

**TOWN OF LA POINTE
SPECIAL TOWN BOARD MEETING**

January 16th, 2024

5:00 PM AT TOWN HALL

Approved Minutes

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

Staff Present: Town Administrator Michael Kuchta, Zoning Administrator Ed Schaffer, Town Clerk Alex Smith, Airport Director Paul Wilharm

Public Present: Michael Collins, Paul Brummer, Charley Brummer, Jim Peters, Lauren Schuppe, Clayton Douglas, Mike Caswell (via zoom), Sandy Caswell (via zoom), Molly O'Brien (via zoom), Dale Whittaker (via zoom), Dan Bartholomay (via zoom), Pete Ross (via zoom), Kyra Bingham (via zoom), Alex Nelson (via zoom)

I. Call to Order: at 5:00pm, all town board members present.

Glenn Carlson asked the public if there were any public comments.

Paul Brummer stated his opposition to any sort of expansion to a mixed-use zone or C1 zone on the Middle Road, to keep it low density.

II. Discussion among supervisors of Rental Ordinance

Aimée Baxter mentioned agreeing with Jim Peters' recommendation of eliminating multiday rentals.

Sue Brenna asked for clarification on page 10 item I: "All premises shall be supervised by the owner, manager, or authorized agent while occupied", which means every single premise must be checked while occupied. This could result in people needing to be hired. Sue stated this item should be removed.

Ed Schaffer clarified that the rental owner needs to be available if an issue were to arise. Sue stated that the statement was already in the Ordinance, thus this sentence should be removed to avoid confusion.

Sue Brenna asked for clarification on the definition of tiny houses, if a tiny house has to be on a permanent foundation and should that be a requirement. Once it goes on a foundation, does it go on the tax roll?

Ed Schaffer clarified that the tiny house definition is in the Rental Ordinance to encourage people to build tiny houses. A moveable home is not considered a tiny house, but rather a mobile home.

Sue stated that tiny houses should not be required to have a permanent foundation, but they can be based on her research.

Samantha Dobson brought up the passing to future generations and asked if there is a way to word it where it's not limiting to one generation versus multiple generations without being something in perpetuity.

Glenn clarified that the current language allows multiple generations. “The property does not change hands except for a one-time transfer to a child, children, or a transfer that is not subject to a transfer tax.” To keep the grandfathering in, they would have a one-shot sale opportunity to sell to a child, but their descendants would have multiple opportunities to pass it on without selling, essentially passing it down to a child without selling. The intent is to not have a barrier to family legacy property continuing to be passed on if there’s not a bona fide sale.

Mike Anderson agreed with Aimée, eliminating 3.4 multiday rental and, if we did that, we would also eliminate #11 on the next page. If we don’t eliminate 3.4, then we should definitely eliminate #11. Property owners could get a permit not subject to the cap, if they are grandfathered in.

Glenn clarified that #11 deals with property owners who don’t have a permit yet, they essentially just have a dwelling that they have not rented out. This gives them 10 years to get a permit, if they want to at some point in the future rent out their property.

Mike Anderson mentioned 3.5 making the minimum rental a 2-day requirement. People wanting to rent anything for less than 2 days would have the option to stay in the motel/inn.

Glenn suggested changing all rentals except the commercial district to a 2-day minimum to make everything consistent.

Mike Anderson suggested on page 18 under section 4 of Events eliminating #2, “Events are allowed without an event permit at all rental dwellings holding a long-term rental permit.”

Sue Brenna asked on page 22 section 5.4 under violation B, “Three (3) or more legitimate calls initiated by non-renters for zoning, police, fire, or health department services for nuisance activities or other incidents within a twelve (12) month period”, how is this enforced and is there calls enough?

The town board clarified that this should be specified to daily and short-term rentals.

The property owner needs to be contacted every single time a legitimate call is made for nuisance activities or incidents on their property.

Aimée Baxter wanted to confirm that holding tank notice could be added on page 13.

