

Minutes of the
Bayfield County Board of Supervisors' Meeting
Of May 26, 2009 – 6:00 p.m.
Bayfield County Board Room, Courthouse, Washburn, Wisconsin

The monthly meeting of the Bayfield County Board of Supervisors was called to order by Chairman Kacvinsky at 6:00 p.m. Roll call was taken by Bayfield County Clerk, Scott Fibert as follows: *Thomas J. Gordon-present; Kenneth Jardine-present; Harold A. Maki-present; Delores Kittleson-present; John J. Blahnik-present; William D. Kacvinsky-present; James Beeksma-present; Wayne H. Williams-present; Marco T. Bichanich-present; Shawn W. Miller-absent; James A. Crandall-present; Rondeau-present; David L. Good-preset. Total: 13, 12 present, 1 absent, a quorum was present to conduct business. The motion carried.* Others present were: Mark Abeles-Allison, *County Administrator*; Scott S. Fibert; *County Clerk*; Dawn M. Bellile; *Deputy County Clerk*; Mary Motiff, *Tourism Director*; Robert Lobermeier, *County Conservationist*; and Kay Cederberg. *Clerk of Circuit Court.*

The Pledge of Allegiance was recited by all in attendance.

1. **Motion Regarding Minutes of April 21, 2009 Bayfield County Board of Supervisors' Meeting.** *A motion was made by Good/Crandall to adopt the minutes of the April 21, 2009 Bayfield County Board of Supervisors.*

2. **Public Comment** - None

3. **Bayfield County Resolution No. 2009-21, Supporting Regional Trail Coordination & Connectivity and the Establishment of a Regional Trail Committee.** Supervisor Rondeau explained the significance of this Resolution. There are 9 counties involved in this committee, allowing 2 members per county; both he and Jim Nemecek represent Bayfield County. Every county, especially Washburn and Sawyer are interested in this. In July, officers will be elected to this committee. He further reported that Chippewa County, which lies on the outer side of the trail is also interested in joining. The trail is basically being developed for motorized used by snowmobiles and 4-wheelers, however, if individuals that want to hike and bike can, but they should use caution as it is for motorized vehicles. The Resolution reads as follows:

WHEREAS, the counties of Ashland, Bayfield, Barron, Burnett, Douglas, Polk, Rusk, Sawyer and Washburn have begun the discussion of formally supporting the coordination, promotion, development and connectivity of recreational trails at a regional level: and

WHEREAS, the formation of a regional trail committee would assist in bring adjoining counties and communities together to work cooperatively and to promote measures each county is working on individually relating to recreational trail development, thus maximizing the resources of all participants; and

WHEREAS, the regional trail committee would be served by two appointees from each county, with at least one of the two committee members being a county board of supervisor member.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 26th day of May, 2009, hereby supports the concept of regional coordination, promotion, development and connectivity of trails and the establishment of a regional trail committee.

BAYFIELD COUNTY BOARD OF SUPERVISORS

William D. Kacvinsky, John J. Blahnik, David L. Good, Thomas J. Gordon, Kenneth Jardine, Harold A. Maki, Delores Kittleson, James Beeksma, Wayne H. Williams, Marco T. Bichanich, James A. Crandall, Brett T. Rondeau

A motion was made by Good/Beeksma to adopt Bayfield County Resolution No. 2009-21, Supporting Regional Trail Coordination & Connectivity and the Establishment of a Regional Trail Committee. Discussion took place, the motion carried.

