

Minutes of the
Bayfield County Board of Supervisors' Meeting
Of September 29, 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: Blahnik-present; Kacvinsky-present; Beeksma-present; Williams-present; Bichanich-present; Miller-present; Crandall-present; Rondeau-present; Good-present; Gordon-present; Jardine-present; Maki-absent; Kittleson-present; Total 13: 13 present, 1 absent. A quorum was present to conduct business. The following were also present for the meeting: *County Administrator*, Mark Abeles-Allison; *County Clerk*, Scott Fibert; *Deputy County Clerk*, Dawn M. Bellile; *Zoning Director*, Karl Kastrosky; *Emergency Management Coordinator*, Jan Victorson; and Claire Duquette, *Reporter for The Daily Press*.

The Pledge of Allegiance was recited by all in attendance.

1. **Motion to Approve Minutes of the August 25, 2009 County Board of Supervisors' Meeting.** *A motion was made by Gordon/Crandall to adopt the Minutes of the August 25, 2009 County Board of Supervisors' Meeting. The motion carried.*

2. **Public Comment:**

- 1) Karl Kastrosky, Bayfield County Zoning Director, was present and stated that the Comprehensive Plan and maps are on display for the Board and publics' review, reminding everyone that there were approximately 3 months left in the planning process. He further stated that we are on time as far as everything goes and that the Plan should be in front of the Board in either October or November for hopeful approval. If anyone has any questions, please call his office.
- 2) Beth Meyers, Executive Director for CORE, stated she was honored to be here to speak to the Board. Some might remember her from having served on the Board back in the late 90's. Meyers went on to explain what CORE is all about. It is a non-profit organization designed to help senior remain in their homes as long as possible through a system of approximately 50 volunteers, both semi-retired and retired, and those just wanting to help people in need in the surrounding communities. They have planned parties for Seniors, have established an advisory committee and on a regular basis meet once a month. Meyers welcomed any and all people who may like to serve or know of someone in need to contact her office.
- 3) Jan Victorson, *Emergency Management Coordinator* - was present to explain a display that was put up for everyone's view regarding

emergency preparedness. Victorson passed out and discussed with everyone an Emergency Supply Checklist which was very informative and encouraged everyone to put together their own personal kits to be ready for any type of disaster.

3. Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of the McKinney Revocable Trust 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 & 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 **McKinney Revocable Trust** part of the 2.85-acre parcel (ID #04-012-2-43-7-*18-2-00-116-10800) located in Lot 4, Block 15, Assessor's Plat 32, Village of Cable, further described as the Westerly 102 feet of Parcel 3 shown on Exhibit A of Deed in V. 941, Page 843, Section Eighteen (18), Township Forty-Three (43) North, Range Seven (7) West, Town of Cable, Bayfield County, Wisconsin **be** changed from Industrial (I) to Commercial (C).

Date: June 18, 2009

BAYFIELD COUNTY PLANNING & ZONING COMMITTEE

James Beeksma, Kenneth Jardine, Brett T. Rondeau

A motion was made by Rondeau/Gordon to receive and place on file the Report of the Bayfield County Planning & Zoning Committee Regarding the Rezone of the McKinney Revocable Trust Property. The motion carried.

4. Bayfield County Amendatory Ordinance No. 2009-12, Regarding the Rezone of the McKinney Revocable Trust 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 **McKinney Revocable Trust** part of the 2.85-acre parcel (ID #04-012-2-43-7-*18-2-00-116-10800) located in Lot 4, Block 15, Assessor's Plat 32, Village of Cable, further described as the Westerly 102 feet of Parcel 3 shown on Exhibit A of Deed in V.

941, Page 843, Section Eighteen (18), Township Forty-Three (43) North, Range Seven (7) West, Town of Cable, Bayfield County, Wisconsin be changed from Industrial (I) to Commercial (C).

Dated: September 29, 2009

By Action of the Bayfield County Board of Supervisors

Attested to by:

Scott S. Fibert, Bayfield County Clerk

A motion was made by Rondeau/Jardine to adopt Bayfield County Amendatory Ordinance No. 2009-12, Regarding the Rezone of the McKinney Revocable Trust Property. The motion carried.

