

City of Bayfield Plan Commission

Bayfield City Hall, 125 South First Street, Bayfield, WI 54814, 715-779-5712

Minutes of Tuesday, May 24, 2016 at 5 p.m.

Call to Order - Roll Call

Mayor Ringberg called the meeting to order at 5:00 p.m. at the Bayfield City Hall.

Present: Dougherty, Burkel, Johnson, Hackbarth, and Mayor Ringberg

Absent: Oeltjenbruns, and Durfey

Others: David Eades, Karen Greiner, Dot and Grandon Harris, and Mark Phillips

Approve Agenda: Johnson/Burkel moved to approve the agenda as presented. Carried.

Previous Meeting minutes of January 6, 2016: Dougherty/Hackbarth made a motion to approve the previous meeting minutes as presented. Carried.

Public Hearing: The hearing is being held to receive input on the Conditional Use Permit application from Molly and Glenn Stoddard of 121 North First Street who are seeking a Bed and Breakfast Conditional Use Permit to rent out their main level apartment with covered porch; one unit - sleeps 4.

Public Comment:

- Dot Harris was present and asked if there were any conditions for running a Bed and Breakfast. Hoopman summarized some of the conditions such as parking, being owner occupied during the time of rentals, and needing an additional room tax and a state health permit, needing a fire inspection (which is done annually), and filing their certificates of insurance.
- Karen Greiner who lives at 124 No. 2nd Street, asked for more clarification on the owner occupancy requirement. Hoopman explained that state law requires them to be in residence at the time of the rental. They will be asked to sign an annual affidavit of owner occupancy if permit granted. This means they have to be there during the time of the rental. A management company can handle the entire rental, the owners do not need to do so, but they must be at their place while it's rented. Doesn't mean they can't go to appointments, or grocery store, etc.
- David Eades, Bayfield Chamber & Visitor Bureau, inquired if state law requires B&B's to serve breakfast? We don't believe they do and neither does the City.
- Karen Greiner asked if there are guidelines with regard to hot-tubs and outdoor music. Fears guest use could escalate noise in the neighborhood. She questioned if the City should consider adding some guidelines for use of hot-tubs or outdoor pools? The Commission did not believe the hot-tub was included in the applicant's request.

Johnson/Dougherty moved to close the public hearing. Carried. (5:15 pm)

Agenda Item(s):

1. Public Input on Agenda Items

- Grandon Harris briefly told the Commission about his unfortunate experience with a drone that occurred about two years ago in the downtown area.
- David Eades, informed the Commission that according to the FAA rules, that since Bayfield is within five miles of the Madeline Island and Russell airports, a person needs written permission from them to use a drone in that airspace. Also, it's illegal to use them in the Apostle Island National Parks.

Hackbarth/Johnson made a motion to close the public input session. Carried.

2. B&B Conditional Use Permit Application:

Burkel/Dougherty moved to approve the Conditional Use Permit application from Molly and Glenn Stoddard of 121 North First Street for a Bed and Breakfast Conditional Use Permit to rent out their main level apartment with covered porch; one unit - sleeps 4 provided they first obtain the other required materials: Fire Inspection, State Permit, apply for Room Tax Permit, sign affidavit of occupancy and provide certification of insurance. Carried.

3. Temporary Shelter Permit Requests:

- a. Riggs Oppland, 40 N. 6th St., 10'x20' Boat Storage, now - Oct. 31, 2016
Hackbarth/Dougherty made a motion to approve the Temporary Shelter Permit from Mr. Oppland as requested. Carried.
- b. Bayfield Ace Hardware, 125 S. Broad St., Greenhouse, April 15-July 30, 2016
Johnson/Dougherty made a motion to approve the Bayfield Ace Hardware's request for a Temporary Shelter Permit for their annual greenhouse. Carried.

4. Temporary Sign Permit Applications – Bayfield Chamber & Visitor Bureau:

- a. Bayfield Garden Tours: June 4, 2016
 - b. Festival of Arts Gallery Tours: July 16-17, 2016
 - c. Concerts by the Lake: Tuesday Concerts from June 21 to September 6, 2016
 - d. Bayfield Summer Concerts: Mostly Thursdays from June 11 to Aug. 25, 2016
- Johnson/Burkel moved to approve the Temporary Sign Permits Applications listed as a.-d. as requested. Carried.