4. Bayfield County Resolution No. 2009-22, Opposing the Proposed Transfer of the Wisconsin Coastal Management Program from the Department of Administration to the Department of Natural Resources. Abeles-Allison explained that the Coastal Management Program has been instrumental in supporting different types of programs and there is concern that the management of this program will be transferred to the Department of Natural Resources which is not what we want. County Conservationist, Robert Lobermeier was present to explain in further detail. It is a good program right where it is without any changes, and the resolution in front of you this evening is for the program to stay the way it is. The Resolution reads as follows:

WHEREAS, Bayfield County has been the recipient of grant funding and technical assistance through the Wisconsin Coastal Management Program; and

WHEREAS, Bayfield County is uniquely situated within the state with 117 miles of coastal shoreline on Lake Superior, including 19 miles of coastline within the Apostle Islands National Lakeshore; and

WHEREAS, the Wisconsin Coastal Management Program has supported hundreds of community-based initiatives that have improved Wisconsin's Great Lakes coasts and communities for more than 30 years; and

WHEREAS, the Wisconsin Coastal Management Program works effectively and efficiently with government agencies, non-profit organizations, tribes and academia; and

WHEREAS, the Wisconsin Coastal Management Program has served as a model for other states, and is recognized as a highly successful program in federal performance evaluations conducted pursuant to the federal Coastal Zone Management Act of 1972, as amended; and

WHEREAS, the Wisconsin Coastal Management Program has successfully provided broad technical assistance resources that have supported environmental, as well as economic development, land use, hazard mitigation, education, nonpoint source pollution, public access, historic and other objectives of the federal Coastal Zone Management Act (CZMA); and

WHEREAS, the Wisconsin Coastal Management Program played an integral role in the process that led to the selection and nomination of a NERR site on Lake Superior; and

WHEREAS, the transfer of the Wisconsin Coastal Management Program to the Wisconsin Department of Natural Resources will limit the Wisconsin Coastal Management Program's scope to water management issues; and

WHEREAS, this transfer will jeopardize small and medium seed grants to local communities and organizations in need of matching funds for community-based coastal management projects; and

WHEREAS, there is no existing support infrastructure within the Department of Natural Resources to effectively manage the Wisconsin Coastal Management Program.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 26th day of May, 2009, hereby opposes the transfer of the Wisconsin Coastal Management Program from the Wisconsin Department of Administration to the Wisconsin Department of Natural Resources.

BAYFIELD COUNTY BOARD OF SUPERVISORS

William D. Kacvinsky, John J. Blahnik, David L. Good, Thomas J. Gordon, Kenneth Jardine, Harold A. Maki, Delores Kittleson, James Beeksma, Wayne H. Williams, Marco T. Bichanich, James A. Crandall, Brett T. Rondeau

A motion was made by Jardine/Williams to adopt Bayfield County Resolution No. 2009-22, Opposing the Proposed Transfer of the Wisconsin Coastal Management Program from the Department of Administration to the Department of Natural Resources. Discussion took place. The motion carried.

4. **Bayfield County Resolution No. 2009-23, Authorizing Lake Protection Grants.** Lobermeier explained this Resolution, which is simply authorizing him to apply for a \$100,000 grant for the Pike Chain Restoration Grant. He reported that we do have a pretty good chance at getting the grant, however, it is being applied to very heavily this year. There are operational dollars involved and we will have to match \$25,000. The Resolution reads as follows:

WHEREAS, Pike / Delta Chain of Lakes is an important resource used by the public for recreation and enjoyment of natural beauty; and

WHEREAS, the protection of critical watershed areas and reasonable lake use activities are paramount in the protection of water quality and the natural ecosystem of the lake; and

WHEREAS, we are qualified to carry out the responsibilities of this protection project.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, assembled this 26th day of May, approves the Bayfield County Land and Water Conservation Department request for the funds and assistance available from the Wisconsin Department of Natural Resources under the "Lake Management Protection Grant Program" and

BE IT FURTHER RESOLVED, that the Bayfield County Conservationist, Robert D. Lobermeier to act on behalf of Bayfield County to: submit an application to the State of Wisconsin for financial aid for lake protection purposed; sign documents; and take necessary action to undertake, direct, and complete an approved protection project.

BE IT FURTHER RESOLVED, that the Bayfield County Land & Water Conservation Department will comply with state rules for the program, may perform force account work, and will meet the financial obligations under the grant.

