

Special Town Board Meeting – July 27, 2009

Posted Saturday, July 25, 2009 at 3 p.m. at the Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center and Town web site. Revised and reposted on Sunday, July 26, 2009 at 1:00 p.m.

A Special Town Board meeting at the Town Garage Meeting Room was called to order at 5:03 p.m. by Chairman Paul "Rocky" Tribovich. Roll call was taken as follows: Present – Supervisors Don Sullivan, Leon Basina and Brian Goodwin and Clerk/Treasurer David L. Good. Supervisor Larry Meierotto arrived at 5:12 p.m.

Two members of the public were present.

The Pledge of Allegiance was recited by everyone present.

Public Input – Martinson inquired about agenda item 6. Amending Robert's Rules of Order. He asked why this was being done. Basina explained that at the last Comprehensive Plan Committee notes were being passed that other committee members did not know what information was being exchanged and the public was not aware of this information. Goodwin stated it's like having a meeting within the meeting where some information is not open to everyone else. Martinson inquired if there was a state statute governing this or something in Robert's Rules of Order addressing it. Martinson stated the Board has been seated or in a quorum situation for hours, up to two hours, after the meeting was adjourned with people who were in the meeting and you were in discussion with them regarding Town of Russell business. Martinson stated this did not apply to supervisor Goodwin. Martinson stated that he has told Tribovich, Basina, and Meierotto to not sit with Wayne Nelson. He asked what was discussed. The Board members said that they were not discussing anything to do with the Town. Martinson stated that in a quorum situation it is illegal to sit and discuss issues with a person like Wayne Nelson. This raises suspicion and misunderstanding by the residents of the Town of Russell. Martinson stated Board members should not stay at the Town Garage more than a certain number of minutes after a Board meeting with the people you were in discussion with. Martinson inquired about item 6. on the agenda. Tribovich stated item 6. was added to the agenda following the last Comprehensive Plan Committee Meeting. Clerk Good explained that this began with a Public Records Request. Martinson asked who made the request. Good stated that this information has not become a portion of the public record at this time. Martinson accused Good of taking private telephone conversations and releasing them to the public at a Town meeting. Good stated that the public records request was for the information passed in the form of notes and supposedly whispered between people during the meeting. He did not know if he could divulge that information or not and did not know what to do. He contacted the Wisconsin Towns Association attorney and asked for an opinion. The attorney stated there are no rules that he is aware of regarding passing notes between committee members or the public to committee members or whispering between committee members or the public and committee members. However, he said because it is part of the official meeting, it makes it subject to open records requests. The attorney also advised that from the standpoint of running good government, this is not a good practice and suggested that the Town adopt an amendment to Robert's Rules of Order to prevent that from happening during the meeting outside of the public input section. Martinson stated the Town is in serious trouble. He stated Sullivan was asked many times to turn the recorder off during a meeting.

Tribovich stated that was because he was swearing. Martin said it didn't matter. Martinson said he talked with Supervisor Meierotto for half an hour today and we are in serious trouble. Martinson stated that Atkins had contacted Good as his Bayfield County Supervisor regarding the airplane issue and that Good took a private conversation to a public meeting to say what he wanted to say and to humiliate and intimidate him. He stated this was totally wrong and Atkins wasn't allowed to give a rebuttal. Martinson stated the Board should never have allowed that. He also stated that Tessa Levens was brought before an Executive Session meeting for what and asked to be told what it was for. Tribovich indicated that it was Executive Session and cannot be divulged at this time. Martinson indicated that she told him. Martinson began to explain what it was. Clerk Good stated that this matter should not be discussed any further in that it was an Executive Session issue. Martinson stated he told Meierotto that he is going to the District Attorney and if he doesn't listen he's going to the State Attorney General. Martinson stated this is intimidation, and just plain bull shit. He accused the Board of not listening to Town residents, and that people do not feel comfortable coming to a Board meeting and speaking their mind. Martinson stated this is why for years no one came to the Town Board meetings. He stated this was the reason Annalisa from CFS could come and speak at four or five meetings without any opposition because no one was paying attention and people had lost interest. Martinson asked the Board to take a serious interest in what he was saying because it was going to get quite different. Martinson accused Good of taking a private conversation or message on his telephone regarding Rich Wzsalek resigning to a public forum. Martinson stated this was a mistake on Good's part. Basina questioned Martinson's statements regarding discussions with the public and how to bring those matters to the Board. Martinson stated that Good tried to intimidate Atkins and himself. Martinson stated it's how we feel is what you should be concerned with. Martinson stated that he resigned from the Town Clerk job 10 years ago or whenever that was, for a specific reason. He stated that document should be on file at the Town. He stated the reason was because he was afraid of a lawsuit or being involved in a court issue because his neighbors told him about the intimidation that was going on. He said that there are 100 people that feel this way. Martinson stated that this issue is all related to Wayne Nelson. Martinson stated, "Bull shit, Wayne got pissed because... just as Wayne got pissed about Tessa Levens passing that memo, that draft. Bull shit, Wayne is a fucking pedophile and I'll say that right here". He accused Nelson of threatening Atkins following the last Comprehensive Plan Committee Meeting and if it was reported, Nelson would be in jail today. Martinson stated that if the Board ever allows Wayne Nelson into a Board meeting or a Comprehensive Plan Committee Meeting he will call the Sheriff. Tribovich stated that the Board cannot prevent the public from attending a meeting. Martinson requested that the following be part of the minutes. "He threatened Sam. That's a jailable offense." Atkins stated that he agrees with Martinson and that we need to have open government and that the reason he is here he happened to see this meeting posted by Good on Saturday and was wondering how he is supposed to know about special meetings. Atkins stated that all these matters should be at Regular Town Board Meetings. Discussion followed regarding posting of meetings and the number of meetings held. Martinson accused the Board of having more meetings than any Town in the County. Good explained that most special meetings are held to accommodate residents in the Town that need the Board to act on something prior to the next regular meeting. Martinson said the proposed resolution was de-varrowing the residents ability to participate in Town government. Tribovich stated that that's why we have public input. He stated that this is an example right now of how the Board listens to the public. Goodwin reviewed how the Board listens, suspends Robert's Rules of Order, and tries to respect everyone's opinion. He

stated we all work for this community and we follow the rules. If you do not think we do that you need to do what you have to do.

Discussion regarding release of any Town ownership in Raspberry Bay Subdivision Lots 4-5 west of the Town Road sold to the Wm Fenessey by Town Board action at a meeting held September 15, 1964 to correct chain of custody regarding title to the property – Clerk Good provided copies of pertinent Town Board Meeting minutes documenting the sale of the property. Discussion followed about the issue. Tribovich read from the various minutes where the Electors gave the Town Board permission to sell the property and where the property was sold to William Fenessey.

Authorize the Chairman and Clerk to execute documents necessary to correct the ownership and/or title regarding Lots 4-5 in the item above – A motion was made by Goodwin and seconded by Sullivan to authorize the Chairman and Clerk to sign the documents to clear-up the chain of custody for back lots 4 & 5 of the Raspberry Bay Subdivision. The motion carried.

Discussion and possible action to adopt Resolution 2009-04 Amendment to Roberts Rules of Order to Prohibit the Passing of Written Notes or Private Verbal Communications between Town Board, Town Committee, or Town Commission members and the Public during Official Town Meetings – Tribovich read the following resolution:

TOWN OF RUSSELL
Bayfield County, Wisconsin

Resolution 04 - 2009

**Amendment to Robert’s Rules of Order to Prohibit the Passing of Written
Notes or Private Verbal Communications between Town Board, Town
Committee, or Town Commission Members or these Members and the Public
during Official Town Meetings**

The Town of Russell has a policy of allowing “Public Input” at the beginning of all meetings conducting official Town business. The purpose is to allow the public to express their concerns and/or comments on issues relating to Town business to official Town representatives and other members of the public in attendance at the meeting.

