

Regular Town Board Meeting – April 13, 2010

Posted Friday, April 9, 2010 at 4:00 p.m. at the Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center and the Town Web Site. Revised and re-posted April 12, 2010 at 4 p.m.

A Regular Town Board meeting at the Town of Russell Community Center was called to order at 7:17 p.m. following the Annual Meeting by Chairman Paul "Rocky" Tribovich. Roll call was taken as follows: Present – Supervisors Leon Basina, Brian Goodwin, Larry Meierotto and Don Sullivan and Clerk/Treasurer David L. Good.

The Pledge of Allegiance was recited by everyone present.

Approximately ten Town Electors and members of the public were present.

PUBLIC INPUT – Tessa Levens commented on the past election. She felt it was totally inappropriate that Lynda Good worked as a poll worker even if it was not illegal. I was shocked. A spouse on the ballot should not have a spouse as a poll worker. People complained about that. I want the Town to do the appropriate thing. Again, I was shocked. Spouse should not be at the ballot counting machine. We need to clean up our voter registration process. The ID issue is not correct. The Town should have a voter registration drive. I believe we should have more people on the election inspector role. I want the Board to consider my suggestions and you need to clean up your act. Myron Lohman asked that the property by the Community Center have the trees cleared. Ann Bowker questioned the privacy of the ballot and you need to make it better. Kathy Wendling stated she supports the NPS manage Plan and wants the Town Board to not oppose it. The NPS should be allowed to use any funding they may get to improve the park facilities. Dave Martinson questioned the re-zoning of the Community Center if we are not building elderly housing. No discussion since this was public input.

APPROVAL OF MINUTES

A motion was made by Sullivan and seconded by Basina to approve the minutes of the Regular Town Board Meeting of March 9, 2010. The motion carried. A motion was made by Goodwin and seconded by Meierotto to approve the minutes of the Special Town Board Meeting of March 16, 2010. The motion carried. A motion was made by Goodwin and seconded by Meierotto to approve the minutes of the Special Town Board Meeting of March 23, 2010. The motion carried. A motion was made by Basina and seconded by Goodwin to approve the minutes of the Special Town Board Meeting of April 5, 2010. The motion carried.

ROAD MAINTENANCE REPORT

Chair Tribovich stated that roads are being graded but moisture is a problem. Flagging of danger trees from Emil Road to the Raspberry culvert is occurring on Old County K.

COMPREHENSIVE PLAN COMMITTEE – No report.

ELDERLY HOUSING – Tribovich stated re-zoning must occur prior to applying for Conditional Use Permits. Site prep is planned for 2010. Re-zoning will take up to 3 months. Now we need to move the site closer and on the property the Community Center is located. Discussion followed. The goal is utilize the most flat property that is available. A motion was made by Meierotto and seconded by Basina to rescind the motion from the April 5, 2010 meeting to re-zone the east 20-acres of the parcel adjoining the Community Center land. The motion carried. A motion was made by Meierotto and seconded by Basina to re-zone the west 10-acres of the Community Center parcel and the east 10-acres of the adjoining parcel as commercial. The motion carried.

RECREATION COMMITTEE – Meierotto stated he gave a report at the annual meeting. The Committee will be meeting at 6 p.m. April 15, 2010 at the Community Center.

OLD BUSINESS

Robert Salvas request to discuss driveway snow plowing services for 2010-2011 – Salvas is not ready to report. A motion was made by Basina and seconded by Sullivan to Table. The motion carried.

Discussion regarding liquor licenses held that are not in active use. Response from Alfred Holzer – Holzer sent a letter stating he will be open this summer. The Clerk was directed to provide suggestions on an ordinance and examples of other Town ordinances.

Report on responses received regarding the Towns response to the NPS letter denying the Town Cooperating Agency status, meeting with local NPS Acting Superintendent and approval to send additional response – The letter was discussed.

