

TR(5), Clerk, Accounting, Finance, [redacted], TR

# MEMO

To: Town Board  
From: Michael Kuchta  
Re: Town Administrator's Report

DATES COVERED IN REPORT: April 22-May 5, 2022

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## 1. Accomplished/Completed

- **Road Reconstruction.** Completed purchase orders for engineering design work by SEH Inc. to prepare BIL applications for reconstruction of Hagen, Mondamin, and South Shore roads.
- **Zoning Administrator.** Job vacancy is posted locally and on job boards of Wisconsin Towns Association and League of Wisconsin Municipalities.
- **Gateway Sculpture Interpretive Sign.** Final proofing is complete; the sign is at the printer.
- **American Rescue Plan Funding.** Compliance reports were filed with the US Treasury before the April 30 deadline.

## 2. Coming Up

- **Airport Leases.** Dorgene Goetsch and I will send letters to all lessees of industrial lots and airport hangars whose certificate of liability insurance is not current.

## 3. Town Board Agenda – Information/Comments

- **Sidewalks.** Building a sidewalk at the corner of Big Bay and Main would cost about \$26,000, based on updated quotes for work by Town crews and a concrete contractor. Cost would rise if work disrupts utilities. Our request is for the Town Board to make a decision to approve or cancel sidewalk construction; that will allow us to inform the property owners and plan allocation of Town crew time. \$36,000 was budgeted for this project (with an asterisk). Ashland County Highway Department is not interested in participating in the project.
  - Questions were raised about adding a ramp at the crosswalk in front of the candle shop. State statute (66.0909) seems to require a ramp only when “constructing new curbs or sidewalks or replacing curbs or sidewalks within 5 feet of a legal crosswalk.” We have not sought estimates of what it would cost to build a ramp independently.
- **Credit Card Limit.** The Town Foreman frequently pushes or exceeds the \$1,500 limit on his Town-issued card. Exceeding the limit incurs a \$39 fee each time. Raising the limit requires Town Board approval; we request raising the individual card limit to \$5,000.
- **Myhre Conditional Use Permit Application.** See the separate memo and packet of information.
- **Contract with Northland College.** The Comprehensive Plan Steering Committee recommends approving Northland's 12-month proposal to partner on survey work, focus group leadership, and other Comp Plan work from May 2022 through April 2023. The Town's 2022 budget allocates \$4,000 for Comprehensive Plan work, some of which will pay for printing and mailing costs to promote a community survey and other elements of public participation. The Town will receive \$6,000 in grants from donor funds affiliated with the Duluth Superior Area Foundation (see below). That leaves about \$16,000 unaccounted for to cover the contract. During the Town Board workshop on April 27, members suggested funds could be diverted from Designated Fund 34152-02 (Town Administration/Equipment), which has a current balance of \$563,150.

- **Apostle Islands Area Community Fund.** Please approve the grant agreement for \$5,000 for the Comprehensive Plan Steering Committee. Funds will support community engagement activities. The Town Board approved the initial application on Jan. 25, 2022.
- **Michael Madeline Island Fund.** Please approve the grant agreement for \$1,000 for the Comprehensive Plan Steering Committee. Funds will support community engagement activities. (Town Board approval was not required to submit the application.)
- **Apostle Islands Area Community Fund.** Please approve the grant agreement for \$4,600 for the Affordable Housing Advisory Committee. Funds will support research and consulting to develop affordable workforce housing on Madeline Island. (Town Board approval was not required to submit the application.)
- **Revisions to Town Ordinance Chapter 40.** See the separate memo. Please approve the proposed amendment.
- **Attachment C to Compensation Resolution.** The rates are lower than originally budgeted and reflect wages actually being paid. Please approve the resolution.
- **Resolution 2022-0510.** The Town Clerk can provide additional information. Please approve the resolution.
- **Ashland County Law Enforcement Agreement.** Glenn Carlson and I will give a verbal report on our May 3 meeting with the county administrator and sheriff.
- **Continuation of Business Ordinance.** This follows up on discussion the Town Board had on April 12. The proposed letter would go to all 14 holders of Town liquor licenses, seeking their feedback on minimum standards to retain a full "Class B" liquor license. I welcome suggestions for the letter or survey. If the Town pursues this ordinance, legal advice is to have it in place before licenses renew on July 1, so license-holders have a year to get into compliance.

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

- **Fire numbers.** The Town's ad hoc committee had a productive meeting April 26 with Dorothy Tank, Ashland County's director of emergency management. See the zoning report for highlights of the discussion.
- **Gitchee Gumee Expandable Condominium.** We received initial architectural drawings and the condominium declaration for this proposed project along Mondamin Drive. Lisa Potswald and I were scheduled to meet May 6 with developer Bob Hartzell to learn more; Hartzell says he is ready to begin applying for building permits. Hartzell plans a public informational meeting on May 10 at noon at the Lightkeepers Lodge.
- **Town Benefits.** For qualified employees, the Town pays for a \$20,000 policy of life, accidental death and/or dismemberment insurance. The Town pays for a short-term disability policy that pays \$125/week. Employees qualify if they work at least 1,044 hours/year. The Town does not offer long-term disability.

#### 5. Grant Report

- See updates elsewhere.

#### 6. Lawsuits/Legal Issues

- No updates.

## April 2022 Public Works Report

### Roads/Equipment

- With the use of donated personal snowmobiles, Town crew cut down the ice road trees on 4/5. It was a good driving season out on the ice.
- The snowplows remained on the primary plow trucks, and the crew and I had to plow slush and ice on 4/7-4/8.
- On 4/10 the Coast Guard cutter Hollyhock came through the channel and was a welcome sight to many. The Town crew cleaned up the dock as best we could with frozen conditions and MIFL resumed operations on 4/11.
- The seasonal weight limits on the paved roads meant more shop time, summer season planning, and equipment maintenance.
- The MRF roll-off trucks, "Beast" and "Woodstock" had their annual DOT inspections and Woodstock had suspension blocks replaced prior to what is expected to be a very busy hauling season.
- Kron-Dahlin Road suffered two major washouts with the snowmelt and rain days, but Pete and Evan patched it up the best they could with weather conditions.
- There are many culvert replacements planned for the year, with the first one taking place on Chippewa Trail May 2<sup>nd</sup>.

### Parks

- The Rec Center remodel is back on track with the boats running and I hope we will be able schedule an inspection in early May.
- The Town's porta-potties were opened 4/29, Joni's snow fence was taken down, benches put out, we've begun the task of straightening signs and fixing other scars of the plow season, and spring is slowly happening.
- We have hired what I believe will be a great Parks crew for the season, and I'm looking forward to working with all of them.

### Misc./Admin

- I was very glad that the Town Board has blessed Michael and I to begin contract negotiations with SEH Engineering of Chippewa Falls, to assist with BIL Funding as we move forward with applications regarding future pulverizing and repaving of Hagen Road, Mondamin Trail, and South Shore Road. The federal funding is a huge opportunity for some major work to get done and working with a local firm that has relevant experience in Bayfield and Ashland County makes laying the groundwork even better.

Respectfully submitted,  
Ben Schram  
Public Works Director

RECEIVED  
APR 29 2022

Initial: dg

TR(5), CLERK, ACCOUNTING, OFFICE, [REDACTED] TH

## Letters from MRFy- "May the Force be with You" Edition

Well we've done it again. (BEEP BEEP)

WE have endured the one of the most amazing (Dagobah) mud seasons in recent years and moved into the time of the year where peeking daffodils and peeping (Yoda like) spring peepers are signs that winter may be over. Because of this, we at the MRF have kicked into (Tie Fighter) high gear with our seasonal housekeeping.

The Klaxon alarm horns rang low and long as the Ferry boats fired up and our seasonal island residents began the arduous process of opening cabins and spring cleaning. MRF Recycling Specialist Joe Abhold Fired up Woodstock (and made the Kessel Run) and started the hauling season with some soggy boxes of the winter trash and dem con at which point they are being hastily refilled as we wake up from the long winter sleep. We can safely say that "Joe is on the GO GO GO!"

The Island Closet was cleaned out and handed over to the St. John's Closet Crew and they continue their preparation for a new season of UPCYCLING and resurrecting old household items into a second life. We look forward to supporting the sophomore year of this partnership.

We have successfully submitted our 2021 Recycling Program Accomplishments and Actual Costs Annual Report for the responsible unit of Town of La Pointe (02014) on 04/30/2022. This is an annual report to the DNR for actual costs associated with recycling for the fiscal year 2021. We saw a dramatic decrease in hauling costs associated with banned items (oil, tires, and heavy appliances) but saw an increase in items like purchased services (ferry line costs, maintenance fees). This is largely in part to changes in MRF operational theory and the next 2022 Recycling Program Actual Cost Report will let us know if these changes were an anomaly or if they will continue. A HUGE SHOUT OUT to Jedi Master Barb Nelson for her assistance and meticulous record-keeping that made this process considerably easier than it could have been. KUDOS!!

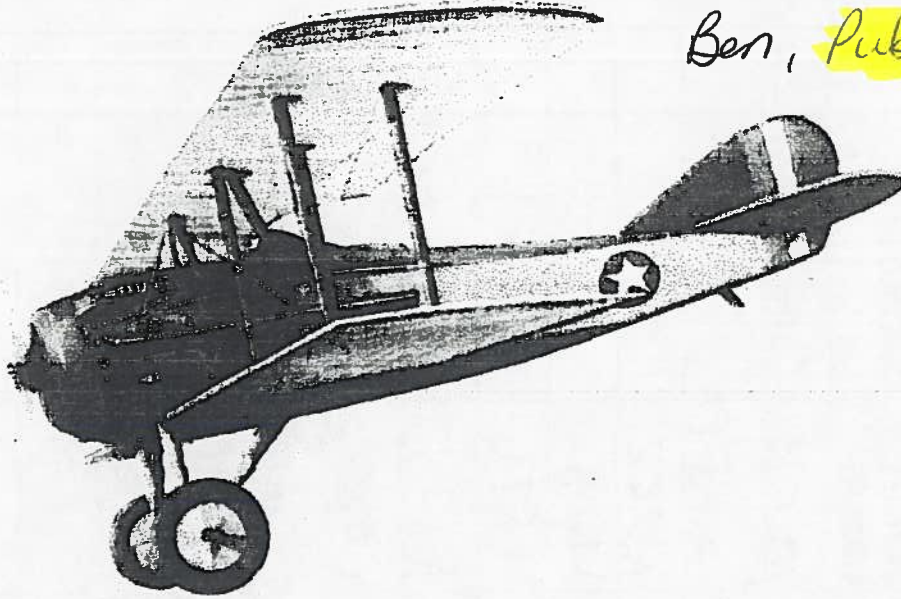
Spring cleanup, grading, backfilling, beautification projects and new signage are all a part of our spring workload. We are working with the very fine roads and facilities crew on moving the glass crusher to an outdoor location to save rotator cuffs and heavy lifting. This will streamline operations on our warehouse floor, give our commercial recycling customers more space to work, and open up more (desperately needed) dry storage space for marketable recycling materials.

We will begin planting flowers in the tires the kids have decorated and have been approached about doing another round of tire painting by our young apprentices. We will update on our progress. As always, thank you for your continued support.

May the Force Be With You.

Have a MRF-tastic Day!  
**Martin Curry**

⑤ TB, Micaela, Michael  
Ben, Public



**Major Gilbert Field (4R5)**

**To: Town Board**

**From: Paul Wilharm**

**Date: 05/02/22**

**Re: Monthly report for April 2022**

During the month of April our airport was issue free !

Attached are logs / checklists

Thanks !

Paul

COVER + 2  
NO NOTAMS

RECEIVED  
MAY - 2, 2022

BY: *[Signature]*



April 2022 Traffic count and revenue log/ checklist  
Drop box receipts \$ 0.00

The following filed flight plans:

04/01 N12704  
04/02 N192AF  
04/03 N122AM  
04/08 N363DS  
04/09 N65045  
04/09 N192AF  
04/09 N738JX  
04/12 N363DS  
04/17 N7438J  
04/25 N170KW  
04/27 N738JX

For additional traffic please see attached terminal sign in sheet(s)

RECEIVED  
MAY - 6 2022  
BT: *From PW*

## MEMO

To: Town Plan Commission, Town Board  
From: Michael Kuchta, Town Administrator  
Re: Monthly zoning report  
May 4, 2022

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This is an abbreviated report to keep you up to date during the Zoning Department's transition.

**Zoning administrator.** Lisa Potswald, a former zoning administrator and town administrator for La Pointe, began regular hours as interim zoning administrator on May 3. She will maintain regular hours in Town Hall from 8-4 Tuesdays-Wednesdays, and 8-noon Thursdays. The Town Board appointed Lisa as interim through the end of June.

**Job posting.** The Town Board approved the job description and posting of the zoning administrator position on April 26. Applications are being accepted through Monday May 16. The vacancy is posted on the Town website and in other physical and online locations.

**Craftivity CUP.** The Town Board approved the conditional use application on April 26, allowing Craftivity Inc. to build two 6-room student dormitories at 922 Middle Road. The approval includes all the conditions recommended by TPC.

**Fire numbers.** The Town's ad hoc committee on fire numbers (fire chief Rick Reichkitzer, ambulance director Cindy Dalzell, TPC commissioner Paul Wilharm, and town administrator Michael Kuchta) met via video conference on April 26 with Dorothy Tank, Ashland County's director of emergency management. It was a promising meeting to get the project back on track. Key decisions:

- To maintain the existing system, the Town needs to research if it can expand how many numbers are in each grid. This may require consulting with Lange Enterprises, which did the current numbering system. An option if the downtown area is too congested: use a street numbering system there, and a fire number system elsewhere on the island.
- To conserve numbers, the Town can assign one fire number to each parcel or potential parcel. For stand-alone buildings: the primary structure would have a fire number with no letter as a suffix. The main accessory building would have the suffix "A"; other structures that would be important for emergency responders to find quickly could have additional suffixes (B, C, etc.) Similarly, multi-unit buildings could be identified with a single fire number; individual units would be identified using 100-level numbers on the first floor, 200-level numbers on the second floor, etc.
- The Town is not part of the Ashland County numbering system. The Town will do the work on its own. Ashland County will seek to provide the Town with a high-resolution map of existing numbers, and determine if GPS data points already exist. Dorothy is not aware of the county paying for any town's fire number signs.

There will be no permit or revenue update this month.



