

TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
TUESDAY, AUGUST 9, 2016
5:30PM AT TOWN HALL
Approved Minutes

Called to order at 5:30pm

Town Board Members Present: Jim Patterson, Mike Anderson, Sue Brenna, John Carlson, Mike Starck

Staff present: Lisa Potswald, Ric Gillman, Kristian Larsen, William Defoe, Elected Clerk Micaela Montagne

Public Present: Charley Brummer, Paul Brummer

I. Public Comment A*: Paul Brummer stated that he hopes that prior to any money being spent on Big Arn's Road or Brian's Road, the Town take care of the street cuts and culverts on South Shore Road.

Supervisor M. Starck clarified that his memo on the Town Board workshop dated 7/14/16 intended to read that steps were not being taken by Town Board members. There could be more participation by the Board to assist the staff in the work they are doing on the Cell Tower and Big Arn's Road.

II. Town Administrator's Report: Prepared and presented by Administrator Lisa Potswald. Discussion on how there will be other grants available to the fire department as one was missed; the appointed officials hours will no longer be distributed to the Board unless requested; the Alternative Energy Committee (AEC) is okay with the Town using the logo that was designed for AEC. Report dated August 5, 2016 placed on file by Unanimous Consent.

III. Public Works

A. Roads

1. Foreman's Report: Prepared and presented by Foreman Kristian Larsen. Discussion included the replacement of four culverts on gravel roads this fall, the TV 145 tractor that does ditch mowing is out for now, needing to figure out what to do about gas and diesel in the winter when there are no ferries with the notice from Superieur Petrol, an update that more repairs are being done on the MRF hauling truck, and the need for on demand hot water heaters at Big Bay Town Park for the showers. Report dated July 2016 placed on file by Unanimous Consent.

2. Sale of Plow: Informational. Offers on the 8'2" Boss V-Plow (with mounting bracket and wire harness) are due on August 22 and will be opened at the next regular meeting.

3. Big Arn's Road and Brian's Road: No new information at this time. There will be updates at the next meeting.

B. Parks

1. Leisure Interactive Updates: Issues with collecting unpaid 2015 Big Bay Town Park Reservation fees of \$26,576.78. Nothing new to report at this time. Treasurer C. Neubauer is looking into some California Attorneys because the agreement with Leisure Interactive requires the Town to sue them in California. The Town Board discussed and would like more

information including an idea on CA firms and estimates of what it may cost. Lisa also to check again with the insurance company to see what coverage there is.

2. Equipment Use Agreement with Nelson Construction 8/9/2016-12/31/2026: The agreement is between the Town and Nelson Construction for the use of the tables and benches from the Recreation Center on the first Saturday of August until 2026. This is a no fee agreement. Motion to approve and execute the Equipment Use Agreement for tables and benches with Nelson Construction dated 8/9/2016-12/31/2026, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

C. Materials Recovery Facility (MRF)

1. MRF Supervisor's Report: Discussion on Carey Baxter passing the written portion of his CDL, and that the exchange program is going well with the volunteer help of Barb With and Greg Thury. Report prepared by Ted Pallas dated 8/6/16 placed on file by Unanimous Consent.

2. Updated Budget Expense Report on MRF Truck/Hauling Expenses: Costs are higher than anticipated. More repairs needed on the newly purchased roll off truck means more contracting with Waste Management for hauling while the Town's truck is out being fixed. The town is keeping an eye on expenses to see if it is best that that the Town took on hauling. It could be a possibility to sell the roll off truck with all of the improvements to hopefully break even.

IV. Committees

A. Planning and Zoning

1. Planning and Zoning Administrator's Report: Report prepared by Ric Gillman for July 2016 placed on file by Unanimous Consent.

2. Recommended Zoning Ordinance Changes from Town Plan Commission- First Read: Many updates recommended. Discussion on some of the more important changes are having the Town Plan Commission be a five member board instead of a seven member board, some zoning district changes, and hoop houses. Discussion on hoop houses, how the Board doesn't want to penalize farmers for growing their own food. The Board concluded that small hoop houses/ tunnels should be exempt from zoning. The Board would like to see what the definition of structure is in the Ordinance. Motion to change number 34 in the Zoning Ordinance revisions for hoop houses to read: "A moveable flexible plastic covered lightly framed structure *four feet or greater in height* for the cultivation and exhibition of plants for agriculture use. Moveable shall mean no slab, foundation, or sanitary connection." Motion by J. Patterson, second by M. Anderson, 5 Ayes, Motioned Carried.

3. Amendment to the Intermunicipal Agreement between Ashland County and the Town of La Pointe for Zoning: changes include taking out POWTS because Lisa Potswald is going to continue to do them until her license is up, then maybe Ashland County will take them over. L. Potswald thinks it would be good to request the same amount from the County for Zoning as last year (\$6,250). The County has already signed the agreement. Motion to approve and sign the Amendment to the Intermunicipal Agreement between Ashland County and the Town of La Pointe for Zoning (which has been signed by Ashland County on 8/3/2016, amending the June 8th, 2005 agreement), M. Anderson/ J. Carlson, 5 Ayes, Motion Carried.

V. Town Hall Administration

A. Budget Report: Motion to accept and approve the Budget Summary Report for July, dated 8/9/2016, M. Anderson/ M. Starck, 5 Ayes, Motion Carried.

