

MEMO

To: Town Board
From: Michael Kuchta
Re: Town Administrator's Report

DATES COVERED IN REPORT: June 10-23, 2022

1. Accomplished/Completed

- See details in individual categories below.

2. Coming Up

- **Covid Vaccine Clinic.** Ashland County Public Health holds a free, walk-in clinic at the ESB on Tuesday June 28 from 10 a.m.-2 p.m.

3. Town Board Agenda – Information/Comments

- **John Deere Bulldozer.** The Public Works director requests authorization to sell the 1988 John Deere 450G Bulldozer to McCoy Construction and Forestry in Ashland for \$17,000. Proceeds would go toward purchase of the John Deere 444K Wheel Loader, which the Town Board approved when the wheel loader lease expires at the end of July. Research suggests that this sale price for the bulldozer is higher than the Town would receive at auction.
- **Dock Railing.** Nelson Construction is requesting authorization to replace three 8-foot sections of railing on the north side of the Town Dock with chains or cables, to make barge loading easier. All work and materials would be at their expense. The letter and drawing are in your packet.
- **Rec Center Contract.** Because of ongoing supply chain challenges in acquiring materials, the completion date needs to be extended to July 31, 2022. The first page of the contract, containing all the amended language, is in your packet.
- **Parks Department wages.** The Public Works director recommends the following wage increases for seasonal Parks employees:
 - Evans Mealman (Parks 1), a 25-cent increase, to \$18.50/hour, effective June 26, 2022
 - Clara Wiggins (Parks 2), a 50-cent increase, to \$17.00/hour, effective June 26, 2022
- **Recycling Specialist Comp Time Request.** The Public Works director recommends approving up to 80 hours of accruable comp time for David Cook, effective June 19, 2022.
- **Ashland County Law Enforcement Agreement.** The County Board's law enforcement committee meets at 5 p.m. on Monday June 27. I will listen in and provide any relevant updates. The Town Board meets at 5 p.m. on Wednesday June 29 at the ESB to compile information and community feedback on law enforcement coverage on the island.
- **Audit.** Vanessa Kane and Kim Shult of Baker Tilly will give an overview of their 2020 and 2021 audit reports. Baker Tilly delivered its draft report for calendar year 2021 this month; it delivered the audit for 2020 this past February. The auditors' primary concern of significance is that, because of limited staffing, the Town does not build "double-checking" into the preparation of its financial reports. (The auditors concern about not preparing statements "in accordance with accounting principles generally accepted in the United States of America" refers mostly to the fact that the Town historically used "modified cash basis" accounting, not accrual, which the auditing world prefers. That shift is being made.)

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JUN 24 2022

trial. *df*

In addition, there are a few recommendations the Board will have to look at long term: the Town is legally required to adopt a budget for each designated fund, not just the General Fund, and to create a debt service fund (see Note 2 on Page 20 in the 2021 Financial Statements). Also recommended: increasing our capitalization threshold (see Page 7 of the 2021 Audit Results Letter), and preparing for new GASB standards, primarily on leases (see Page 19 of the 2021 Audit Results Letter).

- **Emergency Services Building.** Robert Krzyzanowski, director of emergency services at Wendel Companies, met in person on June 15 with Town staff and Town Board member Mike Anderson to continue discussions on the compressor warranty issue. If weather cooperates, Berghammer is scheduled to do gutter and other warranty repairs on Tuesday June 28.
- **Liquor Licenses.** Bell Street Tavern is applying for a "Class B" license that, under state statute Chapter 125.51(4)(v)1 is available only to: "A full-service restaurant that has an interior, permanent seating capacity of 300 or more persons." Your packet includes an architectural plan for Bell Street Tavern calculating that they have useable floor space of 4,142 square feet. Wisconsin Administrative Code SPS 376.05(4) states: "In cafes, restaurants and taverns the capacity shall be based on 10 square feet of net floor area per person." Similarly, SPS 377.02(1) states: "Where permanently fixed seats are not provided, the capacity shall be established by allowing 10 square feet of floor space per person in areas used as dining rooms and dance halls..." That calculation would give Bell Street Tavern a capacity of 414. Your packet also includes advice from the Town Attorney.

4. Follow Up on Previous/Ongoing Projects

- **Affordable Housing Advisory Committee.** The committee created a one-page flier explaining their work and informing people how they can help. Members held two phone conversations with principals from Cinnaire, the developers who led the workforce housing project on Mackinac Island. One of those officials is scheduled to visit La Pointe on July 6 to continue discussions about a market analysis and other preliminary steps toward building housing here. The WHEDA Pilot Project for Chequamegon Bay continues; I attended the two-day "ideation session" on June 21-22.
- **Big Bay Sidewalk.** The site survey was completed June 22; stakes show where a 5-foot easement from the property lines would be located. However, if the sidewalk starts next to the curb in the public right of way, a much narrower easement would be possible for much of the project (perhaps only 2 or 3 feet), especially the closer the sidewalk gets to Whitefish.
- **Community Awards Committee.** Names are installed on the plaques in Town Hall; presentations are scheduled for the July 4 celebration.
- **Comprehensive Plan Steering Committee.** The island-wide survey is now available online; paper versions are at Town Hall. Promotional mailings were sent to approximately 475 island post office boxes on June 11, and to off-island street addresses of approximately 535 property owners on June 21. Additional promotion continues. The survey is open until July 10. The survey will be followed by three community forums in early August.
- **Energy Committee.** The committee received the draft report from muGrid Analytics' microgrid feasibility study. Under terms of the state grant, the final report must be submitted to the state's Office of Energy Innovation by Thursday June 30. The study's key findings: It is feasible to link the Town Hall, Library and Clinic into a self-sustaining electricity microgrid. Doing so would

require reconfiguring the existing utility infrastructure along Big Bay Road. The Town cluster could operate for 30 days (and probably longer) in the event of a major outage on the main grid; sustainability would utilize a combination of existing solar power, existing propane generators, and new battery storage and grid control equipment. Unlike in many microgrid projects, the majority of the cost would be in infrastructure reconfiguration, not in new equipment. Initial cost estimates are in the range of \$350,000-\$680,000. The Town could use Xcel's Power Resiliency Program as a source of financing.