5. Report of the Bayfield County Planning and Zoning Committee Regarding Section 13-1-65 Town of Barnes 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 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:

Secs. 13-1-65 Town of Barnes Overlay District

- (a) Applicability. The Town of Barnes Overlay District shall apply to and include all lands within the Town of Barnes.
- (b) Intent of the Town of Barnes 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 development; 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 Barnes Comprehensive Land Use Plan; to maintain water clarity in lakes, rivers and streams; to protect soil and preserve wetlands; to protect groundwater and surface water; to protect the beauty and amenities of landscape and man-made developments; and to provide healthy surroundings for recreation, tourism and family life.
- (c) Nonconforming Parcels. Notwithstanding Sec. 13-1-26(d), any parcel of land with dimensions not conforming to the zoning district dimensions of this section that was created by a county-approved certified survey map or plat prior to the

adoption of this section on the 29th day of September 2009, shall not be subject to the dimensional requirements of this section. Further subdivision of such parcels and all other parcels shall be governed by this section.

- (d) Definitions. All terms contained herein shall be as defined in Sec. 13-1-4.
- (e) Shoreline Frontage Requirements for Multiple Unit Developments and Conservation Subdivisions in the Town of Barnes. Part of the purpose and intent of the Town of Barnes Overlay shall be achieved by applying minimum shoreline frontage requirements for both Multiple Unit Developments and for Conservation Subdivisions that are equal to the minimum shoreline frontage requirements for single unit dwellings as provided in Sec. 13-1-32(b)(1). All Multiple Unit Developments and Conservation Subdivisions providing access to navigable waters in the Town of Barnes shall be subject to the following minimum shoreline frontage requirements:

	Class 1 Lakes	Class 2 Lakes	Class 3 Lakes Rivers, Streams
Shoreline Frontage	150 feet per unit; 600 feet minimum	200 feet per unit; 800 feet minimum	300 feet per unit; 1,200 feet minimum

All other minimum requirements for Multiple Unit Developments and Conservation Subdivisions which provide access to navigable waters in the Town of Barnes shall be as stated in, respectively, Sec. 13-1-32(e)(1) and Sec. 13-1-32(em)(1).

Date: August 20, 2009

BAYFIELD COUNTY PLANNING & ZONING COMMITTEE

James Beeksma, Kenneth Jardine, Brett T. Rondeau

A motion was made by Blahnik/Beeksma to receive and place on file the Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of Section 13-1-65 Town of Barnes Overlay District. The motion carried.

6. Bayfield County Amendatory Ordinance No. 2009-13, Regarding Section 13-1-65 Town of Barnes 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:

Secs. 13-1-65 Town of Barnes Overlay District

- (a) Applicability. The Town of Barnes Overlay District shall apply to and include all lands within the Town of Barnes.

- (f) Intent of the Town of Barnes 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 development; 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 Barnes Comprehensive Land Use Plan; to maintain water clarity in lakes, rivers and streams; to protect soil and preserve wetlands; to protect groundwater and surface water; to protect the beauty and amenities of landscape and man-made developments; and to provide healthy surroundings for recreation, tourism and family life.
- (g) Nonconforming Parcels. Notwithstanding Sec. 13-1-26(d), any parcel of land with dimensions not conforming to the zoning district dimensions of this section that was created by a county-approved certified survey map or plat prior to the adoption of this section on the 29th day of September 2009, shall not be subject to the dimensional requirements of this section. Further subdivision of such parcels and all other parcels shall be governed by this section.
- (h) Definitions. All terms contained herein shall be as defined in Sec. 13-1-4.
- (i) Shoreline Frontage Requirements for Multiple Unit Developments and Conservation Subdivisions in the Town of Barnes. Part of the purpose and intent of the Town of Barnes Overlay shall be achieved by applying minimum shoreline frontage requirements for both Multiple Unit Developments and for Conservation Subdivisions that are equal to the minimum shoreline frontage requirements for single unit dwellings as provided in Sec. 13-1-32(b)(1). All Multiple Unit Developments and Conservation Subdivisions providing access to navigable waters in the Town of Barnes shall be subject to the following minimum shoreline frontage requirements:

	Class 1 Lakes	Class 2 Lakes	Class 3 Lakes Rivers, Streams
Shoreline Frontage	150 feet per unit; 600 feet minimum	200 feet per unit; 800 feet minimum	300 feet per unit; 1,200 feet minimum

All other minimum requirements for Multiple Unit Developments and Conservation Subdivisions which provide access to navigable waters in the Town of Barnes shall be as stated in, respectively, Sec. 13-1-32(e)(1) and Sec. 13-1-32(em)(1).

Dated: September 29, 2009

By Action of the Bayfield County Board of Supervisors

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

A motion was made by Jardine/Crandall to adopt Bayfield County Amendatory Ordinance No. 2009-12, Regarding Section 13-1-65 Town of Barnes Overlay District. The motion carried.

7. Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of the Loren P. and Julie A. Bohl Property in the Town of Barnes. 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 Loren P. Bohl and Julie A. Bohl 1.515-acre parcel (ID# 04-004-2-45-09-35-4-05-001-03000) located in Lot Eleven (11) of CSM # 69 in V.2 P.73, and 1.515-acre parcel (ID# 04-004-2-45-09-35-4-05-001-04000) located in Lot Twelve (12) of CSM # 69 in V.2 P.73 both in Section Thirty-Five (35), Township Forty-Five (45) North, Range Nine (9) West, Town of Barnes, Bayfield County, Wisconsin be changed from Residential-One (R-1), & Residential-Two (R-2) to Residential-One (R-1).

Dated: August 20, 2009

BAYFIELD COUNTY PLANNING & ZONING COMMITTEE

James Beeksma, Kenneth Jardine, Brett T. Rondeau

A motion was made by Good/Kittleson to receive and place on file the Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of the Loren P. and Julie A. Bohl Property in the Town of Barnes. The motion carried.

8. Bayfield County Amendatory Ordinance No. 2009-14, Regarding the Rezone of the Loren P. and Julie A. Bohl, Property in the Town of Barnes. 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 Loren P. Bohl and Julie A. Bohl 1.515-acre parcel (ID# 04-004-2-45-09-35-4-05-001-03000) located in Lot Eleven (11) of CSM # 69 in V.2 P.73, and 1.515-acre parcel (ID# 04-004-2-45-09-35-4-05-001-04000) located in Lot Twelve (12) of CSM # 69 in V.2 P.73 both in Section Thirty-Five (35), Township Forty-Five (45) North, Range

Nine (9) West, Town of Barnes, Bayfield County, Wisconsin is changed from Residential-One (R-1), & Residential-Two (R-2) to Residential-One (R-1).

Dated: September 29, 2009

By Action of the Bayfield County Board of Supervisors

Attested to by:

Scott S. Fibert, Bayfield County Clerk

A motion was made by Rondeau/Beeksma to adopt Bayfield County Amendatory Ordinance No. 2009-14, Regarding the Rezone of the Loren P. and Julie A. Bohl, Property in the Town of Barnes. The motion carried.

9. Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of the Michael L. and Susan A. Masterson Property in the Town of Hughes. 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 L. & Susan A. Masterson** 0.083-acre portion parcel (part of ID# #04-022-2-47-09-10-3-04-000-20000), described as that portion of land located within the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 10, Township 47 North, Range 9 West, Town of Hughes, Bayfield County, WI, containing 3,600 square feet (0.083 acres) further described as: commencing at the South Quarter Corner of said Section 10; thence N89° 04' 12"W 658.42 feet along the South line of the SW $\frac{1}{4}$ of said Section 10; thence N00° 55' 48"E 1043.43 feet to the point of beginning; thence N88° 37' 01"W 60.00 feet; thence N01° 22' 59"E 60.00 feet; thence S88° 37' 01"E 60.00 feet; thence S01° 22' 59"W 60.00 feet to the point of beginning, being subject to any and all easements and restrictions of record **be changed from Residential-Two (R-2) to Forestry-One (F-1).**

Dated: August 20, 2009

A motion was made by Miller/Williams to receive and place on file the Report of the Bayfield County Planning and Zoning Committee regarding the Michael L. and Susan A. Masterson Property in the Town of Hughes. The motion carried.

10. Bayfield County Amendatory Ordinance No. 2009-15, Regarding the Rezone of the Michael L. and Susan A. Masterson Property in the Town of Hughes.

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 L. & Susan A. Masterson** 0.083-acre portion parcel (part of ID# #04-022-2-47-09-10-3-04-000-20000), described as that portion of land located within the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 10, Township 47 North, Range 9 West, Town of Hughes, Bayfield County, WI, containing 3,600 square feet (0.083 acres) further described as: commencing at the South Quarter Corner of said Section 10; thence N89° 04' 12"W 658.42 feet along the South line of the SW $\frac{1}{4}$ of said Section 10; thence N00° 55' 48"E 1043.43 feet to the point of beginning; thence N88° 37' 01"W 60.00 feet; thence N01° 22' 59"E 60.00 feet; thence S88° 37' 01"E 60.00 feet; thence S01° 22' 59"W 60.00 feet to the point of beginning, being subject to any and all easements and restrictions of record **is changed from Residential-Two (R-2) to Forestry-One (F-1).**

Dated: September 29, 2009

By Action of the Bayfield County Board of Supervisors

Attested to by:

Scott S. Fibert, Bayfield County Clerk

By Action of the Bayfield County Board of Supervisors

Attested to by:

Scott S. Fibert, Bayfield County Clerk

A motion was made by Bichanich/Williams to adopt Bayfield County Amendatory Ordinance No. 2009-15 regarding the rezone of the Michael L. and Susan A. Masterson property in the Town of Hughes. A short discussion took place. The motion carried.