Mr. Paul Tribovich, Chairman
Town of Russell Board of Supervisors
35900 State Highway 13
Bayfield, Wisconsin 54814

Dear Chairman Tribovich:

Thank you for your letter of March 12,2010, addressed to Secretary Salazar and National Park Service (NPS) Director Jarvis, regarding the Apostle Islands National Lakeshore (Lakeshore) planning process and the desire of the Town of Russell to be considered a cooperating agency. I have been asked to respond.

The NPS appreciates the continued interest of the Town of Russell in the Lakeshore's General Management Plan Wilderness Management Plan/Environmental Impact Statement (GMP/WMP/EIS). The Town Chair has been on the Lakeshore's mailing list for the project, and will continue to be informed as the plan moves forward.

As stated in our letter to you in February, 2010, the GMP/WMP/EIS is in the last stages of development, and there is no further role for cooperating agencies. According to Department of

Interior regulations promulgated at 43 CFR Part 46, Section 46.230, Cooperating agencies may, by agreement with the lead bureau, help to do the following:

- (a) Identify issues to be addressed;
- (b) Arrange for the collection and/or assembly of necessary resource, environmental, social, economic, and institutional data;
- (c) Analyze data;
- (d) Develop alternatives;
- (e) Evaluate alternatives and estimate the effects of implementing each alternative; and
- (f) Carry out any other task necessary for the development of the environmental analysis and documentation.

Each of these steps has been completed for the draft plan, and no substantive changes to the environmental analysis are anticipated prior to the release of the final *GMP/WMPIEIS*. Because there is no further role for a cooperating agency, the NPS is withholding cooperating agency status on this plan. Lakeshore staff have been in contact with the Town at several key times during the planning process. The Lakeshore will remain in contact with the Town as future planning efforts at Little Sand Bay and sites under the jurisdiction of the Town are initiated, and would welcome requests for cooperating agency status in future planning efforts.

It is our understanding that staff from the Lakeshore recently met with officials from the Town to explain the status of the GMP/WMP/EIS and clearly describe the proposals for the Little Sand Bay area and other sites of interest to the Town. We are hopeful that this direct contact has allayed the concerns of the Town and demonstrated the Lakeshore's commitment to public engagement throughout the process.

Again, thank you for your continued interest in Apostle Islands National Lakeshore.

Sincerely,
Stephen E. Whitesell Associate Director, Park Planning, Facilities, and Lands

The NPS is working with the School District but does not want to work with the Town. A possible response was not drafted at this time. The Board will have this on the May agenda to approve a response.

Adoption of Ordinance authorizing the prorating of liquor and beer licenses issued for partial year and refunding prorated fees for liquor licenses and beer licenses surrendered prior to expiration – The following resolution was presented:

TOWN OF RUSSELL
Bayfield County, Wisconsin

Resolution 02 - 2010

Resolution Establishing Pro-rated Fees for New Licenses Issued and Refunds for Surrendered Liquor Licenses

WHEREAS, Town of Russell Board may from time to time re-issue liquor and fermented malt beverage licenses to new owners of establishments at times other than July 1st of the calendar year.

And WHEREAS no refunds of these licenses are required for licenses surrendered before the expiration date of June 30th.

And WHEREAS the laws of the State of Wisconsin require that a prorated fee be charged for liquor licenses issued during the license period based on whole month increments to date of expiration.

And WHEREAS this practice may result in the Town over collecting fees for a license reissued during a license period.

NOW, THEREFORE, BE IT RESOLVED by the Town of Russell Board that effective the 13th day of April 2010 that prorated refunds of liquor and fermented malt beverage licenses surrendered prior to their expiration date may be issued to the original holder of the license. Refunds will be made based on the number of full months remaining in the license period.

Adopted this 13th day of April in the year 2010.

Paul "Rocky" Tribovich, Chair

Leon Basina, Supervisor

Brian Goodwin, Supervisor

Larry Meierotto, Supervisor

Donald Sullivan, Supervisor

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

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

Response from Tribe regarding Town Board request for meeting to discuss various road maintenance issues – Tribovich stated he discussed this with Vice-chair Marvin DeFoe and he will follow-up on why we have had no response.