- **Fire Department RFP.** The RFP has been published. In addition, invitations were sent directly to four manufacturers.
- **Industrial Zone Leases.** We sent letters to two leaseholders who have materials spilling out of their leased land into the main road. They have until June 30 to remove the materials or Town crews will confiscate and scrap the items, at the leaseholders' expense. Also, we are trying to get current liability insurance information from leaseholders of industrial lots and airport hangars; to date, about half have cooperated.
- **Parks.** The department is removing the posting for the Parks #3 position. Hours will be redistributed among other Parks staff.
- **Police Overnight Compensation.** von Brissen has signed off on a final draft for a formal policy. The police department is reviewing the draft to make sure it covers all situations. We then will cost out the policy based on recent work schedules and bring it to the Town Board for action.
- **Public Arts Committee.** The crane sculpture was installed in Russell Park on June 16; the interpretive sign was installed a few days earlier. Landscaping and other finishing work remains. The committee continues to plan for the July 30 dedication.
- **Revaluation.** North Country Appraisal Services estimates that beginning a revaluation in 2023, if required, would cost \$70,000-\$75,000 over three years. Typically, payment is 25 percent in year one, 50 percent in year two, and 25 percent in year three.
- **Roads, Dock, Harbor.** The passenger shelter was installed on the Town Dock on June 22. Power hook-ups will occur at a later date.

5. Grant Report

- We are waiting to receive a contract for the Wisconsin Coastal Management Program grant to do a feasibility study on expanding mobility access at Big Bay Town Park. The grant year begins July 1; once a contract arrives, we could begin soliciting engineering firms for the study.

6. Lawsuits/Legal Issues

- No update.

7. Other Information

- Nothing additional.

(5) TB, TA, AA, Clerk, Public
Ben

**Piledriving – Marine Construction – Sand & Gravel
Sewer & Water – Concrete Ready-Mix**

NELSON

Construction Company of La Pointe, Inc.

PO Box 5, La Pointe, WI 54850

Phone: 715-747-3300

Fax: 715-747-5000

Email: nelsonco@cheqnet.net

June 13, 2022

Ben Schram, Town Foreman and
Michael Kuchta, Town Administrator
Town of La Pointe
PO Box 270
La Pointe, WI 54850

RE: Town Dock

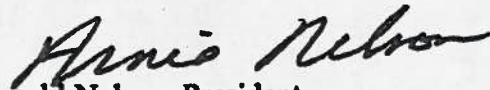
Dear Chairman & Foreman;

We are requesting taking out three (3) 8' sections of the railing (see attached photo) along the Town Dock and replacing it with two (2) rows of chain or cable with clips so it can be removed to load materials onto our barge, like we have always done in the past, before the dock was widened.

Not only will this help us in loading our barge, but it will be a place that the Town Crew can get snow off the dock in the wintertime.

Nelson Construction is willing to donate our time and materials to complete this project, if approved. Feel free to call me to discuss, if needed, 715-209-1800. Thank you for your consideration.

Respectfully submitted,



Arnold Nelson, President
Nelson Construction Co of La Pointe, Inc.

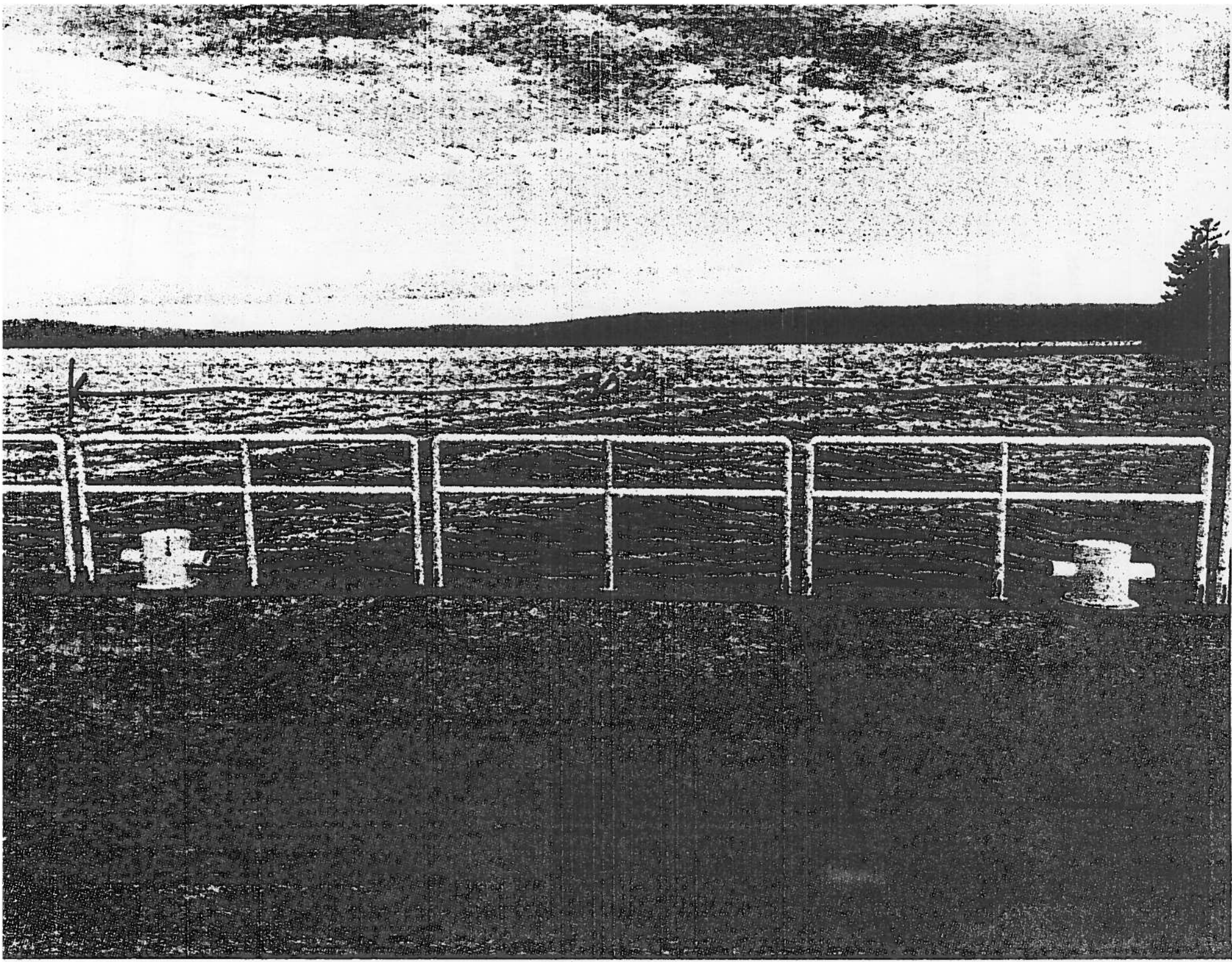
Enclosure

RECEIVED

JUN 24 2022

Initial: dg mr

RECEIVED
JUN 16 2022
By *mm* mail



AMENDED CONTRACT FOR SERVICES

This amended contract for services is made and entered into between the Town of La Pointe in Ashland County, Wisconsin, (the "Town") and Angelo Luppino Inc. (the "Contractor"). It supersedes the Contract approved by the Town Board of Supervisors on Oct. 12, 2021 and most recently amended on May 24, 2022.

