

Minutes of the
Bayfield County Board of Supervisors' Meeting
Of November 10, 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: Miller-present; Crandall-present; Rondeau-absent; Good-present; Gordon-present; Jardine-present; Maki-present; Kittleson-present; Blahnik-present; Kacvinsky-present; Beeksma-present; Williams-present; Bichanich-present; Total 13: 12 present, 1 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; *Zoning Director*, Karl Kastrosky; Lisa David, Amelia Lindsey, *Health Director*; Elizabeth Skulan, *Human Services Director*; Scott Galetka, *Land Records Administrator*; Robert Lobermeier - *County Conservationist*; Mike Darrow of *Short, Elliott & Hendricks*; Chris Johnson, *Veteran's Service Officer*; Eugene Rich, Donald Pocernich, Timothy Kane, *Community Resource Agent*; Rick Olivo, *reporter for The Daily Press*, and community residents.

In observance of Veteran's Day, there was a processional of both the American Flag and the Wisconsin Flag to open the meeting. The Pledge of Allegiance was recited by all in attendance.

1. **Motion to Approve Minutes of the October 27, 2009 Bayfield County Board of Supervisors' Meeting.** *A motion was made by Gordon/Good to adopt the minutes of the October 27, 2009 Bayfield County Board of Supervisors; Meeting. The motion carried.*

2. **Public Comment.** Chairman Kacvinsky asked three times if there was anyone from the public who wished to comment to the Board. There were no comments.

3. **Presentation and Update on American Legion Service Organization in Honor of Veteran's Day.** Donald Pocernich gave a presentation on what Veteran's Day is and how it is recognize in our country by all veterans and local citizens. He announced that there will be services at 10:30 at the Washburn High School and in the afternoon at the Elementary School. All are welcome to attend. Pocernich spoke how he is trying to regroup and get organized once again the American Legion revitalizing the old VFW building. He thanked the Board for their time.

4. **Bayfield County Resolution No. 2009-51, Veteran's Day Celebrated.** Chairman Kacvinsky read the resolution, which reads as follows:

WHEREAS, the 11th of November 2009 is Celebrated as Veteran's Day; and

WHEREAS, Bayfield County Veterans and all Veterans have honored themselves through their service and dedication to their Country, State and this County; and

WHEREAS, these Veteran's have provided for our protection and freedom, and have earned the respect of their fellow citizens; and

WHEREAS, Veteran heroic actions on and off the battlefield has inspired other citizens to sacrifice for others; and

WHEREAS, our defense of liberty begins with "Those That Serve."

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, assembled this 10th day of November, 2009, salute Veterans for their contributions and express the Boards' gratitude for all those who currently serve and those that formerly served in the United States Armed Forces; and

BE IT FURTHER RESOLVED, that the County Clerk shall provide a copy of this resolution to all Bayfield County Service Organizations.

BAYFIELD COUNTY BOARD OF SUPERVISORS

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A motion was made by Blahnik/Bichanich to adopt Bayfield County Resolution No. 2009-51, Veteran's Day Celebrated. The motion carried. Chris Johnson, Veteran's Service Officer, thanked the Honor Guard (Eugene Rich and Donald Pocernich) for coming this evening. He wanted to remind everyone that one day out of the year we need to celebrate that our Veterans are alive and doing well.

5. Introduction of and Presentation by Bob Meyer, President of WITC, Ashland. Meyer thanked the Board for allowing him time to speak at their November meeting. He informed the Board that he has been at WITC since July of 2008. He handed out a packet and gave a short, information powerpoint presentation on his background and what is taking place WITC. The Board extended their appreciation to Meyer for the GED Program for the Bayfield County Jail. The Board thanked Meyer for his presentation.

Chairman Kacvinsky asked the board for their permission to move the agenda around, taking Agenda item #10 (Resolution 2009-52) next and moving agenda item #9 (Comprehensive Plan) down on the agenda. The Board gave their unanimous consent for this movement.

