

TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
TUESDAY, AUGUST 11, 2015
5:30PM AT TOWN HALL
Approved Minutes

Called to order at 5:30pm

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

Staff present: Lisa Potswald, Micaela Montagne

Public Present: Paul Brummer, Dave Thomas

I. Public Comment A*: None

II. Interim Town Administrator's Report: Presented by Interim Town Administrator Lisa Potswald. Discussion on the meeting with the Ashland County Administrator Jeff Beirl; the meeting was to discuss changes in the verbage of the agreements between the County and the Town for Zoning and Law Enforcement. The budget figures work out to be about the same, but the wording needs to be updated.

L. Potswald also mentioned that in her report there was information on updating Contract and Purchasing policies and procedures, but that will be provided to them in the next few days. Report dated August 7, 2015 placed on file by Unanimous Consent.

III. Public Works

A. Roads

1. Foreman's Report: Chairman Patterson noted that the Big Bay Town Park revenue is \$79,000 (processing fees and charges not accounted for) so far this year which is very encouraging. Supervisor Childers mentions that there are still concerns on the collections of those fees through the reservation company though Treasurer C. Neubauer is in better communication with them. Supervisor Anderson mentions the trenches created by Xcel Energy are messy and need to be fixed. Supervisor Starck included that he had the trenches near his property fixed by Nelson Construction and Xcel reimbursed him for the work done. Foreman report for July 2015 placed on file by Unanimous Consent.

B. Parks: None

C. Materials Recovery Facility (MRF)

1. MRF Supervisor's Report: Report for the month of July placed on file by Unanimous Consent

D. Airport

1. WI Bureau of Aeronautics Contract for Pavement Marking: Farhner Asphalt Sealers: Clerk Montagne informed the Board that though Airport Manager M. Dalzell was unable to attend the meeting, he wanted to let the Board know that the contract is between The Department of Transportation and Fahrner to remark the runway, with no cost to the Town. The contract is a bond. Motion to authorize the Town Chair to sign the bond contract (Bond No. 929618109, Project No. 0785-40-39) for pavement marking between the WI Bureau of Aeronautics and Farhner Asphalt Sealers, M. Starck/ M. Childers, 5 Ayes, Motion Carried.

IV. Committees

A. Planning and Zoning

1. Planning and Zoning Administrator's Report: Report for July 1, 2015 through July 31, 2015 placed on file by Unanimous Consent.

B. Zoning Board of Appeals

1. Designate a Chairperson: The Town's current zoning ordinance, Section 10.1, is not in agreement with the State Statute 62.23 (7)(e) for the Zoning Board of Appeals. Due to the Town having village powers, the 'mayor' or the Chairperson is to designate one member of the Board of Appeals as the Chairperson, the Town Board does not need to approve it. Chairman Jim Patterson appoints Joe Crawford as the Chair of the Zoning Board of Appeals for the term ending July 1, 2017.

V. Town Hall Administration

A. Budget Report: Discussion on how Supervisor Childers has been meeting with Barb Nelson to go over the budget and any issues with it. Interim Town Administrator L. Potswald will be gradually take on more of a role with the budget, reviewing it and pointing out things that stick out. Motion to approve the Budget Summary Report dated 8/11/15, M. Anderson/ M. Starck, 5 Ayes, Motion Carried.

B. Grant Updates: Included in the Interim Town Administrator's report, no new grants to report.

C. Town Administrator Job Description: The Board would like more time to review. L Potswald has been working on it and combined many different aspects from other descriptions. B. Nelson and K. Erickson have reviewed it. Motion to table, M. Childers/ M. Anderson, 5 Ayes, Motion Carried.

D. Town Hall Business Hours: Interim Town Administrator discussed the issue with B. Nelson and K. Erickson, and for the next couple of months, data will be taken on how many people come in to Town Hall between 3:00pm and 4:00pm to see if it is okay to lock the door at 3:00 instead of 4:00. During the busier summer season, Town Hall will still remain open until 4:00.

Motion to move items V. E and F to XIV. To discuss with the attorney in closed session, M. Starck/ M. Childers, 5 Ayes, Motion Carried.

E. Complaint Registration, Safety and Building: Tom's Burned Down Café

F. Resolution #2015-0811 for Department of Safety and Professional Services Inspection

VI. Vouchers: Motion to approve vouchers in the amount of \$67,900.32, M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

VII. Alternative Claims: Motion to approve alternative claims in the amount of \$179,311.67 and \$3,789.18 for the Library, M. Starck/ M. Childers, 5 Ayes, Motion Carried.

