

**TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9th, 2010
At 5:30 At Town Hall**

Called to Order at 5:30 PM

Present: Beth Fischlwitz, Jim Patterson, Greg Nelson, Ham Ross, Larry Whalen
Dept. Heads present: Jen Croonborg-Murphy, Keith Sowl, Michael Dalzell

I. Public Comment

Beth Alsgaard commented that she feels that the Community & Public Planning Committee should be involved in the improvement planning for Big Bay Town Park. She also stated that she has concerns regarding the Town adoption of "Big Arn's Rd." She feels that not all residents of the road favor the project.

Gary Krubsack responded that a majority of the residents do favor the project. He added that the gravel for the project should come from the Town's supply of gravel, for which the taxpayers have already paid.

Paul Brummer requested that before the Town considers adopting any more roads those roads be brought up to minimum standard by the parcel holders or else the parcel holders should be assessed for the full amount of the project.

Charlie Brummer asked about the process for adopting Big Arn's Road; he also stated that he feels that the Town Plan Commission should be included in the improvement planning for Big Bay Town Park.

~~Unknown speaker~~ Dave Hackett asked if there would be a public hearing on the topic of Big Bay Town Park as there is concern being expressed about the development of the north side of Big Bay Rd.

II. Vouchers approved in the amount of \$32,301.00. HR/JP 5A MC

III. Alternative Claim approved in the amount of \$89,758.48. BF/HR 5A MC

IV. Treasurer's Report dated 10/31/10 showing an available balance of \$1,009,077.064, with an available cash balance of \$562,470.05 & an available checking account balance of \$505,256.74. BF/JP 5A MC

V. Minutes

- A. RTBM 9/28/10 approved as submitted. HR/LW 3A 2Ab [BF,JP] MC
- B. RTBM 10/12/10 approved as submitted BF/HR 4A 1Ab [LW] MC
- C. Budget Workshop 10/13/10 approved as submitted JP/HR 3A 2Ab [BF,LW] MC
- D. Budget Workshop 10/25/10 approved as submitted HR/BF 4A 1Ab [LW] MC
- C. RTBM 11/1/10 (cancelled from 10/26/10) not available

VI. Public Works

A. Parks

1. Big Bay Town Park project

Keith Sowl, Town Foreman agrees that both the Community & Public Plan Committee (CAPP) & the Town Plan Commission (TPC) should be involved in the plans for improving Big Bay Town Park.

Jen Croonborg-Murphy asked how the TPC is directed on the issue. She requested a process that is better at involving the TPC in such projects—including new roads.

Beth Fischlowitz responded that she feels that CAPP is an advisory body, but that the TPC is certainly invited to view the draft 2011 Improvements Big Bay Town Park Master Plan.

Ham Ross referred to appropriate & inappropriate development of the Island

Jen Croonborg-Murphy renewed her request for a procedure: the TPC needs to interpret the prevailing ordinance—is this a non-conforming use? Is a Conditional Use Permit needed?

Greg Nelson said that there will be a series of steps involved and asked Zoning Administrator Croonborg-Murphy to please put the Conditional Use Permit on the Town Plan Commission (TPC) agenda as soon as possible.

Croonborg-Murphy replied that the TPC will look at all aspects before making a recommendation. She also asked if there is a conflict of interest involving the Town as property owner of Big Bay Town Park.

Beth Fischlowitz responded that it is already a park.

Ham Ross asked if the Town favors the project, does the Board need to go through the whole process.

Greg Nelson stated that [this summer] there were more complaints about the Park than ever before; he responded to Croonborg-Murphy's question by stating that the Town is seeking to cover costs not create revenue.

Jim Patterson suggested that listening sessions for the public should be held in the summer as well as winter so as to hear all possible opinions.