BAYFIELD COUNTY BOARD OF SUPERVISORS

William D. Kacvinsky, John J. Blahnik, David L. Good, Thomas J. Gordon, Kenneth Jardine, Harold A. Maki, Delores Kittleson, James Beeksma, Wayne H. Williams, Marco T. Bichanich, James A. Crandall, Brett T. Rondeau

A motion was made by Blahnik/Good to adopt Bayfield County Resolution No. 2009-23, Authorizing Lake Protection Grants. The motion carried.

5. **Bayfield County Amendatory Ordinance No. 2009-08, Regulations Specific to the Jolly Property.** Mary Motiff, Tourism Director, was present to update the Board on why it is necessary to specifics concerning the Jolly Property. The issue of having dogs at loose on the trail has come up and the Tourism Committee has discussed what would be appropriate for regulating the trail concerning dogs. There is a concern from a walking trail neighbor about dogs running, at will, on her property. There has also been controversy

regarding owners of dogs not being able to let their dogs run. Discussion took place regarding the fact that the dogs still must be under control. The Tourism Committee has submitted the proposed Amendatory Ordinance, which reads as follows:

The Bayfield County Board of Supervisors ordains as follows:

Subsection (q) of Section 12-1-1 of the Bayfield County Code of Ordinances is hereby created to read as follows:

(q) Jerry Jay Jolly Property Regulations.

(1) Purpose.

- a. This subsection is established to regulate the county-owned property on Star Route in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19-50-4 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20-50-4, Town of Bayfield, Bayfield County, Wisconsin, donated to Bayfield County by Jerry Jay Jolly on August 24, 2005 ("the Jolly Property").
- b. The Jolly Property was transferred to Bayfield County for the purpose of developing and maintaining trails on the property for non-motorized, four season, recreational public use.
- c. The Tourism & Recreation Department has found a need for certain regulations governing the use of the Jolly Property.

(2) Applicability. This Section shall apply to all lands comprising the Jolly Property.

(3) Vehicle Use Regulations.

- a. No person may operate a motor vehicle as defined by Sec. 340.01(35), Wis. Stats., an all-terrain vehicle, or a snowmobile within the property boundaries, except in the designated parking area or for maintenance authorized by the County or in case of an emergency.
- b. No person may park a vehicle of any type overnight.
- c. Bicycles may only be ridden on trails designated for bicycles or in the parking area.

(4) Personal Use Regulations

- a. No person may ignite a fire
- b. No person may camp overnight
- c. No person may hunt
- d. All dogs must be on a leash in designated areas. All dogs must be licensed.

By Action of the
Bayfield County Board of Supervisors

Attested to by:

Scott S. Fibert,
Bayfield County Clerk

A motion was made by Good/Beeksma to adopt Bayfield County Ordinance No. 2009-08, Regulations Specific to the Jolly Property. Further discussion took place regarding licensing dogs and leash regulations to have dogs under control. *The motion carried.*

6. **Discussion and Possible Action Regarding Rasmussen Right Of Way Agreement, Town of Cable.** Abeles-Allison reported that the Executive Committee has reviewed the attached request from Bob Rasmussen for permission to build another structure on the right-of-way, Trail 63. in Cable. The Committee approved sending this onto the full County Board provided that an accurate map be provided and that the perpetual easements be provided. Bayfield County has taken a formal position, stating that as long as we maintain a perpetual easement from North to South.

Bob Rasmussen is directly north from the Cable Lumber. Rasmussen was present to explain his proposal regarding the building of a 60' x 64' storage building, of which he needs to go 10' beyond that. Rasmussen further explained how the County received the property where the County's salt shed now stands. Discussion took place on either moving the snowmobile trail or to keep it straight and to sell him back a piece of property 25' x 25'. Rasmussen felt that it would be best for the trail to stay straight, thus moving the building site. After checking with the Highway Commissioner, he stated that there are no future plans for any type of expansion where the salt shed stands.