RECITALS

WHEREAS, the Town desires to obtain the services described herein; and

WHEREAS, the Contractor represents to the Town that it has the expertise, knowledge and experience necessary to properly perform this contract according to its terms and that it is ready, willing and able to do so,

NOW, THEREFORE, in exchange for the valuable consideration set forth herein, the Town and the Contractor hereby agree as follows:

1. Description of Services. The Contractor will, in accordance with the terms and provisions set forth herein, provide the Town with the following services:

- Perform as general contractor to complete remodeling of the Town of La Pointe Recreation Center restrooms located at 295 Middle Road in La Pointe, WI 54850

2. Payment. In exchange for the Contractor providing the Town with the services described herein, the Town will pay the Contractor as follows:

- 50% down upon full execution of contract
- 40% upon final invoice
- 10% hold-back to be paid upon completion and approval of punch list

The total amount payable by the Town to the Contractor for services under this contract shall not exceed 139,257.00.

Contractor agrees to provide a Performance Bond in an amount equal to one hundred percent (100%) of the maximum contract cost.

Lien waivers must be put in place for all subcontractors utilized and materials purchased.

All reports made in connection with these services are subject to review and final approval by the Facilities Manager prior to payment.

3. Dates of Service. The services provided for herein shall be completed by July 31, 2022.

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JUN 24 2022

Initial: dg

Date: June 22, 2022

To: Town Board

From: Dorgene Goetsch, Clerical Assistant

RE: Library Board Appointments
Agenda Item for the 6/28/22 Town Board Meeting

- The following Library Board terms expire 6/30/2022.

Peggy Ross – Peggy is interested in serving another 3-year term

Keith Ryskoski – Keith is interested in serving another 3-year term

- I posted sign-up sheets from 5/13/22 to 6/9/22. Nobody signed up or turned in an application.
- The Library Board, at their 6/20/22 meeting, recommended appointing Peggy Ross and Keith Ryskoski for terms ending June 30, 2025

Thank You,

CURRENT LIBRARY BOARD

3 Year Terms, 7 Members

PURPOSE: That said first Library Board and all successor boards shall have all the authority, rights and powers granted by law and shall be subject to all of the duties and obligations required by law with respect to Public Libraries.

MEMBERS:

Keith Ryskoski, President
Peggy Ross
Marilyn Hartig
Cynthia Mueller
Micaela Montagne, Vice-Pres.
Katie Sanders
Lisa Potswald

TERM EXPIRES:

June 30, 2022
June 30, 2022
June 30, 2023
June 30, 2023
June 30, 2024
June 30, 2024
June 30, 2024

(5) TB, TA, AA, Clerk, Public

2022 Town Board Budget Condensed Summary Report

REVENUES:

Includes Budget Amend #2

	Approved 2022 budget	2022 Amended Budget	2022 Actual -May 2022	2022 Budget Remaing	2021 Actual -May 2021
Taxes:	\$ 1,943,610	\$ 1,943,610	\$ 1,112,367	\$ 831,243	\$ 1,051,345
Intergovernl Revenues:	\$ 275,484	\$ 291,290	\$ 73,704	\$ 217,587	\$ 83,119
Licenses & Permits:	\$ 36,665	\$ 36,665	\$ 24,619	\$ 12,046	\$ 20,247
Fines/Forfeitures:	\$ 3,575	\$ 3,575	\$ 3,376	\$ 199	\$ 1,680
Public Services Chrgs:	\$ 580,752	\$ 580,752	\$ 217,750	\$ 363,002	\$ 242,158
Intergovernl Chrgs:	\$ 178,100	\$ 178,100	\$ 99,459	\$ 78,641	\$ 83,984
Misc. Revenue:	\$ 161,348	\$ 177,033	\$ 2,003	\$ 175,030	\$ 55,586
Other Fin. Sources:	\$ 1,316,474	\$ 1,400,095	\$ -	\$ 1,400,095	\$ 700,000
TOTAL REVENUES:	\$ 4,496,008	\$ 4,611,120	\$ 1,533,278	\$ 3,077,843	\$ 2,238,119

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EXPENDITURES

	Approved 2022 budget	2022 Amended Budget	2022 Actual -May 2022	2022 Budget Remaing	2021 Actual -May 2021
General Government	\$ 649,076	\$ 660,354	\$ 245,546	\$ 414,809	\$ 184,601
Public Safety:	\$ 794,996	\$ 794,816	\$ 240,382	\$ 554,434	\$ 210,707
Public Works:	\$ 834,799	\$ 837,199	\$ 382,212	\$ 454,987	\$ 271,919
Health & Human Services:	\$ 44,248	\$ 44,248	\$ 4,110	\$ 40,138	\$ 4,625
Culture, Parks & Rec:	\$ 398,096	\$ 348,096	\$ 121,831	\$ 226,265	\$ 108,508
Conservation & Devel:	\$ 112,500	\$ 141,020	\$ 32,204	\$ 108,816	\$ 12,088
Capital Outlay:	\$ 1,156,441	\$ 1,229,535	\$ 75,605	\$ 1,153,930	\$ 1,126,123
Debt Service:	\$ 437,668	\$ 437,668	\$ 172,672	\$ 264,996	\$ 198,444
Other Financing Needs:	\$ 68,184	\$ 118,184	\$ -	\$ 118,184	\$ -
TOTAL EXPENDITURES:	\$ 4,496,007	\$ 4,611,120	\$ 1,274,561	\$ 3,336,559	\$ 2,117,015

