

Minutes of the  
**Bayfield County Board of Supervisors' Meeting**  
**Of February 16, 2010 - 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: Jardine-present; Maki-present; Kittleson-present; Blahnik-present; Kacvinsky-present; Beeksma-absent; Williams-absent; Bichanich-present; Miller-present; Crandall-present; Rondeau-present; Good-present; Gordon-absent; Total 13: 10 present, 3 absent. A quorum was present to conduct business. The following were also present for the meeting: *County Administrator*, Mark Abeles-Allison; *Deputy County Clerk*, Dawn M. Bellile; Jason Fischbach, *Agricultural Agent*; Mary Motiff, *Tourism Director*; Robert Lobermeier, *County Conservationist*; Karl Kastrosky, *Zoning Director*; and Claire Duquette, *Reporter for The Daily Press*; and community residents.

The Pledge of Allegiance was recited by all in attendance.

1. **Motion to Approve Minutes of the January 26, 2010 Bayfield County Board of Supervisors' Meeting.** *A motion was made by Blahnik/Bichanich to adopt the minutes of the January 26, 2010 Bayfield County Board of Supervisors' Meeting. The motion carried.*

2. **Public Comment.** None.

3. **Presentation by Matt Rudig, Representative to Congressman David Obey's Northern Office.** Mr. Rudig was not present at this time. The Board in saving time, moved over this item, stating if he comes to the meeting at a later time, they will listen to him at that point.

4. **Presentation, Discussion and Possible Action of 2010-2020 Land & Water Resource Management Plan Revision.** The Board dispensed with the reading of the Plan, a copy of which is on file in the County Clerk's office for review. Robert Lobermeier, was present to discuss with the Board the Land and Water Resource Management Plan for the Bayfield County Land & Water Conservation Department. Lobermeier reported that the Land & Water Conservation Committee, DATCP and the DNR have all approved the Plan and that it is now in front of the Board for their approval. If the Board approves the Plan it will then move on to the State Land & Water Board for their hopeful approval. Discussion took place on how the Plan was put together.

*A motion was made by Good/Rondeau to approve the 2010-2020 Land & Water Resource Management Plan for the Bayfield County Land & Water Conservation Department.* Discussion took place regarding whether or not there are any government dollars available and it was reported that they are trying to receive as much as they possibly can. *The motion carried.*

5. **Discussion and Possible Action toward Designation of an Agricultural Enterprise Area (AEA) in the town of Bayfield per the DATCP Working Lands Program Designation.** Jason Fischbach was present to discuss the program with the Board, going over the procedures for submitting the petition, the selection and designation of agricultural enterprise areas (AEA's), and the assistance that local farm owners and governments provide to each other in order to establish and maintain an AEA. He further explained that the designation of AEAs will have a state revenue impact, and will make some farmers eligible for tax credits that are not available to farmers outside the designated areas. This is why it is so important to designate these areas through a formal, open and transparent process. Once a petition is selected, the proposed area must go through an administrative rule process to be designated by the state as an AEA. Following designation of the area, eligible farmers may enter into farmland preservation agreements to collect the farmland preservation tax credits.

Fischbach reviewed a map outlining parcels that would be included in this petition. There will only be 15 areas selected within the state, and the parcels that are in this petition are all in the Town of Bayfield.

*A motion was made by Jardine/Bichanich to sign the AEA Petition for submission to the State. The motion carried, noting 3 opposed. The motion carried.*

**6. Bayfield County Resolution No. 2010-13, 2010 Department of Human Services Budget Adjustment.** The Board dispensed with the reading of the resolution, which reads as follow:

**WHEREAS**, a Youth Prevention Offender Initiative Grant has been awarded to the Department of Human Services by the Office of Justice Assistance; and

**WHEREAS**, an adjustment to the Department of Human Services 2010 budget is necessary to satisfy state statutes and generally accepted accounting principles; and

**WHEREAS**, the total grant award is equal to \$441,880 over a three year period funded through the America Recovery and Reinvestment Act (ARRA) funding; and

**WHEREAS**, the increase in the Department of Human Services 2010 budget is \$147,276; and

**WHEREAS**, no additional county revenue is required to make this increase to the Department of Human Services 2010 budget;

**NOW, THEREFORE, BE IT RESOLVED**, that the Human Services Board recommends to the full County Board that the following 2010 budget line adjustments be made:

Account Number	Description	Adjustments
	<b>Expenditure Adjustments</b>	
235-53-54573-50290	YPOIG, Contractual Services	78,163
235-53-54573-50299	YPOIG, Direct Services	44,140
235-53-54573-50332	YPOIG, Miles	15,610
235-53-54573-50390	YPOIG, Other Supplies & Expenses	4,963
235-53-54573-50810	YPOIG, Capital Equipment	4,400
	<b>Total Increase to Expenditures</b>	<b>\$147,276</b>
	<b>Revenue Adjustments</b>	
235-50-46630	YPOIG, Revenue	147,276
	<b>Total Increase to Revenues</b>	<b>\$147,276</b>

Passed this day, February 16, 2010, by the Human Services Board and forwarded to the Bayfield County Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 16<sup>th</sup> day of February, 2010.

**BAYFIELD COUNTY BOARD OF SUPERVISORS**

William D. Kacvinsky, John J. Blahnik, David L. Good, Kenneth Jardine, Harold A. Maki,  
Delores Kittleson, Shawn W. Miller, James A. Crandall, Marco T. Bichanich, Brett T. Rondeau

*A motion was made by Rondeau/Kittleson to adopt Bayfield County Resolution No. 2010-03, 2010 Department of Human Services Budget Adjustments. A roll call vote was taken as follows: Maki-yes; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-absent; Williams-absent; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-absent; Jardine-yes. Total: 13, 10 yes, 0 no, 3 absent, the motion carried.*

**7. Report of the Bayfield County Planning & Zoning Committee Regarding the Rezone of the Allen D. and Ann V. Amundson Property.** The Board dispensed with the reading of the Report, which reads as follow:

**TO:** The County Board of Supervisors of Bayfield County on the hearing of petitions to amend the Bayfield County Zoning 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 been duly informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

The Zoning of Allen D. & Ann V. Amundson 10-acre parcel (ID# 04-012-2-43-07-24-4-04-000-20000) located in the Southeast Quarter of the Southeast Quarter (SE SE) less Southeast (SE) and less North Half (N  $\frac{1}{2}$ ) in V. 831 P.36,

and

A 20-acre parcel (ID# 04-012-2-43-07-24-4-03-000-20000) located in the Southwest Quarter of the Southeast Quarter (SW SE) in V. 459 P. 28 less North Half (N  $\frac{1}{2}$ ) in V. 831 P. 36

all in Section Twenty-Four (24), Township Forty-Three (43) North, Range Seven (7) West, Town of Cable, Bayfield County, Wisconsin be changed from Forestry-One (F-1) to Agricultural-One (Ag-1).

Date: December 17, 2009

**BAYFIELD COUNTY PLANNING & ZONING COMMITTEE**

Harold Maki, Kenneth Jardine, Brett Rondeau

*A motion was made by Rondeau/Jardine to receive and place on file the Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of the Allen D. and Ann V. Amundson Property in the Town of Cable, Bayfield County, Wisconsin. The motion carried.*

**8. Bayfield County Zoning Amendatory Ordinance 2010-01, Regarding the Rezone of the Allen D. and Anne V. Amundson Property.** 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:

The Zoning of Allen D. & Ann V. Amundson 10-acre parcel (ID# 04-012-2-43-07-24-4-04-000-20000) located in the Southeast Quarter of the Southeast Quarter (SE SE) less Southeast (SE) and less North Half (N  $\frac{1}{2}$ ) in V. 831 P.36,

and

A 20-acre parcel (ID# 04-012-2-43-07-24-4-03-000-20000) located in the Southwest Quarter of the Southeast Quarter (SW SE) in V. 459 P. 28 less North Half (N ½) in V. 831 P. 36

all in Section Twenty-Four (24), Township Forty-Three (43) North, Range Seven (7) West, Town of Cable, Bayfield County, Wisconsin is changed from Forestry-One (F-1) to Agricultural-One (Ag-1).

