

(5) TB, Michael, Barb,  
Micaela, Public

TO: Town Board

FROM: Michael Kuchta

RE: Town Administrator's Report

DATE: June 4, 2021

DATES OF REPORT: May 22-June 4, 2021

### 1. Accomplished/Completed

### 2. Coming Up/Working On

- Cell Tower: Ric Gilman is working on permits.
- Updating Ordinances: Lisa Potswald and Paul Wilharm continue to work on an airport ordinance
- Policies:
  - Personnel: Lisa expects to have a revised policy complete before the end of June
  - Personal use of vehicles: I expect to discuss this with department heads at the monthly June meeting
- 2021 Capital Projects
  - You have contract extensions on the agenda for Town Hall painting and flooring
  - Nelson's Survey has begun work on the Erickson property swap
- Personnel Matters: see agenda
- Emergency Operations Plan: Lisa has a draft; next step is to discuss with departments
- COVID-19: At the June 22 meeting, the Board likely will need to rescind the resolution that closes Town Hall. Should also determine which financial process you want to follow moving forward: whether to continue to follow what has been done during the pandemic, to return to previous protocols, or to use a hybrid system
- Public Arts Project: Committee meets June 9 to discuss next steps in the Gateway sculpture project
- Town Hall basement: With the opening of the ESB, we need to work out with the Police Department how to divvy up basement storage space among Police and Town files.
- We have received a request to build a new hangar at the airport; we are assembling an information and procedural packet

### 3. Town Board Agenda – Information/Comments

- Roads, Dock and Harbor.
  - Northwoods blacktopped culverts, dock approach (and ESB lots) last week. Change order reflects work on three additional culverts.
  - The uncertainty with Wren Works and Smith Group continues over repairs still needed on the dock and payment for the repairs.
  - Reminder: the public hearing on the Big Arns Road assessments is Wednesday June 15 at 5:30 p.m.
- Parks, Ordinance Chapter 432: We are looking for your ideas and priorities in light of the special Board meeting of May 27.
- Town Administrator Transition Plan. Lisa and I have divided a list of tasks and issues. She will close out some tasks before the end of June; I will focus on topics that we expect to be ongoing.
- Resolutions 2021-0608 and -0608A. Your main decision is how much you want to centralize access to town attorneys, to decide who needs to be aware of inquiries, to ensure that there is adequate

discussion in advance, and to decide whether an issue can be resolved through free service from Wisconsin Towns Association before accessing private attorneys.

- Propane contract. We have sent a letter to Gene Nelson asking whether he can renew contract at same rate. If not, contract will need to go out for bid. In addition, what could come into play is the Town policy that prevents the Town from entering a contract with an entity that owes money to the Town.
- Fire Chief's Report. This annual grant provides equipment and gear for wildland firefighting. The Town's share is 50%.
- Fire Chief Personnel Matter / Contract with Community Security Solutions. You have received a separate memo.

#### **4. Follow Up on Previous/Ongoing Projects**

#### **5. Grant Report**

- We are waiting to hear back from Ashland County and Wisconsin Emergency Management about the possibility of qualifying through the federal BRIC process for a shoreline stabilization grant for County H, Joni's Beach, and perhaps other locations. Deadline to submit is June 21.

#### **6. Lawsuits/Legal Issues**

- Town Board members have been advised of any updates.

#### **7. Comments/Other Information**

- The town has received a data request for environmental information dating back to 1900 on the MRF parcels. We are waiting to hear from Trileaf Environmental Architecture and Engineering of Schaumburg, Ill., if they are willing to pay for the time and effort required to fulfill their request.
- The University of Wisconsin Extension released the report on its Chequamegon Bay Regional Housing Survey. The report does not appear to be posted online yet; if you want a PDF version, email me – I will be happy to send it to you.

(5) TB, Michael, Barb, Micaela,  
Ben, Public

## May 2021 Public Works Report

### Roads

- Curb clean-up continued early in the month. The Roads and Parks crew did a great job preparing the downtown area for what turned out to be a very busy Memorial Day weekend.
- The Ashland County crew spent a few weeks on H chipping trees and branches in the right-of-way, finishing the crack sealing of the milled culverts, and working on thorough culvert inspections and a new numbering system. Please remember that the numbered reflective posts in the ditches are County property and leave them be.
- Washburn County was contracted by Ashland County for line striping and H was striped before the Holiday weekend, which was very nice to have done. The Town was able to piggyback Hagen Road and Rice Street. The Town crew will work on striping the rest of Main Street, sections of Mondamin Trail, Penny Lane, the Town dock, and downtown curbs, stencils, and crosswalks in mid-June.
- The Roads crew replaced 2 failed culverts this month – one at the end of the Town's side of Kron-Dahlin Lane, and another near the top of Mission Hill, which had collapsed the blacktop.
- Voyager Lane had the shoulder shaped, gravel added, and was graded twice after the follow-up activity by utility crews regarding Xcel Energy's 3-phase installation to the new ESB from Whitefish Street.

### Parks

- Big Bay Town Park officially opened for the season on May 10<sup>th</sup>. Prior to opening day the crew spread some leftover millings in campsites along the old loop, removed additional dead standing trees, and cleaned up as much as possible. The Parks crew did a great job spring cleaning the bathrooms and shower building.
- The Rec Center had new tennis court nets installed, tetherball added to the playground, and we will continue to drag the ballfield when appropriate in an attempt to combat the weeds. The porta-potties were moved to the parking lot behind the tennis courts.

### Misc./Admin.

- Public Works is now fully staffed for the summer, with all seasonal positions filled. The island is going to get very busy, very quickly. Please drive safe and be nice.

Respectfully submitted,  
Ben Schram  
Public Works Director

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Town of La Pointe  
Public

**TOWN OF LA POINTE**  
**Public Hearing**  
**Tuesday June 15, 2021**  
**5:00 PM at Town Hall**  
**Special Assessment for Big Arns and Brians Road**

STATE OF WISCONSIN  
Town of La Pointe  
Ashland County

Pursuant to Wisconsin Statute 66.0703(4) & (5), the Town Clerk of the Town of La Pointe presents this Report regarding a Special Assessment to be levied for improvements to Big Arns Road and Brians Road.

The road has a 66' right of way with 22' of roadway. The base was created with pit run, and the top with six inches of gravel. The ditch and back slopes created and culverts placed.

Actual Cost of the project		Proposed to be Assessed
<u>\$274,550.97</u>	<u>TOTAL</u>	<u>\$216,305.27</u>
\$27,038	Town Labor	\$3,548
\$49,874	Town Equipment	\$0
\$98,554	Materials (gravel, pit run, sand)	\$98,554
\$8,292	Culverts/ Erosion	\$8,292
\$63,955	Ashland County (labor, equipment, materials)	\$63,955
\$1,506	Legal	\$1,506
\$988	Miscellaneous (publishing, signs, K. Sowl Cell)	\$988
\$24,344	Interest (loan interest and Town interest)	\$39,462

The assessment district is as follows:

014-00207-0100 C. Kerelko	014-00208-0500 J. Jamison
014-00207-0200 D. O'Mara	014-00208-0600 M. Mattingly
014-00207-0300 M. Brown	014-00208-0700 B. Alsgaard
014-00207-0400 M. Miller	014-00208-0800 A. Baxter
014-00207-0500 S. Burton	014-00210-0110 R. Melin
014-00207-0600 G. Krubsack	014-00210-0200 Blessed Water LLC
014-00207-0700 B. Nelson	014-00210-0400 C. Wolfe
014-00207-0800 J. Eichorst	014-00210-0500 C. Douglas
014-00208-0100 N. Johnson	014-00210-0600 J. Ruff
014-00208-0200 M.& A. Caswell	014-00210-0700 L. Bono
014-00208-0300 M. Mattingly	014-00210-0800 G. Krubsack
014-00208-0400 M. Phillips	

Special assessments shall be levied against property in the district; and that the number of installments will be determined after the public hearing on the project;

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The Town Clerk has made and filed at Town Hall a report containing the specifications of the project and the cost of the project. Information from the Report is included in this notice (above).

Notice is further given that the Town Board will hold a Public Hearing concerning the matters contained in the preliminary resolution and the report on

**June 15, 2021, at 5:00 PM.**

All persons interested, or their agents or attorneys, may appear and be heard.

**Please Respect Social Distancing & Please Wear a Mask**

You may submit a public comment to the Town Clerk via email ([clerk@townoflapointewi.gov](mailto:clerk@townoflapointewi.gov)), mail it to Town Clerk PO Box 270 La Pointe, WI, 54850, or drop it in the suggestion box outside Town Hall.

The meeting will be live streamed and recorded at [livestream.com/accounts/27528425](https://livestream.com/accounts/27528425)

Micaela Montagne  
Town Clerk



**Chapter 432**  
**VESSELS, NONMOTORIZED**

(HISTORY: Adopted by the Town Board of the Town of La Pointe 6-13-2006 by Ord. No. 2006-06-13; amended in its entirety 11-28-2006, 11-27-2018, and 10-27-2020. Subsequent amendments noted where applicable.)

**432-1. Title.**

The title of this chapter is "An Ordinance Amending the Town of La Pointe Nonmotorized Vessel Ordinance No. 2006-11-28.

