

**TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
TUESDAY, September 14, 2010
Minutes
At 5:30 PM at Town Hall**

Called to order 5:37 pm by G. Nelson; Present: Beth Fischlowitz, Jim Patterson, Ham Ross
Absent: Larry Whalen

I. Public Comment: Beth Alsgaard – question if ordinance 2010-02 (Protecting highways) was well thought through. Says no one can put gravel on road; stuff falls out of truck do you have to sweep up? G. Nelson said it was well discussed. Person has to be responsible, not the town. Beth does not think it was well thought out or that it is enforceable.
Judi Patterson: Would like to speak regarding 6(C)(2) Mondamin
George Shapiro wants the Town to know that the Island Association has \$1704.00 for Joni's Beach and the Island Association has provided you with a proposal form that you can make copies of.
Mike Starck –Can be contacted regarding the Inter-municipal Agreement with Ashland County for Zoning Services. Does not plan to stay at the meeting that long.
Warren Anderson – street lights – over half are out over half the time. Nothing has been done. Wish you would turn them all off instead of having them on/off/on/off. Town Foreman Keith Sowl reiterated that anyone can call Xcel Energy about street lights.

II. Vouchers approved in the amount of \$76,903.31 HR/BF 4A MC

III. Alternate Claims approved in the amount of \$96,487.02 BF/JP 4A MC

IV. Treasurer's Report Motion to approve the Treasurer's cash summary as of 8/31/2010: total balance of \$,1,177,845.53 available cash balance of \$730,750.65; total balance available in checking account of \$628,723.03. BF/HR 4A MC

V. Town Clerk

A. Minutes Special Town Board meeting August 24, 2010, approved as submitted. BF/HR 4A MC

B. Minutes Regular Town Board meeting August 24, 2010, not available

VI. Public Works

Motion to move to item VI(C)(3) (CSM Jim & Marie Noha. Chair, Greg Nelson states that more people are in attendance regarding item VI(C) (4) the Alley. Motion withdrawn.

Motion to move to item VI (C) (4) HR/BF 4A MC

VI. (C) (4) Spears Carlson letter regarding Block 16, Block 23 & Vacated 7th St., Plat of Village of La Pointe: John Carlson appeared representing the Karwath property and stated that the Town owns the alley and that it should be open to the public. Town Foreman Keith Sowl stated that it is not a platted alley but is town property. Ham Ross stated that the Town should maintain it. Zoning Administrator Jennifer Croonborg-Murphy stated that the Town only has to ensure that it is passable. Keith Sowl proposes opening a loop to the Town Parking lot with 20-

foot wide access. Motion to state that the Town owns the land and needs to make it passable.
BF/HR 4A MC

Motion to move to item IX. (C) (3) CSM submitted by Jim & Marie Noha. HR/BF 4A MC

IX. (C) (3) CSM submitted by Jim and Marie Noha for a parcel of land located in Lot 1 of Block 38 and the adjacent part of the westerly ½ of a vacated Reserved Street RE: purchase of Town property

The CSM is not complete and in order for the Town Board to answer the questions, the map needs to show both parcels in full, location of lot lines, location of the library parking lot, the library building and property behind the library. Jen Croonborg-Murphy, Zoning Administrator (ZA) will submit the CSM back to the Noha's with a letter addressing the Town Board's requests.

Motion to move to item VI (C) (2) . Possible opening of a cul-de-sac adjoining lot 2, Range 3 West Document #202758 Section 32 (off Mondamin Trail) LP #014-0211-0100 and estimated costs.

JP/HR 4A MC

VI. (C) (2) Motion to begin the permitting process and publish the bid notices. BF/HR. 3 ayes, 1 abstain (J. Patterson) MC Keith Sowl, Town Foreman, is directed to begin the process.)