NEW BUSINESS

Approval of a Class B Beer and Class C Wine License for the VFW Post 8239 – A letter was distributed from a resident regarding this request. Basina thought we did not have a license available. Tribovich stated this is a beer and wine license only. There is no quota on these. Discussion followed about when a Town Board can deny a license which is only health and safety issues that are documented. A motion was made by Sullivan and seconded by Meierotto to approve the licenses. Tribovich read the following letter from Mary DeFoe:

INSERT LETTER FROM DEFOE

Basina expressed concern regarding how many accidents we need to have before we rescind this license. Discussion followed. Goodwin was concerned when does a problem become a problem? He was concerned that other governmental units did not consider this when they issued a business permit. Discussion followed. He understood the VFW was going to communicate with Mary and Ken DeFoe regarding this and it has been over a month and this has not taken place. He is not happy with this. Basina thinks this should be tabled and the VFW should talk to everyone in that neighborhood. Discussion followed. A vote was taken and the motion carried.

Approval of a Cigarette license for VFW Post 8239 – A motion was made by Meierotto and seconded by Sullivan. The motion carried.

Approval of Operator Licenses – Clerk Good recommended approval of Operators Licenses for Dan Gordon and LuAnn Gordon. A motion was made by Basina and seconded by Sullivan to approve. The motion carried.

Terry Peters request to haul wood fiber products on a portion of Turner Road – Tribovich explained this is for a small portion of the road on a limited time and temperature basis as we allowed in the past. Clerk Good reported that Jim Barningham checked the road and no damage exists. Peters agreed to meet with Jim Barningham and address the approach issues. A motion was made by Sullivan and seconded by Basina to approve the request with conditions. The motion carried.

Eric Funk and Becky Neilson request to move a structure from Soper Road to Turner Road – This is a 16x22 foot shell on Craig Mealman property. Discussion followed. A motion was made by Goodwin and seconded by Sullivan to approve. The motion carried.

Adoption of the Bayfield County Comprehensive Plan as a component of the Town of Russell Comprehensive Plan – A motion was made by Goodwin and seconded by Basina to adopt the Bayfield County Comprehensive Plan as a portion to the Town Comprehensive Plan. The motion carried.

Proposed public records request charges – Good presented a document of charges used by Bayfield County. The following changes were recommended; 11x17 B&W copies \$0.50 and color \$2.00. Staff research time \$25.00 per hour and tape reproduction charge \$30.00 per hour. A motion was made by Goodwin and seconded by Basina to approve the changes. The motion carried.

Request by Tribe to utilize voting equipment for Tribal Elections and costs to Tribe – The request was made by Ron DePerry. Discussion followed. A motion to table was made by Basina and seconded by Meierotto. The motion carried.

Approval of website programming changes.

- a. BRB Request to place 2010 Recycling brochure on Town web site. Clerk Good explained how to add this to the web site.
- b. Revise Plan Commission site to list Comp Plan and remove Land Use Plan.

A motion was made by Goodwin and seconded by Basina to approve the changes. The motion carried.

Town Garage security system panel upgrade to accommodate additional key fobs – Clerk Good explained that this would require an upgrade to our panel. Discussion followed. A motion was made by Goodwin and seconded by Meierotto to approve an expenditure of \$530 for the upgrades. The motion carried.