**432-2. Purpose.**

The purpose of this chapter is to regulate:

- A. Unattended nonmotorized vessels situated on property belonging to the Town;
- B. Persons renting nonmotorized vessels which are situated on Town property; and
- C. Commercial use of nonmotorized vessels on Town property.

**432.3. Village Powers.**

As per 60.10(2)(c), Wis. Stats., a Town Meeting of the Town of La Pointe adopted a general and continuing resolution authorizing the Town Board of the Town to exercise powers of a village board under 60.22(3), Wis. Stats. This chapter is adopted under the general authority of the Town's village powers.

**432.4 Definitions.**

When used herein, the following words have the following definitions:

**ACCESSORIES** – The accessories associated with a nonmotorized vessel, including but not limited to such items as paddles, oars, life preservers, sails and anchors.

**CLERK** – The Town Clerk of the Town of La Pointe.

**COMMERCIAL USE** – Any use, including but not limited to rental or operation, of a nonmotorized vessel for which money is received.

**IDENTIFICATION STICKER** – A gummed label or decal provided by the Town to a paid registrant which is to be affixed to the exterior bow of the NMV above the ordinary waterline of such vessel to identify who owns the vessel. The sticker number also coordinates with one of 56 specific locations on the noncommercial NMV rack, indicating where the NMV is to be kept when not in use. The commercial vessels will be stored in racks with the posted business names.

**NONMOTORIZED VESSEL (NMV)** – A canoe, kayak, rubber raft, boat or other watercraft or vessel used or capable of being used as a means of transportation on water which does not contain a motor. A referent to NMV also refers to related accessories of such NMV.

**PERSON** – A natural individual person or a corporation, limited liability company, partnership, association or other legal entity.

**TOWN** – The Town of La Pointe in Ashland County, Wisconsin.

**TOWN BOARD** – The Board of Supervisors of the Town of La Pointe.

**TOWN FEE SCHEDULE** – A written schedule listing current fees in the Town of La Pointe adopted by the Town Board.

**TOWN PROPERTY** – Real property situated in the Town of La Pointe, Ashland County, Wisconsin, which is owned by the Town of La Pointe.

**WIS. STATS.** – Wisconsin Statutes, including successor provisions to statutes cited in this chapter.

**YEAR STICKER** – A gummed label or decal provided by the Town each year when the yearly NMV fee is paid by the NMV noncommercial or commercial owner.

**432-5. Nonmotorized vessels on town property.**

- A. No NMV shall be left unattended on Town property unless a current Town year sticker is properly affixed to such NMV. No person shall leave an NMV unattended on Town property without a current Town year sticker properly affixed to such NMV.
- B. No NMV shall be left overnight on town property unless such NMV:
  - (1) Has a current Town year sticker properly affixed to such NMV; and
  - (2) Such NMV is left or placed in the area designated in this chapter or, if no area is designated by this chapter, by a sign erected at the site by the Town designating the NMV storage area.
- C. No NMV shall be left overnight at Big Bay Town Park unless such NMV:
  - (1) Has a current Town year sticker properly affixed to such NMV.
- D. **Assumption of Risks.** The Town of La Pointe hereby notifies persons who decide to leave their NMVs unattended on Town property that such vessels are very exposed to harm and are at substantial risk of being stolen, damaged or destroyed by persons, animals, or other perils or forces of nature, some of which are foreseeable and some of which are not foreseeable.

Unattended NMVs, although situated on Town property, are not within the possession, custody or control of the Town of La Pointe nor are they under the Town's supervision, so the Town of La Pointe does not accept or assume any responsibility, obligation or liability in respect to the protection of such NMVs.

A person who makes the voluntary decision to leave their NMV unattended on Town property shall be deemed:

- (1) To have assumed and accepted all risks associated therewith including, but not limited to those involving theft, damage, destruction and loss of such NMV; and
- (2) To have covenanted not to sue or assert any claim or cause of action, of any nature or kind, against the Town of La Pointe or any of its supervisors, officers, employees, agents or representatives associated with, related to or arising from any such loss, damage or destruction.

#### **432-6. Stickers.**

A person desiring a NMV site at the Town Park from the Town shall fully and accurately complete a written application therefor, file such application with the Town and pay the required fee. The fee for a NMV identification sticker and a year sticker shall be as provided by the Town Fee Schedule. No sticker shall be issued unless the required fee for that sticker has been paid to the Town of La Pointe.

- A. The application for a NMV site at the Town Park shall state:
  - (1) The name, address and telephone number of the NMV owner.
  - (2) The Island address and telephone number of the NMV owner if different from the address and phone number above.
  - (3) The date of such application.
  - (4) A description of the NMV in terms of size, color, type of vessel, manufacture, model number and any identifying serial number or registration number, if there is one.
  - (5) The primary Town property where such NMV will be left unattended.
- B. An identification sticker issued for a NMV is properly affixed when it is affixed on the exterior bow of the NMV for which it is issued, above the normal waterline where it is readily visible.
- C. A year sticker issued for a noncommercial vessel should be affixed for the current year and is in effect from July 1 to June 30.

#### **432-7. Persons liable.**

- A. If an NMV is discovered unattended on Town property in violation of this chapter, a citation for such violation may be issued to:
  - (1) A person who had been using or possessing such NMV;
  - (2) A person who is using or possessing the NMV at the time the citation is issued; or
  - (3) An owner of such NMV at the time of the violation.
- B. Each of the above persons is liable and responsible for such violation.



#### **432-8. Commercial use of nonmotorized vessels on Town property**

- A.** Any person utilizing a NMV for commercial use on Town property, including at Big Bay Town Park, Memorial Park (Joni's Beach) and Main Street/Middle Road Approach, shall each year obtain a commercial use permit and a year sticker for each vessel.
- B.** Commercial users shall obtain a permit from the Town and abide by all terms indicated in the permit. The permit shall include indemnification of the Town and require an insurance certificate.
- C.** No commercial use of a NMV on town property is allowed without obtaining the permit.
- D.** Commercial users obtaining the permit accept responsibility related to all term and conditions of its use.
- E.** Applicable fees are required as provided by the Town Fee Schedule.
- F.** The Town is held harmless against theft, loss, or damage to properties of the commercial user.
- G.** Activities within the parks and grounds are subject to all rules, regulations and ordinances.

#### **432-9 Commercial use permit process.**

- A.** Permit. A commercial use permit shall be obtained from the Town Administrator or designee to utilize nonmotorized vessels for commercial use on Town property, including at Big Bay Town Park, Memorial Park (Joni's Beach), or Main Street/Middle Road Approach. A commercial use permit is valid from May 15 through October 15 of each year issued.
  - (1)** Application. A person seeking issuance of a permit hereunder shall file an application with the Town Administrator. The application shall include:
    - (a)** The name and address of the applicant.
    - (b)** Federal and state tax identification number, if applicable.
    - (c)** The applicant's general liability insurance information; and
    - (d)** Any other information required to aid in the permit process.
  - (2)** Fees. Each application shall be submitted with the required fees prior to consideration of the permit process.
  - (3)** Standards for issuance. The Town Administrator or designee shall issue a permit in consideration of the following:
    - (a)** The commercial use will not interfere with or unreasonably detract from the general public enjoyment of the park or promotion of public health, welfare, safety and recreation;
    - (b)** The commercial use is not reasonably anticipated to incite disorderly conduct; and;

- (c) In considering compliance with subsections (a) and (b) of this paragraph, the Administrator may take into account any prior written and verifiable complaints made to the Town by customers of the person/business seeking issuance of a permit; and
  - (d) The application is complete with all required information, including insurance information on file.
- (4) **Issuance.** The Town Administrator or designee shall issue or deny the permit within five business days of receiving the application. Denials shall be clarified in writing and state the reasons for such.
- (5) **Appeal.** The applicant may appeal the denial of a permit through the Town Board. An appeal must be submitted to the Town Board within fifteen (15) days of the date of denial.
- (6) **Financial Qualifications.** To apply to the Town of Pointe for the issuance of a commercial use permit, the applicant shall not at the time of such application, owe the Town of La Pointe:
  - (a) Any delinquent real estate taxes, delinquent personal property taxes or any interest or penalty due thereon; or
  - (b) Any unpaid forfeiture or fee which has been unpaid for 60 days or more; or
  - (c) Money on a judgment in favor of the Town of La Pointe and against the applicant or a corporation, limited liability company, partnership, joint venture, trust estate or any other entity in which that person is a shareholder, director, officer, owner, member, agent, trustee, representative, manager, employee, consultant, advisor or the holder of any other right, title or interest, which has been unpaid for 60 days or more.

No commercial use permit shall be issued to any person who does not meet the financial qualifications in this Section 432-9.A(6).

The Town of La Pointe may revoke a commercial use permit issued by the Town of La Pointe to the holder of a commercial use permit who, after 60 days' notice, fails to pay any of the aforesaid amounts which are due to the Town of La Pointe.

#### **432-10 Limitations.**

- A. **Commercial Use Permit Holders.** No person holding a current commercial use permit issued by the Town of La Pointe shall leave unattended more than eight (8) nonmotorized vessels at Big Bay Town Park at the same time.
- B. **Non-Commercial Users.** No person who does not hold a current commercial use permit issued by the Town of La Pointe shall leave unattended more than four (4) nonmotorized vessels at Big Bay Town Park at the same time.