VIII. Treasurer's Report: Motion to approve the Treasurer's Cash Summary report as of July 31, 2015 showing a total of \$639,050.02 and a total available checking account balance of \$80,234.07, J. Patterson/ M. Starck, 5 Ayes, Motion Carried.

IX. Minutes

A. Special Town Board Meeting July 22, 2015: Discussion on the word 'policy' used when discussing posting for the Town Administrator position. Maybe a better word is 'practice',

as there is not really a policy that states they have to post. Motion to approve minutes as corrected, replacing the word 'policy' with 'practice' in section 2. C. Town Administrator Position, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

B. Regular Town Board Meeting July 28, 2015: Motion to approve minutes as submitted, M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

X. Police Department

A. Police Chief's Report: Motion to place the Police Chief's Report dated 8/5/2015 on file, J. Carlson/ M. Starck. Supervisor Anderson will talk with Chief Defoe on using a humane agent for the animal calls. 5 Ayes, Motion Carried.

XI. Emergency Services

A. Fire Chief's Report: Motion to place the 7/6 – 8/11/15 report on file, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

XII. Library

A. Library Board Minutes, June 11, 2015: Motion to place minutes on file, J. Carlson/ M. Starck, 5 Ayes, Motion Carried.

XIII. Public Comment B:** Paul Brummer hopes that the Town Board and the Town Attorney will not negotiate a settlement with MISA/ Craftivity. If it doesn't meet the zoning ordinance, there will be a complaint. If he is the one complaining, he may take it to the next level. The sentence in the CUP on food and beverage is the safety net, having a commercial kitchen or a liquor store has nothing to do with an art school.

Dave Thomas spoke on the Town Administrator position; he states that Washington Island has twice the people as Madeline, shorter office hours, and no Town Administrator. He would like the Town Board to consider how the Town Administrator position impacts the budget and possibly downgrading their expectations on hiring for the Administrator position.

XIV. Lawsuits & Legal Issues

This meeting may, upon duly made motion, be convened in closed session under State Statute 19.85 (1)(g) during the meeting for the purpose of conferring with legal counsel with oral or written advice concerning litigation in which it is or is likely to become involved in.

If the Town goes into closed session, it will reconvene in open session before adjourning.

Motion to go into closed session as per the posted statute 19385 (1)(g) for the following agenda items, M. Starck/ M. Anderson, Roll Call vote, all (5) Ayes, Motion Carried.

V. Town Hall Administration E. Complaint Registration, Safety and Building: Tom's Burned Down Café

V. Town Hall Administration F. Resolution #2015-0811 for Department of Safety and Professional Services Inspection

XIV. Lawsuits & Legal Issues

A. Nelson, et al. v. Defoe, et al. Case No. 15-CV-274

B. Notice of Circumstances of Claim and Claim and Notice of Claim: Craftivity Inc/ Madeline Island School of the Arts

Motion to return to open session, M. Starck/ M. Childers, 5 Ayes, Motion Carried.

B. Notice of Circumstances of Claim and Claim and Notice of Claim: Craftivity Inc/ Madeline Island School of the Arts: Motion to disallow the claim for MISA and to authorize Attorney Katie Posewitz to communicate with MISA's attorney that the Town will invite them to apply for a land use permit and a Class C liquor license, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

Supervisor Childers points out that that he is still uncomfortable granting the institution a liquor license, allowing the possibility of a wine bar on Middle Road. L Potswald states that there are two other liquor licenses issued to establishments in the non-commercial district, Island Oasis who has a CUP, and the golf course who was grandfathered. J. Carlson also mentions that they need to be careful and vigilant in the language of the CUP.

XV. Liquor & Operators' Licenses

A. Temporary Class "B" License

1. Madeline Island Historical Preservation Association, Codger Game at the Recreation Center, September 19, 2015: Motion to approve the Temporary Class "B" License to the Madeline Island Historical Preservation Association for the Codger Game, M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

B. Non-intoxicating Beverage License

1. Madeline Island Historical Preservation Association for the Codger Game, September 19, 2015: Clerk Montagne mentions that she spoke with MIHPA and is waiting for a \$10.00 check for the license. Motion to approve the Non-intoxicating Beverage License for the Madeline Island Historical Preservation Association for the Codger Game, provided they pay the \$10.00, M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

XVI. New Agenda Items for Future Meetings

Town Administrator Job Description, Scheduling another planning workshop, Resolution on Inspection, updates and information on Inspection

XVII. Adjourn: Motion to adjourn, J. Carlson/ M. Starck, 5 Ayes, Motion Carried. Adjourned at 7:00pm.

Submitted by Micaela Montagne, Town Clerk.

Approved as submitted, August 25, 2015, Micaela Montagne, Town Clerk.