## Accounting Administrator Monthly Report May 2022

05/04/2022

### GRANTS:

1. **MRF:** The 2021 Responsible Unit Grant (RUG) final report to the WI DNR accounts for the Town's actual recycling program, expenditures and revenues, as well as collection & disposal information. Recycling Supervisor Marty Curry planned to file the report electronically to the DNR by the May 2<sup>nd</sup> deadline. We are devising a new labor & equipment tracking report for MRF, to help with calculations for the next grant cycle.
2. Four grants end in June:
  - a. Fire Department Forest Fire Protection for wildfire supplies ends 06/15/2022
  - b. Energy Committee Microgrid Study ends 06/30/2022
  - c. WI Coastal Management dock passenger shelter ends 06/30/2022
  - d. Library Dept of Public Instruction/ARPA for spacemakers ends 06/30/2022

### FINANCIALS:

1. Baker Tilly is working on the information needed for them to complete the annual Form CT report to be submitted to the WI DOR by the May 16<sup>th</sup> deadline. The next week or so will be devoted to answering questions and providing supporting documentation.
2. 2021/2022 Expenditure Restraint Program (ERPs) report was filed, and associated budget reports uploaded to the WI Dept of Revenue by the May 2<sup>nd</sup> deadline. The Department will review and determine if the Town will qualify for 2023 funding.
3. The requested Work Comp audit for 2022 was done and sent to the carrier's field agent. We haven't heard if this will change the premium amounts for the remainder of 2022.
4. Billings:
  - a. MRF charges and subsequent billings have been reduced considerably.
  - b. Ashland Cty was billed and payments rec'd: County H, Zoning & Law Enforcement.
5. Accounting Software: All 2022 disbursements and receipts have been entered into the new software. No April transactions were done in the old software program. Next to work on will be accounting for the funds transferred between general, designated and tax funds, which this program handles differently (hopefully more efficient). Balancing each month with the old software will follow. The goal is to make the reporting and budgeting much easier and more streamlined, with accounts matching to the Dept of Revenue and real-time report access.

### MISCELLANEOUS:

1. I am trying to use some 2020 vacation hours, so will be out of the Town Hall the next couple of Thursdays and Fridays.
2. Monday, May 30<sup>th</sup> is Memorial Day and the Town Hall will be closed
  - a. Due to the Monday holiday, payroll will be processed a day later and pay date will be Friday, June 3<sup>rd</sup> instead of Thursday, June 2<sup>nd</sup>.

Respectfully submitted,

*Barb Nelson*

Accounting Administrator/Deputy Clerk

TB, MICHAELA, BARRS, PUBLIC, TA



## LA POINTE POLICE DEPARTMENT

MADELINE ISLAND  
270 MAIN STREET  
LA POINTE, WISCONSIN 54850

PHONE: (715) 747-6913  
FAX: (715) 747-3096  
police@townoflapointewi.gov

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**To:** Town Board  
**From:** William Defoe  
**Date:** 5/3/2022  
**Re:** Monthly Police Report for May 2022

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During the month of April 2022, the La Pointe Police issued the following:

- 4 Parking Citations
- 1 Traffic Citations
- 1 Ordinance Citations

Wow, what a difference a month makes, with an extended windsled season, our monthly numbers are down, and as a community, it is a good thing when our numbers are down as civility makes communities stronger. However, the bears are out and getting into bird feed already, time to keep them up.

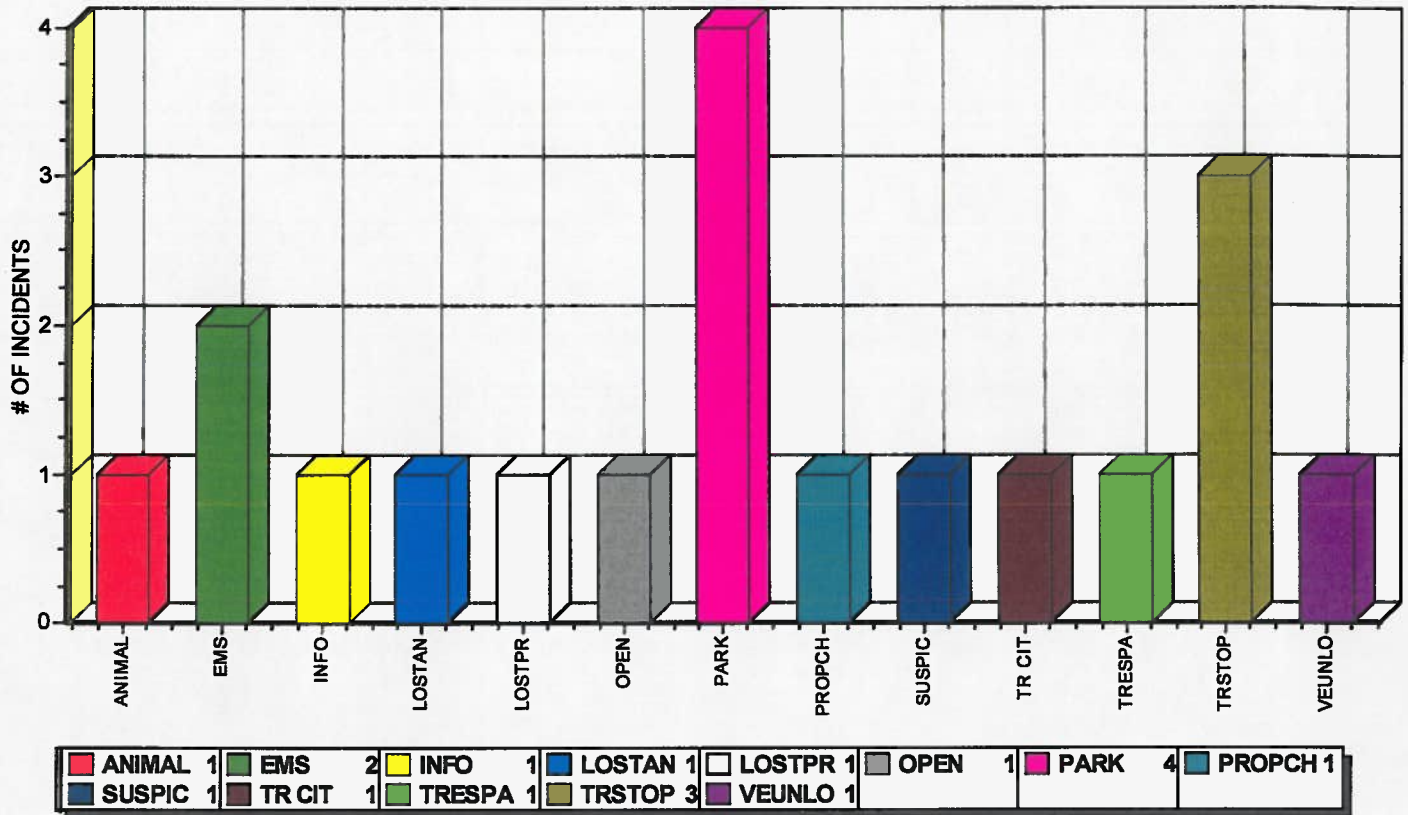
We recently had some major repairs done to the 2015 Ford Interceptor, hopefully that will be it for a while if not the rest of its life here on the island. I have started bringing the squads into Ashland Ford/Chrysler (where we bought them) for oil changes and warranty checks and recall checks. The checks they are doing on the vehicles at oil changes should catch issues before they get out of hand.

We are trying to get all the officers done with their yearly training before the June 30 deadline set by the Department of Justice. So far, we are doing well, just a few more things and everyone should be up to date. Officer Rahlf just returned from a specialized training that should assist him in all aspects of his position.

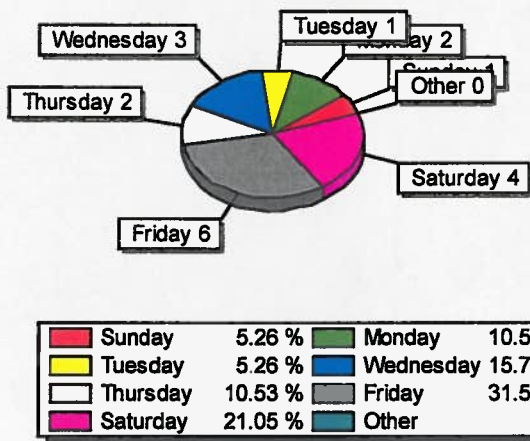
Just a reminder to all, there is an ordinance for animals running at large, we have been getting complaints, please put them in a fence or on a tie. You could be responsible for your animal injuring someone or paying another animal's vet bills.

If there are any questions or wish to discuss things within the department, please feel free to come talk to me.

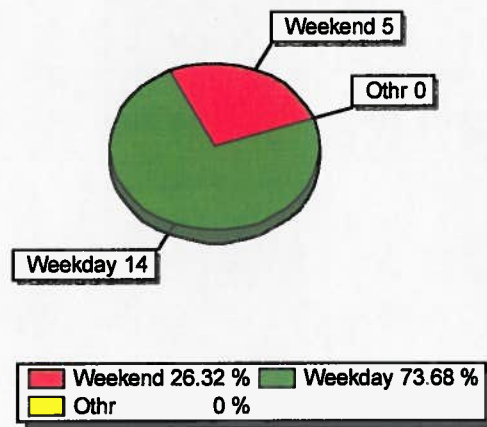
Incident Frequency by TYPE (Top 13 of 13 Shown) (Using DATE RECD)



By Day of Week



Weekday vs Weekend



Search Criteria: (LOGNUM >= 'A4-22-00001')  
 (LOGNUM <= 'A4-22-10000')  
 (DISTRICT >= '07')  
 (DATE\_RECD >= TO\_DATE('4/1/2022','MM/DD/YYYY'))  
 (DATE\_RECD <= TO\_DATE('4/30/2022','MM/DD/YYYY'))

TB(S), CLERK, ACCOUNTING, OFFICE, PUBLIC, TA

Fire Department Report  
May 2022

We have spent a bit of time getting prepared for wildfire season, as it's upon us. It's deceiving as winter gives up the battle and it looks so wet everywhere. But a couple days of sun and a breeze and we are smack dab in the middle of spring wildfire season. This year is less scary, as the snow has left the dead grass that fuels fires beat down a bit. But the danger is always there until we "green up."

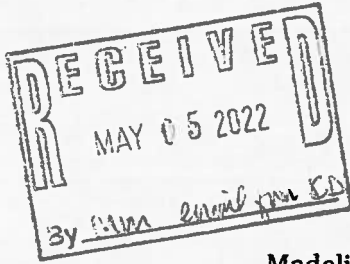
We were trying to get our 5500 Dodge Ram brush truck to a recall but that has had snags. The recall involves the lug nut studs. We will get it to its recall as soon as we can, but we will always have 2 wildfire trucks available at all times.

At the same time we are thinking about wild fire season we are also thinking and planning for near shore water rescue. Our next training session will be at the state park, where we will be getting a better grasp on maps, roads, and the general layout of the park. We will train with our tools, including the inflatable Zodiac. We have lots of ideas and opinions on this aspect of search and rescue the need to come to the surface and swim. One huge tool in our box will be the drone program; hoping that we have taken possession of our search/rescue drone before this upcoming meeting.

We recently pulled out most of our equipment and sprayed water to help clean up the ferry dock. This is always great training and exercise for all our trucks, pumps, and peoples.

Stay safe,  
Chief Reichkitzer

T&S Michael, Barb  
Macla. public



## Madeline Island Ambulance Service Report

May 5, 2022

We had three runs in April and one in May. We are back to using our bigger rig for runs since the roads are drying out and the ferry is running.

We had our regular monthly meeting and made a spread sheet of all of the radios and who is assigned to them. Thom Rossberger did finish going through the donated radios and we did find four that can be used for back-ups. It is nice to have some spares.

Gloria Fennel is leaving Madeline Island and has left the service. We want to thank her for her service to the town and the ambulance team.

We got the manifold to hook up the oxygen system so we can fill small bottles. I will get the two large tanks needed the next time I am across. We will rent them until we know that the system works. We will vote on using our designated fund to rent/and or purchase the big tanks. We received a donation a while back that should cover the cost since they are not in the budget for this year.

We got our CPR refresher training done last Saturday. We had nine students that passed and will be re-certified for the next two years. A few of the crew took the refresher on-line since they were not available the day we trained.

I need to set up a meeting with Barb and Michael to determine which collection agency we want to use. Meaghan at AMB has been very helpful with going over our process and I think we will see a marked improvement in collection of ambulance bills.

Quite a few medicines expired this month, and they are all updated. It is the time of year that I do an inventory of each rig and the storage closet to make sure we are ready for our busier time of year.

Michael K., Rick R., Paul Wilharm and I had a good zoom meeting with Dorothy Tank from Ashland County Emergency Services. With her information, I think we are ready to start the work on the re-addressing of the island and the island grid. It should be an interesting project that is long overdue.

Respectfully Submitted,

Cynthia Dalzell

Madeline Island Ambulance Service

TB(S), MICHAELA, BAMB, SERGEVE, PUBLIC, MK

3-31-22 - Paul made copies of Sexton log book for the  
March and February monthly reports -

.5 hour  
3 hours

Clara Bunn

Paul Drummer

3-31-2022

3-31-2022

Co Sexton - Greenwood Cemetery

Co Sexton - Greenwood Cemetery

4-7-22 - called Dan Bratky - 373-2283 - had question about  
Ted Bissell's disposition permit - no, we don't have to  
sign the permits. Also requested that the Bissell family  
headstone doesn't get moved until after Ted's burial -  
will make it easier to dig the hole for Ted. Called  
Town shop (757-6855) - Told Ben Schisim that  
Ted's burial is Saturday June 4 2022 -

.5 hour

4-18-22 Received phone call from Elizabeth Ross (510-  
684-1511) re: her mother's (Josephine Ross) burial.  
Remains to be buried Sunday June 5 2022 time  
T.B.D. - Charly mailed a burial application form  
to Elizabeth's sister (Catherine Howell, 3402 North  
25th Street, Tacoma WA 98406). Burial will  
be next to Edward Ross (Josephine's husband) -  
he is buried in E-1-7

.5 hour

4-25-22 - Received phone call from Heidi (773-230-3033) -  
Sue Ellen Soucek's daughter. John & Sue Ellen are  
looking for a burial plot. Heidi will be on the  
Island in about 3 weeks, we can look for a  
burial plot then

.5 hour

4-28-22 - Received a call from Kathy Rickie - (651-321-2426) - daughter of Ron Wolf. Ron passed away back in October 2021. Kathy is looking to bury Ron in one of his two plots (D-23-6 or D-23-8). Ron is cremated. Will mail a burial application form to Kathy (1360 Wolf Circle, Line Lakes MN 55038). Burial is scheduled for Saturday July 23 2022.

.5 hour  
2 hours

Charles Bunn

5-2-2022

Co-Sexton Greenwood Cemetery

Pavel Brummer

5-2-2022

Co-Sexton Greenwood Cemetery

## MEMO

To: Town Board  
From: Michael Kuchta, Town Administrator  
Re: Myhre CUP application  
May 6, 2022

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The Town Plan Commission voted 4-1 on May 4, 2022, to recommend that the Town Board deny a conditional use permit to Kenneth and Margaret Myhre for a "home occupation" at 900 Big Bay Road. Discussion indicated the majority of commissioners recommend denial for two primary reasons:

- a belief that the activities proposed by the applicants exceed what the Zoning Ordinance envisions as allowable as a "home occupation"
- a belief by commissioners that – because of wording in the public notices about the CUP application – they were limited to considering a "home occupation"; they believed they could not consider other classifications the Zoning Ordinance would or would not allow at that location

The Town Board first should decide whether or not to accept the TPC's recommendation. If Town Board members believe the applicants' proposed uses *do* qualify as a "home occupation," as outlined by the Zoning Ordinance, Town Board members should vote to *reject* the TPC's recommendation. In this case, the applicants would not need a conditional use permit at all, because a "home occupation" is a permitted use on the portion of their property where they intend to hold the activities.