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2022 Actuals & Comparisons to 2021 Actuals

Year to Date	May 2022 to May 2021	2022	2021	Change 2022 from 2021	UP
REVENUES:		\$1,533,278	\$1,538,119		(\$4,841) un-favorable
<i>(excludes Other Financings Sources - borrowing, transferred designated funds)</i>					
All Tax collections (timing)		\$1,112,367	\$1,051,345	\$61,022	
Collection % of Town's tax levy		58.6%	57.5%		
Transportation aids, state funding, Grants		\$69,156	\$72,625	(\$3,469)	
BBTP Campground, shelters, NMV		\$88,623	\$115,060	(\$26,437)	
Airport, Docks & Harbor Fees, revenues		\$93,942	\$86,027	\$7,915	
Permits, tickets, licenses, Ambulance		\$33,248	\$26,816	\$6,432	
MRF Fees, sales		\$26,598	\$41,413	(\$14,815)	
Misc Revenue		\$4,780	\$2,623	\$2,157	
County & Intermunicipal re-imbursements		\$99,459	\$83,984	\$15,475	
Misc leases, property sales, interest, contributions		\$433	\$13,639	(\$13,206)	2021 Tower lease

		2022	2021	Change	UP
EXPENDITURES:		\$1,101,890	\$1,918,571		(\$816,681) favorable
<i>(excludes Debt Service (borrowing) & Other Financing Uses)</i>					
General Government		\$245,546	\$184,601	\$60,945	un-favorable
UP Personnel & benefits, Audit, Accommod tax payout, Legal, Assessor					
DOWN Work Comp					
Law Enforcement		\$123,465	\$114,287	\$9,178	un-favorable
UP Personnel, CODY expense, general & WC insurance, training, legal, vehicle					
DOWN Employee insurance, building expenses, uniforms					
Fire Dept.		\$43,155	\$38,902	\$4,253	un-favorable
UP: Length of Service, truck maint, supplies, training					
DOWN Compensation (timing), fire chief expenses					
Ambulance Service		\$73,762	\$57,518	\$16,244	un-favorable
UP Length of Service, compensation, equipment, supplies, billing					
DOWN Equipment repair, meds, education					
Roads		\$272,303	\$169,581	\$102,722	un-favorable
UP General Roads Labor & benefits, Ice Road & winter transportation, fuels, supplies					
DOWN Unemployment, equip rental, culvert materials					
Airport		\$20,239	\$15,386	\$4,853	un-favorable
UP Town labor, SRE Bldg costs, TV145 maintenance					
DOWN terminal and general maintenance					
MRF		\$86,174	\$83,600	\$2,574	un-favorable
UP Town road crew, Self hauling costs, gen insurance					
DOWN Personnel & insurance, supplies, equip repairs, Recycling hauling/disposals					
Library		\$79,792	\$62,270	\$17,522	un-favorable
MI Public Library Board handles					
Parks		\$40,816	\$44,522	(\$3,706)	favorable
UP Utilities, insurances, general town labor					
DOWN Unemployment (COVID relief timing), general expenses, reservation fees, vehicle expense, BBTP expenses					
ZONING & PLANNING/ad hoc COMMITTEES		\$32,204	\$12,088	\$20,116	un-favorable
UP <u>Zoning:</u> Legal, insurance, Personnel					
UP <u>Ad hoc committees:</u> Affordable Hsing \$2,500, Energy \$14,000, Arts \$1,590					
DOWN <u>Zoning:</u> General expenses, vehicle (disposed), unemployment, A Cty services					
Capital Outlays		\$75,605	\$1,126,123	(\$1,050,518)	favorable
DOWN Purchases					
2022 Gravel Installment		\$31,500	\$31,500		
2022 Town Hall accounting software		\$10,100			
2022 Town dock Passenger Shelter		\$13,085	\$321		
2022 Cemetery Shed		\$5,976			
2022 Rec Center Bathrooms remodel		\$8,432	\$131		
2022 Waterfront Curve Sidewalk		\$700			
2021 Town Hall improvements			\$29,991		
2021 MRF Bldg work			\$9,167		
2021 MRF 2004 Int'l Truck			\$54,412		
2021 RDS Equipment			\$10,375		
2021 Ambulance Lighting installed in ambulance			\$2,475		
2021 HAP Dock project			\$101,499		
2021 Library Painting Project			\$1,285		

2022 Town Board Designated Funds Breakdown

	<u>May-22</u>	<u>Apr-22</u> =	<u>CHANGE</u>	<u>2022 Budgeted Yr end Bal</u>
ADDITIONAL ROOM TAX FUND:	24	24	0	0
MI Cof COMMERCE/FIREWORKS:	0	20,176	(20,176)	12,717
			<i>-Hollywood Pyro</i>	
Town Admin:Cell Tower/Am Rescue F	576,758	576,758	0	500,099
ZONING (Fire # Project)	34,362	34,362	0	0
LAW ENFORCEMENT:	18,695	17,570	1,125	29,144
			<i>+A Cty Squad Qtrly</i>	
FIRE DEPARTMENT:	88,689	88,689	0	47,320
AMBULANCE:	48,190	48,190	0	38,649
ESB RECOVERY FUND (Donations)	600	600	0	601
ESB Fire Dept VEHICLE INSURANCE	607,414	607,413	0	0
ESB Insurance Contents	49,064	49,064	(1)	39,760
AIRPORT EXTENSION/EXPANSION:	0	0	(1)	8,334
MATERIAL RECOVERY FACILITY:	5,000	5,000	(1)	0
PARKS:	42,198	43,874	(1,676)	19,357
			<i>-Bench Mickelson</i>	
REC CENTER: General Recreation Center, Softball fund	52,536	52,536	1	5,494
CEMETERY FUND	11,932	6,349	5,583	8,942
			<i>+ DSACF annual</i>	
WINTER TRANSPORTATION FUND:	12,361	12,361	0	16,251
ALTERNATIVE ENERGY FUND:	91	91	0	90
LIBRARY:	63,301	72,926	(9,624)	81,486
			<i>-ARPA-DPI Grant,+donations</i>	
TOTAL DESIGNATED FUNDS:	\$1,611,214	\$1,613,086	(1,872)	\$808,244

Donations made by Corporations, Businesses, Foundations

Through 6/13/2022 receipts

(Other donation may have been through trusts or foundations, just not receipted that way)

