

Minutes of the  
**Bayfield County Board of Supervisors' Meeting**  
Of April 21, 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 6:03 p.m. Roll call was taken by Bayfield County Clerk, Scott Fibert as follows: *Bichanich-present; Miller-present; Crandall-present; Rondeau-present; Good-present; Gordon-present; Jardine-present; Maki-absent; Kittleson-present; Blahnik-absent; Kacvinsky-present; Beeksma-present; Williams-present. Total: 13, 11 present, 2 absent, a quorum was present to conduct business. The motion carried.* Others present were: County Administrator, Mark Abeles-Allison; County Clerk, Scott Fibert; Deputy County Clerk, Dawn M. Bellile; Gene Jordan, Northern Lights Manor Nursing Home Administrator; Cheryl Follis, NLMNH Board Chair; Karl Kastrosky, Zoning Director; Stefania Strzalkowska, AIS Coordinator; Robert Lobermeier, County Conservationist; Tim Kane, Community Resource Coordinator; Michael Darrow, Representative for Short, Elliott & Hendrickson; and area citizens.

The Pledge of Allegiance was recited by all in attendance.

1. Motion Regarding Minutes of March 31, 2009 Bayfield County Board of Supervisors' Meeting.  
*A motion was made by Gordon/Rondeau to adopt the minutes of the March 31, 2009 Bayfield County Board of Supervisors' Meeting. The motion carried.*

2. Public Comment:

a) Jim Brakken, Cable, President of the Bayfield County Lakes Forum. He informed the Board that he is a delegate for Bayfield County on the Wisconsin Conservation Committee. The Lakes Forum has printed a newsletter and he gave a copy to all Board members. He pointed out that Bayfield County is well regarded and way ahead of the game with its concerns regarding its lakes. We are doing a fine job. He talked a few minutes regarding the fines for transporting aquatic species. Most of the offenses, he believes, are not caused by locals but rather people visiting and they perhaps do not know the law. It seems that the majority of the people care about this and others do not and are more willing to pay the fine than to have to clean their boats and trailers. This is why the Lakes Forum has been pushing for a substantial penalty, especially the 2<sup>nd</sup> time. Brakken thanked the Board for letting him speak.

b) Stefania Strzalkowska, AIS project coordinator, stated that she supports the increase in the base level fines. She pointed out that Failure to drain water, litter, and violating the wood quarantine are all base fines. Aquatic invasive species got transported into a lake by simply hanging on to the boat or trailer. These rules are to protect our state's resources. Bayfield County residents put a premium value on the use of our lakes.

c) Russ Klinger, Town of Russell. He would like board to be aware of motion made at the annual Town Meeting for the Town of Russell. The motion was made directing the Town Board to rescind its advisory motion to the Bayfield County Zoning Committee regarding the CFS Shadow Wood Landing proposed rezone on Compton road. The motion passed 21-1.

d) Tom Galazen, Town of Bayfield, spoke on a motion that was passed at the recent Town of Bayfield Annual Meeting. The motion stated that residents of the Town of Bayfield assert and reaffirm their opposition to the resort complex and airstrip development known as Shadow Wood Landing. We call upon the Town Board to pursue policies and utilize influence within its means to stop the project. This passed by a vote of 11-6.

e) David Thomas, LaPointe. He reported that we have people coming to the town meetings who speak directly. It is wise to listen to the public making the motions. He also reiterated that the people at the annual meeting for both the Town of Russell and Town of Bayfield have passed motions pulling for the support to pull away

from allowing the Shadow Wood Landing project. The public is speaking loudly and they should be represented. He asked the Board to please support what the people are asking for. The County Board is underestimating the disapproval of the public for this project.

He also addressed the agricultural station issue. He stated that it is a very good decision of the Board to lease it. The AERC proposal is moving along.

**3. Presentation by Michael Darrow, Project Manager, with Short, Elliott & Hendrickson, Regarding Status of Comprehensive Plan Efforts.** Darrow thanked the Board for allowing him time to speak to them regarding the status of the comprehensive plan. He stated that he was here to update the Board on the successful progress they have had regarding the plan and he is very pleased with the public's input. There were comprehensive plan meeting posters placed in the Board's packets for their review. There will be a Comprehensive Plan Open House in the following locations next week: Wednesday, April 29<sup>th</sup> from 6-8 p.m. in Iron River and Thursday, April 30<sup>th</sup> from 6-8 p.m. in Grand View. He reported that over the last few months over 14 towns have become involved. We have seen an increase in steering committee meetings. Many people didn't understand the process and have been attending to get up to speed. There is a substantial investment on the town's part. There is something that comes out of this, to take value of, like action plans, land use development plans and patterns. It is critical that we have the Board's approval through this process. This needs to be wrapped up at the end of this year.

