

**Regular Town Board Meeting – September 8, 2009**

Posted Wednesday, September 2, 2009 at 4:00 p.m. at the Town Garage, Buffalo Bay Store, Peterson's Foods and Red Cliff Tribal Administration Center.

A Regular Town Board meeting at the Town of Russell Community Center was called to order at 7:06 p.m. by Clerk/Treasurer. Roll call was taken as follows: Present – Supervisors Leon Basina, Larry Meierotto, and Don Sullivan. Supervisor Brian Goodwin arrived at 7:08 p.m. Chairman Paul “Rocky” Tribovich was excused.

A motion was made Meierotto and seconded by Sullivan that Leon Basina acts as Chair for the meeting. The motion carried. The motion carried with one abstention.

Sixteen members of the public were present.

The Pledge of Allegiance was recited by everyone present.

PUBLIC INPUT – Tessa Levens requested that the Board consider budgeting for a Dumpster Day for Town residents in 2010. Dick Weidinger provided a picture of Klinger's dogs for agenda item 9. Dick Bowker asked that the town protect the 54-acres of land it owns at Big Sand Bay for all to enjoy in the future. He does not believe we should do anything that would jeopardize the property for a short term gain. He also expressed concern with the current lack of public transportation in the area planned for our Elderly Housing complex. He would like to see a daily bus going to Ashland. Others have also expressed this concern. Bowker also pointed out that there has been a lot of "head banging", blaming, and finger-pointing going on with this Board and Community and he thinks we need to try harder to work in a constructive manner.

**APPROVAL OF MINUTES**

A motion was made by Meierotto and seconded by Sullivan to approve the minutes of the Special Town Board Meeting of July 27, 2009 with corrections as noted by Tribovich in notes provided to Clerk Good. The motion carried. A motion was made by Sullivan and seconded by Meierotto to approve the minutes of the Special Town Board Meeting of August 3, 2009 with corrections as noted by Tribovich in notes provided to Clerk Good. The motion carried. A motion was made by Meierotto and seconded by Sullivan to approve the minutes of the Special Town Board Meeting of August 5, 2009 with corrections as noted by Tribovich in notes provided to Clerk Good. The motion carried. A motion was made by Sullivan and seconded by Meierotto to approve the Regular Town Board Meeting of August 11, 2009. The motion carried. A motion was made by Sullivan and seconded by Meierotto to approve the minutes of Open Book held August 12, 2009. The motion carried. A motion was made by Sullivan and seconded by Meierotto to minutes of the Board of Review held August 12, 2009. The motion carried. A motion was made by Sullivan and seconded by Meierotto to approve the minutes of the Special Town Board Meeting of August 27, 2009. The motion carried.

**ROAD MAINTENANCE REPORT**

Gravel Mining at the Bayfield County Sand River Pit – Clerk Good reported that Chairman Tribovich and Chairman Gordon from the Town of Bayfield were to meet with the Forestry Committee on September 2. Tribovich was not able to attend and the matter was tabled to October.

Mail Boxes Encroaching into Roadway, Safety and Plowing Hazard – Good stated that the Crew photographed the mail boxes in question and Tribovich suggested the Board schedule a Special Meeting to view these mail boxes. Basina suggested the Board individually look at these and discuss the issue at the October meeting. Discussion followed regarding the requirements by the U. S. Postal Service and the problem with these mail boxes. Goodwin asked for a clarification of where these mail boxes are. Sullivan said they are all on Old County K.

Salt Purchase for Winter Road Maintenance – Good explained that the offer we received was not acted upon and it expired. Barningham is following up on this.

Comprehensive Plan Committee Update – Basina reported that the Future Land Use Map is finalized. Many of the nine sections of the plan have been reviewed. He reported the subjects focused on at tonight’s meeting are the Implementation Plan, Land Use Plan, Economic Development, Transportation, and Natural Environment. Rob Halvorson land was designated Limited Agricultural/Residential. We are moving ahead on schedule. Efforts are still ongoing with defining “Rural Character”.

Elderly Housing Committee Update – Linda Brown reported that a letter was sent to Senator Feingold seeking Stimulus Funds for the project. She asked that the USDA and NWRPC representatives be placed on the Board agenda to address the Town about what their participation will be in this project. They are planning three phases; 1 a 4-plex, 2 and additional 4-plex and 3 another 4-plex for twelve units in total. Funding to do a 4-plex is in place. Brown stated they are addressing transportation for this project and on-site health services from Bayfield County.

Recreation Committee Update – Meierotto reported that they investigated the issue regarding the dying scrubs at the Community Center. Art Ode, a local horticulturist. He found that the existing scrubs have deer damage, winter burn and require excessive amounts of water. He recommended they all be removed and that we start over. The Community Club would like to take this on as a project. The Board agreed the Community Club can come back to the Town Board with a landscape plan for the Community Center. The LSB Campground is going well. Discussion followed regarding the dates to close down the campground, drain water and winterize showers, and remove the dock.

