

**TOWN OF LA POINTE
MINUTES
REGULAR TOWN BOARD MEETING
SEPTEMBER 8, 2009
IMMEDIATELY FOLLOWING THE 5:00 PM MEETING OF THE TOWN BOARD ACTING AS
THE ZONING BOARD OF APPEALS
AT TOWN HALL**

Called to order at

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

1. Public Comment

Paul Brummer: It is unfortunate that the Town Board has decided to allow Craftivity to continue building a motel on Middle Rd. This action will only undermine zoning and cost the tax payers more money due to future lawsuits.

2. Vouchers Motion to approve vouchers in the amount of \$54,672.12. RG/HR. 5 ayes. MC

3. Alternative Claims Motion to approve alternative claims in the amount of \$83,080.00. RG/BF 5 ayes. MC

4. Treasurer's Report Postponed till the 9/22/09 Regular Town Board Meeting.

Motion to take up agenda items 9.A.5. RG/BF followed by item 9.B.1.(a), (b). BF/RG. 5 ayes. MC.

9. A. 5. Commercial Project at Parcel #014-00470 0500; 197 Big Bay Rd. Owner: Gene Nelson.

a. Possible Assignment of zoning designated official for the project: Motion to appoint Ted Pallas, as Town Plan Commission Chair, to administer and enforce the zoning regulations on the project at 197 Big Bay Rd. BF/RG. 5 ayes. MC.

Gene Nelson says he has not altered either the structure or the uses of the building and claims harassment on the part of the Zoning Administrator. Jen Croonborg, Zoning Administrator, responds that Mr. Nelson has not been accused of anything, that she has been fact-finding only. She further states that Mr. Nelson can respond in writing regarding the certified letter sent to him by the Zoning Administrator. Mr. Pallas the Town Plan Commission will make his-its determinations, which is the same process as all other commercial properties. Ham Ross points out that any permitted uses are null and void since the property has sat idle for over 12 months.

b. James Price: Commercial Building Inspector Report. Mr. Price has been notified of the project.

c. Possible issuance of Orders of Correction: The project is now in the hands of Mr. Pallas and Mr. Price.

9.B.1. Alternative Energy

b. Update of Wind Turbine siting Larry Bean reports that the space requirements of the turbines make the previously mentioned sites unavailable. Therefore, the Committee has begun looking at the north end gravel pit. It is the highest point on the Island and a beach landing (required for the equipment) is possible. Mr. Bean asks for the Town Board to pass a motion endorsing the north end site and for a letter from the Town saying that as landowners of the needed property they support the use of the property for the site.

Motion to support the Alternative Energy Committee's investigation of the north end site for installation of a wind turbine. RG/HR. 5 ayes. MC.

Motion to endorse the investigation and possible use of the north end site for wind turbines, and as property owners, the Town will not object to the use of the site for the turbines. HR/BF. 5 ayes. MC.

Larry Whalen asks how many turbines there will be. Mr. Bean says there will be three to seven (which is the projected need in order to serve the Island till the year 2025), each at a minimum height of 328 feet.

Motion to return to item 5.A. on the agenda. BF/RG. 5 ayes. MC

5. Minutes

A. August 11, 2009. Motion to accept as corrected. RG/BF. 5 ayes. MC

B. August 25, 2009 Motion to accept as corrected BF/RG. 5 ayes. MC.

6. Public Works

A. Parks

1. Review of upcoming Anishinaabeg Ceremony (9/25-9/26, 2009). Report from Pastor Marina Lachecki, the local coordinator of the event. It is the will of the Board that participants be allowed to camp at the Recreation Center for the event.

2. Application for Recreation Center Rental: Codger Game on 9/19/09 all day (or 9/20/09 in case of rain) La Pointe Community Clinic as the organization name. Motion to approve the application. HR/RG. 5 ayes MC

B. MRF

1. MRF Supervisor's Report accepted by unanimous consent of the Board.

2. Rehire of Sam Dahlin as Temporary Laborer for Parks, Roads and MRF.

Motion to rehire Sam Dahlin at a rate of \$15/an hour, for less than 600 hours, hire to be retroactive to 8/24/09. RG/HR. 5 ayes. MC.

C. Roads

1. Foreman's Report accepted by unanimous consent of the Board.

2. Vacation of a portion of Main St.

a. MIYC/Hartzell/Town Agreement & parking lot with bike/pedestrian lane completion. Town Foreman, Keith Sowl, advises that there will be another change in the Agreement. Sowl will also authorize paving of the parking lot (per Foreman's Report).

