

**Town of Clear Lake Plan Commission
Meeting Minutes – February 1, 2022**

Scott Lazur called the meeting to order at 7:00pm.

Members introduce themselves:

Jennifer Smith-Sattison, Town Clerk
Larry Lillmars, Zoning Administrator
Jessica Swander, 7382 East State Road 120
Jim McClain, 1226 Quiet Harbor
Jim Hauguel, 154 West Clear Lake Drive
Mike Hawk, Attorney to the Plan Commission
George Schenkel (Phone), 144 West Clear Lake Drive
Dan Rippe (Phone), 124 Lakeside Court
Scott Lazur (Phone), 1108 South Clear Lake Drive
Bill Hanna (Phone), 208 West Clear Lake Drive

Motion to approve minutes from December 13, 2021, Plan Commission meeting.

Motion by: J. Swander

To approve minutes from December 13, 2021.

2nd by: D. Rippe

All in favor, 2 abstained (J. Hauguel & G. Schenkel)

No budget items to discuss.

No applications, petitions, and/or hearings.

Old business – Town Council action items

D. Rippe went through packet (Town Council Update – Plan Commission Action Item Status 12/17/21):

- Overview: Town Council Oversight Responsibilities
- Problem Statement & Success Criteria Identified
- Plan Commission Investigation Process
- Fishbone Toll Guiding Investigation
- Inadequate Public Participation Fishbone (as of 12/19/21)

D. Rippe asked for any questions.

No questions.

D. Rippe continued through packet:

- Possible Root Causes & Action Items (as of 12/19/21)

D. Rippe asked for questions.

Question (J. McClain): Did the survey developed by Larry Lillmars and Dan Rippe get mailed out to all residents of Clear Lake?

Answer (D. Rippe): Yes, however the survey was reviewed by Town Council, several residents, and Legal Council before sending out.

Question (B. Hanna): Was the survey mailed out to each resident via U.S. Mail?

Answer (J. Swander): The town sent the survey to resident's physical address on file with the Town Hall.

Question (B. Hanna): Do have the means to contact people electronically via email?

Answer (J. Swander): No, not without legal documentations.

Answer Continued (D. Rippe): That is what we are trying to achieve. We currently do not have a comprehensive list for electronic communications, such as email. That is an element of the survey. Residents if desired will provide a cell number or email and authorize the town to use it for correspondence.

Question (S. Lazur): Were there options made available for residents to consider or just requesting suggestions?

Answer (D. Rippe): As a point of order, we have detail slides pertaining to the survey, lets hold questions about the survey until that section of discussion.

Question (Multiple members): Questions were asked regarding the mailing of the survey, forwarding addresses, members of the PC not receiving their survey's as of today (February 1, 2022).

Answer (J. Swander): The survey was mailed out by the same company that does the coupon books, which is done in another city. Residents may not receive their surveys until the weekend or even later because of the snowstorm coming.

Questions (J. Hauguel): Sometimes the meeting minutes are delayed, not approved for two or three months, because the Plan Commission does not meet every month. Might be something to look at is if there a way to put out meeting minutes in a draft, but not yet approved, rather than delaying it two or three months, so people know what happened at the Plan Commission meeting?

Answer (L. Lillmars): We usually wait until they are approved before posting them. That would be a deviation. We could consider emailing them out and people could look at them.

Question (L. Lillmars): Mr. Hawk can the minutes be approved without having a meeting?

Answer (M. Hawk) No, it must be approved in a meeting.

Answer Continued (D. Rippe): I would guard against draft information being published, but we can look at the process of getting them released earlier possibly hold a special Plan Commission meeting with one agenda item to approve meeting minutes.

Answer Continued (J. Hauguel): Suggest we consider it an item under the possible cause category "changes poorly communicated" so we can look at it down the road.

Answer Continued (D. Rippe): Agreed, we are establishing a metric (town objective #19) to track the time to release meeting minutes.

Answer Continued (B. Hanna): Timely receipt by the residents will enable them to voice concerns while the topic is still relevant and governing bodies can properly digest their concerns and include them in their process.

Answer Continued (J. Swander): Meeting minutes can be re-presented and re-approved.

Answer Continued (J. Hauguel): We have new business and old business and some of it is reoccurring, but it's another mechanism for communication. We really need to be proactive rather than reactive.

Answer Continued (D. Rippe): All good points. Let's continue with reviewing the moderate root causes. Everyone is going to be able to participate in the investigation and bring forward your ideas.

Question (S. Lazur): How is that measured (C.4 – Percentage of households that participated in 2021 UDO change process)? 53 households showed up to meetings or voiced their opinions?

Answer (D. Rippe): 18 showed up to the PC meeting (per attendance register) to discuss the changes and 35 residents emailed the town council, as compared to the 662 homes on the lake.