- C. When calculating the total number of nonmotorized vessels a person has at a given location at once under this ordinance, there shall be added together:
- (1) Each NMV at that location such person owns, possesses, uses, controls, rents, leases, has custody of or holds an interest in, plus:
  - (2) Each NMV at that location which is owned, possessed, used, controlled, rented, leased or within the custody of a corporation, limited liability company, partnership, joint venture, trust, estate or any other entity in which that person is a shareholder, director, officer, owner, member, agent, trustee, representative, manager, employee, consultant or advisor or the holder of any other right, title or interest.
- D. Commercial Use Permit Which Allow Rentals at Big Bay Town Park. The Town of La Pointe shall not issue more than four (4) commercial use permits which are outstanding at once which allow the permit holder to rent or lease nonmotorized vessels at Big Bay Town Park.

**432-11. Prohibited Conduct by Commercial Use Permit Holders.**

A person does not become an employee, agent or representative of the Town of La Pointe by being issued a commercial use permit by the Town of La Pointe but by virtue of their status as a commercial use permit holder, such person's conduct unavoidably reflects on the Town of La Pointe.

The holder of a commercial use permit issued by the Town of La Pointe shall not, in a public or noncommercial place, engage in rude, abusive, indecent, profane, violent, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

**432-12. Prohibited Conduct.**

Whoever does any of the following has violated this chapter:

- A. Lends to another an identification or year sticker for display upon an NMV for which the sticker has not been issued.
- B. Attaches an identification or year sticker for an NMV for which the sticker has not been issued.
- C. Uses an NMV which displays an identification or year sticker which was not issued for that NMV.
- D. Willfully paints, alters or adds to or cuts any portion of an identification or year sticker or who places or deposits or causes to be placed or deposited on a sticker any substance to hinder the normal reading of such sticker.
- E. Defaces, disfigures, covers, obstructs, changes or attempt to change any letter or number on an identification or year sticker or who causes a sticker to appear to be a different color.
- F. Reproduces, creates or manufactures by any means whatsoever an identification or year sticker.
- G. Uses or possesses an NMV having attached thereto an identification or year sticker fashioned in imitation or facsimile or altered so as to resemble a sticker issued by the Town.

- H. Intentionally takes or uses a NMV which is on Town property and is for rent without paying the required rental fee for use of such NMV.
- I. Intentionally damages, hides, conceals, interferes with or, without the owner's consent, uses a NMV which is legally situated on Town property.
- J. Intentionally commits an act which is reasonably calculated to hamper, obstruct or interfere with the operation of a NMV rental business or a NMV rental operation on Town property.
- K. Takes down, removes, damages, interferes with or tampers with any lock, chain or other device owned by or installed by the Town of La Pointe or its employee, agent or representative on Town property.

Any person who violates any term or provision of this chapter shall, upon conviction, pay a forfeiture of not less than \$60 nor more than \$500 plus the applicable costs, surcharges and assessments for each violation. Each day a violation exists or continues shall constitute a separate offense under this chapter. In addition, the Town may seek Injunctive and other equitable relief to terminate or enjoin further violations.

#### **492.13. Enforcement of Ordinance.**

This ordinance may be enforced as follows:

- A. Issuance of Citation to Violator. Any law enforcement officer or any other officer or employee of the Town of La Pointe may, on behalf of the Town, issue a citation to any person who is believed to have violated a provision of this ordinance.
- B. Each day a violation occurs constitutes a separate offense for which a separate penalty may be imposed.
- C. Revocation of Commercial Use Permit. In addition to or in lieu of the issuance of a citation to a person who is believed to have violated a provision of this ordinance, the Town Administrator or Town Clerk may provide the holder of a commercial use permit issued by the Town with a written notice stating that the Town of La Pointe intends to revoke the commercial use permit issued to such person on a date certain, not less than 15 days in the future.

Such written notice of intent to revoke a commercial use permit shall be served on the commercial use permit holder by personal service or sent to them by certified mail, return receipt requested, at least 15 days before the intended date of revocation of the commercial use permit.

A certified mail letter properly addressed and sent to a commercial use permit holder, pursuant to this ordinance, shall be deemed to have been served on the addressee when mailed.

Such written notice shall:



- (1) Inform the commercial use permit holder of the Town's intention to revoke the commercial use permit issued to them, the date of such intended revocation and the specific grounds for such intended revocation; and
- (2) Inform the commercial use permit holder that they have a right, prior to the stated date of intended revocation, to file with the Town Clerk or Town Administrator a written request for a hearing before the Town Board on the issue of such revocation.

If the Town Administrator or Town Clerk receives a written request for a hearing prior to the intended date of revocation of a commercial use permit the commercial use permit issued to such person shall not be revoked until the hearing is conducted by the Town Board on such issue.

A hearing before the Town Board on the issue of whether to revoke a commercial use permit will be conducted, to the extent applicable, similar to a hearing before the Town Board of Review.

In the event the Town Board determines that a commercial use permit issued by the Town of La Pointe should be revoked, the Town Board can then also determine at such time whether to bar such person from being issued a commercial use permit in the future for a stated period of time.

An appeal from the determination by the Town Board under this section shall be by an action for certiorari commenced within 30 days after that party receives the written notice of the Town Board's decision.

#### **432-14. Impound Lot.**

The Town has established and maintains an impound lot. Nonmotorized vessels, trailers, and accessories and other personal property in violation of this chapter may be impounded in such impound lot. Such impound lot may also be used for other law enforcement purposes unrelated to this chapter.

- A. When an NMV, trailer, accessory or other personal property is placed in the impound lot, such items shall not be removed from the impound lot unless:
  - (1) The amounts due to the Town for any forfeiture, transportation, towing, storage or other unpaid expenses have been paid to the Town; and
  - (2) The Park Supervisor, Town Foreman or law enforcement officer involved has consented to or approved of such removal.
- B. A person who removes an NMV, trailer, accessory or other property from the impound lot in violation of this provision has violated this section of this chapter.

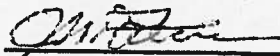
#### **432-15. Removal, Immobilization and Impoundment.**

- A. Any law enforcement officer or any officer or employee of the Town who discovers an NMV on the Town property in violation of this chapter may remove or cause such NMV to be removed to a suitable place of impoundment or may immobilize such NMV.
- B. Upon removal of an NMV to a place of impoundment, the law enforcement officer or officer or employee of the Town is to notify the Chief of Police of the Town of the pertinent details.

- C. The owner of an NMV is responsible for all costs of impounding and disposing of the NMV. Costs not recovered from the sale of the NMV may be recovered in a civil action by the town against the owner of the NMV.

The Office of the Town Clerk shall properly post or publish this ordinance, as required under s. 60.80, Wis. Stats.

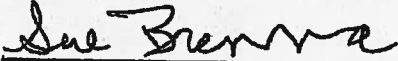
Adopted this 27<sup>th</sup> day of October 20.



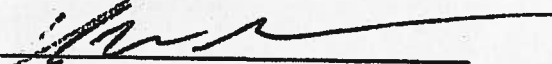
James Patterson, Chairman



Mike Anderson, Supervisor



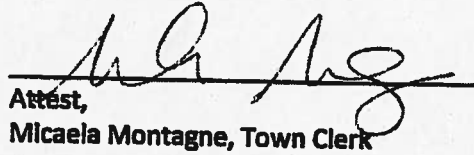
Sue Brenna, Supervisor



John Carlson, Supervisor



Glenn Carlson, Supervisor



Attest,  
Micaela Montagne, Town Clerk

Posted on October 30, 2020

(5)TB, Lisa, Barb, Micaela,  
Public

**Dorgene Goetsch**

**From:** Lisa Potswald  
**Sent:** Friday, May 28, 2021 12:27 PM  
**To:** aimeeweasel; 'John Carlson'; xchief@cheqnet.net; Sue Brenna (susanbrenna01@gmail.com); 'Glenn Carlson (glenncarlson453@gmail.com)'  
**Cc:** Micaela Montagne; Ben Schram; Dorgene Goetsch  
**Subject:** RE: Appeal Hearing  
**Attachments:** Washburn - Commercial Use of Non-Motorized Vessel Application - mtl edits new ordinance.doc

Hi, All.

Max just sent the draft ordinance amendments Washburn is working on. Copies of both documents will be in your boxes.

Regards,  
Lisa

**From:** aimeeweasel <aimeeweasel@gmail.com>  
**Sent:** Friday, May 28, 2021 11:00 AM  
**To:** Lisa Potswald <administrator@townoflapointewi.gov>; 'John Carlson' <jcarlsonelectric@gmail.com>; xchief@cheqnet.net; Sue Brenna (susanbrenna01@gmail.com) <susanbrenna01@gmail.com>; 'Glenn Carlson (glenncarlson453@gmail.com)' <glenncarlson453@gmail.com>  
**Cc:** Micaela Montagne <clerk@townoflapointewi.gov>; Ben Schram <parksupervisor@townoflapointewi.gov>; mlindsey@ncis.net  
**Subject:** RE: Appeal Hearing

I would like to see Washburn's ordinance before we switch gears and go with one of the other 2 options Lisa had just suggested.

