

TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
TUESDAY, JULY 14, 2015
5:30PM AT TOWN HALL
Approved Minutes

Called to order at 5:30pm

Present: Jim Patterson, Mike Anderson, John Carlson, Michael Childers, Mike Starck

Staff present: Lisa Potswald, Carol Neubauer, Micaela Montagne

Public Present: Jim Rogers, Judy Patterson, Jim Peters, Paul Brummer, Dave Thomas, Barb With, Julie Stryker, Max Paap, Tom Lindner, Julie Schmit, Charles Nelson, Christian Flores, Marilyn Hartig, Gary Flores, Susan Flores, Marty Curry, Beth Paap, Dave Donkers, Mary Ross, Phil Goldman, Ted Michaels

I. Public Comment A*: None

II. Interim Town Administrator's Report: Presented by Interim Town Administrator Lisa Potswald. Discussion on a Boating Infrastructure Grant that would be due August 28, 2015, but will not be applied for since the Town has not acquired an easement for the land for the transient dock that would be located off of Middle Road. Motion to approve and place report dated July 10, 2015 on file, M. Childers/ M. Anderson, 5 Ayes, Motion Carried.

III. Public Works

A. Roads

1. Foreman's Report: Discussion on the replacement of the two ton truck that was destroyed in a fire. Will be further discussed during the budget workshops this fall. Foreman K. Larsen needs a replacement as soon as funds are available. Supervisor Anderson compliments the Road crew for the mowing/ cutting along the Town roads, doing a great job. Motion to place report dated June 2015 on file, M. Childers/ J. Carlson, 5 Ayes, Motion Carried.

Motion to move to agenda item V. Town Hall Administration, N. Resolution #2015-0714 Honoring Edward Hartig, M. Childers/ M. Starck, 5 Ayes, Motion Carried.

V. Town Hall Administration

N. Resolution #2015-0714 Honoring Edward Hartig: Chairman J. Patterson read Resolution 2015-0714 into the meeting that states Edward Hartig was the Chairman of the Town of La Pointe from April 4, 1991 to April 13, 1993, and appointed unanimously on April 13, 1993 at the Annual Town Meeting as the Professional Wizard of Madeline Island, and the Town Board appreciates his service to the Town. Motion to approve Resolution #2015-0714 Honoring Edward Hartig, M. Starck/ M. Anderson, 5 Ayes, Motion Carried. Applause from public present.

Motion to return to agenda item III. B. Parks. M. Starck/ M. Childers, 5 Ayes, Motion Carried.

III. Public Works

B. Parks

1. Big Bay Town Park reservation system issues: Treasurer Carol Neubauer spoke on the issue and informed the Board that as of July 14, 2015 the company did pay a portion of

their 2014 payments, around \$14,000 of the \$18, 136.77 owed. If the payments are not fully satisfied by next week C. Neubauer would like to seek legal advice. There was no response from the company, just payment made. Questions on whether it would be good to look into a new company, will be doing so in the fall.

C. Materials Recovery Facility (MRF)

1. MRF Supervisor's Report: Motion to place report dated July 12, 2015 on file, M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

IV. Committees

A. Planning and Zoning

1. Planning and Zoning Administrator's Report: presented by Planning and Zoning Administrator Lisa Potswald. Supervisor Childers asked for an update on the Kale matter. L. Potswald informed the Board the Kale was held in contempt of court and has until September 7, 2015 to remove the buildings or they will be removed by a vendor chosen by the County. Motion to place monthly report for June on file, M. Starck/ M. Childers, 5 Ayes, Motion Carried.

2. Ashland County Zoning agreements and reimbursements: ongoing issue. Supervisor Starck and Lisa Potswald have discussed the new document that includes an hourly rate reimbursement plus postage and travel instead of a lump sum. Supervisor Starck and Lisa Potswald will schedule a meeting with County Administrator Jeff Beirl to discuss sometime in the next month or so.

3. Senate Bill 104, Assembly Bill 154 updates: Lisa Potswald sent a letter to Representative Swearingen to request a hearing for Assembly Bill 154, which probably will not get heard until September. Lisa waiting for a response, and she also contacted Representative Meyers on the matter. Senate Bill 104 was referred to the Senate Floor.

B. Community Awards Committee

1. Appointment of member for a two year term, term ending June 1, 2017: Motion to appoint Gary Rieman for another term, term ending June 1, 2017, M. Childers/ M. Anderson, 5 Ayes, Motion Carried.

C. Zoning Board of Appeals

1. Appointment of two members for terms ending July 1, 2017

2. Appointment of one member as Alternate #2 for term ending July 1, 2017:

The appointments for both members as well as the alternate were made last year, however it was noted that the procedure was done incorrectly. Chairman Jim Patterson nominates Joe Crawford and Tom Nelson for the terms ending July 1, 2017, and nominates Glenn Carlson as Alternate 2 for the term ending July 1, 2017. Motion to confirm nominations of Joe Crawford, Tom Nelson and Glenn Carlson for the Zoning Board of Appeals, M. Anderson/ M. Childers, 4 Ayes, 1 opposed (M. Starck), Motion Carried.

