

TOWN OF LA POINTE

REGULAR TOWN BOARD MEETING
TUESDAY, OCTOBER 9, 2012
AT 5:30 AT TOWN HALL

Called to order at 5:32 PM

Present: Jim Patterson, Greg Nelson, Ham Ross, Larry Whalen at 5:38 PM

Absent: Nick Nelson

Staff Present: Keith Sowl, Pete Clark, Jen Croonborg-Murphy, Margaretta Kusch

Public Present: Charlie Meech, Dave Thomas, Jim Rogers, Dave Donkers, Gary Russell, Lois Carlson

I. Public Comment A* none

Larry Whalen arrives at 5:38 PM

II. Town Administrator's Report: placed on file by unanimous consent

III. Public Works

A. Roads

1. Foreman's Report: placed on file by unanimous consent

B. Parks

1. Authorization for Chair to sign the contract with Arnie Mackey Construction for construction services at Big Bay Town Park. Authorization to sign contract granted by motion: HR/JP 3A 1 No [LW] MC This contract was approved at the Town Board Meeting on August 28, 2012; however, the Chair's signature was not authorized at that time.

[From approved minutes of 8/28/12: **Motion to accept the bid proposal of the Arnie Mackey Construction Company in the amount of \$515,701 for the Big Bay Town Park Phase I Improvements contingent upon written notice of grant approval from the DNR. HR/JP 5A MC]**

2. Request & Summary from Chequamegon Bay Engineering RE: Big Bay Town Park
 - a. Request for Redesign of the Pit Toilets as Part of the Phase I Improvements: request denied by motion: LW/HR 4A MC
 - b. Summary of Additional Fees incurred due to change of Phase I scope: motion to hold all payments until the Town Administrator has gone over the bill line by line and made recommendations as to which to pay. HR/JP 4A MC

C. MRF

1. MRF Supervisor's Report placed on file by unanimous consent; Jim Patterson mentions the recent letters from the Wisconsin Department of Natural Resources in which the Materials Recovery Facility receives high marks in its annual evaluation.

D. Airport

1. Industrial Zone Lot Lease Lot #7 RE: Agreement with Kathleen & Evan Erickson: Lease Agreement with the Ericksons approved at a rate of \$750 per month to be pro-rated to reflect remaining months of 2012 at Lot #7 for a ten-year period. JP/LW 4A MC

IV. Committees

A. Zoning

1. ZA's Report placed on file by unanimous consent. The Zoning Administrator reports that three sets of Orders of Correction have not been obeyed: Ben Ryder, Ed Kale and Craftivity, Inc.

2. Authorization to post for Alternate Member for Zoning Board of Appeals: Chair Greg Nelson appoints Glenn Carlson to complete the term of Alternate Member #2 for a term ending July 1, 2014.

3. Paul Brummer Complaint dated 6-26-12 re: Use of Property at 978 Middle Road parcel #014-00178-0200 owner: Craftivity, Inc. aka Madeline Island School of the Arts. Consideration and possible decision regarding Town Plan Commission 9-20-12 recommendation.

Discussion followed, the points of which are summarized as follows:

Town Administrator Pete Clark recommends to accept the Town Plan Commission [TPC] recommendation with one addition and one amendment.

Jim Rogers reads a letter into the record in which he states that each time the Craftivity CUP is revised it is because someone has “thrown roadblocks” in the way. He further states that MISA/Craftivity has “never threatened the Town with a lawsuit.” He also quoted a letter from Town Attorney Mike Fauerbach in which Fauerbach seemed to suggest that there was some question as to the determination of the TPC.

Jen Croonborg-Murphy requests that whatever is decided regarding the CUP be enforceable. She also states that the passage referred to by Mr. Rogers in the Fauerbach letter pre-dated the revisions made by the TPC and has no bearing on the recommendation of September 20, 2012.

Greg Nelson asks Jim Rogers if he could be more specific regarding what exactly is hamstringing MISA.

Jim Rogers begins to respond: “The 125 [people allowed at an event] is too low.

