

Minutes of the
Bayfield County Board of Supervisors' Meeting
Of September 21, 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 6:04 p.m. Roll call was taken by Bayfield County Clerk, Scott Fibert as follows: Meyers-present; Bussey-present; Jardine-present; Maki-present; Kittleson-present; Bennett-present; Kacvinsky-present; Rantala-present; Williams-present; Bichanich-present; Miller-present; Crandall-absent; Rondeau-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; Sheldon Johnson, Representative from Northwest Regional Planning Commission; Rick Ahern and Marc Putnam, Telemark Representatives; Marian Vaughn, Director for Bayfield County Economic Development; Paul Susienka, Chief Deputy; Claire Duquette, Reporter for The Daily Press; community residents.*

The Pledge of Allegiance was recited by all in attendance.

1. Public Hearing on Bayfield County's CDBG Housing Rehabilitation Program through Northwest Regional Planning Commission. *A motion was made by Meyers/Rondeau to adjourn as a County Board and reconvene as a Committee of the Whole to hold a public hearing for the CDBG Housing Rehabilitation Program for Bayfield County. A roll call vote was taken as follows: Bussey-yes; Jardine-yes; Maki-yes; Kittleson-yes; Bennett-yes; Kacvinsky-yes; Rantala-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-absent; Rondeau-yes; Meyers-yes: Total 13: 12 yes, 1 absent. The motion carried.*

Johnson spoke to the Board regarding the grant that was awarded to both Bayfield County and the City of Washburn. He reported that the public hearing was advertised in the local newspapers, running 2 weeks consecutively. In the Notice, it was stated that this is an interim public hearing, made up of members of the County Board allowing for public comment. Johnson went on to further explain that the County received \$402,389.00 for the overall grant and explained how the program works. Administrative fees for the grant are 15% leaving a balance of \$349,903 for the County to work with. To date, we have committed about \$240,000 of the grant to Bayfield County residents. The program has been very successful and it gives people who cannot afford improvements to their home a chance to qualify for dollars in this program.

Sheldon further reported that December 20, 2011 will be the last date to disburse of these funds completely. The County will then be eligible to apply for the grant again in 2012 for additional funds to lend out. Loans are paid back, if and when, the home is sold and is at zero percent interest. Discussion then took place between the Board members and Johnson.

After a lengthy conversation, Chairman Kacvinsky asked if anyone from the public wanted to comment. County Administrator, Mark Abeles-Allison spoke on the dollars for the housing program. He stated that home ownership is critical for residents of Bayfield County and hoped that Northwest Regional Planning would be able to secure additional funding for Bayfield County in the future.

A motion was made by Jardine/Rondeau to adjourn as a Committee of the Whole and reconvene as a County Board. A roll call vote was taken as follows: Jardine-yes; Maki-yes; Kittleson-yes; Bennett-yes; Kacvinsky-yes; Rantala-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-absent; Rondeau-yes; Meyers-yes; Bussey-yes: Total 13: 12 yes, 1 absent. The motion carried.

2. Public Comment.

Paul Susienka, *Democratic Candidate for Bayfield County Sheriff*, was present to say thank you to everyone in attendance for their support in the recent Sheriff's race. He stated he was very excited and optimistic about the future of the Sheriff's Department and that he also respects each and every one of the Board members and looks forward to working with them.

Chairman Kacvinsky asked if there were any other comments - there was none.

3. Motion Regarding Minutes of the August 31, 2010 Bayfield County Board of Supervisors' Meeting. The Board dispensed with the reading of the minutes. *A motion was made by Rondeau/Williams to approve the Minutes of the August 31, 2010 Bayfield County Board of Supervisors' Meeting. The motion carried.*

4. 2010 WACEC Conference Recognition of William Kacvinsky for 10 Years of Service on the UW-Extension Committee. Tim Kane, *UW-Ext. Community Development Educator*, was present to speak on behalf of the Conference held on June 22nd & 23rd where William Kacvinsky, was one of the many Wisconsin county supervisors to be recognized, and a framed certificate was awarded to each of the supervisors in attendance. Kacvinsky was not present at the meeting and the certificate was forwarded to Kane who is taking the time this evening to present it to Kacvinsky. Kane read the certificate's wording. The Board applauded Kacvinsky for his award.

