

TOWN OF LA POINTE
SPECIAL TOWN BOARD MEETING
Hearing on a Non-Motorized Vessel Appeal
THURSDAY MAY 27, 2021
5:00pm (central time) at Town Hall
Approved Minutes

Town Board Members Present (some via Zoom): Chair Glenn Carlson, Supervisor Michael Anderson, Supervisor Aimée Baxter, Supervisor Sue Brenna, Supervisor John Carlson
Staff Present: Town Administrator Lisa Potswald, Elected Clerk Micaela Montagne
Public Present via Zoom: Town Attorney Max Lindsey, Ed Kale and his Attorney John Carlson
Called to Order: 5:05pm

1. Appeal of the Denial of a Non-Motorized Permit: Ed Kale Apostle Islands Kayaks

The Town Board may go into closed session during the meeting for the purpose of conferring with legal counsel with respect to litigation in which it is or is likely to become involved in accordance with Wisconsin Statutes 19.85 (1)(g). After the completion of the closed session, the Board will come back into open session to act upon the discussion in the closed session or otherwise complete the business of the meeting before adjourning.

Town Attorney M. Lindsey discussed new correspondence between himself and Attorney J. Carlson and asked to discuss further in closed session.

Motion to go into closed session, S. Brenna/ A. Baxter, all 5 Ayes, Motion Carried.

Motion to return to open session, J. Carlson/ M. Anderson, 5 Ayes, Motion Carried. Returned to open session at 5:45pm.

Appeal Hearing of the Denial of a Non-Motorized Permit: Ed Kale Apostle Islands Kayaks:

Attorney John Carlson representing E. Kale of Apostle Islands Kayaks presented his opening statement that included requesting the Town Board to grant Ed Kale of Apostle Islands Kayaks the Commercial Use Permit for operating non-motorized vessels on Town property and that there are flaws in the Town's Ordinance Chapter 432.

Lisa Potswald presented opening remarks that the Town Board should deny the permit request by E. Kale/ Apostle Islands Kayaks based on evidence of complaints and to not support such practices on Town property.

Attorney J. Carlson called Lisa Potswald to testify.

Clerk M. Montagne swore in Lisa Potswald.

Attorney J. Carlson asked several questions and presented his evidence in support of approving the permit. Exhibits included Ordinance Chapter 432-9, Lisa Potswald's letter to Ed Kale dated May 14, 2021 presented as exhibit A-1, a complaint from N. Mellem in exhibits D-12 and D-35, a complaint from P. Kloehn in exhibit E-1, and a complaint from K. Barrick in exhibit F-1.

Lisa Potswald presented the packet of evidence and exhibits without going into detail on each. Attorney J. Carlson stated that he objects to the evidence provided that is outside of the May 14, 2021 letter, which include exhibits G, H, I.

L. Potswald asked Attorney Max Lindsey to play a video of E. Kale after he pushed his competitor's non-motorized vessels into the lagoon, Attorney J. Carlson objected. L. Potswald stated the video establishes a pattern of behavior across time and asked the Town Board to consider that those who do business E. Kale on Town property may not have a sense that he does not represent the Town. The 20 second video was played. Attorney J. Carlson stated he believes the video is not in context.

Lisa Potswald had no closing statement.

Attorney J. Carlson gave his closing statement requesting the Town Board to approve the permit, also stating that the Ordinance is flawed and some reasons for denial were not in the ordinance.

Deliberations among the Town Board members included that the complaints are valid, and E. Kale's behavior can reflect poorly on the Town, the non-motorized vessel ordinance needs revision, and safety issues were brought up.

Clerk M. Montagne swore in Ed Kale, who provided the Town with the itinerary he uses for his kayak groups.

Further deliberations were in similar fashion, that despite E. Kale's behavior, not a big enough case was made to deny the permit based on evidence, and the ordinance should be revised.

All 5 Town Board members voted to approve the non-motorized vessel permit for Ed Kale of Apostle Islands Kayaks.

Motion to adjourn, M. Anderson/ J. Carlson, 5 Ayes, Motion Carried. Adjourned at 6:50pm.

Submitted by Micaela Montagne, Town Clerk.

Approved as submitted, June 8, 2021. M. Montagne, Town Clerk.