6. Bayfield County Resolution No. 2009-52, Cooperative Law Enforcement Services Agreement Between the Bayfield County Sheriff's Department and the Red Cliff Community Law Enforcement. The Board dispensed with the reading of this resolution, which reads as follows:

WHEREAS, The Red Cliff Band of Lake Superior Chippewa Indians is a federally recognized Indian Tribe, organized under a Constitution adopted August 25, 1938, and approved on November 9, 1938, pursuant to section 16 of the Indian reorganization Act; and

WHEREAS, The Tribal and Bayfield County Law Enforcement Agencies have had a history of cooperation in striving to meet the Red Cliff Community's law enforcement needs; and

WHEREAS, Wisconsin Statute 165.90 provides for the establishment of cooperative law enforcement efforts between County and Tribal Law Enforcement Agencies; and

WHEREAS, County and Tribal Law Enforcement Officials have worked together to develop the FY 2008 County-Tribal Law Enforcement (CTLE) Plan and grant application.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 10th day of November, 2009, does hereby encourage continued cooperation between

the County and Tribal Law Enforcement Agencies and approve the FY 2010 County-Tribal Law Enforcement Plan and Grant Application as signed by the Bayfield County Sheriff.

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A motion was made by Gordon/Kittleson to adopt Bayfield County Resolution No. 2009-52, Cooperative Law Enforcement Services Agreement between the Bayfield County Sheriff's Department and the Red Cliff Community Law Enforcement. A brief discussion took place and a roll call vote was taken as follows: Crandall-yes; Rondeau-absent; Good-yes; Gordon-yes; Jardine-yes; Maki-yes; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-yes; Williams-yes; Bichanich-yes; Miller-yes; Total 13: 12 present, 1 absent. The motion carried. the motion carried.

7. Comprehensive Planning Process in Anticipation of Future Hearing. Karl Kastroosky, *Zoning Director*, was present to explain that the Comprehensive Plan Steering Committee members are here this evening as well as Mike Darrow, *Project Manager with Short Elliott & Hendrickson*, who will give a short presentation of the process that was involved in the preparation of the Comprehensive Plan. Kastroosky then turned the presentation over to Mike Darrow who gave a powerpoint presentation.

Darrow reported that this is a policy-driven document that will be used for future uses and has key elements which impact residents, visitors the environment and natural resources. He further reported that public participation was good, 15,239 surveys were mailed out in 2008. We had about a 20% response rate, which is per the norm. Public information meetings were held, open houses were held, and information was also given out at town and county board meetings.

Bill Sloan, Town of Bell Chairman, was present to give a brief overview of what had taken place at the public meetings. He shared the comprehensive plan goals, objectives and policies. He also thanked everyone who helped with compiling the information to make this to the final stages to be presented to the Board for hopeful passage.

Ray Kiewit, Town of Bell Supervisor, reported that he has been working with other on the plan for the Town of Bell for 4 years. He relayed how people at first were bewildered, skeptical, and intimidated a bit to have a company from a big city to come to the rural areas to produce such a document. Over time and the monthly meetings that were held, people became more and more comfortable, and we have a very useful product for the county as well as for the towns. The citizenry of Bayfield County are paying attention to the comprehensive plan.

Jeff Palicki, representative on the Comprehensive Plan Steering Committee, acknowledged the hard work of everyone involved. He reported that the Town of Pilsen is not zoned and he has confidence in the process that has taken place to bring this plan to you.

Fred Strand - Town of Oulu - He reported on the public participation process they used. The town wanted more localized information to help them draft the plan. People wanted it to stay rural, supported home based businesses, wanted forest to stay, etc.. He thanked the County and SHE for their help and leadership - they couldn't have done it by themselves.

Darrow passed out the Comprehensive Plans to the Board for their review. He asked them to read it through, especially where it pertains to your immediate area. If you have questions, write them down and if you want an immediate answer, feel free to contact either the Zoning Department of Darrow himself at SEH.

Chairman Kacvinsky thanked everyone involved, especially SEH, the Zoning Department and the Comprehensive Plan Steering Committee. A lot of hard work has been involved in this undertaking and it is worth noting.