Information shared in a private manor, be it written or verbal, during an official Town meeting between Town Board, Town Committee, or Town Commission members or between them and the public during Official Town Meetings does not allow the public and/or other Town officials to be appraised of this information. The Town Board believes all information reviewed or discussed during Open Sessions of official Town meetings is important to good government.

NOW THEREFORE, BE IT RESOLVED; That the Town of Russell Board of Supervisors Adopts the following policy as an addition to Robert’s Rules of Order:

The exchange or passing of written notes or private verbal communications between Town Board, Town Committee and Town Commission Members or these members and the public during official Town meetings is prohibited.

BE IT RESOLVED, that the Town Board of the Town of Russell, being duly assembled at a Special Town Board Meeting on Monday, July 27, 2009, at the Town Garage Meeting Room, do hereby adopt and approve the above amendment to Robert's Rules of Order.

Adopted this 27th day of July in the year 2009.

Paul "Rocky" Tribovich, Chair

Donald Sullivan, Supervisor

Leon Basina, Supervisor

Larry Meierotto, Supervisor

Brian Goodwin, Supervisor

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

A motion was made by Basina and seconded by Meierotto to approve the resolution. Discussion followed. Good explained the recommendation from the Wisconsin Towns Association Attorney. Goodwin said this policy should improve the trust issue to the public. Good explained that all materials held by a Board member are considered part of the public record. Public to public transactions are not part of the public record. Martinson interrupted and Tribovich stopped him. Basina was asked to explain what happened regarding the note passing at the Comprehensive Plan Committee meeting and he did. Basina was in favor of this resolution. Tribovich stated the Comp Plan Committee may have public input at both the beginning and end of the meeting. This does not restrict public input. Good re-read the specific restriction in the resolution. It was pointed out the public can pass notes between themselves. Discussion continued. Basina called for the question. The motion carried.

A motion to adjourn the meeting at 5:44 p.m. was made by Basina and seconded by Meierotto. The motion carried.

Minutes Respectfully Prepared by:

David L. Good – Clerk/Treasurer

Special Town Board Meeting – August 3, 2009

Posted Friday, July 31, 2009 at noon at the Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center and Town web site.

A Special Town Board meeting at the Town Garage Meeting Room was called to order at 6:00 p.m. by Chairman Paul "Rocky" Tribovich. Roll call was taken as follows: Present – Supervisors Don Sullivan, Larry Meierotto and Brian Goodwin and Clerk/Treasurer David L. Good and Town Attorney, John Carlson. Supervisor Leon Basina was excused.

Two members of the public were present.

The Pledge of Allegiance was recited by all present.

Public Input – Meierotto stated we need to get the Turkey Shoot and Fall Festival going. Good stated Bob Kent asked that this be on the August 11, 2009 meeting agenda. The goal is to not conflict with soccer tournaments.

Discussion with Town Attorney regarding:

- a. Alleged Open Meeting Law Violation.
- b. Public Records Requests of July 20, 2009 and July 27, 2009.
- c. Threats of Possible Legal Action by Town Resident.
- d. Request for Various Actions by Wayne Nelson via Attorney Nordling.

Attorney Carlson suggested that a. be discussed in open session. He asked if he was representing the Town and/or Tribovich. He will investigate this and report to the Town for the August 11, 2009 meeting. The issue pertains to representing both parties. Discussion followed regarding who was cited and the State Attorney Generals guidance.

Item b. Public records request of July 20, 2009 is a request from Mirka Nelson requesting information exchanged between Levens, Atkins and Bowker at the Comprehensive Plan Committee meeting of July 17, 2009. The Clerk responded to this request on July 31, 2009 via e-mail. She indicated they have retained an attorney to deal with it. The July 27, 2009 request from Nordling asked for a transcript of a portion of the March 10, 2009 Town Board Meeting which will be provided. Nordling also requested the same information requested by Mirka Nelson and the same information will be provided to him. Carlson stated these are two different public record requests. Goodwin questioned Nordling's comment that "Such communications (note passing) appear to violate at least the spirit of the Open Meetings Law". Carlson stated it would best to not pass notes. Tribovich stated the Town has adopted a resolution prohibiting this activity on July 27, 2009. Nordling's request for an item on the Board agenda to state what the Town did regarding Tessa Levens was handled in Executive Session so will not be discussed at this time. Carlson suggested that this be discussed in Executive Session. A motion was made by Goodwin and seconded by Sullivan to receive and place on file Attorney Nordling's letter dated July 24, 2009. The motion carried.

Dave Martinson asked under what rule the Board was going into Executive Session. Tribovich stated he had read it previously. Martinson asked who may take legal action. Carlson stated it

looks like Wayne Nelson. Clerk Good stated you need to suspend the rules to have this discussion with a member of the public. Martinson asked the Board to suspend the rules. Tribovich stated that Martinson will be removed if there is one more outburst. Martinson said "Try it!" A motion was made by Goodwin and seconded by Meierotto to suspend Robert's Rules of Order. The motion carried. Martinson asked the Board to suspense with all the problems going on in the Town and that we have a serious discussion about the problems between the Town Board and the Town residents. Martinson stated that we could have a discussion between the Town Board and about 100 residents and we could clear this up rather than go through the stuff we are going through now for the next 2, 3, or 4 years. Let's come to the table with a person who acts as an intermediary who asks the questions of both parties to figure out what the problems are. Martinson stated he brought, very concisely, a number of issues to the Board at the last meeting. He stated this is a frustration that's been going on for many years and that he may have been too sharp or concise. If the Board didn't hear it, it is unfortunate. Similar issues have been brought to the Board in the past. Martinson stated that all he and the others want is for the Board to listen to us and discuss with us our problems. If we don't, this will go on for years. Why should both sides engage attorneys, and we are going to go that route. Martinson stated that the agenda item "threats of possible legal action by Town resident" disturbs him because it is my only opportunity to address the Board because you won't come to talk to me about the problems we have. He stated his only option is to talk to an attorney or the DA. Martinson stated that he has many grievances that are broad ranging and representative of the complaints that many, many people have in the Town of Russell. You have to listen to me. That is what is all about. He asked how the Board can run to the battlements when they don't even know what the complaints are. Atkins stated that from his point of view things are out of control in this Town. He said you can come to the meetings but you really don't know what's going on. The agendas are not specific enough. The talk is not clear enough so people can hear the specifics of what's going on. He was concerned about going into Executive Session. There are far too many special meetings and we are here because we are paying attention. Atkins stated the rest of the residents don't have a chance to know what's going on in this Town. Martinson said he spoke to a Board member at noon today who said he didn't know what was going on and was waiting for his packet. So Martinson asked, "what's going on?" Martinson stated that he talked to another Board member at the last meeting and they also indicated they did know what the meeting was for and what was going on. He stated this is absolutely ridiculous. Martinson said there are so many meetings that even the Board members can't keep up with what's going on. Imagine Town residents trying to keep up. Martinson questioned meeting agendas being revised at the last minute even though it's being done legally. Now residents have to keep looking to see if things are added to the agenda. He felt this was ridiculous. He stated Town residents can't keep up with the meetings and even Town Board members can't keep up with the meetings. Tribovich explained that this meeting was called because of the open records request, alleged open meeting violation, the threats of possible legal action by a Town resident and requests for various other actions by Wayne Nelson via Attorney Nordling as a Special Town Board Meeting. These are things regarding possible litigation against the Town Board and he asked if Martinson didn't think this warrants a special meeting. Tribovich encouraged residents to continue to come to all Board meetings to keep appraised of what's going on. Tribovich explained how open records requests need to be responded to within 10 working days, which does not always fit our meeting held the second Tuesday of the month. Tribovich stated there is going to be another special meeting this Wednesday with the Tribal Council regarding tax issues and the Tribe. Tribovich stated that this

