

**TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
TUESDAY, SEPTEMBER 28, 2010
MINUTES
At 5:30 At Town Hall**

Called to order at 5:36

Present: Greg Nelson, Ham Ross, Larry Whalen

Absent: Beth Fischlowitz, Jim Patterson

I. Public Comment:

Lois Carlson, Director, Madeline Island Chamber of Commerce, requested that item VII.M. Summer Update and Funding Request be placed on the next regular town board meeting agenda. Carlson distributed material regarding the room tax and tourism.

II. Vouchers approved in the amount of \$23,178.34 LW/HR 3A MC

III. Minutes

- A. Regular Town Board Meeting 8/24/10 approved as submitted. HR/LW. 3A MC
- B. Regular Town Board Meeting 9/14/10 not available.

IV. Public Works

A. Parks

1. Island Association proposal for funds for Joni's Beach: presented by George Shapiro at the RTBM on 9/14/10. Town Foreman, Keith Sowl, has not seen the proposal for the use of \$1700 at Joni's Beach. The application form still needs to be filled out. Suggestions: dock repair, more shade trees, dog waste disposal materials.

2. Big Bay Town Park Issues: Town Board given new map of the Town Park. Request for Proposals for grant writing and design published Friday, September 24, 2010 and sent to four firms. Proposals due 10/6/10 to appear on agenda for RTBM on 10/12/10.

3. Rental of entire Big Bay Town Park by Northland College Reunion Oct. 28-30. 2010. Motion to rent the park for the reunion for two nights at \$530.00. LW/HR 3A MC

B. Roads

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

Keith said this will be published within a week. Postpone and place on the 10/12/2010 Town Board agenda.

2. Update RE: Block 16, Block 23 & Vacated 7th St., Plat of the Village of La Pointe proposed access behind Town Hall: Foreman Sowl reported that he will place gravel once Katy Gorman has received the letter asking her to move the shed and once she has moved the shed. Access will be from Big Bay Rd. beside Town Hall and onto the Town Hall parking lot. This project is to be included in the 2011 budget as well.

C. Airport

1. Airport Manager's Report dated placed on file by unanimous consent.

2. Airport Inspections dated 8/29/10, 9/5/10, 9/12/10, & 9/19/10 placed on file by unanimous consent.

3. Proposed Hangar Lease: Michael Dalzell, Airport manager, said Attorney Fauerbach has reviewed the proposed hangar leases and Michael Dalzell recommends that the Town use the new lease agreements for every new lease that comes up.

Discussion about the Woods family lease with Town of La Pointe for the storage space connected to the FBO. History is that Brian Murphy and Gary Krubsack (Central City) built this structure, the Woods family somehow became owners of the structure. The Woods family then leased the front of the building to the Town as pilot lounge in return for the Woods family use of the storage space. Michael Dalzell would like Attorney Fauerbach to review this lease with the Woods family to find out if this lease is in perpetuity. Michael Dalzell will also copy the documents regarding this lease with the Woods family to the Town Board.

Keith questioned if items 1 and 2 in the hangar lease regarding drainage are contradictory. Agreement that if the site is found not to be good the lessee can move to another site and the Town will remedy the situation.

H. Ross has concerns on page 4, paragraph 4: will it be the Town's responsibility to move/relocate all hangars according to this language? M. Dalzell said this would happen only if the Town developed a cross-wind runway, which will not happen. The cross wind runway was shown on the original map and this runway would go through several hangars, if the cross wind runway would ever happen. The language addresses just the runway, not town buildings or roads. H. Ross would like to see specific language inserted into the document because "If the development" can mean many things. The language inserted could state: "if there is ever a cross-wind runway installed that interferes with the location of said structures then the leaser agrees to provide compatible locations and agrees to relocate all buildings without any cost to the lessee." Keith Sowl points out that the proposed hangar lease document also says the lesser reserves the right to further develop and improve the landing areas of the airport. H. Ross reiterates that he would like specific language such as "if the landing areas of the airport are improved that will require relocation of lessee then the lesser agrees to provide." H. Ross said the reason for this specificity is because someone could read just the one sentence and ignore the part of the law that applies. H. Ross suggested the language: "if the development is specifically related to the issues in the aforesaid paragraph the town has the obligation to do this."