Keith Sowl stated that statutorily the Town Plan Commission is supposed to be doing the planning for the Town, for example: roads.

a. Wetland Delineation is currently ongoing.

b. Wisconsin Coastal Management grant application for Big Bay Town Park improvements: Motion to approve the Town's grant application to Wisconsin Coastal management for the 2011 Improvements Big Bay Town Park Master Plan. BF/JP 5A MC

c. Application for Conditional Use Permit: Motion to authorize the Town Chair to sign the application for a possible Conditional Use Permit for Big Bay Town Park. BF/JP 5A MC

B. MRF

1. MRF Supervisor's Report dated 11/9/10 placed on file by unanimous consent

C. Roads

1. Town Foreman's Report dated Oct. 9-Nov. 5, 2010 placed on file by unanimous consent

2. Miller Farm Rd. Special Assessment: Ham Ross asked the final cost of this project. Beth Fischlowitz asked if there is not a cap of \$100,000 on the project. Foreman Sowl responded that he does not yet know the final cost. Greg Nelson pointed out that the Special Assessment would not begin till the next year's tax roll.

a. Scheduling of a Public Hearing: Motion to schedule a Public Hearing on November 22, 2010 at 5:00 PM at Town Hall for the Special Assessment public hearing on Miller Farm Rd. BF/LW 5A MC

3. Possible opening of a cul-de-sac adjoining lot 2, Range 3 West Document #202758 Section 32 (off Mondamin Trail) LP #014-0211-0100

a. Resolution #2010-1109A Preliminary Resolution to Levy a Special Assessment: postponed due to an error on the Resolution. Keith Sowl suggested waiving the cost of the gravel; Ham Ross responded that this is a private road.

4. Letter from Charles R. Nelson RE: Ordinance Protecting Highways in the Town of La Pointe: Motion to direct the Clerk to write a letter of apology for any misunderstanding to Mr. Nelson. HR/BF 5A Motion Carries

5. Northwest Regional Planning Commission: 2010-2013 Comprehensive Economic Development Strategy

6. Jim & Marie Noha Town RE: purchase from the Town of a 3164-square foot parcel on Library St. adjacent to their property

a. Noha/Town of La Pointe RE: Certified Survey Map for parcels 014-00439-0100 (Library) and 014-00439-0300 (Noha) plus discussion and possible decision regarding parcel 014-00470-0300 (Health Center): at the suggestion of the Zoning Administrator: Motion to re-survey the parcel with a view toward combining pieces of the Library parcel & the Clinic parcel in order to eliminate a non-conforming lot (Town to pay for the survey). BF/HR 5A MC

b. Proposed value of property: Motion to sell to Jim Noha the piece of Town-owned land that he has requested for a selling price of \$4682.00 per the assessor's valuation of the property. BF/GN 4A 1 No [HR] MC

7. Update RE: Block 16, Block 23 & Vacated 7th St., Plat of the Village of La Pointe proposed access behind Town Hall: the Zoning Administrator will write a letter to Katy Gorman asking that she move her shed 20 feet. She will further send a copy of the letter to the attorney representing the Karwath family.

8. Petition to lay a highway: White Pine Lane/Big Arn's Road

a. Acceptance of petition: Ham Ross stated his concern that not all the residents of this road have been appraised of the petition; he further stated that the Town doesn't have the money for this project. He suggested that instead the Town could offer to repair & maintain the road. Note to self: at their cost or at town cost?

Gary Krubsack asked what the project would cost given the fact that the road already has a 66 foot easement.

b. Timeline of process: the completed petition was received at Town Hall on November 5, 2010, which makes the deadline [per statute] for Town Board action February 3, 2011. Motion to set a Public Hearing date of January 24, 2011 for the purpose of taking public input on this project. BF/HR 5A MC

9. Affirmation of State of Emergency Declaration for October 26-27 wind storm: Motion to ratify the Declaration of a State of Emergency on October 27, 2010. BF/JP 5A MC

D. Harbor

1. Report from the Committee: no report available

2. Dock Lease Between the Town of La Pointe & Nelson Construction of La Pointe terminating 12/31/10: postponed till the Town Board meeting on 9/23/10

E. Airport

1. Airport Inspection Reports dated 9/26, 10/3, 10/10, & 10/17, 2010 placed on file by unanimous consent.

2. Airport Pilots' Lounge RE: update of plans: Airport Manager Michael Dalzell reported that the list of improvements has not changed and that the work is under way and will be completed this year. He stated that he has contacted Dave & Missy Donkers to bring them up to date on the progress of the project.

