

TOWN OF LA POINTE

Approved Minutes -- Regular Town Board Meeting

Tuesday September 9, 2008, 5:30 pm

Revised – *Revised Items Underlined and Italicized*

Called to order at 5:30 P.M by Chairman Greg Nelson

Present: Mike Starck, Jim Patterson, Greg Nelson, Ric Gillman, Beth Fischlowitz

Special Item A: Open and publicly read bids for the Rice Street Excavation and Base Course Construction project-TRIP-D

Ashland Construction – Total Bid \$125,150.00

Nelson Construction – Total Bid \$128,962.00

Keith Sowl, Town Foreman, has offered to review the bids, and suggested it may be illegal not to accept the low bid. There was some discussion about Keith checking into this when reviewing the bid documents. Also mentioned was the need to make sure it doesn't jeopardize the TRIP-D funding and that we like to keep our money local.

Mike Starck moves – Ric Gillman seconds – to award the bid to Nelson construction – Motion Carries -- 5 ayes

1. Public Comment

Ted Michaels would like town to revisit public hearing on Rice Street extension due to cost overrun.

2. Vouchers

Mike Starck moves – Ric Gillman seconds – to approve vouchers totaling \$33,588.81 – Motion Carries -- 5 ayes

(Clerk's Comment: These vouchers actually total \$33,466.94 due to a reduction of JWR sales tax)

3. Alternative Claims

Mike Starck moves – Jim Patterson seconds – to approve alternative claims totaling \$86,919.56 – Motion Carries -- 5 ayes

4. Treasurer's Report

Ric Gillman moves – to delay perusal until the September 23 LaPointe Town Board Meeting – Beth Fischlowitz seconds – Motion Carries -- 5 ayes

5. Public Works

A. MRF

I. MRF Supervisors Report

Ric Gillman moves – Mike Starck seconds – To approve and place the report, dated 9-8-08, on file – Motion Carries -- 5 ayes

II. Discuss William Hagen's 90 day review

Mike Starck moves – to approve \$2 per hour pay raise as of next pay period – Jim Patterson seconds – motion fails completely under consideration of comparisons of other salaries and actual review from Ted Pallas, MRF supervisor. Jim Patterson moves – that the LaPointe Town Board convenes a personnel review, possible closed session, with consideration of salary September 23, 2008 at 5:15 p.m. Ric Gillman seconds – Motion Carries -- 5 ayes

B. Roads

I. Town Foreman's Report

Discussion – cost overrun on Nelson Surveyors of around \$3,500 – Keith indicates that he should have had a better handle on the costs. . Keith verbally noted his dissatisfaction in the handling of the SRE building permits and lack of permits by the Town hired Commercial Building inspector, Jim Price, of Alder Engineering. Ric Gillman moves – To approve and place the report, dated 08/08/08 to September 5, 08, on file -- Beth Fischlowitz seconds – Motion Carries -- 5 ayes

II. Consideration of aggregate amounts for 2009 and 2010 asphalt paving projects

Keith reports that the town has enough aggregate to pave 4 miles of North Shore Road, according to Emmer Shields, Ashland County Highway Commissioner, but could purchase \$150,000 more to make sure or complete other projects. General agreement to just use the excess aggregate on hand to do miscellaneous infrastructure projects.

Mike Starck moves – Ric Gillman seconds – to move to Item IV in this section below. Motion Carries -- 5 ayes

III. Rice Street Extension Sanitary Sewer and Forcemain Design -- REI Engineering, Inc.

Keith indicates that there may be a need for some special assessments and increased funding for sanitary sewer, at which time there would be a public hearing. Still no action on sewer design, Keith asks this left on agenda until action is taken.

IV. Rice Street extension status

Greg Nelson mentions that whatever paving we don't do now won't happen for a long time. Some discussion about money spent on this project already and amount left to spend. Beth Fischlowitz says that there may be no choice but to go on. Greg Nelson expresses the fact that road projects are not always popular, but asks what fits the public good. All agree that there will be public hearing on this subject.

There will be a public hearing and Keith Sowl, Town Foreman, will seek more information on funding. Keith indicates that there may be a need for some special assessments and increased funding. Keith Sowl, Town Foreman, will seek more funding through a letter to Anna Davey, with the DOT, and copies to be sent to Congressman Obey, Se. Jauch and Rep. Sherman. Mike Starck Moves – Ric Gillman Seconds – to authorize Town Chair to sign a letter to Anna Davey seeking further funding funding.

V. Discussion and possible contract award for existing Rice Street TRIP-D project

Done

VI. Nelson Surveyors proposal for survey work necessary for Bear Lane

Keith speaks in favor of abandoning Bear Lane as a potential Town road and put it on the road vacation list in light of Jen Croonborg's offer to grant an easement and easy access from Baraga Street. The rest of the lots are unbuildable due to wetlands.

C. Parks

I. Proposal from La Pointe Construction for Capser Trail Wildlife Viewing Deck

Keith indicates that any further money spent would now be reimbursed, and that the deck will be a great enhancement to the trail, and is one of the conditions of the DNR grant. Jim Patterson Moves – Beth Fischlowitz Seconds – to accept proposal from La Pointe Construction for Capser Trail Wildlife Viewing Deck

D. Harbor

Beth Fischlowitz will be sending letters to support ballast water release control to help control invasive species.

