

Minutes of the
Bayfield County Board of Supervisors' Meeting
Of July 26, 2011 - 6:00 p.m.
Bayfield County Board Room, Courthouse, Washburn, Wisconsin

The Bayfield County Board of Supervisors' meeting was called to order by Chairman Kacvinsky at 6:05 p.m. Roll call was taken by County Clerk, Scott Fibert as follows: Kittleson-present; Bennett-present; Kacvinsky-present; Rantala-absent; Williams-present; Bichanich-present; Miller-present; Crandall-present; Rondeau-present; Meyers-present; Bussey-present; Jardine-present; Maki-absent: Total 13: 11 present, 2 absent. A quorum was present to conduct business. The following were also present for the meeting: *County Administrator, Mark Abeles-Allison; Scott S. Fibert, County Clerk, Dawn M. Bellile, Deputy County Clerk, Timothy Kane, UW-Extension Community Resource Agent, Paul Susienka, Sheriff.*

A moment of silence was held for the family of John Bennett in the recent death of his son.

The Pledge of Allegiance was recited by all in attendance.

1. Public Hearing Regarding County Board Redistricting and Issuance of a Revenue Bond by Bayfield County to Refinance and Finance Certain Improvements to a Project owned by Memorial Medical Center. *A motion was made by Rondeau/Meyers to adjourn as a County Board and Convene as a Committee of the Whole. The motion carried.*

County Board Redistricting Plan. Tim Kane, *UW-Extension Community Resource Agent*, spoke and informed the Board that this is the last leg of the redistricting process, which is to have a public hearing. After viewing the supervisory maps of Bayfield County with Fibert, Abeles-Allison, and Kacvinsky, a conclusion was drawn that it didn't make a whole lot of sense to change the districts as they virtually were unchanged. They made a few preliminary changes a few months back, boundaries were shifted a bit to make the populations equal, but other than that the districts are the same as before. All necessary hearings have been held. The City of Washburn had to make adjustments to their Wards as well and Russell and Iron River and have adopted the same. Eileen is a split supervisory district and they adopted the districts, and all other townships have done their part. We are now at the stage where we need to adopt the redistricting plan.

Chairman Kacvinsky asked if anyone from the public wished to speak. There was no response.

Revenue Bond Financing. Attorney Thomas Mayfield and Daniel Hymans, *the CCO of Memorial Medical Center* was present to go over the documents with the Board. A public hearing is necessary concerning the request from MMC for up to a \$5 million

conduit bond for patient room improvements currently underway. As it was again explained, there will be no financial responsibility for Bayfield County. The Executive Committee met with MMC representatives earlier on this topic and recommended that the County Board approve the bond issuance. Discussion took place and the Board was informed that final action will not happen this evening but most likely will appear in August. Between now and then, the County's attorney and Bond attorney will go over all of the paperwork to make sure everything goes smoothly.

Chairman Kacvinsky asked if anyone from the public wished to speak. There was no response.

A motion was made by Crandall/Bennett to close the Committee of the Whole and to reconvene as a County Board. The motion carried.

At this time, Chairman Kacvinsky asked the Board for their approval to change the agenda order. He would like #8 next, then 10, 9 and continuing on. *A motion was made by Crandall/Kittleson to amend the agenda. The motion carried.*

2. Bayfield County Resolution No. 2011-23, Bayfield County Final Supervisory Redistricting Plan. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, Bayfield County received the population figures for Bayfield County for the State of Wisconsin on March 22, 2011; and

WHEREAS, §59.03(3), (b), of the Wisconsin Statutes states that the creation of supervisory districts shall entail the adoption of a tentative Supervisory District Plan and a Final Supervisory District Plan; and

WHEREAS, a public hearing was held on April 19, 2011 at the Bayfield County Courthouse in Washburn, Wisconsin, to review and adopt the tentative Plan; and

WHEREAS, the statutory requirements for creation of a tentative Plan have been met by Bayfield County; and

WHEREAS, on April 20, 2011, Bayfield County sent the tentative Supervisory District Plan to all local municipalities in Bayfield County; and

WHEREAS, the municipalities that are to be divided for the purpose of establishing supervisory districts have been notified; and

WHEREAS, those municipalities by State Statute, had sixty (60) days to create such wards for the purpose of redistricting; and

WHEREAS, those municipalities have responded to the County Clerk with resolutions establishing set wards by census block; and

WHEREAS, Bayfield County will hold its final hearing on July 26, 2011, at the Bayfield County Courthouse, Washburn, Wisconsin.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 26th day of July, 2011, adopts said Final Redistricting Plan; and

BE IT FURTHER RESOLVED, that the Bayfield County Board Chairman shall send the Final Redistricting Plan to the Secretary of State and the Legislative Reference Bureau.

By Action of the
Bayfield County Board of Supervisors
William D. Kacvinsky, *Chair*

A motion was made Miller/Rondeau to adopt Bayfield County Resolution No. 2011-23, Bayfield County Final Supervisory Redistricting Plan. Discussion. The motion carried.

3. Bayfield County Resolution No. 2011-24, Relating to a Revenue Bond Financing on Behalf of Memorial Medical Center by Bayfield County and Ashland County.

The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, Memorial Medical Center, Inc., a Wisconsin nonstock nonprofit corporation (the "Borrower"), intends to refinance certain indebtedness previously incurred for its hospital facility located in the City of Ashland, as well as finance certain improvements thereto including the construction of a three-story addition and significant renovation of existing space; and

WHEREAS, the Borrower has represented that the economic feasibility of the refinancing and financing described above will be greatly enhanced through the issuance of revenue bonds by Bayfield County (the "County") and Ashland County for such purposes, and therefore requests the County to declare its present intent to issue its revenue bond to provide a portion of the refinancing and financing described above; and

WHEREAS, the County is authorized to issue its revenue bond for such purpose by Section 66.0621, Wisconsin Statutes, as amended (the "Act"), and under the Act, the revenue bond and interest thereon will not be a charge against the County's general credit or taxing powers or a pecuniary liability of the County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, assembled this 26th day of July, 2011, agrees as follows:

Section 1. The Board of Supervisors prior to the adoption hereof has held a public hearing to provide an opportunity for interested individuals to express their views on the

proposed issue of the revenue bonds by the County and Ashland County and the nature of the Borrower's facility refinanced and financed thereby.

Section 2. It is hereby declared to be the intention of the Board of Supervisors of the County to issue a revenue bond of the County in the principal amount of up to \$5,000,000 on behalf of the Borrower for the purposes described above, and preliminary approval is hereby given to the revenue bond issue. Consideration of final approval of the County's revenue bond and related matters is expected to be scheduled for August 23.