Further discussion took place that this item should have gone to the Land Sales Committee first prior to coming to the County Board. Rasmussen him

A motion was made by Good/Bichanich to refer this matter to the Land Sales Committee and that the Board recommends putting the 25' x 25' parcel up for sale. The motion carried.

7. **Presentation of Clerk of Circuit Court Annual Report.** Kay Cederberg was present to give her Annual Report to the County Board. Cederberg went over her department's Budget Performance Report, Caseload Table & Summary, Citations Filed per Law Enforcement, Outstanding Receivable Balance, Age at Disposition Summary, Annual Report of Actual Revenues and Expenditures, Juror Costs, Attorney Costs, Forfeiture Revenue Comparison, Quarterly Settlement Report, Tenth Judicial District Cases Disposed. Cederberg reported that Bayfield County went on to C-Cap in 1993. One number that Cederberg felt was astonishing is that criminal cases were down 38%, which she felt was due to economics and the Criminal Justice Program. She reported that she also contacted the Sheriff's Department and their referrals were also down 50%. Cederberg and the Sheriff's Department are both hoping that this is a good sign for the first 4 months of 2009. Questions were asked of Cederberg and she answered accordingly.

A motion was made by Crandall/Beeksma receive and place on file the Annual Report of Clerk of Court's office. The motion carried.

8. **Executive Session.** Chairman Kacvinsky reported that he would like a motion to table this matter as there is nothing to report. *A motion was made by Crandall/Good to table the Executive Session and items. The motion carried.*

9. **Discussion and Possible Action Regarding Ag Station Lease Agreement with AERC.** Abeles-Allison reported that he met AERC. They are still in the negotiation phase and are hoping that they will have something new to report at next month's meeting. Abeles-Allison reported that 25 acres of crop land has been planted in barley with a stipulation that they seed it with clover underneath as this will add both organic and nitrogen to build up the nutrients in the soil.

10. **Administrator's Report:**

- a) **Comprehensive Plan Steering Committees.** There will be Comprehensive Plan meetings on May 27th from 6-8 p.m. at the Visitor's center and on May 28th from 6-8 p.m. in Grand View. Abeles-Allison reported that he attended the reinvestment and recovery meetings. They are stressing that there be an energy component as this helps as you are applying for a grant and stimulus plan. Board members are encouraged to attend one of these sessions as this will be coming before the Board this coming fall.
- b) **Website improvements.** Website is constantly changing check it out at Bayfieldcounty.org.
- c) **State Budget Update.** Abeles-Allison passed out information regarding Clean Wisconsin. The Joint Finance Committee voted to restore funding to the Clean Sweep Program. The State use to fund 1 million for the clean sweep effort, but instead have cut it to \$750,000, thus the program has not been eliminated. Further discussion took place on cuts that will affect Bayfield County, which are significant. The 911 fee approved previously for 912 equipment will be taken by the State for the next 2 years. Gov. Doyle has indicated that collections from the fee will be redirected to support police and fire protection. They are trying to revise the Land Conservation staffing dollars.

Further discussion took place on Bayfield County's revenue and how they are coming in. Interest is down, real estate taxes are down about \$20,000 from last year. User fees and permits in the Register of Deeds and Zoning Offices are down. Right now the \$350,000 Planning Grant is helping. Things are just not good. It was asked how employees were reacting to the suggested zero increase as far as the budget and salary negotiations. We did receive positive news from our health insurer with only a small loss. Negotiations are set for June, July, August and September with Union. We need state figures before we can even figure out our budget. Our fee for ADRC of \$560,000 is due soon.

- d) **Elevator Project.** The block work for the elevator shaft is in, the outside walls have been poured, and this afternoon it was backfilled. July 24th is the deadline date and they have been working very efficiently.

There being no further business to come before the Bayfield County Board of Supervisors, *a motion was made by Jardine/Crandall to adjourn. The motion carried* and the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Scott S. Fibert,
Bayfield County Clerk
SSF/dmb