

# TOWN OF LA POINTE

## Regular Town Board Meeting –Agenda

March 10, 2009, 5:30 pm at the La Pointe Town Hall

Revised Items Underlined and Italicized

The Town Board may go into closed session during the meeting to confer with legal counsel for the Town who is rendering advice concerning strategy to be adopted by the Town with respect to litigation in which it is or is likely to become involved, or, considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. After the completion of the closed session, the Board may come back into open session to act upon the discussion in the closed session or otherwise complete the business of the meeting, in accordance with Wisconsin Statutes, Section 19.85 (1)(g) in the case of conferring with legal counsel or, in the case of discussion of employment, Statute § 19.85(1)(c) and (g) order to discuss such matters, and will re-convene in open session.

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

Called to order at 5:42 pm by Chair Greg Nelson

### 1. Public Comment

Beth Fischlowitz announces that she will not be at the next meeting and that the website is very close to being up and running. Several people have arrived to support Jen Croonborg, including her parents. Her Father offers to be of any assistance that he can.

### 2. Vouchers

Mike Starck moves – Ric Gillman seconds – to approve vouchers totaling \$177,170.78 –

Motion Carries -- 5 ayes

Ric Gillman would questions two vouchers from a contractor on the Snow Removal Equipment Building, bills for cleanup and parts.

### 3. Alternative Claims

Mike Starck moves – Beth Fischlowitz seconds – to approve alternative claims totaling \$1,803,859.78 –

Motion Carries -- 5 ayes

### 4. Treasurer's Report

Jim Patterson moves – Ric Gillman seconds – to accept treasurer's report, as of 2-28-09, date 3-10-09 showing a total of \$1,645,010.37 with a checking balance of \$846,638.20 -- Motion Carries -- 5 ayes

### 5. Public Works

#### A. MRF

##### I. MRF Supervisors Report

Ric Gillman moves – Mike Starck seconds – to move to 5-F, Airport agenda item, Motion Carries -- 5 ayes

Jim Patterson moves – To accept and place the report, dated 3-9-09, on file – Motion Carries -- 5 ayes

#### B. Roads

##### I. Town Foreman's Report

Mike Starck moves – Ric Gillman seconds – To accept and place the report, dated 2/7/09 to 3/6 /09, on file – Motion Carries -- 5 ayes

##### II. Road Vacation process update and MIYC/Hartzell/Town agreement

Keith Sowl, Town Foreman reports that the paperwork is filed appropriately and the process is proceeding

##### III. Prioritization of CED's List

Discussion: CED's list is already prioritized.

##### IV. WisDOT Second Stage Solicitation for Local Transportation Recovery Projects

Keith reports that the Town projects do not meet the criteria set by the state. He mentions that these criteria make little sense to him.

Date cutoffs, major collector specifications, etc.

##### V. Rice Street Status

Not Discussed

##### VI. Bob Hartzell request about parking along town road

Heated discussion: Yacht Club and Hartzell are encouraged to come to an agreement before the road vacation happens. Greg Nelson wants to make sure that the town does not favor one side or the other and that the two parties work it out.

##### V. Foreman's request for clerical help

Beth Fischlowitz Moves – Ric Gillman Seconds – to allow Keith Sowl, Town Foreman to hire Jessica Hatch and Greg Thury for temporary work at \$11.50 per hour. motion carries -- 5 ayes

##### VI. Letter to Gov. Doyle supporting Wisconsin Coastal Management Program

stay with Department of Administration rather than move to Department of Natural Resources

Mike Starck Moves – Beth Fischlowitz Seconds – to sign and send letter – motion carries -- 5 ayes

#### C. Parks

##### I. Granting use of Rec Center and part of campground for Ojibwe celebration Sept. 25 and 26

Ric Gillman talks of Codger Game conflict.

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

#### D. Harbor

##### I. Discuss/Appoint Committee Members

Ric Gillman Moves – Beth Fischlowitz Seconds – to appoint Alan Fischlowitz, Gary Russell, and Charles Meech to Harbor Committee. motion carries -- 5 ayes

##### II. Three Year Plan

Keith Sowl will follow up w/Gary Russell. There is an April 1 deadline.