11. Bayfield County Resolution No. 2009-38, Request to Amend Land & Water Conservation Department Budget for Cooperative Agreement No. 301819-J155 (0908-G001). The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, Bayfield County applied for and has been awarded Cooperative Agreement No. 301819-J155 (0908-G001); *and*

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

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 Cooperative Agreement No. 301819-J155 (0908-G001).

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of September, 2009 approves the following budget amendments to reflect Comprehensive Planning Grant revenues and expenditures:

Increase revenue account #100-28-43274-109 by: \$28,000.00

Increase expense account #100-28-56138-50290 by: \$28,000.00

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

BAYFIELD COUNTY BOARD OF SUPERVISORS

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

A motion was made by Good/Bichanich to adopt Bayfield County Resolution No. 2009-38, Request to Amend Land & Water Conservation Department Budget for Cooperative Agreement No. 301819-J155 (0908-G001). A roll call vote was taken as follows: Kacvinsky-yes; Beeksma, yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-yes; Jardine-yes; Maki-absent; Kittleson-yes; Blahnik-yes. Total: 13; 12 yes, 0 no, 1 absent. The motion carried.

11. Bayfield County Resolution No. 2009-39, Amendment of Bayfield County Resolution No. 2007-37 to Appropriate Funds for Industrial Development Loan. Abeles-Allison explained that this Resolution has been reviewed by corporation counsel and by the Executive Committee, who in turn reviewed and are recommending it for the Board's approval. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, at its meeting on October 28, 2007, the Bayfield County Board of Supervisors ("the County Board") passed Resolution No. 2007-37 appropriating \$250,000.00 to lend to the Bayfield County Industrial Development Agency, Inc. ("the Agency") to be re-lent to the Town of Bayfield ("the Town") to help finance the construction of a manufacturing building in the Town's newly established industrial park, contingent upon the balance of the financing needed for the building's construction being provided by Impact Seven, Inc., a Wisconsin corporation ("Impact Seven"); and

WHEREAS, Impact Seven subsequently lent to the Town the entire amount required for the construction of the building; and

WHEREAS, said building has now been completed and is being leased by the Town to World Class Manufacturing Group, Inc.; and

WHEREAS, Impact Seven has requested that the Agency provide 20.83% of the financing for the building by entering into a loan participation agreement with Impact Seven; and

WHEREAS, the County Board has determined that it is in the public interest that so much of the appropriated funds as constitutes 20.83% of the outstanding principal balance of Impact Seven's loan to the Town be lent to the Agency for its participation in such loan;

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, assembled this 29th day of September, 2009, agree that so much of the \$250,000.00 appropriated pursuant to County Board Resolution No. 2007-37 as constitutes 20.83% of the outstanding principal balance on the loan from Impact Seven to the Town be lent to the Agency for the purpose of the Agency's participating with Impact Seven in its loan to the Town, subject to the following conditions:

1. The loan shall be paid as a Note Receivable - Town of Bayfield, 100-17202;
2. The loans shall be repaid with the rental revenues from the leasing of the manufacturing building with principal credited to 100-17202 and interest credited to 100-12-48131.
3. The terms of the loan from Bayfield County to the Agency and the Agency's participation in Impact Seven's loan to the Town shall comport with the terms of Impact Seven's loan to the Town, and the form of promissory note evidencing the loan from the County to the Agency and the loan participation agreement between the Agency and Impact Seven shall be approved by the Bayfield County Administrator and Bayfield County Corporation Counsel.
4. The covenants, conditions, restrictions and reservations included in the deed conveying the land for the Town's Industrial Park from Impact Seven to the Town, recorded in Vol. 963 of Records, pages 170-171, shall be released by Impact Seven with regard to the portion of land upon which the manufacturing building has been constructed and upon which Impact Seven holds a mortgage securing its loan to the Town. Said mortgage shall remain in full force and effect.