Section 3. The officers and employees of the County are hereby authorized to take such further action as is necessary to carry out the intent and purposes of this resolution. All details of such revenue bond issue and the provisions for payment thereof shall be subject to final approval of this Board of Supervisors. The revenue bond shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the County, and the revenue bond, when, as and if issued, shall recite in substance that the revenue bond, including interest thereon, is payable solely from the revenues received from the Borrower and property of the Borrower pledged to the payment thereof and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation, or a charge against the general credit or taxing power of the County.

By Action of the
Bayfield County Board of Supervisors
William D. Kacvinsky, *Chair*

A motion was made by Bussey/Bichanich to adopt Bayfield County Resolution No. 2011-24, Relating to a Revenue Bond Financing on Behalf of Memorial Medical Center by Bayfield County and Ashland County. Discussion took place. The motion carried.

4. Public Comment.

Neil Schultz, Delta; Jack Beagan, Bayfield; Gennifer Reed, Bayfield; Mark Wending, Russell, all spoke on the agenda items #22 & 23, asking the Board to table or postpone until the people of Bayfield County have had a chance to speak to the ordinance changes. They would like to see another public hearing held with citizen participation.

Chairman Kacvinsky asked if there was anyone else from the public who wished to speak. There was no response.

5. Report from State Representative, Janet Bewley. Bewley thanked the Board for allowing her time to speak at this evening's meeting. Bewley brought the Board up to speed with the "goings on" at the State level. They are now adjourned and won't be back in session until September. She reported that between now and then she can spend as much time as she wishes in the District. She reported on what has taken place this year starting with the "hot issues" facing Wisconsin. She touched base on other topics such as the redistricting in some of the counties and how it will affect the assembly and senate districts. She also spoke on unemployment issues, mining, how Act 420 regarding

libraries; and the Income Maintenance Program. A question and answer time was shared by the Board and Bewley. The Board thanked Bewley for coming to this evening's meeting and she thanked them for having her.

6. **Motion Regarding Minutes of the June 21, 2011 Bayfield County Board of Supervisors' Meeting.** *A motion was made by Kittleson/Bennett to adopt the June 21, 2011 Minutes of the Bayfield County Board of Supervisors' Meeting. The motion carried.*

7. **Resolution Authorizing Issuance of a Revenue Bond by Bayfield County to Refinance and Finance Certain Improvements to a Project Owned by Memorial Medical Center.** It was reported earlier by Attorney Mayfield that this item should actually be on the August agenda. *A motion was made by Crandall/Kittleson to table this item. The motion carried.*

8. **Bayfield County Resolution No. 2011-25, HCR - Public Health Infrastructure and Quality Improvement Grant.** Terri Kramolis, *Health Department Director*, was present to explain how she applied for and received this grant in the amount of \$12,000. This has been to the Health Board for approval and is here this evening for full County Board approval. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, the Bayfield County Health Department has received an HCR - Public Health Infrastructure and Quality Improvement Grant in the amount of \$12,000 for Local Health Departments to develop the capacity to meet the standards for voluntary accreditation through the Public Health Accreditation Board.. These requirements include an agency strategic plan, community health assessment, the development and implementation of a Community Health Improvement Plan, the development and use of a performance management system including continuous quality improvement and documenting how the agency meets the Public Health Accreditation Board standards. Total award beginning March 10, 2011 and to be expended by September 29, 2011; *and*

WHEREAS, the 2011 Budget does not contain any projections to account for any revenue or expenditures for said grant; *and*

WHEREAS, it is the desire of the Bayfield County Board of Health to accept and expend said grant in 2011, now therefore be it; *and*

BE IT FURTHER RESOLVED, that the Bayfield County Board of Supervisors assembled this the 26th day of July, 2011, hereby authorizes the use of Revenue Account Number 100-20-43550-020 and Expense Account Number 100-20-54129 for the HCR - Public Health Infrastructure and Quality Improvement Grant; *and*

BE IT FURTHER RESOLVED, that the Bayfield County Board of Supervisors hereby amends the 2011 budget by \$12,000 to reflect the revenues and expenditures.

Passed by the Bayfield County Board of Health Department on June 17, 2011 and forwarded to the Bayfield County Board of Supervisors.

By Action of the Bayfield County Board of Supervisors
William D. Kacvinsky, *Chair*

A motion was made by Meyers/Crandall to adopt Bayfield County Resolution No. 2011-25, HCR - Public Health Infrastructure and Quality Improvement Grant. A roll call vote was taken as follows: Bennett-yes; Kacvinsky-yes; Rantala-absent; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes; Maki-absent; Kittleson-yes: Total 13: 11 present, 2 absent. The motion carried.

9. Bayfield County Resolution No. 2011-26, Authorization to Plan for a Regionalized Income Maintenance Service Delivery System. Elizabeth Skulan, *Human Services Department Director*, was present to explain the resolution to the Board. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, the Governor's proposed 2011-13 biennial budget called for centralization of Income Maintenance services; *and*

WHEREAS, Wisconsin Counties Association, Wisconsin Counties Human Service Association, and individual Counties worked diligently to propose alternatives that would retain local access for citizens as well as local control of local funding; *and*

WHEREAS, the Joint Committee on Finance adopted the county-proposed alternative, thereby directing formulation of multi-county consortia with a deadline of October 1, 2011; *and*

WHEREAS, funding and operational criteria have not yet been finalized or communicated by the Department of Health Services; *and*

WHEREAS, the eleven counties and two tribes of the northwest region of the state, who planned together for the redesign of long term care have expressed an interest in planning together to design a regional model for the administration of Income Maintenance; *and*

WHEREAS, no county is committed to enter into a regional consortia for the administration of Income Maintenance services until the county passes an enabling resolution to do so.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, assembled this 26th day of July, 2011, hereby authorizes the Bayfield County Department of Human Services staff and agents to participate in the Planning to Plan

Phase with the good faith intention to develop a regional system for the administration of Income Maintenance Services; *and*

BE IT FURTHER RESOLVED, that a copy of this resolution will be sent to the County Clerks of Ashland, Barron, Bayfield, Burnett, Douglas, Iron, Polk, Price, Rusk, Sawyer, and Washburn counties.

By Action of the Bayfield County Board of Supervisors
William D. Kacvinsky, *Chair*

A motion was made by Crandall/Williams to adopt Bayfield County Resolution No. 2011-26, Authorization to Plan for a Regionalized Income Maintenance Service Delivery System. Discussion took place, the motion carried.