Library:

4th of July:

6/13/2022 Craftivity	\$550.00	4th of July celebration
6/13/2022 Mad Isl Enterises	\$125.00	4th of July celebration
6/13/2022 MIYC	\$500.00	4th of July celebration

Recreation Center:

Parks:

Ambulance:

Fire Dept:

Law Enforcement:

MRF:

May 2022 All Alternative Claims Summary:

<u>Regular Alternative Claims</u>	<u>\$214,568.61</u>
<u>Alternative Claims Processed under R#2022-0128</u>	<u>\$0.00</u>
<u>Library Board Approved Claims</u>	<u>\$38,595.95</u>
Total of All Alternative Claims:	\$253,164.56

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Michael dg

ALTERNATIVE CLAIMS 2022

May 2022

Date	Payable to Who	Check #	Amount	Description
5/5/2022	Oasis P/R#9 2022	EFT#9	39,694.90	P/R#9 Ending 04/30/2022
5/5/2022	Empower/Deferred Comp	EFT#7009	100.00	P/R#9 employee contri
5/5/2022	Dept of Employee Trust Fnd	ETF #2022-06	18,170.48	June health insurance
5/5/2022	Wisconsin Dept of Revenue	EFT#04	723.05	April sales tax
5/9/2022	Bremer Bank	EFT#2	101,463.51	LoanPay#2 DockBigArns
5/9/2022	Fidelity Payment Cener	EFT#04-2022	478.23	April Credit card fees
5/19/2022	Oasis P/R#10 2022	EFT#10	43,530.31	P/R#10 Ending 05/14/2022
5/19/2022	Empower/Deferred Comp	EFT#7010	100.00	P/R#10 employee conti
5/19/2022	Wisconsin Retirement System	EFT#2022-05	9,608.13	May 2022 Retirement
5/25/2022	Nelson Surveying	81188	700.00	Retainer Cty H Sidewalk

TOTAL MAY 2022:**\$214,568.61**

MI Library

May 2022

ALTERNATIVE CLAIMS 2022

Date	Payable to Who	Check #	Amount	Description
5/10/2022	Library Board approved vouchers		31,778.97	
5/10/2022	Glowforge, Inc.	81137	5,789.00	ARPA Grant PO#2022-34
" "	Infento BV	81138	5,615.00	ARPA Grant PO#2022-33
" "	Joylabz, LLC	81139	721.49	ARPA Grant PO#2022-35
" "	RobotLab	81140	6,370.00	ARPA Grant PO#2022-31
" "	School Outfitters	81141	521.87	ARPA Grant PO#2022-36
" "	Tangible Play, Inc.	81142	1,248.00	ARPA Grant PO#2022-37
" "	Toybox Labs, Inc.	81143	632.00	ARPA Grant PO#2022-41
" "	Zones, LLC	81144	10,881.61	ARPA Grant PO#2022-32

5/17/2022 Library Board approved vouchers 1,041.98

5/19/2022	Amazon	81145	343.81	ARPA Grant. Unlimited mus
" "	AOEF Ashwabay Outdoor Rec	81146	146.00	3/12 & 3/19 skiing
" "	Capital One/Wal-Mart	81147	25.36	Pizzas
" "	Cardmember Services (LS)	81148	31.64	Adobe Monthly
" "	Knopf, Deborah Hintz	81149	115.57	Little Learners supplies
" "	Norvado, Inc.	81150	187.81	May phones, fax, DSL
" "	Schuppe, Lauren	81151	41.79	Wal-Mart: TAP tee shirts
" "	Town of La Pointe	81152	150.00	6 NMV renewal stickers

5/17/2022 Library Board approved vouchers 5,775.00

5/25/2022	Knopf, Debrorah Hintz	81153	5,775.00	Final on 2021 contract
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MAY 2022 TOTAL:	\$38,595.95
MI Public Library Board approved	

\$0.00

Treasurer's Cash Summary as of May 31, 2022

(5)TB, Michael, Dab, Micaela, PUBLIC

		Balance Forward	Deposits	With-Drawals	Interest	Bank Charges	Transfers	End Balance
Checking Account	4460000563 1720010674	\$ 1,330,843.37	\$ 117,644.08	\$ (415,196.90)	\$ 26.93	\$ (30.46)	\$ 53,538.60	\$ 1,086,825.62
Designated	167668	\$ 1,664,692.29			\$ 41.35		\$ (53,538.60)	\$ 1,611,195.04
Sect. 125	3150485	\$ 19,072.92		\$ (423.99)				\$ 18,648.93
Tax	3142004	\$ 13,032.49			\$ 0.33			\$ 13,032.82
Library Savings		\$300.29						\$ 300.29
Totals		\$ 3,027,941.36	\$ 117,644.08	\$ (415,620.89)	\$ 68.61	\$ (30.46)	\$ -	\$ 2,730,002.70

Bank Reconciliation			
Reported Bank Balance	\$ 2,846,938.08	Available Cash	\$ 1,086,825.62
Deposits in Transit		Tax Transfer	
Interest in transit		Deposits	
Subtotal		Checks	\$ (78,220.14)
Less Outstanding Checks	\$ (126,131.37)	Vouchers	
Checkbook Balance	\$ 2,720,806.71	Library Vouchers	
		Total Avail. Cking Account	\$ 1,008,605.48

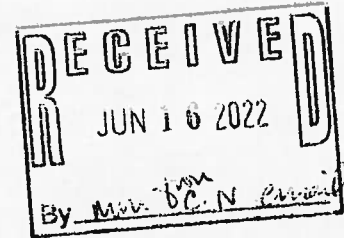
Treasurer's Report \$ 2,730,002.70
 Variance \$ (9,195.99) see note

Submitted by Carol Neubauer 16-Jun-22
 Unbalanced outstanding PO 3/31/2021 \$ 1,173,496
 \$ (577,776.58) Unbalanced

Note: The checking account is unbalanced due to:
 1) \$595.13 internal transfer issue that will clear in august
 2) \$8,600.86 2 fraudulent transactions posted by Bremer. Claim has been filed. Expect refund by July

Accounting Program Totals:	
General Funds	\$ 1,086,230.49
Designated Funds	\$ 1,611,195.04
Tax Account	\$ 13,032.82
Section 125	\$ 18,648.93
Library Savings	\$ 300.29
TOTAL	\$ 2,729,407.57

Treasurer's Report \$ 2,730,002.70
 Variance \$ 595.13



TBS Michael, Barb,
Micaela, public

**TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
TUESDAY JUNE 14, 2022
5:30 PM AT TOWN HALL
Approved Minutes**

Town Board Members Present: Chair Glenn Carlson, Supervisor Michael Anderson, Supervisor Aimée Baxter, Supervisor Sue Brenna, Supervisor John Carlson
Staff Present: Town Administrator Michael Kuchta, Fire Chief Rick Reichkitzer, Elected Clerk Micaela Montagne
Public Present: Tyler Andres
Called to Order: 5:30pm

I. Public Comment A*: J. Carlson mentioned a tour bus parked in front of the post office last week. R. Reichkitzer mentioned parked cars on Big Bay Rd that were causing problems.

