

TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
TUESDAY, SEPTEMBER 23, 2014
5:30PM AT TOWN HALL
Approved Minutes

Called to order at 5:30pm

Present: Greg Nelson, Michael Childers, Marty Curry, Jim Patterson, Ham Ross

Staff present: Pete Clark, Kristian Larsen, Rick Reichkitzer

Public Present: Mike Starck, Marilyn Hartig, Tom Lidner, Kathryn Rehwaldt, Ute Hodges, Gary Krubsack, Julie Schmitt, Julie North, Paul Brummer, Barb With, Larry Bean, Dick Hoffman, Gene Nelson.

I. Public Comment A*: None

II. Town Administrator's Report: Presented by Administrator Pete Clark and placed on file by unanimous consent. Discussion included meeting with Ashland County Zoning Committee regarding the review of the Overlay and to review zoning issues.

III. Public Works

A. Roads: Crack sealing of Town roads will be done September 24, 2014.

B. Parks

1. Questions from Rec Center Director: Rec Center Program weekend program: Director Patty Anderson submitted some questions regarding the operation of the Rec Center Program on the weekends this fall. She was wondering about the time frame as well as if Assistant Reva Pallas would be hired back. Decision was to have Patty run the program until the budget is used up. If numbers were up, and funds available then Reva could be hired back, but it looks like the program will only run another weekend or two.

2. Rental Request for Harry E. Nelson Recreation Center Shelter from Madeline Island Historical Preservation Association for Codger Ballgame 9/27/2014 and waiver of fees: The annual Codger Game, this year from the MIHPA instead of the Community Clinic. Discussion included whether to waive fees or charge a minimal amount, and not to waive the security deposit. Motion to grant rental request with a \$10.00 fee, H. Ross/ M. Curry, 2 Ayes, 3 Opposed (HR, JP, GN), Motion failed. Motion to grant rental request with the full waiver of fees (except for the security deposit), M. Curry/ J. Patterson, 4 Ayes, 1 opposed (HR), Motion Carried.

C. Airport

1. Airport Manager's Report & Checklist: Placed on file by unanimous consent.
2. Hangar Lease Transfer Lot #9: Everything is in order. Motion to grant the transfer of Hangar Lease for Lot #9 from Paul Anderson to Jeff Foster, H. Ross/ J. Patterson, 5 Ayes, Motion Carried.

IV. Committees

A. Zoning: Nothing at this time

B. Alternative Energy Committee

1. Recommendation of Budget and Town Staff actions for 2015: The committee submitted a list of recommendations to improve energy consumption as well as a spreadsheet showing the electrical usage of Town owned properties. Chair of the committee, Larry Bean, spoke with the Board about the recommendations. Highlights are replacing lighting with LED,

especially in parking lots and on the Town Dock and improving Town Hall usage by replacing the front door or adding a vestibule in the winter.

2. Contract with Chippewa Valley Alternative Energy: Town Board previously approved with AEC committee to contract with Chippewa Valley. Attorney M. Fauerbach has reviewed the contract and it is available to be signed. Motion to approve the Service Agreement between Chippewa Valley Alternative Energy and the Town of La Pointe as submitted and reviewed, M. Curry/ J. Patterson, 5 Ayes, Motion Carried.

V. Town Hall Administration

A. Administrative Assistant's Report: discussion included a question presented by B. Nelson in her Admin Assistant's Report regarding 2014 Budget transferring of funds previously approved. Town Board agrees that it is okay to transfer the funds by the end of the month so the department heads can have a better handle of where they stand as budget workshops approach. Motion to place Administrative Assistant's Report dated 9/19/14 on file, H. Ross/ M. Curry, 5 Ayes, Motion Carried.

B. Grant Updates: placed on file by unanimous consent. Discussion included the Clean Sweep grant the town will be applying for to provide funds to collect unwanted prescription drugs, sharps, and household waste. Board discussed whether to have all of the collection occur at MRF or if it would be better to have some at the clinic. It was explained that a County officer of the Sheriff's Department must be there to assist and oversee.