M. Dalzell can ask Attorney Fauerbach about adding the word "aforesaid", if that would help.

4. Proposed Industrial Zone Lot Leases: Motion to make the proposed industrial zone lot lease, with strikeouts removed the final lease signed, the lease for all new and renewal leases from now on. HR/LW 3A MC

D. Harbor

1. Harbor Committee Report not available

2. Appointment of members to Harbor committee: Motion to appoint Tab Butler to open seat and appoint Gary Krubsack as Alternate #1 and Bob Kron as Alternate #2. HR/LW 3A MC

3. Dock Lease Between Town of La Pointe & Nelson Construction Co of La Pointe terminating Dec. 31, 2010. Motion to postpone till the RTBM on 10/12/10 HR/LW 3A MC

V. Emergency Services

A. Fire Chief's Report: no report

B. Report: Fire Department Local Authority RE: Inspection lp tanks – fees, policy: Motion to postpone till the RTBM on 10/12/10. LW/HR 3A MC

VI. Library

A. Minutes from 8/9/10 placed on file by unanimous consent.

VII. Committees

A. CAPP Committee

1. Appointment of members to ad Hoc CAPP Affordable Housing committee: Motion to appoint Hilary Olander-Quamme as the seated member per the recommendation by the Committee and to approve Robert Kron as an alternate [per recommendation]. LW/HR 3A MC

2. Affordable Housing Committee report: not available.

B. Zoning

1. Inter-municipal Agreement with Ashland County Zoning Services: to be discussed at budget workshop.

2. 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. Motion to postpone till the RTBM on 10/12/10. LW/HR 3A MC

3. Jackie Noha lot/easement question RE: 621 Miller Farm Rd. #014-00202-0600: Zoning Administrator Jen Croonborg-Murphy is awaiting a return call from the Land Description office in this regard.

VIII. Town Hall Administration

A. Administrative Assistant Monthly Report dated September, 2010, placed on file by unanimous consent.

B. 2010 Wage Resolution #2009-1229 Attachment "D" Motion to approve 2010 Wage Resolution #2009-1229 Attachment D. LW/HR 3A MC

C. Contract for Septic Removal Motion to authorize the chairman to sign the amended contract with Gene Nelson for Septic Removal. HR/LW 3A MC

D. Contract for the Purchase of Propane Gene Nelson, propane distributor, said he is responsible if propane runs out and if so, his insurance will cover. The Town Board agreed that the bid document and contract have to go hand in hand. [This is the first year the Town had a contract and a bid.] Motion to approve the contract with Gene Nelson with the "keep fill" low point at 15%. LW/HR 3A MC

E. Resolution #2010-0928 Amendment #1 to Section 125 Cafeteria Plan: Motion to approve the amendment. HR/LW 3A MC

F. Audit ending 12/31/09 Management Discussion & Analysis: Motion to postpone till the RTBM on 10/12/10 HR/LW 3A MC

G. General Code Update: Motion to postpone till the RTBM on 10/12/10. HR/LW 3A MC

H. Appointed Officials' Hours: Some appointed officials are still not submitting their monthly hours in spite of being warned about financial repercussions. Motion to postpone till the RTBM on 10/12/10. HR/LW 3A MC

I. Division of projects/services between the two Town Attorneys: Motion to postpone till the RTBM on 10/12/10 HR/LW 3A MC

J. Membership in the Madeline Island Chamber of Commerce for the Town of La Pointe: motion to postpone till the RTBM on 10/12/10. HR/LW 3A MC

K. Town Hiring Policies: Motion to postpone. HR/LW 3A MC

L. Budget 2011: discussion regarding schedule conflicts during budget workshops. Recommendation to move the Roads budget workshop Monday, October 25, at 5:00PM.

M. Madeline Island Chamber of Commerce: Summer Update and funding request. Covered during public comment.

IX. New Agenda Items for Future Meetings

A. Cemetery Fee issue

B. Electrical Power Outage issue

C. Madeline Island Chamber of Commerce Summer update & funding request

- D. Minutes Regular Town Board meeting September 14, 2010
- E. Big Bay Town Park Issues and Request for Proposals
- F. Bid Notice: Possible opening of a cul-de-sac adjoining lot 2, Range 3 West Document #202758 Section 32 (off Mondamin Trail) LP #014-0211-0100 for the October 26th meeting
- G. Dock Lease Between Town of La Pointe & Nelson Construction Co of La Pointe terminating Dec. 31, 2010
- H. Report: Fire Department Local Authority RE: Inspection Ip tanks – fees, policy.
- I. Audit Ending 12/31/2009 Management Discussion & Analysis
- J. General Code Update
- K. Appointed Official's Hours
- L. Discussion regarding division of projects/services between the two Town Attorneys
- M. Membership in the Madeline Island Chamber of Commerce for the Town of La Pointe
- N. Town Hiring Policies

X. 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: visual proof that the buildings have been torn down will be required.

XI. Adjournment:

Approved as submitted on 11/9/10
Patty Hobin, Town Clerk