## **OLD BUSINESS**

Hearing and investigation into damage to live stock owned by Richard Weidinger in July 2008 and July 2009 by dog(s) allegedly owned by Russell Klinger. Presentation by parties involved. Determination if damages occurred and filing of claim to Bayfield County – Clerk Good reviewed the written documents from Weidinger regarding the two incidents of calf kills, various written reports from the Bayfield County Sheriff’s Department regarding the calf kills and other complaints regarding the Klinger dogs, a report on the calf kill by AFIS – Wildlife Damage

Control Report, and a photograph of two of Klinger's dogs loose on Weidinger farm and a letter from a neighbor documenting several sightings of the Klinger dogs running loose.

Clerk Good swore in Dick Weidinger. It stated that everything he has told the board in the past was true. He stated that the dogs had returned to his property on August 28, 2009 and were observed by his wife running in the fenced in area with the horses which is the photograph presented this evening. His wife then followed them home to the Klinger driveway. The Sheriff's Department was called and the Klinger's were issued citations for dogs running at large and on licensed dogs. Clerk Good reminded the Board that the purpose of this hearing is to make a determination if the killing of these calves was by dogs. If the Board determines that the killings were done by dogs, a claim for damages will be certified to the Bayfield County Board for payment from the County dog license fund.

Clerk Good swore in Ezra Klinger, owner of the dogs. Klinger viewed the photographs and confirmed that it was his dog. He stated his dogs to get loose and have been running around a number of times. He stated the dogs are Malamute-Siberian breed and they are his sled dogs and they like to run. He concurred that they have been sighted at several of the neighbors. However, he said that the calf killing incidents were not the result of his dogs and that it is not true. He said that a police officer and both Weidingers came out to his house after the 2008 calf kill and could not identify the dog he observed that killed the calf. This year when the police officer came out after the calf kill, his dogs were chained. He felt his dogs were guilty of getting loose and getting off their chains. He stated again that his dogs are not guilty of killing cattle.

Basina asked Klinger if he knew of any other dogs running around if in fact his dogs were tied and/or chained. He said he did not know but he does see other loose dogs on a regular basis. Basina asked if there were other dogs in his neighborhood large enough to take down cattle. Klinger stated that bear hunter dogs are around all the time and he deals with them on a regular basis. Klinger did confirm that two of his dogs did go to the Weidinger farm and were shot by him. He said to one of these dogs happened to be his lead dog, which is not an easy thing to replace. Not just any dog can be a lead dog. He does not want his dogs to get into trouble or get hurt. Basina asked Klinger how his dogs are secured. He stated that he has a kennel and 800 pound test chain for sites where dogs are chained. He stated the dog in the photograph is the dog that gets loose and runs and is not neutered. He stated that this dog is kept in the house with his wife since this dog is the escape artist. Klinger stated that expanding and building more kennels is a financial issue at this time. Klinger stated that he has 10 dogs at this time which way approximately 100 pounds each. The largest dog weighs about 110 pounds. Some of the female dogs way around 80 pounds. Basina asked how often these dogs are loose. Klinger stated that his dogs have been loose only once in the past 60 days, which is the time they were photographed. Klinger stated that he did not believe all the police reports applied to his dogs. He believes his dogs have been targeted for various reasons. Klinger thought that Weidinger should have been a

good neighbor and called him when his dogs were loose rather than shooting them. He said that other neighbors that have cattle have called him when his dogs have been sighted and they have never killed any cattle. Basina asked if any other board members had questions.

Basina called on Weidinger to speak at this time. He believes that the reason they could not identify the dogs following the first calf killing was because the dogs had not returned to the Klinger's. Klinger stated that is not true. Weidinger stated he knew they were not there because of the color, red, of the collars the dogs were wearing. The Sheriff's Deputy thought the killing was done by wolves. This is why US Fish and Wildlife was contacted and they determined that the kill was by a wolf-dog crossbreed and not by a wolf. Weidinger stated he talked with Werner Stenzel who indicated he was concerned for the safety of his grandchildren when two of Klinger's dogs were chasing cattle at his farm. He told him that he went to get a rifle to kill the dogs but was not quick enough so he reported the incident to Sheriff's Department. Sullivan confirmed that he had also talked with Stenzel and confirmed what Weidinger reported.

Klinger stated that last year he had no dogs with red collars and that the dog at Stenzel's had a red collar but was born Christmas of last year. An extensive discussion followed regarding what dogs had what color collars. No agreement was reached regarding the color of what dogs head to what collars and didn't want. Basina stated we have a lot of documentation that Klinger's dogs do run at large.

Clerk Good swore in Eli Klinger. He addressed the issue of the number of red collars. He stated there has only been one dog with one red collar and that is the dog born this past Christmas. He stated it is impossible that there were more than one dog with a red collar and prior to that there were no dogs with red collars. If you had more than one dog with the same color collar it would be in sensitive.

Meierotto asked what color collars they would have if they have 10 dogs. Ezra gave examples of various colors or color combinations the dogs have. He also stated some have leather collars.

Weidinger stated that he tried to kill all three dogs that were at his farm but he was only able to kill one and wounded one. He wished he had been able to kill all three.

