

**TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
5:30 pm Tuesday, July 26, 2011
At Town Hall**

Called to order at 5:53 PM

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

I. Public Comment: none

II. Vouchers approved in the amount of \$38,679.10 BF/HR 5A MC

III. Treasurer's Monthly Report as of June 30th, 2011 (submitted 7/26/11) placed on file by motion showing an available balance of \$1,209,305.72, cash balance of \$722,760.47 and available checking balance of \$665,799.47: BF/JP 5A MC

IV. Minutes

- A. July 12, 2011 Special Town Board meeting: not available
- B. July 12, 2011 Regular Town Board meeting: not available

V. Public Works

A. Parks

1. Slow Foods/Community Gardens Request for waiver of Recreation Center Rental Fees September 17th, 2011: motion to waive the rental fees. BF/HR 5A MC

B. Roads

1. Foreman's Monthly Report placed on file by unanimous consent. HR comments: "nice report." Ham Ross & Beth Fischlowitz ask about remaining amount of calcium chloride. K. Sowl answered that he brought over six loads of over 4100 gallons, which should last at least the rest of the season.

BF asked about Mondamin Trail Cul-de-sac project. KS replied that the cul-de-sac has been stumped, culverted and a "Y" turnaround has been installed by Nelson Construction.

HR asks if Ross Lane has been mowed. Greg Nelson noted that the road is getting narrower. KS replied that he was going to do some more graveling on that road.

Other large projects to be discussed at budget time.

AmeriCorps Program & Projects to be completed: Red Eldred has firehall projects, Foreman Sowl still needs other projects for them to do and asks for suggestions.

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2. Lake Public Access: Ham Ross stated that there have been recent abuses of lake public access along Main St. from the ferry office to the end of Middle Rd., and he wondered what can be done about it. Jim Patterson stated that his main concern has been that the houseboat and flatboat moored in this area constitute an attractive nuisance and a danger to children. He further stated that any action by the Town that involves lawyers would be expensive. Ham Ross wondered how to prevent this from happening in the future rather than waiting for violations. "One person has no right to black access."
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Greg Nelson stated that he was called by the Department of Natural Resources and asked if the Town had given permission for an individual to moor in that spot because no one can moor in front of A TOWN PLATTED LAKE ACCESS_ without permission from the Town. There is a fine for every day that the situation continues.

Keith Sowl stated that the DNR has spoken to the individual involved and the issue may now be resolved. He said that he had impounded a vehicle belonging to Tom Nelson at the request of the police department per Ordinance #93-810. He added that the ferry line has a signed letter from the Town [written in 1989] that gives the ferry line permission to use the area. He further mentioned noise level complaints that the police have responded to recently and added the possibility of action through liquor license violations.

Ham Ross stated that he had spoken to Tom Nelson, who stated that he is "at war with Arnie Nelson & Gary Russell." According to Ross the Town is "caught in the undertow."

He added that this is a personal issue that has come into a public area and he wants it stopped.

Keith Sowl repeated that the only course the Town has is non-renewal of a liquor license. The conditions of non-renewal are laid out in the liquor statutes.

Barb Nelson asked if the issue is the blockage of public access to the lake. She added that perhaps the first step should be to write a letter asking that it not occur again.

Greg Nelson stated that Tom Nelson is aware of the ordinance that forbids blocking lake access, and that he actually heard more complaints regarding the floating dock anchored in a riparian area. Two companies who lease dock space from the Town FOUND IT DIFFICULT TO navigate in the area while the floating dock was anchored there.

Nelson added that Tom Nelson claimed that he did not put the vehicle & trailer in the alleyway. The whole rig is now in impound, and according to Keith Sowl will cost \$50 to release.

Nelson said that it wouldn't hurt to send a letter.

Ham Ross added that the floating dock and flat boat are not licensed vessels.

There was some further discussion which was inaudible on the CD.

Larry Whalen asked about the precedent that would be set if the Town acts against liquor license non-renewal in this instance.

Ham Ross reiterated that this is a personal argument that is affecting the Town.

Larry Whalen ended by saying that he would rather pursue DNR and police action before getting the Town embroiled in a lawsuit.

Clerk is directed to write a letter to Tom Nelson drawing his attention to Ordinance 93-810 and asking that he not block public access.

3. Add "Public Beach" arrow to sign at end of Middle Road. Ham Ross has an extra sign that could be used for this purpose. Motion to install sign: HR/BF 5A MC

4. Griggs Approach Improvements : See Griggs Landing Ramp & Dock Schematic Cost Estimate from Chequamegon Bay Engineering (dated 7/25/11 in the amount of \$182,650.30)

Keith Sowl began by saying that he had a question regarding the permit for the dock; in fact, a separate permit will be required for the dock. Points of discussion summarized as follows:

Greg Nelson asked about the cost of the project; his recollection was that half of the project cost was just for water retention.

Keith Sowl answered that Chequamegon Bay Engineering added some to the dock (8' x 75"), and that he [Sowl] told CBE that there are power and phone lines there. He further stated that Nelson Construction has the knowledge & experience to build a less expensive coffer dam.

Barb Nelson how this project would impact the windsled approach.

K. Sowl responded that the dock is designed to be moved in the winter.

H. Ross asked about the cost of the annual removal.

K. Sowl: "Between two & three hundred dollars." He added that the DNR will not give money for just the ramp. Their recreational grants require the concrete slab/access project to include a dock.