5. Presentation of UW-Extension 2009 Annual Report, "Extension Highlights." Kane presented the UW-Extension 2009 Annual Report to the Board, providing each Supervisor with a copy of the same. *(A copy of the report is on file in the County Clerk's office for review).* Kane pointed out certain items of interest within the report. Kane also reported on the job duties of each member of his staff. Abeles-Allison reminded the Board that Kane has been in the department head position for 2 years now and is doing an outstanding job, bringing in all of the resources awarded to this office. The Board thanked him for his efforts. *A motion was made by Rondeau/Bichanich to receive and place on file the UW-Extension 2009 Annual Report. The motion carried.*

6. Bayfield County Resolution No. 2010-42, Honoring David Watson for his 35 Years of Dedicated Service to Bayfield County. Chairman Kacvinsky read the resolution, which reads as follows:

WHEREAS, David Watson has served Bayfield County with distinction, honor and dedication in the Highway Department for 35 years,

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 21st day of September, 2010, honors David Watson for his 35 years of public service to Bayfield County and expresses gratitude for his efforts, wishing him well in the years ahead.

*By Action of the
Bayfield County Board of Supervisors*

William D. Kacvinsky, *Chairman*

A motion was made by Kittleson/Williams to adopt Bayfield County Resolution No. 2010-42, honoring David Watson for his 35 years of dedicated service to Bayfield County. The motion carried.

7. **Bayfield County Resolution No. 2010-49, In REM Parcels Process Change After Bayfield County Acquires Ownership.** Scott Galetka, *Land Records Administrator*, was present to explain the contents of the resolution. He stated that presently when Bayfield County gets property back and maintains for 2 years before they can sell it again. This resolution allows the County to evaluate and sell the parcel 90 days after the County acquires ownership through the In REM process. Discussion took place on what the County Ordinance and State Statutes read. Galetka again stated that we are only addressing the process of how the County obtains ownership after the 5 year waiting period. Further discussion took place. It was noted that the Executive Committee took a look at what surrounding counties do, and this seems to be the practice. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, Land Records Department budget operates part of its annual budget on money retained from the sale of County Owned parcels through the IN REM process; and

WHEREAS, there is a need to sell some parcels shortly after we acquire them; and

WHEREAS, Some parcels need continued maintenance and would like to cut down on the counties hold time on such parcels.

NOW, THEREFORE, BE IT RESOLVED that the Bayfield County Board of Supervisors assembled this 21st day of September, 2010 allows the Land Records Department to evaluate and sell parcels 90 days after the Bayfield County acquires ownership through the IN REM process.

*By Action of the
Bayfield County Board of Supervisors*

William D. Kacvinsky, *Chairman*

A motion was made by Rondeau/Bussey to adopt Bayfield County Resolution No. 2010-49, In REM parcels process after Bayfield County Acquires Ownership. The motion carried.

8. Discussion and Possible Action Directing the County Administrator, Together with Bond Counsel to Prepare a Resolution for the Issuance of Recovery Zone Bonds by Bayfield County.

Abeles-Allison reported that his office received correspondence from Telemark Partners, LLC, asking the Board to consider their formal request to approve Telemark Partners, LLC to act as the issuer of "Recovery Zone Facility Bonds" in the amount of \$10,000,000.00 (Ten Million), as identified by the Wisconsin Department of Commerce. Upon the Board's approval to be the issuer, Telemark Partners, LLC will move forward with renovation plans, documents, applications and permits. In March, 2010, the Board passed Resolution #2010-12 which made Bayfield County a recovery zone. Documentation was also submitted by Dorsey & Whitney, LLP. Abeles-Allison also reported that while these bonds are in the name of Bayfield County, the County is not financially responsible for the bonds. Abeles-Allison met with 2 individuals from Telemark, who are here this evening to answer any questions the Board may have. A brief discussion took place on whether this would affect the County's borrowing power. The Town of Cable has also sent us a letter of support and recommendation that we endorse this request. The Executive Committee has seen the request and documentation and is also recommending that this request be approved.

A motion was made by Rondeau/Meyers to suspend the rules to allow Rick Ahern and Marc Putnam speak to the Board. The motion carried.

Rick Ahern and Marc Putnam were introduced and they explained that basically what this will do is give private banks the right to sell the bonds. Telemark is still required to show a 50% equity level equal to the bonds so that the bonds are not financing the entire project. The intent of the bonds is to provide for capital improvements, restoration of the hotel and get the ski hill open again so that the property can be productive and get tourism back in the area again. They again reiterated, that there is no liability on the County's behalf. The time frame is that the bonds will be sold by January, 2011 so time is of the essence.