This is a complicated process and he was impressed with Karl and his staff in their help with the project. To date the survey has been completed. We have had a return rate of 22% which is very good for a survey of this size. A website has also been set up for those who cannot attend meetings would like to know what is taking place. We have received approximately 250 hits on the site.

The next couple of months are vital. The technical reclassification of the land use will be taking place which will make mapping easier allowing maps to speak to one another.

Darrow again thanked the Board for allowing him to speak and asked if they had any questions for him. There was a brief discussion had as to how the old comprehensive plan will merge with the new comprehensive plan. Here is here to update on the successful progress that we have been receiving on this plan. Very pleased with

**4. Presentation by Reba Rice of The Lakes Community Health Center.** Reba Rice thanked the Board for allowing her time to speak to them regarding what has taken place with The Lakes Community Dental Center. She reported on how the center got set up including the grant that was applied for. In February they were notified that they would only be receive  $\frac{1}{2}$  of the grant which was a bit detrimental to them, however, the goals were met and we have been busy with renovation and construction to have the Center open on March 5<sup>th</sup>. She reported that Dr. Tina opened up in Dr. Reardon's old building with the old equipment while waiting for the new equipment to arrive.

She reported on the services that are provided and the qualifications that need to be met for children and adults alike. They have had a waiting for adults from day 1, and we need to do more about that. She also reported that they do not want to compete with the local dentists in their services. All who visit the Health Center are welcome to receive services. All medical insurances are accepted with sliding discount fees available based on income to patients without insurance. Regardless of income, if the client pays the entire bill on the date of service, there is a 15% discount. In general, things are going well and people are very grateful for the services.

A brief discussion period was had as it related to an update of the Iron River Health Clinic. They are trying to recruit a full-time physician and director. She then passed out brochures to the Board for their review which outlined the services and qualifications for both the Health & Dental Center. She again thanked the Board for their support and time.

5. Northern Lights Thank You, Update on Building Project and Home Health Care - April 28<sup>th</sup> Ribbon Cutting Ceremony Northern Lights Thank You, Update on Building Project and Home Health Care - April 28<sup>th</sup> Ribbon Cutting Ceremony. Gene Jordan, Director, and Cheryl Follis, President of Northern Lights Manor Nursing Home were present to say thank you to the County Board for their help and dedication during the construction period. A special thank you to Scott Fibert and his staff and Dan Anderson and his staff for their help in office support. A big thank you also to the Northern Lights office staff and all employees for their patience and hard work during the construction period. It has been difficult at times, but, everyone worked well together to make it happen. Jordan reported on the occupancy of the facility and that they are not back to 85%. The goal is 93% which allows keeping beds open for patients being discharged from the hospital to the nursing home for rehabilitation.

Jordan reported on Home Health. We started working with you 2 years ago. We had 16 clients in 2008 and we have approximately 21 on the case load now. Sawyer County has closed their Home Health so we are picking up a few of those as well as other entities closer. Regarding outpatient physical therapy, we saw over 250 people last year and we are projecting to see at least 400 this year.

Jordan spoke on the bond requirement. He stated to the Board that the Nursing Home will meet their obligations. He also reminded the Board that next Tuesday, April 28<sup>th</sup> at 4:00 p.m. there will be a ribbon cutting ceremony in the main parking lot. There will be demonstrations, a tour through the new assisted living and residents are anxious to show off their new home.

6. Bayfield County Resolution No. 2009-19, Approving the Northern Lights Waiver to Section 7.13 Rate Covenant for the Fiscal Years 2008-2009. The Board dispensed with the reading of this Resolution, which reads as follows:

Amended and Restated Lease Agreement Between  
Bayfield County, Wisconsin (Lessor) and Northern Lights Services, Inc. (Lessee).