10. Report of the Bayfield County Planning & Zoning Committee Regarding Amendment to Bayfield County Ordinance Section 13-1-67, Town of Namakagon Overlay District. The Board dispensed with the reading of the Report, which reads as follows:

TO: The County Board of Supervisors of Bayfield County on the hearing of petition to amend the Bayfield County Ordinance.

The Planning and Zoning Committee of the Bayfield County Board of Supervisors, having held a public hearing pursuant to Section 59.69(5)(e), Wisconsin Statutes; notice thereof having been given as provided by law; and having duly been informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

Sec. 13-1-67 Town of Namakagon Overlay District

- a) **General Provision.** The Town of Namakagon Overlay District shall apply to and include all lands within the Town of Namakagon.
- b) **Intent of the Town of Namakagon Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience, and general welfare: to encourage planned and orderly land use developments: to protect property values and the property tax base: to encourage uses of land, water, and other natural resources which are consistent with the Town of Namakagon Comprehensive Land Use Plan: to maintain water clarity in lakes, rivers, streams: to protect the beauty and amenities of landscape and man-made developments: and to provide healthy surroundings for recreation, tourism, and family life.
- c) **Part of the purpose and intent of the Town of Namakagon Overlay shall be achieved by restricting all new off-premise signs except as listed as**

exempt in the Bayfield County Sign Ordinance. Permanent off-premise signs in the Town of Namakagon shall also be subject to the following requirements:

- (1) All existing off-premise signs may be maintained but must be brought into compliance with the County ordinance pertaining to size and setback by July 1, 2016.
- (2) If the owner of the off-premise sign sells the business; the sign is considered property of the business.
- (3) Existing off-premise signs may not be rented to any other business.
- (4) All other County ordinances regarding signs will be enforced.

Except as specifically modified and amended by this Ordinance, the Bayfield County Code of Ordinances shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or part of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

BAYFIELD COUNTY PLANNING & ZONING COMMITTEE

Patricia Rantala, Shawn Miller, Brett Rondeau

A motion was made by Jardine/Rondeau to receive and place on file the Report of the Bayfield County Planning & Zoning Committee Regarding Amendment to Bayfield County Ordinance Section 13-1-67, Town of Namakagon Overlay District. The motion carried.

11. Bayfield County Zoning Amendatory Ordinance No.2011-09 Regarding Amendment to Bayfield County Ordinance Section 13-1-67, Town of Namakagon Overlay District. The Board dispensed with the reading of the Ordinance, which reads as follows:

The Bayfield County Board of Supervisors Ordains as follows:

That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is hereby amended as follows:

A petition by James Krueger, Supervisor for the Town of Namakagon, is requesting a text amendment to the Bayfield County Zoning Ordinance, in the form of adding Section 13-1-67 for permissible uses only located in the town therefore creating an Overlay District. Section 13-1-67 specific to the town to allow more restrictive permitting standards and requirements than those currently utilized under the Bayfield County Zoning Ordinance.

Sec. 13-1-67 Town of Namakagon Overlay District

- a) **General Provision.** The Town of Namakagon Overlay District shall apply to and include all lands within the Town of Namakagon.
- b) **Intent of the Town of Namakagon Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience, and general welfare: to encourage planned and orderly land use developments: to protect property values and the property tax base: to encourage uses of land, water, and other natural resources which are consistent with the Town of Namakagon Comprehensive Land Use Plan: to maintain water clarity in lakes, rivers, streams: to protect the beauty and amenities of landscape and man-made developments: and to provide healthy surroundings for recreation, tourism, and family life.
- c) **Part of the purpose and intent of the Town of Namakagon Overlay shall be achieved by restricting all new off-premise signs except as listed as exempt in the Bayfield County Sign Ordinance. Permanent off-premise signs in the Town of Namakagon shall also be subject to the following requirements:**
 - (1) All existing off-premise signs may be maintained but must be brought into compliance with the County ordinance pertaining to size and setback by July 1, 2016.
 - (2) If the owner of the off-premise sign sells the business; the sign is considered property of the business.
 - (3) Existing off-premise signs may not be rented to any other business.
 - (4) All other County ordinances regarding signs will be enforced.

Except as specifically modified and amended by this Ordinance, the Bayfield County Code of Ordinances shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or part of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

Adopted this 26th day of July, 2011.

By Action of the Bayfield County Board of Supervisors,
William D. Kacvinsky, *Chair*

A motion was made by Rondeau/Crandall to adopt Bayfield County Zoning Amendatory Ordinance No. 2011-09, Regarding Amendment to Bayfield County Ordinance Section 13-1-67, Town of Namakagon Overlay District. Discussion took place regarding regulations the town and the County have. The Board suspended the rules to allow James Krueger, place with James Krueger, Supervisor for the Town of Namakagon, to speak to the Board. He explained that the main purpose for this amendment is to have more restrictive rules when it comes to billboards in their town. Further discussion took place. *The motion carried.*

Chairman Kacvinsky again asked the Board for their approval to change the agenda order. He would like items #22 and #23 (Report and Amendatory Zoning Ordinance Regarding Lake Superior Shoreland Lot Development) to be moved up. *A motion was made by Bussey/Bichanich to amend the agenda to move up items #22 and #23 (Report and Amendatory Zoning Ordinance Regarding Lake Superior Shoreland Lot Development).* *The motion carried.*

12. Report of the Bayfield County Planning & Zoning Committee Regarding Amending Sections 13-1-20, 22, 32 and 13-1-102 and Creating Section 13-1-34, Code of Ordinances, Bayfield County, Wisconsin, Lake Superior Shoreland Lot Development in the Zoning Code. The Board dispensed with the reading of the Report. A very lengthy discussion took place regarding the public input this evening.

A motion was made by Rondeau/Miller to table the Report of the Bayfield County Planning & Zoning Committee Regarding Amending Sections 13-1-20, 22, 32 and 13-1-102 and Creating Section 13-1-34, Code of Ordinances, Bayfield County, Wisconsin, Lake Superior Shoreland Lot Development in the Zoning Code. Discussion took place that this report should just go back to the Zoning Committee for further deliberating. Discussed withdrawing motion. The Board voted *the motion was denied.* Further discussion took place. *A motion was made by Bussey/Meyers to refer the Report of the Bayfield County Planning & Zoning Committee Regarding Amending Sections 13-1-20, 22, 32 and 13-1-102 and Creating Section 13-1-34, Code of Ordinances, Bayfield County, Wisconsin, Lake Superior Shoreland Lot Development in*

the Zoning Code back to the Zoning Committee for further consideration and public input. The motion carried.