D. Rippe continued through possible root causes and action items and next steps.

D. Rippe asked for questions.

No questions.

D. Rippe continued through packet:

- Survey that was sent to all residents

Question (S. Lazur): How do I fill this out if I don't want to put it in the mailbox? We are not giving them a way to electronically to complete this.

Answer (D. Rippe): There is no electronic way to respond at this time.

Answer Continued (J. Swander): You can also use the drop box here at the Town Hall.

Answer Continued (D. Rippe): The survey is focused on achieving two things 1 – Selection of an electronic platform to inform residents of Town information in addition to the Towns Web Page and the Herald Republic and 2 – Select an electronic meeting platform for residents to attend meetings remotely. Our response goal is to have 80% of surveys returned. This will provide the basis for improving the Towns communication with its residents.

Answer Continued (G. Schenkel): When the Plan Commission and Town Council members are out with their neighbors, throughout the lake, it is our responsibility to talk to them and mention the survey.

Question (J. Hauguel) Are you also going to follow up? Are you going to put things on Clear Lake Town bulletin board that says a survey is coming, we need your answers?

Answer (J. Swander): A posting has already been made on the very front of our website home page; we will continue to post reminders/updates.

Question (J. Hauguel): Do we have a Facebook presence?

Answer (J. Swander): No.

D. Rippe continues through packet and requested volunteers to participate in completing the investigation of possible root causes.

S. Lazur called for a motion to close out old business.

Motion by G. Schenkel: I move to close out old business.

2nd by: J. McClain

All in favor, motion carried.

New business to elect new plan commission officers and executive committee

Motion by J. Swander: Motion to elect Dan Rippe for President.

To elect Dan Rippe for President.

2nd by: J. McClain

Motion by S. Lazur: Motion to elect Bill Hanna for President.

B. Hanna appreciated the nomination but stated that he was not yet qualified and is still learning but looked forward to working with everyone.

Motion by S. Lazur: Motion to for Dan Rippe for President.

All in favor, say I. Vote was unanimous.

Motion carried; Dan Rippe is elected President.

Motion by G. Schenkel: Motion to elect Bill Hanna for Vice President.

2nd by: S. Lazur

Motion by D. Rippe: Motion to elect Jessica Swander for Vice President.

2nd by: J. McClain

We have two nominations for Bill Hanna and Jessica Swander for Vice President.

Roll call vote for Vice President:

S. Lazur (Phone) – Bill

G. Schenkel (Phone) – Bill

J. Swander – myself

J. McClain – Jessica

D. Rippe (Phone) – Jessica

B. Hanna – Jessica

J. Hauguel – Jessica

Jessica Swander elected Vice President by majority vote.

Motion by D. Rippe: Motion to elect Larry Lillmars for Secretary.

2nd by: J. McClain

All in favor, say I. Vote was unanimous.

Motion carried; Larry Lillmars elected Secretary.

Executive Committee nominations:

Executive Committee is comprised of President, Vice President and one additional PC member and this committee will set the agenda for this year's PC.

Motion by D. Rippe: Motion for Bill Hanna to be the third member of executive committee.

2nd by: G. Schenkel

Motion by J. Swander: Motion to elect Jim Hauguel for third executive member.

2nd by: None.

Motion by S. Lazur: Motion for Bill Hanna to be the third member of executive committee.

All in favor, say I. Vote was unanimous.

Motion carried; Bill Hanna elected as the third executive member

D. Rippe assumes President role for the balance of the meeting.

J. Swander requests a moment to speak before ending the agenda, would like to add to new business, because there are new members on the Plan Commission and the first meeting.

Motion by J. Swander: I move to add the reading of Training Rules of Procedure and Code of Conduct for Elected Officials, and their Appointments to the new business section of agenda.

2nd by: J. McClain

All in favor, say I. Vote was unanimous.

Motion carried; the reading of Training rules of Procedure and Code of Conduct for Elected Officials, and their Appointments was added to the new business section of agenda.

D. Rippe asks L. Lillmars to read the highlighted sections of the Rules of Procedures.

L. Lillmars notes that the Rules of Procedures can be found on the web page.

L. Lillmars read the following Clear Lake Plan Commission Rules of Procedures:

- Article 1: Name, Purpose, Powers and Jurisdiction
 - 1.2 – Purpose
 - 1.3 – Powers and Duties
 - A
 - i, ii & iii
 - B
 - i & ii
- Article 2: Meetings
 - 2.1 – Regular Meetings