If Town Board members agree with the majority of TPC members that the proposed uses *do not* qualify as a "home occupation," and/or if Board members want to place restrictions on the proposed activities, they should vote to accept the TPC's recommendation. After doing that, the Board then has the option to decide whether the proposed use more accurately fits a different classification of the Zoning Ordinance.

If Town Board members want to allow the activities the Myhres propose, the Board should classify those activities as a "home business," which is allowed as a conditional use on that portion of the property. The Town Board then could place some limitations on the conditional use.

If Board members do not want to allow the activities the Myhres propose, the Board should decide those activities are more properly defined as something else in the Zoning Ordinance – such as a "recreational" or "commercial educational" facility. Those uses are not allowed in that zoning district.

Note: The Board should focus exclusively on the applicants' proposed uses. Construction issues (building code, sanitary, waterflow, airport height restrictions, etc.) would be part of the permitting process.

### ZONING CONTEXT

The applicants applied for a conditional use permit to "build a yoga yurt for yoga sessions." At the public hearing, they described plans for yoga, movement, and similar health-related classes and activities. They expect to routinely attract 4-6 visitors, with 10-12 likely in the summer, and 20-25 for retreats.



The applicant's property is zoned S-1 Shoreland Protection District; part of the property is also in the S-0 Shoreland Overlay District. The proposed yurt would be considered an accessory structure and permitted in the S-1 District.

The applicants distributed a map indicating the yurt would be sited approximately 375 feet from Big Bay Road, 1,225 feet from the Lake Superior shoreline, and 55 feet from the west property line. At this location, it would meet setback requirements for an accessory structure. This location also would be outside the Lake Superior Shoreland Overlay District, which extends 1,000 feet from Lake Superior. Ashland County GIS maps do not indicate that there are other navigable lakes, ponds or flowages that would come into play (though this should be verified).

The Town Plan Commission has reasonable evidence to support their decision that the proposed use does not qualify as a "home occupation." The Zoning Ordinance classifies a "home occupation" (Definition 35) as: "The secondary and incidental use of a dwelling or accessory structure by a person residing in the dwelling to produce goods and services *with limited visits by customers and vehicles and limited activities* outside of the dwelling or accessory structure in a manner that meets the requirements of Section 6.4.B." (emphasis added). The level of attendance described by the applicants can be reasonably interpreted as exceeding the "limited visits" that the Zoning Ordinance requires. TPC members described a "home occupation" classification as more appropriate for one-on-one activities such as piano lessons, a beautician, or a tax preparer, not for classes and retreats.

If the proposed activities are classified as a "home business" (Definition 34), as a commercial educational facility (Definition 23), or as a recreational facility (Definition 63), the use is not permitted within the Shoreland Overlay portion of this parcel. A "home business" could be a conditional use outside of the Shoreland Overlay portion of this parcel, including at the location suggested by the applicants. A commercial educational facility or a recreational facility is not allowed in S-1, and therefore would not be allowed anywhere on the parcel.

If the activities are classified as a "home occupation," the project would require a minimum of one additional off-street parking space. If the activities are classified as a "home business," the project would require a minimum of two additional off-street parking spaces. The applicant has indicated plans to provide 4-6 additional off-street spaces; anything over 4 spaces would qualify as a "parking lot" (Definition 59). A parking lot is not allowed anywhere in the S-1 Shoreland Protection District.

The Board can impose conditions on any conditional use permit, as long as those conditions are supported by the Zoning Ordinance. Possibilities include parking requirements, traffic movement, and whether any permit stays with the property, with the owners, or expires at a certain point.

## **LEGAL CONTEXT**

As mentioned earlier, TPC members believed their only choice was to vote on whether the application qualified as a "home occupation." They took this position because "home occupation" is the description the former zoning administrator used in letters to nearby property owners, in the posting for the public hearing, and in the newspaper posting for the public hearing.

However, the Myhres never applied for a specific zoning classification. In addition, neither the agenda for the public hearing nor the agenda for the TPC meeting identified "home occupation" as what the

applicants were requesting or what the TPC was voting on. Afterward, the town attorney clarified that the Town Board has more flexibility than the TPC felt it had. Specifically, the town attorney states:

[T]he Town Board is not limited to reviewing only those issues or items considered by the Town Plan Commission and the Town Board is free to consider the Conditional Use Permit application as to any interpretation that is consistent with the zoning ordinance. The relevant statutes do not require the Town Board to be constrained by any recommendation made by the Plan Commission, so this issue is solely dependent on the interpretation of the Town's zoning code.... If the Town Board does make a determination other than to approve the Plan Commission's recommendation for the reasons stated by the plan commission, then it is important to make sure that the meeting minutes and discussions presented during the meeting establish "substantial evidence" for the new decision. In relation to the questions arising with this application, the substantial evidence would need to establish why this use is a "home business" rather than a "home occupation."

#### **TECHNICAL BACKGROUND**

- The Myhres' filed their application for a conditional use permit on March 1, 2022
- The Myhres had an initial discussion with the Town Plan Commission on March 9; on that date, this public hearing was scheduled for April 27
- Payment for the CUP application was received by check, dated March 10
- The zoning administrator mailed notification on March 10 to four property owners within 300 feet of the applicant's property and, as a courtesy, to two additional nearby property owners
- The public hearing was posted on March 11
- A corrected notification, with updated property information, was mailed to the same list of property owners on March 29
- A corrected notice for the public hearing was posted on March 29, again with updated property information
- Legal notices of the application and the public hearing were published in the Ashland Daily Press on April 12 and April 19
- The public hearing was April 27 at 5 p.m. at Town Hall; 25 people attended, including all 5 members of the Town Plan Commission, and 4 members of the Town Board
- At the public hearing, 9 members of the public spoke in support of the application; as of today, the Town has received 15 written statements of support for the application, 1 written statement of opposition, and a follow-up statement of opposition from the same resident
- In addition to their presentation at the public hearing, the applicants have provided additional written answers to points raised in the discussion of their application
- At its regular meeting on May 4, 2022, the Town Plan Commission voted 4-1 to recommend denying the application for a conditional use as a "home occupation"
- The Town Board has 21 days from the date of the TPC's recommendation – until May 25 – to approve or deny the application



## **TOWN OF LA POINTE**

### **MADELINE ISLAND**

240 Big Bay Road  
PO Box 270  
LA POINTE, WI 54850  
715-747-6913

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May 5, 2022

#### **TOWN BOARD**

Re: 900 Big Bay Road

Parcel Number: 014-00119-0400

Abbreviated description: Part of Govt. Lot 4 Desc in V 750 PG 242 Sec. 21 T50N R3W 7.45 AS

In accordance with Town of La Pointe Zoning Ordinance, Section 7.2H, this is to inform you that, at its regular meeting on May 4, 2022, the Town Plan Commission recommended that the Town Board deny a conditional use permit to Kenneth and Margaret Myhre for a "home occupation" to build a yurt for yoga sessions.

The Town Board will consider this recommendation at its regular meeting on Tuesday, May 10, 2022, at 5:30 p.m. at Town Hall. The meeting is open to the public and will be streamed live on the Town's website: [townoflapointewi.gov](http://townoflapointewi.gov).

**Town of La Pointe Planning and Zoning Town Plan Commission  
Regular Monthly Meeting**

**Wednesday, May 4, 2022, 4:30PM**

- I. Call to Order/Roll Call**
- II. Public Comment (less than 1 minute)**
- III. Approval of Previous Minutes**
  - a. Town Plan Commission Regular Monthly Meeting April 6, 2022**
  - b. Town Plan Commission Special Meeting April 18, 2022**
- IV. Administrator's report and update**
- V. Business before the Commission**
  - a. Deliberation/discussion and recommendation to the Town Board regarding Conditional Use Permit Application for Kenneth and Margaret Myhre, Parcel #014-00119-0400, located at 900 Big Bay Road, Town of La Pointe, WI**
  - b. Updates from Robert Hartzell**
    - i. Gitchee Gumees Expandable Condominium**
    - ii. Hot tub at The Inn**
    - iii. Landscaping at Lightkeepers Lodge**
  - c. Comprehensive Plan**
- VI. Commissioner updates**
  - a. Fire Numbers (Wilharm)**
  - b. Zoning re-write (Wilharm/Peters)**
    - i. Schedule review definitions**
    - ii. Schedule update and further review**
  - c. Camping Units (Dobson)**
- VII. Future Agenda Items**
- VIII. Extended Public Comment (up to 5 minutes)**
- IX. Next Scheduled Meeting**
- X. Adjournment**

**Suellen Soucek, Chair, Town Plan Commission**

*Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town Clerk. Note: It is possible that members of other governmental bodies of the municipality (and possibly a quorum) may attend this meeting to gather information. No action will be taken by any governmental body at this meeting other than the governmental body specifically referred to in this notice.*

TOWN OF LA POINTE  
CONDITIONAL USE PERMIT  
APPLICATION FORMS

Property Owner(s)  
Name: Margaret + Kenneth Johnson Myhre  
Mailing Address: 900 Big Bay Road  
P.O. Box 497  
Phone: 651 308 9829  
Contractor/Authorized Agent  
Name: John Saulty  
Mailing Address: P.O. Box 245  
Washburn WI 54891  
Phone: 612 754 6802

Legal Description (as it appears on tax statement):  
Part of Cont lot 4 Desc in V 750 Pg 242  
Sec 21 T 50 N R 3 W 7.45 A

Fire Number and Road Name: 900 Big Bay Road  
Parcel # 01+ 00 119-0400  
Lot Area: 7.45 A <sup>324,522</sup> square feet      Lot Dimensions (in feet): \_\_\_\_\_  
Zoning District(s): S-1 (all applicable)

Parcel is within 1,000 feet of the Ordinary High-Water Mark (OHWM) of Lake Superior.      Yes      No

Parcel is within 300' of the OHWM of a navigable river, stream, pond or flowage.      Yes      No

1. Current Use and Improvements: \_\_\_\_\_

2. Nature and Disposition of any prior petition for appeal, variance, conditional use, and/or special exception:  
Variance granted in 2016 not applicable to  
this application

3. Describe present and proposed use of the property: Build a yoga yurt for  
yoga sessions

4. Describe how the factors found in La Pointe Ordinance Section 7.1 (C) will be affected by the Condition Use:  
\_\_\_\_\_  
\_\_\_\_\_

**ATTACH ADDITIONAL PAGES FOR NARRATIVES IF NEEDED**

I (we) certify that the information provided in this application and all attachments have been examined by me (us and to the best of my (our) knowledge am (are) responsible for the detail and accuracy of all information I (we) provide. This information will be relied upon by the Town Plan Commission (TPC) in determining a recommendation to the Town Board for consideration of approval or denial of the conditional use. I (we) accept all liability which may result in the TPC relying on the information provided in this application. I (we) agree to permit officials charged with administering the Zoning Ordinance or any other authorized person to have access to the above premises at any reasonable time for inspection. I (we) acknowledge approval of this application may be conditioned upon requirement that no further buildings, development, or impervious surface on the parcel and other conditions the TPC find reasonable related to the purpose of the Zoning Ordinance.

Signed: [Signature] Date: 3/1/22  
Property Owner

Signed: Kenneth C. S. Myhre Date: 3/1/22  
Property Owner

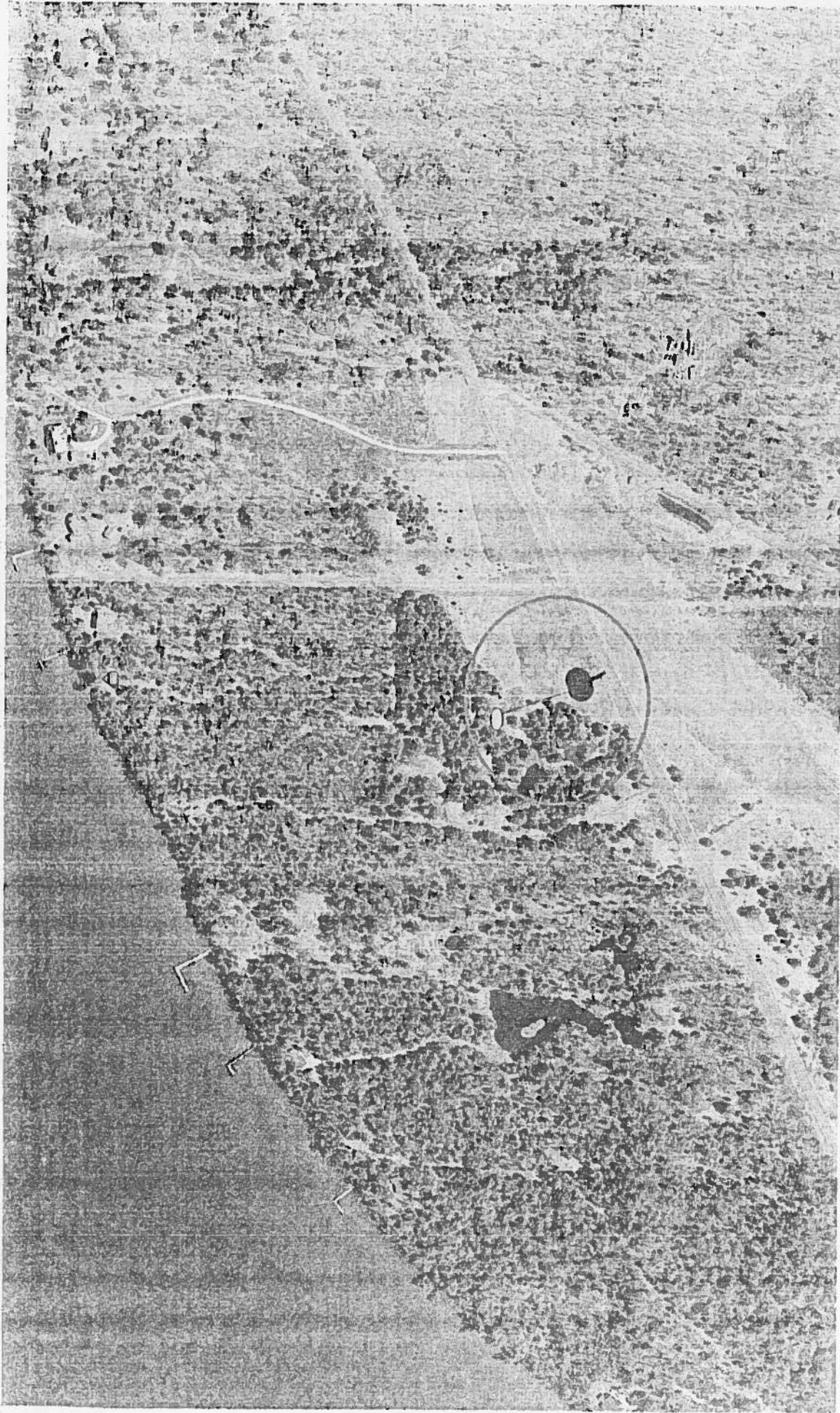
**REMIT TO: Town of La Pointe Zoning Administrator, PO Box 270, La Pointe, WI 54850**

Information related to Conditional Use Permits and process may be found in the Town of La Pointe Zoning Ordinance SECTION 7.0 CONDITIONAL USE

A copy of current Zoning Ordinance may be viewed and/or downloaded @

[www.townofla-pointe.wi.gov](http://www.townofla-pointe.wi.gov)

A hard copy may be purchase from the Town Hall during regular business hours.