Board was elected by the people to run the Town for the people and he believes that the Board is doing a good job of it. Goodwin discussed how the Board got to this point. It started with the open meetings violation, then requests for public records, and now a request by an attorney representing an individual for various actions from the Town Board. So now the Town needed to bring in its attorney to help them respond appropriately to all these requests and look after the interests of the residents of this Town. Goodwin discussed his interaction with Martinson and how he has many things going on. He stated he tries to listen to everyone's concern. He believes that there may be a "trust issue" and the attorney may help us remedy this. Meierotto stated that things come up and we do not always have till next month to address them. Martinson stated that, Annalisa attended four meetings regarding the proposed development at Shadow Wood Landing. He stated every meeting was noticed as a "proposed project". It was only at the last meeting that this morphed into a zoning issue which was 32 hours prior to when the Board propose to change the zoning. Martinson said this was outrageous and instrumental in changing the zoning through the County. He said this issue was non-existent until the last meeting. Martinson stated the Town Board changed the zoning. He said Bayfield County separates the zoning issue from the development issue and that's what convinced them that they needed to change this and that the Town a Russell had discuss this for six months. He said this is absolutely wrong and the Town did not discuss this for six months. It was only at the final meeting. Martinson stated that this type of thing happens all the time. Clerk good explained that until the Town receives the official paperwork from Bayfield County Zoning regarding the Town Board Recommendation, the Town does not have an item to place on the agenda. He stated when this is received it is then placed on the agenda. Martinson stated that it's a Town Board decision first and the County has nothing to do with it and then it goes to the County. Attorney Carlson explained that property owners make application to the County and then they County sends the recommendation to the Town to make a nonbinding recommendation back to the County. He stated that he has been at Town Board meetings where the paperwork has not even showed up and he is representing the property owner and has to tell the Town to get the item on the agenda. Tribovich stated that there are two active developments at this time in the Town; Shadow Wood Landing and the Wayne Nelson project on Peterson Hill Road and a development next to Dave Martinson. Tribovich explained how the Town uses its zoning overlay district. Tribovich explained how we cannot tell people they cannot build unless we choose to buy out development rights. He explained why the Town needs to change agendas and be reactive to the needs of property owners. Goodwin stated that by suspending Robert's Rules of Order it is an indication that the Town Board is willing to listen. Martinson stated that the Board has made excuses for what they have done but has not addressed residents problems. He also stated that the problem is the way the Board reacts to certain Town residents, probably 100 of us, which is the way the Board behaves towards us. A number of us feel we have either been embarrassed, humiliated or intimidated at Town meetings. He asked how the Board was going to resolve this. Goodwin stated that, in part, a good way to do this is by listening and that everyone's opinion is valuable.

A motion was made by Meierotto and seconded by Sullivan to adjourn into Executive Session per 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

- a. Alleged Open Meeting Law Violation.

- b. Public Records Requests of July 20, 2009 and July 27, 2009.
- c. Threats of Legal by Town Resident.
- d. Request for Various Actions by Wayne Nelson via Attorney Nordling.

The Board entered Executive Session at 6:44 p.m.

The Board reconvened into Open Session at 7:07 p.m.

Request for Various Actions by Wayne Nelson via Attorney Nordling – A motion was made by Goodwin and seconded by Sullivan that the Clerk inform Nordling that the issue requested regarding Tessa Levens will not be placed on the agenda seeing that it was an Executive Session matter. The motion carried.

A motion to adjourn the meeting at 7:09 p.m. was made by Meierotto and seconded by Sullivan. The motion carried.

Minutes Respectfully Prepared by:

David L. Good – Clerk/Treasurer

Special Town Board Meeting – August 5, 2009

Posted Tuesday, August 4, 2009 at 3 p.m. at the Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center and Town web site.

A Special Town Board Meeting held in conjunction with a Tribal Council Meeting at the Town Community Center was called to order at 6:04 p.m. by Chairman Paul "Rocky" Tribovich. Roll call was taken as follows: Present – Supervisors Don Sullivan, Larry Meierotto and Brian Goodwin and Clerk/Treasurer David L. Good and Town Assessor Jennie Sanders. Supervisor Leon Basina was excused. Chairwoman, Rose Soulier called the Tribal Council Meeting to order. References to the Tribal Council meeting are for information only and do not constitute any official record of actions by the Council.

Approximately 18 members of the public were present.

The Pledge of Allegiance was recited by all present.

Public Input – Soulier stated the Tribe allows members to speak to the Council any time during the meeting. Tribovich stated the Board can suspend Robert's Rules of Order. A motion was made by Meierotto and seconded by Sullivan to suspend Robert's Rules of Order during the meeting to allow the public to speak. The motion carried.

Discussion and possible action with Tribal Chair, Council and Tribal Members regarding Wisconsin Department of Revenue taxation policy of lands held in fee within the outer boundary of the reservation by Tribal Members subject to the Treaty of 1854 - Tribovich reviewed the

correspondence between the Tribe and the Town regarding this matter. He summarized the discussions held at the Annual Town Meeting on April 14, 2009 and an Executive Session discussion regarding Bayfield County chargeback of taxes. They Board invited Mark Montano and Marvin DeFoe to attend and discuss this matter with the Town Board and Town Assessor in April. He thanked everyone for attending the meeting this evening to review this issue prior to the Town of Russell Board of Review scheduled for August 12, 2009.

Assessor Sanders's reviewed the history of this matter. She stated that the Town Board does not have any authority to grant a tax exemption, only the Town Assessor has that authority for Chapter 70 of the Wisconsin State Statutes. She made it clear that the Town Board cannot grant an exemption at the Board of Review. She reviewed the guidance issued by the Wisconsin Department of Revenue regarding application of the Treaty of 1854 as it pertains to taxation of property. Basically, if a member of a Tribe covered by the Treaty of 1854 owns property in fee simple within the boundary of the reservation, it is exempt from taxation. To qualify for this exemption a Tribal member had to meet a number of criteria. One is that they own the land in fee simple. Two is that they must live within the outer boundary of the reservation. Three is they need to be official members of the Tribe for that reservation. Four is they need to make application for the exemption from property tax. These were the criteria as of 2007 from the Wisconsin Department of Revenue. Also, in 2007, all owners of the property needed to be members of the Tribe. In 2008 the Wisconsin Department of Revenue recognized the marital property law within Wisconsin and removed the requirement that all owners of property seeking a tax exemption needed to be members of the Tribe. All other criteria remained the same. In 2008 the Wisconsin Department of Revenue provided further guidance on determining the eligibility for a Tribal tax exemption. Guidance was issued that stated "that the chain of title remained with Tribal member or Tribe without ever being transferred to an entity excluded from the Treaty of 1854." All other prior conditions remained unchanged. Sanders stated that she is obligated to follow the rules and regulations of Wisconsin State Statutes Chapter 70 regarding Property Assessment. Sanders read the following letter sent to Tribal members on July 22, 2009. "Dear property owner. Your property will be assessed for the assessment year 2009. The reason for the assessment is the property that you are asking for exemption under the 1854 Treaty was never held solely by a Tribal member/Tribe itself. This property was transferred to a party that was not eligible for the exemption. Enclosed are two documents to help you understand. The first is a listing of deeds that were recorded at the Bayfield County Courthouse showing that non-Tribal ownership took place. The second is a handout given by the Wisconsin Department of Revenue to all Assessors at the 2008 fall Assessor's Conference. This directs the Assessor to place the property on the assessment roll should the chain of ownership be transferred from Tribal member to Non-tribal member. Thank you for your understanding with this matter." Sanders then read a list of Tribal members this letter was sent to. She stated that this matter needs to be resolved at a higher level of government such as the Governor.

Chairwoman Soulier stated the Tribe has been in discussions with the State since February of this year. Her goal would be that we delay this action until those discussions with the State have been concluded. She questioned the resolution passed by the Town stating that they would recognize these lands as exempt and also referred to the Town of Bass Lake which also considers these lands exempt. She referenced this resolution and said that it should apply if it was passed. She stated this action is contrary to the resolution passed by the Town Board and asked if the

resolution has been rescinded. Tribovich stated that the resolution has not been rescinded. It was discussed that the State Statutes would take precedence over any resolution adopted by the Town. Sanders again pointed out that the Town Board has no authority to grant exemptions from taxation, only the Town Assessor has that authority. The Assessor must follow the State Statutes and the Wisconsin Department of Revenue's interpretation of those Statutes.

