

**TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
MINUTES
TUESDAY, DECEMBER 29, 2009
At 5:30 At Town Hall**

I. Public Comment

Mike Starck commented on an article in the publication of the Wisconsin Towns Association calling for County Assessors rather than local assessors. He feels the Town may want to respond to this.

Ham Ross commented on a recent swim from La Pointe to Bayfield and feels that this sort of thing should be discouraged.

Patty Hobin updated the Board on the progress of the Town website.

II. Vouchers Motion to approve vouchers in the amount of \$22,586.34. RG/HR 5A MC

III. Minutes

A. Public Hearing Dec. 7, 2009 Acknowledged by unanimous consent of the Board.

B. RTBM Dec. 15, 2009 Motion to approve as amended. RG/LW 4A; 1Ab. MC

IV. Public Works

A. Roads

1. Approval of Chequamegon Bay Engineering quote for Miller Farm Rd. Initialed by Chair.
2. Request from the Town Foreman to put half of remaining roads budget funds into the roads designated fund. Motion to postpone till the RTBM on 1/13/10
3. Hagen Road Bike Lane Phase II: Change order #5 from Nelson Construction—~~Motion to~~ *Postponed* till the RTBM on 1/13/10 for the purpose of finding out who is going to pay for the change order.
4. Miller Farm Rd.: petition to lay a road. Discussion followed regarding the extent to which this sets a precedent, the safety and protection of the citizens on Miller Farm Rd. and minimum road standards.

Motion to issue the order to lay a public highway, per the state statutes and the nineteen (19) parcel holders petition

To wit: a 66-foot ROW, length of 3194 feet, per the map and descriptions provided by Nelson Surveyors, and built to minimum standards for a new town road, as adopted by the Town Board meeting of 12/15/09. Further, this new road will require an assessment of an amount NOT TO EXCEED \$100,000, for a period of ten (10) years, to be divided equally among the nineteen (19) parcel holders who are signers of the petition. The assessment is to start upon completion of the road, when the exact dollar amount spent is known. Thus, the actual assessment could be based on less than \$100,000, but not more. In addition, the assessment is to include everything necessary to the construction of the road, with the exception of labor, equipment, and gravel. BF/HR 3A 2Ab MC Gillman & Nelson abstain. Ham Ross states that he would like to see private contractors used on the project.

5. Hiring of a Temporary Employee Motion to authorize the Town Foreman to hire Limited-Term employees for snow removal till 2/15/10. RG/LW 5A MC

B. MRF

1. MRF Supervisor's Report dated 12/23/09 placed on file by unanimous consent of the Board. Discussion followed regarding the facility.

C. Airport

1. Airport Inspection Lists dated 10/25/09, 11/1/09, 11/8/09, 11/15/09, 11/22/09, 11/29/09, 12/6/09, 12/13/09, 12/20/09 placed on file by unanimous consent of the Board.

D. Cemetery

1. Putting cemetery lawn care out for bids. Discussion regarding care of the cemetery lawn and the allocation of funds for that purpose. Postponed till the spring. The sextant, Ham Ross, is to make a schedule for care and a list of expectations.

V. Emergency Services

A. Fire Chief's Report unavailable. The Chief is to be contacted in this regard.

VI. Library

A. Library Board Minutes 11/9/09 Placed on file by unanimous consent of the Board.

VII. Committees

A. Zoning

1. Appointment of a Zoning Board of Appeals Chair. Greg Nelson shared a letter he received from Tom Nelson in which Nelson commented on an issue that will be considered by the Zoning Board of Appeals. Beth Fischlowitz expressed concern over the fact that Nelson is making ex parte remarks on issues upon which he will be making quasi-judicial decisions.

The Town Chair recommends Mike Starck to be Chair of Zoning Board of Appeals. Motion to accept the designation of the Chair. BF/RG 4A 1Ab. MC

Larry Whalen abstained and made the following comment for the record: Whalen states that he is "not voting 'opposed' because Starck has shown signs of rehabilitation." He abstained because, ". . .it's a quasi-judicial body, and Mike Starck has not shown good judgment regarding his ex parte communications." Whalen further stated that he has "hopes for the future."

2. Winston, Frederick RE: Certified Survey Map to divide 15-acre parcel #014-00009-1500 at 131 Old Fort Rd. Recommendation from the Town Plan Commission to approve the CSM. Motion to approve the CSM as presented. RG/HR 5A MC

3. Town Plan Commission Working Draft Ordinance Revision Sections 4.3.3, 7.0, and 8.4.2. Discussion regarding how best to present the Draft Revision to the public. Motion to direct the Town Plan Commission to conduct public hearings and make recommendations on the Draft Revision as presented: 4.3.3, 7.0 and 8.4.2. BF/RG 5A MC Motion to grant an extension of the moratorium on CUP's and non-conforming lots(as requested by the Zoning Administrator) until April 15, 2010. BF/RG 5A MC

VIII. Town Hall Administration

- A. Administrative Assistant's Report placed on file by unanimous consent of the Board. Per the Addendum: it is the unanimous will of the Board that the insurance representatives for the Town and for Windsleds, Inc. shall meet together and report their findings to the Town Board.
- B. Appointment of one additional election inspector. Motion to appoint Kathy Wroblewski as an election inspector. LW/RG 5A MC
- C. Appointed Officials and Labor Law rules: Glenn Carlson memo—~~Motion to Postponed~~ till the RTBM of 1/13/10. GN 5A MC
- D. Establishing a line of credit for the Town rather than short-term borrowing. Motion to postpone till the RTBM on 1/13/10. RG/BF 5A MC
- E. General Code update: non-zoning ordinances and General Code book have been sent to attorney Anich.
- F. November Monthly Budget Report placed on file by unanimous consent.
- G. 2010 Audit for the year 2009: authorizing Maitland, Singler & Van Vlack to perform the audit. Motion to authorize Maitland, Singler & Van Vlack to perform the audit. RG/LW 5A MC
- H. 2010 Wage Resolution #2009-1229. Motion to sign and adopt the Resolution. RG/BF 5A MC
- I. Town Resolution #2009-1229A Use of 1.5% Accommodation Tax Collections. Motion to sign and adopt the Resolution. RG/LW 5A MC

IX. New Agenda Items for Future Meetings

- A. LEP (Limited English Proficiency) Plan Approval
- B. General Code Update
- C. Appointed officials wages and wage laws.
- D. Line of credit for the Town as opposed to short-term borrowing
- E. Amendment to Hagen Road Bike Lane Project: Change Order #5
- F. Fund Transfer from 2009 Roads budget to designated fund
- G. Issues involve Michael Mattingly: update from Zoning Administrator and report from Town Clerk regarding the semi-trailer parked on private property downtown.

X. Lawsuits & Legal Issues

- A. 04-cv-128 Town of La Pointe vs. Michael Mattingly
- B. 08-cv-109 Winston et.al. vs. The Town of La Pointe
- C. 3:09-cv-00686-slc Stephanie Zuehlke vs. The Town of La Pointe

XI. Adjournment

Adjourned at 7:37 PM

Submitted by Patty Hobin, Town Clerk
Minutes approved as amended (struck through & in italics) on 1/12/10
Patty Hobin, Town Clerk