TOWN OF LA POINTE  
MADELINE ISLAND

Planning & Zoning Department  
PHONE: 715-747-2707  
CELL: 715-209-0474

P.O. Box 270

LA POINTE, WISCONSIN 54850

EMAIL: [zoning@townoflapointewi.gov](mailto:zoning@townoflapointewi.gov)  
[www.townoflapointe.wi.gov](http://www.townoflapointe.wi.gov)

March 29<sup>th</sup>, 2022  
JOSHUA & JOANI MOBERG  
4254 LONGFELLOW AVE  
MINNEAPOLIS MN 55407

Dear Property Owner:

You are receiving this notice because your property lies within or near 300' of a Conditional Use Permit Application made by Marnie Myhre related to her property located at 900 Big Bay Rd.

**Parcel #: 014-00119-0100**

**Abbreviated Description:**

**Acres: 8.620**

**~~PART OF GOVT LOT 1 DESC V 707 PG 225 SEC. 21 T50N R3W 8.62A~~**

**CORRECTION NOTICE**

**Parcel #: 014-00119-0400**

**Abbreviated Description:**

**Acres: 7.450**

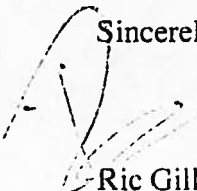
**PART OF GOVT LOT 4 DESC IN V 750 PG 242 SEC. 21 T50N R3W 7.45AS**

This application requests to have Yoga classes and Health related sessions/classes on the property.

This is considered a Home Occupation and as such requires a Conditional Use Permit in the shoreland overlay zone and is in the S-1 Zoning District.

Home Occupation is specifically listed as a Conditional Use in the Shoreland Overlay District. The Town Plan Commission has scheduled a Public Hearing on this matter at 5:00PM on Wednesday April 27<sup>th</sup>, 2022, at the Town Hall 240 Big Bay Road La Pointe WI. Should you not be able to attend and wish to make comment please feel free to contact the Zoning office by mail or email to have your concerns or support entered into record.

Sincerely,

  
Ric Gillman, Zoning  
Town of La Pointe  
CC: TPC - File



Corrected 3/29/22

**TOWN OF LA POINTE  
TOWN PLAN COMMISSION  
PUBLIC HEARING NOTICE**

Notice is hereby given that the Town Plan Commission of the Town of La Pointe will hold a public hearing on Wednesday, April 27<sup>th</sup>, 2022 @ 5:00PM, at the Town of La Pointe Town Hall, 240 Big Bay Road, La Pointe, WI 54850, to hear public comment regarding the following:

**Application for Conditional Use Permit**

**Owners; Kenneth and Margaret Myhre**

**Parcel #: 014-00119-0400**

**Abbreviated Description:**

**Acres: 7.45**

**PART OF GOVT LOT 4 DESC IN V 750 PG 242 SEC. 21 T50N R3W 7.45AS**

It is the request of the Applicant/Owner to have Yoga classes and Health related sessions/classes on the property. This is considered a Home Occupation and as such requires a Conditional Use Permit in the shoreland overlay zone and is in the S-1 Zoning District.

Home Occupation is specifically listed as a Conditional Use in the Shoreland Overlay District. Should you not be able to attend and wish to make comment please feel free to contact the Zoning office by mail or email to have your concerns or support entered into record.

**Suellen Soucek, Town Plan Commission Chair**

Note: It is possible that members of other governmental bodies of the municipality (and possibly a quorum) may attend this meeting to gather information. No action will be taken by any governmental body at this meeting other than the governmental body specifically referred to in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information please contact the Town Hall. 715-747-6913.

**Town of La Pointe Planning and Zoning Town Plan Commission**

**PUBLIC HEARING**

**Wednesday April 27, 2022 @ 5:00PM**

**Kenneth and Margaret Myhre  
Conditional Use Permit Application**

**Kenneth and Margaret Myhre have applied for a Conditional Use on property located at 900 Big Bay Road in the Town of La Pointe, WI. Parcel #014-00119-0400, zoned S-1 Shoreland Protection District. Abbreviated Description:**

**Acres: 7.45 acres**

**Part of Govt. Lot 4 Desc in V 750 PG 242 Sec. 21 T50N R3W 7.45 AS**

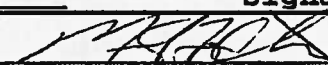

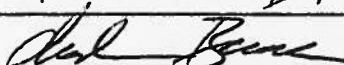
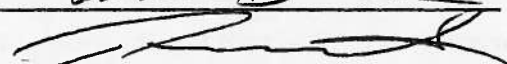

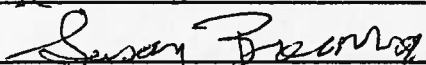
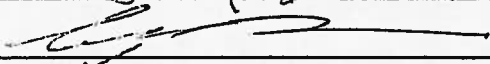
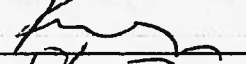
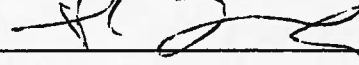

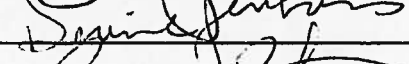
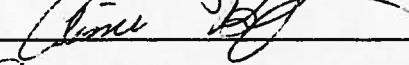
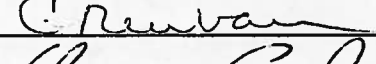
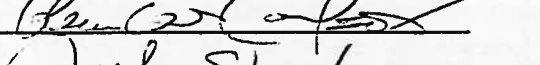
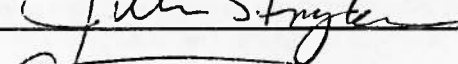

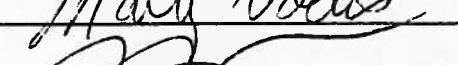
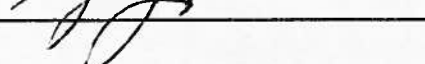
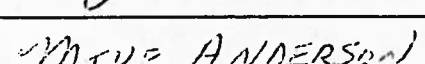
**The owner is seeking a Conditional Use to place a yurt for yoga sessions. This property is not under any current Conditional Use provisions.**

- I. Call to Order/Roll Call**
- II. Introduction and clarification of permit application**
- III. Zoning Administrator – Administrative procedures. Affidavits, postings, mailings, and publications**
- IV. Applicant Presentation**
- V. Public Comment**
- VI. Related Discussion**
- VII. Adjournment**

*Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town Clerk ([clerk@townoflapointewi.gov](mailto:clerk@townoflapointewi.gov) / 715-747-2005). Note: It is possible that members of other governmental bodies of the municipality (and possibly a quorum) will attend this meeting to gather information. No action will be taken by any governmental body at this meeting, other than by the governmental body specifically referred to in this notice.*

**La Pointe Town Plan Commission**  
**Public Hearing: Wednesday April 27, 2022**  
**Sign-In Sheet**

**Kindly Print Legibly**  
 Thank you for your time

Printed Name	Signature
MICHAEL CHICASAS	
MICHAEL SYRICK	
Cynthia Dazelle	CYNTHIA DAZELLE
Charles Brimmer	
Tim Lesmeister	
Rae Lesmeister	
Susan Branna	
ALEX NELSON	
Ilen Myhne	
Steve Lemicki	
Marnie S. Myr	
Diane Jenkins	
Aimee Baxter	
Carol Neubauer	
Glenn Carlson	
Julie Stryker	
CECILE SCHAMKE	
MARTY VADIS	
MARIE IRANAG	
SERI DEMOREST	
Mike Anderson	MIKE ANDERSON
Lily Rose	RILEY ROSE

Turn over if more space is needed, thanks!

Printed Name

Signature

Daniel Bartholomay

David Markward

ALAN GOMEZ

*[Handwritten signatures]*

**Town of La Pointe Planning and Zoning Town Plan Commission**

**PUBLIC HEARING**

**Wednesday April 27, 2022 @ 5:00PM**

**Kenneth and Margaret Myhre**

**Conditional Use Permit (CUP) Application**

*DRAFT MINUTES*

**Kenneth and Margaret Myhre have applied for a Conditional Use on property located at 900 Big Bay Road in the Town of La Pointe, WI. Parcel #014-00119-0400, zoned S-1 Shoreland Protection District. Abbreviated Description:**

**Acres: 7.45 acres**

**Part of Govt. Lot 4 Desc in V 750 PG 242 Sec. 21 T50N R3W 7.45 AS**

**The owner is seeking a Conditional Use to place a yurt for yoga sessions. This property is not under any current Conditional Use provisions.**

Members in attendance: Suellen Soucek, Chair; Mike Starck, Vice Chair; Samantha Dobson, Paul Wilharm and Jim Peters

Staff Present: Michael Kuchta, Town Administrator

Public Present: Michael Childers, Cynthia Dalzell, Charles Brummer, Tim Lesmeister, Rae Lesmeister, Susan Brenna, Alex Nelson, Ken Myhre, Steve Lennick, Marnie Myhre, Diane Jenkins, Aimée Baxter, Carol Neubauer, Glenn Carlson, Julie Stryker, Cedar Schimke, Marty Vadis, Marie Iannazzo, Seri Demorest, Mike Anderson, Riley Kaiser, Daniel Bartholomay, David Marquardt, Alan Gomez

**I. Call to Order/Roll Call**

Chair Soucek calls the meet to order at 5:00 pm. Roll call reflects members in attendance identified above.

**II. Introduction and clarification of permit application**

For the record Chair Soucek reads synopsis of Conditional Use Application addressed above.

**III. Zoning Administrator – Administrative procedures. Affidavits, postings, mailings, and publications**

Michael Kuchta, Town Administrator reviews receipt of application and feed, mailing, postings, notifications and publications. Also reports 14 letters of support and 1 in opposition.

**IV. Applicant Presentation**

Marnie gave a brief background of her profession. She handed out maps to show placement of the yurt and parking area stating she plans on minimal land disturbance. Marnie described the activities being done in this location as quiet, healing movement and meditation focusing on physical and mental health.

TB (5) TPC (5) Clerk (1) File (1) Email: Town Administrator; Accounting; Clerk; Office; La Pointe Shop

**V. Public Comment**

The following people spoke in support of Marnie: Cindy Dalzell, Rae Lesmeister, Marty Vadis, Marie Iannazzo, Michael Childers, Julie Stryker, Carol Neubauer, Steve Lennick and Diane Jenkins.

**VI. Related Discussion**

Cedar Schimke asked what happens to the CUP if the property changes hands. Michael Kuchta explained there can be conditions associated with a CUP and they could either stay with the land or expire with the transfer of property.

**VII. Adjournment**

Chair Soucek adjourns the meeting at 5:19 pm

Minutes taken from recording and submitted on 4/28/22 by Dorgene Goetsch, Clerical Assistant

Michael,

Attached please find a few comments to questions raised in your draft notes. Thanks for the opportunity to respond.

Best,  
Marnie and Ken

Initial:   K  

- The applicant's property is zoned S-1 Shoreland Protection District; part of the property is also in the S-0 Shoreland Overlay District. The proposed yurt would be considered an accessory structure and permitted in the S-1 District (though it would require a Land Use Permit).

We will apply for a land use permit once our conditional use permit is approved.

- The applicant distributed a map at the Public Hearing indicating the yurt would be sited approximately 375 feet from Big Bay Road, 1,225 feet from the Lake Superior shoreline, and 55 feet from the west property line. At this location, it would meet setback requirements for an accessory structure. This location also would be outside the Lake Superior Shoreland Overlay District, which extends 1,000 feet from Lake Superior. Ashland County GIS maps do not indicate that there are other navigable lakes, ponds or flowages that would come into play (though this should be verified). The location of the structure would have to meet the drainage requirements of Section 4.2.H.1.

There are no other ponds or flowages in the immediate area. We would plan to deal with all drainage requirements appropriately as required.

- The proposed yurt could be no larger than 25 percent of the principal dwelling. The applicant reports that the principal dwelling is approximately 2,338 square feet; that would allow an accessory structure of up to 585 square feet.

Yes, this will be adequate - we don't plan to exceed 585 square feet.

- The yurt would need to comply with the height limitation zoning map for Major Gilbert Field (TBD).

That shouldn't be a problem – the yurt will be shorter than the existing trees in the area, and Paul Wilharm has already reviewed the site and reported that this isn't an issue.

- Beyond the physical structure itself, the Town Plan Commission and Town Board need to assess how to classify the proposed yoga and health-related activities. If those activities are classified as a "home occupation" under the definitions of the zoning ordinance, they could be allowed as a conditional use anywhere on the parcel.

It seems that there is some concern about the number of people involved with the work at one time. "Home occupation" does not define the number of people involved with the work. Does it matter if 2 or 10 people are practicing yoga or meditation at one time? The noise level would not change as sessions are completed essentially in silence.

- If the proposed activities are classified as a "home business," as a commercial educational facility, as a recreational facility, or as a professional office, under the definitions of the Zoning

Ordinance, the use is not permitted within the Shoreland Overlay portion of this parcel. A "home business" could be a conditional use outside of the Shoreland Overlay portion of this parcel, including at the location suggested by the applicant. A commercial educational facility, a recreational facility, or a professional office would not be allowed anywhere on the parcel. (Note: there is no definition of "professional office" in the Zoning Ordinance.)

We're not interested in a commercial operation or any expansive use of the space. We simply want to offer yoga, tai chi, other movement sessions and private sessions on the property.

- If the activities are classified as a "home occupation," the project would require a minimum of one additional off-street parking space. If the activities are classified as a "home business," the project would require a minimum of two additional off-street parking spaces. The applicant has indicated plans to provide 4-6 additional off-street spaces; anything over 4 spaces would qualify as a "parking lot" under the definitions of the Zoning Ordinance. A parking lot is not allowed anywhere in the S-1 Shoreland Protection District. The exact location of the spaces and the final number of spaces will determine if landscaping is required (under Section 4.3.B.7).

We plan to keep the parking spaces to 4 or under in the field off Big Bay Road. In the rare occasion that we host a retreat we will offer to shuttle participants to restrict the number of vehicles on property.

