

Special Town Board/Roads Meeting – May 29, 2018

Posted May 23, 2018 at 4 p.m. at the Town of Russell Garage, Town Clerk's Office and Town website. Notice sent to the Ashland Daily Press.

Approximately three Town Electors and members of the public were present.

The meeting was called to order at 6:00 p.m. at the Town of Russell Garage by Chairman Paul "Rocky" Tribovich. Roll call was taken as follows; Supervisors Jeff Benton, Mark Bugher, Larry Meierotto and Don Sullivan were present as was Roads Committee member Mark Wendling, Clerk/Treasurer David L. Good and Deputy Clerk/Treasurer Judy Meierotto.

The Pledge of Allegiance was recited by those present.

Public Input – Chairman Tribovich called for public input. Rob Halvorson inquired about the development of the land and how it was not to have any action taken for a year. Tribovich clarified that the land the Town is looking at developing is by the Community Center. The land that is being discussed at this meeting is the 54-acres at Big Sand Bay. Tribovich reviewed this history of prior Town actions regarding this property. Halvorson stated he believes the Town should retain all property owned on the Lake Superior shoreline. Hal Watkins asked if this was the property at the end of Ridge Road. Tribovich said yes and explained general location of the property.

Tribovich asked that agenda item 12 be moved agenda item 4. A motion was made by Meierotto and seconded by Sullivan to change the order of items on the agenda as recommended. The motion carried.

Red Cliff Tribe request to purchase Town land (54-acres at Big Sand Bay) – Tribovich explained the offer to purchase the Town had entered into with the Trust for Public Lands based on an assessment of \$605,000. The Trust for Public Lands asked for an extension of the offer to purchase to give them more time to secure funding. The Trust for Public Lands (TPL) would then give the property to the National Park Service (NPS). The NPS, TPL and the Tribe then began discussions about obtaining the property the Town owns. The Town then became aware that the Tribe was seeking funds to purchase the property. The Tribal Chair, Ric Peterson and Chad Able attended a recent Town Board meeting and expressed their interest in obtaining this property. Tribovich reviewed a meeting held with the former Tribal Chair and the current Vice-chair where discussions were held on this matter and the Town was concerned that the property would be open to the public. Now that the Tribe has obtained the funding, we need to develop an offer to purchase which the Tribe thought was already in place. Wade Williams, representing the Tribe, reviewed the history of this effort and the Tribe believes they would be better suited to manage this conservation property within the boundary of the reservation and that the property would be open to the public. They submitted a grant to manage this property as a Tribal Management Unit of the Apostle Islands National Lakeshore. No specific details have been developed regarding management of the property. The Tribe thought an agreement to purchase was in place but it is not in place and needs to be developed. They want to purchase the land at the assessed value of \$605,000 and if the Town wants more funds, they do not have additional funds to acquire this land. Tribovich reaffirmed the Town's interest in keeping the land pristine and open to the public. The Town's intent to sell the property has been well stated and documents. Tribovich read the following:

Sale of Town Land – 54-acres Big Sand Bay to Red Cliff Tribe

Assessed Value:\$605,000 as of November 18, 2016

Issues Relating to Sale:

Possible deed restrictions as follows:

1. Town of Russell property on Division Street and Scheffel Drive sold to the Red Cliff Band of Lake Superior Chippewa (approximately 54-acres) will remain open to the public and not restricted to Tribal members only.
2. The Red Cliff Band agrees to not block access to this property via Ridge Road.
3. If the Red Cliff Band of Lake Superior Chippewa closes this land to the public, the Band agrees to held liable in suit, of which suit would be held in Bayfield County District Court, with the Band agreeing to relinquishing their sovereign rights.

Tribovich asked that the Board approve the intent to sell the property to the Tribe for \$605,000 and that the Town's attorney and the Tribal attorneys draft an "Intent to Purchase" that guarantees the right of public access to the property. Discussion followed. A motion was made by Bugher and seconded by Sullivan to approve the sale if the terms for an "Offer to Purchase" suitable to the Town can be developed and brought back to the Board for approval. The motion carried by a roll call vote of 5-yes and 0-no.

The Town of Russell will be meeting with representatives of the Wisconsin Department of Transportation (WI DOT) and the engineering consultant to discuss and review issues pertaining to the reconstruction project of Little Sand Bay Road and the Old County K Road Projects – Andrew Stensland provided a summary of staffing and responsibility changes at WisDOT. Tribovich stated that project delays we have been experiencing are not acceptable to the Town. We are now 4 years past the time we developed the project costs estimates for LSB Road. Phase 2 Old County is 3 years past the time we developed the project costs estimates. We do not have the tax base to fund project overruns in this Town. We developed these estimates based on WisDOT TRIP-D design criteria. These funds, \$3.2 million may need to be returned because we can not fund the project based on these time delays. WisDOT stated they also do not want to see the funds returned. Wendling stressed we need to speed up the process and get costs for the design recommended in line with the current funding that is available. Stensland stated we are committed to combining the three phases into one job. Also, we need to bid this job in January/February bid cycle. Discussion followed about what can be done to control costs to the grant funding level. We need to move ahead with engineering selection for Phase 3. The Town needs to move ahead with core drillings on Old County K. Issues with the design for Phase 1 were discussed. Clarification on Phase 1 being a 3-party contract verses a 2-party contract was discussed. Communications issued with Phase 1 design were discussed. The need for design exceptions to get the project within budget were discussed. The option of the Town selling materials such as gravel to the successful bidder was discussed. Dan Gustafson discussed the schedule for bidding phase 2. The Town will do the borings and the engineer will be present to document the findings. The ability to incorporate safety plan grants was brought up by Benton. Discussion followed.

Next meeting time, date and location – This will be determined in the future.

NEW BUSINESS

Little Sand Bay Campground issues regarding day-to-day operations – Tribovich stated we need someone to work a few hours a day until the Rose's arrive. Tribovich asked for suggestions of whom to hire. The possibility of Rick Wichlidal working as an SER (Experience Works Employee) was

discussed. Tribovich suggested we provide a better bag for the fish wastes and charge the fisherman a fee to use the cleaning station.

Host/attendant for LSB Campground – Judy Meierotto stated the Rose's will be returning July 1 as Campground Host and Attendant Duties. Dale can mow but can not do the trimming.

Fish Cleaning Station Issues and Purchase of new freezer for LSB Campground - Discussion was held regarding the need for a larger chest freezer for the fish cleaning station at LSB to store fish guts/carcasses. A motion was made by Tribovich and seconded by Bugher to approve purchasing a freezer at a cost not to exceed \$600.00. The motion carried.

Plow damage claim to private road sign by Keith Soencksen – Soencksen provided photographs of the damage and requested reimbursement of \$51.18. A motion was made by Bugher and seconded by Sullivan to approve the request. The motion carried.

Agenda Items for Next Town Board Meeting – Bugher has a conflict and is not able to attend the June 12, 2018 Board meeting. The Board agreed to move the meeting to Monday, June 18, 2018 at the Town Community Center.

A motion to adjourn at 7:15 p.m. was made by Meierotto and seconded by Sullivan. The motion carried.

The minutes respectfully submitted by:

David L. Good – Clerk/Treasurer