The Plan has been worked on for over 15 months. This is a serious significant commitment to the trail system and the preservation of the trails as it is not in existence as we speak. The plan provides for this as well.

Abeles-Allison stated that these gentlemen have worked diligently even when we thought the project was dead in the water and have come up with real and feasible ways to make the plan work. Telemark is very important to our area and one of the largest cross-country ski races is held at Telemark as well as our biggest bike races. We need to embrace this opportunity.

A motion was made by Rondeau that the Bayfield County Board do the bond issue work to Telemark and that we follow the plans of Mr. Ahern and Mr. Putnam. He withdrew his motion with the Board's approval.

A motion was made by Rondeau that Bayfield County prepare a resolution with a letter of intent to be the issuer for the issuance of recovery zoning bonds. Discussion started and a defacto second took place. Further discussion took place on the \$10 million figure and how it was arrived at. Ahern and Putnam explained that the phases for the project and also explained that Impact 7 is a part

of this project as well. Ahern and Putnam gave a brief background on themselves and past history of Telemark, realizing that it is a time to move forward and to hopefully bring this facility alive once again.

Discussion then took place on the letter of intent and *Rondeau withdrew his motion.*

A motion was made by Rondeau/Jardine to direct the Administrator, together with bond counsel to prepare a resolution for the issuance of recovery zone bonds by Bayfield County. A roll call vote was taken as follows: Maki-no; Kittleson-yes; Bennett-yes; Kacvinsky-yes; Rantala-yes; Williams-no; Bichanich-yes; Miller-yes; Crandall-absent; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes: Total 13: 10 yes, 2 no, 1 absent. The motion carried.

The board recessed at 7:20 for a short break.

9. Bayfield County Resolution No. 2010-48, Amending Lake Protection Grant Signatories, Authorizing Mark Abeles-Allison as Signatory on Behalf of Bayfield County for Lake Protection Grant. Abeles-Allison explained that this is the same resolution as adopted earlier allowing for Abeles-Allison and Dufford to sign, however, the DNR wrote back stating that there can only be one signatory. *A motion was made by Jardine/Rantala to approve Bayfield County Resolution No. 2010-48 Amending Lake Protection Grant Signatories, Authorizing Mark Abeles-Allison as Signatory on Behalf of Bayfield County for Lake Protection Grant. The motion carried.*

10. Discussion and Possible Action Regarding Bayfield County Parks Transfer from Tourism Department to Forestry Department. Abeles-Allison reported that all three committees (Tourism, Forestry, Executive) with this transfer because there is educational expertise that is actually part of the forestry curriculum in education programming that the Foresters go through. Most departments in the State of Wisconsin have the parks supervised through their forestry departments. *A motion was made by Miller/Rondeau to transfer the Bayfield County Parks from the Tourism Department to the Forestry Department.* Discussion took place that they don't want to see 6 months from now that the forestry department is overworked and that they need another employee to keep up. Discussion also took place on the proper signage, and that repairs and electrical work is not being maintained at the campgrounds on a timely basis - will these be done before the transfer is completed. Abeles-Allison submitted a memo dated September 21, 2010, with a timeline for the conveyance. *(A copy of the timeline is on file in the County Clerk's office).* Further discussion took place and it was mentioned as well that a summer intern is planned for next year to assist with the parks. *A roll call vote was taken as follows: Kittleson-yes; Bennett-yes; Kacvinsky-yes; Rantala-no; Williams-no; Bichanich-yes; Miller-yes; Crandall-absent; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes; Maki-no: Total 13: 9 yes, 3 no, 1 absent. The motion carried.*

11. Bayfield County Resolution No. 2010-51, Request to Amend 2010 Capital Equipment Budget with Regard to the Energy Efficiency Conservation Block Grant. Abeles-Allison recommend that we table this item as there is information that is yet needed. *A motion was made by Jardine/Bichanich to table Bayfield County Resolution No. 2010-51 Request to Amend 2010 Capital Equipment Budget with Regard to the Energy Efficiency Conservation Block Grant. The motion carried.*

A motion was made by Meyers/Kittleson to move in and out of Executive Session pursuant to §19.85(1)(e), Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: A roll call vote was taken as follows: Bennett-yes; Kacvinsky-yes; Rantala-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-absent; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes; Maki-yes; Kittleson-yes; Total 13: 12 yes, 1 absent. The motion carried.