Goodwin stated that he is not here to choose sides but to go down the middle and determine what is right. He believes that in the interest of public safety and protecting people's property we need to move forward with the process. He stated the purpose is not to say the dogs are guilty or not. Goodwin reviewed the written reports and evidence presented to date. He understands that this information is not specific enough to state that Klinger's dogs killed the calves. Clerk Good again stated the purpose of tonight's hearing is not necessarily to determine if Klinger's dogs killed the

calves, but to determine if the calves were killed by a dog or dogs. If the calves were killed by dogs then we would forward a claim for damages to Bayfield County.

Ezra again stated the dogs that were shot were not the dogs that killed the calf per Weidinger.

Weidinger stated the dogs were not identified because the incident in question occurred two weeks prior. He has nothing against any one or their dogs. This is simply a dog problem and it needs to be rectified. All he wants to happen is that the killing stops.

Basina told Klinger that he needs to continue to work harder at controlling his dogs and that they do not run at large. He stated that if these types of problems continue within the Town of Russell the town may look at adopting more restrictive ordinances governing dogs.

A motion was made by Sullivan and seconded by Meierotto that based upon the information received tonight at this hearing; the Town of Russell Board believes that domestic dogs did damage Weidinger cattle. One incident occurred in July 2008 with an estimated loss of \$1000 and another incident occurred in July 2009 with an estimated loss of \$650. The claim is to be forwarded on to Bayfield County for payment from the dog fund. The motion carried.

Ezra asked where and how to purchase a dog license. Good explained the process.

## **NEW BUSINESS**

Presentation to provide Town Insurance by Mike Sherry, Holden Insurance Agency – Sherry presented information on their firm and distributed a proposal to the Board. A brief explanation of the policy offered was reviewed. Good stated our proposal will be coming soon from our current agency and the Board agreed to make a decision at the October meeting.

Resolution 2009-05 Supporting 2010 Census Complete Count – Clerk Good explained the following resolution.

A motion was made by Meierotto and seconded by Sullivan to adopt the following resolution:

**TOWN OF RUSSELL**  
**Bayfield County, Wisconsin**

**Resolution 05 - 2009**

**2010 Census**  
**Support for Complete Count Committee**

WHEREAS; our United States Constitution requires a Census of population of our nation every ten years AND,

WHEREAS; Census information is used to determine how many members of our state has in the United States House of Representatives and is also used to determine districts in our state legislature and local government bodies, AND,

WHEREAS; having an accurate and complete Census count is important to our community in determining Federal and state aids and grants, economic development, housing assistance, transportation improvements and many other uses, AND,

WHEREAS; every member in our community counts and deserves to be counted,

NOW THEREFORE, BE IT RESOLVED; That the Town of Russell Board of Supervisors recognizes the importance of the 2010 Census and agrees to form a Complete Count Committee and to promote the Census to assure that all residents of our community are counted.

BE IT RESOLVED, that the Town Board of the Town of Russell Board of Supervisors shall lead this effort.

Adopted this 8<sup>th</sup> day of September 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

Letter to Census Bureau supporting 2010 Census – Clerk Good explained the following letter. A motion was made by Goodwin and seconded by Sullivan to send the following letter:

September 8, 2009

Mr. Stanley D. Moore  
Regional Director  
Chicago Regional Census Center  
500 West Madison Street, Suite 1600  
Chicago, IL 60661

Dear Mr. Moore:

RE: Partnership for 2010 Census

The Town of Russell met with Terri Jackson, the 2010 Census Partnership Specialist in Brule, Wisconsin. The Town of Russell agrees that the 2010 decennial census is an extremely important event and agrees to partner with the U. S. Census Bureau to increase resident awareness of the 2010 census in an effort to increase the Town of Russell's questionnaire survey mail in response.

In order to achieve our goal of increasing the response rate in early 2010 the Town of Russell intends to do the following:

1. Establish a complete count group (Town Board).
2. Place Census 2010 links on our website.
3. Provide space for "Be Counted Site" (Clerks Office).
4. Place census reminders in the 2009 property tax notices.
5. Support the complete count effort by promotion of the census at the following local events:
  - a. Turkey Shoot
  - b. Fall Festival Dinner.
  - c. Monthly Town Board Meetings.

We will continue to work with Terri Jackson who will continue to keep your office abreast of our efforts. If you have any additional questions, please contact David L. Good. Clerk/Treasurer at (715) 779-5401.

Sincerely:

Paul Tribovich – Chairman  
Town of Russell

The motion carried.

Appoint Town Assessor for up to 3 year term – The prior contract and payments regarding the Assessor was presented. A motion was made by Sullivan and seconded by Goodwin to appoint the Jennie Sanders as the Town Assessor for a three year term for 2010-2012. The motion carried.

Appoint Town Clerk/Treasurer for up to 3 year term – A motion was made by Sullivan and seconded by Meierotto to appoint David L. Good as Town Clerk/Treasurer for a three year term for 2009-2011. The motion carried.

