

Board of Review – May 12, 2009

Posted April 27, 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. Published in the May 2 and 11, 2009 edition of The Daily Press and the May 7, 2009 edition of the County Journal..

Meeting was called to order at 7:03 p.m. at the Community Center by Chairman Paul “Rocky” Tribovich. Roll call was taken as follows: Present – Supervisors Leon Basina, Brian Goodwin and Larry Meierotto and Clerk/Treasurer Dave Good. Supervisor Sullivan was absent. Francis Johnson recorded the meeting.

The Clerk reported that the assessment roll was not completed the purpose of this meeting was to call the Board of Review into session during the 30 day period beginning the 2nd Monday of May per Wisconsin State Statues 70.47(1). A motion was made by Basina and seconded by Meierotto to adjourn Board of Review to 6:55 p.m. on Tuesday, June 9, 2009 at the Community Center. The motion carried.

A motion to adjourn at 7:04 p.m. was made by Basina and seconded by Meierotto. The motion carried.

The minutes respectfully submitted by:

Dave Good, Clerk/Treasurer

Regular Town Board Meeting – May 12, 2009

Posted Monday, May 4, 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 May 8, 2009 at 4 p.m.

A Regular Town Board meeting at the Town of Russell Community Center was called to order at 7:04 p.m. by Chairman Paul “Rocky” Tribovich. Roll call was taken as follows: Present – Supervisors Leon Basina, Brian Goodwin and Larry Meierotto and Clerk/Treasurer David L. Good. Supervisor Don Sullivan was absent.

Twenty-nine members of the public were present.

The Pledge of Allegiance was recited by everyone present.

PUBLIC INPUT – Tribovich reminded everyone of the 3 minute limit.

Tessa Levens inquired if the Town would consider an open container dump collection day.

Francis Johnson presented her information regarding ordinances regulating exotic dancing. She asked the Town to do what it can to stop nude dancing. She said she had petitions for Town

residents to sign to seek a County ordinance. She read comments collected in opposition to nude dancing. She was asked to solicit signatures outside the building.

Rob Halvorson and his mother stated they were opposed to nude dancing.

Jane Halvorson referenced a letter from her mother submitted in opposition to nude dancing.

John Leask spoke in opposition to nude dancing.

Steph Winter spoke in opposition to nude dancing. She did not want to make enemies by speaking out about nude dancing. She was concerned with the secondary effects such as prostitution, sexually transmitted diseases, low property values, sexual trafficking of women, etc. She felt it was a dirty business.

Marion Wszalek was against exotic dancing.

Kathy Wendling spoke in opposition to exotic dancing at the Gill Net Tug and there should be other ways to provide entertainment to the community.

Mary Meierotto spoke in opposition to nude dancing and expressed concerns with problems on the road with people running in to the ditches.

Ton Powell was opposed to exotic dancing.

Kathleen Russell spoke that this type of activity reduced property values and was opposed to this activity. There are other ways to make a living and encourage positive business growth.

Wayne Nelson was opposed to exotic dancing.

Theresa Weber spoke in opposition.

Tribovich informed the public that the owners and operators of the Gill Net Tug will be speaking on this issue later in the meeting and the Board will be going into Executive Session regarding this matter. Ric Olivo of the Ashland Daily Press asked for clarification of Executive Session and Tribovich provide it. A motion was made by Goodwin and seconded by Basina to move agenda items 18, 19 and 20 to follow approval of the minutes. The motion carried.

Wayne Nelson presentation regarding proposed gravel crushing on Peterson Hill Road property – Nelson introduced Randy from Duffeck Sand & Gravel, crushing contractor. He reviewed his process to follow the conditions agreed to. The contractor offered to answer any questions. Tribovich stated if he can comply with the conditions. He said yes. They will be crushing for about three weeks. Nelson asked for a variance of the height of the gravel pile and explained why. He felt a pile up to 35 feet would be well hidden. Crushing would begin in about two weeks. Tribovich stated the Board should inspect the site prior to approving. A Special Town Board Meeting was scheduled for 6 p.m., on Wednesday, May 20, 2009 at the Town Garage Meeting Room and then go in the field for a site inspection.