Dated: February 16, 2010

By Action of the  
BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:  
Scott S. Fibert,  
Bayfield County Clerk

*A motion was made by Rondeau/Maki to adopt Bayfield County Zoning Amendatory Ordinance No. 2010-01, Regarding the Rezone of the Allen D. and Ann V. Amundson Property in the Town of Cable, Bayfield County, Wisconsin. The motion carried.*

**9. Report of the Bayfield County Planning and Zoning Committee Regarding the Michael and Susan Masterson Property.** 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 petitions to amend the Bayfield County Zoning 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 been duly informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

The Zoning of Michael & Susan Masterson 18+/- acre parcels (ID# 04-022-2-47-09-10-3-4-000-20000) described as 4 parcels:

Parcel (1): A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼), bounded and described as follows: commencing at the S ¼ corner of said Section 10; thence S. 89° 42' 30" W. along the South line of the Section 456.66 feet; thence N. 0° 09' 30" E., 697.91 feet to the point of beginning; thence N. 89° 58' 18" W., 572.00 feet to the meander corner on the Easterly edge of a small stream; thence N. 25° 47' 37" E. along a meander line, 698.04 feet to a point on the North line of the forty; thence N. 89° 54' E. along said North line 270.00 feet; thence S. 0° 09' 30" W., 629.25 feet to the point of beginning. Including all lands lying between the above described meander line and the water's edge of a small stream.

Parcel (2): Part of the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) lying West of the water's edge of a small stream.

Parcel (3): A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) bounded and described as follows: commencing at the South quarter corner of said Section 10: thence S. 89° 42' 20" W along the South line of the Section, 456.66 feet to the point of beginning; thence continuing S. 89° 42' 20" W., 350.01 feet; thence N. 0° 09' 30" E., 633.88 feet; thence S. 89° 58' 18" E., 350.00 feet; thence S. 0° 09' 30" W., 631.91 feet to the South line of the Section and the point of beginning.

Parcel (4): A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) bounded and described as follows: commencing at the South quarter corner of said Section 10; thence S. 89° 42' 20" W., along the South line of the Section, 806.67 feet to the point of beginning; thence continuing S. 89° 42' 20" W., 300 feet to a meander corner on the Easterly edge of a small stream; thence N. 7° 08' 45" E. along a meander line 640.51 feet to a meander corner on the Easterly edge of said stream; thence S. 89° 58' 18" E., 222.00 feet; thence S. 9° 09' 30" W., 633.88 feet to the South line of the Section and the point of beginning. Including all lands lying between the above described meander line and the water's edge of a small stream.

all in Section Ten (10), Township Forty-Seven (47) North, Range Nine (9) West, Town of Hughes, Bayfield County, Wisconsin be changed from Residential-Two (R-2) to Forestry-One (F-1).

Note: A portion of this property was already rezoned by the Board of Supervisors' on Sept. 29, 2009 for the leasing of a tower.

Date: December 17, 2009

### BAYFIELD COUNTY PLANNING & ZONING COMMITTEE

Harold Maki, Kenneth Jardine, Brett Rondeau

*A motion was made by Rondeau/Jardine to receive and place on file the Report of the Bayfield County Planning and Zoning Committee Regarding Rezone of the Michael and Susan Masterson Property in the Town of Hughes, Bayfield County, Wisconsin. The motion carried.*

**10. Bayfield County Zoning Amendatory Ordinance No. 2010-02 Regarding Rezone of the Michael and Susan Masterson Property.** 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:

The Zoning of Michael & Susan Masterson 18+/- acre parcels (ID# 04-022-2-47-09-10-3-4-000-20000) described as 4 parcels:

Parcel (1): A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ), bounded and described as follows: commencing at the S  $\frac{1}{4}$  corner of said Section 10; thence S. 89° 42' 30" W. along the South line of the Section 456.66 feet; thence N. 0° 09' 30" E., 697.91 feet to the point of beginning; thence N. 89° 58' 18" W., 572.00 feet to the meander corner on the Easterly edge of a small stream; thence N. 25° 47' 37" E. along a meander line, 698.04 feet to a point on the North line of the forty; thence N. 89° 54' E. along said North line 270.00 feet; thence S. 0° 09' 30" W., 629.25 feet to the point of beginning. Including all lands lying between the above described meander line and the water's edge of a small stream.

Parcel (2): Part of the Southeast Quarter of the Southwest Quarter (SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ); the portion lying West of the water's edge of a small stream.

Parcel (3): A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) bounded and described as follows: commencing at the South quarter corner of said Section 10; thence S. 89° 42' 20" W along the South line of the Section, 456.66 feet to the point of beginning; thence continuing S. 89° 42' 20" W., 350.01 feet; thence N. 0° 09' 30" E., 633.88 feet; thence S. 89° 58' 18" E., 350.00 feet; thence S. 0° 09' 30" W., 631.91 feet to the South line of the Section and the point of beginning.

