

June 17, 2015 Regular Town Board Meeting

The regular meeting of the Town Board was called to order by Chairman Gaulke at 1:00 p.m. Supervisors Chris Mayer, Ginger Schwanebeck, Treasurer Irene Messinger and Clerk Nancy Edwards were present.

Others present: see attached sign-up sheet made a permanent part of minutes

This meeting was properly posted and the media notified as required by law.

Motion by Mr. Mayer and seconded by Mrs. Schwanebeck to approve the agenda. The motion carried.

Motion by Mr. Mayer and seconded by Mrs. Schwanebeck to approve voucher numbers 47801-47841 from the General Fund account, voucher numbers 1629-1631 from the ambulance fund. Motion carried. Mr. Gaulke abstaining as one of the checks was for his employer.

The minutes of the April 20, 2015 Special Town Board meeting, June 1, 2015 Special Town Board meeting, June 3, 2015 Regular Town Board meeting, June 8, 2015 Special Town Board meeting were presented for approval. Motion by Mrs. Schwanebeck seconded by Mr. Mayer to approve the minutes as presented. Motion carried.

Treasurer Messinger provided her report on the financial status as follows: Un-reconciled balance of the General fund as of 06/15/2015 as \$789,561.26. Un-reconciled balance of the Ambulance Fund as of 06/15/2015 as \$412,978.92. A CD is coming up for renewal. Motion by Mr. Mayer seconded by Mrs. Schwanebeck to accept the treasurer's report as presented. Motion carried.

Second reading and adoption of Ordinance 01-2005A: Ordinance to appoint alternate members for Board of Review: Motion by Mrs. Schwanebeck to waive the second reading and to adopt ordinance 01-2005A Ordinance to appoint alternate members for Board of Review. Motion seconded by Mr. Mayer. Motion carried.

Presentation of Drug and Alcohol Initiative update: Christopher Petreikis and Theodore Indermuehle from the Vilas County Sheriff's Department and Chief Brandenburg and T.J. Bill from the Lac du Flambeau Police Department came to the meeting today at the request from the Chairman and residents for an update of the drug and alcohol initiative program in the area. A very informative program was given to the board and residents attending on the drug and alcohol programs in the county including the Lac du Flambeau area. Samples of drugs found currently in the area were shown. A big problem is prescription pills along with all the others found in the big cities. Drug dealers use any type of transportation to deliver the goods. Community involvement and awareness is crucial. Resources are limited but progress is being made. The drug problem is county/state wide not just the Lac du Flambeau area. Hepatitis and aids is also a big problem in the area for first responders and health professionals in the area. Residents can be on the lookout for excess traffic patterns and paraphernalia. Any questions or tips can be directed to the Lac du Flambeau Police Department or the Vilas County Sheriff Department. A big thank you from the board and residents for the presentation.

ATV Ordinance 15-01: Mr. Gaulke stated a joint meeting was held with the tribal council and the county board and the tribal council stated with no uncertain terms

their views of no ATV use on the reservation. Mr. Gaulke stated at that meeting he would put this on our next agenda for discussion and possible action. Mrs. Schwanebeck stated she regrets that this issue became divisive and thought that a one year trial would make sense however with the outcome of the meeting she feels we have no choice but to rescind the ordinance. Mr. Mayer stated he has some concern with the tactics the tribe took. This has been an ongoing discussion with the tribe for some time and Mr. Mayer is a little bit concerned not with just the ATV issue but when we can't agree to disagree its almost threatening. This concerns Mr. Mayer as a representative for everybody in Lac du Flambeau as that is what we do at this desk is to represent all the people whether they are native people on the role, native people not on the role but from another tribe, taxpayers, renters, etc. We are here to represent all of Lac du Flambeau and it concerns me does the Town have jurisdiction or not? Whether were talking about ATV's or any other issue. We had designated routes that automobiles, bicycles are able to go down but when it comes to disagreeing the tribe will question it in federal court. As an elected official which I represent all the people I am at a point I am not concerned we don't have ATV's in Lac du Flambeau but do we have authority over the road system when it comes to town roads, does the county have jurisdiction over county roads and does the State of Wisconsin have rights over Highways 47 and 70. I would like some legal counsel to direct the board and people of Lac du Flambeau as do we have jurisdiction or don't we? If we are going to disagree and bring it to the level we have no conversation what so ever and we determine its null and void with almost a threatening statement from a tribal attorney, this really concerns me as an elected official for all the people. Mr. Mayer stated he is not ready to make a decision on this ATV issue today but with my discussion I would love to have this board bring in some legal counsel advice to find out if we have jurisdiction or not.

Chairman Gaulke stated he is open to discussion with the tribe and county and all involved. He stated it might be more than just the jurisdiction over the roads. It can involve many other federal laws and regulations he is not aware of. In order to sit down and discuss this Mr. Gaulke feels it is prudent to rescind our ordinance at this time. We can have further discussions and find out the answers to our questions and discuss at a later date. Having the ordinance in place will hinder the discussion. Mrs. Schwanebeck stated she would like to believe seeing the tribe does have an ATV ordinance that allows tribal members to use ATV 's within the reservation boundaries that there might be a small open door sometime in the future to make this a possibility. If we don't rescind this ordinance there may be no hope. The county is removing the LDF route from their ordinances. Mrs. Schwanebeck stated she does not believe there is any debate whether we have jurisdiction. A township in the State of Wisconsin has authority over its roads. If we brought in legal consultation in to define that further I don't think that would make our decision to rescind the ordinance. I think we still need to rescind the ordinance. Mr. Mayer stated there are other matters that come between the town and tribe that we don't always agree upon he is just concerned that there is no discussion what so ever on this issue. Native Americans can take an ATV anywhere they want

on the reservation. They obviously are not against ATV's; they are against whether it increases the volume of non-tribal members on the reservation. Mr. Gaulke stated he has always taken the stand that the tribes dealings with their members and land is the tribes business. He would never stick his nose into matters concerning their members or land. That is not our place. Motion by Mr. Gaulke seconded by Mrs. Schwanebeck to rescind ATV ordinance 15-01. Motion carried.

Liquor License Applications 2015-2016: Mr. Gaulke stated the Town/Tribe liquor committee met last week and reviewed and approved the applications for 2015-2016. They will also go to the tribal council for approval. Motion by Mrs. Schwanebeck seconded by Mr. Gaulke to approve the applications as presented. Motion carried. Mr. Mayer abstained as he is one of the liquor license holders.

Request for Sewage presentation: Mr. Mayer addressed the chairman with a request that one of the members of the board open up some dialect with the tribe on the issue with the leeching of the sewage into Moss Lake. We should be briefed on where they are going with this. He has known there was a problem of this for some time and there has been recent talk of project plans. There are many people vested in the area and would be very disappointed to find out how much sewage is leeching into the chain. He would appreciate it if we could be briefed on the plans so we don't have this issue again. Mr. Gaulke will check and try to get a presentation put on a future agenda.

Bartenders License Applications for approval: Bartenders applications were received from Ryan T. Sloan, Jay M. Bollman and Samuel Snoddy. Motion by Mr. Mayer seconded by Mrs. Schwanebeck to approve the applications as presented. Motion carried.

Motion by Mr. Mayer seconded by Mrs. Schwanebeck to adjourn at 2:00 p.m. Motion carried.

Respectfully submitted,
Nancy Edwards
Town Clerk