

Minutes of the
Bayfield County Board of Supervisors' Meeting
Of July 20, 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; Bennett-present; Kacvinsky-present; Rantala-present; Williams-present; Bichanich-present; Miller-present; Crandall-present; Rondeau-present; Meyers-present; Bussey-present. Total 13: 13 present, 0 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; Paul Susienka, Chief Deputy, and Claire Duquette, Reporter for The Daily Press;* and many community residents.

The Pledge of Allegiance was recited by all in attendance.

1. **Public Comment.** The following individuals spoke on items related to the projects at Twin Bear Campground and Bony Lake as they relate to the Fish Sticks Project; Neil Schultz, Larry Peterson, Shelby Winard, Trish Marincel, Kathy Marincel, Robert Christen. Mary Crook and Carol LaBreck gave public comment on fish sticks, stating they were against the way it was done, and asked for redirection of the fish sticks and restoration of what used to be there

Paul Susienka, announced that he is a candidate for the Bayfield County Sheriff's position. He informed everyone that he has worked for Bayfield County for the past 28 years and looks forward to renewing this capacity as Sheriff in January.

2. **Motion Regarding Minutes of June 29, 2010 Bayfield County Board of Supervisors' Meetings.** The Board dispensed with the reading of the June 29, 2010 Bayfield County Board of Supervisors' Meetings. *A motion was made by Bichanich/Rondeau. Discussion. Motion carried.*

3. **Veteran's Service Office Annual Report.** Veteran's Service Officer, Chris Johnson, was present to give the Board his annual report. Johnson spoke on his office budget and what is spent. He further reported that his office deals with people with disabilities, educational difficulties, death, and the need of care. VA programs fill this need but many would not get this care if his office did not explain these programs and assist our Vets. His plans for the future still include trying to see every Vet before he retires. He also is trying to get commissioners to be more active within Vets within the County, and we have approximately 2,000. *A motion was made by Rondeau/Crandall to receive and place on file the Veteran's Service Office Annual Report. The motion carried.*

4. **Discussion and Possible Action Regarding Twin Bear Lake Shore Restoration Project:** Chairman Kacvinsky explained that the group presenter has changed and asked permission from the Board to allow this change. The Board was unanimous with this change allowing Bob Christian and Jim DeRosier to speak.

DeRosier gave his presentation first on what has happened and how and why the interested parties are in front of the County Board this evening. He stated that the scope of the project went far beyond what was originally brought in front of the County Board for approval, in so much as the beach no longer exists. The invasive species didn't cause as many problems as what has now taken place with the restoration plan. He had with him, a petition with 700 signatures to stop the project.

DeRosier stated that Tourism & Recreation Committee met this past Wednesday and reviewed the Twin Bear Shoreland Restoration issues. At the meeting, the Committee made a motion to restore the beach and details are now being compiled and a copy of the Conceptual Plan is in front of you this evening. He then turned the second part of the presentation to Bob Christian.

Bob Christian stated that he lives in Florida, but he is a native of Minnesota. He informed the Board that he was asked to take a look at the erosion problem on the beach and make some suggestions in each area. He gave an explanation as to the tools he used, and based on the information he was given by Abeles-Allison, came up with a Conceptual Plan that perhaps could be used for restoring the beach. *(A copy of said Plan is on file in the County Clerk's office for review)*. This Plan to handle the problems that he sees on the beach, which is 2 types of erosion; run off and shoreline erosion. Shoreline, included plantings along the shoreline. This plan keeps 20' of the original plantings in place, with 1 minor exception which is filling in the ditch that was created. This is a conceptual plan to handle the problems that he sees on the beach. *(A copy of said Plan is on file in the County Clerk's office for review)* He then went over the 14 steps (attached) to the Plan.

No questions were asked of Mr. Christen by the Board as this is a lot to take in and needs more reading. All of this information needs to be gone over by the committee. Discussion took place amongst the Board members on what has happened and what to do, if anything as both projects (Bony Lake and Twin Bear) need to be worked on.

Discussion took place on where the DNR is this evening, as if they thought it was such a good idea, why aren't they hear defending their issues on this. This is difficult for the 13 board members to make a decision. They turned to Abeles-Allison, as he has been involved in this entire project. Does he have any input on moving forward? The Board did think it is important to bring in a civil engineer. Abeles-Allison spoke regarding to a conceptual plan that is in the making.

