

MEMO

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

DATES COVERED IN REPORT: Aug. 20-Sept. 8, 2022

1. Accomplished/Completed

- **Police Overnight Policy.** The policy is in place; new timesheets and spreadsheets seem to be working correctly. Washington Island Police Chief Tyler McGrane requested a copy of our policy.

2. Coming Up

- **Vacation Day.** I am out of the office on Monday Sept. 12.
- **School District of Bayfield.** The school board plans to hold its September meeting at the La Pointe School on Thursday Sept. 22 at 5 p.m.
- **WTA.** The Towns Association has fall workshops in Cable on Sept. 26 and a virtual law conference on Sept. 30. I will look at the offerings to see if it makes sense to attend.

3. Town Board Agenda – Information/Comments

- **Request for Appeal: Apostle Islands Kayaks.** The Town revoked the business' commercial use permit, effective Aug. 19, for multiple violations of the Town's Non-Motorized Vessels Ordinance. The certified letter sent on Aug. 3 (enclosed in your packet) outline details. The proprietor did not pick up the certified letter or file an appeal within the 15-day deadline required by ordinance. Eight kayaks the business stored at Big Bay Town Park were impounded on Aug. 23 and remain in Town custody. The proprietor claims not to have learned about the revocation, the certified letter, or a follow-up letter until after he discovered his kayaks missing on Aug. 26. On Sept. 7, the proprietor asked (via email) for the Town Board to allow him to appeal after the fact, and to receive a hearing to overturn the revocation. Please decide whether to grant the appeal; if you do, then schedule a hearing to rule on the revocation.
- **Big Bay Town Park Accessibility Study.** Cooper Engineering, Ben Schram and I have whittled the work down to within range of the \$30,000 budgeted for this study; \$15,000 will be paid through a Wisconsin Coastal Management Program grant. We propose covering the additional cost out of BBTP tube donations (#48500-20, which anticipates revenue of \$4,000). Please approve the contract.
- **Community Awards.** These awards to Peg Bertel and the Madeline Island Community Garden were supposed to be presented during July 4th festivities, which were washed out.
- **Affordable Housing Advisory Committee.** Committee bylaws allow new members to be appointed at any time. This appointment would bring committee membership to 11.
- **Comprehensive Plan Steering Committee.** The committee would like to convene leadership from the Bad River and Red Cliff tribes to solicit their ideas about their relationship with and presence on the island, and how we might work together to advance those goals. Because the tribes are sovereign nations, protocol and respect require that the invitation be made "government to government." The committee asks the Town Board to issue that invitation and participate in the convening when it occurs.

RECEIVED

SEP 9 2022

Initial: dg

- **Special Event Permit: Madeline Island Marathon.** Organizers request a permit for the running races on May 20, 2023, which will include various road shutdowns along the courses between 8:30 a.m. and 3:30 p.m., partial closure of Main Street between Middle Road and Joni's Beach between roughly 5:30 and 9:10 a.m., and no through traffic on Main Street at Joni's Beach between 5:30 a.m. and 5 p.m. (see maps and closure information from 2022)
- **Special Event Permit: Treaty Days.** Organizers have two requests: approve a special event permit, and grant permission for participants to camp on Rec Center grounds on Friday night Sept. 30 and Saturday night Oct. 1.
 - Organizers already have reserved the Rec Center; however, they need a special event permit (Chapter 345-1) in order to include vendors.
 - Organizers expect much more participation from Red Cliff and Bad River this year than in recent years, and already are receiving reports that participants are having trouble finding or affording indoor lodging. Therefore, they are requesting permission for vendors and others to camp on Rec Center grounds. The Town's ordinance for parks specifically bans camping at Joni's Beach and the Town Dock, but is silent on camping at the Rec Center. The Zoning Ordinance is silent on this type of short-term camping on park property. The Town has allowed camping in previous years for the annual Just For Dads event, and allowed camping during a Treaty Days pow-wow 10 years ago.
- **Special Event Permit: Family Fall Festival.** The Chamber of Commerce requests a permit to close LeSeuer and Bell streets, and to use Russell Park, during their annual event from 10 a.m.-2 p.m. Oct. 22. (They will also be required to reserve Russell Park, which is no longer private property.)
- **Payroll Coordinator.** We ask your approval of the job description and posting for this new half-time position, which was included in the 2022 budget. The position was scheduled to begin July 1; we now project mid-November, when the Workhorse payroll module will be ready to use. We anticipate converting payroll entirely in-house beginning with the first pay period of 2023.
- **Possible Real Estate Transaction.** See confidential documents in your packet.
- **Interest in Acquisition of Assets and/or Property.** See confidential documents in your packet.
- **Ashland County Law Enforcement Agreement.** I sent four years' worth of our law enforcement budget to the county on Aug. 26, and projections for 2023. Supervisor Mike Starck hand-delivered the document to other supervisors at the County Board meeting on Aug 30. The County's Finance Committee has not yet received a proposed budget from the Sheriff's Department; the committee is next scheduled to meet Sept. 22. The County's Law Enforcement Committee is scheduled to meet Sept. 26. Agendas are not yet available.
- **Contract with Custom Fire.** The proposed contract finalizes the purchase you authorized on Aug. 23. The first payment, for the chassis, will be drawn from designated funds (#34161-04); the remaining balance of approximately \$550,000 will need to be handled in the 2023 budget.
- **ESB.** Berghammer did install additional shower dams when it did other warranty work this summer. The old compressor was scheduled to be hauled away the week of Sept. 6. We have not yet received payments from Wendel or Brown Plumbing for their share of installing the new compressor. Still no resolution on connecting the Metasys system.
- **Lawsuits and Legal.** See confidential documents in your packet.