13. Bayfield County Zoning Amendatory Ordinance No. 2011-11, Regarding Amending Sections 13-1-20, 22, 32 and 13-1-102 and Creating Section 13-1-34, Code of Ordinances, Bayfield County, Wisconsin, Lake Superior Shoreland Lot Development in the Zoning Code. The Board dispensed with the reading of the Ordinance. *A motion was made by Bussey/Meyers to refer the Amendatory Ordinance Regarding Amending Sections 13-1-20, 22, 32 and 13-1-102 and Creating Section 13-1-34, Code of Ordinances, Bayfield County, Wisconsin, Lake Superior Shoreland Lot Development in the Zoning Code back to the Zoning Committee for further consideration and public input. The motion carried.*

The Board recessed for 10 minutes at 7:25 p.m. and reconvened at 7:35 p.m.

A motion was made by Rondeau/Crandall to move into Executive Session pursuant to §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; (g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. A roll call vote was taken as follows: Kacvinsky-yes; Rantala-absent; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes; Maki-absent; Kittleson-yes; Bennett-yes: Total 13: 11 present, 2 absent. The motion carried.

A motion was made by Crandall/Meyers to move out of Executive Session and into open session. The motion carried.

14. Tourism Committee Recommendation Regarding Railroad Right-of-Way Lawsuit. *A motion was made by Bussey/Bichanich to authorize the County Board Chair, County Clerk and the County's attorney to establish a settlement of the railroad right-of-way litigation on the terms set forth as follows:*

- 1) The County agrees not to pursue a petition for Writ of Certiorari at the U.S. Supreme Court;
 - 2) The Plaintiff's agree that their claim for costs will be satisfied without any payment by the County;
 - 3) The Plaintiff's release all claims *(if any)* against the County, its officials or employees, arising from issues relating to the former Chicago Northwestern Railroad right-of-way; *and*
 - 4) The Plaintiff's agree they waive all claims *(if any)* against the County for attorney's fees arising from the pending litigation.
- The motion carried.

A motion was made by Bussey/Crandall to adopt the resolution as drafted by Attorney Nordeng, which reads as follows:

WHEREAS, tourism is a main factor in Bayfield County's economy; *and*

WHEREAS, maintaining a viable and user-friendly system of public recreational trails is key to the County's attracting tourists and to providing good recreational opportunities to its local residents; *and*

WHEREAS, the County desires to make clear its policy to work cooperatively with private landowners in the establishment of public recreational trails.

NOW, THEREFORE, BE IT RESOLVED, that it is the policy of the Bayfield County Board to establish and maintain its system of public recreational trails by mutual cooperation with private landowners; *and*

BE IT FURTHER RESOLVED, that it is the policy of the Bayfield County Board not to use its power of eminent domain to establish public recreational trails, except as a last resort in extreme circumstances. The Bayfield County Board has no intention at this time of exercising this authority.

The motion carried.

15. Action Regarding Howling Wolf Lawsuit. *A motion was made by Jardine/Rondeau to disallow the claim of Howling Wolf Condominium Association. The motion carried.*

16. Action Regarding Appointment of County Veteran's Service Officer. *A motion was made by Williams/Rondeau to approve the appointment of Nancy Brede, Bayfield County Veteran's Service Officer. The motion carried.*

17. Discussion and Possible Action on Study and Negotiations Concerning Taxation of lands held by Members of Chippewa Tribe. Abeles-Allison explained that earlier this year the Wisconsin Counties Association sent a letter to local governments for purposes of attempting to negotiate a resolution to the long standing issues surrounding taxation of lands held in fee simple by the Chippewa Tribe or tribal members. Five (5) counties received this letter; Ashland, Bayfield, Iron, Sawyer and Vilas, were approached by the Chippewa Tribes to enter into negotiations regarding taxable status. The counties have expressed an interest in participating in this collaborative effort and it is now time for us to formalize the relationship. WCA is asking that each of the five (5) counties listed contribute \$2,500 to be used to retain Attorney Andrew Phillips and his firm, Phillips Borowski. WCA has agreed to match the \$2,500 commitment. This fee will be utilized to pay for representation throughout the negotiation process. Abeles-Allison stated that he believes this is important and that we should enter into this agreement. It is his intent that the dollars for this expenditure be taken from the County Board

contractual line item. Discussion took place and *a motion was made by Rondeau/Bichanich to expend \$2,500 from the County Board contractual services line item for their commitment towards the negotiation process regarding the taxation of lands held in fee simple by the Chippewa Tribe or tribal members. A roll call vote was taken as follows: Rantala-absent; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes; Maki-absent; Kittleson-yes; Bennett-yes; Kacvinsky-yes: Total 13: 11 present, 2 absent. The motion carried.*

18. Discussion and Possible Action Regarding City of Washburn Request for Quit Claim Deed for Property along the Railroad Grade. Abeles-Allison explained that the City of Washburn has requested a Quit Claim Deed of the County's interest in the railroad grade on a parcel of land located within the City. The City proposes to sell the parcel to a local business, but proposes to retain a 20' trail corridor through the property. They are asking the County to sign the agreement. Discussion took place. *A motion was made by Bichanich/Bussey to approve the request by the City of Washburn for a Quit Claim Deed to property along the railroad grade. The motion carried.*

19. Report of the Bayfield County Planning & Zoning Committee Regarding Amending Sections 13-1-61 and 13-1-60, Code of Ordinances, Bayfield County, Wisconsin and Zoning Districts in the Zoning Code. The Board dispensed with the reading of the Report, which reads as follows:

TO: The County Board of Supervisors of Bayfield County on the hearing of petition to amend the Bayfield County Ordinance.

The Planning and Zoning Committee of the Bayfield County Board of Supervisors, having held a public hearing pursuant to Section 59.69(5)(e), Wisconsin Statutes; notice thereof having been given as provided by law; and having duly been informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

An Ordinance Amending Sections 13-1-61 and 13-1-60, Code of Ordinances, Bayfield County, Wisconsin and Regarding Zoning Districts in the Zoning Code

WHEREAS, Wisconsin Statutes §59.69(4) authorizes the Bayfield County Board of Supervisors to establish districts and adopt regulations for said districts, including determining, establishing, regulating and restricting the location of buildings and structures that are designed for specific uses and the location of schools; and

WHEREAS, Wisconsin Statutes §59.69(5)(e) authorizes the County Board to amend an ordinance; and

WHEREAS, Section 13-1-103 Code of Ordinances, Bayfield County, Wisconsin authorizes the County Board to make amendments to Title 13, Chapter 1 of the Code of Ordinances, Bayfield County, Wisconsin pursuant to Wisconsin Statutes §59.69; and

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-61 Code of Ordinances, Bayfield County, Wisconsin to create a municipal zoning district to accommodate uses that are principally of an institutional, educational, or governmental nature and that serve a public need and to amend Section 13-1-60 include dimensional requirements for this new zoning district; and

WHEREAS, it is deemed in the best interest of the County of Bayfield that the Code of Ordinances, Bayfield County, Wisconsin be further modified and amended in the manner hereinafter set forth;

NOW, THEREFORE, the Bayfield County Board of Supervisors does hereby ordain as follows:

Section 1. Subsection (km) of Section 13-1-61 [Zoning Districts.] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby created to read as follows:

Sec. 13-1-61 Zoning Districts.