Beach discussion - work to be done within 2 weeks or as soon as possible, with Board approval:

1. 21' from edge of water is grass and native plants, this is "OK" as long as it is mowed;
2. Fill in berm ditch with sand, seed the sand;
3. Board walks to be removed; put sand in walkways, remove gravel in walkway;
4. Possible planting of native plants on side or beach/hill/roadside if needed;
5. Fencing - partial removal; so kids won't get splinters.

County to start work on:

1. Contacting civil engineer on:
 - a. Design for sand area and placement of sand box;
 - b. Evaluate clay placement/removal by beach area;
 - c. Design for install infiltration pit on top of hill;
 - d. Planning for handicap access ramp;
2. County to talk with DNR.

Other discussions:

Fish sticks investigation topics, additional study underway;
Removal by swim area, 66';
Removal to proposed boat ramp, 200';
Alternate placements to be considered;

Additional Boat/Dock/Fishing Peer

New boat dock where old dock was; site #11 and 12
Fishing pier, where old dock was, site #11 and 12
Possible combination of above.

Supervisor Maki once again asking why we are not putting Larry Peterson's problem in with the Twin Bear Campground problems. We created the problems. Abeles-Allison stated that Peterson's problem is not on the agenda and therefore we can't discuss it this evening.

A motion was made by Rantala/Crandall to do above points, #1, 2, 3, & 5 to move this issue along:

1. 21' from edge of water is grass and native plants, this is "OK" as long as it is mowed;
2. Fill in berm ditch with sand, seed the sand;
3. Boardwalks to be removed; put sand in walkways, remove gravel in walkway;
5. Fencing; partial removal; so kids don't get splinters.

1, 2, pending DNR approval, 3 & 5 and that Kacvinsky and Abeles-Allison make arrangements for the proper committees to contact a civil engineer to move forward. Discussion about working with a civil engineer and if we go ahead with 1, 2, 3 & 5, this could be more of a permanent thing which we don't want to do. The motion is all good and well, a civil engineer needs to look at this situation as well as the DNR. This motion is premature. We have to fix the problem, but, we have to look at all the problems. It was further discussed that no work should be done until a civil engineer has been contacted. The motion should state that we contract with a civil engineer, the DNR and move forward.

Chairman Kacvinsky allowed Mary Motiff to speak to the Board. She informed the Board that the DNR rep is not here this evening as she has been out of the office all week. She also stated that 2 weeks is an unrealistic timeline to make any changes. Where is money going to come from to make any changes?

It seemed appeared to be the consensus of the Board to reestablish the beach as it once was. The group that is in charge of the project is scheduled to meet again on July 22nd. This is not what the Board wanted. They want a new direction. After a lengthy discussion, the Board felt it best to refer the entire matter back to the tourism committee. *A roll call vote was taken as follows: Maki-yes; Kittleson-no; Bennett-no; Kacvinsky-yes; Rantala-yes; Williams-yes; Bichanich-yes; Miller-no; Crandall-no; Rondeau-no; Meyers-no; Bussey-no; Jardine-no. Total: 13, 5 yes, 8 no. The motion was defeated.*

A motion was made by Bussey/Rondeau that this matter (Twin Bear Restoration) be referred to back to the Tourism Committee with instructions to that Committee, and that Abeles-Allison contact a civil engineer as quickly as possible to come up with revisions with a proposed plan taking into account the proposals we received before this evening and this evening, and to make recommendations to the Board for approval as soon as possible. Discussion. There are concerns that people leaving this year, not knowing that we are trying to restore Twin Bear, are likely not to come back again next year. The Board would like to see Abeles-Allison and Kacvinsky in charge and not specifically the Tourism Committee. We need more involvement than just Tourism; the Zoning Committee should also be involved. Tourism will also have to speak with Zoning to make sure guidelines are met as Zoning does control the shoreline. Rondeau stated that as Chairman of Tourism Committee he will definitely get in touch with Kastrosky to make sure he is at the Tourism meetings. Tourism committee will listen, but it is still up to the committee to make the decision to move onto the full Board. Everything discussed is all about what the Board is going to do. Are we going to notify the public when we are having another meeting. The public is always invited. *A roll call vote was taken as follows: Kittleson-yes; Bennett-yes; Kacvinsky-no; Rantala-no; Williams-no; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes. Total: 13, 10 yes, 3 no. The motion carried.*

Supervisor Maki again, made a request that Larry Peterson's project be put on the August Agenda.