B. Grant Updates: nothing at this time.

C. Budget Process/Calendar for 2017-2019 Budget: Motion to approve the budget timeline for the 2017-2019 budget process, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

D. Water Barrels at Greenwood Cemetery: Supervisor M. Anderson mentioned having a water barrel at the cemetery so people wouldn't have to carry in water to water flowers. Foreman K. Larsen, Sexton H. Ross, and Fire Chief R. Reichkitzer were all in agreement that it is a good thing. A barrel with a spigot was placed at the cemetery 8/9/16, the fire department will keep it filled.

E. Town of La Pointe Logo: The Alternative Energy Committee came up with a logo that the Town can use as well. Discussion on adding WI following Town of La Pointe (to read Town of La Pointe, WI). Motion to approve the Town of La Pointe logo with WI on it, M. Anderson/ M. Starck, 5 Ayes, Motion Carried.

F. Chippewa Fire District Contract for Petroleum/ Hazardous Storage Tank Inspections: The state has been responsible for the inspections in the past, but they are getting busy and are hiring Chippewa Fire District to inspect for them. Nothing else will change. Motion to have the Chairman J. Patterson sign the agreement letter to the Wisconsin Department of Agriculture Trade & Consumer Protection dated August 9, 2016 stating that the Town designates Chippewa Fire District for the Petroleum/ Hazardous Storage Tank Inspections, J. Carlson/ M. Anderson, 4 Ayes, 1 Nay (M. Starck), Motion Carried.

G. Recreation Center Program: Motion to move item until after XII. Public Comment, M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

VI. Vouchers: Motion to approve vouchers in the amount of \$266,387.33, M. Starck/ M. Anderson, 5 Ayes, Motion Carried.

VII. Alternative Claims: Motion to approve Alternative Claims for July 2016 in the amount of \$131,612.42 and \$4,488.43 for the Library, M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

VIII. Treasurer's Report: Motion to accept and approve the Treasurer's Cash Summary Report as of July 31, 2016 showing a total of \$1,088,879.67 and a total available checking account of \$361,162.47, J. Patterson/ M. Starck, 5 Ayes, Motion Carried.

IX. Minutes

A. Regular Town Board Meeting July 26, 2016: Motion to approve minutes as submitted, M. Starck/ J. Carlson, 5 Ayes, Motion Carried.

B. Special Town Board Meeting August 2, 2016, last sentence got cut off: taken from recorder. Motion to approve minutes as submitted with the full last sentence, J. Carlson/ M. Anderson, 3 Ayes, 2 abstain (S. Brenna and M. Starck), Motion Carried.

X. Police Department

A. Police Chief’s Report: The Police Department will be purchasing a new bike for the patrol and looking into a second one. There have been great donations, a little more and it will be at 100%. Report prepared by W. Defoe dated 8/5/16 placed on file by Unanimous Consent.

B. Law Enforcement Contract/ Agreement with Ashland County: Chief Defoe met with County Administrator Jeff Beirl. Chief Defoe came up with a new draft of the agreement between the Town of La Pointe and Ashland County for Law Enforcement. J. Beirl made changes including taking out a, b, and c, of item one on the agreement that spelled out what the County assists the Town with in terms of budget items. The Town Board was not happy with that, the 7/28/16 draft is not acceptable. Discussion on the possibility of the Town covering what they can then leaving the rest up to the County. Could mean leaving the Town without coverage, the County would respond from Ashland for calls. It is thought that this would cause problems, and then the County will see how important it is to have a working agreement and assisting in budget. Motion to give Chief W. Defoe permission to write a letter to Jeff Beirl and the Finance Committee explaining that the 7/28 draft is not acceptable and that hopefully we can come up with something or the Town will stay with the 2008 agreement, M. Anderson/ J. Carlson, 5 Ayes, Motion Carried. The Town needs to get the 2017 budget to the Finance Committee soon so the same problems are not continued.

XI. Emergency Services

A. Fire Chief’s Report; July and August: Both reports, dated 6/15/16 – 7/24/16 and 7/24/16 – 8/8/16 prepared by Rick Reichkitzer and placed on file by Unanimous Consent (M. Anderson was out of the room)

XII. Public Comment B:** None.

V. Town Hall Administration

G. Recreation Center Program:

This meeting may, upon duly made motion, be convened in closed session under State Statute 19.85 (1)(f) preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; and (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 to discuss the Recreation Center Program and possibly item XIII. (A.) Nelson, et al. v. Defoe, et al. Case No. 15-cv-274-wmc as posted, M. Starck/ J. Carlson, roll call vote, All five Ayes, Motion Carried.

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

Motion to leave the Recreation Center program operating until August 31, 2016, M. Starck/ S. Brenna, 4 Ayes, 1 Nay (J. Carlson), Motion Carried.

XIII. Lawsuits & Legal Issues

(A.) Nelson, et al. v. Defoe, et al. Case No. 15-cv-274-wmc: Nothing to report at this time.

XIV. New Agenda Items for Future Meetings

A. Requests for Information on Painting the Town Hall

B. Purchasing and Contracting Policy and Procedure Manual - First Read

Also: Superior Petrol issue, updates on leisure interactive, plow auction, zoning ordinance changes, zoning budget request.

XV. Adjourn: Motion to adjourn, J. Carlson/ M. Anderson, 5 Ayes, Motion Carried. Adjourned at 7:34pm.

Submitted by Micaela Montagne, Town Clerk.

Approved as submitted, August 23, 2016. M. Montagne, Town Clerk