(km) **M Municipal and Institutional.** This district is designed to encompass lands for libraries, ballparks, housing authorities, buildings housing municipal units of government, schools, or other uses that are principally of an institutional, educational, or governmental nature and that serve a public need.

Section 2. Subsection (a) of Section 13-1-60 [Zoning District Dimensional Requirements.] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows, with additions highlighted by the double underline feature (additions) and deletions highlighted by the strike out feature (~~deletions~~):

Sec. 13-1-60 Zoning District Dimensional Requirements.

(a) Subject to subsections (b) through (h), Zoning District Dimensional Requirements for lots shall be as follows (provided that for lots with lake frontage or adjoining or including river or streams, any more restrictive applicable requirements in Sec. 13-1-32 shall apply instead):

Zoning District	Minimum Area	Minimum Average Width for Non-Shoreland Lots Only	Minimum Side & Rear Yards Principal Building	Accessory Building
R-RB, R-1	30,000 sq. ft.	150'	10'	10'

F-1, R-2, A-1	4 ½ acres	300'	75'	30'
R-3	2 acres	200'	20'	20'
F-2, A-2	35 acres	1,200'	75'	30'
I, C*	20,000 sq. ft.	100'	5'	5'
<u>M</u>	<u>20,000 sq. ft.</u>	<u>100'</u>	<u>10'</u>	<u>10'</u>
R-4				
(a) Sewer/water	10,000 sq. ft.	75'	10'	10'
(b) Sewer only	15,000 sq. ft.	75'	10'	10'
(c) Water only	20,000 sq. ft.	100'	10'	10'

For Setback Requirements see Section 13-1-22.

Lots must have legal access from public roads and comply with Article C, Section 14-1-40 Survey and Recording Requirements.

Section 3. Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 4. SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 5. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

A motion was made by Jardine/Kittleson to receive and place on file the Report of the Bayfield County Planning & Zoning Committee Regarding Amending Sections 13-1-61 and 13-1-60, Code of Ordinances, Bayfield County, Wisconsin and Zoning Districts in the Zoning Code. The motion carried.

20. Bayfield County Zoning Amendatory Ordinance No. 2011-10, Regarding Amending Sections 13-1-61 and 13-1-60, Code of Ordinances, Bayfield County, Wisconsin and Zoning Districts in the Zoning Code. The Board dispensed with the reading of the Report, which reads as follows:

The Bayfield County Board of Supervisors Ordains as follows:

That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is hereby amended as follows:

An Ordinance Amending Sections 13-1-61 and 13-1-60, Code of Ordinances, Bayfield County, Wisconsin and Regarding Zoning Districts in the Zoning Code

WHEREAS, Wisconsin Statutes §59.69(4) authorizes the Bayfield County Board of Supervisors to establish districts and adopt regulations for said districts, including determining, establishing, regulating and restricting the location of buildings and structures that are designed for specific uses and the location of schools; and

WHEREAS, Wisconsin Statutes §59.69(5)(e) authorizes the County Board to amend an ordinance; and

WHEREAS, Section 13-1-103 Code of Ordinances, Bayfield County, Wisconsin authorizes the County Board to make amendments to Title 13, Chapter 1 of the Code of Ordinances, Bayfield County, Wisconsin pursuant to Wisconsin Statutes §59.69; and

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-61 Code of Ordinances, Bayfield County, Wisconsin to create a municipal zoning district to accommodate uses that are principally of an institutional, educational, or governmental nature and that serve a public need and to amend Section 13-1-60 include dimensional requirements for this new zoning district; and

WHEREAS, it is deemed in the best interest of the County of Bayfield that the Code of Ordinances, Bayfield County, Wisconsin be further modified and amended in the manner hereinafter set forth;

NOW, THEREFORE, the Bayfield County Board of Supervisors does hereby ordain as follows:

Section 1. Subsection (km) of Section 13-1-61 [Zoning Districts.] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby created to read as follows:

Sec. 13-1-61 Zoning Districts.

(km) **M Municipal and Institutional.** This district is designed to encompass lands for libraries, ballparks, housing authorities, buildings housing municipal units of government, schools, or other uses that are principally of an institutional, educational, or governmental nature and that serve a public need.

Section 2. Subsection (a) of Section 13-1-60 [Zoning District Dimensional Requirements.] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows, with additions highlighted by the double underline feature (additions) and deletions highlighted by the strike out feature (~~deletions~~):

Sec. 13-1-60 Zoning District Dimensional Requirements.

(b) Subject to subsections (b) through (h), Zoning District Dimensional Requirements for lots shall be as follows (provided that for lots with lake frontage or adjoining or

including river or streams, any more restrictive applicable requirements in Sec. 13-1-32 shall apply instead):

Zoning District	Minimum Area	Minimum Average Width for	Minimum Side & Rear Yards	
		Non-Shoreland Lots Only	Principal Building	Accessory Building
R-RB, R-1	30,000 sq. ft.	150'	10'	10'
F-1, R-2, A-1	4 ½ acres	300'	75'	30'
R-3	2 acres	200'	20'	20'
F-2, A-2	35 acres	1,200'	75'	30'
I, C*	20,000 sq. ft.	100'	5'	5'
<u>M</u>	<u>20,000 sq. ft.</u>	<u>100'</u>	<u>10'</u>	<u>10'</u>
R-4				
(a) Sewer/water	10,000 sq. ft.	75'	10'	10'
(b) Sewer only	15,000 sq. ft.	75'	10'	10'
(c) Water only	20,000 sq. ft.	100'	10'	10'

For Setback Requirements see Section 13-1-22.

Lots must have legal access from public roads and comply with Article C, Section 14-1-40 Survey and Recording Requirements.