Dave Ujke questioned whether or not an assessor was required to follow guidance issued by the Wisconsin Department of revenue. He reiterated how the laws on this matter have changed over the last several years. He believes that "guidance" does not necessarily require the assessor to follow these guidance's. He continued by stating that Bayfield County recognizes the tax exemption and has charged back those taxes to the Town of Russell because the Town never had the authority to tax these lands in the first place. He believes that this will create a bigger issue for the Town regarding tax charge backs from Bayfield County. Ujke stated that the Red Cliff Reservation is different regarding this matter than the other Tribes covered by the Treaty of 1854. He stated the Wisconsin Department of Revenue is making their interpretation based on the General Allotment Act of 1887 and the authority Congress believes they have to freely alienate Indian lands by permitting taxation and allotting those lands to individuals who then could apply for a certificate of competency and otherwise alienate Tribal property. The Red Cliff Reservation was allotted pursuant to the Treaty itself, not pursuant to the General Allotment Act. Therefore, he believes that this land should not be taxable. Ujke stated the Assessor is making a "bad call" and putting the Town of Russell in jeopardy. Ujke stated that he has all the information from the Wisconsin Counties Association and other correspondence the Town has through an Open Records Request. He believes that this is a very "aggressive act" against the Red Cliff Tribe. He said it appears that the Town doesn't care what the Tribe has to say and is going ahead with assessing Tribal property. He said this is a serious matter and the "ball has rolled off the hill" and that Tribal Members take this matter very seriously. He asked the Town to revisit this issue and not tax this property like it was done in 2007 and 2008 and that we "let sleeping dogs lie". This would allow the Tribe to continue to work with the Wisconsin Department of Revenue to resolve this issue. Ujke again stated that he's going to share this information with the Bayfield County Attorney stressing that the Town never had the authority to tax this Tribal property and then the County would have a bigger stick to hit the Town with. He stated that Bayfield County has to follow state law also and they don't go around like the Wisconsin Department of Revenue interpreting the law as they please. Ujke cited Wisconsin Statutes if the Assessor makes mistakes and he stated the Town is making a mistake.

Tribovich stated that this is not the Town of Russell against the Red Cliff Tribe and it is never been contrary to some of Ujke's statements. He stated there is no involvement in this Town Board dissing the Red Cliff Tribe. He also summarized the correspondence between the Town and the Tribe attempting to hold a meeting regarding this issue since April of this year. It never happened. It is a good thing that it is happening now. He believes the only reason the meeting is happening now is because the Assessor sent out the letters referenced previously. This matter should have been addressed previously so it never would have gotten to this point. Discussion followed is to who was to initiate the meeting. Tribovich stated that it was Montano and DeFoe that were to bring the matter to the Tribal Council. He then referenced the June 5th letter from the Tribe. He stated it doesn't matter who pays or does not pay taxes, but the Town needs to follow the State laws. Discussion followed regarding the difference between guidance and law.

Discussion followed that the Town does not honor the sovereignty of the Tribe and it was pointed out that this is not true at all. Goodwin stated that at the April meeting the Town needed a partner to deal with this taxation issue with Bayfield County and that the partner it was agreed to would be the Tribe.

Ujke stated the Town Board must change this at Board of Review regarding the Tribal tax exemption. It was clarified that the Board does not have this authority. Sander's stated she gets her guidance from Tom Jansen and L Ron Portal of the Wisconsin Department of Revenue. Guidance is considered interpretation of State Law. Sander's stated she will make these parcels exempt if she gets guidance from the Wisconsin Department of Revenue.

Discussion followed about why other Towns are doing this differently. Soulier stated the Assessor does not have to follow guidelines and interpretations. Sanders stated yes, she has to follow them. Sanders agreed to follow-up with the State once again to see if this has changed.

Discussion followed about what information was sent to individual Tribal members.

Tribovich again reviewed Bayfield County's actions to recover unpaid taxes on parcels exempt and through the Treaty of 1854. He stated that the \$20,000 charged back against the Town by Bayfield County was done illegally. The Town levy is approximately \$67,000 annually. He reviewed how the Town was going to be penalized \$20,000 by the State for shared revenue payments and the Town needed to have the policy changed to avoid this from occurring. He stated that the Town is not an expert on Tribal Law and that the State keeps changing their interpretation of taxation laws. He also reviewed what authority the Board has at Board of Review and urged Ujke to read the statutes and understand what authority the Board has.

Goodwin stated that we were given a heads-up on this matter back in April by the Assessor that these changes were coming and that we needed to take action.

Larry Deragon asked if the Town supports the position of the Tribe. Tribovich stated the Town does support the Tribe. Both of us have a lot at stake regarding this issue.

Discussion followed about how to get the State to address this issue. The Town does not have the attention of the State regarding this issue but the Tribe would be listened to.

Curt Basina asked if this property is assessed will the assessment be prorated. Sanders stated no proration would occur because the assessment is based upon the status of the property as of January 2 of each year.

Sander's stated the Town Assessor is not the person to interpret the Treaty of 1854. Soulier stated if the Tribe's interpretation of the Treaty were made available to the Assessor could they provide that information to the Wisconsin Department of Revenue regarding this situation. Sanders agreed to do that if the information is provided to her.

Discussion followed regarding the recovery of these taxes if they were paid and it was determined that they were improper. The Assessor stated that there currently is a provision in the

Wisconsin State Statutes allowing for refunds up to two years back in certain situations. Mark Duffy inquired about why he was not able to obtain refunds of his taxes. He said the people that chose not to pay basically got their money back by not paying. Those people who did pay were not refunded anything.

Tribovich stated that he does not feel that this matter will be resolved here by the Town and Tribe. It can only be resolved at a higher level. He believes we need to work together on this issue with the Wisconsin Department of Revenue and/or the Governor.

Ray DePerry asked the Assessor and Tribal Chairwoman to discuss this issue with the Wisconsin Department of Revenue regarding the uniqueness of the Red Cliff Tribe. It was agreed to move in this direction.

The Tribe has discussed this with Dana Erlandson at the Wisconsin Department of Revenue in February 24, 2009 meeting with several Tribes also present. Tribovich asked if the Tribe told them about the uniqueness of the Red Cliff Tribe regarding this matter. Ujke said the issue changes over time and they have obtained outside council to assist them with this matter. He will also continue to oppose this with the Town.

Sanders will follow-up with the other Town's about how they are handling this. Tribovich asked if the Town of Sandborn and Bass Lake ever got letters of charge back in taxes from their Counties. Sanders stated they had not.

Larry Deragon asked that the Town and Tribe send a joint letter to the Wisconsin Department of Revenue regarding this issue.

Goodwin would like to see a collaborative agreement between the Town and Tribe to provide guidance about how we will handle these issues in the future.

The Council passed a motion to send a joint letter to the Wisconsin Department of Revenue regarding the uniqueness of this matter to the Red Cliff Reservation and that their guidance to tax this property not apply. A motion was made by Meierotto and seconded by Sullivan that the Town agreed to place for approval a joint letter on the August 11, 2009 Board Meeting agenda. Senator Jauch and Representative Sherman and the Governor will be copied on the letter. The motion carried.

A motion to adjourn at 7:25 p.m. was made by Meierotto and seconded by Sullivan. The motion carried.

The minutes respectfully submitted by:

David L. Good, Clerk/Treasurer

Regular Town Board Meeting – August 11, 2009

Posted Thursday, August 12, 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 Monday, August 10, 2009 at 10:00 a.m.

A Regular Town Board meeting at the Town of Russell Community Center was called to order at 7:05 p.m. by Chairman Paul "Rocky" Tribovich. Roll call was taken as follows: Present – Supervisors Leon Basina, Larry Meierotto, and Don Sullivan and Clerk/Treasurer David L. Good. Supervisor Brian Goodwin was excused.

Fifteen members of the public were present.