#### E. Airport

##### I. Remedy for Gene Nelson Hangar Lease

Future Agenda Item

##### II. Approve early occupancy of office area in SRE building

Mike Starck Moves – to authorize – Jim Patterson Seconds – motion carries -- 5 ayes

### 6. Police.

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

Ric Gillman moves – Jim Patterson seconds – To accept and place the report, dated 3/5/09, on file – Motion Carries -- 5 ayes

#### B. Alarm Ordinance #119

Mike Starck Moves – Ric Gillman Seconds – to approve Alarm Ordinance #119 to regulate security alarms in La Pointe – motion carries -- 5 ayes

## 7. Emergency Services

A. Ambulance Director's monthly report

Mike Starck Moves – Jim Patterson Seconds – To place the report on file – motion carries -- 5 ayes

## 8. Committees

A. Zoning

I. Zoning Administrator Report

Mike Starck Moves – Jim Patterson Seconds – To place the report, dated 2/7/09 to 3/7/09 on file – motion carries -- 5 ayes

II. Formal Complaint from Gene Nelson alleging Misconduct of a Public Official and Selective Enforcement by ZA.

Meeting set for Friday, March 13, 11:00 am to discuss Selective Enforcement as a personnel issue. Misconduct in office is a criminal issue and not in board's purview.

Greg Nelson – Town will agree to let him use half of Herring Street on that block for a driveway. Don't need easement, wants language to make sure that he does not cross center line. Keith Sowl, Town Foreman will draw up the agreement.

Discussion of a flurry of Public Information Requests. Mike Starck mentions reporting on this again. Ric Gillman: Web site will handle a lot of this.

III. General Code project status report

Greg Nelson indicates that there is a definite misperception in public of why we hired GeneralCode in the first place. People just don't understand the Zoning Changes

Mike Starck confusion – Town Plan Commission passes items along to the LaPointe Town Board and sometimes they are not for passage, but review.

Carl Broberg says that Zoning is almost done, have been responsive to people's input on changes. Permitted and Conditional uses have been through various iterations, but we are close to finality on this. Misunderstanding about how the zones have been set up. Greg Nelson: some confusion comes just from Town Plan Commission trying to clarify by revision before submitting. Broberg states that it will not be perfect, but it is modifiable. Broberg: GeneralCode will maintain our ordinances on their Website for \$500 per year. Carl: Now using codified format, so that there will be no drastic changes. Mike Starck: How much does the Town Board want to see? Greg Nelson: Zoning and Comprehensive Plan will be changing over the next couple of years to come closer into agreement. Mike Starck: I'm under the impression that the Town Plan Commission should just continue working on this, sending it to GeneralCode, and then, once it is codified, bring it to the Town Board, otherwise we are just confusing people.

IV. Town Plan Commission recommendation to adopt amendments of the official Zoning Ordinance: Town of La Pointe – Additions to current ordinance

a. Section 4.3 Supplemental regulations 4.3.4 Camping on Private Lands

We had public workshops and feedback – kept in mind in process.

Mike Starck moves -- to adopt -- Ric Gillman Seconds – motion carries -- 5 ayes

b. Section 4.3 Supplemental regulations 4.3.3 Non-Conforming Grandfathered Lots

Broberg: This Section has been developed from citizen working groups and Public Hearing. A clause has been added to allow creation of a non-conforming lot if it comes closer to conforming by the change.

Mike Starck Moves – Ric Gillman Seconds – to adopt – motion carries -- 5 ayes

B. CAPP

I. Alternative Energy

Not Discussed

C. Winter Transportation Committee

I. Correspondence between Burke Henry, Chair of WTC, and Linda Kunelius, Superintendent of Bayfield Schools

Not Discussed

D. Celebrations Committee Appointment(s)

Lois will get Sign Up Sheet from Waggle

## 9. Approval of Minutes RTBM 2/24/09

to be amended – to appear on Friday, March 13 meeting

## 10. Town Hall Administration

A. Chamber of Commerce request for Town Assistance with Earth Day Activities.

Beth Fischlowitz moves – to extend sign up date to May 8, 2009, Jim Patterson seconds – Motion Carries -- 5 ayes

B. Zoning Standard Operating Procedure

10 am Monday, March 16 meeting with Ric Gillman, Jen Croonborg, and Jim Patterson

C. La Pointe request for stimulus dollars

Not Discussed

D. Public Information Requests for electronic record.

Jen Croonborg, ZA, and Larry Whalen, Clerk could supply only paper records, requestor was not satisfied and upped the frequency and demanding tone of requests..

E. Jim & Liz Ryder request for refund and reimbursement.

Beth Fischlowitz moves – Mike Starck seconds – to deny request – Motion Carries -- 5 ayes

F. Town Hall Fee Schedule – Price for Copies of Zoning Map

Mike Starck moves – Beth Fischlowitz seconds – to add to the fee schedule, \$5 for smaller and \$10 for larger maps.

## 11. Future Agenda Items

Remedy for Gene Nelson Hangar Lease, Standard Operating Procedure, 3 year harbor plan due 4/1/09, Review and Forward Letter About CED's list that Keith Sowl, Town Foreman will prepare, Granting use of Rec Center and part of campground for Ojibwe celebration Sept. 25 and 26,

## 12. Lawsuits and Legal Issues

A. 04-CV-128Town 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 vs. Town of LaPointe and Craftivity  
Brief arrived

14. **Adjourn**

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