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MAY 28 2021

Initial dg

**CITY OF WASHBURN**  
119 Washington Avenue  
P.O. Box 638  
Washburn, WI 54891



715-373-6160  
715-373-6161  
FAX 715-373-6148

## **COMMERCIAL AUTHORIZATION PERMIT FOR CITY PROPERTY**

(Code 7-11-1 through 8)

**Legal Business Name:** \_\_\_\_\_

**Trade Name(s):** \_\_\_\_\_

**Type of Business (Sole Proprietor, Partnership, Corporation, LLC):** \_\_\_\_\_

**Federal Identification Number (EIN)/ or Social Security #:** \_\_\_\_\_

**State Employment Identification Number:** \_\_\_\_\_

**Name and Title of Principle Officer:** \_\_\_\_\_

**Physical and Mailing Address of Applicant:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Emergency Contact:** \_\_\_\_\_

**Desired City Property Requested to be Used:** \_\_\_\_\_

**Description of Operation:** \_\_\_\_\_  
(Add additional Sheet if necessary)

**Desired Hours of Operation:** \_\_\_\_\_

- Provide a Copy of a Certificate of Insurance with the City of Washburn listed as additional insured with minimal individual liability coverage of \$500,000 and \$1,000,000 aggregate coverage, or greater insurance as required for specific uses.



## APPLICATION FOR COMMERCIAL AUTHORIZATION PERMIT --- Page 2

**Commercial Authorization Permit (CAP)** authorizes businesses to provide certain services within the boundary of parks and other City owned property. The CAP is a privilege subject to the supervision of designated employees and officials of the City of Washburn. Specific terms and conditions apply based on the nature of the commercial use of City property and the impact on other public activity. The terms of issuing a CAP include but are not limited to the following:

1. Unless otherwise indicated on the permit, the CAP shall expire on December 31<sup>st</sup> of the year issued, unless otherwise provided in the permit.
2. The CAP will define the specific activities permitted and not permitted including the boundaries. Unless otherwise stated on the permit, the permittee can apply to operate between the hours of 7:00 a.m. and one-half hour after sunset.
3. The CAP may define minimum health and safety measures that must be maintained in the conduct of business.
4. There is no right or guarantee of renewal. Permittee must reapply for a new CAP for succeeding periods upon expiration of the current CAP.
5. A non-refundable application and monitoring fee applies and is determined by the City based on the type of business activity, duration and potential impact City services that may be required.
6. The Permittee agrees to comply with all Federal, State, County and City of Washburn laws, regulations and ordinances.
7. The City does not grant exclusive use of the City Property.
8. The Permittee acknowledges and agrees the City of Washburn, it's agents or employees are not a party to the business activity. The Permittee is solely responsible for any loss, damage, injury or death claim resulting from the use of City owned property in the conduct of business and will indemnify and defend the City of Washburn against all such claims. The Permittee must provide a general liability Certificate of Insurance naming the City of Washburn as an "additional insured" in the amount of not less than \$500,000 per occurrence and \$1,000,000 aggregate. Depending on the business activity, the City may require additional insurance.
9. The Permittee is responsible for maintaining order and cleanliness as a result of the use of City property. This includes removal and disposal of trash and debris generated as a result of the business activity or customers.
10. Once issued, the CAP is not transferable and cannot be assigned to another party.
11. The Permittee is prohibited from knowingly giving false information and to do so is considered a breach of condition of the CAP and grounds for revocation.
12. Commercial business activity is prohibited on City owned property unless a CAP has been granted.
13. The Washburn City Common Council may waive any or all requirements for a CAP for authorized public events.

***I have read municipal code 7-11, and the standard conditions listed on this application form. I also understand that I may be required to submit supplemental information as may be required elsewhere in the zoning code for my particular request. The information that I have submitted on this application is true and accurate to the best of my knowledge.***

**Application Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Filing Fee:** *The filing fee is due at the time of submitting the application. A receipt of the fee payment shall be attached to this application form and shall serve as the application submission date. The filing fee for CAP shall be in addition to the \$75 charged for a direct seller's permit. If a CAP is for a period of less than*

*one year, the permit holder is only required to pay one annual direct seller's permit fee, in addition to the subsequent amount of the daily, weekly, or monthly CAP fees, i.e. a daily vendor does not have to pay a direct seller fee for each day of operation, but would pay a separate daily fee for the CAP use of City Property.*

Fee Schedule

	Non-Waterfront Parks	Waterfront Parks
Daily	\$5	\$30
Weekly	\$25	\$50
Monthly	\$75	\$200
Yearly (except Guided Tours)	\$300	\$500
Guided Tours (Yearly)	\$500	\$750
Guided Tours (Daily)	\$50	\$100 per day

**OFFICE USE ONLY**

**Date Submitted:** \_\_\_\_\_

**Date of Review:** \_\_\_\_\_

**Dates of Approval:** \_\_\_\_\_

**Name and Signature of Approving Official:** \_\_\_\_\_

## ADDITIONAL CAP REQUIREMENTS

### GUIDED KAYAK TOURS SPECIFIC CONDITIONS

The Holder and their employees registered under this Commercial Authorization Permit (CAP) will exercise this privilege subject to all of the following conditions:

**Definition of Services Authorized Under This CAP:** Guided Kayak Tours consist of guiding clients by kayak on the waters of Lake Superior, maintaining a required continuous presence at all times with the clients as specified below.

1. The Holder or registered employee(s) will maintain the required continuous presence with the clients for the entire duration of the scheduled trip. If clients self-transport, the Holder or registered employee(s) will maintain the required continuous presence from the moment of first contact within the City until the clients complete their trip.
2. Guiding day use or overnight tours on water for clients to destinations launching from City Property, by means of a seaworthy, non-motorized kayak of sufficient size to adequately and safely move the client on water while carrying the required safety equipment and activity-associated gear and supplies.
3. Guides will obtain an up-to-date marine weather forecast and ensure that lake conditions are safe for travel before departure on any portion of a tour.
4. Each tour group size is limited to 21 individuals (including guides) with at least one guide for every six clients. Under special circumstances (such as a class trip), Holder may request written permission from the City to increase group size, but these instances should be infrequent. Special conditions may apply.
5. Holder must ensure that all clients on Guided Kayak Tours are able to understand basic instructions, can sit upright in a kayak, and can remove spray skirt from kayak in event of capsize.
6. The CAP Permit for Guided Kayak Tours shall expire on December 31<sup>st</sup> of the year issued, unless otherwise provided in the permit.
7. Daily Permits for Guided Kayak Tours are authorized on City Property if the permit holder is authorized to conduct such guided kayak tours in another municipality, and chooses to use the City as separate launching location on stormy or bad weather days to avoid the bigger open water. Applicants for such daily permits must still apply for a direct seller and CAP permit, which shall include a copy of any permit issued by any other municipality, but are only required to pay daily CAP fees for the days that the outfit actually uses City Property.

**Authorized Hours of Operation:** The Holder and their employees registered under this CAP will not provide any Guided Kayak Tours between sunset and sunrise and will ensure that all guides and clients will be physically off the waters of Lake Superior by sunset.

**Website:** Holder must maintain a functioning website with information about their guided kayak tour services. The website must include rates for tours offered, the legal business name as shown on the CAP, a valid physical address for the business, and a working telephone number and email address.

**Trip Confirmations:** Any trip confirmations that are electronically transmitted to the client must include the legal business name as shown on the CAP and a working telephone number and email address.

#### **Required Equipment:**

1. Each kayak in the Holder's party shall be equipped with the following:
  - a. Kayak paddle(s)
  - b. Spray skirt(s)
  - c. Adequate flotation bags or solid watertight bulkhead
  - d. Bilge pump or bailing device
2. All guides and clients are required to wear a properly fitted U.S. Coast Guard (USCG) approved PFD at all times during on-water activities of a Guided Kayak Tour.
3. Each traveling group shall have one marine radio, a cell phone, a group first aid kit, one flare kit, one safety throw rope, and one spare paddle for every three kayaks in the group.
4. Wet suits are required (to be on hand) for all overnight trips and required to be worn any time the combined air and water temperatures equal less than 120 degrees Fahrenheit.

**Guide Certifications:** When submitting the Employee/Guide List, Holder must identify guides as one of the three classifications listed below.

1. Apprentice Guide

The City of Washburn is an equal opportunity provider, employer, and lender.