Section 3. Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 4. SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 5. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

A motion was made by Rondeau/Crandall to adopt Bayfield County Zoning Amendatory Ordinance No. 2011-10 Regarding Amending Sections 13-1-61 and 13-1-60, Code of Ordinances, Bayfield County, Wisconsin and Zoning Districts in the Zoning Code. Discussion. The motion carried.

21. Report of the Bayfield County Planning & Zoning Committee Regarding Amending Sections 13-1-21, 15-1-6, and 15-1-14, Code of Ordinances, Bayfield County, Wisconsin and Regarding County Sanitary Permit Fees in the Zoning Code and the Regulation of Privies, Portable Restrooms, and Camping Unit Transfer Containers

by the Sanitary and Private Sewage Code. The Board dispensed with the reading of the Report, which reads as follows:

TO: The County Board of Supervisors of Bayfield County on the hearing of petition to amend the Bayfield County Ordinance.

The Planning and Zoning Committee of the Bayfield County Board of Supervisors, having held a public hearing pursuant to Section 59.69(5)(e), Wisconsin Statutes; notice thereof having been given as provided by law; and having duly been informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

WHEREAS, Wisconsin Statutes § 59.70(1) authorizes the Bayfield County Board of Supervisors to enact a sanitary code and to make necessary rules and regulations in relation thereto; and

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Sections 15-1-6 and 15-1-14 to include regulations and definitions regarding portable restrooms and camping unit transfer containers; and

WHEREAS, Section 15-1-11 Code of Ordinances, Bayfield County, Wisconsin provides that permit fees shall be set and amended by the Bayfield County Zoning Committee; and

WHEREAS, it is deemed in the best interest of the County of Bayfield that the fees for a County Sanitary Permit be set forth in the fee schedule contained in Section 13-1-21 Code of Ordinances, Bayfield County, Wisconsin; and

WHEREAS, it is deemed in the best interest of the County of Bayfield that the Code of Ordinances, Bayfield County, Wisconsin be further modified and amended in the manner hereinafter set forth;

NOW, THEREFORE, the Bayfield County Board of Supervisors does hereby ordain as follows:

Section 1. Section 15-1-14 [Privies and Portable Restrooms.] of Article C [Permits and Applications] of Chapter 1 [Sanitary and Private Sewage Code] of Title 15 [Sanitary and Private Sewage Code] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows, with additions highlighted by the double underline feature (additions) and deletions highlighted by the strike out feature (~~deletions~~):

Sec. 15-1-14 Privies ~~and Portable Restrooms,~~ and Camping Unit Transfer Containers.

- (a) Privies and portable restrooms shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault.

(b) Privies ~~*~~ and portable restrooms, and camping unit transfer containers shall be located at a minimum horizontal distance of:

- 15 feet from a dwelling(s) (where applicable)
- 5 feet from lot lines, except that where jurisdiction of the Bayfield County Zoning Ordinance is in effect, the setback shall be according to that of an accessory building as expressed in Section 13-1-60 of that Ordinance
- 50 feet from the water supply wells
- 75 ** feet from a stream, lake or other water course
- 20 feet from the edge of a 20% slope

* ~~Composting composting~~ and incinerating toilets located within the dwelling served are not required to meet these setbacks.

** ~~Setback setback~~ shall be 100 feet from Class 3 lakes, rivers, and navigable streams. Class I, II, or III Trout Streams as indicated in the Department of Natural Resources publication "Wisconsin Trout Streams."

(c) Applicants wishing to construct a privy shall submit an affidavit stating that their building will be served by a privy. Indoor plumbing; including water closets, sinks, bathtubs or showers, facilities, or any other fixture or receptacle receiving domestic waste; shall not be installed until a sanitary permit for a private sewage system is issued.

(d) Privies shall be kept clean and sanitary.

(e) Portable Restrooms

(1) A County Sanitary Permit pursuant to Section 15-1-11 and fee will be required to place portable restrooms.

(2) Portable restrooms may not be used for habitable buildings unless they have a 200 gallon capacity holding tank.

(3) Portable restrooms may be used at construction sites but must be removed upon completion of construction. A County Sanitary Permit is not required for portable restrooms located at construction sites.

(4) Portable restrooms located on property intended to be used by the public in locations to which the public has access (i.e. boat landings, parks, campgrounds, beaches, resorts, golf courses, road waysides, scenic overlooks, etc.) may be placed on said property for an unlimited period with no affidavit required.

(5) Portable restrooms may be used as a means of sanitation for a Recreational Vehicle (RV) used as a temporary dwelling where no pressurized water is available to the RV. For any such portable restroom, a servicing contract indicating that the service provider will report maintenance activities to the Bayfield County Planning and Zoning Department shall be submitted with an application for each County Sanitary Permit.

(6) Portable restrooms should meet all required setbacks. The Bayfield County Planning and Zoning Department will make the final setback location determinations based upon the site limitations.

(7) Portable restrooms must be pumped or inspected annually and such pumping or inspection is to be reported to the Bayfield County Planning and Zoning Department within 30 calendar days of the pumping or inspection.

(f) Camping Unit Transfer Containers (CUTCs)

(1) A County Sanitary Permit pursuant to Section 15-1-11 and fee will be required to place CUTCs.

(2) Except in an approved campground or camping resort, CUTCs may be used as a means for sanitation for a Recreational Vehicle (RV) used as a temporary dwelling where no pressurized water is available to the RV. For any such CUTC, a servicing contract indicating that the service provider will report maintenance activities to the Bayfield County Planning and Zoning Department shall be submitted with an application for each County Sanitary Permit.

(3) CUTCs must be state approved, installed pursuant to product specifications, and shall have a minimum 200 gallon capacity. Only one (1) CUTC shall be allowed with each RV and the CUTC shall only serve one (1) RV.

(4) CUTCs must be installed under the RV and meet all required setbacks as described in Section 15-1-14 (b) CUTCs shall be placed no more than twelve (12) inches horizontally from the RV body and shall be recessed no more than four (4) inches into the finished grade. Adequate anchoring to prevent floatation and adequate protection to prevent physical damage to the CUTC is required. The Bayfield County Planning and Zoning Department will make the final setback location determinations based upon the site limitations.

Section 2. Subsection (i) [Nonplumbing Sanitation System.] of Section 15-1-6 [Definitions.] of Article A [Introduction] of Chapter 1 [Sanitary and Private Sewage Code] of Title 15 [Sanitary and Private Sewage Code] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows, with additions highlighted by the

double underline feature (additions) and deletions highlighted by the strike out feature (~~deletions~~):

Sec. 15-1-6 Definitions.