Terry Peters Logging request to haul wood fiber products on Ridge Road from Floyd Grooms 40-acres and Turner Road from Section 26 T51N R4W using Wayne Nelson's access easement in Section 35 – Tribovich provided background on the location. Peters spoke about what was planned. He asked permission to haul on Turner Road this summer. He would be sensitive to temperatures. The Board was concerned with the deterioration occurring on Turner Road. Basina wanted the wood hauled in the winter. Peters said this would be a hardship. Discussion followed about when the next logging would occur. Peters stated in 10-12 years. A motion was made by Basina and seconded by Meierotto to deny permission to haul wood products on Turner Road in the summer. The motion carried. A motion was made by Basina and seconded by Meierotto to approve hauling of wood products from the Groom property on Hyde Road to Old County K. The motion carried.

Alfred Holzer Schooner Bay Marina bar opening plans for 2009 – Holzer stated he does plan to open this summer providing he can secure dependable and reliable help. Basina asked for specific dates. Holzer said tomorrow if he had help.

Supervisor Sullivan arrived at 7:38 p.m.

APPROVAL OF MINUTES

A motion was made by Basina and seconded by Meierotto to approve the minutes of the Regular Town Board Meeting of April 14, 2009. The motion carried.

ROAD MAINTENANCE REPORT

Derald Barningham reviewed summer road maintenance plans as follows: shouldering on Old County K in certain areas and disking shoulders on gravel roads, and improve steep slopes on Old County K with fill material. Tribovich stated the Bayfield County Forestry Committee will be presented with our gravel mining and crushing plans at the Sand River Pit. Dust control was discussed. The cost is up and roads are in pretty good shape. The need for gravel on several Tribal/BIA roads were discussed. The Board directed that Jeff Benton be contacted regarding what the needs are for gravel and dust control for the Tribal/BIA roads. It was agreed to get one load of dust control for about 2 miles of Town roads.

Status of Old County K Project – Tribovich stated the town has applied to NOAA for funds to replace the Old County K Raspberry River culvert. Also some Army Corp Section 154 Funds may be available. A decision on the NOAA Grant will be delayed to mid to late May..

Bayfield County Bridge Aid Program – A motion was made by Sullivan and seconded by Basina to approve filing for Bridge Aid for 50% funding of a \$300,000 project. Discussion followed about how Bridge Aid reimbursement works. The motion carried.

OLD BUSINESS

Update on Town Lands Exchange with NPS – Nothing to report.

Wayne Nelson proposed covenants for subdivision of Peterson Hill property – Tribovich stated he still working on this with Bayfield County Zoning.

Proposed amendments to Bayfield County Zoning Ordinances – Campgrounds – Discussion followed and the Board took no action.

Tribal response to proposed changes to Road Maintenance Agreement – A letter responding to our proposed changes was discussed. The Clerk was directed to send the Tribe a suggested meeting date of 6 p.m. on May 21, 2009 at the Town Garage Meeting Room.

Display for Carver School Bell – Meierotto reported that the donators of the bell want it displayed or returned. Discussion followed about the bell being displayed at the Community Center verses the site of the Carver School. A motion was made by Meierotto and seconded by Basina to suspend the rules to allow Bertha Hyde to speak. The motion carried. Hyde said they discussed the display and said they would help funding the display. Meierotto stated they want the bell displayed his summer. Hyde asked a Town Board member to attend the Community Club Meeting.

Town Committee assignments – Tribovich presented the following recommendations for committee assignments.

LSB Land Exchange Committee

Paul Tribovich, Leon Basina, Don Sullivan, Larry Meierotto, Warren Jensch, Brian Goodwin, Myron Lohman, Jeff Good and Dana Wszalek. A motion was made Meierotto by and seconded by Sullivan for the Chairman to appoint the above persons to the committee. The motion carried.

Elderly Housing Committee

Leon Basina, Linda Brown, Ray DePerry, Jane Edwards and Judy Meierotto. These individuals were appointed previously.

Comprehensive Plan Committee

Paul Tribovich, Leon Basina, Bob Kent, Sam Atkins, Linda Brown, Judy Meierotto and Tessa Levens – Alternate is Ann Bowker. These individuals were appointed previously.

Recreation Committee (LSB, Shooting Range, Community Center)

Larry Meierotto, Linda Brown, Judy Meierotto, Don Sullivan, and Dana Wszalek. A motion was made Basina by and seconded by Meierotto for the Chairman to appoint the above persons to the committee. The motion carried.