- 2.2 – Special Meetings
 - B
- 2.7 – Quorum and Official Action
- Article 3: Membership and Officers
 - 3.1 – Membership
 - A & B
 - 3.3 – Officers
 - A – Election of Officers
 - C – Duties of Each Officer
 - i, ii & iii
 - 3.4 – Conflict of Interest
 - A & B
 - 3.5 – Voting
 - A, B & C
- Article 4: Hearings
 - 4.4 – Conduct of Hearings
 - A
 - i, ii, iii, iv & v
 - a, b & c
 - vi, vii & viii
 - B
 - i, ii & iii
 - C, D & E
- Article 5: Final Disposition of Cases
 - 5.1 – Final Disposition
 - A & B
 - 5.2 – No Show
 - 5.3 – Withdraw of Application
 - 5.4 – Re-file
- Article 7: Staff and Committees
 - 7.1 – Committees
 - A, B & C
 - 7.2 – Executive Committee
 - 7.3 – Staff

L. Lillmars asks for questions.

Question (J. McClain): Is there a reason why this year we are meeting on Tuesday's?

Answer (J. Swander): Yes, some of the Monday's fall on holidays.

Question (J. McClain): How do you differentiate conflict of interest?

Answer (M. Hawk): The Plan Commission and the Board of Zoning have different conflict of interest standards. The Plan Commission is making a recommendation to the Town Council. When making a recommendation to the Town Council, the council is then acting as the legislature. The Town Council and the Plan Commission are not acting as the judge and jury. With the respect of the Board of Zoning, they are acting as the judge and the jury on the issue.

Question (G. Schenkel): Would it be a conflict of interest with the Plan Commission on a rezoning of a parcel of a property? For example, using Joe Moore as an example, if Joe were to rezone that and he was on the Plan Commission wouldn't it be prudent of himself to recuse himself?

Answer (M. Hawk): If it's on his property, yes, because he would have a direct financial interest.

Question (G. Schenkel): It seems that it's more difficult to meet the criteria on the Plan Commission than other boards?

Answer (M. Hawk): Correct, it would be beneficial for both the Plan Commission and BZA to have a summary of those with some examples so you can identify where there may be a conflict.

D. Rippe, I encourage all members to read the entire document and raise questions at subsequent meetings as you come across them.

J. Swander, read Section #803: Code of Conduct for Elected Officials and their Appointees.

After about one half of the reading of section #803, G. Schenkel, was concerned with the attention span and suggested the remainder of the reading be held at the next meeting.

Motion by G. Schenkel: I move to suspend the reading until the next PC meeting.

2nd by: None.

D. Rippe reminded everyone they are required to read this document and sign an acknowledgement form. This being our first meeting it is important we go through these governing documents and hear each other's questions and discuss the answers together.

G. Schenkel, withdraws his motion to suspend the reading.

J. Swander, continues reading Section #803: Code of Conduct for Elected Officials and their Appointees.

Motion by D. Rippe: I move to add "moving the next meeting date" to the new business section of the agenda.

2nd by: G. Schenkel

All in favor, say I. Vote was unanimous.

Motion carried; Moving the next meeting date was added to the agenda under new business.

Motion by D. Rippe: I move to change the next meeting from May 3rd, because it's an election day, to May 4th.

2nd by: J. Swander

All in favor, say I. Vote was unanimous.

Motion carried; Next PC meeting will be changed from May 3rd to May 4th.

Open Discussion:

D. Rippe, council has approved the purchase of upgraded electronics. One item includes iPads for each member on the Plan Commission. This is part of the initiative to make information more accessible to you as members as opposed to hard copies and you will also be given a town email both of which will be accessible through your iPad. iPads will be coming out in 1 to 1½ months unless Jessica has any updates?

Answer (J. Swander): No updates, other than the order was confirmed.

Question (B. Hanna): Is it necessary to be given one if I don't need it and can save the town the expense, I can just access it through my own electronic devices?

Answer (D. Rippe): It will be tied into the town's server which you would not be allowed to have access to on your personal devices.

S. Lazur, I did not realize the town had servers.

D. Rippe, yes, we do.

Meeting opened to public for questions or comments.

Question (Don Luepke): 1057 South Clear Lake Drive, I have a clarification question on the survey, is it only one per household to be returned?

Answer (J. Swander): Correct.

Continued Answer (Molly Weber): 822 South Clear Lake Drive, can both put their emails on the survey.

Continued Answer (D. Rippe): Yes, there can be multiple emails listed.

D. Rippe, mentions that Don Luepke is the alternate for Plan Commission and a thanks to Scott Lazur for his service as Vice President all last year and acting as President towards the end of the year.

D. Rippe requested a motion to adjourn meeting

Motion by J. Swander: I move to adjourn the meeting.


2nd by: J. Haugué

All in favor, say I. Vote was unanimous.

Motion carried; Meeting adjourned at 9:00pm.

Meeting adjourned at 9:00pm

There were 3 residents (Don Luepke, Evelyn Schlosser and Molly Weber) who signed the guest register and 4 attendees via teleconference.



Dan Rippe, Plan Commission President



Attest: Jennifer Smith-Sattison, Clerk