The following terms shall have the meanings indicated:

- (i) **Nonplumbing Sanitation System.** Sanitation systems and devices within the scope of Comm 91, Wis. Adm. Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets, ~~and privies~~, and camping unit transfer containers.

Section 3. Subsections (bm) [Camping Unit Transfer Container.] and (jm) [Portable Restroom.] of Section 15-1-6 [Definitions.] of Article A [Introduction] of Chapter 1 [Sanitary and Private Sewage Code] of Title 15 [Sanitary and Private Sewage Code] of the Code of Ordinances, Bayfield County, Wisconsin are hereby created to read as follows:

Sec. 15-1-6 Definitions.

The following terms shall have the meanings indicated:

- (bm) **Camping Unit Transfer Container.** A type of stationary holding tank used to collect and hold wastewater discharges generated by an individual camping trailer or recreational vehicle that is not served by water under pressure except in an approved campground or camping resort.
- (jm) **Portable Restroom.** Self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to receive human wastes.

Section 4. Subdivision s. [County Sanitary Permit] of Paragraph (1) [Fee Schedule.] of Subsection (e) [Fees.] of Section 13-1-21 [General Land Use Requirements.] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows, with additions highlighted by the double underline feature (additions) and deletions highlighted by the strike out feature (~~deletions~~):

Sec. 13-1-21 General Land Use Requirements.

(e) **Fees.**

- (1) **Fee Schedule.** Unless otherwise noted, all fees are referenced to estimated Fair Market Value (FMV) of the structure or land use and shall be interpreted to mean the best reasonable estimate of the market value of the structure or land use (including labor and material costs) when construction is completed or the use becomes fully operational. Market value shall not be affected by virtue

of any reduced or donated actual costs for labor or materials. Municipalities are subject to all applicable fees. When a permit has been denied any portion of a fee (other than an application fee) paid over Fifty Dollars (\$50.00) shall be returned. Required fees are as follows:

~~s. Privy Permit (not including required soil verification) \$ 150.00~~

s. County Sanitary Permit* (not including required soil verification for a pit privy)

<u>1</u>	<u>\$150.00</u>
<u>2-5</u>	<u>\$300.00</u>
<u>6-9</u>	<u>\$450.00</u>
<u>10+</u>	<u>\$600.00</u>

Portable Restroom \$ 50.00

(*Cost applies to the initial or first phase of development. Subsequent phases must start over with fee schedule.)

Section 5. Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 6. SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 7. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

Date: July 21, 2011

BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE

Kenneth Jardine, Harold Maki, Patricia Rantala, Shawn Miller, Brett Rondeau

A motion was made by Miller/Rondeau to receive and place on file the Report of the Bayfield County Planning & Zoning Committee Regarding Amending Section 13-1-21, 15-1-6, and 15-1-14, Code of Ordinances, Bayfield County, Wisconsin and Regarding County Sanitary Permit Fees in the Zoning Code and the Regulation of Privies, Portable Restrooms, and Camping Unit Transfer Containers by the Sanitary and Private Sewage Code. The motion carried.

22. Bayfield County Zoning Amendatory Ordinance No. 2011-11, Regarding Amending Sections 13-1-21, 15-1-6, and 15-1-14, Code of Ordinances, Bayfield County, Wisconsin and Regarding County Sanitary Permit Fees in the Zoning Code and the Regulation of Privies, Portable Restrooms, and Camping Unit Transfer Containers by the Sanitary and Private Sewage Code. The Board dispensed with the reading of the Ordinance, which reads as follows:

The Bayfield County Board of Supervisors ordains as follows:

That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is hereby amended as follows:

WHEREAS, Wisconsin Statutes § 59.70(1) authorizes the Bayfield County Board of Supervisors to enact a sanitary code and to make necessary rules and regulations in relation thereto; and

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Sections 15-1-6 and 15-1-14 to include regulations and definitions regarding portable restrooms and camping unit transfer containers; and

WHEREAS, Section 15-1-11 Code of Ordinances, Bayfield County, Wisconsin provides that permit fees shall be set and amended by the Bayfield County Zoning Committee; and

WHEREAS, it is deemed in the best interest of the County of Bayfield that the fees for a County Sanitary Permit be set forth in the fee schedule contained in Section 13-1-21 Code of Ordinances, Bayfield County, Wisconsin; and

WHEREAS, it is deemed in the best interest of the County of Bayfield that the Code of Ordinances, Bayfield County, Wisconsin be further modified and amended in the manner hereinafter set forth;

NOW, THEREFORE, the Bayfield County Board of Supervisors does hereby ordain as follows:

Section 1. Section 15-1-14 [Privies and Portable Restrooms.] of Article C [Permits and Applications] of Chapter 1 [Sanitary and Private Sewage Code] of Title 15 [Sanitary and Private Sewage Code] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows, with additions highlighted by the double underline feature (additions) and deletions highlighted by the strike out feature (~~deletions~~):

Sec. 15-1-14 Privies ~~and Portable Restrooms,~~ and Camping Unit Transfer Containers.

(a) Privies and portable restrooms shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault.

(b) Privies ~~*~~ and portable restrooms, and camping unit transfer containers shall be located at a minimum horizontal distance of:

- 15 feet from a dwelling(s) (where applicable)
- 5 feet from lot lines, except that where jurisdiction of the Bayfield County Zoning Ordinance is in effect, the setback shall be according to that of an accessory building as expressed in Section 13-1-60 of that Ordinance
- 50 feet from the water supply wells
- 75 ** feet from a stream, lake or other water course
- 20 feet from the edge of a 20% slope

* Composting ~~composting~~ and incinerating toilets located within the dwelling served are not required to meet these setbacks.

** Setback ~~setback~~ shall be 100 feet from Class 3 lakes, rivers, and navigable streams. ~~Class I, II, or III Trout Streams as indicated in the Department of Natural Resources publication "Wisconsin Trout Streams."~~

(c) Applicants wishing to construct a privy shall submit an affidavit stating that their building will be served by a privy. Indoor plumbing; including water closets, sinks, bathtubs or showers, facilities, or any other fixture or receptacle receiving domestic waste; shall not be installed until a sanitary permit for a private sewage system is issued.

(d) Privies shall be kept clean and sanitary.

(e) Portable Restrooms

(1) A County Sanitary Permit pursuant to Section 15-1-11 and fee will be required to place portable restrooms.

(2) Portable restrooms may not be used for habitable buildings unless they have a 200 gallon capacity holding tank.

