

Regular Town Board Meeting – March 10, 2009

Posted Monday, April 6, 2009 at 4:00 p.m. at the Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center. Revised and reposted on April 13, 2009 at 4 p.m.

A Regular Town Board meeting at the Town of Russell Community Center was called to order at 8:30 p.m. by Chairman Paul "Rocky" Tribovich following the Annual Meeting. Roll call was taken as follows: Present – Supervisors Don Sullivan, Leon Basina and Larry Meierotto and Clerk/Treasurer David L. Good.

Twelve members of the public were present.

The Clerk administered the Oath of Office to Tribovich, Sullivan and Meierotto.

Chairman Tribovich extolled the service provided by Supervisor Philip Gordon and asked for a moment of silence to recognize his passing.

Approval of a Resolution Governing Public Input – Tribovich read the following resolution:

**TOWN OF RUSSELL
Bayfield County, Wisconsin**

Resolution 03 - 2009

**A Resolution adopting Policy for Public Input
At Town Board, Committee or Commission Meetings**

Purpose and Need:

The purpose of this policy is to provide reasonable time limits for speakers at Town Board, Committee or Commission meetings and identified as "official Town meetings" in the remainder of this document. The need for such a policy was determined by the Town Board at its March 2009 Board Meeting. The policy is intended to recognize and accommodate the mutual interests of persons desiring to speak at official Town meetings, the value to the Town of public comment, and the need for the Town to conduct business in an orderly and expeditious manner.

The policy shall not apply to the discussion of agenda items by members of the Town Board, Committee or Commission or to other Town staff or officers acting in such capacity.

Time Limits:

Each speaker, whether or not in a representative capacity, shall be allowed three (3) minutes. Up to fifteen (15) minutes of the beginning portion of each official Town meeting will be designated for public comment.

Participants are encouraged to provide written materials when possible.

The Town Board, Committee or Commission Chairman, with the consent of the other members of said Board, Committee or Commission, may extend or reduce any of the time limits set forth above.

Time limits for speakers shall be inclusive of the time taken in responding to questions, if any, from the Board, Committee or Commission members.

BE IT RESOLVED, that the Town Board of the Town of Russell, being duly assembled at a Town Board Meeting on Tuesday, April 14, 2009, at the Town Community Center, do hereby adopt and approve the above policy.

Adopted this 14th day of April in the year 2009.

Paul "Rocky" Tribovich, Chair

Donald Sullivan, Supervisor

Leon Basina, Supervisor

Larry Meierotto, Supervisor

Vacant Position, Supervisor

Attested by: _____
David L. Good, Clerk/Treasurer

A motion to adopt the resolution was made by Meierotto and seconded by Basina. The motion carried.

PUBLIC INPUT – No public input.

APPROVAL OF MINUTES

A motion was made by Meierotto and seconded by Basina to approve the minutes of the Regular Town Board Meeting of March 10, 2009. The motion carried. Frances Johnson thanked the Town Board for the website and asked about the Comprehensive Plan process and the hiring of a consultant and the fact that we need to do it as fast as possible. Tribovich explained how, and became involved in the Bayfield County comprehensive plan development process and how the town was able to save \$5000 by participating with Bayfield County. The deadline for developing a comprehensive plan was always January 1, 2010. If the time does not complete its plan by that time it will be subject to the plan adopted by Bayfield County. A motion was made by Sullivan and seconded by Meierotto to approve the Special Town Board Meeting of March 19, 2009. The motion carried.

ROAD MAINTENANCE REPORT

Status of Old County K Project – Tribovich stated the town has applied to NOAA for funds to replace the Old County K Raspberry River culvert. A decision should be available by May 1, 2009.

Bayfield County Bridge Aid Program - The Bayfield County Highway Department implemented a revision to the allowing 50% reimbursement of funding for the replacement of culverts between 3 feet to 6 feet in diameter providing Bayfield County Highway Department personnel do the work.

OLD BUSINESS

Update on Town Lands Meeting and MOU Addendum from the National Park Service (NPS) – Tribovich reported the committee will be meeting with NTS personnel to stake out the proposed areas of land subject to exchange. This will be done once the snow cover has gone. Clerk good stated the Park service did issue a special use permit to allow us to continue to operate the campground on Park service land for 2009.

