

**TOWN OF LA POINTE**  
**DRAFT MINUTES**  
**Regular Town Board Meeting May 12, 2009**  
**At 5:30 at Town Hall**

Called to order at 5:33.

Members present: Beth Fischlowitz, Ric Gillman, Greg Nelson, Ham Ross, Larry Whalen

**1. Public Comment**

**Jan Smith**—praises Ric Gillman & Gary Russell for their input at the May 11, 2009, Bayfield School District Special Meeting and urges the Town Board to arrive at a compromise with the School District. She feels that their purchase of a windsled would be a mistake.

**Keith Sowl**—reiterates what Jan Smith said. He would also like to see Town Board members sign vouchers/purchase orders signed in a more timely way.

**Mike Starck**—mentions check from State in the amount of \$700,000 for Island projects. This will go to Ashland County for County H reconstruction expenses that will occur in 2009.

**Ric Gillman**—thanks Gary Russell for providing transportation to the May 11 Special School Board meeting.

**Larry Whalen**—expresses confusion over the roles of the Town Plan Commission and the Town Board regarding Section #3 Zoning Districts.

**2. Vouchers**—Motion to approve April 2009 vouchers in the amount of \$93,389.93. Motion by Ham Ross; 2<sup>nd</sup> by Ric Gillman. 5 ayes. Motion carried.

**3. Alternative Claims**—Motion to approve April 2009 alternative claims in the amount of \$77,374.76. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 5 ayes. Motion carried.

**4. Treasurer's Report**—Motion to accept & place on file the Treasurer's Report showing an available balance of \$679,203.91. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 5 ayes. Motion carried.

**5. Clerk's Report**

A. No report at this time.

B. Motion to approve the minutes with one amendment. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. Clerk Hobin points out two additional errors. Gillman withdraws his motion. Motion to approve the minutes with amendment and clarifications. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 5 ayes. Motion carried.

**6. Public Works**

**A. Parks**

1. Approval of C.A. Nelson & Son proposal for ramp & boardwalk work on the North Shore Park Trail. Motion to accept the proposal of C.A. Nelson & Son for ramp & boardwalk work on the North Shore Park Trail for an amount not to exceed \$4940.00. Motion by Ric Gillman; 2<sup>nd</sup> by Larry Whalen. (Keith Sowl, Town Foreman, points out that he has already ok'd this project with Coastal Management.) 4 ayes; one abstain. Motion carried. (Greg Nelson abstains)

2. Request for rental of Big Bay Town Park June 12 & 13 by the Al Radley group. Motion to approve the application for the rental of Big Bay Town Park campgrounds for June 12 & 13, 2009, (at the same rate as last year-- \$530.00) by Kurt Goodermote. Motion by Ham Ross; 2<sup>nd</sup> by Ric Gillman; 5 ayes. Motion carried.

3. Request for rental of recreation center and recreation center building on the Fourth of July by Emergency Services. Motion to approve the request for rental of the Recreation Center and its building on the Fourth of July by the Town of La Pointe's Emergency Services for a fund-raising event and to waive the fees for said rental. Motion by Ham Ross; 2<sup>nd</sup> by Ric Gillman. 5 ayes. Motion carried.

#### **B. MRF**

1. Report from the MRF supervisor. Motion to accept & place on file the MRF supervisor's report. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 5 ayes. Motion carried.

#### **2. Compost Request Review**

#### **Representative Sections of Discussion**

-Ted Pallas, MRF supervisor, points out that having the community compost at the MRF may cause the MRF to not pass DNR inspections, which would endanger funding. He further points out a separate line item would be needed in the budget for disposing of improper materials dropped off at the site.

-Tab Butler responds that she has a private site available for the compost and hopes that the Town Board will revisit the issue next spring.

#### **C. Roads**

1. Foreman's Report. Motion to accept & place on file the Foreman's Report dated April 12-May 8. Motion by Ric Gillman; 2<sup>nd</sup> by Ham Ross. 5 ayes. Motion carried.

#### **2. Road Vacation Process**

a. a portion of Main St. Ric Gillman reports that negotiations with the Madeline Island Yacht Club are still ongoing. Keith Sowl says that the matter should be dealt with by some time in July.

b. presentation from Denise Lutz from Ashland County Housing and possible reconsideration of the motion to vacate the alley known as Bear Lane.

#### **Representative Sections of Discussion**

Denise Lutz, Executive Director of Ashland County Housing Authority, showed a map of the area around Bear Lane with possible affordable housing sites. She reports that the Army Corps of Engineers has given permission to use fill to develop these sites as long as the fill is less than 10,000 square feet. She asks

that the Town Board reconsider its order to vacate the alley known as Bear Lane in order to maintain access to these sites.

Jennifer Croonborg opposes rescinding this order.

Ham Ross asked if vacation of the alley will decrease the value of Croonborg's property.