- The applicant has indicated plans to provide portable sanitary services; these would have to meet the requirements of the Ashland County Sanitary and Private Sewage System Ordinance (under Section 4.2.H.3).

Yes, we plan to follow all necessary sanitation requirements.

#### **In Summary**

We propose a simple structure for the practice of yoga, meditation, movement practices and private sessions in an area zoned S-1. The town has enacted stricter zoning requirements to protect the integrity of our precious Lake Superior shoreline, as it should. My proposal does not impact that shoreline at all. Handouts were distributed at the public hearing explaining that we intend to have the structure sit approximately 1,225 feet back from the shoreline. This is in an existing field, across Big Bay Road from an existing industrial complex, the Madeline Island Airport and Town Garage. This section of our property is not in the shoreline overlay district so whether this request is classified a home occupation or a home business, both are allowed.

If the main purpose of these zoning regulations is to protect the lake we will be in complete compliance as we, too, so value the land and water of this island. If the regulations are to protect our neighbors, we are also in compliance as our neighbors have stood up and publicly supported this proposal. There is a need for this type of community activity as demonstrated by the incredible support offered at the time of the public meeting and by those that submitted supporting emails. The goal of this proposal is to promote the physical and spiritual health of our island community in a very limited enterprise.



## **SECTION 7.0 CONDITIONAL USES**

### **7.1 PURPOSE**

- A.** To divide the Town of La Pointe into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible and substantially uniform. Generally, two categories of land uses are allowed in each zoning district: Permitted Uses and Conditional Uses. A Permitted Use is allowed as a matter of right in all locations in a district as allowed in Section 3 of this Zoning Ordinance.
- B.** If an applicant for a Conditional Use Permit meets or agrees to meet all of the requirements and conditions specified in the Town's ordinance, the Town shall grant the Conditional Use Permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- C.** Once granted, a Conditional Use Permit shall remain in effect if the conditions upon which the permit was issued are followed. The Town Board may impose conditions such as the permits duration, transfer, renewal, or any other conditions specified in the zoning ordinance or by the Town Plan Commission.
- D.** Standards for approval:

When applying the standards of this Section the Town Plan Commission and Town Board shall bear in mind the statement of purpose for the zoning district such that the proposed Conditional Use does not defeat the purposes and objective of the zoning district. The Town Plan Commission and Town Board shall consider the overall effect of such grant of Conditional Use on the health, general welfare, safety, and economic prosperity of the town and the immediate area in which such use would be located, including the following, without limitation because of specific enumeration:

- 1. Established character and quality of the area. The uses, values, and owner enjoyment of other property in the neighborhood for purposes already permitted shall in no foreseeable manner be substantially impaired or diminished by the establishment, maintenance, or operation of the Conditional Use.
- 2. Its physical appearance and compatibility with the use of adjacent land.
- 3. Existing topography.
- 4. Drainage conditions.
- 5. Erosion
- 6. Vegetative cover.
- 7. The prevention and control of water pollution including sedimentation.

8. The use may not violate floodplain regulations governing the site.
9. **Traffic Movement:** Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public or private roads.
10. The production of hazardous, harmful, noxious, offensive or nuisance effects resulting from the requested use.

### **7.2 Conditional Use Permit**

The following procedure shall be followed where a new Conditional Use Permit (CUP) is sought or where the holder of an existing Conditional Use Permit seeks modification of the existing Conditional Use Permit. Modification shall include any amendment, revision, expansion, or any change to the existing Conditional Use Permit.

The requirements and conditions described in SECTION 7.1 (D), must be reasonable and to the extent practical, measurable and may include conditions such as a permit's duration, transfer or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the Town related to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Town Plan Commissions decision to recommend approval or denial of the permit must be supported by substantial evidence.

- A. Applications for a Conditional Use Permit shall be made on application forms approved by the Town Plan Commission.
- B. The application fee, established by the Town Board in the Town Fee Schedule, shall be paid at the time the application is filed and shall not be refundable unless the application is withdrawn prior to consideration by the Town Plan Commission. Any expense incurred by the Town for publishing notices prior to the withdrawal of the application will be deducted from the refund. Applications originated by the Town shall be exempt from the application fee.
- C. Applications and supporting documents shall be submitted in twelve (12) copies to the Zoning Administrator, who shall receive the application and conduct a review and research of the application and documents. Within ten (10) days after the Zoning Administrator's receipt of the application, the Zoning Administrator shall deliver the application and related materials to the Town Plan Commission for its review and consideration. The Zoning Administrator shall make a preliminary inspection of the property to confirm the accuracy of the application and identify potential issues or considerations. The Town Plan Commission and/or Zoning Administrator may require the applicant to submit other pertinent data and information they deem necessary to properly evaluate the request. Such information may include, without limitation because of specific enumeration:
  1. A plan of the area showing contours, soil types, wetlands, ordinary high-water mark, groundwater conditions, bedrock, slope and vegetative cover.

2. A survey prepared by the owner(s) or a registered land surveyor showing existing and proposed development, location of buildings, structures, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping, and dimensional requirements.
3. Sewage disposal facilities, water supply systems and arrangements of operations thereof.
4. Specifications for areas of proposed filling, grading and lagooning.
5. Building plans, including floor plans and exterior designs or elevations.
6. Development schedule indicating the appropriate date when construction can be expected to begin and be completed, including initiation and completion dates of separate stages of a phased development.

**D.** The Town Plan Commission shall establish a date for a Public Hearing on the application to be held within thirty (30) days of receipt of the completed application and related documents. A Class 2 notice under Chapter 985 Wisconsin Statutes shall be published in the Ashland Daily Press once per week for two (2) consecutive weeks with the last insertion occurring at least seven (7) days prior to the Public Hearing. Notice of the Public Hearing shall be mailed by 1<sup>st</sup> class mail at least ten (10) days before the Public Hearing to all owners of record of lots or parcels within three hundred (300) feet of the property, except as may be extended or expanded otherwise at the discretion of the Zoning Administrator and/or the Town Plan Commission. If the property is within one thousand (1,000) feet from Lake Superior, the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator shall be mailed a notice. Notice shall also be posted at the posting locations designated by the Town Board at least ten (10) days prior to the Public Hearing. A copy of the application and relevant documents shall be kept by the Zoning Administrator in the Zoning Office for public inspection.

**E.** The public hearing shall be a joint hearing of the Town Plan Commission and Town Board with a quorum of voting Members in attendance.

**F.** All members of the Town Plan Commission and Town Board shall make every effort to personally inspect the proposed site before the Public Hearing on the matter.

**G.** Unless the applicant waives the right to timely action in writing, within thirty (30) days of the Public Hearing, the Town Plan Commission shall meet to consider the application and make a recommendation to approve or deny to the Town Board. Section 10.2(A) (1 through 3) shall apply to Members of the Commission when making a recommendation. The recommendation shall be in the form of a motion approved by a majority of the Town Plan Commission members. No Commissioner may vote on the application without having

attended the Public Hearing or having submitted a signed affidavit stating that they listened to the recording of the Public Hearing. If the recommendation is for approval, the motion shall include any terms or conditions recommended to be included in the Conditional Use Permit. These conditions may address the site plan, timetable of development, operation of the proposed use, surety requirements for performance of required activities, or other considerations relevant to applicable standards. The decision of the Town Plan Commission shall be recorded in the minutes and shall be specifically related to the standards of this chapter and/or of documents related to this chapter.

- H.** Within five (5) days after the Town Plan Commission decides to recommend approval or denial of a Conditional Use Permit, the Commission shall provide notice by personal delivery or by first class mail to the applicant, all owners of record of lots or parcels within three hundred (300) feet of the property and each objector of record and shall post the recommendation at the designated Town posting sites. The Zoning Administrator shall forward a copy of all records associated with the recommendation to the Town Board of Supervisors.
- I.** Within twenty-one (21) days of its receipt of notice that the Town Plan Commission has made a recommendation, the Town Board of Supervisors shall act on the recommendation of the Town Plan Commission. No Town Board Supervisor may vote on the application without having attended the public hearing or having submitted a signed affidavit stating that they listened to a recording of the public hearing. Section 10.2(A) (1 through 3) shall apply to Members of the Board when deciding a conditional use permit. After review of the application, recommendation, and file, the Town Board will consider the recommendation under the standards established in this chapter and may approve, approve with modification, or deny the recommendation of the Town Plan Commission. The decision of the Town Board shall be recorded in the minutes and shall be specifically related to the standards of this chapter or of documents related to this chapter.
- J.** Within five (5) days of the decision by the Town Board, the Town Clerk shall provide notice by personal service or by first class mail to the applicant, objectors of record, and owners of lots or parcels within three hundred (300) feet of the decision and conditions included therein and shall post the decision at the designated Town posting sites. If the Town Board approves the issuance of a Conditional Use Permit, the Town Clerk shall draft a conditional use permit which sets forth each of the conditions approved by the Town Board. The permit is to be signed by the Town Chair and Town Clerk, with acknowledgement of the conditions placed on the property signed by the applicant. After thirty (30) days following the Town Board's decision to issue a conditional use permit, the Town Clerk shall issue the permit. The thirty (30) day period for issuance of the Conditional Use Permit may be shortened or waived at the Town Board's discretion. All conditions set forth in the conditional use permit shall be binding upon the property.
- K.** Where the Town Board has approved or conditionally approved an application for a conditional use, such approval shall automatically become null and void

within twelve (12) months of the date of the issuance of the Conditional Use Permit unless the use is commenced, construction is underway, or the current owner possesses a valid Land Use Permit for each building and/or structure contemplated. Construction under such Land Use Permit(s) shall be commenced within six (6) months of issuance and shall be substantially complete upon permit expiration. If a timetable of developments is approved as a condition under paragraph (F) of this Section, only those uses, buildings, and/or structures contemplated within this twelve (12) month time shall be required. Upon timely application and for justifiable cause, the Town Plan Commission may grant a specific extension of this twelve (12) month period.

- L.** When a Conditional Use is discontinued for twelve (12) consecutive months, the Conditional Use Permit shall be rendered void and any future use shall conform to this Ordinance. Upon timely application prior to the expiration of this twelve (12) month period and for good cause, the Town Plan Commission may grant a specific extension of this twelve (12) month period.
- M.** A Conditional Use Permit application that has been denied by The Town Board shall not be accepted for re-submittal unless there has been a significant change in the proposed use or relevant conditions as determined by the Town Plan Commission.
- N.** The decision of the Town Board to approve or deny a Conditional Use Permit is reviewable only by certiorari by the circuit court.

## **Myhre CUP Application: Relevant Language in Zoning Ordinance**

### **SECTION 1.2 INTERPRETATION**

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted regulations, ordinances, or private covenants, the most restrictive, or that imposing the higher standards, shall govern.

### **SECTION 2.0 DEFINITIONS**

For this Ordinance certain terms or words herein shall be interpreted or defined as follows:

- Words used in the present tense include the future tense.
- The singular includes the plural.
- The word "person" includes an individual, all partnerships, associations, and bodies, political and corporate.
- The word "lot" includes the word "plot" or "parcel".
- The term "shall" is always mandatory.
- The word "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged or designed to be used or occupied".
- Undefined terms shall be given their plain, ordinary meaning according to the dictionary.
- A document is considered filed when it has been received and stamped by one of the following: Town Clerk, Zoning Administrator, Administrative Assistant, or Clerical Assistant. This date is when the ten/thirty (10/30) day time limit begins and it is counted as day one. In counting a ten (10) day limit under this Ordinance weekends or holidays are not included and in counting a thirty (30) day time limit all days are counted.

#### **(2) ACCESSORY STRUCTURE:**

A detached subordinate structure is one that is clearly incidental to and customarily found in connection with the principal structure or use to which it is related. If attached to the principal building shall be considered a part of the principal building. It shall conform to the setback and other dimensional requirements of the district within which it is located. All other accessory structures shall also conform to the setback requirements of the principal building in the district within which it is located.

#### **(17) CONDITIONAL USE PERMIT:**

A use allowed under a conditional use permit, a special exception or other Zoning permission issued by a county or Township but does not include a variance.

#### **(23) EDUCATIONAL FACILITY, COMMERCIAL:**

A school limited to special instruction such as business, art, music, trades, handicraft, dancing, or riding.

**(34) HOME BUSINESS:**

A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence in a manner that meets the requirements of Section 6.4.C of this Ordinance.

**(35) HOME OCCUPATION:**

The secondary and incidental use of a dwelling or accessory structure by a person residing in the dwelling to produce goods and services with limited visits by customers and vehicles and limited activities outside of the dwelling or accessory structure in a manner that meets the requirements of Section 6.4.B

**(59) PARKING LOT:**

A structure or premises containing five or more parking spaces open to the public.

**(60) PARKING SPACE:**

Each off-street parking space, whether inside or outside, shall be not less than nine (9) feet wide, not less than eighteen (18) feet long, not less than one hundred and sixty-two (162) square feet in area, and be so located and situated to not block any on-street parking.

**(63) RECREATIONAL FACILITY:**

A public or private facility for recreation.

**3.8 S - 1 SHORELAND PROTECTION DISTRICT**

This district is intended to provide for development along the shoreline in a manner that will not deplete or destroy the character of shoreline resources. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

The Town of Lapointe Ordinance related to shorelands is more restrictive than Ashland County Shoreland Protection Ordinance. The Town of La Pointe Ordinance continues in all respects to the extent of greater restrictions but not otherwise.

**A. Permitted Uses**

1. Accessory Dwelling (1 only)
2. Accessory Dwelling, Rental of
3. Accessory Structure
4. Agricultural Crop Farming (outside the Shoreland Overlay District)
5. Dwelling, Single Family (1 only)
6. Dwelling, Single Family Rental of
7. Forest Crops and Products (outside the Shoreland Overlay District)
8. Home Occupation (outside the Shoreland Overlay District)
9. Home Office/Studio
10. Land Disturbing Activity
11. Road Access
12. Road/Driveway Extension

**B. Conditional uses**

1. Agricultural Crop Farming (within Shoreland Overlay District)

2. Agricultural Crops and Products
3. Cemetery
4. Fish Hatchery
5. Forest Crops and Products (within Shoreland Overlay District)
6. Game Preserve
7. Greenhouse Commercial
8. Home Business (outside Shoreland Overlay District)
9. Home Occupation (within Shoreland Overlay District)
10. Livestock Production/Products
11. Park/Campground, Municipal
12. Planned Unit Residential Development (See Notes 1 & 2)
13. Public Service Utility
14. Public Utility
15. Wind Generator, Telecommunication and Radio Tower, Solar Collector over thirty-five feet (35') high

***Note 1: Required lot size for Planned Unit Residential Developments shall be the number of residential units' times the Minimum Required Lot Area. Minimum lot width shall be the number of residential units' times the minimum lot width for the Zone specified in the Zoning Schedule-Lot Dimensional Requirements.***

***Note 2: Planned Unit Residential Developments are allowed only in the interior of the island as described in Section 6.1.D.***

### **3.11 S - 0 SHORELAND OVERLAY DISTRICT**

This district provides for the protection of waters and shorelands, and for safe and orderly shoreland development in the Town of La Pointe. The intent is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and uses, and to preserve shore cover and natural beauty. The district includes all lands of the township within the following distance from the ordinary high-water elevation of navigable water; one thousand (1,000) feet from a lake, pond, or flowage, and three hundred (300) feet from a river or stream or to the landward side of a flood plain whichever distance is greater. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

#### **A. Permitted Uses**

1. Any use permitted in the underlying districts, subject to the Ashland County Shoreland Protection Ordinance.
2. Any accessory use permitted in the underlying districts, subject to the Ashland County Shoreland Protection Ordinance.
3. Accessory Dwelling (1 only) subject to minimum lot size requirements of Ashland County Shoreland Protection Ordinance.