BAYFIELD COUNTY BOARD OF SUPERVISORS

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

A motion was made by Gordon/Good to adopt Bayfield County Resolution No. 2009-38, Request to Amend Land & Water Conservation Department Budget for Cooperative Agreement No. 301819-J155 (0908-G001). A roll call vote was taken as follows: Beeksma, yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-yes; Jardine-yes; Maki-absent; Kittleson-yes; Blahnik-yes; Kacvinsky-yes. Total: 13; 12 yes, 0 no, 1 absent. The motion carried.

12. Bayfield County Resolution No. 2009-40, Supporting State Implementation of Video Testifying at State Committee Hearings. Abeles-Allison informed the Board that this Resolution is intended to allow video testifying because in many instances it is near impossible to make the drive to Madison for only a 15-minute presentation. The State currently has video hubs, but there isn't one located in Bayfield County. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, state policy related committee hearings are the standard mode of sharing ideas and positions from around the state and most committee hearings are held in Madison;

WHEREAS, travel to Madison is a great distance from Northern Wisconsin requiring significant time and resources to attend meetings;

WHEREAS, the state of Wisconsin broadband initiative supports the utilization of technologies to bridge gaps;

WHEREAS, video conferencing is supported by the State of Wisconsin;

WHEREAS video conferencing of committee meetings has the potential to save communities throughout the state thousands of dollars;

WHEREAS the technology is in place and available at the state level, in all 72 counties and many municipalities;

WHEREAS the Dept. of Corrections and the Court system uses this system extensively to carry out their business;

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of September, 2009, formally request that beginning in 2010 a video conference option be established for testifying at public committee hearings.

BAYFIELD COUNTY BOARD OF SUPERVISORS

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

A motion was made by Good/Kittleson to adopt Bayfield County Resolution No. 2009-40, Supporting State Implementation of Video Testifying at State Committee Hearings. A brief discussion took place and the motion carried.

13. Bayfield County Resolution No. 2009-41, Supporting Energy Efficiency and Conservation and Block Grant Program Application. Abeles-Allison explained the contents of the Resolution to the Board. The Board dispensed with the reading of the Resolution, which reads as follow:

WHEREAS, Bayfield County has identified needed improvements in the areas of replacement windows, insulation, lighting and solar hot water;

WHEREAS the Energy Efficiency and Conservation Block Grant Program (EECBG) is specifically aimed at non-entitlement communities for which Bayfield County qualifies.

WHEREAS grants will be awarded up to \$225,000 and Bayfield County's projects meet the cost criteria.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of September, 2009, hereby authorize an application for funding through the EECBG grant program for necessary projects.

BAYFIELD COUNTY BOARD OF SUPERVISORS

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

A motion was made by Jardine/Gordon to adopt Bayfield County Resolution No. 2009-41, Supporting Energy Efficiency and Conservation and Block Grant Program Application. The motion carried.

14. Bayfield County Resolution No. 2009-42, Authorizing Use of Lightweight Utility Vehicles on Designated All-Terrain Vehicle Routes and Trails. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, 2007 Wisconsin Act 20, Section 666m.23.33 authorized a Lightweight Utility Vehicle Pilot Program in designated counties to evaluate the effects of lightweight utility vehicles on all-terrain vehicle routes and trails;

WHEREAS, the pilot program will sunset on September 30, 2009;

WHEREAS, lightweight utility vehicles have been shown not to have an adverse impact on the all-terrain vehicle routes and trails in the pilot counties;

WHEREAS, lightweight utility vehicles provide mobility to elderly and disabled adults;

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of September, 2009, hereby support the establishment of a permanent law authorizing the use of lightweight utility vehicles on all-terrain vehicle routes and trails statewide.

BAYFIELD COUNTY BOARD OF SUPERVISORS

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

A motion was made by Jardine/Gordon to adopt Bayfield County Resolution No. 2009-42, Authorizing Use of Lightweight Utility Vehicles on Designated All-Terrain Vehicle Routes and Trails. Board discussed facts on vehicles that are either licensed or not, pointing out those only licensed vehicles should be on the trails. This one is not licensed. The pilot program lightweight vehicles ends tomorrow, however, Bayfield County was not involved in the pilot program. Discussion took place that in some places on the trails, there is not even room to pass a slower moving vehicle, so how would this work. A roll call vote was taken as follows: Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-yes; Jardine-no; Maki-absent; Kittleson-no; Blahnik-yes; Kacvinsky-yes; Beeksma, yes. Total: 13; 10 yes, 2 no, 1 absent. The motion carried.

