.8.4.2, CUP Process as amended, removing the text between “may request”, and ”matter”, be forwarded to Ashland County for review. Motion Carries -- 5 ayes

Jim Patterson moves – Beth Fischlowitz seconds – to approve and forward to the County, Home Occupation, addition to Zoning Ordinance – Motion Carries -- 5 ayes

III. Zoning Administrator's proposal for Standard Operating Procedure (SOP) Manual – Proposed SOP for attorney contact: Zoning Administrator, Town Plan Commission Chair, Zoning Board of Appeals Chair

It is agreed that this and the following item are combined. Jen Croonborg states that it is not a wise idea to change position descriptions and procedures to solve personnel conflict issues. Ric Gillman, Jim Patterson, Carl Broberg, and Jen Croonborg are to meet to discover ways to enhance communication in the Zoning Department and Planning Department.

III. Use of Attorney Protocol – Directive to Zoning Administrator and Town Plan Commission Chair

Covered above.

IV. Update Zoning Fee Schedule

Mike Starck would like to define long term rental as any rental being not less than 30 days. Greg Nelson asks about February. The Clerk suggests the traditional method of referring to long term rentals, “month to month lease” and “monthly lease”.

Discussion of phraseology. Ric Gillman moves – Jim Patterson seconds – to adopt fee schedule as presented with the addition of the phrases “month to month lease” and “monthly lease”. Motion Carries -- 5 ayes

V. James Price correspondence relating to Craftivity Requirements

To be addressed at meeting tomorrow.

VI. Ashland County Subdivision Ordinance Revision

Mike Starck will provide revision with strikeouts, highlights, and reasoning behind changes.

C. Alternative Energy

Not Discussed

D. Winter Transport

I. Discussion: Bayfield School District communications

Not Discussed

E. Harbor

I. Formation of Committee – Appoint Applicants

Posting continues to March 9, although there are two sturdy applicants.

7. Approval of Minutes

RTBM 2-10-09

Mike Starck moves – Jim Patterson seconds – To approve as amended – Motion Carries 4 aye, one nay.

RTBM 1-27-09

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

8. Town Hall

A. Administrative Assistant Monthly Report

Mike Starck moves – Ric Gillman seconds – To accept and place the report, dated 2/20/09, on file – Motion Carries -- 5 ayes

B. Renewal of Contract with Town Assessor, Badgerland Appraisals at \$18,000 per year through 2012

Mike Starck moves – Ric Gillman seconds – to renew Contract with Town Assessor, Badgerland Appraisals at \$18,000 per year through 2012 – Motion Carries -- 5 ayes

C. Review and re-write of the Comprehensive Plan

Carl Broberg says that there has always been disagreement and there is no need to revisit the Plan

The Clerk will contact Aimee Baxter to see how CAPP is progressing.

D. Attachment "A" to 2009 wage resolution – Town of La Pointe Resolution #2008-1209

Mike Starck moves – Ric Gillman seconds – to approve Attachment "A" to 2009 wage resolution –
Town of La Pointe Resolution #2008-1209 – Town Mechanic – Motion Carries -- 5 ayes

E. Attachment "B" to 2009 wage resolution – Town of La Pointe Resolution #2008-1209

Mike Starck moves – Beth Fischlowitz seconds – to approve Attachment "B" to 2009 wage resolution
– Town of La Pointe Resolution #2008-1209 – Motion Carries -- 5 ayes

F. Web Coordinator Motion to Hire

Ric Gillman moves – Beth Fischlowitz seconds – to move to item G. Web Coordinator Job
Description Motion Carries -- 5 ayes

G. Web Coordinator Job Description

Ric Gillman moves – Mike Starck seconds – to accept job description with the additional text
indicating that Beth Fischlowitz will be the immediate supervisor – Motion Carries -- 5 ayes

H. Web Coordinator Budget allocation

Ric Gillman moves – Mike Starck seconds – to allocate 100 hours plus 16% benefits – Motion Carries
-- 5 ayes

I. Web Coordinator Password Use

Ric Gillman moves – Jim Patterson seconds – liaison to determine use and distribution of passwords –
Motion Carries -- 5 ayes

9. Future Agenda Items

Remedy for Gene Nelson Hangar Lease.—Harbor Committee – General Code project status report – prioritize
CED's list – Tribal Homecoming – Zoning Standard Operating Procedure -- Letter from Sen. Feingold
regarding stimulus dollars February 12, 2009 and La Pointe request for stimulus dollars

10. Lawsuits and Legal Issues

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

Not Discussed

B. 08 CV-109, Winston et al vs. Town of LaPointe

Not Discussed

C .08 CV-112 – Sara Owen and Paul Brummer suit vs. Town of LaPointe and Craftivity C.U.P.

Not Discussed

11. Adjourn

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