

**The Town of Bayfield  
Planning Commission  
Regular Meeting**

**June 10, 2008**

**Planning Commission Members Present:**

Jeff Wadsworth, Mayor Rick Smith, Joan Hanna, Dan Ford, and Carolyn Hull.

**Staff Present:**

Justin Clifton, Joe Crain, Jack McGroder, Pat Anselmo

Joan called the meeting was called to order at 7:00 P.M.

**Minutes:** Carolyn Hull moved to approve the minutes of May 13, 2008 as written. Rick Smith seconded. The vote was four in favor, one abstention, Dan Ford. Motion carried.

**General Public Comment:** No public input was offered. General public input closed.

**Action Agenda Item #1: Extension of Preliminary Plat Approval, Dove Ranch Unit 1, Phase 3 (b):**

Bradley Elder said that no one could predict if and when the new extension would be necessary. He is asking that the extension be moved to June 19 2009. Carolyn Hull asked Brad where the completion of the park is in the overall scheme of things. Brad replied, the Parks of course make the properties more desirable. However, if the economy dictates, it may not be financial workable.

There were no additional questions.

Brad has spent several days with a man who wants nine lots. This sale would put him over the top, and it would make it possible for him to do the park. Ideally Brad wants to start on the park as soon as possible. He is probably 5 lots shy from financing the entire park.

He said that the closing will be July 31. It will be three to four months to do the improvements. They have tract planning on the horizon.

The buyer is building a grocery store in Missouri currently.

Rick asked Brad point blank, 'regarding the park, if the lots get sold, the park is a reality?'

Brad answered 'yes. I have ten lots under reservation, 14 in play, and will need 19 sold to pay for the whole park. Improvement costs for each lot runs roughly \$40,000.'

Brad projects 5 to 6 months if all the pieces fall into order.

Rick Smith moved to extend the preliminary plat approval for Dove Ranch Unit 1, Phase 3 (b) for one year, to June 20, 2009.

Carolyn seconded. The vote was five in favor. Motion carried.

## **Action Agenda Item #2: Planning Commission Protocols:**

Justin explained that this came about as a result of an orientation of the new Town Board members. He realized that he had not done anything similar for the Planning Commission.

He wanted to do a brief overview before the Planning Commission, and apologized to Town Board members for going over the same materials twice for them.

The Planning Commission has the final vote on variances. Applicants can appeal to the District Court if they so choose.

He used the East Side Development as an example. During the initiatory work for this development, the Land Use Code was used to set the criteria to make a determination if the new development would meet code.

Some properties have been grandfathered in, i. e., property that was there before the Land Use Code was adopted.

Land use may have some grey areas of interpretation, trails, etc., where the code does not give absolute direction.

There is strict focus on proposals themselves, old growth, historic structure, et al. Justin also let the Planning Commission know of the availability of the 'Big Black Board Book' which includes the comprehensive plan and the land use code. It is available for their use any time.

All meetings are held in public and are informal. However, they should endeavor to follow parliamentary procedure.

The Commissioners can ask for 'point of clarification' for guidance.

Regarding Ethics and/or conflicts of interest, Justin remarked 'it is pretty basic.

Commissioners should avoid any direct conflicts of interest. If a vote has a potential to result in financial gain for you, abstain. If it is not cut and dried, ask for recusal. Remove yourself from the dais, so you do not influence fellow commissioners.

Avoid the appearance of using your position to gain favor, or being swayed by another. Do not create a perception, it will definitely get blown out of proportion'.

Citizens always want to be heard. Justin cautioned, any discussion that involves two or more of the commission has to be noticed, (Sunshine Law). At any place, if and when you are assembled (without notice) don't deal with town business, be careful to not discuss town matters.

Ex parte: Due process applies to the public. The Planning Commission is always making quasi- judicial decisions.

They are not legislative decisions, they are quasi judicial. A comp plan is a legislative decision. You need to give everyone due process. Adjacent land owners need to be notified. Don't have conversations outside of the meeting. If the public can't hear your discussions, don't have them. The applicant has the right to hear all conversations.

Preserve the public process. Be very careful.

You will have constituents calling you up. You cannot discuss anything with them either (outside the meeting).

Regarding media and public relations: Watch out for the media. Be very careful again.

Never go off the record, tell them to submit their questions in writing.

Choose your words carefully.....

If you agree or disagree with your fellow commissioners, do it at the meeting. Be united, do nothing to fractionalize the commissioners.

Meeting the demands of the constituents: it is difficult to make it clear that you are listening but you do not agree. There is a constructive way to make criticism and still be politically correct. Be in sync, be legally correct.

Joan asked about criteria that would make it appropriate for them to make the developer re-do the plat.

Jeff said he labors under the assumption that staff checks everything before it goes to the Planning Commission to make sure that the presentation covers all the items in the building code. There are standards, set backs, etc. 'There have been times when staff said it was ok, but the Planning Commission caught mistakes.'

The black books have the most current code, it is available.

**Action Agenda Item # 3: New/ Unfinished Business:**

There was no unfinished or new items to discuss.

Motion to adjourn.