Motion to return to the agenda. HR/BF 4A MC

VI. Public Works

A. Parks

1. Ordinance #2010-01 An Ordinance Regulating Docking & Camping at Joni's Beach & the Town Dock: according to Town's Attorney Mike Fauerbach, the word "transient" means 24 hours. A suitable substitute for the word *transient* will be needed. This item tabled till spring by the Town Board.
2. Big Bay Town Park Issues: discussion regarding complaints about the park maintenance. The Town will be looking into the possibility of available grants for the improvements. It was agreed that the reservation system is a good idea. Town Board directed the Town Foreman to publish Requests for Proposals regarding the park. Also, the Board agreed to roll over the \$8000 budgeted for Big Bay Town Park improvements into next year's budget.

B. MRF

1. MRF Supervisor's Report dated 9/10/10 placed on file by unanimous consent
2. Hiring of a MRF Recovery Facility Solid Waste Attendant: Motion to hire Carey Baxter as the MRF attendant at a rate of pay of \$13.53 an hour, for 1780 hours with appropriate benefits, to begin immediately and subject to a 90-day review. HR/BF 4A MC

C. Roads

1. Foreman's Report dated 8/6/10-9/10/10 placed on file by unanimous consent.

2. Possible opening of a cul-de-sac adjoining lot 2, Range 3 West Document #202758 Section 32 (off Mondamin Trail) LP #014-0211-0100 and estimated costs. Covered previously.
3. Proposed Special Assessment for the development of Miller Farm Road: Town Foreman Keith Sowl stated that a resolution is needed in order to begin the Special Assessment process. Following the resolution, packets will be sent to all affected property owners.
4. Spears Carlson letter **RE:** Block 16, Block 23 & Vacated 7th St., Plat of the Village of La Pointe. Covered previously.
5. Easement Agreement Between Town of LaPointe and Dorrance O'Brien Gage & Mary Ann O'Brien for catch basin facilities; part of Lot 1, Block 23 LP#014-00413-0300 Motion to authorize the chair to sign the easement Agreement Between Town of LaPointe and Dorrance O'Brien Gage & Mary Ann O'Brien for catch basin facilities; part of Lot 1, Block 23 LP#014-00413-0300. BF/JP 4A MC

D. Harbor

1. Dock Lease Between Town of La Pointe & Nelson Construction Co of La Pointe terminating Dec. 31, 2010 Postponed till the Regular Town Board Meeting on October 12, 2010.
2. Grant Agreement: DNR Recreational Grant Agreement #RBF-1321 **RE:** harbor feasibility study: Motion to authorize the chair to sign the DNR Recreational Grant Agreement #RBF-1321 **RE:** harbor feasibility study and request the advance of \$7500.00. BF/JP 4A MC
3. Appointment of members to the Harbor Committee: no recommendation at this time

E. Airport

1. Proposed hangar lease: not available
2. Industrial Zone Lot Leases: At the suggestion of the Administrative Assistant, the Industrial Zone Lot Leases will be examined along with the Hangar Leases. Discussion regarding appropriate working: deferred to the Town's Attorney. Motion to authorize Town's Attorney Mike Fauerbach to draft the correct language and to apprise Airport Manager Michael Dalzell of this. HR/BF 4A MC

VII. Police

- A. Police Chief's Monthly Report dated 9/9/10 placed on file by unanimous consent.

VIII. Emergency Services

- A. Ambulance Director's Report dated August 1-31, 2010 placed on file by unanimous consent.
- B. Fire Department Local Authority **RE:** Inspection lp tanks – fees, policy: Motion to ask Glenn Carlson, a volunteer currently updating the employee policy, to research answers to questions regarding policy, inspections and payment of inspectors by the Town.