The Pledge of Allegiance was recited by everyone present.

PUBLIC INPUT – Step Winter inquired about what the Operator's License was and to whom it was issued. Good explained that an Operators License is commonly known as a bartenders license. She stated this is not clear when it appears on the agenda. Good stated the official license by State Statue that is issued is an "Operators License". She asked what this means. Good said this authorizes the individual to sell alcohol within the Town of Russell only.

Tessa Levens asked that she speak about item 6. She recommended that Ann Bowker be named a full member of the Comprehensive Plan Committee member. Ann was to be her alternate but she can now attend the meetings. She believes that she would be a valuable full committee member and her input would be valuable. Also, she would help ensure a quorum is present.

Dave Martinson reference item 9. He questioned about why the Board went into Executive Session to keep from the public information about a violation of a Town meeting you were charged with or keeping information the public. This is not the best public relations going into Executive Session to discuss something that should be out in the open. Regarding the open meetings violation, according to statutes, this charge, alleged violation is against your person. You have to pay the fine out of pocket. According to statutes, you are not allowed to use our representative, our corporate attorney to defend yourself. This has to come out of your pocket also. I don't know if you understand this? But if you want to talk about this again, you went into Executive Session with our attorney, who which we pay for, to talk about something that is a violation or a legal charge against you. So, before you go into this tonight, I suggest you table this and check it out with our attorney. I tried to bring this up at the last meeting, I thought I was being clear, but I wasn't being heard. Thank you. Tribovich stated that the Town's attorney did advise the Town on how to put the meeting agenda together and how to deal with this issue.

APPROVAL OF MINUTES

A motion was made by Sullivan and seconded by Meierotto with to approve the minutes of the Regular Town Board Meeting of July 14, 2009. The motion carried. A motion was made by Basina and seconded by Meierotto to table approval of the minutes of the Special Town Board Meeting of July 27, 2009. The motion carried. A motion was made by Basina and seconded by Meierotto to table approval of the minutes of the Special Town Board Meeting of August 3,

2009. The motion carried. A motion was made by Basina and seconded by Meierotto to table approval the minutes of the Special Town Board Meeting of August 5, 2009 since they are not completed. The motion carried.

ROAD MAINTENANCE REPORT

Gravel Mining at the Bayfield County Sand River Pit – Tribovich reviewed the following proposal from Bayfield County:

BAYFIELD COUNTY FORESTRY PROPOSAL TO TOWN OF RUSSELL & BAYFIELD FOR GRAVEL MINING SAND RIVER PIT

Bayfield County Forestry made the following proposal in response to the Town of Russell and Bayfield request to mine and crush gravel at a 12-acre site at the Sand River Pit.

The County will agree to the Plan submitted by the Town's to mine, crush and store gravel on the 12-acre site for a ten year period commencing when the agreement is signed.

The Towns will pay the County \$0.75 per ton for material crushed and stored on site. Payment will be due 30 days following crushing and will be based on measurements made by the crusher. The conversion factor for yards will be 1.5 times \$0.75 or \$1.125 per yard.

The Towns will be responsible for all reclamation on the 12-acre site. Reclamation will follow the mining of pit material by mining phases proposed by the Towns.

Tribovich stated he did not agree with this. A motion was made by Basina and seconded by Sullivan that will authorize Tribovich to negotiate with Bayfield County Forestry Committee regarding this agreement. The motion carried.

Mail Boxes Encroaching into Roadway, Safety and Plowing Hazard - Tribovich reviewed the issue which was brought up by Kim Halvorson, Town Road Crew. Discussion followed regarding what would be the appropriate location of a mailbox. More information will be provided at the next Town Board Meeting.

Kim Halvorson Vacation Request from August 24 -- 28, 2009 - A motion was made by Basina and seconded by Sullivan to approve the vacation request. The motion carried. It was noted that Barningham had also requested vacation from September 4-16, 2009. This is approved per the union contract.

Comprehensive Plan Committee Update – Basina reported on the Open House held earlier today. The primary purpose of the Open House was to review the Current and Future Land-Use Maps. Information has been obtained from the Tribe for land-use on tribal lands. Work is also continuing on the other eight chapters of the Comprehensive Plan. Information completed to date does appear on the Town website. Basina reviewed the background on how the Comprehensive Plan Committee was developed. He believes that the current membership of the committee is adequate and another member is not needed. A motion was made by Basina and seconded by

Meierotto to suspend Robert's Rules of Order. The motion carried. Linda Brown stated that she also did not believe that another committee member was needed at this time. She was concerned that Ann Bowker could not act as an alternate member for other committee members. Tribovich stated that that was a mistake by the Board and an alternate should have never been named for just a specific committee member. Tessa Levens spoke again in favor of having Ann Bowker named as a full committee member. She again spoke about how this would help the committee when a quorum may be in jeopardy. A motion was made by Basina and seconded by Meierotto to return to the regular meeting. The motion carried. A motion was made by Sullivan and seconded by Meierotto to name Ann Bowker is an alternate for any committee member. The motion carried.

Elderly Housing Committee Update – Linda Brown reported that a meeting was held with a representative of Northwest Regional Planning Commission regarding potential ongoing operating expenses for the elderly housing project. Funding is currently in place for a four unit building but the committee believes an eight unit building would be more cost effective to run. If one unit is vacant in a four unit that impacts 25% of your operating expense. The Committee is facing deadlines to initiate this project relating to grants received. She also stated that the property needs to be re-zoned to commercial for this type of land-use to occur. There also may be stimulus funds available if we initiate and move forward on this project. Rent is estimated at \$400 per month for the one and two-bedroom apartments. The Board agreed to schedule a Joint Special Town Board Meeting - Elderly Housing Committee Meeting.

Recreation Committee Update - The Carver School Bell is now on display at the Town Garage in an elevated bell tower constructed by Michael Bzant. The sign built by the Bayfield High School Technology Class is also on display. A flagpole has been purchased and will be located adjacent to the bell. Meierotto asked that the Community Club be allowed to contact a local horticulturist regarding what can be done regarding the evergreens at the Community Center.

OLD BUSINESS

Alleged Open Meeting Violation Legal Representation for Chairman and Town. Approval of Town Release – Good stated the Town Attorney stated a release is not required and that all correspondence regarding this will go to the Clerk because the Attorney is representing Paul Tribovich and not the Town.

Options for Regulation of Dogs Causing Property Damage and Current Laws – Good summarized the current laws under State Statutes regarding dogs and recovery of damages caused by dogs. The Wisconsin Towns Association Attorney stated local ordinances governing specific species of dogs have not held up and did not encourage the Town to enact any such ordinance. Information regarding proposed legislation by the Wisconsin Department of Natural Resources regarding regulation of wolf-dog hybrids was distributed. Meierotto stated he found the same information as presented and did share a copy of the Red Cliff Tribes Ordinances. Motion was made by Meierotto and seconded by Basina to suspend Roberts Rules of Order. The motion carried. Dick Weidinger asked if the Klinger dogs were licensed. Good stated no. Weidinger felt they should be fined for unlicensed dogs. He also inquired if the number of dogs can be restricted by ordinance. Good stated that you are required to have a kennel license if the number of dogs

exceed a certain number. Discussion followed regarding regulation of wolf-dog hybrids. Weidinger was requested to file reports with the Town requesting recovery of damages caused by these dogs. A motion was made by Basina and seconded by Sullivan to return to the board meeting. The motion carried.

Propane Prepay Contract for 2009-2010 - Proposals were received from Midland Services for \$1.28 per gallon, Como \$1.29 per gallon and Ferrellgas \$1.159 per gallon. A motion was made by Basina and seconded by Sullivan to purchase 4,000 gallons of propane from Ferrellgas at \$1.159 per gallon. The motion carried.

Secure Town Office, Voting Equipment and Records – The Clerk presented options to secure the Town Office as follows:

OPTIONS FOR TOWN OFFICE

ISSUE: Town office is open and unsecured during working hours.

PURPOSE: Secure Town computer, records, voting records and voting equipment.