## CORRESPONDENCE

Received

1. Attorney General notice of Open Meeting and Public Records Law seminars.
2. UW-Extension – Notice of local officials workshops.
3. NPS notice of electrical problems LSB and need to possibly excavate road.
4. Draft Management Plan & EIS for Apostle Islands National Lake Shore.
5. Response from WI DOR regarding joint Town-Tribal letter regarding taxation of fee lands within reservation.
6. Notice of WI DOT delay in roll-out of 2010-2011 LRIP.
7. Property tax settlement of \$28,656.15 from Bayfield County.
8. Zoning Permit for LSB Store.
9. Population estimate of 1,472 and 964 voters per WI DOA.

10. Town of Russell equalized evaluation increase of \$1,022,200 and apportionment increase of 0.1% to 1.309%
11. Results of GAB sessions regarding early voting.
12. Bremer loan papers stamped paid.
13. Cancellation of offer to sell salt from North American Salt.
14. NorTrax notice of warranty expiration on JD 444J.
15. Bayfield County cutting permit issued to Roger Hyde.
16. Request for Tribal tax exemption Patrick D. Brown.
17. WI UDC notice of Contractors Licenses required as of July 1, 2009.
18. John Carlson suggested changes to Zoning Overlay District regarding “open space” covenants.
19. WI DNR MFL transfers from Plumb Creek to Terry Peters.
20. National Forest Law Newsletter – August 2009.
21. Local Government Center notice of WisLine seminars.
22. Notice of Coastal Management Grant availability.
23. Bayfield County Court Schedules and Law Enforcement Bulletin.
24. WI DOA Local Government Report August 2009.
25. CenturyTel notice of deposit waiver LSB telephone service.
26. NIC Foundation notice of Dance Against Violence.
27. US DOE notice of commercial building code requirements.
28. R.A. Smith notice of grants available.
29. Bayfield County Board meeting agenda for August 25, 2009.
30. Notice of Certified Food Manager Training.
31. Superior Shores Farm Bureau notice of annual meeting.
32. Pulkett’s Pest Control offer of services.
33. Website development offer – CSNGlobal.
34. Webinar notice - Minutes on Demand.
35. ENCORE thrift shop request for donations.
36. ES&S notice of support systems on-line for voting equipment.
37. Correspondence with SEH regarding Comprehensive Plan.
38. Various WMCA mailings and newsletter.
39. Various meeting notices for the School District of Bayfield.
40. Various Bayfield Chamber of Commerce mailings.
41. Various State Elections Board mailings.
42. Various National Park Service mailings.
43. Wisconsin Towns Association September 2009 Report.

#### Outgoing

1. Certification of final statement of assessment to Property Lister.
2. Implementation of increased security to Town Website following apparent hacking and file deletion.
3. Raffle tickets for Turkey Shoot.
4. CenturyTel authorization to bury cable on Little Sand Bay Road to Fred Bruney.
5. Attendance at GAB listening sessions on Early Voting and SVRS & Communications.

6. Joint letter from Town and Tribe to WI DOR regarding taxation of tribal member owned fee lands within the reservation.
7. Respond to Town of Clover regarding cemetery policies.
8. Liquor license data filed with WI DOR>
9. Meeting recordings sent to County District Attorney per request of Town Attorney.
10. Access ladder ordered for access to Town Garage storage area.
11. US Census Bureau Target Nonsheltered Outdoor Location Form filed.
12. Re-programming of two shower controls by Trumbell Recreation.
13. Web site statistics for August 2009.
14. Installation of YouSendIt software for large file transfer.
15. Officer and committee member information to SEH for Comp Plan document.
16. Tribal Roads Maintenance billing for August 2009.
17. August Federal Tax Payments.
18. August State Tax Payments.
19. Federal 941 Report 2<sup>nd</sup> Qtr 2009.

A motion was made by Sullivan and seconded by Meierotto to receive and place on file the correspondence. Clerk Good pointed out several items of interest to the Board. The motion carried.

#### CLERK/TREASURER REPORTS

A motion was made by Sullivan and seconded by Meierotto to approve the bills consisting of checks 14008 to 14059 totaling \$92,271.74. The motion carried.

#### CLERK/TREASURER REPORT

August 9, 2009 to September 3, 2009

#### BANK BALANCES

		Previous	Current	Change
Bremer General Checking	8/31/09	\$32,226.19	\$55,974.26	\$23,748.07
Cash	8/31/09	\$-0-	\$22.25	(\$29,874.75)
Bremer Investors	8/31/09	\$165,857.15	\$135,982.40	(\$6,104.43)
	Totals	\$198,083.34	\$191,978.91	(\$6,104.43)

#### DISBURSEMENTS

	8/31/09
Cleared checks	\$90,889.97

BUDGETS vs. ACTUAL

	Aug 2009	Y-T-D	Budget	
Income	\$57,967	\$237,980	\$ 423,613	56%
Expense	\$96,976	\$388,527	\$ 423,613	92%
Balance	(\$39,009)	(\$150,547)	\$ -	
	Previous Mo.	Current		
Accts Recv	\$17,242.93	\$21,638.28		
Accts Pay	\$22,239.73	\$28,140.74		

1. Tax collections settled and posted for January Settlement.
2. Budget needs adjustment for website development.
3. Budget needs adjustment for Comprehensive Plan.
4. Budget needs adjustment for gravel purchase.
5. Budget needs adjustment for Electors approved expenses for mezzanine.