8. Bayfield County Resolution No. 2009-53, Amendment to Land & Water Conservation Department Budget Regarding Lake Protection Grant Agreement #DNR-LPT-343-10.

WHEREAS, Bayfield County applied for and has been awarded Lake Protection Grant Agreement No. DNR-LPT-343-10 (Pike-Delta Chain/Twin Bear)

WHEREAS, the FY2009 budget was developed prior to the award of this grant

WHEREAS, the Bayfield County Land & Water Conservation Department requests that their 2009 budget be adjusted as follows to reflect the revenue and expenditures anticipated to be received/expended through the Lake Protection Grant Agreement No. DNR LPT-343-10 (1009-001);

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, meeting this 10th day of November, 2009 approve the following budget amendments to reflect Comprehensive Planning Grant revenues and expenditures:

Increase revenue account #100-28-43590-106 by: \$100,000.00

Increase expense account #100-28-56209-50290 by: \$100,000.00

BE IT FURTHER RESOLVED that funds not expended in 2009 shall be carried over into FY2010.

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A motion was made by Good/Bichanich to adopt Bayfield County Resolution No. 2009-53, Amendment to Land & Water Conservation Department Budget Regarding Lake Protection Grant Agreement #DNR-LPT-343-10. A roll call vote was taken as follows: Rondeau-absent; Good-yes; Gordon-yes; Jardine-yes; Maki-yes; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksmas-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Total 13: 12 present, 1 absent. The motion carried.

9. Bayfield County Resolution No. 2009-54, Variable Acreage Share Loan for Year 2010. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, the residents of Bayfield County continue to reap the benefits of the County Forest through revenues, employment, recreation, and nature; and

WHEREAS, in turn, the Bayfield County Forest is dependent upon the residents of Bayfield County to sustain continued benefits through proper management and financial support; and

WHEREAS, the health of our forest and the welfare of our future generations are dependent on our present actions; and

WHEREAS, funds are available through the County Forest Variable Acreage Share Loan payment from the State of Wisconsin, pursuant to §28.11(8),(3), Wisconsin Statutes, at zero percent (0%) interest; and

WHEREAS, repayment of such funds are accomplished by payments to the State of Wisconsin at twenty percent (20%) of the gross timber sale receipts as they are received until the interest free loan is completely repaid.

NOW, THEREFORE, BE IT RESOLVED, by the Bayfield County Board of Supervisors, that the County Forest Administrator is directed to apply for the Variable Acreage Share Loan for 2009 at the rate of fifty cents (50¢) per acre.

Recommended for adoption by the Bayfield County Forestry Committee and approved by the Bayfield County Board of Supervisors this 10th day of November, 2009.

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A motion was made by Good/Bichanich to adopt Bayfield County Resolution No. 2009-54, Variable Acreage Share Loan for Year 2010. The motion carried.

10. Bayfield County Resolution No. 2009-55, Authorization for County Board Chairman, County Clerk, and the County Treasurer of the County of Bayfield to make Short Term Loans. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, it may be necessary to make short term loans in order to meet payrolls and other obligations including current and ordinary expenses within the next year.

NOW, THEREFORE, BE IT RESOLVED, by the Bayfield County Board of Supervisors of Bayfield County in annual session, assembled this 10th day of November, 2009, that the County Board Chairman of the County of Bayfield, the County Clerk, and the County Treasurer, be and they are hereby authorized to make short term loans in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) in aggregate if in their opinion it should be to the County's best interest to make such loan or loans.

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A motion was made by Good/Williams to adopt Bayfield County Resolution No. 2009-55, Authorization for County Board Chairman, County Clerk, and the County Treasurer for the

County of Bayfield to make short term loans. A roll call vote was taken as follows Good-yes; Gordon-yes; Jardine-yes; Maki-yes; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-absent; Total 13: 12 present, 1 absent. The motion carried.