The Board recessed at 7:55 pm for a 15-minute break.

5. Bayfield County Resolution No. 2010-41, Supporting Bayfield County's Participation in the Utility Terrain Vehicle Pilot Program. The Board dispensed with the reading of this Resolution, as it replaces Resolution No. 2010-25 to now include trails not under the jurisdiction of the Chequamegon-Nicolet National Forest. The Resolution reads as follows:

WHEREAS, due to increasing interest in the use of utility terrain vehicles (UTVs) on all-terrain vehicle (ATV) routes and trails; *and*

WHEREAS, the "Utility terrain vehicle Pilot Program" (Pilot Program), 2009 Wisconsin Act 175, was signed into law by Governor James Doyle and became effective on March 15, 2010; *and*

WHEREAS, if a county elects to participate in the Pilot Program, the governing body of the county shall adopt a resolution to that effect, in strict conformity to s. 23.33, Wis. Stats.; *and*

WHEREAS, if a county adopts such a resolution, the resolution shall apply to all of the cities, villages and towns (municipalities) within the county unless the governing body of a municipality adopts an resolution that provides that the municipality will not participate in the Pilot Program; *and*

WHEREAS, the governing body of each participating county or municipality may withdraw from the pilot program before July 1, 2012, by adopting a resolution to that effect; *and*

WHEREAS, if a county or municipality adopts a resolution, its clerk shall immediately send a copy of the resolution to the Department of Natural Resources, ATV Administrator, 101 S. Webster St., Madison, WI 53707-7921 and also to the office of any law enforcement agency of municipality or county having jurisdiction over any all-terrain vehicle route or trail designated as open to UTVs.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 20th day of July, 2010, hereby approves allowing registered UTVs to use all roads and trails in Bayfield County that are open to ATV use, unless a municipality prohibits such operation by resolution; *and*

BE IT FURTHER RESOLVED, that continued study is underway on roads and trails under the National Forest Service jurisdiction and, this action does not open Forest Service roads or trails to UTV use as study is pending.

*By Action of the
Bayfield County Board of Supervisors*

William D. Kacvinsky, *Chairman*

A motion was made by Jardine/Rantala to adopt Bayfield County Resolution No. 2010-41, Supporting Bayfield County's Participation in the Utility Terrain Vehicle Pilot Program. Discussion. Motiff explained that all other counties have approved this Resolution. This item comes from Tourism and most of the ATV trails are on the National Forest property and this is why they didn't put on the prior Resolution. This Resolution was passed at the Tourism Committee. *The motion carried.*

6. Discussion and Possible Action on Support of Expansion of US Hwy 2 to a 4-lane Highway and Support Initiative from Municipalities. Abeles-Allison explained the purpose in having this on the agenda. At a committee meeting, the committee stated they wanted to find out what support they had from the municipalities - in which 17 have now responded in favor. The next step would be to contact the other counties, stating, here is what we did, please ask your municipalities for their input. The goal is to have responses back by mid-fall to take to Superior Days stating that 40-60 municipalities are in favor of an expansion.

A motion was made by Kittleson/Maki to continue on with obtaining input from other adjacent counties to see if they will support the resolution as our municipalities have for Superior Days. Discussion. Supervisor Bussey stated that he is not in favor of this and explained his reasons why. There is no way that we are going to justify this highway to the State. The highway presently is a safe highway the way it currently is. Highway 2 accidents are low compared to other state highways. Discussed how many private driveways currently access Highway 2 and if you have a 4-lane highway, how are people going to leave their driveways safely, not to mention all of the town and county roads that access the highway. 4-lane highways are not made for easy access, they are for high traffic. There are many other considerations that have to be thought about. There are serious drawbacks which he believes outweigh the positives; other Supervisors also agreed with Bussey's insight. *A roll call vote was taken as follows: Bennett-yes; Kacvinsky-yes; Rantala-yes; Williams-yes; Bichanich-yes; Miller-no; Crandall-no; Rondeau-yes; Meyers-no; Bussey-no; Jardine-yes; Maki-yes; Kittleson-yes. Total: 13, 9 yes, 4 no. The motion carried.*

7. Bayfield County Amendatory Ordinance No. 2010-14, Amendments to County Highway Designated ATV Routes, Chapter 3, Section 10-3-2, (a)(b),(c),(d),(e). Highway Commissioner, Tom Toepfer, was present to explain that this Ordinance is only adding Hwy D Route(s). The Board dispensed with reading 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:

Chapter 3 County Highways

Sec. 10-3-2 Designated All Terrain Vehicle (ATV) Route on County Highway

Add to (C) Designated Routes.