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

Chairman, Supervisor and Clerk/Treasurer Reports –None.

Agenda Items for Next Meeting – Nothing additional. The next Regular Town Board Meeting will be held at 7:00 p.m., October 13, 2009 at the Community Center. No discussion was made on when to hold the 2010 Budget Workshop.

Public Input – None.

A motion to adjourn at 8:31 p.m. was made by Sullivan and seconded by Meierotto. The motion carried.

The minutes respectfully submitted by:

David L. Good, Clerk/Treasurer

**Special Town Board Meeting – September 15, 2009**

Posted Saturday, September 12, 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 at the Town Garage Meeting Room was called to order at 7:00 p.m. by Chairman Paul “Rocky” Tribovich. Roll call was taken as follows: Present – Supervisors Don Sullivan, Leon Basina and Clerk/Treasurer David L. Good. Supervisor Brian arrived at 7:08 p.m. Goodwin. Supervisor Larry Meierotto was excused.

The Pledge of Allegiance was recited by everyone present.

Approximately 15 members of the Town of Russell Community Club were holding a meeting in the main room of the Community Center.

Public Input – None.

Discussion and possible action regarding petitioning Bayfield County for an amendment to the Town of Russell Overlay District regarding Section 13-1-63(e)(3) which defines how open space is allocated to parcels in an alternative development plan. Currently the ordinance states open space is held in common between all parcel owners. The Town is proposing that open space be held in common between all owners as it is allowed at this time, or individually by one or more or each parcel owner, or another owner or entity. In all cases deed restrictions would be required to be recorded – Tribovich explained how the current ordinance language states the percentages of land that must be preserved by zoning district and that the ordinance does not designate what area is to be preserved as “open space” but just states how (percentage) much must be preserved. Also, that the ownership option was somewhat vague. The Town’s Attorney, John Carlson drafted suggested language and Bayfield County Planning and Zoning Administrator, Karl Kastrosky, also reviewed and commented on the suggested changes. Tribovich read the following correspondence from Kastrosky responding to the language provided by the Town’s Attorney.

Attorney Carlson’s Language:

Town of Russell Revision to Section 13-1-63

Section 13-1-63 (e)(3) should be amended to read as follows:

Ownership of Minimal Open Space. Ownership of the open space shall be as follows:

- a. Each unit created under this section shall own an equal amount of the required minimum open space. (e.g. If there is 18 acres of open space required, for four units, each unit must have at least 4.5 acres of the open space.) A deed restriction shall be recorded describing the open space and buildable space, restricting the entire lot from being subdivided and prohibiting any construction within the open space
- b. An individual or entity may own the entire open space. A deed restriction shall be recorded describing the open space, prohibiting the open space from being subdivided and prohibiting any construction within the open space.
- c. The open space may be described by metes and bounds or by Certified Survey Map.
- d. A Class B Special Use permit shall be required prior to any subdivision under this section.

Planning & Zoning Administrator Kastrosky’s Response:

Russell Town Board and interested citizens:

The Planning and Zoning Department has reviewed the above language and supports the proposed language change. We agree it better serves the intent of the overlay and provides flexibility as well as clarity to the existing alternative development section. It also meets the goals and objectives of the planning process

A suggestion offered would be to allow an unequal amount of open space if that was the wishes of the owner as long as the minimum requirement was met.

I trust we agree with the above statements and therefore I will not need to attend the meeting tonight.

Thanks for your concern and attention regarding this matter. If I can be of further assistance please do not hesitate to call.

Karl Kastrosky

Director of Planning and Zoning

Tribovich suggested the word “or an unequal amount of open space if that was the wishes of the owner as long as the minimum requirement was met” be inserted in section a. which would read as follows,”Each unit created under this section shall own an equal amount of the required minimum open space or an unequal amount of open space if that was the wishes of the owner as long as the minimum requirement was met.” Discussion followed regarding how this works and the deed restriction and no further sub-division would be allowed on the lots created. Discussion followed regarding contacting persons whom have used this provision in the past, KUSKUS, Paul Tribovich, Wayne Nelson and Fred Erickson and ask them to record the restrictions. This will be done if this amendment is adopted. Tribovich stated we are working under a September 17<sup>th</sup> deadline with Zoning to get this on the October Zoning Hearing and Meeting agenda for action on the County Board agenda for the end of October. If we wait, this will not be acted upon until the end of November. Discussion followed that the Board should attend the Zoning meeting on October 15 to represent the Town and the Clerk was told to post the meeting appropriately.

