

**TOWN OF LA POINTE  
REGULAR TOWN BOARD MEETING  
TUESDAY, NOVEMBER 12, 2013  
5:30PM AT TOWN HALL  
Approved as corrected 11-26-13**

**Called to order** at 5:33 PM

**Present:** Nick Nelson, Jim Patterson, Greg Nelson, Ham Ross, Marty Curry

**Staff present:** Pete Clark, Lisa Potswald

**Public Present:** Mike Starck, Dave Thomas, Charles Meech, Michael Childers, Glenn Carlson

**I. Public Comment A\*:**

Mike Starck informed the Town Board that the County finalized its budget today, and asked to clarify when the public is to speak on matters of budget as he had done so at the meeting the evening prior. Board clarified that the Towns people are to give input at the Public Hearing as they only really have say on the levy limit, not on actual line items (unless on wages of elected officials).

**II. Town Administrator's Report**

Presented by Pete Clark. Areas of discussion included: Clark is trying to simplify MIFL dock lease and get things rolling. Administrator Clark was present in Madison to testify on the Greg Nelson Memorial Property Tax Exemption Legislation. He reported that the Committee Chair is in support that he thinks it will pass when it is voted on in January. The Assembly will hopefully follow.

In regards to the Winter Transportation Committee, Administrator Clark met with the Superintendent of the Bayfield School District, and the committee may reconvene in February. Questions arose in regards to room accommodation tax after being discussed at the budget meeting the night prior, P. Clark reports that State Statutes and Town Ordinances lay it out fairly clear that the Chamber is to get the portion of the room tax. The Treasurer will be writing a report on the issue to help clarify as well.

Town Administrators 11-12-13 Report Placed on file by Unanimous Consent.

**III. Public Works**

**A. Roads**

1. Foreman's Report: Foreman Sowl reported on the Town wells. N. Nelson appreciated having well water access at Joni's Beach, and is also hoping that there could be year round access to water at the Town Park. K. Sowl reported that there is a good hand pump there. N. Nelson also asked about the Foreman's retirement (will be discussed later).  
Foreman's Report 10-5 thru 11-8-13 Placed on File by Unanimous Consent.

**B. Parks**

(The following change orders were presented by Foreman Keith Sowl. Most of them having to do with design problems, faulty engineering, snap decisions, heat, water, electric, etc., but all were must haves. All of the change orders fall into what was budgeted, just need to add on to the contracts.

1. Arnie Mackey Construction Change Order #2: Motion to approve in the amount of \$15,890.89. NN/ HR 4A 1 Opposed (M. Curry). Motion Carried.

2. Arnie Mackey Construction Change Order #3: Motion to approve in the amount of \$17,640.00. NN/ HR 4A 1 Opposed (M. Curry). Motion Carried.

3. Arnie Mackey Construction Change Order #4: Motion to approve in the amount of \$3,679.09. NN/ HR 4A 1 Opposed (M. Curry). Motion Carried.

4. Arnie Mackey Construction Change Order #5: Motion to approve in the amount of \$12,321.23. NN/ HR 4A 1 Opposed (M. Curry). Motion Carried.

5. Arnie Mackey Construction Change Order #6: Motion to approve in the amount of \$14,164.19. NN/ HR 4A 1 Opposed (M. Curry). Motion Carried.

6. Proposal from Nelson Surveyors for as-built map of BBTP: This was approved in April, but now changed to include all culverts, roads, campsites, electric and water lines, buildings, trails, and the new boardwalk (when it is done). Overall, \$1000 more than what was approved in April. Motion to approve the proposal from Nelson Surveyors for \$4450.00 for an as built map of BBTP. MC/ JP 5A Motion Carried.

### **C. MRF**

1. MRF Supervisor's Report: H. Ross is concerned about aluminum. In the report, T. Pallas reports that he will store some at Chicago Iron, and that transporting will happen before ice season. T. Pallas also addressed his vacation time, and if he can be paid for it versus using it up. Town Board did not make any decisions, but placed the report on file by unanimous consent.

## **IV. Committees**

### **A. Zoning**

1. ZA's Report: Motion to place ZA's report on file. HR/ JP 5A Motion Carried.

2. Zoning Ordinance Text Changes Recommendation: Administrator Clark presented the changes as a way of expediting the process (60-90 days vs current 120 days) of the procedure for modification of preexisting conditional use permits. A public hearing was held, and on October 30<sup>th</sup>, the Town Plan Commission took up the issue. The Town Plan Commission's recommendation to the Town Board was that they were not in favor of the proposed changes. P. Clark believes it is a transparent addition to what already is in place, and allows efficiency without sacrificing accountability. Administrator Clark recommends that it be approved.

Chairman Greg Nelson wants CUPs to remain a Town Board decision, to ensure elected officials are involved in the process.

J. Patterson does not support the text changes. He is worried that CUP applicants may not be forthright with their intention and plan if they knew they had an alternate appeal process.

(G. Nelson does not agree, TPC is advisory, and Town Board makes decision)

N. Nelson questions if he really wants the process to be expedited, the CUP should be final when done. He believes the changes are well written, and that it all comes down to the democratic process. He is not sure he agrees enough to change what is already in place. He appreciated the information the TPC gives to the Board, and does not want to drop them from the process).

G. Nelson does not think the whole CUP process will be as big of an issue in the future as it has been in the past.

P. Clark is in favor of having a CUP not modified more than once in a five year period (in text changes) so that it spans two election periods, to lessen any contention. To clarify, the text changes do allow modifications within a five year period, just not with the shortened process.