II. Administrative Reports

- A. Town Administrator's Report: Brief discussion on cost prospects for developing affordable housing. Report prepared and presented by Michael Kuchta.
 - B. Public Works Director's Report: the passenger shelter will start installation next week. Report prepared by Ben Schram for May 2022.
 - C. MRF Supervisor's Report: Report prepared by Marty Curry for May 2022.
 - D. Airport Manager's Report & Checklist: Report prepared by Paul Wilharm for May 2022.
 - E. Planning and Zoning Administrator's Report: Report prepared by Interim Zoning Administrator Lisa Potswald.
 - F. Accounting Administrator's Report: Report prepared by Barb Nelson.
 - G. Police Chief's Report: Report prepared by William Defoe for May 2022
 - H. Fire Chief's Report: Report prepared and presented Rick Reichkitzer for May 2022.
 - I. Ambulance Director's Report: A thank you to the first responders for their service as it has been a busy June thus far. Report prepared by Cindy Dalzell for May 2022.
- All reports placed on file by Unanimous Consent.

III. Public Works

- A. Roads, Dock and Harbor: Nothing at this time.
- B. Parks
 - 1. Adjust starting date of Campground Host 2 from May 23, 2022 to May 17, 2022: Motion to approve the adjustment, A. Baxter/ S. Brenna, 5 Ayes, Motion Carried.

IV. Committees

- A. Planning and Zoning: The new Zoning Administrator began work 6/14/2022
- B. Library Board
 - 1. Notice of Transfer of Funds for ARPA Grant: No action required, information only as the grant is a reimbursement grant and the Library needed the funds upfront for the maker space grant.

V. Town Hall Administration

A. Grant Updates

1. Wisconsin Coastal Management Grant for 2022-2023 for Accessibility Feasibility Study at Big Bay Town Park: Motion to table, M. Anderson/ A. Baxter, 5 Ayes, Motion Carried.
- B. Resolution #2022-0614: Amend Schedule of Fees. Increase late fee for short-term rental without a permit: Motion to approve with a correction (instead of 'all previous fee schedules are hereby repealed, state 'all other fees in the 2022 Fee Schedule remain in place'), J. Carlson/ A. Baxter, 5 Ayes, Motion Carried.
- C. Budget Amendment #2022-02: Motion to approve, M. Anderson/ J. Carlson, 5 Ayes, Motion Carried.
- D. Attachment 'D' to 2022 Compensation Resolution #2021-1214A: Motion to approve, S. Brenna/ A. Baxter, 5 Ayes, Motion Carried.
- E. Fireworks Permit: Hollywood Pyrotechnics, July 4, 2022: Motion to approve, J. Carlson/ A. Baxter, 5 Ayes, Motion Carried. Wondering if the Chamber ever looked into silent fireworks.

Motion to move items V. F. and VI. C. to after Liquor Licenses, J. Carlson/ A. Baxter, 5 Ayes, Motion Carried.

VI. Vouchers: Motion to approve vouchers in the amount of \$62,411.67, M. Anderson/ J. Carlson, 5 Ayes, Motion Carried.

VII. Treasurers Report: Motion to approve the report for April 2022 showing a total of \$3,027,941.36 and a total available checking of \$1,319,778.64, A. Baxter/ S. Brenna. 5 Ayes, Motion Carried.

VIII. Minutes

- A. Regular Town Board Meeting May 24, 2022
- B. Special Town Board Meeting June 8, 2022:
Motion to approve both minutes as presented, S. Brenna/ A. Baxter, 5 Ayes, Motion Carried.

IX. Emergency Services

A. Police Department

1. Ashland County Law Enforcement Agreement: there will be the public meeting on June 29, 2022 at the Emergency Services Building, and the Town Board would like to discuss it at the next regular meeting on the 28th including a closed session for negotiation purposes.

B. Fire Department

1. Purchase Agreement with DSLR Pros for Drone Equipment: Motion to approve, S. Brenna/ A. Baxter, 5 Ayes, Motion Carried.
2. Request for Proposals for Fire Engine: Motion to approve, J. Carlson/ A. Baxter, 5 Ayes, Motion Carried.

X. Public Comment B:** Michael Kuchta read a brief statement from Ben Schram on which roads received dust abatement. Sue Brenna thanked both Dick Hardie and Joe Abhold for their time working for the Town.

XI. Liquor & Operators' Licenses

A. Class "A" Fermented Malt Beverage License

1. Island Market Inc., Serena Gelinas Agent

Motion to approve the Class "A" license, M. Anderson/ J. Carlson, 5 Ayes, Motion Carried.

B. Combination "Class A" Liquor License and Class "A" Fermented Malt Beverage License

1. L & D Trading Post/ Lori's Store, Lori Hinrichsen Agent
2. Madeline Island Yacht Club Inc., Mazie Ashe Agent

Motion to approve the Combination Class A licenses, M. Anderson/ J. Carlson, 5 Ayes, Motion Carried.

C. "Class B" Liquor License

1. Beach Club/ Bell Street Restaurant's Inc, Joseph Wiltz, Agent
2. On the Edge Inc./ Café Seiche, Chris Wolfe Agent
3. The Pub on Madeline Island Inc., Jennifer LeMere Agent

Motion to approve the "Class B" Licenses, M. Anderson/ J. Carlson, 5 Ayes, Motion Carried.