V. Town Hall Administration

A. Budget Report: Motion to approve the Budget Report dated 7/11/2015, M. Childers/ M. Starck, 5 Ayes, Motion Carried. Supervisor Childers and Administrative Assistant Barb Nelson will meet prior to the next meeting to prepare a Budget summary.

B. Grant Updates: Discussed as part of the Interim Town Administrators report. Lisa also informed the Board that she has completed the reports for the bilingual sign grants as well as for the Fire Department's SCBA grant.

C. Propane proposals: for contract period 7/1/2015 to 6/30/2016: One proposal received, from Midland Services out of Ashland, WI. Chairman J. Patterson opens and reads the proposal, with two stages. Stage 1 for the summer fill at \$1.09/ gal, and stage 2 for the fall/ winter at \$1.19/ gallon. The proposal stated that the Town must monitor and inform Midland when tanks are at 25% or less to allow for adequate delivery time. Motion to accept the bid from Midland Services for propane supply, M. Starck/ M. Childers, 5 Ayes, Motion Carried.

D. Septic proposals: for contract period 7/1/2015 to 6/30/2016: One proposal received from Island Septic. Chairman J. Patterson opens and reads the proposal. Proposal for \$90/ pump out, \$2.00 more per pump out from last year's price due to increased operation costs. Motion to accept proposal from Island Septic, M. Starck/ M. Childers, 5 Ayes, Motion Carried.

E. Possible extension of current loan for gravel and fire truck: Treasurer C. Neubauer spoke with Bremer bank and provided the Board with a memo laying out what a two and three year extension would look like for the large loan the Town took out for gravel and a fire truck (loan 276046). Supervisor Starck is in favor of the two year extension to save some on the yearly payment (reduction of \$88,904.64) and only add an additional \$29,637 in carrying costs. Motion to go with the two year extension on the loan, so the new maturity date will be 8/20/2020, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

F. Filling Town Administrator position: Supervisor Starck mentions that the next agenda item is scheduling a planning meeting/ workshop and that this topic might be good for discussion at that meeting.

G. Discussion/ Scheduling: Town Board planning and education meeting: The meeting would be more like a workshop/ discussion, no motions; a time to discuss what the Board members priorities are, things that they want to see happen, etc. Lisa with work with Chairman Patterson to come up with an agenda so the discussion is focused. Scheduled for Wednesday July 22, 2015 after the Town Plan Commission meeting, around 5:30ish.

H. Hot mobile trucks/ food trucks: this agenda item was requested by a member of the community, no complaints were submitted, just wanted the Board to discuss street vending. Clerk M. Montagne read a letter submitted by Martin Curry to not restrict businesses, Susan Flores spoke that her issue is that she does not want to see food and other vendors lining the streets taking business away from the tax paying 'established' businesses. Discussion on how there are other uses of commercial businesses on public property and streets like the Schwans truck. The board thought it was reasonable to look into and consider possible solutions, but would like to have more discussion. It will be discussed at their workshop/ planning meeting.

I. District Attorney letter follow up regarding Town complaint on ethics of closed session meetings: A letter was received from the District Attorney, and the matter will not be looked into any further.

J. Complaint Registration, Safety and Building: Tom's Burned Down Café: the process and procedure is being handled by the Building Official with the assistance of the Town Attorney. Lisa clarified that the Board was okay with the process. Supervisor Anderson mentioned that he spoke with Building Inspector James Price and discussed who foots the bill for something like this. J. Price hasn't charged the Town in the past except for the Big Bay Town Park project, but that may change with this case.

K. Town Assessor Contract for 2016-2018: Assessor contract is up for renewal. The cost is up \$500 from the last contract, to \$20,000/ year. The contract also allows for up to \$2,000 additional fees should it be needed. Motion to approve the contract with Jennie Martin doing business as Badgerland Appraisals as submitted, and for the Chairman to sign, M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

L. Town Assessor fee increase for 2015: Assessor Jennie Martin requested an additional \$1,500 for 2015 as it was more work than she had figured. The \$1,500 is in the budget as it was expected that more assessments would need to be done this year. Motion to approve the Assessor fee increase of \$1,500, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

M. Ashland County reimbursements in lieu of Property Tax Exemption: ongoing issue. The Town can request reimbursements from the County for duplicate services. The request was denied last year. Budget line items will be looked at during the budget season and will be compared to the County budget. The item can also be discussed with County Administrator Beirl at the future meeting to discuss County agreements.