1. Town Garage – Existing Location
 - a. Change locks, move coffee maker, microwave and purchase small refrigerator.

2. Town Garage – Switch offices with Town Crew
 - a. Change locks, purchase office furniture and additional file cabinets.
 - b. Crew room could still be used for meetings.
 - c. Existing counter and cabinets and shelves can be used by Road Crew.
 - d. Storage for items in Road Crew storeroom need to be relocated.

3. Community Center Basement
 - a. Build office area and purchase additional internet, fax line, office furniture and file cabinets.

4. Do Nothing

A motion was made by Basina and seconded by Sullivan to approve option 1. The motion carried.

Response from NPS Regarding Holding Periodic Meetings to Discuss Issues of Mutual Concern – Tribovich read the following: "I think the Town Board suggestion that we ought to meet on some kind of regular basis is an excellent one. I fully acknowledge that we haven't been doing a very good job on the NPS side of the equation. If meetings are scheduled, it might force us to stop and think once in a while. Otherwise, it seems like were chasing the crisis of the day rather than thinking ahead. I wonder if quarterly meetings might not be a good idea. Early April is a critical time, and by early July we ought to have stuff to talk about again. October and January would be the other months. Do you think these meetings should involve the full Town Board, or some Committee appointed by them? I'm open to either. If it's the full Town Board, then I guess the dates would just be the dates of the Town Board meetings for those months. If it's a Committee thing, my schedule is flexible enough to meet the needs of the group. But I think it

would be good to get actual dates on calendars for a full year. Otherwise it's too easy to forget about these things. Again, I think this is an excellent suggestion, especially since our existing agreement expires at the end of this year. As far as the dredging issue is concerned, that's a sore point for us as well. I acknowledge that we screwed up the original specifications for the work out there, but big problems arose while we were trying to fix the situation with the contractor. Everyone's intentions were good, but in the end the contractor got caught in the middle of the poor NPS/Town communications and decided to move on. There is no way to get the harbor to a 5 foot uniform depth this summer. The contracting end of it is just too complex. I just talked to Randy Ross, and he said that they would push for a major dredging out there next spring. Everyone in the park knows about the need for a 5 foot depths now and I'll be keeping an eye on it just in case. I know that makes it tough for some folks this summer but that's the best we can do. Let me know if that rough meeting schedule works for you. I can meet more frequently or less frequently if need be. But I think that twice a year should be the absolute minimum. Thanks, Jim Nepstad." Discussion followed regarding whom should meet with the NPS and how frequently. The Board agreed that a meeting will be held the third week in April with the NPS. The full Town Board and Recreation Committee will attend. The other three meetings will be the Recreation Committee and NPS.

NEW BUSINESS

Approval of a Letter and/or Joint Letter with Red Cliff Tribal Chairperson to Wisconsin Department of Revenue Regarding Issues with the Taxation of Fee Owned Lands on the Red Cliff Reservation – Tribovich stated the Town's Attorney approved the letter. A motion was made by Basina and seconded by Sullivan to approve sending the following letter:

August 12, 2009

Roger M. Ervin, Secretary
Wisconsin Department of Revenue
2135 Rimrock Road, Mail Stop 624A
P.O. Box 8933
Madison, Wisconsin 53708-8933

RE: Assessments against Tribal Lands on the Red Cliff Reservation

Dear Secretary Ervin,

The purpose of this letter is to seek your assistance regarding the guidance issued by your Department and contained in the letter from Jean L. Gernster, Deputy Administrator, to Local Government Officials dated May 8, 2008. That correspondence set forth your Department's position that 1854 treaty allotted reservation land sold to a nonmember and thereafter purchased by a member would "likely be taxable." Our local assessor has equated this opinion to a Department rule *requiring* that she assess taxes on tribally-owned and tribal member-owned fee lands within reservation boundaries and has now issued notices of assessment on all such parcels.

The Tribe disagrees with the Department's guidance memorandum because, under *Cass County v. Leech Lake Band of Chippewa Indians*, 524 U.S. 103 (1998) and related cases, private land ownership cannot change a parcel's tax status. Further, the Tribe believes that the Department has never considered the unique status of Red Cliff Reservation lands in issuing this memorandum. But even if the position taken by the Department were correct, it is a guidance position, not a directive, and should not be construed to tie the hands of Town assessors. The Tribe and the Town have been in discussions regarding this important issue for some time, are eager to arrive at some sort of common ground, and wish to continue these discussions. The Tribe has also met with representatives of your Department in an effort to reach some sort of resolution to the issue. But the current threat of pending assessments complicates our efforts tremendously.

We respectfully request that you provide our local assessor with clarification indicating that she will not be subject to adverse action for failure to include tribally-owned and tribal member-owned fee lands within reservation boundaries on the assessment roll. The Town would also like to know that it will not be subject to any repercussions for failing to list said lands as taxable. This is especially important since the Town has been subjected to a chargeback from Bayfield County under state law stemming from the County's belief that such lands were never properly taxable.

It is our belief that good faith efforts to reach agreement and provide clarification on the rather complicated legal issues and fact-intensive situations involved should not be complicated or undermined by the threat of pending assessments and we seek your assistance in this regard. We thank you in advance for any help that you might be able to provide and eagerly await your prompt response

Sincerely

Rose Soulier, Tribal Chairperson
Red Cliff Tribe

Paul Tribovich, Chairman
Town of Russell

Cc: Governor Doyle
Representative Gary Sherman
Senator Bob Jauch
Tribal Council
Town Board of Supervisors
Jennie Sanders, Assessor
File

The motion carried.

Wayne Nelson Proposal to Sell Town Gravel – A proposal has been received for the purchase of 7,500 tons of gravel for \$54,900. The quality of the gravel is good and the Town applied some to the roads and compacted it. Barningham stated it is good gravel for Town roads. Tribovich reviewed the specifications. A motion was made by Sullivan and seconded by Basina to purchase the gravel for \$54,900. The motion carried by a roll call vote of 4-0 as follows; Sullivan- yes, Basina –yes, Meierotto- yes, Tribovich – yes.

Ronald Nelson Request to Split 40-acres of Land Described as NE ¼ of the NE ¼ Section 22 T51N R4W into 4 Building Sites with 18-acres Set Aside as Non-buildable – Wayne Nelson, agent for Ron Nelson reviewed the survey map dividing the land into four lots and the restrictions and reservations. The non-development open space of 18-acres was identified. A motion was made by Basina and seconded by Meierotto to approve the alternative development to Split 40-acres of Land Described as NE ¼ of the NE ¼ Section 22 T51N R4W into 4 Building Sites with 18-acres Set Aside as Non-buildable as presented and the restrictions in Exhibit A. The motion carried.

American Family Insurance Request for Settlement Regarding Damage Claim of Michael Gordon – Tribovich explained this history of this. The Town believes the damages from the plow truck were minimal and prior damages were considerable. Our insurance company denied the claim. It was agreed to refer this back to our insurance company.

Proposal to Extend Town Garage Lean-to Roof and Install Deck, Stairs and Railing over Town Offices – It was agreed not to extend the lean-too addition. Discussion followed about the proposal from Roger Halvorson for the deck, stairs and railing. The Town will buy the materials. A motion was made by Basina and seconded by Sullivan to have Good review the material list and purchase and obtain a stairway and to authorize Roger Halvorson to provide the labor to build the deck and railing and to install the ladder within the price quoted of \$1,100. The motion carried.

Schedule Meeting for Planning Turkey Shoot and Fall Festival Dinner and Set Dates – The Board agreed to meet on August 14, 15, 21, or 22, 2009 depending upon available date. The motion carried.

Community Club Request to Bake Pies at Community Center September 29 to October 5, 2009 and to Hold Holiday Party on December 5, 2009 – A motion was made by Meierotto and seconded by Sullivan to approve the request and wave the rental fee. The motion carried.

