

## Approved 11/16/2016

Minutes of the October 4, 2016 Meeting of the Manitowish Waters Planning Commission

Meeting called to order at 7:05 P.M. by Chairman Sleight.

Commissioners in attendance: Sleight, Rayala, Hoehn, Johns, Hanson, Bauers, Behnke  
Also present: Zoning Administrator Thiessen

Public Visitors: Ty Rayala, Joe McFarland, Steve Peterson, Dale Mayo, Chris Troller, Kevin Griffith, Darla Poiron, Bruce Mommaerts, Barry Hopkins, Greg Holt

Motion by Johns, second by Rayala, to approve agenda as posted and waive the reading.  
Motion carried.

Motion by Hanson, second by Johns, to approve the September 6 and September 20 meeting minutes, and the report on the September 20 Public Participation Meeting. Motion carried.

### Public Comments/Correspondence

Steve Peterson, DNR, reported that as of today the application for the bridge over the Manitowish River is withdrawn, and planning for it is paused until such time as the project receives sufficient organic public support. There is no date for renewing the process.

### SMS Ventures CUP Application

Zoning Administrator Thiessen stated that the application is for an allowed use, is regulated by the County, and that County permits have been granted.

Motion by Hanson, second by Bauers to approve the CUP application.

Roll call vote: Bauers: Aye Behnke: Aye Rayala: Aye Hoehn: Aye Hanson: Aye Johns: Aye Sleight: Aye Motion carried.

### Proposed Snowmobile Bridge over Papoose Creek

Presentation by Barry Hopkins and by Dale Mayo, Vilas County Parks and Recreation Administrator, on a proposed bridge across Papoose Creek near CTH K required because of a planned re-routing of the snowmobile trail. The 14,000 lb-rated bridge will be constructed by Spooner Machine and will enable re-routing the trail away from the highway. The bridge will be located approx. 100' north of the CTH K roadbed and will allow 5 feet of navigational clearance at high water. A copy of the engineering plans will be provided for the zoning office files.

### Zoning Administrator's Report

Zoning Administrator Thiessen reported on an issue on Cherry Blossom Lane created by the fact that the town roadway dips down into several lots, impacting one in particular and the possible sale of the property. Thiessen stated that he has no guidance on how to measure the 40' road setback in this case, and how the town road factors into impervious surface calculations. Deb Zimmerman reported on her conversations with Dawn Schmidt, Vilas County Zoning Administrator, and on the plans of the couple seeking to purchase the property. The consensus of the Commission was that the 40' could be measured from the original lot line, and that construction could be allowed up to the 33' line marked on the presented survey map. Thiessen to discuss this with Dawn Schmidt. Hanson suggested that the right-of-way possibly could be re-designated to match the existing road.

Thiessen presented monthly and quarterly reports, and reported that Vilas County has a new subdivision control ordinance. Thiessen will scan it and mail a copy to the Commission members.

### Secretary's Report

Hoehn presented his hours for approval. Motion by Johns, second by Rayala, to approve.  
Motion carried, with Hoehn abstaining.

### Vilas County Bike Trail Expansion Plan

Hanson: VC is updating the bike/pedestrian trail map for the entire county. The map is to identify current trails and any trails proposed for construction within the next 5 years. Hanson reported on several proposed trail routes for the map update. The proposals will be sent to the Parks and Trails Committee for review and discussion before further review by the Commission.

### Legal action Against Bike Trail Inc.

Hanson: Recommends postponing discussion for now. The Town Board has scheduled a closed session following this meeting that will include discussion of this topic.

Behnke: Due to the withdrawal of the application for the bike/pedestrian bridge some breathing room has been created. Suggest pursuing a written agreement with all parties on a process to follow, rather than litigation.

Discussion on the Hwy W bridge, communication issues between bike trail stake holders, and the bike trail development approval process. No action taken.

#### Ethics and Conduct of Commission Members

Sleight: Asked to have this on the agenda because of his disappointment with a certain statement made at the last meeting by a Commission member. Commission discussion on whether information was withheld from the Commission and the propriety and consequences of doing so.

#### Comprehensive Plan Update

Hanson suggested that a postcard, as had been previously discussed, be mailed out to encourage participation in the survey.

Presentation by Bruce Mommaerts of Granite Development on the Rural Wisconsin Today 2016 Report and selections from the Vilas County Outdoor Recreation Plan. The Manitowish Waters Outdoor Recreation Plan will be incorporated into the Comprehensive Plan by reference and as an appendix, and therefore needs to be updated within the next 60 days.

Presentation by Mommaerts on town Tax Incremental Financing Districts, a review of a draft SWOT (Strengths, Weaknesses, Opportunities, Threats) Analysis, and business development courses.

#### Recommendation for Rest Lake Boat Landing

Chris Troller read from Parks and Trails Committee minutes the recommendations to obtain engineering drawings and bids for changes to the Rest Lake Park boat launch area per Kevin Griffith's drawings, and to proceed with repairs to the ramp itself yet this fall.

Following discussion, motion by Johns, second by Rayala, to recommend to the Town Board to follow the recommendations of the Parks and Trails Committee to have the ramp installed, and to have Pitlik and Wick create engineering drawings for the Commission's review following the Parks and Trails plan. Motion carried.

#### New Legal Representation for the Planning Commission and Town Board

Johns: Ruder Ware is unable to represent the Commission due to a potential conflict of interest, and they recommend Pietz, Vanderwaal, Stacker, and Rottier S.C. or Wausau. Lee Tourine would be the attorney for the Commission.

Hanson: Would also like to have the right to continue to utilize present legal counsel for prosecution of boat patrol citations, etc.

Motion by Behnke, second by Johns, to retain Pietz, Vanderwaal for the Planning Commission, and to recommend to the Town Board to retain them for both the Commission and the Town Board, under the condition that the Town Board could still use a local prosecutor. Motion carried.

Johns is directed to draft and submit questions to legal counsel regarding poll votes, powers of the town chairman, ability of supervisors or commission members to have items placed on an agenda, what authority does a town and town comprehensive plan have over DNR property, and several other issues of interest to the Commission.

#### Amendments to Zoning Ordinance Articles I-XI

No discussion or action taken.

#### Town Donations Policy Review

Motion by Behnke, second by Rayala, to table. Motion carried.

#### Budget

Hanson: Only changes are a reduction in legal fees and an adjustment to secretary wages.

#### Other matters for discussion

No discussion or action.

Next scheduled meeting November 1, 2016 at 6:00 P.M.

Meeting declared adjourned by Chairman Sleight. Time was 9:34 P.M.