**B. Conditional Uses**

1. Any conditional use authorized in the underlying districts subject to the Ashland County Shoreland Protection Ordinance.
2. Public Utility

**6.4 USE OF RESIDENTIAL DWELLINGS AND PROPERTY FOR OCCUPATIONAL OR BUSINESS USES**

**A. A Home Office/Studio is an authorized use without a permit in all districts except WP only in accordance with the following criteria:**

1. All activities must be conducted entirely within the primary residential dwelling and carried out only by persons residing therein and no others.
2. There shall be no retail, wholesale, or other business activities that require visits from the public.
3. There shall be no storage of goods, products, inventories of raw materials, animals, or vehicles or equipment dedicated to the enterprise stored or used outside of the primary residential dwelling.
4. There shall be no use of machinery, tools, or appliances that make excessive noise, dust, odors, or exhaust.
5. There shall be no on or off-premises advertising signs.
6. The area dedicated to this use shall not exceed twenty-five percent (25%) of the area of the dwelling.

**B. A Home Occupation is an authorized use in districts specified in Section 3 that meet the following criteria:**

1. All activities at the site must be conducted entirely within the principal dwelling or in one accessory building not larger than twenty-five percent (25%) of the principal dwelling.
2. Business activities may be carried out by persons residing in the dwelling or by no more than one other person employed by the resident(s) of the dwelling.
3. There shall be no retail or wholesale of products or displays of products except for those products or services that are actually produced at the site.
4. There shall be no outdoor storage or display of products, materials, equipment, or machinery associated with the home occupation except that there may be one vehicle bearing the business insignia and one trailer used in conjunction with the enterprise stored outside provided they are screened from the right-of-way and

neighboring properties. Any such vehicle or trailer must be licensed, operable, and routinely used during the activities of the enterprise.

5. One off-street parking spot will be provided for an employee or visitors.
6. Only one on-premises advertising sign, not illuminated and not to exceed twelve (12) square feet in area, shall be permitted. The sign may be in the lot setback, but not the right of way, provided it does not interfere with passage, or obstruct the view of vehicles or pedestrians.
7. No machinery, tools, or appliances shall be used that cause excessive noise, dust, odors, or exhaust.
8. Sanitary facilities shall be provided in accordance with county and state requirements.
9. A Conditional Use Permit is required for any exception to these requirements.

**C. A Home Business is an authorized use in districts specified in Section 3 that meets the following criteria:**

1. The Home Business may occupy twenty five percent (25%) of the principal dwelling and/or one accessory building.
2. The Home Business may employ up to five (5) employees who may work on or off the site.
3. No retail or wholesale products may be sold on the site except those products and services that are actually produced on the site.
4. There shall be no outdoor display of products.
5. Only one on premise advertising sign, not illuminated and not to exceed twelve (12) square feet in area, shall be permitted. The sign may be in the lot setback, but not in the right of way, provided it does not interfere with the passage of vehicles or pedestrians.
6. Activities shall not include any machinery, tools, appliances, or equipment that make excessive noise, dust, odors, or exhaust, nor shall they include any vehicle or heavy machinery repair or spray-painting services.
7. Outdoor storage of products, materials, equipment, or machinery is permitted if the storage areas are fenced, vegetative screening is provided, or provided with a landscape buffer of trees so that the storage is not visible from rights-of-way or neighboring properties.

8. Licensed and operable vehicles and trailers related to the business activity may be parked or stored on-site provided no more than one such vehicle and trailer is visible from the right-of-way or neighboring property.
9. Off-street parking must be provided for all employees and visitors, per Section 4.3.B.
10. Sanitary facilities shall be provided in accordance with county and state requirements
11. A Conditional Use Permit is required for any exception to these requirements.

### **4.3 SUPPLEMENTARY REGULATIONS**

#### **A. Airport Safety Zones**

Except for field crops and fences under five (5) feet high, the maximum height of any object located within five hundred (500) feet of either side of the centerline of a landing strip and extended to two (2) miles from the end of the runway shall be no higher than one one-hundredth (1/100) of the distance of the object to the landing strip. Refer to the Height Limitation Zoning Map for Madeline Island Airport.

#### **B. Off-Street Parking**

Any building hereafter erected, or converted to commercial use, or placed on a lot, or added onto in such way as to increase the square footage of usable floor space, shall provide off-street parking spaces specific to its use and in the manner and number described below.

3. The number of off-street parking spaces required for non-residential uses is shown in the following table:

<b><u>USE</u></b>	<b><u>MINIMUM PARKING REQUIRED</u></b>
Commercial Entertainment or Recreational Facility	One space for each two hundred fifty (250) square feet of building footprint plus one space for every five thousand (5,000) square feet of outdoor recreation area
Educational Facility, Commercial	One space per teacher, three (3) staff members, and aide
Home Business	two (2) spaces in addition to residential parking requirements
Home Occupation	One space in addition to residential parking requirements

7/2(5), CLERK ACCOUNTING, OFFICE, 10/11/22, TA

# NORTHLAND COLLEGE

Center for Rural Communities

## Town of LaPointe Comprehensive Plan Development Agreement for Services

This Agreement for Services (herein referred to as the "Agreement") is entered into this 10th day of May 2022, between:

Center for Rural Communities / Northland College  
1411 Ellis Ave, Ashland WI 54806  
and

Town of LaPointe, P.O. Box 270, 240 Big Bay Rd, LaPointe, WI 54850

The Center for Rural Communities at Northland College (herein referred to as the "Center") and the Town of LaPointe (herein referred to as the "Town") agree to the following terms and provisions.

1. **Term of Agreement:** This Agreement shall commence on May 10, 2022, and continue through April 21, 2023.
2. **Background:** In 2022, the Town approached the Center to complete an action-oriented comprehensive plan for the Town of LaPointe.
3. **Project scope and implementation:** This Agreement will formalize the relationship between the Center and Town to complete a 20-year Comprehensive Plan for the Town of LaPointe. Center staff will work with Northland students (through an internship, work study position, course work, and/or a hired research assistant position) to:
  - a) finalize and create an online community survey for Summer 2022 distribution using the Center's Qualtrics software (by May 31, 2022);
  - b) facilitate up to three community focus groups in Summer 2022 (June, July, and August), after agreement with the Comprehensive Plan Steering Committee on audience, goals and methods;
  - c) conduct a visual survey of the downtown area;
  - d) analyze data gathered from observations, secondary sources, community survey, and focus group meetings (Aug.-Sept. 2022);
  - e) work with community leadership to establish a set of goals (strategies and measurable outcomes) for the Plan (August 2022);
  - f) develop a draft Plan for Town feedback (by Dec. 15, 2022), revise the draft as necessary based on responses from the Town Plan Commission and required public hearing;
  - g) write, design, and print a final version of the LaPointe Comprehensive Plan that is no more than 30 pages (by April 21, 2023); and
  - h) provide monthly written feedback on the process to the Comprehensive Planning Steering Committee, and meet with the Committee as appropriate.

- The Town will:
- a) provide all pertinent non-survey community data and past planning documents for the analysis;



# NORTHLAND COLLEGE

## Center for Rural Communities

- b) provide all necessary communications with the community regarding the survey and focus group opportunities, including fliers, mailings, and related costs; and
- c) meet with the Center when necessary to steer the process and ensure a timely completion of the Plan.
4. **Compensation:** On behalf of the Center, Northland will invoice the Town on a quarterly basis (in June, Sept., Dec., and March) for reimbursement of costs not to exceed \$21,797.75. These costs include ferry and transportation expenses.
5. **Indemnification:** Each party shall be responsible for its negligent acts or omissions and the negligent acts or omissions of its employees, officers, or directors, to the extent allowed by law.
6. **Independent contractor:** The Center is an independent contractor for all purposes, including providing fringe benefits to its employees, and is not an agent of the Town. The Town agrees it will exercise no control over the selection or dismissal of Center employees.
7. **Termination:** Each party may terminate its participation in this Agreement without cause with thirty days written notice to the other party. Payments received prior to this 30-day period and scheduled to be received within the period will not be returned.
8. **Changes in the Agreement terms:** The conduct, representation, or statement of either party, by act or omission, shall not be construed as a material alteration of this Agreement until such provision is committed in writing and executed by both parties as an addendum to this Agreement.
9. **Administrative contacts:**
- |                                    |   |
|------------------------------------|---|
| Michael Kuchta                     | Lisa Williamson                         |
| Administrator                      | Director of Grants and Sponsored Awards |
| Town of LaPointe                   | Northland College                       |
| P.O. Box 270                       | 1411 Ellis Ave                          |
| LaPointe WI 54850                  | Ashland WI 54806                        |
| 715/747-6914                       | 715/682-1678                            |
| administrator@townoflapointewi.gov | lwilliamson@northland.edu               |

It is further understood that both parties have read the terms and provisions of this Agreement and have agreed to abide by them.

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Sherri Venero, Chief Business Officer, Northland College

Date

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Michael Kuchta, Administrator, Town of La Pointe

Date



## FollowUp Form

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### *Organization & Project Information*

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#### **Project Name**

Name of Project.

La Pointe Comprehensive Plan Community Engagement

#### **Amount Awarded**

\$5,000.00

#### **Organization Status**

Please select the status that best describes the organization applying.

170(c)1 (i.e., governmental organization)

### *Contingency (if applicable)*

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#### **Contingency**

### *Terms & Conditions*

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Please submit this grant agreement within 30 days of the grant award notification.

#### **GRANT TERMS**

The undersigned hereby agrees to the following grant conditions:

1. To use the funds only for the designated purpose as described in the grant application and subsequent grant notification letter; to notify the Duluth Superior Area Community Foundation of and obtain its consent to any substantial deviation from said grant application, to use the grant in accordance with current and applicable laws and pursuant to the Internal Revenue Code, as amended, and the regulations issued there under; and to not use the funds for any purpose prohibited by law.
2. To maintain its books and records to show, and separately account for, the funds received under this grant, and to maintain records of expenditures adequate to identify the purposes for which, and manner in which, grant funds have been expended. Expenses charged against this grant may not be incurred prior to the date the grant period begins or subsequent to its termination date. The grantee will return any unexpended funds to the Foundation at the close of the grant period.
3. To ensure the grant funds are not used to commit, advocate, facilitate or participate in terrorist acts, to influence legislation, to influence the outcome of any public election, or to carry on a voter registration drive.
4. To permit the Duluth Superior Area Community Foundation, at its request, to have reasonable access to the grantee's files and records for the purpose of making such financial audits, verifications, and investigations as it

deems necessary concerning the grant, and to maintain such files and records for a period of at least four years after completion or termination of the project.

5. To return to the Duluth Superior Area Community Foundation any unexpended funds or any portion of the grant which is not used for the purposes specified herein.

6. To recognize the Apostle Islands Area Community Fund <http://r20.rs6.net/tn.jsp?f=001XKZixXSwD-cg-vHNBq4oKM-Q7VK5Li6knPA6mK94nuTmmvlu7mdEvs4gH3p7IbmAM5Idn99bXzxp0pfXxzFivEN08EZRRLRqgdpmndfwVODhiP5z7R4zzvxAKW0jK8HkCzaHa8Z2HOY-Fs5Y4Cvqp2TgRQk2Sefd82MGGuWwZUcMI2bJg0k0C3ZWZsggrqDvWDaLEn8I WBL7kupBPDaDCu8yEXeeSISb6OaYOcJziOxuu9i1ITWQZM9-1nlr&c=FZ5Az4pnznBbelXESnwvp6L4vigJclhAMCXDqvX-MI70rUayXsOhUA==&ch=RovQSbXD2RNcQ-vTVBcvS3xUwBTntVldKy0nJiflxb3nClI8frCetg==> of the Duluth Superior Area Community Foundation in all publicity materials related to the funded project or program, as specified in the grant notification letter.

7. To permit the Duluth Superior Area Community Foundation to use photographs, news clippings, social media, and interview content resulting from the grant to promote the grant, the work of the Foundation, or to facilitate related philanthropic fundraising efforts.

8. To submit the Grant Story, including all requested materials, by 60 days after the project end date.

**ACCEPTANCE OF TERMS & CONDITIONS\***

This grant is conditional upon Grantee’s acceptance of the terms and conditions set forth herein. By selecting the “I Accept Grant Terms and Conditions” below, Grantee agrees to accept and comply with the stated terms and conditions of this grant.

I Accept Grant Terms and Conditions

**AUTHORIZED SIGNATURE**

By typing in your Name, Title, and Date in the spaces below, you confirm that you are authorized to make legal contracts for the Grantee and that you agree to enter into this agreement by electronic means.

**Name\***

Michael Kuchta

**Title\***

Town Administrator

**Date\***

05/11/2022

## FollowUp Form

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### ***Organization & Project Information***

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#### **Project Name**

Name of Project.

La Pointe Comprehensive Plan Community Engagement

#### **Amount Awarded**

\$1,000.00

#### **Organization Status**

Please select the status that best describes the organization applying.

170(c)1 (i.e., governmental organization)

### ***Contingency (if applicable)***

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#### **Contingency**

### ***Terms & Conditions***

---

Please submit this grant agreement within 30 days of the grant award notification.

#### **GRANT TERMS**

The undersigned hereby agrees to the following grant conditions:

1. To use the funds only for the designated purpose as described in the grant application and subsequent grant notification letter; to notify the Duluth Superior Area Community Foundation of and obtain its consent to any substantial deviation from said grant application, to use the grant in accordance with current and applicable laws and pursuant to the Internal Revenue Code, as amended, and the regulations issued there under; and to not use the funds for any purpose prohibited by law.
2. To maintain its books and records to show, and separately account for, the funds received under this grant, and to maintain records of expenditures adequate to identify the purposes for which, and manner in which, grant funds have been expended. Expenses charged against this grant may not be incurred prior to the date the grant period begins or subsequent to its termination date. The grantee will return any unexpended funds to the Foundation at the close of the grant period.
3. To ensure the grant funds are not used to commit, advocate, facilitate or participate in terrorist acts, to influence legislation, to influence the outcome of any public election, or to carry on a voter registration drive.
4. To permit the Duluth Superior Area Community Foundation, at its request, to have reasonable access to the grantee's files and records for the purpose of making such financial audits, verifications, and investigations as it



deems necessary concerning the grant, and to maintain such files and records for a period of at least four years after completion or termination of the project.