Samantha Dobson raised a concern about displaying permit number on rental sites and if wording could be changed that moving forward to providing the rental permit number, but if documents for rental properties have already been printed to have some leeway to avoid getting reported for withholding information. However, anything online should have a rental permit number.

Mike Anderson commented that rental owners should have a landline if the property does not have great phone service, but not a necessity for all rental properties. This could be a hard thing to enforce.

Glenn Carlson suggested on page 20 item 4 to remove everything between violates and of, making the sentence state “Any person who violates any provision of this section may be found in violation of this ordinance.”

Glenn agreed with Clayton Douglas that requiring rental properties to have the Town of La Pointed listed as an additional insured could be an overreach and ultimately take time and more effort dealing with the paperwork.

Michael Kuchta repeated to the town board that it is your decision, but the town’s insurance carrier recommends the town require rental properties adding the town as an additional insured. It would be a 5-minute phone call to the insurance agency to issue a standard Certificate of Insurance with no cost.

The Town Board came to a consensus for the Town Administrator to ask the lawyers if it is important to keep the addition of adding the town as an additional insurance to rental properties.

Glenn stated that if it is already a high occupancy rental and an addition is made, this should not affect their grandfathered status.

This Rental Ordinance will be reviewed each year in November for the rental cap.

III. Discussion among supervisors of expanding Town Plan Commission

a. Potential scheduling of public hearing

In order to expand the Town Plan Commission, the TPC has to be the group that calls a public hearing. Glenn stated his reasoning behind the expansion, he states that the TPC was under the impression that in order to be a member of the TPC a person was required to be a year-round resident. Glenn says that legally this is not the case, you have to be an elector not a year-round resident. We have been systematically keeping people off the TPC who were seasonal residents. The TPC could broaden the scope to town electors and interested candidates. The town board suggested the TPC considers holding a public hearing regarding expanding the TPC from 5 to 7 members or appointing members when a seasonal town elector shows interest in being part of the TPC.

IV. Discussion with townspeople of Comprehensive Plan and maps

Glenn thanked the Comprehensive Plan Steering Committee, the Town Plan Commission, and Town Administrator for their work on the Comprehensive Plan.

Paul Brummer reiterated his opposition to the expansion of C1 zone or creation of a mixed-use zone along Middle Road, the vast majority of respondents in the survey did not want to expand commercial activity outside the existing C1 zone.

Any sizable business activity is supposed to take place in the commercial core, which is Zone C1. The Comp Plan should reflect the communities’ priorities, page 61. As your constituent I ask that you keep Middle Road zoned W2 low density. Furthermore, the

new Comp Plan should also state that zoning conflicts should be avoided, as was stated in the previous plan.

Glenn stated the future proposed land use map has greatly shrunk. He asked Paul Brummer if this was not far enough.

Paul Brummer answered that the land use map goes too far. He states there should not be any mixed-use, that there is a difference between C1 and mixed-use.

Lauren Schuppe wanted to give awareness that the library received a \$8,000 donation last spring in grant money to further explore the idea of a community center. She states that this money has not been used and is still available until April 2024. When looking at the Comp Plan topics, the library has monetary support to contribute. She suggested once this plan is approved, to consider creating another committee to carry that concept using these donated funds.

The town board will consider adopting the Comp Plan and maps and the next meeting.

V. Public Comment

Paul Brummer made a few public comments regarding the TPC members, Zoning Ordinance, and “Events” in the Rental Ordinance. Please see attached.

Jim Peters mentioned the change of rental permit date being a good thing, no limit on long-term and short-term rental permits, and grandfathering high-occupancy short-term rental holders is a good thing. He agrees with Aimée’s suggestion to include info the holding tanks. He stated the two changes that will help the Rental Ordinance are removing multiday and require all daily rentals to be for a minimum of 2 days.

VI. Adjourn: Motion to adjourn, S. Brenna/S. Dobson, 5 Ayes, Motion Carried. 5:52pm

Submitted by Town Clerk, Alex Smith.

Approved as submitted 2/13/24.