3. Airport Pilots' Lounge RE: insurance coverage: the building is covered, and liability insurance is being obtained.

VII. Emergency Services

A. Police Chief's Report: dated 11/4/10 placed on file by unanimous consent

B. Ambulance Director's Report: dated 11/8/10 placed on file by unanimous consent

C. Fire Department

1. Fire Chief's Report: Ham Ross asked for more detail in the Chief's report. Fire Chief Gary Flores asked how much detail & stated that he would write the report in whatever way the Town Board requests. Ham Ross asked that the status of the machinery, the fire hall, and the personnel be included. Beth Fischlowitz requested a bit of narrative. Greg Nelson pointed out that as a department head, the Fire Chief is given a stipend that must be justified. Flores replied that there are months when there are no fires to report on. Discussion followed regarding what the Fire Chief can call "hours" when he does his report of hours spent on the job. Greg Nelson replied that the Fire Chief is given a stipend as well as being paid as a firefighter; he also suggested that the monthly report include the work that the officers are doing. Jim Patterson referred to the Materials Recovery Facility monthly report as an example of using a narrative to keep the Board informed. Ham Ross repeated that the Fire Chief is in charge of both expensive equipment and large funds and that a more detailed report would be more appropriate. Flores responded that he would collate reports from the Chief Mechanic & the Training Officer and include them in his report. Flores also stated that he would provide the Board with an updated copy of the Fire Department By-laws.

2. Fire Dept. Ordinance & By-laws

D. Fire Dept. Local Authority: Inspection of Propane Tanks RE: policies & fees: postponed at this time.

VIII. Library

A. Library Board Minutes: not available

B. Library Board Appointment for term ending July 1, 2012: Motion to endorse the library recommendation & seat Cynthia Banner on the Library Board.

IX. Committees

A. Zoning

1. Zoning Administrator's Report dated 11/9/10 placed on file by unanimous consent. At the Zoning Administrator's request: Motion to name the Chair of the Town Plan Commission as the designated authority for Zoning issues when there is a conflict of interest for the Zoning Administrator. HR/BF 5A MC

2. Hartzell, Robert RE: After the fact CSM for the division of parcel #014-00206-0200 at easterly corner of Penny Lane & Mondamin Trail: Motion to approve the Certified Survey Map for the division of parcel #014-00206-0200 at the easterly corner of Penny Lane & Mondamin Trail. BF/JP 5A MC

3. Request for Cease & Desist Orders for Jacob/Hailey Dobson - construction without permits at Lot 5 CSM 320 400 Old Fort Road: the Zoning Administrator reported that there is no permit for this project; there has been no Sanitary Permit issued. Motion to authorize the Zoning Administrator to obtain a Cease & Desist Order for Lot 5 CSM 320 400 Old Fort Rd. BF/JP 5A MC

X. Town Hall Administration

A. Budget Report for the month of October approved by motion: BF 5A MC

B. Temporary Agreement RE: permission to cross the property of E. Erickson LP#14-198.0200: Motion to authorize the Town Chair to sign the Temporary Agreement with E. Erickson. JP/BF 5A MC

C. 2011 Budget: the next meeting to work on the 2011 proposed budget is Monday, November 15 at 4:30 PM at Town Hall.

D. Winter Transportation Agreements: all postponed till the Town Board Meeting on 11/23/10.

1. Windsleds, Inc.
2. Madeline Island Transportation
3. Madeline Island Ferry Line

E. General Code Update: Clerk is directed to compile the answers to the questions sent to the Town Board by General Code and present them forthwith.

F. Resolution 2010-1109B Resolution & Notice of Special Charges RE: failure to pay for a False Alarm: Motion to adopt Resolution #2010-1109B Resolution & Notice of Special Charges. BF/HR 5A MC

XI. Lawsuits & Legal Issues

A. 09-cv-215 Paul Brummer vs. the Town of La Pointe: has been settled; the Clerk is directed to delete it from further agendas.

B. 04-cv-128 Town of La Pointe vs. Michael Mattingly

XII. Adjournment at 8:01 PM

Submitted by Patty Hobin, Town Clerk

Approved as corrected [Error struck through; insertion in bold & underlined] on November 23, 2010
Patty Hobin, Town Clerk