- a. Must be at least 14 years old
  - b. Must have current First Aid and CPR training
  - c. No prior experience of guiding, sea kayaking, or outdoor leadership.
  - d. This is considered on the job training.
  - e. They may accompany any trip, but they do not qualify as a guide when related to guide/ client ratio, they do count in the group total as it relates to overnight camping trips.
2. Assistant Guide
  - a. Must be at least 16 years old
  - b. Must have current First Aid and CPR training.
  - c. This would be for people that are new to guiding and/ or Lake Superior but have some prior experience sea kayaking and/or outdoor leadership.
  - d. Have the skills of ACA Level 2: Essentials of Kayak Touring Skills Assessment (or the equivalent).
  - e. May assist a Senior/ Lead Guide as a second guide on trips with over 6 clients. They may not lead any trips by themselves.
3. Lead Guide
  - a. Must be at least 18 years old
  - b. Must have current First Aid and CPR training.
  - c. Experienced in the outdoors and has solid sea kayaking skills.
  - d. Intermediate level of knowledge of the natural history of the area and paddling experience on Lake Superior or comparable body of water. Good outdoor skills. Prior experience leading groups of various ages and abilities. Prior teaching experience. Considerable personal and professional outdoor experience. Demonstrated experience with complicated decision making, risk management and group management.
  - e. Have the paddling and leadership skills of ACA Level 3: Coastal Kayak Trip Leader (or the equivalent).
  - f. May lead any day trips by themselves.
  - g. May lead overnight trips with current Wilderness First Aid certification.

**Safety Briefing:** Prior to each tour, the guide will provide a safety briefing for clients. At a minimum, the safety briefing must include:

1. Basic paddling instruction
2. How to exit the vessel in event of capsize
3. Group paddling parameters
4. Emergency procedures
5. Use of equipment (how to adjust seat, use foot pedals, operation of rudder, must wear PFD)
6. Basic understanding of kayak stability and how to maximize it.
7. Expected paddling conditions, weather briefing, and approximate route and time frame for the tour.

#### **Motorized Support Vessels:**

1. Support vessels are authorized and, for safety reasons, can be used to transport visitors/clients.
2. Vessels used to provide or support this service will be inspected, equipped, and licensed in accordance with U.S. Coast Guard requirements, applicable federal and state laws and regulations. Vessels will display current state registration or possess a U.S. Coast Guard Declaration.
3. The use of motorized vessels will be conducted in accordance with applicable U.S. Coast Guard (USCG) requirements, including, but not limited to operation, vessel capacity, safety equipment, and rules of the road. A minimum of a captains (six pack) license is required in order to transport clients/visitors.
4. Motorized vessels will adhere to Uninspected Charter Regulations (Six Packs) for vessels less than 100 gross tons as issued by U.S. Coast Guard. The vessel is subject to boarding and inspection at any time within the City.

#### **Vehicles/Trailers:**

1. When towing kayak trailers and/or the support vessel, the motorized tow vehicle will be mechanically sound, of sufficient size, horsepower, and brake horsepower, commensurate to the size of the trailer with boat/vessels being towed (or as required by state law) to adequately and safely complete the tow from its place of storage outside the City Property, to designated public launch ramps and return. Total length of vehicle plus trailer must not exceed 45 feet.
2. Motor vehicles used to provide this service will be street legal and have current insurance, registration, license, inspection, equipment, and will be properly permitted in accordance with state law. The license will be properly affixed and displayed as required by state law. All motor vehicles used to transport kayaks and/or clients in the City must be registered and insured in the name of the CAP Holder/business entity to whom this CAP is issued.



3. Trailers used to transport kayaks and the support vessel will be in sound mechanical condition, appropriately sized, and configured for the type of vessel being towed, with all lights and equipment in good working order. The trailer will be properly connected to the tow vehicle at all times.

**Permits and/or Licenses:** Holder is required to possess the following:

1. For operators of motorized support vessels, the Holder must provide current copies of the U.S. Coast Guard License(s) to the City for filing as part of the CAP.
2. When providing vehicle transportation for visitors/clients within the boundaries of the City, the Holder will ensure all employees under this CAP performing services as drivers are currently qualified to perform the service, possess a valid driver's license, and that a copy of the valid driver's license is on file with the City. A Commercial Driver's License (CDL) is required for operation of motor vehicles that have the capacity to carry 16 or more passengers, including the driver.

**Use of Area:** The Holder will not use or be assigned any facilities or portions thereof, located within the City, except as allowed to the general public. For example, a picnic table in a day use area that is intended for recreational use by visitors may not be converted to use as office space for the CAP Holder. This CAP does not authorize priority use of park areas. The Holder is prohibited from blocking access or impeding the flow of traffic along any roads, trails, walkways, greenways, parking lots, stairwell access, beaches, and/or waterways of any City facilities. Once safety briefing is complete and the tour is underway, any surplus equipment/supplies (wet suits, PFDs, etc.) must be properly stored in/on the Holder's vehicle or trailer or transported out of the City. It is acceptable for kayaks to be staged on the beach, but they must not be left unattended, must not encumber more than thirty (30) feet of shoreline, and must be removed from the park at the end of each day.

**Congestion:** CAP Holders are expected to work cooperatively and professionally to (1) stagger launch times to avoid congestion at the City Property and (2) stage kayaks on beach to minimize any negative impacts to beachgoers.

**Overnight Stay (Camping):** The Holder and their employees registered under this CAP will not stay overnight within the boundaries of the City while engaged in the commercial activities unless the Holder is registered at a Campground or Lodging facility.

**Reporting Requirements:** In addition to the annual CAP report that is required of all CAP Holders, the Guided Kayak Tours CAP shall also submit a monthly visitor use report that includes number of trips, number of clients, launch point, destination, and number of day trips vs. overnight trips. The report for each month of operation will be due on the 15th day of the following month. The City Clerk will provide a form for this reporting.

**Additional Insurance Requirements:** CAP Holders engaged in Guided Kayak Tours shall provide a copy of a Certificate of Insurance with the City of Washburn listed as an additional insured with minimum individual liability coverage of \$1,000,000 and \$2,000,000 aggregate coverage.

**Additional Information Required:** CAP Holders engaged in Guided Kayak Tours shall provide the City with the following information:

1. Number and type of watercraft being used.
2. List of all guides/employees/contractors used in association with the Guided Kayak Tours, including proof of CPR and guide training certification.
3. A manifest of all persons on the water must be maintained and readily available to emergency service personnel upon request.

## **Non-Motorized Vessels**

<b>7-11-1</b>	<b>Purpose</b>
<b>7-11-2</b>	<b>Definitions</b>
<b>7-11-3</b>	<b>Non-Motorized Vessels on City Property</b>
<b>7-11-4</b>	<b>Parties Liable</b>
<b>7-11-5</b>	<b>Commercial Use of Non-Motorized Vessels on City Property</b>
<b>7-11-6</b>	<b>Commercial Use Permit</b>
<b>7-11-7</b>	<b>Limitations</b>
<b>7-11-8</b>	<b>Prohibited Conduct by Commercial Use Permit Holders</b>
<b>7-11-9</b>	<b>Enforcement</b>

### **Sec. 7-11-1 Purpose.**

The purpose of this Chapter is to regulate:

- (a) Unattended non-motorized vessels situated on City of Washburn property;
- (b) Persons renting non-motorized vessels which are situated on City of Washburn property; and
- (c) Commercial use of non-motorized vessels which are situated on City of Washburn property.

### **Sec. 7-11-2 Definitions.**

For purposes of this Chapter, the following words and phrases shall have the following meanings:

- (a) **Accessories.** Means or refers to the accessories associated with a non-motorized vessel, including, but not limited to, such items as paddles, oars, sails, anchors, and life preservers.
- (b) **City.** The City of Washburn, Bayfield County, Wisconsin.
- (c) **City Property.** Real property situated in the City of Washburn which is owned by the City of Washburn.
- (d) **Commercial Use.** Any use, including, but not limited to, rental or operation of a non-motorized vessel for which monetary or other compensation is received.
- (e) **Non-Motorized Vessel (NMV).** A canoe, kayak, rubber raft, boat, watercraft or vessel used or capable of being used as a means of transportation on water which is not powered by a motor. A reference herein to NMV also refers to related accessories of such NMV.

- (f) **Person.** A natural individual person or corporation, limited liability company, partnership, association, or other legal entity.

### **Sec. 7-11-3 Non-Motorized Vessels on City Property.**

- (a) **Overnight Storage Prohibited.** No NMV and associated accessories shall be left overnight on City property.
- (b) **Assumption of Risks.**
- (1) The City hereby notifies persons who decide to leave their NMVs unattended on City property that such vessels who decide to leave their NMVs unattended on City property that such vessels are very exposed to harm and are at substantial risk of being stolen, damaged or destroyed by persons, animals, or other perils or forces of nature, some of which are foreseeable and some of which are not foreseeable.
  - (2) Unattended NMVs, although situated on City property, are not within the possession, custody or control of the City nor are they under the City's supervision, so the City does not accept or assume any responsibility, obligation or liability in respect to the protection of such NMVs.
- (c) **Legal Presumptions.** A person who makes a voluntary decision to leave their NMV unattended on City property shall be deemed:
- (1) To have assumed and accepted all risks associated therewith including, but not limited to, those involving theft, damage, destruction and loss of such NMV; and
  - (2) To have covenanted not to sue or assert any claim or cause of action, of any nature or kind, against the City or any of its officials, officers, employees, agents or representatives associated with, related to or arising from any such loss, damage or destruction.

### **Sec. 7-11-4 Parties Liable.**

- (a) If a NMV is discovered unattended on City property in violation of this Chapter, a citation for such violation may be issued to:
- (1) A person who had been using or possessing such NMV;
  - (2) A person who is using or possessing the NMV at the time the citation is issued; or
  - (3) An owner of such NMV at the time of violation.
- (b) Each of the above persons is liable and responsible for such violation(s).