According to Lutz it will not.

Greg Nelson says that the Town Board voted to vacate because they thought there was other access available and because they never expected this wetland area to be buildable.

Beth Fischlowitz & Greg Nelson both say that this information would have changed the way they voted on the proposal to vacate.

Larry Whalen moves to suspend any decision on this for the purpose of doing research and exploring Siskawet St.

Keith Sowl reports that he spoke to the DNR, and they verified that the use of the fill has been approved.

Larry Whalen withdraws his motion.

Motion to rescind the motion to vacate the alley known as Bear Lane. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. Ham Ross requests that the following be added to the motion: "with due consideration for the existing property owner and the intent of negotiating property rights thereof." 4 ayes. 1 no. Motion carried. Larry Whalen votes no.

c. approval of 17th Street culvert easement Motion to approve the 17<sup>th</sup> Street culvert easement as presented and authorize the Town Chair to sign it. Motion by Ric Gilman; 2<sup>nd</sup> by Larry Whalen. 5 ayes. Motion carried.

3. Possible purchase of mats for the Washington Ave. (Bayfield) Beach Approach. Motion to not purchase the mats. Motion by Beth Fischlowitz; 2<sup>nd</sup> by Ric Gillman. 5 ayes. Motion carried. Ham Ross notes for the record that he votes no with deep regret.

4. Approval of Handy Andy Express for 2009 dust control. Motion to authorize Keith Sowl, Town Foreman, to purchase calcium chloride for dust control for an amount up to \$24, 500. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 5 ayes. Motion carried.

#### 5. LP Gas Contract Options

(a.) Keith Sowl, Town Foreman, recommends buying LP gas from whoever is the state vendor. This will require the Town to purchase its own tanks. Ham Ross is concerned about the cost of this. Sowl replies that the Town will be looking for good-quality reconditioned tanks. Motion to authorize Keith Sowl & Barb Nelson (Administrative Assistant) to develop a bid proposal for the purchase of tanks. Motion by Ric Gillman; 2<sup>nd</sup> by Larry Whalen. 5 ayes. Motion carried.

(b.) Paul Brummer letter—Each member of the Town Board as read the letter.

(6.) The Town Foreman requests that he have till the end of the year to use up his vacation time. Motion to grant his request and extend the deadline for use of his vacations days till the end of the year. Motion by Beth Fischlowitz; 2<sup>nd</sup> by Ric Gillman. 5 ayes. Motion carried.

#### D. Harbors

1. Harbors Update: the Harbor committee will meet at 1:30 on May 13, at Town Hall to create a mission statement & committee structure, elect officers and formulate an agenda.

2. The dock lease & rates Motion to set the C.A. Nelson dock lease fee at a cost of living increase of .1% which equals \$30.60 per foot for 2009 plus a flat electrical fee of \$25. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 4 ayes, 1 abstain. Motion carried. Greg Nelson abstained.

#### E. Airport

1. Hangar lease #9A Review—Motion to offer proposal to Gene Nelson as a resolution to Hangar #9A. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 5 ayes. Motion carried.

2. Discussion regarding correspondence from Leslie Mack & concerned pilots addressing airport concerns. The consensus of the Board was to approve the suggestions in Ms. Mack's letter with due regard for the Airport Manager's authority.

(3.) Michael Dalzell (the Airport Manager) presented a chart regarding the purchase of materials for the airport runway project.

### 7. Police Report

A. Report from the Chief of Police. Motion to receive & place on file the report of the Chief of Police for the month of April, 2009. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 5 ayes. Motion carried.

### 8. Emergency Services

A. Report from the Ambulance Director. Motion to receive & place on file the report from the Ambulance Director for the period March 28-April 30, 2009. Motion by Ham Ross; 2<sup>nd</sup> by Ric Gillman. 5 ayes. Motion carried.

### 9. Committees

A. Celebrations—Motion to appoint Linda Fuller to the Celebrations committee. Motion by Ham Ross; 2<sup>nd</sup> by Beth Fischlowitz. 5 ayes. Motion carried.

#### B. Zoning

1. Zoning Administrator's report. Motion to receive & place on file the report of the Zoning Administrator. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 5 ayes. Motion carried.

**Motion to move to item 9.5 next on the agenda.** Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz.

5. Banner, Thomas, 2788 North Shore Road re: request to apply current permit fees to new permit application & refund excess payment. Motion to allow Jen Croonborg, Zoning Administrator, to apply the current permit fees to a new land use permit and refund the excess. Motion by Ric Gillman; 2<sup>nd</sup> by Ham Ross. 5 ayes. Motion carried.

**Motion to take up item 10.2.B next on the agenda.** Motion by Ric Gillman; 2<sup>nd</sup> by Ham Ross. 5 ayes. Motion carried.