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

12. Bayfield County Resolution No. 2010-50, Approval of Three-Year Amendment of the Depreciation Fund Requirements in Northern Lights Services' Lease Agreement, Amendment to Section 7.14, Depreciation Fund Requirement for the Fiscal Years 2010, 2011 and 2012. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, this resolution is to amend and restate the Lease Agreement between Bayfield County, WI, "Lessor," and Northern Lights Services, Inc., "Lessee," dated December 5, 2007; *and*

WHEREAS, this is for approval of a three-year waiver to the depreciation fund requirement in Northern Lights Services' Lease Agreement, Waiver to Section 7.14 Depreciation Fund Requirement for the fiscal years 2010, 2011 and 2012; *and*

WHEREAS, Bayfield County issued \$5.91 million in bonds for the Northern Lights Services in 2007; *and*

WHEREAS, the Depreciation Fund requirement for 2010, 2011 and 2012 is \$275,000 as established in Section 7.14 of the Lease Agreement between Northern Lights Services and Bayfield County; *and*

WHEREAS, Northern Lights has requested a three year amendment to \$170,000 expiring December 31, 2012 for a land purchase; *and*

WHEREAS, all bond payments will continue to be made by NLS; *and*

WHEREAS, upon expiration of this agreement NLS agrees to return to the depreciation fund requirement specified.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, assembled this 21st day of September, 2010, states that Northern Lights Health Services shall maintain a depreciation fund balance of no less than \$170,000 in fiscal years 2010, 2011 and 2012; *and*

BE IT FURTHER RESOLVED, that the Depreciation Fund as stated in section 7.14 of the Lease Agreement shall return to the amount specified in the lease in Fiscal Year 2013 and beyond.

*By Action of the
Bayfield County Board of Supervisors*

William D. Kacvinsky, *Chairman*

A motion was made by Rondeau/Meyers to adopt Bayfield County Resolution No. 2010-50, Approval of Three-Year Amendment of the Depreciation Fund Requirements in Northern Lights Services' Lease Agreement, Amendment to Section 7.14, Depreciation Fund Requirement for the Fiscal Years 2010, 2011 and 2012. The motion carried.

13. Discussion and Possible Action Regarding Approval of Amended and Restated Joint Powers Agreement Relating to the Public Finance Authority (2010-26). Abeles-Allison explained that Chairman Kacvinsky was elected as the Vice-Chairman of this Committee. This is a big opportunity to WCA as a State of Wisconsin business. This is the time to aggregate financing for businesses in or out of the State. A couple of meetings have been held. The Attorney General has reviewed and has responded (*On file in the County Clerk's office*). There are 3 modifications: A procedural amendment at the beginning of the document; Section D-5 - The number of board members; and Section 8 - personal liability or accountability an amendment. We have already approved this agreement, however, we need to re-approve with the new modifications from the Attorney General's office. *A motion was made by Bussey/Kittleson that we approve the amendments as set forth by the Public Finance Authority. The motion carried.*

14. Administrator's Report:

- a) **WCA Update.** The WCA meeting is next week. We will be leaving Sunday morning and coming back late Tuesday evening. The meetings will be held in Milwaukee. If anyone still wants to attend, let Abeles-Allison know as we are taking van.
- b) **Election Update.** Fibert informed everyone of the fall ballot and that it will include a highway referendum. November 2nd is election day and you can cross over when voting.
- c) **Energy Awareness Proclamation.** October is Energy Awareness Month and the Office of Energy has asked us to do a proclamation for October.
- d) **US Highway 2 Improvements.** Abeles-Allison received a resolution on Highway 2 improvements and what steps will be taken. Superior Days started today, the next meeting dates are Nov. 16th and 28th and the actual Superior Days on February 22-23, 2011 in Madison.
- e) **2011 Budget Meetings.** Next budget meeting will be on Sept. 30th at 4:00 p.m. Decisions will be made at this meeting prior to being forwarded to the County Board.

- f) October County Board Meeting will be held on October 26th with public hearing on 2011 Budget.

There being no further business to come before the Bayfield County Board of Supervisors, Chairman Kacvinsky adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Scott S. Fibert,
Bayfield County Clerk
SSF/dmb