5. To return to the Duluth Superior Area Community Foundation any unexpended funds or any portion of the grant which is not used for the purposes specified herein.

6. To recognize the Michael Madeline Island Fund of the Duluth Superior Area Community Foundation in all publicity materials related to the funded project or program, as specified in the grant notification letter.

7. To permit the Duluth Superior Area Community Foundation to use photographs, news clippings, social media, and interview content resulting from the grant to promote the grant, the work of the Foundation, or to facilitate related philanthropic fundraising efforts.

8. To submit the Grant Story, including all requested materials, by 60 days after the project end date.

**ACCEPTANCE OF TERMS & CONDITIONS\***

This grant is conditional upon Grantee's acceptance of the terms and conditions set forth herein. By selecting the "I Accept Grant Terms and Conditions" below, Grantee agrees to accept and comply with the stated terms and conditions of this grant.

I Accept Grant Terms and Conditions

**AUTHORIZED SIGNATURE**

By typing in your Name, Title, and Date in the spaces below, you confirm that you are authorized to make legal contracts for the Grantee and that you agree to enter into this agreement by electronic means.

**Name\***

Michael Kuchta

**Title\***

Town Administrator

**Date\***

05/11/2022

## FollowUp Form

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### *Organization & Project Information*

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#### **Project Name**

Name of Project.

Madeline Island La Pointe AHAC

#### **Amount Awarded**

\$4,500.00

#### **Organization Status**

Please select the status that best describes the organization applying.

170(c)1 (i.e., governmental organization)

### *Contingency (if applicable)*

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#### **Contingency**

### *Terms & Conditions*

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Please submit this grant agreement within 30 days of the grant award notification.

#### **GRANT TERMS**

The undersigned hereby agrees to the following grant conditions:

1. To use the funds only for the designated purpose as described in the grant application and subsequent grant notification letter; to notify the Duluth Superior Area Community Foundation of and obtain its consent to any substantial deviation from said grant application, to use the grant in accordance with current and applicable laws and pursuant to the Internal Revenue Code, as amended, and the regulations issued there under; and to not use the funds for any purpose prohibited by law.
2. To maintain its books and records to show, and separately account for, the funds received under this grant, and to maintain records of expenditures adequate to identify the purposes for which, and manner in which, grant funds have been expended. Expenses charged against this grant may not be incurred prior to the date the grant period begins or subsequent to its termination date. The grantee will return any unexpended funds to the Foundation at the close of the grant period.
3. To ensure the grant funds are not used to commit, advocate, facilitate or participate in terrorist acts, to influence legislation, to influence the outcome of any public election, or to carry on a voter registration drive.
4. To permit the Duluth Superior Area Community Foundation, at its request, to have reasonable access to the grantee's files and records for the purpose of making such financial audits, verifications, and investigations as it

deems necessary concerning the grant, and to maintain such files and records for a period of at least four years after completion or termination of the project.

5. To return to the Duluth Superior Area Community Foundation any unexpended funds or any portion of the grant which is not used for the purposes specified herein.

6. To recognize the Apostle Islands Area Community Fund <http://r20.rs6.net/tn.jsp?f=001XKZixXSwd-cg-vHNBq4oKM-Q7VK5Lj6knPA6mK94nuTmmvlu7mdEvs4gH3p7jbmAM5Idn99bXzxp0pfXxzFiyEN08EZRRlrqgdpmndfwVOdhiP5z7R4zzvxAkW0jK8HkCzaHa8Z2HOY-Fs5Y4Cvqp2TgRQk2Sefd82MGGuWwZUcMI2bJg0k0C3ZWZsgqrqDvWDaLEn8l WBL7kupBPDaDCu8yEXeeSllSb6OaY OczlOxuu9i1ITWQZM9-1nlr&c=FZ5Az4pnznBbelXESnwvp6L4vigJclhAMCXDqvX-MI70rUayXsOhUA==&ch=RovQSbXD2RNcQ-vTVBcyS3xUwBTntVldKy0nJflbx3nClI8frCetg==> of the Duluth Superior Area Community Foundation in all publicity materials related to the funded project or program, as specified in the grant notification letter.

7. To permit the Duluth Superior Area Community Foundation to use photographs, news clippings, social media, and interview content resulting from the grant to promote the grant, the work of the Foundation, or to facilitate related philanthropic fundraising efforts.

8. To submit the Grant Story, including all requested materials, by 60 days after the project end date.

**ACCEPTANCE OF TERMS & CONDITIONS\***

This grant is conditional upon Grantee’s acceptance of the terms and conditions set forth herein. By selecting the “I Accept Grant Terms and Conditions” below, Grantee agrees to accept and comply with the stated terms and conditions of this grant.

**I Accept Grant Terms and Conditions**

**AUTHORIZED SIGNATURE**

By typing in your Name, Title, and Date in the spaces below, you confirm that you are authorized to make legal contracts for the Grantee and that you agree to enter into this agreement by electronic means.

**Name\***

Katie Sanders

**Title\***

Affordable Housing Advisory Committee, Twon of LaPointe

**Date\***

05/02/2022

TB(5), MICHAELA, BARB, DORGENE, CAROL, PUBLIC, MK

## MEMO

To: Town Board  
From: Michael Kuchta, Town Administrator  
Re: Amendment of Town Ordinance Chapter 40  
May 10, 2022

---

Treasurer Carol Neubauer recommends revising Town Ordinance Chapter 40, Article IV, Section 40-10, regarding room accommodations tax, to align with current state statute. The resolution to carry out the amendment is attached; here is a comparison of the new and outgoing language.

### Revised:

**SS 40-10 Tax imposed; distribution.** [Amended \_\_\_\_ by \_\_\_\_]

Pursuant to SS 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing of retail rooms, lodging or site to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at a rate of 6.5% of gross receipts from such retail furnishing of rooms, lodging or sites. Such tax shall not be subject to the selective sales tax imposed by SS 77.52(2)(a)1, Wis. Stats. The proceeds of the tax shall be apportioned 30% to the Town of La Pointe. The remaining 70% of tax collected will be forwarded to the Madeline Island Chamber of Commerce, an organization in the community for advertising and promotion of hospitality and tourist business. The sum paid to such organization shall not exceed the maximum provided by statute. The 70% of the funds apportioned to the Madeline Island Chamber Commerce shall be due and payable within 60 days of the end of each calendar quarter.

### Comparison with current:

#### Deletions

#### Additions

**SS 40-10 Tax imposed; distribution.** [~~Amended 8-26-2014 by Ord. No. 2014-05~~]

Pursuant to § 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing at of retail rooms, lodging or sites to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of 6.5% of the gross receipts from such retail furnishing of rooms, lodging or sites. Such tax shall not be subject to the selective sales tax imposed by § 77.52(2)(a)1, Wis. Stats. The proceeds of the ~~first 5% of such tax collected~~ shall be apportioned ~~40%~~ 30% to the Town of La Pointe. ~~and~~ The remaining ~~60%~~ 70% of tax collected will be forwarded to the Madeline Island Chamber of Commerce, an organization in the community for advertising and promotion of hospitality and tourist business, ~~provided that such sum paid to such organization shall not exceed the maximum allowed by statute. The proceeds of the additional 1.5% shall be apportioned 30% to the Town of La Pointe and the remaining 70% goes directly to a designated fund in the Town of La Pointe for tourism promotion and development. If the Town doesn't expend the funds, any funds remaining will go to the Madeline Island Chamber of Commerce. The 60% of the 5% apportioned to the Madeline Island Chamber of Commerce shall be due and payable to it by the Town of La Pointe within 60 days of the end of each calendar quarter. The remainder of the 70% of the additional 1.5% funds apportioned to the Madeline Island Chamber of Commerce shall be due and payable to it by the Town of La Pointe within 60 days of the end of each calendar year.~~

Town of La Pointe, Ashland County, Wisconsin  
Ordinance Chapter 40

Amending Town of La Pointe Ordinance Chapter 40, titled Finance and Taxation

The Town Board of the Town of La Pointe, pursuant to its authority under Sections 60.10, 60.22, 60.23, 60.40, 60.44, and 60.45 Wis. Stats. does hereby amend the Town of La Pointe Finance and Taxation Ordinance and does ordain as follows:

1. Article IV Accommodations Tax Section 40-10 is hereby repealed and recreated as follows:

Pursuant to SS 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing of retail rooms, lodging or site to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at a rate of 6.5% of gross receipts from such retail furnishing of rooms, lodging or sites. Such tax shall not be subject to the selective sales tax imposed by SS 77.52(2)(a)1, Wis. Stats. The proceeds of the tax shall be apportioned 30% to the Town of La Pointe. The remaining 70% of tax collected will be forwarded to the Madeline Island Chamber of Commerce, an organization in the community for advertising and promotion of hospitality and tourist business. The sum paid to such organization shall not exceed the maximum provided by statute. The 70% of the funds apportioned to the Madeline Island Chamber Commerce shall be due and payable within 60 days of the end of each calendar quarter.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Town of La Pointe Town Board By:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

Attest: \_\_\_\_\_  
Town Clerk

Posted/Published: \_\_\_\_\_

(5) TB, Micaela, Michael, Ben  
Public

**Attachment "C" to 2022 Compensation Resolution  
Town of LaPointe  
Resolution #2021-1214A**

**RESOLVED** by the Town Board of the Town of LaPointe, Ashland County, Wisconsin, and this change to Resolution #2021-1214A (2022 *Compensations*) has been passed and is attached to the resolution and becomes a part thereof.

<u>POSITION</u>	<u>2022 RATE</u>	<u>CHANGE</u>	<u>2022 RATE</u>
<u>Parks #1</u>	<u>\$18.73</u>	<u>-\$0.48</u>	<u>\$18.25 *</u>
<u>Parks #2</u>	<u>\$16.65</u>	<u>-\$0.15</u>	<u>\$16.50 **</u>

*\* As per Town Board motion on 04/26/2022, effective 05/09/2022*

*\*\*As per Town Board motion on 04/26/2022, effective 05/02/2022*

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

Attest:

\_\_\_\_\_  
Glenn Carlson, Chair

\_\_\_\_\_  
Micaela Montagne, Town Clerk


\_\_\_\_\_  
Michael Anderson, Supervisor

Posted:

\_\_\_\_\_  
Aimée Baxter, Supervisor

\_\_\_\_\_  
Susan Brenna, Supervisor

\_\_\_\_\_  
John Carlson, Supervisor

RECEIVED  
MAY - 3 2022  
BT: 

TB Michael, Barb  
Micaela, public

**TOWN OF LA POINTE**  
**RESOLUTION #2022-0510**  
Appoint Alternate Members for Board of Review

**WHEREAS**, 1997 Wisconsin Act 237 has amended the procedures for Board of Review procedures commencing in the year 2000;

**WHEREAS**, one of the changes to Section 70.47 of the Wisconsin State Statutes authorizes the removal of Board of Review members for individual cases under specific circumstances;

**WHEREAS**, Section 70.47(6m)(c) authorizes the appointment of alternate members to serve on the Board of Review when standing members are removed from individual cases;

**NOW THEREFORE**, the Town Board Supervisors of the Town of La Pointe, Ashland, County, does ordain as follows:

**1. ADOPTION:**

Pursuant to Section 70.47(6m)(c) and Section 70.46(1) of the Wisconsin State Statutes, the Town Board of the Town of La Pointe hereby provides for the appointment of alternates to serve on the Town of La Pointe's Board of Review in the event a standing board member of the Board of Review is removed or unable to serve for any reason.

**2. APPOINTMENTS:**

The following electors of the Town of La Pointe are hereby named as alternates in the order indicated to serve as alternate Board of Review members:

Alternate #1: Cameron Adair

Alternate #2: Marie Noha

The appointments made in the resolution are for the year 2022 Board of Review proceedings and effective upon posting as provided by law.

Passed this 10<sup>th</sup> day of May 2022

\_\_\_\_\_  
Glenn Carlson, Chair

Posted: \_\_\_\_\_

\_\_\_\_\_  
Mike Anderson, Supervisor

Attest \_\_\_\_\_  
Micaela Montagne, Town Clerk

\_\_\_\_\_  
Aimée Baxter, Supervisor

\_\_\_\_\_  
Sue Brenna, Supervisor

\_\_\_\_\_  
John Carlson, Supervisor

CS/TB, Michael, Barb, Micaela  
Ben, Public

# SPECIAL EVENT PERMIT

FILE NUMBER \_\_\_\_\_

Organization/Sponsor(s) of Event: Madeline Island Museum / Wisconsin Historical Society

Contact: Keldi (First Name) Merton (Last Name)

Address: 226 Colonel Woods Avenue

La Pointe (City) WI (State) 54850 (Zip Code) Phone: (715) 747-2415

E-mail address: keldi.merton@wisconsinhistory.org

Date(s) Requested: Fri, May 13 - all day/evening (event 3:30pm-7pm, but need time for setup, takedown, cleanup)

Mapped route (if any): Request blocking off Col. Woods Ave between Fort Rd and Whitefish Rd all day/evening of Friday, May 13, for three pop-up tents for fry bread cooking, drum circle performance, and outdoor seating

Description of event: Private exhibition opening for artists participating in MIM's 2022 season

I/We have read the attached §347-12 Special Event Ordinance and agree to abide by said ordinance. I/We agree to pay for the cost incurred by the Town for the event (50% of anticipated costs due with permit application, remainder due after event once costs are totaled):

[Signature] Signature 3/28/2022 Date

Deposit Paid: \$ \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_  
Amount Paid: \$ \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_  
Amount Refunded: \_\_\_\_\_ Date: \_\_\_\_\_

THIS PERMIT WILL BE VALID ONLY FOR: \_\_\_\_\_ TO \_\_\_\_\_  
(Start Date & Time) (End Date & Time)

Approved by Town Clerk: \_\_\_\_\_ (Signature of Town Clerk/Deputy Clerk) \_\_\_\_\_ (Date)

Permit: \$150.00 Deposit: \$100.00  
(Please pay with 2 separate checks.)

Fees approved by Town Board December 14, 2021 for 2022

Withdrawn  
Per Col. Woods  
Michael K  
4-6-22

RECEIVED  
MAR 28 2022



TB/S Michael, Barb,  
Micaela (public)

**TOWN OF LA POINTE  
REGULAR TOWN BOARD MEETING  
TUESDAY APRIL 26, 2022  
5:30 PM AT TOWN HALL  
Draft Minutes**

**Town Board Members Present:** Chair Glenn Carlson, Supervisor Michael Anderson, Supervisor Aimée Baxter, Supervisor Sue Brenna  
**Town Board Members Absent:** Supervisor John Carlson  
**Staff Present:** Town Administrator Michael Kuchta, Foreman Peter Wiggins, Road Crew Evan R. Erickson, Elected Clerk Micaela Montagne  
**Public Present:** Nick Hoffman, Angela Titus, Keldi Merton of the WI Historical Society and Madeline Island Museum. Mike Starck, Charlie Meech, Charley Brummer  
**Called to Order:** 5:30pm

**I. Public Comment A\*:** Clerk Montagne read a comment from St. Johns Church Board and Woods Hall Board supporting the efforts of the Affordable Housing Advisory Committee. Mike Starck commented that he is available as the County Board Supervisor to answer any questions.

