

**Planning Commission Meeting
Oct. 6th, 2011 7:00 pm**

Commission Members:

Ray Kiewit, Susan Keachie, Joni Brooks, Fred Schlicting and Max Taubert.

Town Board Member: Jackie Eid

Minutes

Fred made a motion to approve the minutes from the August meeting, Max 2nd and all were in favor.

Updates:

Ray Jones request to buy Town property:

Ray, Fred, Mike O'Bryon, Larry and Eleanor Chernoff, Karen Novachek and Ray and Jeanette Jones walked through the land in question. The land was determined to have no wetlands and minimal if any timber value. The Parks and Lands Committee meets Friday and will discuss. The next step will probably be a joint meeting between the Plan Commission and the Parks and Lands Committee.

Jackie read an article from a newspaper about 2 men being rescued from a breakwall in Port Washington, WI.

Susan gave a brief review of the Norvado proposal for building cell towers to provide service to areas that currently have poor or non-existent service.

Marina Land Lease Dominion

Ray read an email from Bill Sloan outlining the questions that the Town insurance agent had regarding liability coverage for the Marina area. Jackie Eid has requested that all leaseholders provide copies of their insurance coverage. Only 2 had been received by the time of this meeting. The issue for the Plan Commission is to establish a policy for properties leased from the Town going forward. The Marina and the proposed Business Park will both be subject to this policy. The two basic issues in front of are:

1. What are the leased areas?
2. Future management of the Marina Shops
- 3.

Discussion: Halvorson Fisheries leased area.

Total lease payment of \$6030/year includes the total length of the North side of the slip and a 60' deep area from the walkway to the beach for boat storage and fishery operations. This also includes leasing the slip area to the west of the Green Shed.

The Halvorson's are requesting an increase to an 80' depth. Consensus was that may be too deep but the Commission would like to meet on site and have the Halvorson's show the area where they would like the extension and measure out the 60' and 80'.

If the breakwall improvements are approved it would be better to have access away from the operations of the Fishery.

This would be one area that the expertise of JJR could be very beneficial.

After some discussion the Lease was made available to all Commissioners. It appears that the current lease may address the liability concerns in that it states that:

Lessor shall not be liable for any loss, injury, death or damage to persons or property which at any time may be suffered or sustained by lessee or by any person who may at any time be using or occupying or visiting the demised premises or be in, on or about the demised premises, whether the loss, injury, death or damage shall caused by or in any way result from or arise out of any act of omission or negligence of lessee or of any occupant, subtenant, visitor or user of any portion of the demised premises, or shall result from or be caused by any other matter or thing whether of the same kind as or of a different kind than the matters of things set forth above. Lessee shall indemnify lessor against any and all claims, liability, loss or damage on account of any such loss, injury, death, or damage. Lessee waives all claims against lessor for damages to the buildings and improvements that are now on or to be placed or built on the demised premises, and to the property of lessee in, on, or about the premises, and for injuries to persons or property in or about the demised premises, from any cause arising at any time during the term of this lease agreement. The two preceding sentences shall not apply to loss, injury, death or damage arising by reason of the negligence or misconduct of the lessor, its agents or employees.

The Plan Commission feels that they do not have the expertise to make legal and/or insurance liability decisions and suggested that the Town have its Attorney and Insurance Agent both review the leases to make sure they are written correctly.

Class Action Rezone

The Commission reviewed the Minutes of the Public meeting of 8-11-2011 then discussed and determined that the original goal of the rezone was to reduce RRB (Residential and Recreational Business) zones with potential commercial development among other residential and agricultural use properties. Since F-1 zoning cannot be developed for commercial use the Commission determined to leave any other than the originally identified properties off the application.

Two property owners have decided to opt out of the process. The Hoffman property is on Huron Ave and County Rd. C and the Nicoletti property is along the east side of County Rd. C. Those parcels will be left off of the application. Another property owner, Philip Keyes, had some questions by mail. Susan will respond to his questions and send a copy of the Public meeting minutes.

Susan and Ray will set up an appointment to meet with Karl Kastrovsky to complete the application.

Annual Review – Plan Commission 2011

Ray will put together a draft for 2011 Annual Review and the Commission will discuss it at the November meeting.

Joni made a motion to adjourn the meeting, Max 2nd and the meeting was adjourned at 9:10 pm.

The next meeting will be on Thursday November 3rd at 7 pm at the Community Center.