County Highway D from Namakagon Chief to Birch Bend Road in the Town of Namakagon is hereby declared an All Terrain Vehicle (ATV) route.

Pursuant to WI Statute 23.33 (4)(d) 4, operation of all terrain vehicles on a roadway which is an all terrain vehicle route is authorized only for the extreme right side of the roadway, except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

(d) Effective Date - July 20, 2010.

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

A motion was made by Crandall/Bichanich to adopt Bayfield County Amendatory Ordinance No. 2010-14, Amendments to County Highway Designated ATV Routes, Chapter 3, Section 10-3-2, (a)(b),(c),(d),(e). Discussion took place as to what was being added. The motion carried.

8. Report of the Bayfield County Planning & Zoning Committee Regarding the Correction to the Rezone of the Richard Stack Property in the Town of Barnes, Bayfield County, Wisconsin. 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 Richard Stack 2 1.959-acre parcel (ID# 04-004-2-45-09-36-4-02-000-20000) located in part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$, SE $\frac{1}{4}$), Vol. 1018, Page 167, further described as: starting at the Southwest (SW) corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 36-45-9; thence in a Northerly direction along the Westerly boundary line of a town road known as Pease Road, 400 feet to a point; thence Easterly 217.8 feet parallel with the Southerly boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence Southerly parallel with the Westerly boundary 400 feet to a point on the South line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence Westerly along the South line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 217.8 feet to the point of beginning in Section Thirty-Six (36), Township Forty-Five (45) North, Range Nine (9) West, Town of Barnes, Bayfield County, Wisconsin be changed from Forestry-One to Residential-One(F-1 to R-1).

* This property is now owned by Nathan and Robert Holden (V. 1038 P. 835)

Date: May 20, 2010

BAYFIELD COUNTY PLANNING & ZONING COMMITTEE

Kenneth Jardine, Patricia Rantala, Harold A. Maki, Brett T. Rondeau, Shawn W. Miller

A motion was made by Rondeau/Maki to receive and place on file the Report of the Bayfield County Planning & Zoning Committee Regarding the Correction to the Rezone of the Richard Stack Property in the Town of Barnes, Bayfield County, Wisconsin. The motion carried.

9. Bayfield County Amendatory Ordinance No. 2010-15, Regarding the Correction to the Rezone of the Richard Stack Property in the Town of Barnes, Bayfield County, Wisconsin - Richard Stack. 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 Richard Stack 2 1.959-acre parcel (ID# 04-004-2-45-09-36-4-02-000-20000) located in part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$, SE $\frac{1}{4}$), Vol. 1018, Page 167, further described as: starting at the Southwest (SW) corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 36-45-9; thence in a Northerly direction along the Westerly boundary line of a town road known as Pease Road, 400 feet to a point; thence Easterly 217.8 feet

parallel with the Southerly boundary of the NW $\frac{1}{4}$ SE $\frac{1}{2}$; thence Southerly parallel with the Westerly boundary 400 feet to a point on the South line of the SW $\frac{1}{4}$ SE $\frac{1}{2}$; thence Westerly along the South line of the NW $\frac{1}{4}$ SE $\frac{1}{2}$, 217.8 feet to the point of beginning in Section Thirty-Six (36), Township Forty-Five (45) North, Range Nine (9) West, Town of Barnes, Bayfield County, Wisconsin be changed from Forestry-One to Residential-One(F-1 to R-1).

* This property is now owned by Nathan and Robert Holden (V. 1038 P. 835)

Dated this 20th day of July, 2010.

By Action of the Bayfield County Board of Supervisors

William D. Kacvinsky, Chairman

A motion was made by Jardine/Rantala to adopt Bayfield County Zoning Amendatory Ordinance No. 2010-15 Regarding the Correction to the Rezone of the Richard Stack Property in the Town of Barnes, Bayfield County, Wisconsin - Richard Stack. The motion carried.