Motion to move agenda item V. C. to now, A. Baxter/ S. Brenna, 4 Ayes, Motion Carried.

**V. Town Hall Administration**

C. Updates with the Madeline Island Museum and WI Historical Society: Nick Hoffman, Angela Titus and Keldi Merton provided updates on the Madeline Island Museum including new ADA accessibility, online ticketing, new website, and enhancements to lightening. They also provided highlights on the upcoming summer schedule and information regarding taking down the old historical marker in front of the building and the process of getting a new one that reflects a more accurate history of the Island. The temporary marker will include ways for the public to provide input on the new sign.

**II. Administrative Reports**

A. Town Administrator's Report: report prepared and presented by Michael Kuchta placed on file by Unanimous Consent.

**III. Public Works**

A. Roads, Dock, Harbor

1. Dust Abatement: Motion to approve the request for bids for magnesium chloride flakes (the Town will purchase flakes and be able to apply it with town equipment on demand/ when weather allows), S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.
2. BIL Grant Funding for Repaving Roads: Review Statements of Qualifications and Chose Preferred Proposal: Six proposals were received, M. Kuchta and B. Schram recommend moving forward with SHE Inc. Motion to

enter into an agreement with SHE Inc for engineering the resurfacing of some Town roads, M. Anderson/ A. Baxter, 4 Ayes, Motion Carried.

3. Sidewalk (Corner of Main Street and Big Bay Road): Clerk Montagne read a statement from John Carlson regarding the sidewalks. Motion to table the discussion as John Carlson and Ben Schram are absent, S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.

#### B. Parks

1. Hire Camp Host #1: Motion to hire Rand Moore at \$16.65/ hour not to exceed 860 hours from 5/19/22 to 10/14/22, S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.
2. Hire Camp Host #2: Motion to hire Sarah Hannam at \$16.65/ hour not to exceed 760 hours from 5/23/22 to 9/15/22, S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.
3. Hire Campground Assistant: Motion to hire Fern Langenberger at \$13.53/ hour not to exceed 700 hours from 5/19/22 to 10/14/22, S. Brenna/ A. Baxter, 4 ayes, Motion Carried.
4. Hire Parks #1: Motion to hire Evans Mealman at \$18.25/ hour not to exceed 800 hours from 5/9/22 to 10/7/22, S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.
5. Hire Parks #2: Motion to hire Ciara Wiggins at \$16.50/ hour not to exceed 860 hours from 5/2/22 to 10/14/22, S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.
6. Re-Post for Parks #3: Motion to report for the position until filled, S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.

#### C. Airport

1. Transfer of Industrial Lot Lease Lot #12 from A. Baxter to G. Beeksma: Motion to approve the transfer, S. Brenna/ M. Anderson, 3 Ayes, 1 Abstain (A. Baxter), Motion Carried.

### IV. Committees

#### A. Planning and Zoning

1. Zoning Administrator Job Description: Motion to approve as presented, S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.
2. Posting for Zoning Administrator Position: Motion to approve as presented, applications due May 16, 2022, S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.
3. Conditional Use Permit Application (Dormitory/Student Housing) for Craftivity, Inc., Parcel #014-00179-0300, located at 922 Middle Road, Town of La Pointe, WI: Motion to approve as recommended by the Town Plan Commission including additional conditions as presented, M. Anderson/ A. Baxter, 4 Ayes, Motion Carried.

#### B. Winter Transportation Committee

1. Resignation of Member: Motion to accept the resignation of Ralph 'Max' Imholte, and thank him for his participation, S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.

## **V. Town Hall Administration**

- A. Budget Summary Report: Motion to approve the report dated 4/13/2022, M. Anderson/ A. Baxter, 4 Ayes, Motion Carried.
- B. Grant Updates: Nothing to report.
- D. Attachment 'B' to the 2022 Compensation Resolution #2021-1214A: Motion to approve (to include the interim zoning administrator), S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.
- E. Paid Time Off Sharing Program: Motion to approve the program, A. Baxter/ S. Brenna, 4 Ayes, Motion Carried.
- F. Follow up from Annual Town Meeting: Discussion about junk cars that Cedric Teisberg brought up at the meeting.
- G. Reschedule First Regular Town Board Meeting in August: Motion to have the first regular meeting in August on Wednesday August 10, 2022 at 5:30pm (due to an election on August 9, 2022), M. Anderson/ A. Baxter, 4 Ayes, Motion Carried.

**VI. Vouchers:** Motion to approve vouchers in the amount of \$38,309.21, M. Anderson/ A. Baxter, 4 Ayes, Motion Carried.

**VII. Alternative Claims:** Motion to approve alternative claims for March 2022 in the amount of \$240,309.13, M. Anderson/ A. Baxter, 4 Ayes, Motion Carried.

**VIII. Treasurer's Report:** Motion to approve the Treasurer's Cash Summary report showing a total of \$3,065,194.38 and a total available checking of \$1,383,002.40, S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.

## **IX. Minutes**

- A. Regular Town Board Meeting April 12, 2022: Motion to approve minutes with two small corrections in item IV. B. 2., S. Brenna/ A. Baxter, 4 Ayes, Motion Carried.

## **X. Emergency Services**

- A. Police Department
  - 1. Law Enforcement Agreement with Ashland County: The meeting between La Pointe and County Administration set for May 3, 2022, no other updates at this time.
- B. Updates on Construction of Emergency Services Building: the new compressor is ordered, other warranty issues still waiting to be fixed.

**XI. Public Comment B\*\*:** Charley Brummer commented on the sidewalks, and possible contamination of fluids etc. from old vehicles at the industrial lots.  
G. Carlson mentioned there was a directional sign at Main Street and Colonel Woods Ave that directs pedestrians up Colonel Woods instead of north on Main Street.

## **XII. Lawsuits & Legal Issues**

- A. William Defoe vs. Town of La Pointe, Case No. 19CV57: No updates.

**XIII. New Agenda Items for Future Meetings**

A. Meeting with the Sanitary District Board (on hold pending research by the Sanitary District). Other items include the sidewalk, and S. Brenna would like to discuss benefits for Town Employees and if they are adequate/ could be doing more.

**XIV. Adjourn:** Motion to adjourn, S. Brenna/ M. Anderson, 4 Ayes, Motion Carried. Adjourned at 6:35pm.

Submitted by Micaela Montagne, Town Clerk.

DRAFT

TBS Michael, Bob  
Micaela, public

**TOWN OF LA POINTE  
SPECIAL TOWN BOARD MEETING  
WEDNESDAY APRIL 27, 2022  
5:30pm at Town Hall  
Draft Minutes**

**Town Board Members Present:** Chair Glenn Carlson, Supervisor Michael Anderson, Supervisor Aimée Baxter, Supervisor Sue Brenna

**Town Board Members Absent:** Supervisor John Carlson

**Staff Present:** Town Administrator Michael Kuchta, Elected Clerk Micaela Montagne

**Public Present:** Members of the Town Plan Commission: Suellen Soucek, Samantha Dobson, James Peters, Mike Starck, Paul Wilharm

Members of the Comprehensive Plan Steering Committee: Alexander Nelson, Daniel Bartholomay, Michael Collins, Sally North, Charles Brummer, Sarah Caruso, Jane Vogt.

Other public: Dave Markwardt, Alan Gomez, Cindy Dalzell, Michael Childers, Riley Keiser, Marie Iannazzo, Cedar Schemke

**Called to Order:** 5:30pm

1. Public Comment: None.

2. Town Board Planning and Education Meeting/ Workshop

A. Presentation and Workshop with the Comprehensive Plan Steering Committee: Comprehensive Plan Steering Committee Chair Alex Nelson presented the committee guidelines as well as their guiding principles. The committee is looking at doing a full rewrite of the Comprehensive Plan after tackling the existing plan. They are getting ready for the survey and community outreach portion by looking at partners and companies who can help facilitate that work.

Discussion on the cost of the survey being higher than originally budgeted, though many think it is a good investment. The committee wants the new plan to be more organized and long term with steps to implement with priorities and sequencing. The original timeline for the Committee may also be inadequate, and will likely go into 2023 rather than being complete by the end of August 2022.

3. Adjourn: Motion to adjourn, S. Brenna/ M. Anderson, 4 Ayes, Motion Carried.

Submitted by Micaela Montagne, Town Clerk.

TB(S), CLERK, OFFICE, ACCOUNTING, PUBLIC, TA



**TOWN OF LA POINTE**  
**MADLINE ISLAND**  
240 Big Bay Road  
PO Box 270  
LA POINTE, WI 54850

Michael Kuchta  
Town Administrator  
PHONE: 715-747-6914  
EMAIL: administrator@townoflapointewi.gov

May 11, 2022

DRAFT

«company»  
«first\_name» «last\_name»  
«PO\_Box»  
«Town», «State» «ZIP»

Dear «first\_name»,

As you may know, state statute allows the Town to issue only three regular “Class B” alcohol licenses.\*\* “Class B” licenses are, in simple terms, bar licenses that allow establishments to sell a full range of liquor for consumption on site.

That makes “Class B” licenses a precious commodity. They are unlike other alcohol licenses, which allow retailers and bars to sell carry-out liquor, or allow restaurants to sell beer, wine and similar beverages for on-site consumption. The supply of these other licenses is essentially unlimited.

But given the limited quantity of “Class B” licenses, we at Town Hall are talking about whether it makes sense to put conditions on “Class B” licenses. In particular, if an establishment holds a “Class B” license, should they be required to be open a certain number of days per week, or weeks per year, or hours per day – things like that? Is it better for the community to make sure that license-holders meet a minimum standard, or better to allow an establishment that holds a license to determine what works best for their business?

I’d like your feedback before we take this conversation any further. Please take the online survey at URL by DATE.

Also, see the enclosed “model ordinance,” which gives an idea of the kind of language the Town could adopt if it pursues this idea. In particular, note that there would be a year for establishments to come into compliance with standards.

Thanks for sharing your thoughts on this.

Michael Kuchta  
Town Administrator

\*\* In La Pointe, regular “Class B” licenses currently are held by the Beach Club, Café Seiche, and The Pub. In addition: Bell Street Tavern has a special “Class B” license under state statute because of its ability to be a full-service restaurant that seats at least 300 people indoors; Burned Down Café has a “reserve Class B” license under state statute.

Town of La Pointe  
Continuation of Business Ordinance  
Survey

DRAFT

1. Should the Town of La Pointe require holders of "Class B" alcohol licenses to be open a minimum amount of time to retain their licenses?

- Yes
- No

2. Please rank how you prefer La Pointe sets minimum standards on hours of operation, if the Town requires "Class B" license-holders to be open minimum amounts of time to retain their license.

- Open minimum number of months per year
- Open minimum number of weeks per year
- Open minimum number of days per year
- Combination of the above

3. What minimum number of hours of operation per day should the Town consider "open"? \_\_\_\_\_

4. Should the Town consider a license-holder "open" if it is open only to private guests, not to the public?

- Yes
- No

5. Comments:

6. Name of Business:

7. Your name:

8: Phone:

9: Email:

## **“CONTINUATION OF BUSINESS” MODEL ORDINANCE**

The Town Board of the Town of La Pointe, Ashland County, hereby ordains Ordinance # \_\_\_\_\_, Continuation of Business Ordinance, as follows:

1. **PURPOSE:** Section 125.51(4), Wis. Stats., limits the number of retail “Class B” alcohol licenses that a municipality may issue. In light of this statutory quota, the Town of La Pointe, Ashland County, desires to grant and issue “Class B” alcohol retail licenses to licensees who demonstrate the continuation of a business satisfactory to the Town. Retention of a “Class B” alcohol retail license by a party not conducting business is hereby declared to be against public policy and lacks value to the town.
2. **AUTHORITY:** The town board has authority under s. 125.10, Wis. Stats. and under its village powers, as set forth in Wis. Stats., ss. 60.10(2)(c) and 60.22(3), Wis. Stats., to adopt this ordinance.
3. **DEFINITIONS:**
  - a. “Business continuation” is hereby defined as being open for business and demonstrating a continuation of business in accordance with the terms set forth in Section 4 of this ordinance.
  - b. “Open” means conducting business publicly at least hours per calendar day.
4. **STANDARD:** It shall be a condition of maintaining and keeping a “Class B” alcohol retail license in the Town of La Pointe, Ashland County, that the licensee continue in business. A licensee of a “Class B” alcohol retail license is not demonstrating business continuation if any of the following is demonstrated:
  - a. The licensed premises has not been open for business and conducting business on the premises for activities for which the license was granted for at least consecutive days in a \_\_\_\_\_ period;
  - b. The licensee has voluntarily vacated the premises more than \_\_\_\_\_ days before the hearing held under this ordinance;
  - c. The licensee was ordered by a court of competent jurisdiction to vacate the premises at least \_\_\_\_\_ days before the hearing held under this ordinance.
5. **SUSPENSION, REVOCATION, NON-RENEWAL OF LICENSE:**
  - a. In the event any licensee violates this ordinance, disciplinary action may be taken by the Town Board, which may include, but is not limited to, suspension, revocation, or non-renewal of the license. Any license that has been revoked shall not be reinstated within \_\_\_\_\_ months of the date of revocation.
  - b. In the event a disciplinary action is taken against an alcohol licensee, the Town Board shall comply with the procedure set forth in s. 125.12(2), Wis. Stats. The Town Board shall issue a summons, signed by the clerk, and set a hearing, not less than 3 days and not more than 10 days from the date of issuance of the summons, to determine whether the license shall be suspended or revoked. The summons is to be personally served on the licensee at least 3 days prior to the hearing date. In the event the licensee cannot be found, the summons may be



- published once in a qualified newspaper likely to apprise notice to the licensee.
- c. Evidence and testimony to be considered at the hearing shall be provided in open session. Pursuant to s. 19.85 (1)(a), Wis. Stats., the Town Board may go into closed session to deliberate its decision provided proper notice has been given.
  - d. There is no refund of a fee to the licensee for a license that is revoked.
  - e. In lieu of a hearing, the Town Board may accept the surrender of a license from the licensee. The board also may determine the time period for when this licensee may apply for the same type of alcohol retail license in the future.
6. **EXEMPTION:** "Class B" alcohol retail licenses granted by the Town Board but not yet issued are exempt from the requirements of this ordinance.
  7. **SEVERABILITY:** In the event any portion of this ordinance is or becomes invalid or illegal, the remaining portions shall remain in full force and effect.
  8. **EFFECTIVE DATE.** This ordinance shall take effect on publication or posting in accordance with s. 60.80, Wis. Stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, by the Town Board of the Town of La Pointe, Ashland County.