IX. Committees

A. CAPP Committee

1. Appointment of members to CAPP Committee: Motion to seat Linda Fuller on the CAPP Committee as seated member #3 with a term ending date of April 30, 2011. BF/JP 4A MC
2. Parks Survey recommendations: not available

3. Request by ad Hoc CAPP Affordable Housing Committee to waive Rec Center rental fees for housing information open house September 17th, 2010: Motion to waive the Recreation Center rental fees for the open house on September 17, 2010. JP/HR 4A MC

B. Alternative Energy Committee

1. Committee Update dated 9/14/10 placed on file by unanimous consent. Discussion regarding what will happen to the lease with the Bad River Band to move the met tower to the north end of the island.

C. Zoning

1. Zoning Administrator's Report dated 9/7/10 placed on file by unanimous consent.
2. Inter-municipal Agreement with Ashland County for Zoning Services: consensus of the Board that, while the Inter-municipal Agreement amount budgeted by the County [clerk's note: increase requested; not granted] is not palatable, it is in the Townspeople's best interest to continue it. Further discussion postponed till budget workshops.
3. CSM submitted by Jim and Marie Noha for a parcel of land located in Lot 1 of Blk 38 and the adjacent part of the westerly ½ of a vacated Reserved Street **RE:** purchase of Town property Covered previously

X. Town Hall Administration

- A. Budget Amendment #2010-02: Motion to approve Budget Amendment #2010-02 JP/BF 4A MC

Beth Fischlowitz leaves meeting at 8:00 PM. Barb Nelson now present as signatory.

- B. 2010 Monthly Budget Report dated 9/14/10 placed on file by unanimous consent.

- C. Attachment "C" to 2010 Wage Resolution #2009-1229: Motion to approve Attachment "C" to 2010 Wage Resolution #2009-1229 HR/JP 4A MC

- D. General Code Update: postponed till the Regular Town Board Meeting on October 12, 2010.

- E. Appointed Official's Hours: Motion to direct appointed officials who are significantly past due turning in their hours that they are delinquent and that if they continue to be, there will be financial repercussions. GN/JP 4A MC

F. Contracts for Septic removal and Purchase of propane: Greg Nelson, chair, talked to Gene Nelson (La Pointe Gas/Nelson Builders). Gene Nelson stated that a specific keep-fill percentage was not in the contract he bid on, but that he has 5 million dollars in insurance, and if a place runs out that he is supposed to keep full, he has insurance and he is not going to sign a contract that was not what he bid on. It was suggested to Gene Nelson that he just pump to 2000 gallons. H. Ross asked if Gene signed the agreement. Gene has no,t but Barb said if she could tell Gene that the Town Board said that is fine, just pump 2000 gallons, that, in her opinion, would work for Gene. H. Ross said we need the contract signed soon.

G. Discussion regarding division of projects/services between the two Town Attorneys: postponed till the Regular Town Board Meeting on October 12, 2010

- H. Membership in the Madeline Island Chamber of Commerce for the Town of La Pointe: postponed till the Regular Town Board Meeting on October 12, 2010

- I. Town Hiring Policies postponed.

- J. Budget 2011 Schedule of budget workshops discussed.

- K. Audit Ending 12/31/2009 Management Discussion & Analysis: postponed till the October 12, 2010 Regular Town Board Meeting.

XI. New Agenda Items for Future Meetings

- A. Discussion regarding division of projects/services between the two Town Attorneys
- B. Membership in the Madeline Island Chamber of Commerce for the Town of La Pointe
- C. Town Hiring Policies
- D. Audit Ending 12/31/2009 Management Discussion & Analysis
- E. Minutes: Regular Town Board Meeting 8/24/20
- F. Dock Lease Between Nelson Construction of La Pointe & the Town of La Pointe terminating 12/31/10

XII. Lawsuits & Legal Issues

- A. 09-cv-215 Paul Brummer vs. the Town of La Pointe
- B. 04-cv-128 Town of La Pointe vs. Michael Mattingly

XIII. Liquor Licenses

- A. Non-alcoholic Beverage License for the La Pointe Community Clinic Codger Game: motion to approve. HR/JP 4A MC

XIV. Adjournment

**Approved as submitted on 10/12/10
Patty Hobin, Town Clerk**