### **Sec. 7-11-5 Commercial Use of Nonmotorized Vessels on City Property.**

- (a) **Commercial Use Permit Requirement.**
- (1) Any person wishing to utilize a NMV for commercial use on City property, including at the Coal Dock, Memorial Park, or West End Park, shall each year obtain a Commercial Use Permit for each vessel.

- (2) Commercial users shall obtain a permit from the City and abide by all terms indicated in the permit. The permit shall include indemnification of the City and require an insurance certificate.
- (3) Commercial users obtaining a permit accept responsibility related to all terms and conditions of use.
- (4) Applicable permit fees are required as provided in the City of Washburn Fee Schedule.
- (b) **Prohibited Commercial Use of City Property Without Permit.** No commercial NMV on City property is allowed without first obtaining a Commercial Use Permit.
- (c) **Hold Harmless Provision.** The City shall be held harmless against theft, loss, or damage to properties of the commercial user.
- (d) **Other Park Rules and Regulations.** Activities within City parks are subject to all rules, regulations, and ordinances of the City of Washburn.

### **Sec. 7-11-6 Commercial Use Permit Process.**

- (a) **General Requirement.** A Commercial User Permit shall be obtained from the City Clerk or designee to utilize non-motorized vessels for commercial use on City property, including the Coal Dock, Memorial Park, and West End Park. A Commercial Use Permit is valid from May 15 through October 15 of the year issued.
- (b) **Application.** A person seeking issuance of a permit hereunder shall file an application with the City Clerk. The application shall include:
  - (1) The name, address, telephone number(s), and email of the applicant;
  - (2) Federal and state tax identification number, if applicable;
  - (3) The applicant's general liability insurance information;
  - (4) The number of NMVs and description of each such vessels that the applicant intends to use of City property; and
  - (5) Any other information required by the City to aid in the permit process.
- (c) **Fees.** Each application shall be submitted with the required fees prior to consideration of the permit process.
- (d) **Standards for Issuance.** The City Clerk or designee shall issue a permit in consideration of the following:
  - (1) The commercial use will not interfere with or unreasonably detract from the general public enjoyment of the park or promotion of public health, welfare, safety and recreation;
  - (2) The commercial use is not reasonably anticipated to incite disorderly conduct; and
  - (3) The application is complete with all required information, including insurance information on file.
- (e) **Financial Qualifications.** To apply to the City for the issuance of a Commercial Use Permit, the applicant shall not at the time of such application, owe the City:



- (1) Any delinquent real estate taxes, delinquent personal property taxes, or any interest or penalty due thereon; or
  - (2) Any unpaid forfeiture or fee which has been unpaid for sixty (60) days or more; or
  - (3) Money on a judgment in favor of the City and against the applicant or a corporation, limited liability company, partnership, joint venture, trust, estate, or any other entity in which that person is a shareholder, director, officer, owner, member, agent, trustee, representative, manager, employee, consultant, advisor or holder of any other right, title or interest, which has been unpaid for sixty (60) days or more.
- (f) **Issuance.** The City Clerk or designee shall issue or deny the permit within five (5) business days of receiving the application. Denials shall be clarified in writing and state the reasons for such.
- (g) **Appeals.** The applicant may appeal the denial of a permit pursuant to Section 4-1-1 of the City of Washburn Code of Ordinances.
- (h) **Revocation.** The City may revoke a Commercial User Permit issued under this Chapter from its holder who, after sixty (60) days' notice, fails to pay any of the financial obligation in Subsection (e) above.

### **Sec. 7-11-7 Limitations.**

- (a) **Commercial User Permit Holders.** No person holding a current Commercial Use Permit issued by the City shall leave unattended more than eight (8) non-motorized vessels on any City property at any one time.
- (b) **Non-Commercial Users.** No person who does not hold a current Commercial User Permit issued by the City shall leave unattended more than four (4) non-motorized vessels on any City property.
- (c) **Blocking of Shoreline.** No person or group of persons shall utilize, block access to, store non-motorized vessels on, or otherwise encumber more than thirty (30) feet of shoreline on City property at any time.
- (d) **Calculation of Vessel Numbers.** When calculating the total number of non-motorized vessels a person has at a given location at once under this Section, there shall be added together:
- (1) Each NMV at that location such person owns, possesses, uses, controls, rents, leases, has custody of or hold an interest in, plus
  - (2) Each NMV at that location which is owned, possessed, used, controlled, rented, leased or is within the custody of a corporation, limited liability company, partnership, joint venture, trust, estate or any other entity in which that person is a shareholder, director, officer, owner, member, agent, trustee, representative, manager, employee, consultant or advisor or the holder of any other right, title or interest.
- (e) **Hours of Operation.** Commercial Use Permit holders shall operate such commercial uses on City property between the hours of 6:00 a.m. and one-half hour after sunset.

**Sec. 7-11-8 Prohibited Conduct by Commercial Use Permit Holders.**

- (a) **Status With City.** A person does not become an employee, agent or representative of the City of Washburn by being issued a Commercial Use Permit by the City by virtue of their status as a Commercial Use Permit holder, since such person's conduct unavoidably reflects on the City of Washburn.
- (b) **Disorderly or Profane Conduct Prohibited.** The holder of a Commercial Use Permit issued by the City shall not, in a public or noncommercial place, engage in abusive, rude, indecent, profane, violent, untruthful, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.
- (c) **Specific Prohibited Conduct.** Whoever does any of the following has violate this Chapter:
  - (1) Intentionally damages, hides, conceals, interferes with, or, without the owner's consent, uses a NMV which is legally situated on City property.
  - (2) Intentionally commits an act which is reasonably calculated to hamper, obstruct, or interfere with the operation of a NMV rental business or a NMV rental operation on City property.
  - (3) Takes down, removes, damages, interferes with or tampers with any lock, chain or other device owned or installed by the City or its agent, employee or representative on City property.
  - (4) Drinks or consumes alcohol and/or illicit drugs while on City property and while under the employ of a permit holder engaging in the commercial use of NMVs.
- (d) **Penalty.** The penalty for citations issued for violations of this Chapter shall be assessed pursuant to Section 1-1-7 of the City of Washburn Code of Ordinances.

**Sec. 7-11-9 Enforcement.**

- (a) **Issuance of Citation to Violator.** Any law enforcement officer or other officer or employee of the City of Washburn may, on behalf of the City, issue a citation to any person who is believed to have violated a provisions of this Chapter.
- (b) **Each Day a Separate Offense.** Each day a violation occurs constitutes a separate offense for which a separate penalty may be imposed.
- (c) **Permit Revocation.** In addition to or in lieu of the issuance of a citation to a person who is believed to have violated a provision of this Chapter, the City Clerk may provide the holder of a Commercial Use Permit issued by the City with a written notice stating that the City intends to revoke the Commercial Use Permit issued to such person on a date certain, not less than fifteen (15) days in the future. Such written notice of intent to revoke a Commercial Use Permit shall be served on the Commercial Use Permit holder by personal service or sent by certified mail, return receipt requested, at least fifteen (15) days before

the intended date of revocation of the Commercial Use Permit. A certified mail letter properly addressed and sent to a Commercial Use Permit holder shall be deemed to have been served on the addressee when mailed. Such written notice shall:

- (1) Inform the Commercial Use Permit holder of the City's intention to revoke the Commercial Use Permit issued to them, the date of such intended revocation and the specific grounds for such intended revocation; and
- (2) Inform the Commercial Use Permit holder that they have a right, prior to the stated date of intended revocation, to file with the City Clerk a written request for a hearing before the Common Council on the issue of such revocation.
- (3) If the City Clerk receives a written request for a hearing prior to the intended date of revocation of a Commercial Use Permit, the Commercial Use Permit issued to such person shall not be revoked until the hearing is conducted by the Common Council on such issue.
- (4) A hearing before the Common Council on the issue of whether to revoke a Commercial Use Permit will be conducted, to the extent possible, similar to a hearing before the City Board of Review.
- (5) In the event the Common Council determines that a Commercial Use Permit should be revoked, the Common Council can then also determine at such time whether to bar such person from being issued a Commercial Use Permit in the future for a stated period of time.
- (6) An appeal from the determination of the Common Council under this Section shall be by action for certiorari commenced within thirty (30) days after that party receives the written notice of the Common Council's decision.

(5) TB, Michael, Barb, Michael,  
Ben, Marty, Public

MRF Report

June 3, 2021

**Aaaand Just like that we are in the thick of the summer!!!**

Memorial Day kicked off the busy season for many and here at the MRF is no exception. Many of our summer residents have popped into the MRF to share winter stories and summer salutations. We continue with the day-to-day operation of the MRF; baling plastics, cardboard etc as well as cleaning and office work. We are getting quite a good response from residents regarding our car removal program and have even progressed into boat demolition. We continue to alleviate the clutter by smashing and transporting everything to where it needs to go. With the amount of house cleanings, house building and house demolitions happening, We are always on the go go GO!