NEW BUSINESS

Discussion with the operator and owner of Gill Net Tug regarding plans to offer exotic dancing – Darrell Deragon, Don Sarri, and Cecil Peterson were present. Deragon said the shows are 3 hours per night and security is on site. Sarri stated this is 100% legal in Wisconsin if conducted properly. They have done two events this year. Red Cliff Police stated there have been no calls or problems. Deragon stated you do not get a sexually transmitted disease by watching, prostitution is not going on, and cigarettes are harmful but are still being sold. Peterson said this

activity is not new to the Town of Russell. It has been done at the casino before. There was no opposition when it occurred at the casino. He said he doesn't care for it so he doesn't go there. If you don't like it don't go. All businesses are having a rough time and you need to reach out to look at ways to make businesses go. He also stated it is legal in Wisconsin. Deragon stated he believes they would do this 4-6 times per year. Meierotto stated this does not answer peoples concerns about property values. Deragon said he has no proof that 4-6 shows per year affect property values. Peterson also asked for proof property values were affected. There are hundreds of properties for sale now that just do not sell, it is the nature of today's economy. Tribovich thanked them for attending and commenting.

Discussion and possible action regarding an ordinance regulating exotic dancing – No action.

Adjourn into executive session per Wisconsin State Statutes 19.85(1)(g) Conferring with legal counsel for the government 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 pertaining to a possible ordinance regulating exotic dancing and to approve minutes of the Executive Session minutes of April 14, 2009 – A motion was made by Meierotto and seconded by Sullivan; Goodwin – yes, Tribovich – yes, Basina – yes, Meierotto – yes, Sullivan – yes. Tribovich granted a 5 minute recess for the public to leave.

The Board entered Executive Session at 8:12 p.m. and reconvened into Open Session at 8:35 p.m.

Discussion and possible action regarding items discussed in executive session regarding an ordinance regulating exotic dancing - Tribovich stated that the Board is not taking any action regarding the enactment of an ordinance regulating exotic dancing at this time since no legal authority exists or reasons to regulate exotic dancing. He also commented on the Town of Drummond Ordinance. Deragon and Sarri agreed to limit events to no more than 6 times per year, an event is one of two consecutive nights, plans for now are a one night, 3 hour event for September 12, 2009. They agreed to have security on hand and the windows covered. Tribovich appreciated if they would conform to these on a voluntary basis. They said yes. Goodwin stated a lot of people will be closely watching them and if problems occur the Town may readdress this issue. Discussion followed about noise ordinances. Most of the public left at this point.

Proposed amendments to Bayfield County Zoning Ordinances – Board of Adjustment – No action was taken.

Letter of support to Red Cliff for expansion of Community Health Center – Clerk Good presented a suggested letter of support. Goodwin expressed concerns with the letter. He discussed the letter and talked about health care for Indian people verses people whom have insurance. Two types of health care exist. We also need to address the conditional health care given to some of our communities members. A motion was made by Basina and seconded by Sullivan to have Goodwin revise the letter and give the revised letter to the Clerk. Discussion followed. The motion carried.

Red Cliff/Bayfield/LaPointe Youth Baseball request for donation – A motion was made by Meierotto and Sullivan to donate \$150.00. The motion carried.

Pest control services contracts – Clerk Good reviewed when the current contracts expire. A motion was made by Sullivan and Goodwin to contract with Wendell's Pest Control. The motion carried.

Approval of Operators License – Clerk Good recommended approval of an Operator's License to Geraldine Gordon. A motion was made by Sullivan and second by Basina to approve. The motion carried.

Discussion regarding additional help for the Town Clerk/Treasurer – The Clerk stated we have a large number of committees and activity going on at this time. He suggested seeking additional help for meeting minutes and back-up for payroll, etc. Discussion followed. Good suggested 16-20 hours per month. Current pay for Town part-time help is \$12.00. The Clerk was directed to find a person to help. A motion was made by Sullivan and seconded by Basina to approve help at a cost of \$240.00 per month plus payroll costs. The motion carried by a roll call vote as follows: Goodwin – yes, Tribovich – yes, Basina – yes, Meierotto – yes, and Sullivan – yes. The motion carried 5-0.

CORRESPONDENCE

Received

1. Letter opposing Exotic Dancers at Gill Net Tug from Francis Halvorson.
2. WI DNR notice of permits required for Town Road work.
3. Ed Batton notice of support regarding Shadow Wood Landing Project.
4. Bayfield County Zoning notice of expired sanitary permit for James Quinlin.
5. NPS 2009 Code of Federal Regulations and Special Regulations.
6. WI DNR PILT Payment of \$136.07.
7. Xcel Energy notification of installation of wood gasifier.
8. WI DNR Recycling Grant payment of \$13,040.35.
9. WMCA notice of legislative changes of importance.
10. Bayfield County Board Meeting Agenda for May 11, 2009.
11. RA Smith Grants Newsletter for May 2009.
12. RA Smith Nation Newsletter.
13. WITC Notice of Board Vacancies and process to apply.
14. WI DNR MFL Yield Payment of \$11.25.
15. Notice of participants selected for drug & alcohol screening.
16. Bayfield County Comprehensive Plan Open House Notices.
17. Request to post elderly Housing Committee Meeting Notice.