Discussion and possible action regarding petitioning Bayfield County for an amendment to the Zoning Ordinance establishing the process and procedure to be followed when an alternative development plan is requested and approved. This may be by Conditional Use Permit or some other method to be defined - A motion was made by Basina and seconded by Goodwin to petition Bayfield County Zoning for the following amendment to the Town of Russell Zoning Overlay District:

**Amendment to Section 13-1-63 Town of Russell Overlay District**

**Amend Section 13-1-63(e)(3) to read as follows:**

- (3) Ownership of Minimal Open Space. Ownership of the open space shall be as follows ~~with each unit owning a proportionate share.:~~
- a. Each unit created under this section shall own an equal amount of the required minimum open space, or an unequal amount of open space if that was the wishes of the owner as long as the minimum requirement was met. (e.g. If there is 18 acres of open space required, for four units, each unit must have at least 4.5 acres of the open space.) A deed restriction shall be recorded describing the open space and buildable space, restricting the entire lot from being subdivided and prohibiting any construction within the open space.
  - b. An individual or entity may own the entire open space. A deed restriction shall be recorded describing the open space, prohibiting the open space from being subdivided and prohibiting any construction within the open space.
  - c. The open space may be described by metes and bounds or by Certified Survey Map.
  - d. A Class B Special Use permit shall be required prior to any subdivision under this section.

The motion carried.

Public Input – None.

A motion to adjourn the meeting at 7:18 p.m. was made by Basina and seconded by Goodwin. The motion carried.

Minutes Respectfully Prepared by:

David L. Good – Clerk/Treasurer

**Special Town Board Meeting – September 22, 2009**

Posted Monday, September 21, 2009 at 4 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 at the Town Garage Meeting Room was called to order at 5:00 p.m. by Chairman Paul "Rocky" Tribovich. Roll call was taken as follows: Present – Supervisors Don Sullivan, Larry Meierotto, Leon Basina and Brian Goodwin and Clerk/Treasurer David L. Good and Town Attorney, John Carlson.

Five members of the public were present.

The Pledge of Allegiance was recited by all present.

Public Input – Sam Atkins asked that attorney Carlson address the issue of Special Meetings for the purpose of not having so many Special Meetings. He stated he finds it hard to keep track of these meetings.

Discussion with Town Attorney and Training Session Regarding Procedures for Town Board and Committee Meetings - Tribovich explained the purpose of the training session and topics to be addressed. He stated that the Bayfield School Board does this training every year and it is time for the Town Board to do the same. It provides guidelines for good governance.

Carlson stated that a Board needs to follow a proto-call that allows for meetings to run smoothly and can be conducted in a manner that is fair to the public and efficient for the board. Opportunity for residents to express concerns to the board is important as well as an opportunity for the board to hear those concerns. He stated that the town currently produces meeting agendas that are sufficient to allow the public to understand the matters to be discussed and acted upon. Carlson pointed out that topics to be discussed at a board meeting must be reasonably described. He stated that in some cases the board may need to enter into closed, or executive session for certain matters that are allowed by law. It is important to not deviate from the agenda. A board may re-order the items on the agenda. No discussion should be held regarding items that are not on the agenda. If the board wishes to discuss an item not on the agenda, they must create a new agenda with that item for a meeting at a later date which must be and least a 24 hour notice. Only in very unusual situations may a board post the meeting with a two-hour notice. Again, the board must understand that if an issue or subject is not on the agenda, you may not talk about it. If an issue is brought up during public input by the public and it is not on the agenda, no discussion should be held on till that subject matter has been posted on a future agenda. The public may state or say anything regarding any matter they choose during public input. However, unless the issue or item is on the agenda the board may not discuss it.

Carlson noted that the town currently has a public input item at the beginning of every agenda and at the end of every agenda and he stated that this is more opportunity for public input then any town he is aware of. Most other towns that have public input have it only at the beginning of the meeting agenda. Again, he stated this is the public's opportunity to express any concerns or issues the public may have regarding items that are on the agenda. The public should not speak on the agenda items the board is addressing during the meeting. That is the purpose of public input. Carlson gave an example regarding how Bayfield County Planning and Zoning Committee Meetings and Hearings are conducted. Only in situations where a board or committee needs clarification on the issue, should they consider suspending Roberts Rules of Order and allowing a member of the public to speak. It should not be an opportunity to debate an issue with the public. Carlson explained the procedure to Suspend Roberts Rules of Order.

Tribovich read the following quote from Roberts Rules of Order. "In suspension of Roberts Rules when in session is allowed for the following reasons. When members of a Board, Committee or Commission need to clarify information specific to an agenda item when that agenda item is being discussed. Any member may ask a member of the public a question relative to the agenda item being discussed". Carlson reiterated that discussion needs to be held to answering the question only and no debate should occur following the clarification. Good asked Carlson if an agenda item is listed as "report and update by the plan commission", does the board need to suspend Roberts Rules of Order to allow the Chairman or member to speak and provide the update. Carlson stated no, the agenda item indicates that you will be receiving a report from that entity. Good also asked if an agenda item lists an individuals who is seeking action or

approval from the board can that individual or their representative speak to the board without the suspension of Roberts Rules of Order. Carlson recommended that those individuals address the board regarding their concerns during public input. An example of this was discussed that related to a recent agenda item regarding a possible purchase of gravel from Wayne Nelson.