Charlie Meech stops Jim Rogers as he is speaking and tells him not to say anymore.

Greg Nelson asks who is going to enforce #4 [the 125-person limit]. He adds that he feels it is “hard to dictate & hard to enforce.”

Jen Croonborg-Murphy states that parking is an issue that was discussed by the TPC.

Ham Ross states that parking should be handled so as not to offend the sensibilities of the neighbors, and that all other ordinances must be adhered to.

Jen Croonborg-Murphy states that parking is covered in the CUP.

Pete Clark suggests striking #4.

Greg Nelson agrees.

Jim Patterson notes that Article 2 does not reflect the newly-approved buildings.

Jen Croonborg-Murphy points out that that is a separate page in the CUP. She also suggests a reference to the 13 Standards of Approval for Issuing a UP.

Greg Nelson questions the application of the 13 standards for a CUP revision [as opposed to a new CUP].

Lois Carlson asks for an interpretation of the Chamber of Commerce’s 501(C) (6) for the purpose of holding events at MISA.

Greg Nelson states that he feels this would fall under Article I. F (2)

Motion to adopt the September 20, 2012, recommendation of the TPC regarding the Craftivity CUP with the following three changes [Changes in bold face]:

1.) Article I F. (2) The owner may host four (4) **arts-related** events per calendar year for monetary gain to support the art school.

1. 2.) Article I F (3) ***Notwithstanding 1, F (2), Owners may solicit and host events in which the named, sponsoring and/or contracting organization possesses and produces an IRS 501(c)3, non-profit designation and is primarily engaged in art or art-related activities.***

a. Owners will maintain IRS 501(c)3 designations, secured under 1,F (3), for a period of one (1) year from the date of event and produce said designation in response to citizen question or complaint.

3.) **delete #4**

JP/HR 4A MC

B. Harbors

C. ad Hoc Committee on Tribal Relations

D. ad Hoc Committee on Local Agriculture

Ham Ross leaves at 6:53 PM

V. Town Hall Administration

A. Budget Report adopted by motion: JP/LW 3A MC

B. Town Administrator’s Report placed on the agenda twice by mistake

C. Resolution 2012-1009 Opposing Any Change in La Pointe, WI Post Office hours: motion to adopt & sign:

LW/JP 3A MC

D. 2012 Wage Resolution Attachment D: adopted by motion JP/LW 3A MC

E. Review of Budget Workshop Schedule: informational only

VI. Vouchers: approved in the amount of \$72,744.07 JP/LW 3A MC

VII. Alternative Claims September 2012: approved as follows: \$113,486.09 plus \$1191.52 in Library claims.

JP/LW 3A MC

VIII. Treasurer’s Report approved showing the following amounts: total cash: \$480178.29; checking: \$435,334.30; total: \$1,039,333.72 JP/LW 3A MC

IX. Minutes

- A. Regular Town Board Meeting September 11, 2012: approved as submitted JP/LW 3A MC
- B. Regular Town Board Meeting September 25, 2012: approved as submitted JP/LW 3A MC

X. Police

- A. Police Chief's Report not available

XI. Emergency Services

- A. Ambulance Service
 - 1. Ambulance Director's Report placed on file by unanimous consent

XII. New Agenda Items for Future Meetings

- A. Resolution regarding the Chamber of Commerce use of Madeline Island School of the Arts for arts-related events.
- B. Bill from Chequamegon Bay Engineering for work at Big Bay Town Park

XIII. Public Comment B**

XIV. Lawsuits & Legal Issues

XV. Liquor & Operators' Licenses

XVI. Adjourned at 7:05 PM

*This portion of public comment is restricted to one minute in length. For those wishing to speak for longer than one minute, that item appears later in the agenda

A likely quorum of the Town Plan Commission may attend the Town Board Meeting of October 9, 2012. They will not be making any decisions.

Submitted by Patty Hobin, Town Clerk

**Approved as submitted on 10/23/12
Patty Hobin, Town Clerk**