18. Tribal notice of bounty imposed for beaver.
19. Notice of cancellation of the Mostly Schubert Festival.
20. UW Extension notice of WTA Town Officials Workshop.
21. Northstar Landscaping sales letter.
22. Notice of Heath Insurance Coop Webcast.
23. Severe Weather notices for Severe Weather week.
24. Charter Communications bankruptcy filing notices.
25. Bridge Aid packets from Bayfield County.
26. Notice of Certified Food Handlers Training.
27. WI DOC notice of Black Grant Funds for Housing.
28. Notice of Gypsy Moth Spraying.
29. WMCA Notice of Masters Academy.
30. USDA 2008 Annual Report.
31. National Forest Law Newsletter April 2009.
32. Chequamegon Bay Tobacco Free informational mailing.
33. Bayfield Recreation Center Newsletter.
34. WI DNR Point to Point Newsletter.
35. WI Department of Workforce Development UI Reports.
36. Various Bayfield Chamber of Commerce mailings.
37. Various State Elections Board mailings.
38. Various National Park Service mailings.
39. Wisconsin Towns Association April 2009 Report.

Outgoing

1. Request map from Land Records for coding existing land uses.
2. Update software in postage machine for new US Postal Rates.
3. Wisconsin Title Special Assessment Letter for Peter Strzok.
4. Provisional Operators License issued to Geraldine Gordon.
5. Request meeting availability from Mike Darrow SEH.
6. Jeremy Erickson approved TBA to Bayfield County Zoning.
7. Request revisions to Town website.
8. Bill issue with Lund Engineering.
9. Issue Certificates of Election to Meierotto, Sullivan and Tribovich.
10. New Town Board member information to Bayfield County.
11. Provide audio file of Annual Meeting and April Town Board Meeting to Frances Johnson.
12. Letter to Red Cliff Tribe regarding Beaver issues.
13. Sales & Use Tax Exemption filed with Next Day Gourmet.
14. Bill Keith Morris for culvert.
15. Correct of property acreage for Barbara Attwood.
16. Provide Bayfield County Plan Committee e-mail addresses.
17. Update contact information with Country Wide Mortgage.
18. Respond to Ervin Mejia regarding Shadow Wood Landing re-zone.
19. Sam Atkins request for revised meeting agendas.
20. Transcript of motions at Annual Meeting to Attorney Carlson.

21. SVRS Survey for State GAB.
22. DWD-UI Report 1st Qtr 2009.
23. WI Sales & Use Tax Report 1st Qtr 2009.
24. Federal 941 Report 1st Qtr 2009.
25. April Federal Tax Payments.
26. April 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 Basina and seconded by Meierotto to approve the bills consisting of checks 13817 to 15857 totaling \$46,986.86. The motion carried.

CLERK/TREASURER REPORT
April 14, 2009 to May 8, 2009

BANK BALANCES

		Previous	Current	Change
Bremer General Checking	4/30/09	\$13,131,23	\$7,715.36	(\$5,415.57)
Cash	4/30/09	\$-0-	\$-0-	\$-0-
Bremer Investors	4/30/09	\$255,174.44	\$229,377.90	(\$31,212.11)
	Totals	\$268,305.67	\$237,093.56	(\$31,212.11)

DISBURSEMENTS

	4/30/09
Cleared checks	\$51,791.14

BUDGETS vs. ACTUAL

	Apr 2009	Y-T-D	Budget	
Income	\$19,048	\$118,061	\$ 423,613	28%
Expense	\$33,446	\$179,269	\$ 423,613	42%
Balance	(\$14,398)	(\$62,208)	\$ -	
	Previous Mo.	Current		

Accts	\$22,084.60	\$24,367.35
Recv		
Accts	\$885,49	\$15,082.03
Pay		

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

Chairman, Supervisor and Clerk/Treasurer Reports – Meierotto asked about reporting on Recreation Committee. The Board agreed to have standing agenda items for committee reports.