10.2.B. Dept. Liaisons Review Motion to make Ham Ross the liaison to the Town Planning Commission. Motion by Larry Whalen; 2<sup>nd</sup> by Beth Fischlowitz. 3 ayes, 2 abstain. Motion carried. (Ham Ross & Ric Gillman abstain.)

**Motion to return to the agenda at item 9.B.2.** Motion by Ham Ross; 2<sup>nd</sup> by Ric Gillman. 5 ayes. Motion carried.

2. Resolutions for text changes

a. Resolution 2009-0512 A. Motion to sign the Resolution. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 3 ayes; 1 no; 1 abstain. Motion carried. Larry Whalen votes no; Ham Ross abstains.

b. Resolution 2009-0512 B. Motion to sign the Resolution. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 3 ayes; 2 abstain. Motion carried. Larry Whalen & Ham Ross abstain.

c. Resolution 2009-0512 C. Motion to sign the Resolution. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 3 ayes; 1 no; 1 abstain. Motion carried. Larry Whalen votes no; Ham Ross abstains.

d. Resolution 2009-0512 D. Motion to sign the Resolution. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 3 ayes; 2 no's. Motion carried. Larry Whalen & Ham Ross vote no. [Larry Whalen points out that Town Plan Commission Chairman Carl Broberg told him that after 180 days, a camper with a sanitary permit may get a permit to continue camping. Whalen says there is no such permit.]

e. Resolution 2009-0512 E. Motion to sign the Resolution. Motion by Ric Gillman; 2<sup>nd</sup> by Beth Fischlowitz. 3 ayes; 2 no's. Motion carried. Ham Ross & Larry Whalen vote no. [Larry Whalen points that this is called an automated variance.]

3. Research Section 3: Zoning Districts. Motion to table this until the Regular Town Board Meeting on May 26, 2009. Motion by Ric Gillman; 2<sup>nd</sup> by Larry Whalen. 5 ayes. Motion carried.

4. Zoning Department Standard Operating Procedures Manual. Motion to table this until the Regular Town Board Meeting on May 26, 2009. Motion by Ham Ross; 2<sup>nd</sup> by Ric Gillman. 5 ayes. Motion carried.

5. Already covered. See above.

6. Tim Eldred letter: zoning text changes & the Comprehensive Plan. Each Town Board member has read the letter. Motion to receive & place on file the letter from Tim Eldred. Motion by Ham Ross; 2<sup>nd</sup> by Ric Gillman. 5 ayes. Motion carried.

C. CAPP—no report

D. Alternative Energy—no report

E. Winter Transportation—The Bayfield School District is postponing its purchase of a windsled until June 15, 2009, in order to have two negotiating

meetings with the Town Board of La Pointe. These are scheduled for May 18 & May 19, 2009. Attorney Fauerbach will attend.

## **10. Town Hall**

### **A. Board of Review**

1. Set date for meeting. The first session of the Board of Review will be Friday, May 15, 2009 at 10:50 in order that the Board can set a date to meet after the tax rolls are complete.

2. Appoint alternative representatives—Motion to nominate Jim Patterson as the first alternative. Motion by Ham Ross; 2<sup>nd</sup> by Ric Gillman. 5 ayes. Motion carried. Motion to nominate Judi Patterson as the second alternate. Motion by Ric Gillman; 2<sup>nd</sup> by Ham Ross. 4 ayes; one abstain.. Motion carried. (Larry Whalen abstained.)

B. Dept. Liaisons Review—Motion to name Ham Ross as the liaison to the Town Plan Commission (instead of Larry Whalen as previously voted {April 28, 2009}). Motion by Larry Whalen; 2<sup>nd</sup> by Beth Fischlowitz. 3 ayes; 2 abstain. Motion carried. (Ham Ross & Ric Gillman abstain.)

C. Resolution #2009-02 A resolution amending the 2009 budget of the Town to allow the Clerk to attend the Wisconsin Municipal Town Clerk's Institute. Motion to approve & sign the Resolution. Motion by Ham Ross; 2<sup>nd</sup> by Beth Fischlowitz. 5 ayes. Motion carried.

D. Travel Green & Green Communities. Carried forward.

## **11. Future Agenda Items**

A. Research of Section 3 Zoning Districts

B. Zoning Dept. Manual of Standard Operating Procedures

C. Town Board Members' Email

D. the Town Website

E. Resolution to rescind the vacation of the alley known as Bear Lane

F. the vacation of a portion of Main St.

## **12. Lawsuits & Legal Issues**

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

B. 08-CV-109 Winston et al vs. Town of La Pointe

1. Town Chair Greg Nelson reports that this case is going to arbitration. The consensus of the Board was to ask Bill Bussey to arbitrate.

C. 08-CV-112 Sara Owen & Paul Brummer vs. Craftivity & the Town of La Pointe.

D. Pete Rogers Complaint the Town will send the credentials of building inspector Jim Price of Alder Engineering to Pete Rogers.