Carlson stated that the during an official meeting, members should only be communicating to the entire group and no private conversations should be held between board or committee members and or members of the public. Tribovich noted that the board has passed a resolution governing this issue and that was also the impetus for establishing the second public input. Carlson stated that all documents that are part of the meeting become a public record as well as notes and other information noted by individual members. These notes and other information that a member creates during the meeting must be retained and are subject to the open records request. Carlson recommended that everything be retained or that members do not make any notes during a meeting. He also suggested that any notes taken during a meeting could be given to the Clerk to be retained as a portion of the meeting record. It was noted that a board member writing the date and time of the next board meeting in their personal calendar would not necessarily be considered a public record.

Carlson addressed the issue regarding holding additional Special Meetings beyond the and Regular Monthly Scheduled Board Meeting. He gave an example of the Special Town Board Meeting held on September 15, 2000, which was called for the purpose of meeting the deadlines established by Bayfield County Planning and Zoning and the Bayfield County Board of Supervisors. Carlson explained a number of examples where special meetings are needed and necessary. Tribovich explained tonight's meeting as an example. Carlson also stated some agenda items may be of a nature that an entire meeting needs to be dedicated to the subject otherwise the normal meeting with the last way too long. He stated there are no statutory limits on the number of meetings a board may hold. Likewise, Tribovich stated that there are no limits on the public requesting the board to take action on items that it has jurisdiction over. Carlson explained how Bayfield County Planning and Zoning issues that require a Town Board Recommendation often creates a situation where the Town Board must hold a Special Meeting.

Clerk Good explained that the town normally will post a Regular Town Board Meeting the Monday one week prior to the scheduled meeting. In almost all cases, additional agenda items continue to be added to the agenda. These items are a camel a good and a second Regular Town Board Meeting agenda is posted the Monday prior to the meeting. If a party interested in the meeting checks the first meeting notice and again checks the notice the Monday prior to the meeting they should be upraised of the final meeting agenda. Good also stated that when a Special Town Board Meeting is scheduled it pertains to items that must be specifically addressed prior to the Regular Monthly Town Board Meeting. He stated that he attempts to keep as many agenda items as possible on the Regular Monthly Town Board Meeting.

Carlson again explained that during public input the board can listen to anything the public has to say, however, the board may not discuss issues that are not specifically so noted on that the meeting agenda. He reiterated that the board needs to be very careful regarding this issue. Carlson suggested that board members call for "point of order" if they believe an item is being discussed that should not be discussed. The chair of the committee or board would make the

determination if the discussion should continue or not. Carlson explained that if a board member continues to be "out of order" they must be given three opportunities to correct their behavior. If they do not, they are removed from the meeting. If a member of the public is "out of order" they may be removed immediately. Discussion followed about how to remove an individual. Carlson inquired if the town board has officially adopted Roberts Rules of Order and chairman Tribovich stated that the board has. Carlson encouraged the board to follow the rules as presented in the book of Roberts Rules of Order. Basina asked if a board member needs to understand Roberts Rules of Order in their entirety. He said no, but a board member should be familiar with the more common procedures relating to Roberts Rules of Order that the Board practices. Discussion followed regarding different guides that may be used to help follow and understand Roberts Rules of Order.

Carlson reminded the board that the Open Records Law pertains to all official committees appointed by the Town Board. He strongly encouraged the Town Board to adopt an Open Records Policy and post the process to obtain a public record. Discussion followed regarding the details of Open Records Law.

Carlson reviewed policies pertaining to when a gathering of town board members is considered a meeting. This is commonly referred to as a "walking quorum". If three members of a town board gather and discuss an issue regarding town business, this would be considered a meeting. This is based on the fact that a quorum of the town board is present. However, three members of a town board can meet and hold a legal meeting, therefore to town board members discussing an issue could be considered a "walking quorum". Carlson pointed out that events such as athletic games, public events, church, etc. and a quorum of the board is present would not be considered a meeting. Carlson also pointed out that communicating via e-mail can be also considered a "walking quorum" for purposes of a meeting. Clerk Good stated this is not a problem with this board since only one of them uses e-mail.

Good asked Carlson a question regarding who has the authority to place items on a meeting agenda. He specifically asked about the situation where a member of the public requests an item be placed on an agenda Carlson stated that the agenda is the responsibility of the entire board. Any member of the board may request that an item be placed on an agenda. Carlson believes that the chairperson has the final authority regarding the agenda. Tribovich stated that we do have an agenda item at the end of the meeting agenda which provides board members an opportunity to place items on the next meeting agenda.