15. *A motion was made by Rondeau/Gordon to move into Executive Session pursuant to §19.85(1),(c)(e),(g): (c)considering employment, promotion, compensation or performance valuation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; (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 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: Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-yes; Jardine-yes; Maki-absent; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma, yes; Williams-yes. Total: 13; 12 yes, 0 no, 1 absent. The motion carried.*

A motion was made by Crandall/Beeksma to move out of Executive Session. A roll call vote was taken as follows: Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-yes; Jardine-yes; Maki-absent; Kittleson-yes; Blahnik-absent; Kacvinsky-

yes; Beeksma, yes; Williams-yes; Bichanich-yes. Total: 13; 11 yes, 0 no, 2 absent. The motion carried.

Now in open session, Chairman Kacvinsky reported to the public that the County Board did ratify the tentative agreement with the Employees WPPA Local 216.

16. Discussion and Possible Action on Corporation Counsel Contract. *A motion was made by Rondeau/Miller to accept the proposal by Spears & Carlson and hire them for the years 2010 - 2012. The motion carried.*

17. Discussion and Possible Action Regarding Dog Claims in the Town of Russell. Supervisor Good updated the Board on what has taken place regarding the dog claims. He reported that Wisconsin Statutes state that if you do not know who the dog owner is, the County is responsible for the damage caused by the dogs at large. The Statutes further state that if a claim goes to the County, and the owner is know, the County then pays for the claim, and seeks restitution from the dog owner for the damages caused. Discussion took place as to how the County would collect the dollars paid to the property owner. Good and Fibert have both gone over the Statutes, and they are pretty clear as to the procedure.

We now have 2 claims. It was asked of Chief Deputy Paul Susienka (in the audience) as to why citations were not issued at the time these incidences happened. He stated that at the time, the officer did not see the dogs as he responded a day or two after the incident. The more recent case, the owner was cited as there was proof it was his dogs that caused the damage. Susienka also mentioned that there was some reluctance of the property owner as he wasn't sure if the dogs were the same dogs as they had not yet returned to the dog owner's house. The Fish & Wildlife Department agents came out to make sure that it was not a wolf kill, and they did determine that it was not a wolf, but it was a wolf highbred.

Since the incident occurred, a citation has been issued for a dog at large, and also a citation for kennel license as there are 10 dogs. There will also be a late fee involved which doubles the price, and for each dog, the dog owner has to show that the animals have had their rabies vaccinations. The person who came to pay the citation could not produce papers for the vaccinations, and he left and has yet to return. To date, the dogs have not been licensed. We cannot allow dogs to run at large, going after livestock.

The property owner has turned in an estimate as to how much his livestock was worth. It was suggested that we have this verified by another reputable person who has knowledge of livestock prices.

Discussion also took place whether or not to turn this over to the Executive Committee for them to review and analyze and get back to the Board. The Board felt they were prepared enough to make the decision on their own and that it did not need to go to the Executive Committee. *A motion was made by Gordon/Rondeau to approve the claim of Richard Weidinger, but to first send it to the Executive Committee for them to determine*

the cost of the claim and to go to Corporation Counsel to go after reimbursement of the claim. A roll call vote was taken as follows: Crandall-yes; Rondeau-yes; Good-yes; Gordon-yes; Jardine-yes; Maki-absent; Kittleson-yes; Blahnik-absent; Kacvinsky-yes; Beeksma, yes; Williams-yes; Bichanich-yes; Miller-yes. Total: 13; 11 yes, 0 no, 2 absent. The motion carried. On a note, Supervisor Good stated that the Town of Russell is dealing with the licensing of the dogs.

18. Administrator's Report:

a) Section 154. Section 154 funds for surface water protection may be authorized. These funds have helped pay for numerous water, sewer, dam, bridge and other infrastructure projects in Ashland, Bayfield, Douglas, and Iron counties. The deadline for Bayfield County applications is October 30, 2009.

b) Budget Update & Meetings. Board members have received copies of the budget books. We have had a number of presentations by departments and more are expected. Tomorrow is the last meeting scheduled.

c) EPA Grant Information. As part of the stimulus funding, the EPA is expected to release request for proposals for \$475 million in funds for resource protection in the region.

There being no further business to come before the Bayfield County Board of Supervisors, *a motion was made by Gordon/Crandall to adjourn. The motion carried and the meeting adjourned at 8:15 p.m.*

Respectfully submitted,

Scott S. Fibert,
Bayfield County Clerk
SSF/dmb