M. Curry is concerned that there could be a very pro- development Board in the future, that would change much of the Island, he also believes that maybe the TPC and Town Board should increase commercial zone instead of infringing upon residential areas with CUPs (G. Nelson adds that the TPC reduced the commercial zone), and also believes it is a checks and balances issue in terms of having the process in place, even though the TPC are advisory. Motion to approve 7.3 as presented. HR/ MC 2A(Greg Nelson, Ham Ross) 3 Opposed (Nick Nelson, Jim Patterson, and Marty Curry) Motion Fails.

**B. Harbors:** None at this time.

**C. Committee on Local Food System:** None at this time.

**D. Community Awards Committee**

1. Appointments to the Community Awards Committee (3): Sign-up sheets were posted, and no one signed up. Town Board wants sign-up sheets to stay posted, and hopefully they will get volunteers.

## **V. Town Hall Administration**

**A. Budget Report:** Motion to approve as submitted. HR. JP 5A Motion Carried.

**B. Use of Town Attorneys by Town Board Members:** Presented by Supervisor H. Ross. Ross is concerned that Town Board members are addressing the Town's attorney too often on issues that could be addressed 'in house'. It is an ethical and philosophical issues as well as a budgetary one. H. Ross would like to see the Chairman as liaison between Board members and the attorney to avoid frivolous use. Chairman Nelson does not agree, as he is often busy. J. Patterson suggests to not give up privileges, but prior to calling or emailing, there should be a collaboration between two Town Board members or between the TB member and the Town Administrator. Town Board concluded that they will try to consult/ use all other options (including contacting the Wisconsin's Towns Association) prior to contacting the attorney.

**C. Generator for Town Hall:** Wondering if the Town shall pursue getting a generator for Town Hall. It will be in the emergency plan, an on-going issue.

**D. Resolution #2013-1112 A: Adoption of All Hazards Mitigation Plan, Ashland County:** This is a 'no-brainer' to pass. The Town is ahead of the county in its Emergency Plan. Motion to adopt HR/ NN 5A Motion Carried.

**E. Resolution #2013-1112 B: Exemption from County Library Levy:** Happens every year. Motion to adopt HR. MC 5A Motion Carried.

**F. 2014 Budget:** nothing at this time, will be discussed at Budget Meeting November 13, 2013.

**G. Possible changes to Town's Flex/Section 125 Plan:** carry-over: the current flex plan for Town employees enrolled in Town's health insurance is a 'use or lose' policy. They get \$725.00 to use in the year for medical related purchases. The Town can now opt to carry over up to \$500 to the following year (not lose it). Motion to approve carry-over of \$500.00 flex funds for employees who have not used up their funds. MC/ JP 5A Motion Carried.

**H. Temporary Agreement with Evan Erickson for Access to Winter Transportation Building:** The Town Board thanks Evan Erickson for the use of his property in transporting the windsleds. The Board also addresses the letter from Nelson Construction dated Nov 5, 2013 to maintain the stretch of road used. Town Board gives Foreman Keith the go ahead to make it useable. Motion to approve the agreement and authorize the Town Chair to sign NN/ JP 5A Motion Carried.

I. Closed Session: Town Administrator Employment Agreement: Motion to go into closed session in regards to Administrator employment agreement. HR/MC 5A (Nick Nelson, Jim Patterson, Greg Nelson, Ham Ross, Marty Curry) Motion Carried. Others present: Pete Clark, Micaela Montagne. Motion to return to open session. MC/ HR 5A Motion Carried. (No Public Present following Closed Session)  
Motion to approve Town Administrator Employment Agreement as written MC/NN 5A Motion Carried. Discussion included N. Nelson wanting to do a review of the Administrator prior to the end of the year.

**VI. Vouchers:** Motion to approve vouchers in the amount of \$33,035.54. NN/ JP 5A Motion Carried.

**VII. Alternative Claims:** Motion to approve Alternative Claims in the amount of \$145,590.85 and \$5,732.25 (Library) MC/ JP 5A Motion Carried.

**VIII. Treasurer's Report:** Motion to accept Treasurer's Report cash summary showing a total of \$338,149.61 and an accounting total of \$802,668.52. JP/ MC 5A Motion Carried.

**IX. Minutes**

A. Regular Town Board Meeting October 22, 2013: Motion to approve minutes as submitted MC/ HR 4A (1 abstain JP) Motion Carried.

B. Special Town Board Meeting October 24, 2013 (1): Motion to approve minutes as submitted MC/ JP 4A (1 abstain GN) Motion Carried.

C. Special Town Board Meeting October 24, 2013 (2): Motion to approve minutes as submitted MC/ JP 4A (1 abstain GN) Motion Carried.

D. Special Town Board Meeting October 29, 2013: Motion to approve minutes as presented (with the addition of Dave Thomas' name as public present) MC/ HR 4A (1 abstain JP) Motion Carried.

E. Special Town Board Meeting November 4, 2013: Motion to approve minutes as submitted MC/ JP 5A Motion Carried.

**X. Police**

**A. Police Department**

1. Police Chief's Report:

Report dated Nov 7, 2013 placed on file by Unanimous Consent.

**XI. Emergency Services**

A. Fire Chief's Report'

Report dated 10/7/13 to 11/12/13 placed on file by Unanimous Consent.

**XII. Public Comment B\*\*:** none

**XIII. Lawsuits & Legal Issues:** none at this time.

**XIV. Liquor & Operators' Licenses:** none at this time.

**XV. New Agenda Items for Future Meetings:**

Draft lease with Ferry Line

Winter Transportation agreements

Review of Administrator Clark (may require a special meeting)

**XVI. Adjourn** at 7:55pm MC/ JP 5A Motion Carried.

Submitted by Micaela Montagne, Town Clerk

Approved as corrected 11-26-13. Micaela Montagne, Town Clerk