Public Input - Sam Atkins asked if he could request the Clerk to e-mail him any Special Meeting Notices. Discussion followed regarding how a website can be programmed to send notices a new item appears on the website that is controlled by those individuals signing up to receive the information. Tribovich expressed concerns that if the town starts this practice, we would also probably need to mail notices to individuals that would request them if they do not have a computer also. This would become very cumbersome and expensive for the town. Discussion followed that the town follows the state statutes regarding posting of meeting notices. In addition to that, the town places these notices on the town website. Members of the public must understand that the town website is not an official posting site and for that reason should not necessarily be relied upon as being the meeting notice. Carlson recommended that the town not

distribute official meeting notices via e-mail. Goodwin stated that it is the public's responsibility to check official meeting posting sites if they one to stay abreast of activities in the town. He also felt the town needs to follow the state statutes to be fair and efficient in governance. Linda Brown concurred with Goodwin's statements. Tribovich requested that the Clerk investigate adding the automatic notification function to the town website when meeting notices are posted.

A motion to adjourn the meeting at 5:51 p.m. was made by Sullivan and seconded by Basina. The motion carried.

Minutes Respectfully Prepared by:

David L. Good – Clerk/Treasurer

**Special Town Electors Meeting – September 22, 2009**

Posted Wednesday, September 2, 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. Notice published in the Daily Press on September 4 and 5, 2009 and the County Journal on September 10, 2009.

The meeting was called to order by Paul "Rocky" Tribovich, Town Chairman at 6:03 p.m.

The Pledge of Allegiance was recited by all in attendance.

A total of 25 electors were present.

Discussion and possible action to authorize the Town Board to purchase 40-acres of land immediately to the west of the Community Center in part for future location of Elderly Housing - chair Tribovich explained that Don Sullivan had expressed an interest in selling 40 acres of property located adjacent to the community center to the town of Russell approximately 1 month ago. The purpose of the meeting tonight is for the town electors to make a determination if they are interested in purchasing the property and what amount of money they would pay for the property and determine how to finance the purchase. A description of the property was provided as follows and copies of a certified survey map were available for those in attendance.

PROPERTY DESCRIPTION: 40-acre parcel located immediately west of the Community Center described as the SE 1/4 SW 1/4 Section 5 T51 N R4W.

Parcel is subdivided into 4 lots of approximately 10-acres each.

An access easement exists to David Galazen.

Property is surveyed and Certified Survey Map for the property is #1415.

Offer from seller:

1. \$40,000 for land.
2. Seller reserves right to harvest trees (firewood size) from 30-acres of the parcel (10-acres as designated by the Town will be retained with trees as is).
  - a. Seller will remove trees from future site of the Elderly Housing complex per the Town's specification at no charge.
  - b. Seller will leave an appropriate tree buffer to the west of the Community Center as designated by the Town to be a portion of the 10-acres reserved by the Town.
3. Seller will harvest wood within 24 months following closing of the sale.
4. Seller is Don and Ann Sullivan.

Tribovich inquired if the current easement provided to David Galazen supersedes the easement recorded on the Certified Survey Map #1415. Galazen said yes it does. He also stated this land is not being purchased specifically for Elderly Housing. The Elderly Housing Committee may elect to move the site for the Elderly Housing in the future, but for now, this land is not the site.

Dave Martinson stated that \$40,000 is a good price for this land since Peter Strozak sold the land to Sullivan for \$50,000. He asked if a Forester has given a value for the trees. Tribovich said no. Warren Jensch said he has discussed the buying other property with a realtor recently and it feels so that this price of \$1000 per acre is a very good price. Leon Basina inquired about the easement to David Galazen being utilized for a permanent road. Tribovich stated that the easement is permanent and if a road is built and completed it would be a portion of the easement. Galazen agreed with that statement. Ken Miller inquired about the time period that Don Sullivan would be given to harvest the trees. Sullivan stated that it would be a one time harvest of firewood size and larger timber to be completed within 24 months from the close of sale.

Tribovich asked the letters that if they make a motion to purchase the property that they include a provision that would allow the chairman and clerk to seek favorable financing for a term not to exceed 15 years to pay for this property.

Sam Atkins inquired about the prior issue of Peter Strozak attempting to gain an easement to this property and the town not wanting to grant him an easement. Tribovich explained that Strozak sought easements to the property from the Smith property, the Community Center parking lot, and through the Town Pit area and the area currently designated for our Elderly Housing site. Prior to seeking these easements, Strozak had an access easement off Ridge Road but wanted another access. The accesses through the town property were not practical. Driving through the town parking lot and turnaround road for all traffic accessing the site would damage both of these. The access through the Town Pit which is currently in active site for storage of materials is also not practical. Finally, access to the site we were proposing to locate Elderly Housing would also not be practical.

A motion was made by Linda Brown and second by Warren Jensch to authorize the town board to purchase the 40 acre parcel of land for a price not to exceed \$40,000 and that the town board chairman and clerk be authorized to secure a loan at terms favorable to the Town for \$40,000 for a term not to exceed 15 years to pay for the purchase of this property. Tribovich called for discussion. None was offered. The motion carried by a vote of 22-0-3.

A motion to adjourn at 6:17 PM was made by Warren Jensch and seconded by Lynda Good. The motion carried by a vote of 23-0-2.

Minutes respectfully prepared by:

David L. Good-Clerk/Treasurer