3. Vacation of Baraga St. Postponed till the 9/22/09 Regular Town Board Meeting

4. Rehire of Sam Dahlin as temporary truck driver. Motion to rehire Sam Dahlin at a rate of \$15/hour for less than 600 hours, retroactive to 8/24/09. RG/BF 5 ayes. MC

5. Possible paving of Whitefish St. & O'Brien Court. Motion to authorize the signing of an approval to pulverize and pave Whitefish St. & O'Brien Court per the documents 1452, 1453, & 1454 from North Woods Paving dated 9/7/09 for the price stated on these documents. HR/RG 5 ayes. MC

6. Approval of Hagen Road Bike Lane contract. Motion to authorize the Town Chair to sign all documents for the Hagen Rd. Bike Lane project contingent upon Department of Transportation approval. **Ric Gillman/Beth Fischlowitz 5 ayes; motion carried.**

D. Harbors. Verbal report from Beth Fischlowitz.

E. Airport

1. Airport Manager's Report accepted by unanimous consent for the weeks of 7/26/09, 8/2/09, 8/9/09, & 8/16/09

2. Determination of charges per Wisconsin Bureau of Aeronautics pay request.

Motion to add interest in to charges sent to WBOA for a total of \$4.71 per ton. BF/RG 5 ayes. MC

F. Library Board Minutes

1. August 10, 2009, board minutes accepted by unanimous consent of the Board.

7. Police

A. Police Chief's Report (9/3/09) accepted by unanimous consent of the Board.

8. Emergency Services

A. Ambulance Director's Report (9/3/09) accepted by unanimous consent of the Board.

B. Fire Chief's Report No report.

9. Committees

A. Zoning

- 1. Zoning Administrator’s Report No report per memo from ZA.
- 2. Alltel Tower: Zoning Administrator requests direction from Town Board regarding this application. Motion to consider as one parcel the two town-owned parcels as follows: #014 00197 0200, Section 30 and #014 187 0701, Section 29. RG/BF 5 ayes. MC

Ham Ross leaves meeting at 7:08.

- 3. Posting of Zoning Clerical position Motion to continue to post and extend the deadline for sign-ups to September 22, 2009. RG/BF. 4 ayes. MC
- 4. Zoning Administrator’s request to issue a Written Order on behalf of the Town per Ordinance Section 8.3(B) to Marcy and Thomas Woods. Motion to authorize the Zoning Administrator to issue Orders for a completed application for permit and fees minus those already received. BF/RG. 4 ayes MC.
- 5. Previously covered

B. CAPP

- 1. Previously covered.

10. Town Hall Administration

- A. Clerk’s Report accepted by unanimous consent.
- B. Update of Non-zoning Ordinance Review/General Code. Dick Hoffman (project manager) presented a timeline and target dates for the completion of the project. Discussion followed regarding the progress so far and a clarification of the role of General Code in the project. Because General Code provides only a limited number of revisions, Hoffman felt that the Town’s attorney should see the document first before it goes to General Code. Discussion followed regarding the proper order of review. Motion to submit the draft revisions and newly created Ordinances to the Town’s attorney (without “Subdivisions” or “Zoning”) for review before sending to General Code. BF/LW 4 ayes. MC Discussion followed regarding the possibility of completing all parts of the project without Zoning and holding off on Zoning until it is in form that the Town wants.
- C. Greg Nelson bill from Mike Fauerbach. Motion to authorize payment by the Town of \$254.11 to Fauerbach & Martell to cover legal fees incurred as Greg Nelson dealt with a personal letter sent to him by Pete Rogers. RG/BF 3 ayes 1 abstain; MC Greg Nelson abstained.
- D. Letter from Tom Harnisch, Wisconsin Towns Association, regarding the WTA Convention/Eco-Towns. The Clerk will ask Larry Bean if he wishes to represent the Town.
- E. August 2009 Monthly Budget Reports. No reports at this time.
- F. Budget Amendment #2009-04. Motion to sign Budget Amendment #2009-04. RG/BF 4 ayes. MC
- G. Modification to Town Job Descriptions. Motion to modify all Town job descriptions as presented: removing “See Current Wage Resolution” and “90 day review” that appear next to “Currently Hourly Rate.”RG/BF 4 ayes. MC.

11. New Agenda Items for Future Meetings

- A. Vacation of a portion of Main. St.
- B. Vacation of Baraga St.

12. Lawsuits & Legal Issues

- A. 04 CV-128 Town of La Pointe vs Michael Mattingly
- B. 08 CV-112 Owen & P. Brummer vs. Craftivity & Town of La Pointe
- C. 08 CV-109 Winston et. al vs. Town of La Pointe

13. Liquor & Operator Licenses

- A. Non-intoxicating Beverage License: La Pointe Community Clinic Codger Game Motion to approve the License. RG/LW 4 ayes. MC

B. Temporary Class "B" Picnic License: La Pointe Community Clinic for 9/19/09 or 9/20/09 (in case of rain). Motion to approve the license. RG/BF 4 ayes. MC
Motion to Item 6.A.2 Parks. RG/LW 4 ayes MC
Motion to waive all fees related to the La Pointe Community Clinic/Codger Game. RG/BF 4 ayes.
MC

Approved as corrected on September 22, 2009. Corrections struck through and underlined.

Patty Hobin, Town Clerk