In the coming month, we will be working on MRF beautification including some flowers and light painting. We are working on clarifying recycling parameters for our new customers including the importance of presorting and answering the eternal question that has plagued us all for years now: "Is this Number 1 Plastic or Is it Number 2?" **FUN FACT: Its takes roughly one garbage can of contaminated recycling for processors to throw away an entire bale of recycling. Example: 1 garbage can of #1 Plastic (about 10 lbs) being inadvertently dumped into #2 Barrel, will cause a processor to dump a 1200lb bale of recycling into the landfill. Hence the importance of customers to pay attention to the signage and presort!!** Will Update on the progress.

Doing more research on the national trend to eliminate single use plastic bottles via the "Break Free From Plastic Pollution Act" that is currently in Congress as well as support for the extended producer responsibility (EPR) legislation that is being kicked around at the State level.

The first day of the Island Closet was on June 2<sup>nd</sup> and it was met with much enthusiasm from our patrons! We are very excited with our partnership with St. Johns and Manager Gwen Smith Patterson at being able to upcycle household items and materials that would normally end up in the landfill. Good Job and Congratulations to all involved!!

Respectfully Submitted,

MRF Staff

"We Crush It Every Day!"

Martin Curry  
LaPointe Material Recovery Facility  
Recycling Supervisor

[recyclingsupervisor@townoflapointe.wi.gov](mailto:recyclingsupervisor@townoflapointe.wi.gov)

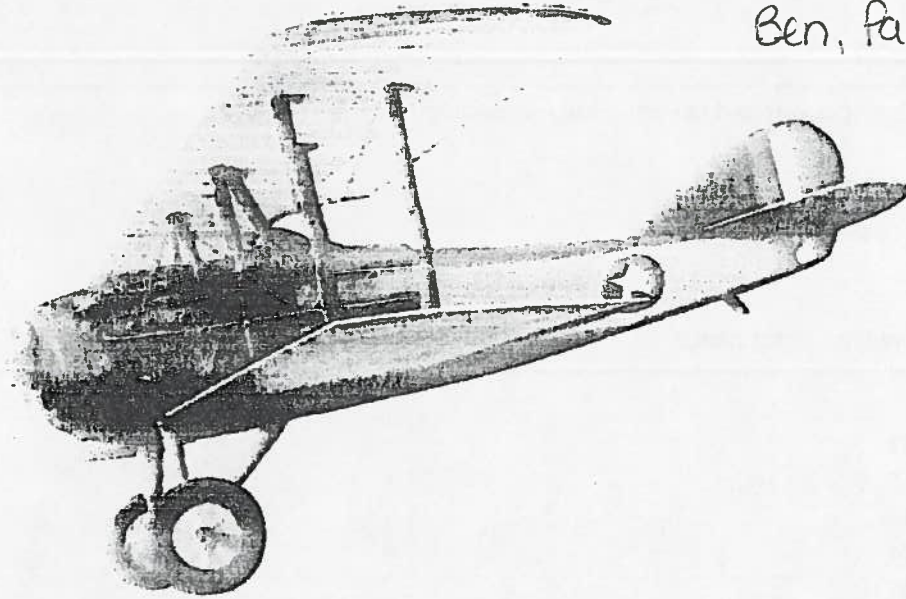
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JUN 3 2021

Initial: dg

(5)TB, michael, Barb, Micaela  
Ben, Paul, Public



**Major Gilbert Field (4R5)**

**To: Town Board**

**From: Paul Wilharm**

**Date: 06/02/21**

**Re: Monthly report for May 2021**

During the month of May our airport was issue free !

Attached are logs / checklists

Thanks !

Paul cover + 5

RECEIVED

JUN 3 2021

Initial: dg



**May 2021 Traffic count and revenue log/ checklist**

**Drop box receipts \$ 50.00**

**The following filed flight plans:**

**5/03 N868AT  
5/04 N192AF  
5/04 N732BA  
5/04 N229TA  
5/06 N868AT  
5/07 N192AF  
5/11 N365KA  
5/12 N931TT  
5/12 CAP4830  
5/13 N229TA  
5/14 N192AF  
5/14 N79277  
5/14 N8457H  
5/17 N302JA  
5/17 N117AK  
5/17 N621GB  
5/18 N346BA  
5/22 N8203P  
5/22 N200NW  
5/22 N2199L  
5/26 N333LN  
5/28 N192AF  
5/28 N283SR  
5/28 N200NW  
5/29 N8285X  
5/29 N600BZ  
5/31 N5776L**

**See attached sign in sheet (s) for additional traffic counts**

5/1	Chris Baye	161PJ	2	P	071	612-300-3470
5/1	ABuswell	208RLJ	5	P	K51P	
5/3	D. Doykeas	868AT	3	P	REK	Quirk TAPP
5/4	Jaeb Heflin	723BA	2	P	LXL	218 270 0751
5-4/6	Steve Rimes	229TA	2	P	FBL	501-301-8539
5/8	Bill Butler	97W	2	P	ANE	612-940-6035
5/9	Tom & Ann Fluskamp	N-761BJ	2	P	ANE	612-750-7947
5/13	Steve Rimes	229TA	3	P	FBL	501-301-8539

52

5/21 Terminal

(1)

# 5/21 Terminal

## WELCOME TO 4RS

DATE	PILOT'S NAME	N-NUMBER	NUMBER ABOARD	BUSINESS/ PLEASURE	FLIGHT ORIGIN	CONTACT
5/14/21	Alex Bogen	N738JX	2	Pleasure*	KSLU	Best Airport I've gotten to
5/14/21	Blake Russell	N8457H	1	Pleasure	KFCM	
5-14-15/21	Steve Reneis	229TA	3	P	KFBL	502-301-8537
5/16/21	George Gidzavich	N14276Q	1	P	DA5	
5/16/21	Taylor Kohls	N6743J	2	Pleasure	KPNB	262-339-3289
5/16/21	Ed Schneider	N8546X	4	Pleasure	KCMX	906-241-7825
5/16/21	D. Danks	N747WM	1	P	KRGK	
5/17/21	S. Renuesh	N9401D	1	P	KOSH	930-214-9930
5/18/21	George Gidzavich	N4276Q	1	P	DA5	
5/22/21	Adam Kabor	N6708A	2	P	KFCM	
5/22/21	Eric Strom	N4808P	1	P	KMIC	612-275-8570
5/26/21	Blake Russell	N208R13	6	P	KSTP	
5/28/21	Michael Wilkerson	N52385	1	P	KPMI	
5/28/21	Blake Russell	N12838P	2	P	LLUM	
5/28	D. Danks	363DS	2	P	RGK	

at.

# 5/21 Terminal

WELCOME TO 4RS						
DATE	PILOT'S NAME	N-NUMBER	NUMBER ABOARD	BUSINESS/ PLEASURE	FLIGHT ORIGIN	CONTACT
5/21/21	Don Anderson	N9461C	4	Pleasure	KRZN	952-288-5769
5/24/21	Jon Wandsen	N30086	4	"	KARV	815 988 6551
5/29/21	Brian BERNARDSEN	N8250X	2	"	125	(612)310-7964
5/29/21	Bernadette Labor	N8116Q	2	Fun	KFCM	651-900-2-582
5-31-21	Andy Collins	N5776L	2	Fun	KSYN	612-812-4115
5/29/21	Ross Reinert	N9444J	3	Pleasure	KDT	218 310 9661

(3)



**Federal Aviation  
Administration**

## Production

New Cancel Replace Copy Edit Delete Error Check Save Change Log Submit

## Filters

## Airports

4R5-Major Gilbert Fld

**Keyword-Ad** 1,0

## Aerodrome

## Apron

## Obstruction

## Runway

## Taxiway

### Status

All 1

**Active**

## Activation In Progress

**Cancelled**

### Cancellation In Progress

**Draft**

### Error Activating

## Error Cancelling

**Expired**

**Activation Faxed**

**Cancellation Faxed**

## In Queue

## NOTAM Summary

## Feature

### Condition

## Obstruction

**4R5 OBST TOWER LGT (ASR 1309039) 465242.70N0904730.10W (S**

Keyword-All, All 1 Record

5/21 NOTAM



(5) TB, Lisa, Barb, Micaela,  
Ric, Public

## Zoning Report 5/24/21

Routing: TB (5), TPC (5), Clerk (1), Assistant Clerk (1) Email Staff: (5) Page 1 of 4