O. Status of Cell Tower: Supervisor Starck was contacted by Island residents on the noise problem the cell tower makes. M. Starck got a hold of someone from Verizon and met with them here on the Island. It was discovered that the air-conditioning unit that the tower used is old and could be replaced. It was also discussed that a baffle wall be built to help the noise. Starck also drove around the island with the Verizon representative to document where there was no cell service. Verizon will be looking into options on getting better service throughout the island. Some options include a taller tower, a booster on the tower, or an additional tower on the north end. Starck is expecting to hear back from them in a week or two.

P. La Pointe Community Clinic request for 2015 budget funds: \$24,000 is being requested from the Community Clinic. This amount is an annual request and is in the budget. Motion to approve the request for 2015 budget funds for the La Pointe Community Clinic, M. Starck/ M. Childers, 5 Ayes, Motion Carried.

VI. Vouchers: Motion to approve vouchers in the amount of \$73,826.66, M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

VII. Alternative Claims: Motion to approve alternative claims in the amount of \$113,058.78 and \$1,700.26 for the Library, M. Stack/ J. Carlson, 5 Ayes, Motion Carried.

VIII. Treasurer's Report: Motion to approve the Treasurer's Cash Summary report as of June 30, 2015 showing a total of 709,675.80 and a total available checking of 135,408.07. There is a 230.34 discrepancy due to the new accounting software. M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

IX. Minutes

A. Regular Town Board Meeting June 23, 2015: Motion to approve minutes as submitted, M. Childers/ M. Starck, 4 Ayes, 1 abstain (M. Anderson), Motion Carried.

B. Special Town Board Meeting June 26, 2015: Motion to approve minutes as submitted, M. Starck/ J. Carlson, 3 Ayes, 2 abstain (M. Anderson, M. Childers), Motion Carried.

C. Special Town Board Meeting June 30, 2015: Motion to approve minutes as submitted, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

D. Special Town Board Meeting July 1, 2015: Motion to approve minutes as submitted, M. Starck/ M. Anderson, 4 Ayes, 1 abstain (J. Carlson), Motion Carried.

E. Amendment: Regular Town Board Meeting May 26, 2015: Motion to approve minutes as amended (the inclusion of "of %"), M. Starck/ J. Carlson, 4 Ayes, 1 abstain (M. Anderson), Motion Carried.

X. Police Department

A. Police Chief's Report: Motion to place report dated 7/10/2015 on file, M. Starck/ J. Carlson. Discussion on the County law enforcement agreement. Supervisor M. Anderson is happy to help, but does not want to go at it alone. 5 Ayes, Motion Carried.

B. Auction Associates Inc. Municipal Vehicles and Equipment Contract for 2007 Crown Victoria: the old squad car will be up for auction. Motion to authorize Chair J. Patterson to sign the 2015 Municipal Vehicles and Equipment Contract with Auction Associates Inc., M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

C. Ashland County Law Enforcement Agreement and Reimbursements: discussed briefly under Police Chief's Report. Supervisor Anderson will work with Chief Defoe and the County as well as Lisa to come up with an updated agreement. The last agreement is from 2008.

XI. Emergency Services

A. Fire Chief's Report: Report dated 6/9/15 – 7/6/15 placed on file by Unanimous Consent.

B. Ice Rescue Grant from Duluth Superior Area Community Foundation: \$3,000 was received for Ice Rescue night vision goggles. The total cost for the goggles is \$10,000 so the department will now go to the Island Association for additional funds. Motion to authorize the grant agreement for Ice Rescue with the Duluth Superior Area Community Foundation, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

XII. Library

A. Appointment of two members for three year terms, ending July 1, 2018: Motion to appoint Al Wyman and Charles Nelson to the Library Board for three year terms ending July 1, 2018, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

XIII. Public Comment B**

Paul Brummer mentioned that there are places like San Francisco that have ordinances that state vendors have to be so many feet away from a sit down restaurant to operate. If the food truck is on private land, it is hard to enforce.

Julie Schmit caution against over regulating vendors because of things like the farmers market, festivals, and powwows.

Jim Peters thanks Mike Starck for the time and work he did in contacting the Cell Tower company.

Mary Ross asks if the propane proposal price included ferry fees, Lisa clarifies that yes, ferry fees are included.

XIV. Lawsuits & Legal Issues

A. Nelson, et al. v. Defoe, et al. Case No. 15-CV-274: No updates at this time.

XV. Liquor & Operators' Licenses

A. Operator's License

1. Gary Flores: Motion to approve Operator's License for Gary Flores, M. Anderson/ M. Starck, 5 Ayes, Motion Carried.

XVI. New Agenda Items for Future Meetings

Items for the workshop/ planning meeting

Lisa mentions that the Town has been approached by the Chamber to be the holder of funds for fireworks donations so the donations can be tax deductible. Will be on a future agenda, in the fall.

XVII. Adjourn: Motion to adjourn, J. Carlson/ M. Anderson, 5 Ayes, Motion Carried.
Adjourned at 6:52pm.

Submitted by Micaela Montagne, Town Clerk

Approved as submitted July 28, 2015, Micaela Montagne, Town Clerk