(3) Portable restrooms may be used at construction sites but must be removed upon completion of construction. A County Sanitary Permit is not required for portable restrooms located at construction sites.

(4) Portable restrooms located on property intended to be used by the public in locations to which the public has access (i.e. boat landings, parks, campgrounds, beaches, resorts, golf courses, road waysides, scenic overlooks, etc.) may be placed on said property for an unlimited period with no affidavit required.

(5) Portable restrooms may be used as a means of sanitation for a Recreational Vehicle (RV) used as a temporary dwelling where no pressurized water is available to the RV. For any such portable restroom, a servicing contract indicating that the service provider will report maintenance activities to the Bayfield County Planning and Zoning Department shall be submitted with an application for each County Sanitary Permit.

(6) Portable restrooms should meet all required setbacks. The Bayfield County Planning and Zoning Department will make the final setback location determinations based upon the site limitations.

(7) Portable restrooms must be pumped or inspected annually and such pumping or inspection is to be reported to the Bayfield County Planning and Zoning Department within 30 calendar days of the pumping or inspection.

(f) Camping Unit Transfer Containers (CUTCs)

(1) A County Sanitary Permit pursuant to Section 15-1-11 and fee will be required to place CUTCs.

(2) Except in an approved campground or camping resort, CUTCs may be used as a means for sanitation for a Recreational Vehicle (RV) used as a temporary dwelling where no pressurized water is available to the RV. For any such CUTC, a servicing contract indicating that the service provider will report maintenance activities to the Bayfield County Planning and Zoning Department shall be submitted with an application for each County Sanitary Permit.

(3) CUTCs must be state approved, installed pursuant to product specifications, and shall have a minimum 200 gallon capacity. Only one (1) CUTC shall be allowed with each RV and the CUTC shall only serve one (1) RV.

(4) CUTCs must be installed under the RV and meet all required setbacks as described in Section 15-1-14 (b) CUTCs shall be placed no more than twelve (12) inches horizontally from the RV body and shall be recessed no more than four (4) inches into the finished grade. Adequate anchoring to prevent floatation and adequate protection to prevent physical damage to the CUTC is required. The Bayfield County Planning and Zoning Department will make the final setback location determinations based upon the site limitations.

Section 2. Subsection (i) [Nonplumbing Sanitation System.] of Section 15-1-6 [Definitions.] of Article A [Introduction] of Chapter 1 [Sanitary and Private Sewage Code] of Title 15 [Sanitary and Private Sewage Code] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows, with additions highlighted by the

double underline feature (additions) and deletions highlighted by the strike out feature (~~deletions~~):

Sec. 15-1-6 Definitions.

The following terms shall have the meanings indicated:

- (i) **Nonplumbing Sanitation System.** Sanitation systems and devices within the scope of Comm 91, Wis. Adm. Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets, ~~and privies~~, and camping unit transfer containers.

Section 3. Subsections (bm) [Camping Unit Transfer Container.] and (jm) [Portable Restroom.] of Section 15-1-6 [Definitions.] of Article A [Introduction] of Chapter 1 [Sanitary and Private Sewage Code] of Title 15 [Sanitary and Private Sewage Code] of the Code of Ordinances, Bayfield County, Wisconsin are hereby created to read as follows:

Sec. 15-1-6 Definitions.

The following terms shall have the meanings indicated:

- (bm) **Camping Unit Transfer Container.** A type of stationary holding tank used to collect and hold wastewater discharges generated by an individual camping trailer or recreational vehicle that is not served by water under pressure except in an approved campground or camping resort.
- (jm) **Portable Restroom.** Self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to receive human wastes.

Section 4. Subdivision s. [County Sanitary Permit] of Paragraph (1) [Fee Schedule.] of Subsection (e) [Fees.] of Section 13-1-21 [General Land Use Requirements.] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows, with additions highlighted by the double underline feature (additions) and deletions highlighted by the strike out feature (~~deletions~~):

Sec. 13-1-21 General Land Use Requirements.

(e) **Fees.**

- (1) **Fee Schedule.** Unless otherwise noted, all fees are referenced to estimated Fair Market Value (FMV) of the structure or land use and shall be interpreted to mean the best reasonable estimate of the market value of the structure or land use (including labor and material costs) when construction is completed or the use becomes fully operational. Market value shall not be affected by virtue

of any reduced or donated actual costs for labor or materials. Municipalities are subject to all applicable fees. When a permit has been denied any portion of a fee (other than an application fee) paid over Fifty Dollars (\$50.00) shall be returned. Required fees are as follows:

~~s. Privy Permit (not including required soil verification) \$ 150.00~~

s. County Sanitary Permit* (not including required soil verification for a pit privy)

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<u>6-9</u>	<u>\$450.00</u>
<u>10+</u>	<u>\$600.00</u>

Portable Restroom \$ 50.00

(*Cost applies to the initial or first phase of development. Subsequent phases must start over with fee schedule.)

Section 5. Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 6. SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 7. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

Adopted this 26th day of July, 2011

By Action of the Bayfield County Board of Supervisors
William D. Kacvinsky, *Chair*

A motion was made by Rondeau/Jardine to adopt Bayfield County Zoning Amendatory Ordinance No. 2011-11, Regarding Amending Sections 13-1-21, 15-1-6, and 15-1-14, Code of Ordinances, Bayfield County, Wisconsin and Regarding County Sanitary Permit Fees in the Zoning Code and the Regulation of Privies, Portable Restrooms, and Camping Unit Transfer Containers by the Sanitary and Private Sewage Code. The motion carried.

24. **Administrator's Report:**

- a) **Budget Update:** Budgets are due from departments and committees on August 19th Abeles-Allison updated Board on new construction figures and are looking at a levy of approximately .62% with a possible increase of 1.2%.
- b) **Transition Committee Report.** A 2nd Transition Committee meeting will be held on Thursday, July 28th . The Committee is presently working on the grievance procedure which is due in September.
- c) Jail Captain, Larry Weber, will be retiring from Bayfield County on August 5th. There will be a party and small program for him on that Friday.
- d) **Bayfield County Fair Update.** Fair is scheduled for August 25-28th. If Board members come to the fair, tell them at the entrance that you are a Board member.
- e) **Brownstone Project Update.** Work is progressing, excavated old stairway and poured new foundation. The company has almost completed all of the tuck pointing in front of the building. A change order was done with the Executive Committee's approval.
- f) **Reminder,** next meeting date is August 30th.

There being no further business, Chairman Kacvinsky adjourned the meeting at 7:25 p.m.

Respectfully submitted,

Scott S. Fibert,
Bayfield County Clerk