Wayne Nelson Proposed Covenants for Subdivision of Peterson Hill Property - Tribovich requested that the board table this matter based upon conversations with Bayfield County Zoning Administrator Karl Kastrosky whom indicated there has been a complaint regarding times of work on the property and Kastrosky has requested to review the covenants. A motion was made by Sullivan and seconded by Meierotto to table. The motion carried.

Claim Against Bayfield County Regarding Shadow Wood Landing Re-zone – Tribovich stated the clerk was served with a public records request from the attorney from the complainant.

NEW BUSINESS

Town Board Recommendation to Bayfield County Zoning regarding Request from Jeremy Ericsson to Build a Home on a 10-Acre Parcel on Hauser Road - Tribovich read the following from the December 9, 2008 meeting minutes:

Land Division on Hauser Road – Fred Erickson proposed two sites on Hauser Road. One is 20-acres and the other is 10-acres. His son plans to build a home on the 10-acre site on a 2.3-acre pie shaped piece which meets the setbacks. The other may be a home site for his daughter. He purchased a “school built” 24x28 foot house to place on the site. This would need to be done under the alternative development plan in Bayfield County Zoning. The land is Zoned F-1. A motion was made by Basina and seconded by Meierotto to approve the concept as presented for two home sites with 45% of the land set aside as open space and no further land divisions. Roll call vote as follows; Basina – yes, Sullivan – yes, and Meierotto – yes. Tribovich abstained. The motion carried 3-0-1.

Discussion followed regarding the parcel size, setbacks, and location of the home on the property. A motion was made by Sullivan and seconded by Basina to approve the town Board recommendation with the conditions set forth from the December 9, 2008 meeting. The motion carried by a vote of three -- zero with Tribovich abstaining.

Discussion and Possible Action to Lease Land across the Old County K from the Beth Meyers Across from the Town Garage - Sullivan stated they would be willing to enter into a 5 to 10 year lease that would allow the town to store materials and/or equipment on site. This is a 5-acre site.

Discussion followed that the material and labor involved in improving the site would be considerable. Solomon stated that the owner would take that into consideration as a portion of a lease payment. A motion was made by Meierotto and seconded by Basina me to deny the lease. The motion carried.

Comprehensive Plan Committee - A motion was made by Basina and seconded by Sullivan to accept the resignation of Dave Martinson from the Comprehensive Plan Committee. The motion carried. Tribovich stated that three individuals who expressed an interest when we formed the committee whom or not selected should be considered at this time. Basina stated that he contacted Tessa Levens and Judy Meierotto and both agreed to serve. Levens indicated that she may have difficulty attending all of the meetings and suggested that Ann Bowker or serve as her alternate if she was unable to attend. A motion was made by Sullivan and seconded by Meierotto approved Judy Meierotto and Tessa Levens with Ann Bowker as her alternate if she is unable to attend the meeting. Basina questioned how many votes they would have if both showed up to a meeting. It was agreed the primary member would have one vote and the alternate member would be there as a member of the public. The motion carried.

CORE Requests to Use Community Center - A motion was made by Sullivan and seconded by Meierotto to approve the use of the community Center at noon on April 24, 2009 at no expense. The motion carried.

Proposed Amendments to Bayfield County Zoning Ordinances regarding Campgrounds - A motion was made by Meierotto and seconded by Sullivan to table. The motion carried.

Employee Health Insurance Program Revisions - Clerk Good stated that our insurance provider will now allow each member of our group insurance plan to carry a different deductible and/or level of coverage. This would not apply until we negotiate a new union contract.

Appoint Elderly Housing Committee Members - Tribovich stated we need to re-implement an Elderly Housing Committee to deal with Grant issues. A motion was made by Meierotto and seconded by Sullivan to appoint Leon Basina, Linda Brown, Jane Edwards, Ray DePerry, and Judy Meierotto to the elderly housing committee. The motion carried 3-0 with Basina abstaining.

Board of review Training Opportunities – A motion was made by Basina and seconded by Sullivan to direct the Clerk purchase the computer materials to allow us to train Board of Review members on site. The motion carried.

Charter Communications Chapter 11 Bankruptcy and Possible Release from Franchise Terms - Tribovich stated everything to do with Charter Communications pertains to Red Cliff, not the Town of Russell. Discussion followed regarding why the town would be receiving this communication. The Chairman stated we should have nothing to do with this. Clerk Good stated we should resend the franchise. A motion was made by Basina and seconded by Sullivan to have the Clerk contact our attorney to remove the Town from the franchise agreement. The motion carried.

