

**TOWN OF LA POINTE  
REGULAR TOWN BOARD MEETING MINUTES  
TUESDAY, JULY 14, 2009  
At 5:30 At Town Hall**

Called to order at 5:30.

Present: Beth Fischlowitz, Ric Gillman, Greg Nelson, Ham Ross, Larry Whalen

**1. Public Comment**

Beth Fischlowitz commented on recent disturbances at Big Bay Town Park. She requested a discussion of this at the July 28, 2009 Regular Town Board Meeting.

Beth Fischlowitz read a letter from Gary & Susie Flores regarding underage drinking, vagrants in downtown and a home invasion incident, all of which have been discussed with Chief Anderson. They have asked that this be placed on the July 28, 2009, agenda. Ham Ross (police liaison) will discuss this with Chief Anderson.

Motion to place item 10A next on the agenda. (RG/BF) Five ayes. Motion carried.

**10. Town Hall Administration**

A. Tom Ketchum from the Horton Group regarding insurance.

Comments from Ketchum: Suggested increasing our deductible because of our low claims record. Personal Property coverage for Town Hall may be too low. Our umbrella coverage of 2-4 million meets the Bayfield School Board requirement. There have been three workers' comp claims in the last year all due to lifting. The Town needs to address this.

Motion to increase our deductible to \$1000 for a savings of \$2003 on our annual premium. (RG/LW) Five ayes. Motion carried.

Motion to resume agenda at item 5A. (BF/RG) Five ayes. Motion carried.

**5. Minutes**

A. June 23, 2009 Motion to approve as submitted. (FG/BF) Five ayes. Motion carried.

B. July 2, 2009 Motion to approve as submitted (RG/BF) Three ayes; two abstain (GN, LW). Motion carried.

**6. Public Works**

A. Parks

1. Approve Breaker Rock order for North Shore Trail Park Motion to approve the Nelson Construction estimate as presented. (RG/HR) Five ayes. Motion carried.

B. MRF

1. MRF Supervisor's Report Motion to place on file (RG/BF). Five ayes. Motion carried.

### C. Roads

1. Foreman's Report Motion to place on file (RG/HR). Foreman Keith Sowl said that he created a new policy regarding lifting pails of concrete: they must be only half full. Five ayes. Motion carried.

2. Discussion of hiring a Limited Term Employee Laborer for Roads, Parks & MRF. Motion to approve Foreman Sowl's request to hire Jeff Eichorst as a Limited Term Employee for less than 600 hours at a wage of \$12 an hour. (RG/BF) Five ayes. Motion carried.

3. Vacation of a portion of Main St. The agreement on this issue is nearly complete.

4. WisDOT ARRA funding application denied. No discussion

Motion to return to item 4 on the agenda. (BF/HR) Five ayes. Motion carried.

### 4. Treasurer's Report

Motion to place on file with cash on hand of \$416,247.45 and a total balance of \$1,053,701.86. (HR/RG) Five ayes. Motion carried.

Motion to move to item 3 on the agenda. (RG/BF) Five ayes. Motion carried.

### 3. Alternative Claims

Motion to approve Alternative Claims (June, 2009) in the amount of \$107,640.97. (RG/BF) Five ayes. Motion carried.

Motion to return to item 6.D.1. (BF/RG) Five ayes. Motion carried.

### 6. Public Works

#### D. Harbors

1. Committee Report. Motion to accept & adopt the report as follows  
-The Committee will meet at Town Hall at 9 AM on the first Monday of each month

-The Committee's Report will be placed on the Agenda for the first meeting of each month.

-All members will serve three-year terms with no limit on number of terms served.

-Membership as follows: Gary Russell & Alan Fischlowitz terms ending March 10, 2012. Charlie Meech & Arnie Nelson terms ending March 10, 2011. Jerry Smith & Jim Binsfield as alternate for 1 year term ending March 10, 2010. Alan Fischlowitz to be Chair & Charlie Meech to be Secretary.

-The Committee expressed its confidence that they will be able to procure funding sources enough to carry out its activities without Town funding. (RG/HR) Four ayes; one abstain (HR) Motion carried.

Motion to authorize Alan Fischlowitz to attend the Wisconsin Ports Assoc. meeting in September and reimburse expenses. (RG/B) Four ayes. One abstain. (HR) Motion carried.

2. Possible appointment of a member to the Harbor Committee.

(Jerry Smith, Jim Binsfield alternate per 6.D.1.

3. UWM Class on Shoreline Protection: possible attendance. No one has time to go.

E. Airport

1. Airport Inspections Motion to file airport checklists dated 5/31/09; 6/7/09;6/14/09; 6/21/09; 6/28/09; & 7/5/09;(RG/HR) Ric Gillman noted that the report now includes the number of landings per week. Five ayes. Motion carried.