11. Bayfield County Resolution No. 2009-56, Holding of Meetings as may be Necessary to Conduct Business in 2010. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, the several committees of the Bayfield County Board of Supervisors are required in the conduct of the business of said Bayfield County, to hold and conduct committee meetings in excess of the number permitted by Statute; and

WHEREAS, by action of the County Board, the number of meetings of said committees beyond the statutory limit may be extended.

NOW, THEREFORE, BE IT RESOLVED, that the several committees of the Bayfield County Board of Supervisors be and they are hereby authorized to hold such meetings during the year 2010 as may be necessary to the proper conduct of the business of said Bayfield County.

Dated this 10th day of November, 2009.

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A motion was made by Blahnik/Gordon to adopt Bayfield County Resolution No. 2009-56, Holding of Meetings as may be necessary to Conduct Business in 2010. The motion carried.

12. Bayfield County Resolution No. 2009-45, Tax Charge Backs of 2008. Fibert reported that a title search was completed and there still isn't enough proof that this piece of property exists. If sometime in the future we can determine it does, than we can put it back on the agenda. We have not collected taxes in the last three years. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, the Executive Committee of the Bayfield County Board of Supervisors, has examined a report of the Bayfield County Treasurer setting forth the certain Tax Certificates now owned by Bayfield County. These Tax Certificates are illegal and void in that said Certificates were issued on the tax exempt property, or property on which there was a double or incorrect description and for other reasons as set forth in said Treasurer's Report; and

WHEREAS, from said examination it has been determined that said reports are illegal and void and that the taxes upon which said Certificates are based, are not justly reassessable.

NOW, THEREFORE, BE IT RESOLVED, the amounts of said illegal and void Tax Certificates are charged back to the respective towns, cities, or villages where in such lands are situated.

Dated this 10th day of November, 2009.

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A motion was made by Gordon/Good to table the resolution. The motion carried.

A motion was made by Gordon/Bichanich to move into Executive Session pursuant to §19.85(1),(e),(g): (e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public businesses, whenever competitive or bargaining reasons require a closed session; (g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted and to allowing Chief Deputy, Paul Susienka, County Administrator, Mark Abeles-Allison, County Clerk, Scott Fibert and Deputy County Clerk, Dawn Bellile to be present while a telephone call was placed to Attorney Richard Nordeng. A roll call vote was taken as follows: Gordon-yes; Jardine-yes; Maki-yes; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-absent; Good-yes. Total 13: 12 present, 1 absent. The motion carried.

A motion was made by Gordon/Crandall to move out of Executive Session pursuant to §19.85(1),(e),(g): (e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public businesses, whenever competitive or bargaining reasons require a closed session; (g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted and to allowing Chief Deputy, Paul Susienka, County Administrator, Mark Abeles-Allison, County Clerk, Scott Fibert and Deputy County Clerk, Dawn Bellile to be present while a telephone call was placed to Attorney Richard Nordeng. A roll call vote was taken as follows: Jardine-yes; Maki-yes; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-absent; Gordon-yes; Good-yes. Total 13: 12 present, 1 absent. The motion carried.

13. Administrator's Report:

- a) **December County Board Meeting** - Discussion on holding December's meeting on the 15th. The Board was in agreement with this date.
- b) Abeles-Allison clarified what took place regarding the VFW building in regard to the American Legion. The VFW disband and thought that the City of Washburn owned the building and gave the keys back to the City, however the property that the building sits on belongs to Bayfield County. The County is supportive of the VFW and American Legion and when the issue of setting up the land came up, the City and County were both in agreement to allow the American Legion to continue to use the building and grounds.
- c) Fibert announced to everyone that the County Board Supervisor election packets are available for pickup. He reminded them that if they are not going to run a notice of non-candidacy needs to be completed as well as a

notice of candidacy if they are going to run again. Fibert also reminded them that the first day to circulate nomination papers is December 1, 2009 with a return date of January 5, 2010.

14. **Supervisors' Reports:** None.

A motion was made by Gordon/Miller to adjourn. The motion carried and the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Scott S. Fibert,
Bayfield County Clerk