CORRESPONDENCE

Received

1. Easement to Wayne Nelson from Plumb Creek for access off Tulip Lane.
2. Notice of Tribal Vice-chairman Philip Gordon passing.
3. WI DOT GTA payment of \$13,097.50.
4. Resignation of Dave Martinson from Comprehensive Plan Committee.
5. Experience Works notice of increase in work hours to 20 hr per week.
6. WI DOR Lottery and Gaming Credit Payment of \$632.46.
7. Bayfield County Bridge Aid Policy change.
8. WI DOR notice of revised procedure for rescinded or uncollected taxes.
9. Offer to purchase public officials bonds.
10. Lund Engineering correspondence regarding Old K-Raspberry River Engineering.
11. Various Mailings from Bayfield County and SEH regarding Comprehensive Plan.
12. Various mailings regarding State of WI Stimulus and Federal Stimulus Plans.
13. Notices of pipeline safety training by Paradigm.
14. E-Grants Newsletter.
15. WTA Membership certificate for 2009-2010.
16. Bayfield County revised Animal Control Ordinance.
17. DOA Local Government Report.
18. BRB Recycle Meeting Notice for March 16, 2009.
19. Wisconsin Town Law Forms Booklet.
20. WI DOT Notice of Frozen Road Declaration.
21. WI DOR Annual Sales and Use Tax Report.
22. WITC Notice of Board Vacancies.
23. Notice of WTA District Meetings Scheduled.
24. Bremer invitation to Non-profit Luncheon.
25. CORE Thank You Note.
26. Notice of Salt Storage Inspection.
27. Davies Water refund of \$164.50.
28. Notice of Safe Food Handlers Training Course.
29. Bayfield County notice of new health inspector, John Renoos.
30. International Plow Truck Recall Notice.
31. WI DNR Forest Tax Law Master Printouts.
32. Ace Hardware \$5.00 rebate.
33. Notice of Funding to Replace Emergency Radios.
34. Request for Fire Inspection – Town Garage and Community Center.
35. Notice of Sky Warn Training by NOAA.
36. NOAA Coastal Grant Availability Notice.
37. Attorney Generals reports on Budget Impact on Public Safety, Election Fraud Charges, and Sunshine Week.
38. Notice that Clean Sweep is not in the WI Governors' Budget.
39. National Forest Law Newsletter.
40. WI Water Trails Maps.
41. Request for return of old postage machine.
42. Bayfield County Board Meeting Agenda for March 4 and April 21, 2009.
43. CenturyTel Notices of Chapter 11 Bankruptcy Filings.

44. Bayfield County Tourism Visitor Guide.
45. Various WI Municipal Clerks Association Mailings.
46. Bayfield County Court Schedules & Bulletins.
47. Election Source Sales Catalog.
48. WI Department of Workforce Development UI Reports.
49. Various Bayfield Chamber of Commerce mailings.
50. Various State Elections Board mailings.
51. Various National Park Service mailings.
52. Wisconsin Towns Association April 2009 Report.

Outgoing

1. Tessa Levens request for copy of Plumb Creek easement granted to Wayne Nelson.
2. Jolene Barningham voter registration.
3. SEH contact for Comprehensive Plan Development.
4. Letters of Support for Town Grant Filings.
5. Bremer Non-profit Luncheon information to Jane Edwards.
6. Final cost accounting for purchase of Town of Bayfield ownership in Tractor/Mower.
7. Publication of Annual Meeting Notices.
8. Red Cliff Zoning and Land Use Plan data to SEH.
9. Spring Election Results.
10. Mirka Nelson request for copy of March Town Board Meeting Minutes (DRAFT).
11. Town officer updates for Bayfield County Pocket Directory.
12. Ward maps for the Town of Russell.
13. Request for new Special Use Permit for LSB Campground from Jim Nepstad, NPS.
14. Chequamegon Title Special Assessment letter Patricia Chrobak.
15. Anna Pierce request for assessment data.
16. Ballot layout for April Election.
17. Payment of Grant Writing fees to Jane Edwards.
18. Notice of Road Weight Restrictions posted and published.
19. GAB \$100 payment and certificate of assurance.
20. WI DOA Housing Survey for 2008.
21. Renew virus protection on PC.
22. Dennis Russell request for copy of tax bill and address change.
23. Sawyer County Abstract Special Assessment letter David Johnson.
24. Fire Dues Report to State of Wisconsin.
25. WMCA Grant Writing Training 3 hrs.
26. Notice Spring Election poll hours and test of voting equipment.
27. Request to NPS regarding their disposing of excess equipment.
28. Insurance claim filed for damages to Bayfield REA equipment.
29. Letter of support for Town skating rink and playground to Ed Johnson/Nicole Boyd.
30. Updates to Town website for developer to implement.
31. Submit photos LSB Campground to Lake Superior Magazine.
32. Notice of Mastectomy Coverage provided to Town Employees.
33. Xerox meter readings submitted.
34. March and April Federal Tax Payments.