5. Direct Seller's Ordinance

Hoopman provided Direct Seller Comments and Thoughts dated May 24, 2016 (attached for reference). The Commission was favorable to all of the items listed and answered questions where asked. In addition, they added the following comments that were brought to Hoopman's attention from David Eades:

- 201-3 Exemptions – Remove “Shall not be conducted on a public right-of-way” from E. That seems to be the area they actually are allowed to sell.
- 201-5a – Should a deposit be required with Permit Application in case a vendor causes any damage. What about other types of issues (grease down storm drain, other?)
- 201-7 A.(4.) – We should consider adding decibel level.
- 201-7 C. It's the Bayfield Apple Festival (not City's)
- 349-18. C. (1.) It's the “Bayfield Apple Festival” and “Bayfield Chamber of Commerce and Visitor Bureau”.

Hoopman will forward these comments to Attorney Daly for inclusion into the ordinance.

The Commission asked if we could seek an interpretation of the legalities of the truck that is parked annually during the end of June and early part of July for the sole purpose of advertising their annual Fireworks Sales. Johnson/Hackbarth moved to forward this question to the Police Chief and City Attorney. Carried.

6. Sign Sub-Committee Update

Commissioner Dougherty said they are having a meeting June 13, 2016 at 3 p.m.

7. Sluiceway Wall - The Commission received three additional ideas:

- Sherman and Jane Edwards thought it could be a colorful sign that reads “Welcome to Bayfield” or “Bayfield, Gateway to the Apostle Islands”.
- Bayfield Civic League suggested the area could be beautified by having the wall sandstone cladded and vines planted, easy maintenance.
- Jerry Phillips on behalf of BHA said the wall should be clad with local brownstone and no advertisements placed upon the wall.

8. Parking and Property Maintenance Issues

Hoopman provided a written report dated May 24, 2016. It was disappointingly noted that at least 80% of the properties are the same as in 2014. Need better efforts to get them into compliance which may mean stricter guidelines/ordinances. Commissioner’s expressed frustration in the on-going issue and especially when the City shoulders the expense of yard-clean up and Dumpster Day.

Burkel/Johnson moved to grant permission to Hoopman to move forward with Attorney Daly on seeking a written procedure to move forward with the razing of up to three structures. And also to get her opinion on how to better enforce the property maintenance and public nuisance issues.

Since two of the properties listed have active building permits, Hoopman will inquire if we can get a better timeline of their construction schedule.

9. Other:

a. Use of Drones in the City of Bayfield

Since the Commission learned there were already FAA Rules in place Johnson/Dougherty made a motion asking that the PD be informed of the FAA rules which indicates a user would need written permission to use their drone in the five-mile airport radius and add this public information to City’s website. Carried.

b. Agriculture Property in Residential Zoned Properties – Information

The City of Bayfield currently does not have any rules on using residential properties for agricultural purposes. They learned one property owner sought and received a small agricultural tax exemption in 2016. It was brought to the attention of the Commission for awareness on the potential for residential properties to potentially be used in a commercial way. The Commission was given a copy of the League of Wisconsin Municipalities FAQ’s 11 and 12, which discussed the use of Residential Zoning Properties being used for agricultural purposes. Informational only; no action taken.

- c. **Washington Avenue Parking Lot** - The Plan Commission received a conceptual schematic of a proposed parking lot on the property north of Washington Avenue, covering the exposed portion of the Sluiceway culvert. The Commission was generally favorable to the idea and thanked Bryce Albrecht for sharing his ideas with them. Since the City currently does not have funds available for this nothing is likely to happen in the near future. But should any opportunities present themselves it could be considered more deeply.

10. Set next meeting(s): June 28, 2016 @ 5 p.m.

Adjournment: Hackbarth/Burkel moved to adjourn. Carried. (6:02 p.m.)