D. Class "B" Retail Sale of Fermented Malt Beverages License

1. Beach Club/ Bell Street Restaurant's Inc, Joseph Wiltz, Agent
2. ~~El Charro Bar Grill Mexican Restaurant LLC, Luis Garcia Agent (6 month 6/15/22-12/15/22)~~ This license is on hold and will not be approved now.
3. Madeline Island Golf Club, Inc, Michael Starck Agent

4. On the Edge Inc./ Café Seiche, Chris Wolfe Agent
5. The Pub on Madeline Island Inc., Jennifer LeMere Agent
6. Rock House Food Truck, Elena Bangeeva Erickson (6 Month 7/1/22-12/31/22)

Motion to approve the Class "B" licenses (except El Charro), M. Anderson/ J. Carlson, 5 Ayes, Motion Carried.

E. "Class C" Wine License

1. ~~El Charro Bar Grill Mexican Restaurant LLC, Luis Garcia Agent (6 month 6/15/22-12/15/22)~~ This is on hold and not approved at this time.

F. Cigarette and Tobacco License

1. Beach Club/ Bell Street Restaurant's Inc.
2. Island Market Inc.
3. L & D Trading Post/ Lori's Store

Motion to approve the cigarette licenses, J. Carlson/ A. Baxter, 5 Ayes, Motion Carried.

G. Non-intoxicating Beverage License

1. Beach Club/ Bell Street Restaurant's Inc
2. El Charro Bar Grill Mexican Restaurant LLC
3. Island Market Inc.
4. L & D Trading Post/ Lori's Store
5. Madeline Island Golf Club, Inc
6. Madeline Island Yacht Club

7. Nervous Squirrel Ltd/ Motion To Go
8. On the Edge Inc./ Café Seiche
9. The Pub on Madeline Island Inc.
10. Rock House Food Truck

Motion to approve the non-intoxicating licenses, J. Carlson/ S. Brenna, 5 Ayes, Motion Carried.

H. Operator's Licenses

- | | |
|----------------------|---------------------|
| 1. Madeline Brown | 7. Lauren Maderich |
| 2. Rick Christ | 8. Kayla Picciano |
| 3. Debra Dallin | 9. Sheri V. Ross |
| 4. Monique Darton | 10. Nancy Sandstrom |
| 5. Anthony Jeannette | 11. Tiana Traaholt |
| 6. Carlyn Lowe | |

Motion to approve the operator's licenses, J. Carlson/ A. Baxter, 5 Ayes, Motion Carried.

XII. Lawsuits & Legal Issues

- A. William Defoe vs. Town of La Pointe, Case No. 19CV57: No updates

Motion to go into closed session to discuss item IX. C then item V. F., S. Brenna/ A. Baxter, 5 Ayes by roll call vote, Motion Carried, 6:04pm

IX. Emergency Services

C. Updates on Construction and Warranty Work at the Emergency Services Building

The Town Board may go into closed session during the meeting for the purpose of conferring with legal counsel with respect to litigation in which it is or is likely to become involved in accordance with Wisconsin Statutes 19.85 (1)(g). After the completion of the closed session, the Board will come back into open session to act upon the discussion in the closed session or otherwise complete the business of the meeting before adjourning.

V. Town Hall Administration

F. Annual Performance Review of the Town Administrator

This meeting may, upon duly made motion, be convened in closed session under State Statute 19.85 (1) (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. If the Town goes into closed session, it will reconvene in open session before adjourning.

Motion to return to open session, S. Brenna/ J. Carlson, 5 Ayes, Motion Carried. 6:41pm.
No action on either item.

XIII. New Agenda Items for Future Meetings: Coastal Management grant for Big Bay Town Park, Law Enforcement Agreement with closed session discussion. Special Town Board meeting on July 14, 2022 at 5:30 to do the review of the Town Administrator.

XIV. Adjourn: Motion to adjourn, S. Brenna/ J. Carlson, 5 Ayes, Motion Carried. Adjourned at 6:43 pm.

Submitted by Micaela Montagne, Town Clerk.

(5) TB, TA, AA, Clerk, Public

ANICH, WICKMAN & LINDSEY, S.C.

ATTORNEYS AT LAW
220 SIXTH AVENUE WEST
POST OFFICE BOX 677
ASHLAND, WISCONSIN 54806-0677
TELEPHONE (715) 682-9114
FAX NO. (715) 682-9504

MATTHEW F. ANICH
TYLER W. WICKMAN
MAX T. LINDSEY
ROBERT E. EATON

June 24, 2022

Via email: administrator@townoflapointewi.gov

Town of La Pointe Town Board
240 Big Bay Rd
La Pointe, WI 54850

RE: Liquor Licensing Question

Dear Town Board & Administrator Kuchta:

This letter is my response to a request for legal opinion regarding an renewal application for Class B alcohol license issued under Wis. Stats. § 125.51(4)(v)1, which allows the Town to grant a Class B license in excess of its allowed quota to "A full-service restaurant that has an interior, permanent seating capacity of 300 or more persons."

1. Under this statute, does the establishment need to have actual seating to serve 300 or more people, or simply the potential to serve that many?

The establishment does not need to have actual seating established for 300 people. It simply needs to have the *capacity* to seat 300 people indoors. This exemption was amended to its current language in 2016. Prior to that, the exemption applied to "a full-service restaurant that has a seating capacity of 300 or more persons." The Legislature added the requirement of "interior" and "permanent" capacity because municipalities were avoiding the quota limits by issuing licenses to establishments that may have large outdoor spaces or temporary additions that could accommodate larger crowds. While the 2016 amendment added the requirement that the seating capacity be indoors and permanent, it did not add any requirement that the restaurant needs to actually have 300 seats set up in its establishment at all times.

2. Is there a standard method for determining permanent seating capacity in a restaurant?

The alcohol licensing regulations do not set a specific standard for how to determine seating capacity. The capacity of a commercial building is typically constrained by fire inspections and other safety considerations. The establishment could show what its certificate of occupancy establishes for its maximum occupancy. For similar considerations, the Department of Safety and Professional Services (DSPS) provides that the capacity of assembly halls used for dining where permanently fixed seats are not provided shall not exceed one person per 10 square feet of floor space. (WI SPS § 377.02(1)). The floor plan provided by this establishment used this 10 sq. ft/person calculation for its stated basis of having a restaurant capacity of over 300. Ultimately, the Town Board has to base its determination of seating capacity on a reasonable interpretation of the information submitted by the establishment.