CORRESPONDENCE

Received

1. Thank you note from family of Clarice Hokenson.
2. Notice from Tribal Chairwoman that a meeting will be scheduled soon regarding the Road Maintenance Agreement.
3. Mike Sherry request to provide insurance quote.
4. Dave Doering request for input on “lead free ammo recommended”.
5. Bayfield County Administrator response to Town request for excess Section 154 funds.
6. 2010-2010 Coastal Management Grant Availability.
7. Attorney Nordling data request on behalf of Wayne Nelson.
8. Nepstad offer to hold periodic meetings and response to dredging.
9. Dynamic Homes proposal for Elderly Housing 4-plex.
10. WI DOR exempt computer aid payment of \$16.00.
11. Final Statement of 2008 Taxes.
12. Final estimate of 2009 State Shared Revenues.

13. WI DOT 3rd Qtr road aids payment.
14. US Census notice regarding homeless people locations.
15. Notice of Clean Sweep Collection.
16. Bayfield County request for payment of First Dollar tax payment.
17. WI PSC notice of Xcel Energy rate increase request.
18. Bayfield County Cutting Permit Wayne Nelson.
19. Bayfield County Comp Plan notice of Open Hose Meetings.
20. Notice Town Assessment Roll is completed.
21. NPS update on temporary closing of the Comfort Station at LSB.
22. Bayfield County Tourism request for Tourism plan input.
23. Town of Barnes Zoning Overlay District for shoreline set back restrictions.
24. WI PSC notice of Xcel biomass conversion at Bay Front Plant.
25. Midland Services Annual Meeting notice.
26. Notice of Farm Bureau membership.
27. Civic Systems sales brochure.
28. WI DOT notice of public hearings on 2030 Plan.
29. Ace Hardware rebates 2- \$5.00.
30. Dell notice of warranty expiration.
31. US DOE Energy Codes.
32. WITC notice of Board vacancy.
33. Bayfield County Highway Committee meeting minutes of June 10, 2009.
34. Bayfield County Law Enforcement Bulletin.
35. BRB Recycle meeting notice and agenda.
36. UW-Extension Local Government class schedule.
37. US PRIG call to action.
38. Legislation regarding Voter ID.
39. Plunkett's 2009 treatment plan.
40. State of WI Deposit and Bail Schedule.
41. Hayward Scrap metal sales brochure.
42. Bremer Bank financial status report.
43. Notice of Humane Officer Training.
44. Bremer Bank on-line banking offer.
45. Various WMCA mailings and newsletter.
46. WI Department of Workforce Development UI Reports.
47. Various meeting notices for the School District of Bayfield.
48. Various Bayfield Chamber of Commerce mailings.
49. Various State Elections Board mailings.
50. Various National Park Service mailings.
51. Wisconsin Towns Association July 2009 Report and notice of local meeting.

Outgoing

1. Public records request reply to Mirka Nelson – notes.
2. Public records request reply to Mirka Nelson – Meeting recording August 3, 2009.
3. Public records request reply Dave Martinson – Meeting recording August 3, 2009.
4. Public records request reply Attorney Nordling – Various items.

5. Bill Tribe for dust control.
6. Renewal of Raffle License.
7. Budget schedule to Beth Meyer – CORE.
8. Wisconsin Title Special Assessment request Barbara Marnich & Jeff Ralph.
9. Board of Review Training Affidavit file with WI DOR.
10. Open Meetings Law claim to Rural Insurance.
11. Land use maps to SEH Consulting.
12. Letter to NPS requesting dredging at LSB harbor to 5 feet.
13. Letter to NPS regarding communications.
14. Request mail box survey by road crew.
15. Bill Tribe for July Road Maintenance.
16. Operator’s licenses issued for Rose and Hudson.
17. Request Ximena Christenson to send Dynamic Homes design specs.
18. Bayfield Chamber of Commerce 2009-2010 membership enrollment.
19. Sales and Use Tax Report filed for 2nd qtr 2009.
20. Unemployment report filed for 2nd qtr 2009.
21. July Federal Tax Payments.
22. July State Tax Payments.

A motion was made by Sullivan and seconded by Meierotto 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 13955 to 14007 totaling \$46,990.36. The motion carried.

CLERK/TREASURER REPORT
July 10, 2009 to August 8, 2009

BANK BALANCES

		Previous	Current	Change
Bremer General Checking	7/31/09	\$21,651.17	\$32,226.19	\$27,727.37
Cash	7/31/09	\$977.07	\$-0-	\$977.07
Bremer Investors	7/31/09	\$180,711.75	\$165,857.15	(\$11957.59)
	Totals	\$210,040.93	\$198,083.34	(\$11,957.59)

DISBURSEMENTS

	7/31/09
Cleared checks	\$45,553.11

BUDGETS vs. ACTUAL

	July 2009	Y-T-D	Budget	
Income	\$38,627	\$180,012	\$ 423,613	42%
Expense	\$53,036	\$284,949	\$ 423,613	67%
Balance	(\$14,409)	(\$104,937)	\$ -	
	Previous Mo.	Current		
Accts Recv	\$35,532.77	\$17,242.93		
Accts Pay	\$14,280.13	\$22,239.73		

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

A motion was made by Meierotto 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., September 8, 2009 at the Community Center.

The Board did not adjourn into Executive Session.

Public Input – A motion was made by Basina and seconded by Meierotto to suspend Roberts Rules of Order. The motion carried. Wayne Nelson thanked the Board for having public input. Annalisa Cariveau provided information on a blog site in opposition to the Shadow Wood Landing Project that encouraged people to attend the Comprehensive Plan Open House. A motion was made by Basina and seconded by Meierotto to return to the Board Meeting. The motion carried.

A motion to adjourn at 8:32 p.m. was made by Meierotto and seconded by Sullivan. The motion carried.

The minutes respectfully submitted by:

David L. Good, Clerk/Treasurer

Open Book – August 12, 2009

Posted July 20, 2009 at 4:00 p.m. at Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center and the Town web site. Posted on the Town Garage Meeting Room doors. Published in the Daily Press on July 25, 2009 and the County Journal on July 30, 2009.

Open Book was held at the Town Garage Meeting Room from 5 p.m. to 7 p.m. with Assessor Jennie Sanders. James and Muriel Erickson and David Galazen meet with the Assessor.

Numerous individuals dropped off Objection forms.

Minutes prepared by:

David L. Good – Clerk/Treasurer

Board of Review – August 12, 2009

Posted July 20, 2009 at 4:00 p.m. at Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center and the Town web site. Posted on the Town Garage Meeting Room doors. Published in the Daily Press on July 25, 2009 and the County Journal on July 30, 2009.

Meeting was called to order at 7:00 p.m. at the Town Garage Meeting Room by Chairman Paul "Rocky" Tribovich. Roll call was taken as follows: Present – Supervisors Leon Basina, Don Sullivan and Larry Meierotto and Clerk/Treasurer Dave Good and Assessor Jennie Sanders. Supervisor Brian Goodwin was excused.

The Pledge of Allegiance was recited by everyone represent.

Appointment of Board of Review Clerk – A motion was made by Meierotto and seconded by Sullivan to appoint David L. Good as Board of Review Clerk. The motion carried.

Appointment of Board of Review Chairman and Vice-chairman - A motion was made by Meierotto and seconded by Sullivan to appoint Tribovich as Chairman of Board of Review. The motion carried. A motion was made by Meierotto and seconded by Sullivan to appoint Basina as Vice-chair of Board of Review. The motion carried.

The Clerk verified that notice of Open Book was posted at Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center and the Town web site and posted on the Town Garage Meeting Room doors. Published in the Daily Press on July 25, 2009 and the County Journal on July 30, 2009. Open Book was held August 12, 2009 from 5 p.m. to 7 p.m. Board of Review was posted at Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center and the Town web site and posted on the Town Garage Meeting Room doors. Published in the Daily Press on July 25, 2009 and the County Journal on July 30, 2009.

The Clerk filed electronically with the WI DOR a statement that Tribovich, Meierotto, Sullivan and Good have been trained and have current status for Board of Review on July 22, 2009.