C. Request from Ashland County to waive 30 day time limit for County Services Levy Exemption Resolution #2014-0826: Town Administrator Pete Clark met with the County Administrator Jeff Beirl in regards to the Levy exemption. Because this is the first year and there are still a few questions to be answered, Ashland County is requesting the 30 day time frame to be waived. Looking more at 45 to 60 days. Motion to waive the 30 day requirement for the County Services Levy Exemption, Resolution #2014-0826, J. Patterson/ M. Curry, 5 Ayes, Motion Carried.

D. Draft Management's Discussion and Analysis Report for audit of year ending 12/31/2013: This is the draft of the audit for year ending 12/31/2013 from Maitland, Singler & Van Vlack. Motion to approve the Draft Management's Discussion and Analysis Report, H. Ross/ M. Curry, 5 Ayes, Motion Carried.

E. Reschedule Public Hearing: Public Nuisance Ordinance #2014-03: H. Ross motions to go ahead and schedule the public hearing. Motion fails for lack of second. Public hearing and the Public Nuisance Ordinance will be held in abeyance for now.

F. Attractive Nuisance Ordinance #2014-02: consider revisions from Public Hearing (9/16/14): First Read: this is the first read of the Ordinance since the revisions after the Public Hearing held on September 16, 2014. A couple of proofing/ language changes on the top of page 3 'receipt by the person of the by order' and 'the Town Board, the Town Board may...' Motion to approve the first read of the Attractive Nuisance Ordinance 2014-02 as amended for 9/22/14, J. Patterson/ M. Curry, 5 Ayes, Motion Carried.

G. Propane

1. Propane Supply/Contract: existing agreement with La Pointe Gas: Questions raised by La Pointe Gas, Inc. in clause #8 regarding the 80% fill requirement. Administrator Clark recommends a change in the clause, Gene Nelson of La Pointe Gas present for some of the discussion, and requests just to maintain a 15% or more fill. If the wording in the contract stays as is Gene Nelson wants to walk away from it. Request of 50% fill requirement request would also be unreasonable to Gene. After discussion between the Board and Gene Nelson, with public comments included, questions were left unanswered. Questions arose about allowing a contract

holder with the Town negotiate their contract after it's been signed. The contract agreement that was signed by Gene Nelson of La Pointe Gas included strikethroughs made by Nelson. Discussion ended with having the contract go to Legal to see if it is enforceable, and for what steps to take next.

2. La Pointe Gas proposed propane changes (9/17/14): Gene Nelson of La Pointe Gas submitted a letter stating the price of propane is going up to \$2.60 per gallon from the 2.45 in the original proposal.

3. Propane Purchasing Options: general propane issues were discussed in and among all three propane agenda items. The Town needs double the propane that it currently has storage for (annually). Administrator looking into the purchase of larger or more storage tanks and the possibility of buying propane from companies off island.

VI. Vouchers: (agenda item moved to end of meeting so Board members could have more time to review and sign them)

VII. Minutes

A. Regular Town Board Meeting September 9, 2014: Motion to approve minutes as submitted, H. Ross/ J. Patterson, 5 Ayes, Motion Carried.

VIII. Emergency Services

A. Ambulance Service

1. Ambulance Director's Report: report dated 9/22/14 placed on file by unanimous consent.

B. Fire Department

1. Fire Inspection Position and Wage: the position and wage were removed this year, but it has been noted that it is an important position and good for the island and fire department to do the inspections. The Town receives 2% dues from the State that cover the cost. Motion to approve and reinstate the position of Fire Inspectors at \$700.00 twice a year, J. Patterson/ M. Curry, 5 Ayes, Motion Carried.