3. Is the Town required to make the establishment prove that it meets statutory requirements before renewing a license?

RECEIVED
JUN 24 2022

Initial: dg

The Town Board has the same authority in determining whether to renew a license as it does when a license is initially granted. Wisconsin Statutes do not specifically require the Town to make the establishment prove its eligibility. Wis. Stats. § 125.04(3)(a)(2) requires the applicant to state the type of license for which it is applying. In this case, the establishment should state that it is applying for the specific Class B license sought and provide information sufficient to meet the license it is seeking. Ultimately, it is within the Town Board's discretion whether the renewal application is sufficient to renew the license. (*See Rawn v. City of Superior*, 9 N.W.2d 87 (1943)).

- 4. What if the Town does not require proof, renews the license – and it is later demonstrated that the license does not meet statutory requirements: If there is an accident of some sort involving someone served at the establishment, and a lawsuit as a result, what is the Town's liability or exposure for approving the license.**

The Town would likely not have any liability in the event of a lawsuit relating to someone served at the establishment. Wis. Stats. 125.037 specifically states that "no municipality. . . or municipal governing body, committee, official or employee is civilly liable for damage to any person or property caused by the consumption of alcohol beverages by that person or any other person by reason of . . . issuing a license to sell alcohol beverages." This statute explicitly provides that, even if it is determined that the establishment does not meet the statutory definition in having a capacity of 300 people, the City cannot face civil liability from that.

I did find one attorney general opinion from 1912 that stated that municipal officials could potentially be charged with malfeasance of official duties (now called misconduct in public office Wis. Stats. § 946.12) if they knowingly issued an alcohol license in excess of quotas. To meet the standard of misconduct in public office, a town board member would either have to know what they were doing was wrong (which would not happen if the decision is reasonable as stated above), or if the town board member exercised his or her discretion in an arbitrary and capricious manner and obtained some personal benefit from that action. The arbitrary and capricious standard is an incredibly high burden and so long as the Town Board's decision is reasonable, the decision will almost certainly not be deemed arbitrary and capricious. Even so, the town board member would also have to gain some personal benefit from the decision to face any potential personal liability. In sum, my opinion is that it is extremely unlikely that there could be any negative legal liability for the Town in granting the renewal so long as the decision is supported by a reasonable interpretation.

- 5. If the Town Board acts not to renew the license, is there anything else it has to do beyond provide the opportunity for a hearing as established in Chapter 125.12?**

If the Town Board acts not to renew, it must follow the requirements of Ch. 125.12. There would not be any other specific requirements that would be unique to this establishment.

Please let me know if I can provide any more assistance or guidance on this matter.

Yours truly,
ANICH, WICKMAN & LINDSEY, S.C.

/s/

Max T. Lindsey

BELL STREET TAVERN

6/8/2022
 Presented by:
 Allan Haas
 Brand Xerator, LLC
 Port Washington WI 53074
 414-628-4128
 allan@brandxerator.com

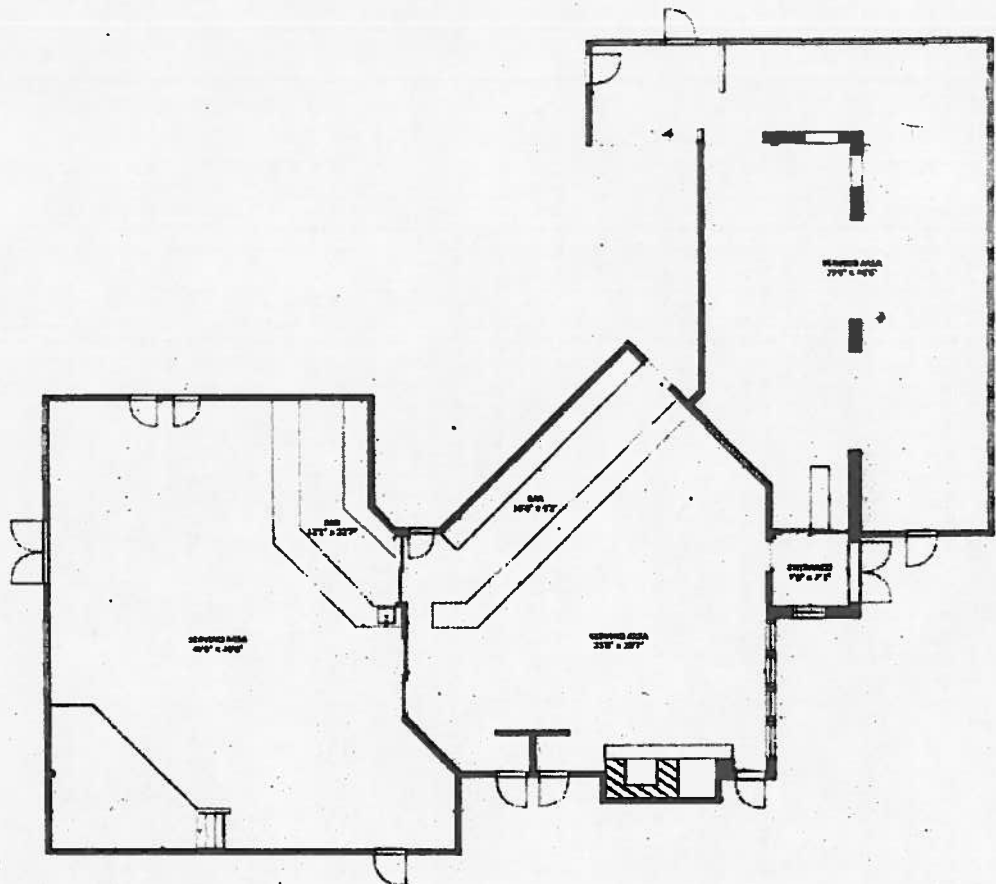
Certified Matterport Service
 Provider since 2007.

I have scanned and provided
 Matterports floor plans (direct from
 the scans and from Matterport).

Serving areas:
 40'x45' = 1,800 SR.
 35.8'x30.7' = 1,099 SR.
 39'x48.6' = 1,895 SR.
 Total = 4,794 SR.

Bar areas:
 12.1'x22.7' = 274 SR.
 35'x9.2' = 322 SR.
 Total = 596 SR.

Entrance Lobbys:
 7.8'x7.3' = 56 SR.



could be considered unusable
 floor space