DATE	SANITARY PERMIT #	ASH COUNTY PERMIT #	LAND USE PERMIT #	NAME OF PROPERTY OWNER	FIRE #	STREET NAME	PARCEL NUMBER	PROJECT TYPE	FEE AMT	ENTERED
1/07/21	N/A	N/A	2021-1	Elouise Andreas	2020	Big Bay	014-00083-0200	Accessory Structure	171.00T	2/2/21
1/04/21		8140		John Sheldon	818	Big Bay	014-00116-0100	Fill and Grade	150.00C	2/9/21
1/04/21		8141		Tim Eldredge	822	Big Bay	014-00119-0600	Fill and Grade	150.00C	2/9/21
1/04/21		8143		David Collins	1109	Sunny Slope	014-00462-0400	Fill and Grade	150.00C	2/9/21
1/04/21		8144		Iverson Jed	3833	Chippewa	014-00019-0320	Fill and Grade	150.00C	2/9/21
1/04/21	8145			Schram, Ben	630	Penny Lane	014-00193-0400	Sanitary Reconnect	Entered (2020)	2/9/21
1/04/21		8146		Riley Brown		Mondamin	014-00211-0400	Portable Restroom	Entered (2020)	
1/04/21		8147		Dan Titcomb		Capser	014-00005-0900	Fill and Grade	150.00C	2/9/21
1/04/21		8148		Dan Titcomb	471	Capser	014-00005-0800	Fill and Grade	150.00C	2/9/21
1/04/21	8149			Nicholas		Deerwood	014-00191-0108	Portable Restroom	Entered (2020)	
2/16/21			CSM	Wangensteen		Big Bay	014-001030-0300	CSM	250.00T	2/17/21
3/3/21		7997	2021-2	Crofoot, Ronald	446	Old Fort Rd	014-00200-3260	Accessory/Access	206.00T 200.00C	3/3/21
3/3/21		8226		Ronald Crofoot	446	Old Fort Rd	014-00200-3260	Land Fill (Driveway)	150.00C	3/3/21
3/16/21			2021-3	Linville Daisy	548	Mondamin	014-00206-0400	Driveway Access	75.00T	3/16/21
3/16/21		8227	2021-4	Matthew & Sarah Riley	3330	North Shore	014-00325-0811	Accessory	255.00T 200.00C	3/16/21
3/24/21			CSM	Stephen and Jenny Collins	740	Fisherman	014-00116-0400	CSM	250.00T	3/24/21
				Stetler	560	Miller farm		Added square foot	12.00T	
5/3/21		8228	2021-50	Sowl Frank and Carol	3623	North Shore	014-00317-0320	Accessory	171.00T 200.00C	5/3/21
5/3/21		8229	2120-51	Aaron Staab	435	Old Fort	014-00800-3420	Addition/Alteration	75.00T 175.00C	5/3/21
5/3/21		8230	2021-52	Sarah Lacy	1525	Middle Rd.	014-00162-0200	Accessory	125.00T 200.00C	5/3/21
5/3/21		8231	2021-53	Susan Streitz	4175	Chppewa	014-00012-1300	Accessory and Addition to permit sq.	307.00T 200.00C	5/3/21
5/5/21		8232	2021-55	Bell Street Gallery	807	Bell Street	014-00436-0400	Sign	50.00T	

MAILED  
MAY 24 2021

dg  
E-mail - Lisa

## Zoning Report 5/24/21

**Routing: TB (5), TPC (5), Clerk (1), Assistant Clerk (1) Email Staff: (5) Page 2 of 4**

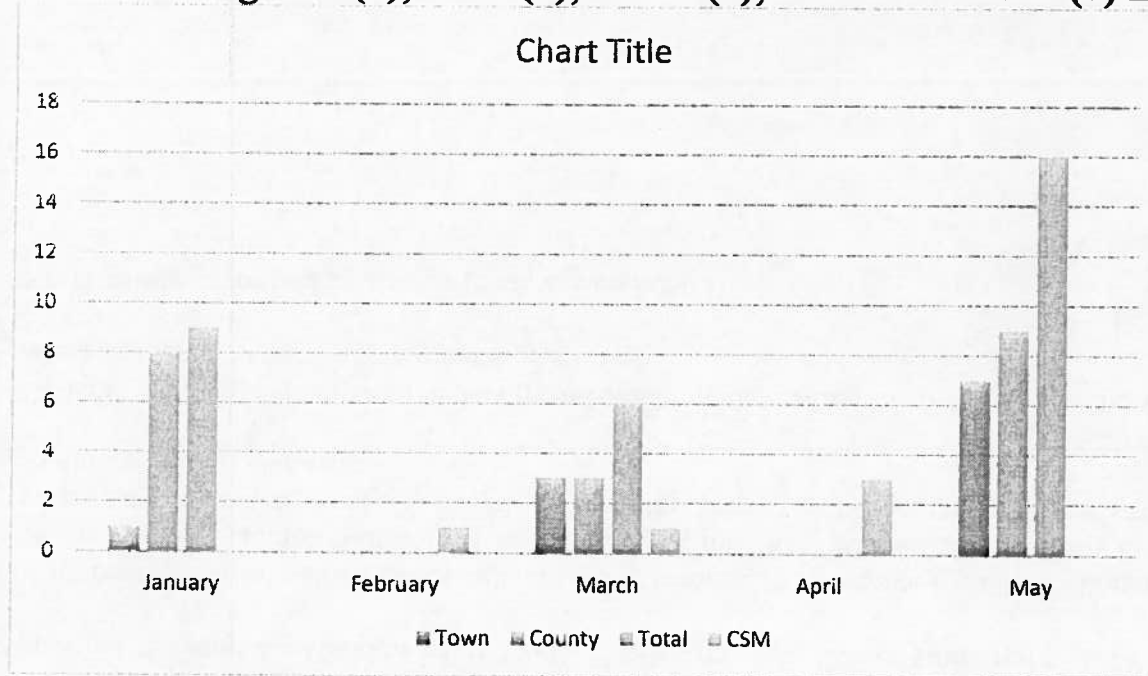
5/5/21			2021-56	Ronald Harrold	411	Evie Lane	014-00272-0210	Accessory	243.00T	5/5/21
4/2/21			CSM	Richards		Hagen Rd	014-00157-0200	CSM	250.00	
4/27/21			CSM	Erdrich	1110	Big Bay	014-00126-0000 014-00125-0200	CSM	250.00	
4/19/21			CSM	McFarlane	1843	North Shore	014-00068-1500 104-00068-1600	CSM	250.00	
5/11/21		8233	2021-57	Joan Slack	1185	Sunny Slope	014-00197-0100	Accessory	156.00T 200.00C	5/11/21
5/12/21		8235	2021-58	MIHPA Inc	273	Colonel Woods	014-00439-0400	Picnic Shelter	117.00T 200.00C	5/12/21
5/12/21	8223	8224	2021-58	Gulliver	3344*	North Shore	014-00325-03890	Dwelling	606.75T 700.00	5/12/21
5/20/21		8236	2021-60	Blyckert	2270*	North Shore	014-00066-0230	Driveway Site Prep	125.00T 150.00C	5/20/21
5/20/21			2021-59	Airport Ideas Inc.	TBA	Big Bay	014-00116-0700	Driveway Camp Unit	125.00 T	5/20/21

At submission of this report there are several other permits pending.

The ZA is also collecting current data from County permits not reflected on the list above. The County can and does at times issue their permits through their office. These are especially related to sanitary and shore land fill and grading. These permits will be reflected in a subsequent report.

## Zoning Report 5/24/21

Routing: TB (5), TPC (5), Clerk (1), Assistant Clerk (1) Email Staff: (5) Page 3 of 4



To date there have been 11 Permits issued by the Town of La Pointe

To date there have been 17 Permits issued by The County of Ashland – The ZA is tabulating data to bring this to date.

### REVENUES TO DATE

County:	\$4,125.00
Town:	2,332.75
CSM (Town) 5 @ 250.00	1,000.00

<b>TOTAL</b>	<b>\$7,457.75</b>
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As we are all aware the Town Hall is still under remodeling (flooring), while this has been workable the chaos in Zoning became exasperated by the ZA computer failure and under repair for 1 month. This of course created a back log of data entry.

## **Zoning Report 5/24/21**

**Routing: TB (5), TPC (5), Clerk (1), Assistant Clerk (1) Email Staff: (5) Page 4 of 4**

With a notable increase in property sales, we have also seen an increase of Certified Survey Map Applications. In speaking with new and current property owners, it appears we will see this number continue to increase.

Rental Permits have been steadily received and issued, a few owners have opted out of the rental pool or have yet to remit the yearly renewal. The ZA is attempting to seek clarification from those on record who have yet to renew.

The TPC is planning to schedule a public hearing this summer relative to language (definition) additions and changes recommended in zoning ordinance discussed this winter. It will be prudent to schedule this meeting following direction from the Town Board after forwarding the results of the "Junk Survey". This survey will be forwarded without recommendation to the Town Board following the TPC Regular Monthly Meeting in June, and again seek any direction for inclusion in ordinance.

The TPC will also forward recommendation related to Robert Hartzell application and request for a Zoning Map change. Minutes reflect the TPC voting 4 -1 in the December Regular Monthly Meeting to recommend denial of this request. At Mr. Hartzell's request the TPC agreed to delay forwarding this recommendation for 6 months which ends at the June TPC Meeting.

Mr. Hartzell has appeared to drop the concept of "Glamping Units" in relation to his proposed project, though still will pursue the possible "Expandable Condominium", related to his property formerly referred to as "Wayne's World".

With restrictions on gatherings easing, the ZA is wanting to re-engage with the County regarding 911 Enhance Fire Number System. The ZA thanks, Commissioner Paul Wilharm, Fire Chief, Rick Richkitzer and Cindy Dalzell, Ambulance Director for volunteering to participate in meetings with the County to bring this project to a conclusion. Memo's regarding this progress will be forwarded routinely to the Town Board.

Generally, I include comparative data from coinciding dates from the previous year however, due to computer problems this will be made available on subsequent reports.

Respectfully submitted by Ric Gillman, ZA on 5/24/21