The Clerk received the assessment roll and sworn statement of the assessor from Jennie Sanders. The notice of change in assessment was mailed in Chippewa Falls, WI on July 22, 2009. The Clerk verified the assessment roll is complete.

A motion was made by Meierotto and seconded by Basina to waive the 48 hour notice to file objections. The motion carried.

Approximately 15 property owners were present. Board of Review Objection forms have been received from the following:

TOWN OF RUSSELL

BOARD OF REVIEW EXEMPTIONS

12-Aug-09

		Parcels
Balber	Michael	1
Basina	Michelle & Julie	1
Basina	Fabin & Kim	1
Basina	Curtis & Linda	1
Basina	Leon F. Sr.	1
Bonney	Todd	1
Cadotte	Nora Hillert	1
Charrette	Kenneth	1
Charrette	Peggy	1
Defoe	Ken & Mary	1
DePerry	Ed	1
DePerry	Gerald	1
Duffy	Mark & Marion	4
Galazen	David & Donna	1
Haskins	Janette	2
Montano	Elizabeth	1
Peterson	Cecil & Christine	2
Peterson	Eric & Lorretta	1
Red Cliff Band Lake	Superior Chippewa	4
Sullivan	Ann	1

Assessor Sanders explained that she has been discussing with the WI DOR the issue regarding the taxability of Tribal Member lands held in fee simple within the boundaries of the Reservation. She stated that she has stricken from the 2009 Assessment Roll all Tribal Member owned parcels previously listed as exempt. The State Statutes will allow these parcels to be back taxed up to two years as omitted property if a determination is made that they are taxable. She

stated we need to continue to seek resolution of this matter with the WIDOR. Tribal Chairwoman Gurnoe agreed and stated they are actively pursuing the matter.

She offered those individuals present an opportunity to view the Assessment Roll to see that they have been struck from the roll. Those property owners present whom had assessments struck from the roll signed waivers regarding the 15 day notice of change of 2009 assessment and choose not to appear before Board of Review. The Assessor will send notices to this effect to those individuals showing a -\$0- assessment.

No property owners appeared before the Board of Review.

A motion was made by Sullivan and seconded by Meierotto to adjourn Board of Review at 9:01 p.m. The motion carried.

Minutes Respectfully Submitted by:

David L. Good, Clerk/Treasurer

Special Town Board Meeting & Elderly Housing Committee Meeting– August 27, 2009

Posted Friday, August 21, 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 Monday, August 24, 2009 at 1:00 p.m.

A Special Town Board Meeting at the Town of Russell Community Center was called to order at 7:15 p.m. 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.

An Elderly Housing Committee Meeting was called to order by Linda Brown. Ray DePerry, Jane Edwards, Leon Basina were present and Judy Meierotto was excused. Ximena Christianson, architect for the project was also present.

No members of the public were present.

The Pledge of Allegiance was recited by everyone present.

PUBLIC INPUT – None.

Discussion and Possible Action with Initiating Process to Build Elderly Housing – Edwards review services USDA from Spooner, WI offered to supply. They can help us with any aspect of the project. Basina also heard that Feingold indicated Stimulus Funds may be available if we have a "shovel ready" project. Brown stated rents are estimated at \$400 per month and they recommended we have at least 8 units to compensate for vacancies. She encouraged the Town to initiate this project. Basina stated the \$400 per month rent is based on the Town borrowing all

the funds for construction. Discussion followed about the need to re-zone the property and file for building permits. DePerry stated that \$400 per month rent is too high for Tribal Elderly Housing. Basina stated the Town rents will be less because of the grants we have received. Discussion followed that Tribal Housing rents are based on income, not square footage. The units proposed for the Town are half one bedroom and half two bedroom. How to manage the operation was discussed. Brown stated the Town Board needs to form a Housing Board. Clerk Good stated accounting for revenues and expenses for this also needed. DePerry stated Red Cliff Housing may be able to service these units for the Town but would need to be reviewed further. Discussion followed about how to manage these units.

Zoning Permits and Authorization – Discussion followed that it takes 3 months minimum to change zoning on a parcel of land. Also, you can not apply for zoning building permits until the zoning is changed. Discussion followed that the Building and sanitary permits can be acted upon at the same time. Discussion followed that we should apply for 12-units, even if we only build 4 or 8 units initially. A motion was made by Basina and seconded by Meierotto to authorize the Chairman and Clerk to file for a zoning change on a portion of the Town property by the Community Center. The motion carried.

Response to WEHDA and Bremer Foundation Regarding Grant Awards – WEHDA grant expires in May 2010 and Bremer Foundation notice of proof of raising \$400,000 in funds per the grant request is due by September 30, 2009. Tribovich read the letter from Bremer. He stated we need to show another \$265,000 in additional funds raised. Discussion followed. WEHDA funds are for handicap accessibility. DePerry stated a letter to Bremer by September 30, 2009 secures the grant of \$150,000, next we apply for the zoning change and building permits while the committee continues to seek additional funds over the winter. All agreed. DePerry agreed to draft a letter to Feingold for Chairman Tribovich to sign. Tribovich suggested that we consider also requesting to borrow up to \$300,000 from Bremer Bank in the letter to Bremer. Edwards stated Mary Rice may consider a grant if we initiate construction.

Cost and Design Estimates for Four-plex Unit – Tribovich reviewed his discussions with Dynamic Homes regarding their proposal and costs. Christianson said the plan is based on her design. These are prefab units. Christianson estimates \$125 per square foot. Basina would like to see local contractors and labor have work on this project. Tribovich stated we need to develop a bid package with alternates for stick built and modular, separate bids for concrete or other specific items. DePerry stated they looked at Dynamic Homes to meet a deadline to expend funds or lose them. Discussion followed about the number of units to build, either 4, 8, or 12 units. Discussion followed about need for Elderly Housing. Goodwin was concerned with the sustainability of keeping these units occupied in the long term, he also expressed local jobs were important. He believes we need to align ourselves with all the parties necessary to bring this project forward and to be successful. Discussion followed about matching income to the affordability of the units to keep them maintained. Results of the original survey were discussed regarding need and how this fits with other services in the area. The possible roles the Community Center plays in this project location were discussed. Tribovich stated the well, mound system, Community Center for health services, meals, recreation were discussed. He also stated we are not in competition with Red Cliff Housing. How other working groups that support

this effort fit with this project were discussed. Tribovich stated any Board Member can attend a Town Committee Meeting. The Town needs to start working more closely with the Committee.

Site Location – Discussion followed about what areas to re-zone and where the units would be located. Discussion followed about what land to include and the need to meet with zoning to discuss the specifics. Sullivan stated he has the land immediately west of the Community Center and would consider selling the land to the Town. It was agreed that that would be a better location and would be closer to the original site planned for the Housing. Sullivan is to provide Good the information and he can schedule an Electors Meeting.

The Elderly Housing Committee adjourned at this time.

Labor and Material Estimates, Enclosed Storage Room Over Office in Town Garage and Changes to Town Crew office and Lunch area. Approval to Proceed with Work – Estimated from Roger Halvorson to build an enclosed room over the office area (12'x16') and remodeling the crew office and storeroom for \$1,100 in labor and \$1,226.74 in materials. Discussion followed that the items that need to be kept clean will be stored in the room. Much of this will come from the crew office and store room. Remodeling the crew office and lunch area were discussed. A motion was made by Sullivan and seconded by Basina to approve up to \$1,100 for labor to do this work. The motion carried.

Public Input – None.

Next Steps and Assignments – The Board requested the Town Clerk schedule a Special Meeting of Town Electors the third week of August to discuss and approve the Town Board to negotiate for the 40-acre parcel of land immediately west of the Community Center. Sullivan abstained from this discussion.

Establish Next Meeting Date – The Elderly Housing Committee will meet again with NWRPC as soon as possible.

A motion to adjourn at the Town Board Meeting at 8:37 p.m. was made by Basina and seconded by Sullivan. The motion carried.

Minutes Respectfully Submitted by:

David L. Good – Clerk/Treasurer