CORRESPONDENCE

Received

1. VFW request for priority consideration of future Class B Liquor licenses.
2. Grant Writers Handbook sales brochure.
3. Notice of WIS-LINE training course offerings.
4. US DOE notice of 2010 Energy Codes.
5. Notice of Pipeline Safety Training in Iron River on April 27, 2010.
6. AccountEdge Training opportunities.
7. CORE offer to attend the meeting presenting the results of their Housing Study.
8. Ace Hardware \$5 rebate.
9. Town of Drummond petition for Zoning Overlay District.
10. Hines & Lewis statement regarding services rendered.
11. Midland Paper notice of change in distribution process.
12. Midwest Security refunds of January 2010 Health Insurance Premium.
13. Gill Net Tug notice of delinquent liquor bills.
14. Bremer Bank notice of nonprofit luncheon on April 26, 2010.
15. USDA Forest Service notice of 2010 Travel Management Plan.
16. WI DOT quarterly payment of \$13,234.20.
17. Attorney General news release Sunshine Week.
18. US DOE notice of Energy Code Workshop.
19. Notice of Smart Marketing Workshop.
20. Attorney General news release on convictions of election fraud.
21. Bayfield County Bond Condition Report.
22. 2009-2010 State Statues.
23. CWR Random Selection Pool Drug & Alcohol Annual Report.
24. Bremer Bank 4th Qtr 2009 Financial Report.
25. BRB Recycling meeting notice and packet for March 15, 2010.
26. Recorded warranty deed for land purchased from Don & Ann Sullivan.
27. Charter Communications notice of rate changes.
28. JFNew sales brochure.
29. Bayfield County Board Meeting Agenda for March 30, 2010.
30. WI DOR notice of Gaming and Lottery Credit of \$730.47.
31. WI DOC March 2010 Newsletter.
32. Homeland Defense Grant Writing Workshop.

33. Notice of Critical Issues in the Forestry Industry Conference.
34. Notice of Long Term Power Outage Workshop.
35. Notice of Interoperability Communications Meeting.
36. Notices of Class Action settlement riding lawn mowers.
37. Tavern League training course offerings.
38. WI Youth Conservation Corp Request for Projects 2010 Field Season.
39. WI DOC notice of Housing Grant availability.
40. Superior Shores Farm Bureau County News February 2010.
41. Pet Waste Bag sales brochure.
42. Various correspondence regarding Old County K Culvert Replacement.
43. Various WI Department of Revenue mailings.
44. Various WMCA mailings.
45. Various meeting notices for the School District of Bayfield.
46. Various Bayfield Chamber of Commerce mailings.
47. Various State Elections Board mailings.
48. Various National Park Service mailings.
49. Wisconsin Towns Association April Report and notice of local meeting.

Outgoing

1. Public Records requests Trapp, Martinson, Wendling (multiple) and Cariveau.
2. Bill Tribe for March Road Maintenance.
3. Delinquent property tax payments from Quinlin and Duffy to County Treasurer.
4. Wisconsin Title opinion regarding property owned by Barb Marninch and Martha Good.
5. Send proposed Host Contract to Dale and Ann Rose.
6. Post Spring Election results.
7. Publish notice of annual meeting.
8. American Engineering approved to use Old County K to move boring equipment to Rowley Road.
9. Post and publish VFW request for beer and wine license.
10. Wagman request for tax exemption to Assessor Sanders.
11. Confirmation to Attorney Hines that Town Board adopted Comprehensive Plan.
12. Posting and ad regarding testing date, time and location of electronic voting equipment.
13. Poll Hours date, time and location for Spring Elections Ad and posting.
14. Road Limit Posting and newspaper ads.
15. Request meeting with NPS through Jim Nepstad.
16. Delinquent tax payment from John Resac to County Treasurer.
17. TBA Recommendation to Bayfield County Zoning regarding CFS, LLC Re-zone.
18. Forward letter from Tribe to Lund Engineering regarding wild rice impacts.
19. Update data for Overseas Voting Foundation.
20. Update Town data on Federal Voter Assistance Program.
21. File copy machine counts with Xerox.
22. Wage and salary survey data for Carol Seago.
23. Responses mailed to NPS regarding Cooperating Agency Status.
24. March 2010 Federal Tax Payments.
25. March 2010 State Tax Payments.

A motion was made by Basina and seconded by Sullivan to receive and place on file the correspondence. The motion carried.