Parcel (4): A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) bounded and described as follows: commencing at the South quarter corner of said Section 10; thence S. 89° 42' 20" W., along the South line of the Section, 806.67 feet to the point of beginning; thence continuing S. 89° 42' 20" W., 300 feet to a meander corner on the Easterly edge of a small stream; thence N. 7° 08' 45" E. along a meander line 640.51 feet to a meander corner on the Easterly edge of said stream; thence S. 89° 58' 18" E., 222.00 feet; thence S. 9° 09' 30" W., 633.88 feet to the South line of the Section and the point of beginning. Including all lands lying between the above described meander line and the water's edge of a small stream.

all in Section Ten (10), Township Forty-Seven (47) North, Range Nine (9) West, Town of Hughes, Bayfield County, Wisconsin is changed from Residential-Two (R-2) to Forestry-One (F-1).

Note: A portion of this property was already rezoned by the Board of Supervisors' on Sept. 29, 2009 for the leasing of a tower.

Dated: February 16, 2010

By Action of the  
BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:  
Scott S. Fibert,  
Bayfield County Clerk

*A motion was made by Rondeau/Maki to adopt Bayfield County Zoning Amendatory Ordinance No. 2010-02 Regarding the Rezone of the Michael and Susan Masterson Property, located in the Town of Hughes, Bayfield County, Wisconsin. The motion carried.*

Chairman asked for permission from the Board to move items around on the agenda as we are early to move into executive session. The Board gave their permission.

11. **Administrator's Report:**

- a) Reminded the Board that the monthly meeting for March will be on the 30<sup>th</sup>, and then in April, the meeting will be held on the 20<sup>th</sup>, at 9:00 a.m. with the swearing in of the Board in the Courtroom. Packets will be sent out early for the Supervisors to select the committees they would like to serve on.
- b) Supervisor Blahnik updated Board on WCA. He spoke briefly on the concern that they have regarding the State's 2.7 billion dollar deficit. State has to deal with. This is the largest ever recorded and is also the 5<sup>th</sup> consecutive year this deficit is larger than the State of California. Blahnik also reported that Senate Bill 399 has the support of the Wisconsin Counties Association and is scheduled for public hearing. This is for the conduit we need to get businesses to locate in Northern Wisconsin. A snow plow issue was brought up which is different from that of the Snow Plot Bill, but still referring to how close people follow the snowplows. Blahnik briefly discussed the low attendance at the convention and thought it perhaps was a sign of the hard times we are facing. Also discussed was interest for federal bond dollars for businesses which is good for start new businesses, their inventory, etc. There is a lot of information out there and they should contact the County for more information. Blahnik also reported that the Attorney General made comments about new

programs they are established and discussed at length the problems of internet pornography and child porn. He is working closely with law enforcement from each county.

Supervisor Blahnik reminded the Board that when he is done with his term on County Board, his term with the GHT Trust will also end. This seat is appointed by WI Counties Association and will go to another county now and there will no longer be a representative from Bayfield County.

*A motion was made by Rondeau/Good to move into Executive Session, allowing Mark Abeles-Allison, Scott Fibert, Dawn Bellile, Mary Motiff, Karl Kastrosky, Sheila Mishich, Attorney for Wisconsin County Mutual; Attorney Andy Smith, Bayfield County's attorney for the Zoning Issue, and Attorney Rich Nordeng, Bayfield County's attorney for the trail issue, to be present, pursuant to §19.85(1),(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: Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-absent; Williams-absent; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-absent; Jardine-yes. Maki-yes. Total: 13; 10 yes, 0 no, 3 absent. The motion carried.*

*A motion was made by Maki/Crandall to move out of executive session. A roll call vote was taken as follows: Blahnik-yes; Kacvinsky-yes; Beeksma-absent; Williams-absent; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-absent; Jardine-yes. Maki-yes; Kittleson-yes. Total: 13; 10 yes, 0 no, 3 absent. The motion carried.*

Chairman Kacvinsky stated to the public what was done in closed session as it related to the topic of the Committee of Responsible Land Use vs. Bayfield County. The Board made a motion to acknowledge the Judge's ruling on the CFS Rezone Application, Bayfield County Case No. 09CV52, which reversed the rezone action by the Bayfield County Board, remanding the matter to the Zoning & Planning Committee for consideration.

*A motion was made by Jardine/Bichanich to table Agenda Item #36, presentation by Matt Rudig of Congressman Obey's office. The motion carried.*

There being no further business to come before the Bayfield County Board of Supervisors, *a motion was made by Crandall/Kittleson to adjourn. The motion carried*, and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Scott S. Fibert,  
Bayfield County Clerk