H. Ross asked if the area then becomes more recreational in nature.

K. Sowl responded that CBE has designed a substantial ramp.

B. Fischlowitz reiterated that the concrete ramp is for the windsled approach, and asked if the correct amount to budget would be \$90,000 more or less.

K. Sowl suggested postponing the project for right now and perhaps tying it into Harbors projects.

B. Fischlowitz asked if there is any carry-over in the funded amount.

K. Sowl: No.

Discussion followed regarding funding sources and how much remains in each.

K. Sowl said that he would like to apply for WI Coastal Management to cover the Town's 50% match [DNR grants are 50%/50%] or at least reduce it. Discussion of if this project is a 2012 or 2013 and could it be budgeted

G. Nelson mentioned the possibility of local resistance.

B. Fischlowitz stated that nothing can be decided at this meeting

G. Nelson added that it is a large amount of money to justify.

H. Ross added that Big Bay Town Park is the priority right now.

Barb Nelson suggested doing half of the project in 2012 and half in 2013.

The consensus of the Board was that Keith Sowl should go to the meeting in Wausau, Wisconsin, wherein he will continue to pursue the grant; however, no action will be taken at this time.

C. Airport

1. Airport Manager's Report: discussion regarding the fact that a third party has been mowing at the airport. Consensus to discontinue the practice. Leslie Mack mentioned that other airports are trying to do it. B. Fischlowitz pointed out the difficulties involved. M. Dalzell added that the FAA is strict about non-aeronautical use.

2. Airport Inspection Check Lists dated 6/26/, 7/3, 7/10, 7/17, 2011, placed on file by unanimous consent.

VI. Emergency Services

A. Fire Department

1. Fire Chief's Report: Postponed from 7/12/11 TB Meeting. Nothing received.

VII. Library

A. Library Board Minutes: not available

VIII. Committees

A. Zoning

1. Zoning Administrator Family Medical Leave (FMLA) Special Town Board meeting set for Tuesday, August 2, 2011, with closed session, to discuss the matter of the Zoning Administrator's FMLA leave. ZA suggest also asking the TPC Chair, the Zoning Clerical Assistant and Glenn Carlson to attend this meeting.

a. Possible Interim position: to be discussed at the Special Town Board Meeting on 8/2/11.

b. Ashland County agreement for services: to be discussed at the STBM on 8/2/11.

2. Cone/Thompson Certified Survey Map to divide parcel 014-00206-2101 into four parcels: approved by motion: BF/HR 5A MC

B. Housing Authority Committee

1. Appointment for a term ending July 1, 2014: motion to appoint Jen Croonborg-Murphy to this term.

BF/LW 5A MC

IX. Town Hall Administration

A. Administrative Assistant's Monthly Report: Motion to extend un-used vacation time for Barb Nelson, Deputy Clerk/Administrative Assistant and Kathleen Erickson, Posting Clerk, to the middle of September. JP/BF 5A MC Unanimous consent to place the monthly report on file.

B. Monthly budget Report: Postponed from 7/12/11 TB Meeting [June monthly budget report]. Ham Ross had questions regarding Cemetery expenditures & over budget. Barb Nelson explained the need for a Budget amendment (Cemetery over budget, capital projects not budgeted – ie Griggs Approach, etc.) Motion to approve the monthly budget report: JP/GN 5A MC

C. Personnel Policy accrued benefits: During FMLA and Leave of Absences: to be covered at Special Town Board Meeting on 8/2/11.

D. Proposals for July 1st, 2011 – June 30th, 2012 Liquefied Petroleum Provider: two proposals received. One from La Pointe Gas with two proposals: (1.) \$2.35 per gallon or (2.) rack rate plus \$.75 per gallon.

One from Brummer Gas Co. for 1/10 of one cent less than the market rate.

Discussion followed regarding what the Brummers' intention was.

Motion to accept the La Pointe Gas Co. proposal for \$2.35 per gallon for the year from 7/1/11 to 6/30/12. BF/JP 4A 1 Ab. [GN] MC

E. General Code: electronic version of Code: Postponed from 7/12/11 TB Meeting. Postponed till the Special Town Board Meeting on 8/2/11.

F. Set date for Board of Review and Open Book: Open Book set for Thursday, August 25, 2011 at 3:00 PM; Board of Review on the same date but beginning at 7:00 PM.

G. Management Representation Letter Year End Audit 12/31/2010 Maitland, Singer & Van Vlack: informational only to the Town Board members.

H. Review Inland Marine Insurance: re-value scheduled equipment: postponed till the Town Board meeting on 8/23/11.

X. New Agenda Items for Future Meetings

A. Public Access to the Lake

B. Big Bay Town Park Reservation System.

C. Minutes: STBM on 7/12/11 and RTBM on 7/12/11 and RTBM 7/26/11

D. Fire Chief's Report

E. Library Board Minutes

XI. Lawsuits & Legal Issues: none

XII. Liquor & Operators' Licenses

A. Non-alcoholic

1. Madeline Island Softball Association - Star Bar August 13th – 14th, 2011: motion to approve [at ballfield location] HR/LW 5A MC
- B. Operators
 1. Kelsey Peterson: motion to approve contingent upon proper paperwork having been filed with clerk. HR/LW 5A MC
- C. Temporary Picnic
 1. Madeline Island Softball Association - Star Bar August 13th – 14th, 2011: motion to approve [for ballfield location]. HR/JP 5A MC

XIII. Adjournment at 7:05 PM

Submitted by Patty Hobin, Town Clerk

Approved as corrected on 9/27/11

Patty Hobin

Town Clerk