4. Follow Up on Previous/Ongoing Projects

- **Town Dock Issue.** SmithGroup, the project manager, suspects there are gaps in what is supposed to be a "continuous ¼-inch weld" between the steel pile and steel plate installed by its contractor, Wren Works. Town crews have suggested ideas for short-term and long-term

repairs, and will try to examine the site from the water for better diagnosis. SmithGroup has suggested a few additional options. SmithGroup does believe the issue is beyond the one-year warranty specified in the construction contract (a certificate of substantial completion was issued Dec. 22, 2020). But SmithGroup also believes the Town could pursue remedy under the state's six-year statute of limitations on property damage. SmithGroup says it will ask Wren Works to investigate the problem. We have looped our town attorney into the email discussion.

- **Land Swap.** Town Plan Commission tabled action on the CSM that would finalize the land swap authorized by Resolution 2021-0420B between the Town and Evan Erickson Sr. The proposed redrawing of lot boundaries means a portion of Parcel 014-00198-0204 now would fall into the G-I Government and Institutional District. TPC needs to draft language to ensure that all of the parcel remains zoned R-3 Residential.
- **Microgrid Scoping Study.** Xcel Energy visited the island Aug. 30 to size up potential locations for a transformer and secondary voltage lines that would serve the potential microgrid linking Town Hall, the Library, and the Community Clinic. There was a follow-up phone call on Sept. 8.
- **Marina.** I met with Tony Brown Aug. 29 to get an update on the marina's plans to replace their underground fuel tanks with above-ground tanks in 2024. They would need to dig up Old Fort Road so they could run supply lines between the marina and boat storage yard.
- **Legal Representation.** I sent letters of inquiry to seven attorneys in northern Wisconsin to explore their interest in representing La Pointe. It may be necessary to replace or supplement our current legal representation because of potential conflicts of interest and slow response times on the part of our current town attorney.
- **Ambulance Billing and Collections.** I sent letters of inquiry to additional billing services (our current contract dates to 2018) and potential collection services to follow up on unpaid bills.
- **Short-Term Rental Properties.** The Zoning Administrator has red-tagged three properties that are operating without a Town rental permit or County health inspections, and is corresponding with a fourth. Our goal is to give the property owners a final chance to get into compliance before issuing citations against them.

5. Grant Report

- **Compeer Financial.** We submitted a grant request for \$4,000 toward a new radio for the Ambulance Service.
- **Microgrid Feasibility Study.** As Barb Nelson notes in her report, the state has reimbursed us the full \$43,000 for the Energy Committee's study.

6. Lawsuits/Legal Issues

- Covered under the agenda.

7. Other Information

- **Lake Superior monitoring.** I met Aug. 26 with Professor Chin Wu and two of his graduate students from the University of Wisconsin to discuss their research on lake levels, wave action, shoreline erosion, and the impact of docks, piers and shoreline stabilization tactics on beach and bluff stability.