IX. Police Department

A. Law Enforcement Review Panel

1. Rescind Resolution #2014-0812A: from a clerical standpoint, the numbering system of the resolution is off, and difficult to track changes as there have been two Resolutions passed with the same number. Motion to rescind Resolution #2014-0812A, J. Patterson/ M. Childers, 4 Ayes, 1 opposed (M. Curry), Motion Carried.

2. Law Enforcement Review Panel Resolution #2014-0923: this Resolution is the same as the rescinded one except for the number and a brief sentence at the beginning stating that it is replacing the rescinded 2014-0812A. Motion to adopt Resolution #2014-0923, M. Childers/ J. Patterson, 4 Ayes, 1 opposed (G. Nelson), Motion Carried.

3. Law Enforcement Review Panel Membership: following the Public Hearing on the issue discussion included whether to re post the signup sheet (not going to), sending out a letter asking for those who signed up to submit a letter of interest that would include their 'qualifications' for the position and why they would be a good member, and what the responsibilities/ training would be required of the members. It was decided that the Town should ask for assistance from legal to come up with an appropriate questionnaire to send to the members of the public that signed up in hopes that they would submit information so the process can continue to move forward.

B. Retainer Agreement with Godfrey & Kahn, Attorney Jon Anderson: Attorney Jon Anderson has more experience with municipal law and an understanding of the review panel. He was recommended by the Town's current employment attorney. The agreement is to approve that Godfrey & Kahn will be on retainer for the Town regarding the Law Enforcement Review Panel at an hourly rate of \$225 to \$500 for attorneys and \$130- \$200 for paralegals. Motion to approve the Retainer Agreement with Godfrey & Kahn, Attorney Jon Anderson, H. Ross/ M. Curry, 4 Ayes, 1 opposed (G. Nelson), Motion Carried.

X. Library

A. Library Board Minutes, August 14, 2014: minutes placed on file by unanimous consent.

XI. Public Comment B:** None

XII. Lawsuits & Legal Issues:

A. H. Ross questions the updates on the Mattingly case, will be on next agenda.

B. M. Childers wonders if the question/ answer document from Attorney Jon Anderson regarding the Law Enforcement Review Panel can be a public record, Chairman thought it could be once the panel is established.

XIII. Liquor & Operators' Licenses

A. Temporary Class "B" License

1. Madeline Island Historical Preservation Association, Rec Center: 9/27/2014, and request to waive fees: Motion to approve the Temporary Class "B" License for the Madeline Island Historical Preservation Association for the Rec Center on 9/27/2014, with fees waived, H. Ross/ J. Patterson, 5 Ayes, Motion Carried.

B. Non-Intoxicating Beverage License

2. Madeline Island Historical Preservation Association, Rec Center: 9/27/2014 and request to waive fees: Motion to approve the Non-Intoxicating Beverage License for the Madeline Island Historical Preservation Association at the Rec Center on 9/27/2014 with fees waived, H. Ross/ J. Patterson, 5 Ayes, Motion Carried.

XIV. New Agenda Items for Future Meetings:

- A. Attractive Nuisance Ordinance second read
- B. Wage Resolution for Fire Inspections
- C. Law Enforcement Review Panel membership questionnaire
- D. Mattingly
- E. Propane

VI. Vouchers: Motion to approve vouchers in the amount of \$23,126.76 which is \$735.00 less than presented due to lack of approved payment to Sylvan Designs, H. Ross/ J. Patterson, 5 Ayes Motion Carried. (*Clerk's note: there was an error in the HIS Business voucher, it should had been 424.95 and not 434.95, thus the actual total of approved vouchers is reduced by \$10 to \$23,116.76*)

XV. Adjourn at 6:55 pm. M. Curry/ H. Ross, 5 Ayes, Motion Carried.

Submitted by Town Clerk, Micaela Montagne. Approved as amended (added A and B in XII Lawsuits and Legal, October 14, 2014, Clerk Micaela Montagne.