35. March and April State Tax Payments.

A motion was made by Sullivan and seconded by Meierotto to receive and place on file the correspondence. Levens asked if she could get copies of the road easement also. Tribovich stated it is attached. The motion carried.

CLERK/TREASURER REPORTS

A motion was made by Meierotto and seconded by Sullivan to approve the bills consisting of checks 13759 to 13817 totaling \$48,710.46. The motion carried.

CLERK/TREASURER REPORT
March 2, 2009 to April 13, 2009

BANK BALANCES

		Previous	Current	Change
Bremer General Checking	3/31/09	\$9,047.41	\$13,131.23	\$4,083.82
Cash	3/31/09	\$-0-	\$-0-	\$-0-
Bremer Investors	3/31/09	\$271,946.54	\$255,174.44	(\$16,772.10)
Totals		\$280,993.95	\$268,305.67	(\$12,688.28)

DISBURSEMENTS

Cleared checks	3/31/09	\$36,276.99
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BUDGETS vs. ACTUAL

	Mar 2009	Y-T-D	Budget	
Income	\$13,802	\$99,729	\$ 423,613	24%
Expense	\$37,190	\$115,633	\$ 423,613	27%
Balance	(\$23,388)	(\$15,904)	\$ -	
	Previous Mo.	Current		
Accts Recv	\$26,024.25	\$22,084.60		
Accts	\$5,338.48	\$885.49		

Pay

1. Tax collections settled and posted for January Settlement.
2. Budget needs adjustment for website development.

A motion was made by Sullivan and seconded by Meierotto to approve the Clerk/Treasurer Report. The motion carried.

Chairman, Supervisor and Clerk/Treasurer Reports – None.

Agenda Items for Next Meeting - Tribovich requested that an agenda item to discuss an adult entertainment ordinance be placed on the agenda and that the Clerk notify the property owner and lease of the Gill Net Tug that this will be discussed. A motion was made by Meierotto and seconded by Sullivan to approve those agenda items. The motion carried.

Schedule First Meeting for Board of Review - a motion was made by Sullivan and seconded by Basina to set the first meeting of the Board of Review for 6:55 PM on May 12, 2009 at the Community Center. The motion carried.

Discuss Procedure to Replace Town Board Supervisor Vacancy – Meierotto suggested we have three choices; no fill the position, advertise for interested individuals or appoint the third highest vote getter in the April Election. Discussion followed. A motion was made by Basina and seconded by Meierotto that Brian Goodwin be appointed to fill the remainder of Philip Gordon's term. The motion carried. The Clerk administered the oath of office to Brian Goodwin.

A motion was made by Basina and seconded by Sullivan to adjourn into Executive Session per WI State Statutes 19.85(1)(g) regarding possible legal action against Bayfield County for recovery of Special County Charges for property taxes, (e) to discuss and negotiate possible purchase of land. The motion carried by a roll call vote; Sullivan – yes, Goodwin – yes, Tribovich – yes, Basina- yes and Meierotto – yes. The motion carried by a vote of 5-0. The Board entered Executive Session at 8:35 p.m.

The Board reconvened into open session at 10:22 p.m.

Approve action(s) to determine exempt or non-exempt status of certain private lands within the Red Cliff Tribal Reservation for purposes of the upcoming Board of Review – No discussion or action was taken.

Actions regarding possible purchasing of land – No discussion or action was taken.

The Regular Town Board Meeting will be held at the Community Center at 7 p.m. on May 12, 2009.

A motion to adjourn at 10:22 p.m. was made by Meierotto and seconded by Basina. The motion carried. The minutes respectfully submitted by: David L. Good, Clerk/Treasurer