6. Police.

A. Police Chief's Monthly Report.

Mike Starck Moves – Ric Gillman Seconds – To place the report on file, dated September of 2008 on file -- motion carries -- 5 ayes

7. Emergency Services

A. Ambulance Director's monthly report

Jim Patterson Moves – Ric Gillman Seconds – To place the report on file, dated September 8, 2008 – motion carries -- 5 ayes

8. Committees

A. Zoning

I. Zoning Administrator Report

Jen Croonborg, Zoning administrator, indicates that she has attended a workshop with Michael Childers, TPC member, on creating a positive work environment.

Greg Nelson questions portion of memo about information requests not being granted in electronic format

Discussion: It is generally agreed amongst board members that the creator of an electronic document on a home computer has a choice whether or not to provide a document for a Public Information Request, that the custodian of the record, the zoning administrator, is the only

person required to provide records, and if she is not in possession of this electronic record she is under no obligation to provide it. Mistrust of stability and exchange of electronic record is voiced. It is stated by several board members that there is no record until it is on paper, date stamped and distributed and that any document created on Carl Broberg's home computer is his property. Paper records may be scanned in order to be distributed.

Jim Patterson Moves – Mike Starck Seconds – To accept and place the report on file, dated 8-13-08 to 9-5-08

Discussion: Ric Gillman would like the minutes to reflect that that the consensus of the board be placed into the record that Mr. Broberg and the Town Plan Commission does not need to provide records in electronic format in response to Open Record Requests, that only date-stamped paper records need be provided. The clerk asks the board if this is the consensus. All agree. No electronic records prepared at home need be provided to fulfill public information requests, by consensus of the Town Board.

Motion carries -- 5 ayes.

II. Monthly report from Town Plan Commission

Carl indicates that the main issues at the public hearing were housing, location and types of housing. He suggests that the comprehensive plan is clear and is primary concern. Home Occupation issues were also brought up, and the idea of turning Sunny Slope to Grant's Point into an historic district. He asks for a joint LaPointe Town Board and Town Plan Commission meeting on Tuesday, September 30, 6 p.m. TPC shall post and minute. Burke Henry suggests inviting people who worked on the Comprehensive Plan. Greg Nelson plans to take some input from the floor and would welcome people who worked on developing the plan.

III. Inter-municipal Agreement between the County of Ashland and the Town of La Pointe concerning County Zoning and POWTS re: 2009 Budget Request

The Town currently receives \$15,000 per year from Ashland County to assist with local administration of POWTS. Jen Croonborg feels that she needs staff. Jim Patterson asks about Jessica Hatch, Town Plan Commission recording secretary, taking on some of these responsibilities. Jennifer replies that she would need a different job status and position. Mike Starck will discuss more reimbursement from the County at the next meeting, and discuss reimbursement for training and seminars.

B. CAPP

I. Recommendation to change by-laws

Mike Starck moves – Beth Fischlowitz seconds – to approve recommended changes in the by-laws that to implement a reduced number of members and the number that constitutes a quorum

II. Recommendation of removal of members from CAPP Committee per by-law 8(B)

Mike Starck moves – to approve the current membership of 9 members with Mary Ross as an alternate – Ric Gillman seconds – Motion Carries -- 5 ayes

III. Resignation of Ron Harrold from the CAPP Committee

Mike Starck moves – Ric Gillman seconds – to accept the resignation of Ron Harrold from the CAPP Committee – Motion Carries -- 5 ayes

C. Winter Transport

Not Discussed

9. Approval of Minutes

RTBM August 26, 2008

Ric Gillman notes– fire chief is to provide timely reports 5.A. should note that motion carries.. Ric Gillman moves – Jim Patterson seconds – to approve as amended – Motion Carries -- 4 ayes

10. Town Hall Administration

A. Administrative Assistant Report ~~– Omitted 7-22-08~~

Ok as is -- consensus

B. Update on town web site

Ric Gillman and Mike Starck have a meeting with CCS on Friday.

C. Additional Compensation for Jenny Sanders, Assessor for Town of La Pointe

Mike Starck moves – Jim Patterson seconds – to approve an addition \$2,500, to be taken from Contingency Fund for the 2008 appraisal – Motion Carries -- ayes

D. Ordinance #2008-0826 – Referendum on November ballot to appoint Town Clerk

Mike Starck moves – Beth Fischlowitz seconds – to adopt. Motion Carries -- 5 ayes

E. Ordinance #2008-0826 – Referendum on November ballot to appoint Town Clerk (attempted to change by consensus at beginning of meeting to Ordinance #2008-0826-A – Referendum on November ballot to appoint Town Treasurer)

Mike Starck moves – to adopt Beth Fischlowitz seconds – Motion Carries -- 5 ayes

F. Policy on posting meetings where other quorums may be present.

Sense of importance and probability will rest with posting body

G State Historical Association removal of Town Records to Microfiche

Consensus – Just fine

H. Budget Reports for July, 2008 and August, 2008

Mike Starck moves – To approve and place the reports, dated July, 2008 and August, 2008, on file – Motion Carries -- 5 ayes

11. **Future Agenda Items**

treasurer's report

Hagen Closed session 5:15 before next meeting

Rice Street Status

Rice Street Extension Sanitary Sewer and Forcemain Design -- REI Engineering, Inc.

12. **Lawsuits and Legal Issues**

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

Not discussed.

B. Stephanie Zuehlke Discrimination Complaint with Department of Workforce Development remove

C. Case Number 08 CV – 109, Winston et al vs. Town of LaPointe

Greg Nelson – Letter (offer) from attorney – seems to be advantageous to Town.

D.08 CV-112 -- Sara Owen and Paul Brummer suit Regarding Craftivity C.U.P.

Not discussed

14. **Adjourn**

7:55

Approved as amended Tuesday, September 23, 2008