10. Report of the Bayfield County Zoning & Planning Committee Regarding the Rezone of the Jeffrey Johnson Property Located in the Town of Barnes, Bayfield County, Wisconsin. 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 Jeffrey Johnson 6.871-acre parcel (ID# 04-004-2-45-09-30-3-03-000-01000) located in part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW 1/4), further described as: commencing at the Southeast corner of said description; thence running West a distance of 300 feet; thence North, parallel with the East boundary line a distance of 1155 feet; thence East, parallel with the North boundary line, a distance of 300 feet; thence South 1155 feet to the point of beginning, being a strip of land 300 feet East and West and 1155 feet North and South in Section Thirty (30), Township Forty-Five (45) North, Range Nine (09) West, Town of Barnes, Bayfield County, Wisconsin be changed from Residential-Two (R-2) to Commercial (C).

Date: May 20, 2010

BAYFIELD COUNTY PLANNING & ZONING COMMITTEE

Kenneth Jardine, Patricia Rantala, Harold A. Maki, Brett T. Rondeau, Shawn W. Miller

A motion was made by Rondeau/Maki to receive and place on file the Report of the Bayfield County Zoning & Planning Committee Regarding the Rezone of the Jeffrey Johnson Property Located in the Town of Barnes, Bayfield County, Wisconsin. The motion carried.

11. Bayfield County Zoning Amendatory Ordinance No. 2010-16, Regarding the Rezone of the Jeffrey Johnson Property Located in the Town of Barnes, Bayfield County, Wisconsin. 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 Jeffrey Johnson 6.871-acre parcel (ID# 04-004-2-45-09-30-3-03-000-01000) located in part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW 1/4), further described as: commencing at the Southeast corner of said description; thence running West a distance of 300 feet; thence North, parallel with the East boundary line a distance of 1155 feet; thence East, parallel with the North boundary line, a distance of 300 feet; thence South 1155 feet to the point of beginning, being a strip of land 300 feet East and West and 1155 feet North and South in Section Thirty (30), Township Forty-Five (45) North, Range Nine (09) West, Town of Barnes, Bayfield County, Wisconsin be changed from Residential-Two (R-2) to Commercial (C).

Dated this 20th day of July, 2010.

By Action of the Bayfield County Board of Supervisors

William D. Kacvinsky, Chairman

A motion was made by Rondeau/Kittleson to adopt Bayfield County Zoning Amendatory Ordinance No. 2010-16, Regarding the Rezone of the Jeffrey Johnson Property Located in the Town of Barnes, Bayfield County, Wisconsin. The motion carried

A motion was made by Meyers/Rondeau to move in and out of Executive Session pursuant to §19.85(1)(c), to consider employment or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; and §19.85(1)(f), for preliminary consideration of specific personnel problems or the investigation of charges against specific persons, except where par. (b) applies, which is discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person involved in such problems or investigations; and §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: Kacvinsky-yes; Rantala-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes; Maki-yes; Kittleson-yes; Bennett-yes. Total: 13, 13 yes, 0 no. The motion carried.

A motion was made by Crandall/Rondeau to move out of Executive Session. The motion carried.

12. Administrator's Report:

- a. **County Facility Construction Projects.** Construction contracts have been issued on Annex windows; Ag Station conference room insulation and house solar water; and server room fire protection. Work on exterior lighting upgrades and interior lighting sensor contracts will be completed very soon. These are 100% grant dollars that we have received.
- b. **County Fair Update and Volunteer Signup.** The fair is a month away - we are still looking for volunteers, groups, etc. Friday and Saturday there will be a rock band, there will also be a show with professional bull riders on Saturday. The entry fee is \$10 or \$25 for the entire weekend.

- c. Budget instructions were sent out to departments for the 2011 budget. The Board direction was to keep the levy at 3.2 mills. We are anticipating a zero percent in valuation. Departments have been requested to utilize the same levy dollars as last year.
- d. Reminder that the next Board meeting is August 31st.
- e. Next Tuesday night, there will be an informational meeting on a park and ride on US Hwy 2, starting at 5:00 p.m. This meeting will take place at the Visitor's Center. Sites that are being looked at are the Ag Station and Visitor's Center, however, the Visitor's Center is not interested. Chairman Kacvinsky announced that he will be on the Conduit Board and an organizational meeting is being set up. On August 2nd, interviews will be taking place on who is going to run the program.

There being no further business to come before the Bayfield County Board of Supervisors, *Chairman Kacvinsky adjourned the meeting* at 8:55 p.m.

Respectfully submitted,



Scott S. Fibert,
Bayfield County Clerk
SSF/dmb