

# City of Bayfield Plan Commission

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

**Monday, January 12, 2015 at 5 p.m.**

## **Call to Order - Roll Call:**

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

**Present:** Dougherty, Hackbarth, Johnson, Mayor MacDonald, Oeltjenbruns (arrived at 5:03 p.m.)

**Absent:** Durfey, Burkel

**Others:** Steve Shraufnagel, Mike Berg, Colleen Daly and Hoopman-Clerk

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

**Previous Meeting minutes of October 22, 2014:** Dougherty/Johnson motioned to approve the previous minutes as presented. Carried.

**Public Input on Agenda Items:** None.

**Public Hearing:** Mayor MacDonald called the public hearing to order at 5:01 p.m. The hearing is being held in order to receive input on the Conditional Use Permit application received from Michael Berg owner of Lot 6, Block 72 (23 Front Street), Bayfield who is seeking permission to build a 4800 sq. ft. parking lot. The property is zoned Commercial/Waterfront.

The hearing was closed at 5:06 p.m. No comments were received.

## **Agenda Item(s):**

### **1. Conditional Use Permit Request - Michael Berg, 23 Front Street, Bayfield (Block 72, Lot 6)**

Johnson/Oeltjenbruns moved to approve the CUP to construct a grass and stone paver private parking lot on Lot 6, Block 72 that will consist of 12, 10'x20' parking spaces along the south 20' of Lot 6. Traffic will flow from Front Street west toward the alleyway.

The motion includes the following four conditions:

- Parking Lot remains within the confines of Block 72, Lot 6 only (40x120).
- No upgrades will be done by the City for use of Alleyway
- Must maintain 10'x20' for each parking spaces (S. 20') and 20' for traffic flow (N. 20')
- The City will not assume an additional expense for the repair/replacement of owners parking area for necessary repairs/maintenance needed on the City's Storm Sewer.

Discussion. The motion does not include any approval for the overflow stalls referenced, nor for any work outside the scope of Lot 6. There was uncertainty over the exact location of the 12' Storm Sewer which appears to run adjacent to the north property line. If found the line is not located on Lot 6, the Commission may reconsider Condition #4. Nothing in the approval of the CUP would negate the language in a formal easement for the 12' Storm Sewer. Carried; all ayes.

## 2. City of Bayfield Direct Seller's Ordinance

The Commission was provided with the following:

1. An E-mail from Hoopman to Attorney Colleen Daly seeking advice on the regulation of peddlers or direct sellers, and requesting assistance with re-writing the ordinance to make it more clear and succinct regarding the difference between door-to-door sales, vs. a transient merchant/vendor.
2. A response letter dated January 8, 2015 from Attorney Daly who provided:
  - Advice and Recommendations
  - Information on regulating "transient merchants" on both public and private property
  - Code changes needed to regulate Temporary Sellers on Private Property during Apple Festival
  - Suggested Changes to the Current Code, and
  - Uniform Standards for Permitting Decision
3. A copy of Chapter 200: Direct Sellers, Code of the City of Bayfield
4. A copy of the City of Bayfield's Peddler's Permit Application
5. A copy of the Peddler's Registration Form

Attorney Daly was present and briefly went over the materials provided. Discussion ensued.

How does the City want to handle door to door vs. temporary vendors? Treat them the same, if differently the code needs to be changed.

We can regulate transient merchants; however there are issues with over-regulating. Saying no entirely is not legal.

Regulations have to be for the purpose of promoting the safety and general welfare of the public. Types of regulations can include, where, when, how long, and other reasons for safety in general. It was noted that it's easier to regulate peddlers on public property vs. those on private property. Commission questioned what type of justifiable reasons there could be for regulating this activity on public vs. private property.

There is a great deal to consider. By consensus the Commission agreed to move forward with having Attorney Daly provide the Commission with a sample re-written Ordinance for their review.

3. Set next meeting(s): The next meeting was scheduled for February 9, 2015 at 5 p.m.

Adjournment: Johnson/ Hackbarth made a motion to adjourn. Carried. (5:54 p.m.)