Agenda Items for Next Meeting – None.

The next meeting of the Board of Review is for 6:55 PM on May 12, 2009 at the Community Center with the Regular Town Board Meeting to start at 7:00 p.m.

A motion to adjourn at 8:56 p.m. was made by Basina and seconded by Goodwin. The motion carried.

The minutes respectfully submitted by:

David L. Good, Clerk/Treasurer

Special Town Board Meeting – May 20, 2009

Posted Wednesday, May 13, 2009 at noon at the Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center and Town web site. Revised and reposted on Friday, May 13, 2009 at 11:00 a.m.

A Special and Regular 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, Leon Basina and Larry Meierotto and Clerk/Treasurer David L. Good. Supervisor Brian Goodwin was excused.

Four members of the public were present.

The Pledge of Allegiance was recited by everyone present.

Goodwin arrived at 6:03 p.m.

Report of recent Little Sand Bay/Community Center/Shooting Range Recreation Committee –

Meierotto reported the following. The Clerk ordered a replacement door gasket for the fish guts freezer. Greg Meierotto is finishing the addition 30-amp outlets on power boxes at LSB that have only one 50-amp receptacle. Barningham will supply the wood chips needed around the playground equipment. Discussion followed regarding the re-cycling container and the bad smells. It was agreed to move it up by the main dumpster location. Also, discussion was held about leaving the dumpsters locked and who was dumping waste in them. Meierotto requested purchasing a push mower with large rear wheels. The Board agreed to purchase one. Discussion followed regarding railings for walkways. It was agreed to install railings that meet handicap requirements. Discussion followed about who was going to keep ice machine filled and the wood trailer filled. It was agreed that the Experience Works employees would do the ice machine and wood trailer during the week. Wood comes from Bruce Halvorson. The campground host will sell wood and ice. Cleaning showers can be done by Experienced Works and on the weekends and holidays by the campground host. The committee will meet with the host when they arrive. Discussion followed about emptying garbage cans. Ice, shower and wood sales are to be turned in on Mondays. The Clerk will give them a cash box with \$100.00 in ones. The fish guts are dumped by the campground host in Tribovich's field with the campground gator. Propane will be sold by the campground host. Wood trailer will be filled every Friday for the weekend. Discussion followed about the NPS toilets not being open. The host should arrive by May 31, 2009. Signs for ice, wood and showers will be purchased. Basina stated a complaint was received about the street light in the tent camping area. Discussion followed.

Adjourn into Executive Session per Wisconsin State Statutes 19.85(1)(b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person. Discussion regarding actions of a person appointed by the Town Board to a Town Board Committee. A motion was made by Basina and seconded by Sullivan to enter into Executive Session. The motion carried by a vote as follows: Sullivan – yes, Basina – yes, Goodwin – yes, Meierotto – yes, and Tribovich – yes. The motion carried 5-0.

The Board entered Executive Session at 6:30 p.m.

The Board Reconvened into Open Session at 6:50 p.m.

Wayne Nelson proposed covenants for subdivision of Peterson Hill property – Tribovich stated he has heard from Bayfield County Zoning. They and the Town are confused about why we are approving these covenants. Nelson explained that he wants to be sure the Town Board understands what they are doing and if we had any concerns. These should be approved by the property owners. Tribovich explained the overlay district and the set a-sides. Nelson said they are setting aside more than 45%.

The Board recessed at to travel to Wayne Nelson property on Peterson Hill Road. A motion was made by Meierotto and seconded by Sullivan to recess at 7:00 p.m.

Goodwin was excused at this time.

The Board reconvened at 7:23 p.m. to view berm and screening and general operations. Nelson explained the site and activities underway. Property lines were pointed out. The material to be crushed was viewed. Nelson explained why the pile would remain screened if it was higher and the area for storage pointed out.

Recommendation regarding Wayne Nelson request to exceed height of gravel storage piles in Town Board Recommendation to Bayfield County Zoning for non-metallic mining permit – A motion was made by Basina and seconded by Sullivan to increase the stockpile height to a maximum of 45 feet. The motion carried. Nelson provided a copy of an authorization form naming him as an agent for Fumusa. The Board could not act on expanding the non-metallic mining site since it was not on the agenda. Discussion followed about agriculture on the property.

A motion was made by Basina and seconded by Meierotto to adjourn the meeting at site at 8:00 p.m. The motion carried.

Minutes Respectfully Prepared by:

David L. Good – Clerk/Treasurer