2. Gene Nelson Hangar Lease Issue. Gene Nelson has not accepted the Town's offer, but suggested that \$18,000 might satisfy him. Motion to extend the use of the hangar for free until July 1, 2010 . This will be the Town's final offer. (HR/GN) Three ayes, one no (RG), one abstain (GN). Motion carried.

3. Update on SRE Building completion--none

F. Library

1. Possible appointment of Library Board member. Motion to accept the recommendation of the Board and approve the appointment of Liz Ryder and Elizabeth Ellis to the Board. (RG/BF) Four ayes; one abstain (HR) Motion carried.

## 7. Police

A. Police Chief's Monthly Report Motion to place on file (RG/HR) Five ayes. Motion carried.

## 8. Emergency Services

A. Ambulance Service Report Motion to place on file (RG/LW) Five ayes; motion carried.

## 9. Committees

A. Zoning

1. Zoning Administrator's Report Motion to place report on file (RG/LW). Discussion followed regarding parking on Middle Rd. downtown. Four ayes; 1 abstain. Motion carried.

2. Possible appointment of a General Code Project Manager. Mike Starck presented the status of General Code: Of the 29 Ordinances to be completed, 23 are complete, 2 are recently passed (commercial inspections, and alarms); four are not done: (a) house numbering; (b) Section 450 Zoning; (c) subdivisions of land; and (d) streets & sidewalks. Starck suggested Dick Hoffman be asked to send materials to General Code. Motion to appoint Dick Hoffman to organize and finish the codification project and send to General Code by October 15, 2009 if possible. Mr. Hoffman agreed to accept upon conclusion of a discussion with Carl Broberg. Four ayes. One abstain (LW). Motion carried.

3. Request for clarification from Jen Croonborg, Zoning Administrator, regarding CUP procedure. Combined with item 5, Amended Agenda to consider a moratorium on CUP's and grandfathered lots.

4. Request from Jen Croonborg, Zoning Administrator, regarding extending James Hansen's land use permit. Motion to grant extension. (RG/LW) Five ayes. Motion carried.

5. Discussion of Michael Fauerback letter pertaining to the Town's Zoning Ordinance & possible moratoriums on Conditional Use Permits (CUP's) and reduced setbacks for non-conforming lots. Motion to place a moratorium on CUP's and reduced setbacks for non-conforming lots. (HR/RG) five ayes. Motion carried.

**B. CAPP**

1. Report from the CAPP committee. Motion to place on file (RG/HR) Five ayes. Motion carried.

**C. Winter Transportation**

1. Update on winter Transportation agreement negotiations. Ric Gillman reported that the negotiating is going well..

**D. Alternative Energy**

1. Report from the Committee—none.

**10. Town Hall Administration**

A. Covered already

B. Setting a 2010 budget time frame. Consensus of the Board to begin work on the budget in the first full week of October.

C. Electronic Documents Discussion regarding advice received from Attorney Fauerbach.

**11. Future Agenda Items**

A. Town Park supervision

B. Flores letter

C. Fourth of July Celebration

D. Gene Nelson Hangar Lease

E. Moratorium on CUP's & grandfathered lots

F. Insurance proposal: upping limits in some areas

**12. Lawsuits & Legal Issues**

A. 04-CV-128 Town of La Pointe vs. Michael Mattingly

1. Update from Zoning Administrator The Board authorized Jen Croonborg, Zoning Administrator to deal with Attorney Anich on this issue.

B. 08-CV-109 Winston et. al vs. Town of La Pointe Discussion of settlement. Motion to accept the settlement (BF/RG) and allow Chair and Clerk to sign it. Five ayes. Motion carried.

C. 08-CV-112 S. Owen & P. Brummer vs. Town of La Pointe

D. Pete Rogers Complaint Town Chair's letter was read & approved.

E. Michael Allen Complaint Town Chair noted that District Attorney has commented that all new Town officers be made aware of public information rules.

**13. Operators' Licenses**

A. Terryn K. Hardie

B. Alicia Rae Montagne

C. Roberta Pallas

Motion to authorize Clerk to issue licenses. (RG/HR) Five ayes. Motion carried.

Motion to return to item 2 (RG/GN) Five ayes. Motion carried.

**2. Vouchers**

Motion to approve Vouchers in the amount of \$77,021.47. (HR/RG) Five ayes. Motion carried.

**Approved as amended on July 28, 2009. Amendments are shown by underlining & strike-through.**

Patty Hobin

Clerk of the Town