CLERK/TREASURER REPORTS

A motion was made by Sullivan and seconded by Basina to approve the bills consisting of checks 14356 to 14404 totaling \$34,670.86. The motion carried.

CLERK/TREASURER REPORT

March 7, 2010 to April 9, 2010

BANK BALANCES

		Previous	Current	Change
Bremer General Checking	3/31/10	\$8,613.44	\$8,677.37	\$63.93
Cash	3/31/10	\$-0-	\$608.09	\$608.09
Bremer Investors	3/31/10	\$331,185.32	\$331,185.32	(\$19,726.94)
Totals		\$339,798.76	\$320,743.84	(\$19,054.92)

DISBURSEMENTS

Cleared checks	3/31/10	\$42,513.61
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BUDGETS vs. ACTUAL

	Mar 2010	Y-T-D	Budget	
Income	\$18,201	\$116,922	\$ 406,694	29%
Expense	\$44,001	\$105,272	\$ 406,694	26%
Balance	(\$25,800)	\$11,650	\$ -	
	Previous Mo.	Current		
Accts Recv	\$31,874.91	\$22,320.99		
Accts	\$1,263.79	\$4.73		

Pay

1. Tax collections settled and posted for Jan 15 and Feb 20.
2. Bremer Elderly Housing Grant is \$150,000 of restricted funds.
3. Cash includes \$35,000 of WHEDA restricted funds.
4. Fire and Ambulance contracts paid thru June 30, 2010.

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

Chairman, Supervisor and Clerk/Treasurer Reports – None.

Agenda Items for Next Meeting – Nothing additional. The next Regular Town Board Meeting will be held at 7:00 p.m., May 11, 2010 at the Community Center.

Public Input – Jensch inquired about the propane inspection at the Community Center. Tribovich stated it was done. Myron Lohman stated the VFW will not open every night like a regular bar. Ken DeFoe spoke in opposition to the VFW bar and stated it will not be open on a limited basis. He is not happy with the actions of the Board. This is where his grand children play. In the future this Board needs to make decisions based on cultural empathy and make a decision in the spirit of the law instead of the letter of the law. He was terribly disappointed in this decision. We now live by the corner bar. Ann Bowker also spoke against the decision of the Board for the liquor license. The Board should have tabled this. The Board should have placed restrictions on the VFW bar. Francis Johnson also spoke about this license and told the Board to take a moral stand. You are our leaders, protect us, stand-up, contact your lawyers. Lucy Sense investigated the issue of Lynda Good working and no laws were violated. The people encouraging people to vote do not know the rules necessary to vote. On every registration forms there is box to check if you want to be a poll worker. Nobody checks it! Regarding privacy, the envelopes are on the table where you get your ballot. Dave Martinson asked about the gravel received from Wayne Nelson for the mining permit. Tribovich stated it was 500 yards and was to repair any damage that may have occurred to Peterson Hill Road when the gravel was hauled. The Town did not buy this gravel until months later. He asked about changes to the fee schedule and increased costs for Town records. Why not make this process transparent at the meeting and show everyone how you reached a decision? Tribovich discussed the Town Alternative Development Plan. As an example, this Board knows the plan and all we do is the math. People then need to go to the County and get there approval. You need to understand why making these decisions are made quickly. Martinson wants to know everything about how the Board makes a decision and why. Tribovich offered to meet with Martinson and discuss this. Martinson wants this discussion from the whole Board. Tessa Levens apologized to Lucy Sense regarding her comments regarding the election. Still from an outsider, we did not do a good job. Clerk good explained that all Town records are open for inspection at no charge. Tribovich responded to Francis Johnson and others regarding the VFW liquor license. He stated we keep residents safe by following the law. Even when we do not necessarily agree with the law.

A motion to adjourn at 8:45 p.m. was made by Basina and seconded by Meierotto. The motion carried.

The minutes respectfully submitted by:

David L. Good, Clerk/Treasurer