**WHEREAS**, Bayfield County issued \$5,9100,000 in bond for the Northern Lights Health Center in 2007; and

**WHEREAS**, the debt service coverage ratio in Section 7.13 of the Lease Agreement between lessee and lessor was established at 125% for the entire life of the bonds; and

**WHEREAS**, the census of the Northern Lights Health Center had to be reduced for over four months to allow for remodeling, thus reducing revenue; and

**WHEREAS**, the new CBRF assisted living was not occupied during the construction year and will be partially occupied as it fills up beginning April 2009; and

**WHEREAS**, the borrowed construction interest cannot be used in the ratio calculation; and

**WHEREAS**, the bond payments are being made by lessee even at reduced revenue; and

**WHEREAS**, lessee has accounts receivable over \$800,000 and reserves over \$300,000.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 21<sup>st</sup> day of April, 2009, approve an amended and Restated Lease Agreement between Bayfield County, Wisconsin (Lessor) and Northern Lights Services, Inc. (Lessee) including a two-year waiver to the rate covenants in Northern Lights Services' Lease Agreement as follows:

Northern Lights Health Care Center shall provide Net Revenue in Fiscal Year 2008 which shall equal at least 50% of the Total Principal and Interest Requirements.

Northern Lights Health Care Center shall provide Net Revenue in Fiscal Year 2009 which shall equal at least 100% of the Total Principal and Interest Requirements.

The Rate Covenant as stated in second 7.13 of the Lease Agreement shall provide Net Revenue in Fiscal Year 2010 and beyond at least 125% of the Total Principal and Interest Requirements.

#### BAYFIELD COUNTY BOARD OF SUPERVISORS

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

*A motion was made by Gordon/Good to adopt Bayfield County Resolution No. 2009-19, Approving the Northern Lights Waiver to Section 7.13 Rate Covenant for the Fiscal Years 2008-2009. 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.*

7. Discussion and Possible Action Regarding Justice Assistance Grant, Local Solicitation, Review and Governing Body Notice Requirement. Abeles-Allison reported to the Board on this topic. This is a grant whereby Bayfield County has could receive as much as \$25,000. We are focusing on two community service grants, one which would take inmates out and work on projects. This would total \$12,500. The other grant is for additional mental health services, individual assessments in the jail as well as for groups making the transition from jail into private life, which we are hoping to break the cycle. This grant is also for \$12,500.

Discussion took place as to what happens when the stimulus dollars are gone? Do the people who have been hired to oversee these projects then become full-time Bayfield County employees? It was stated that when the dollars end, so do the positions.

*A motion was made by Good/Gordon to affirm support and to apply for this grant. The motion carried.*

8. Bayfield County Resolution No. 2009-20, Requesting the Restoration of Wisconsin Clean Sweep Program Funding in the State Budget. Tim Kane was present to point out the governor's proposed budget which will eliminate all funding for this project. This program has been used by Northwest Regional Planning since 1995. The elimination of \$95,000 from their budget to hold the clean sweep projects will no doubt have people dumping hazardous waste anywhere in our community and we will soon see the after effects. This Resolution documents what has taken place over the years in Bayfield County for the governor's review and to urge him to put back into the budget the necessary dollars to keep this program alive and working.

The Board dispensed with the reading of the Resolution, which reads as follows:

**WHEREAS** Governor Doyle's proposed biennial budget eliminates all state funding for the Wisconsin Clean Sweep Program to finance hazardous waste and pharmaceutical collections; and

**WHEREAS** this would eliminate \$95,000 in grant funding that the Northwest Regional Planning Commission has used along with county dollars to help finance Clean Sweep collections in northwest Wisconsin counties, including Bayfield County; and

**WHEREAS** the loss of this state funding would constitute approximately one third of the Northwest Clean Sweep Program's budget; and

**WHEREAS** this highly successful program has been very important in providing households, farms, local and tribal governments, schools, businesses and nonprofit organizations with convenient and low cost opportunities to properly dispose of their hazardous materials; and

**WHEREAS** over the last five years (2004 - 2008), 1,147 participants brought 85,186 pounds of unwanted hazardous chemicals, 6,287 old fluorescent bulbs, 261 used oil filters and a large quantity of discarded electronic equipment to Northwest Clean Sweep collection events held in Bayfield County; and

**WHEREAS** the loss of state financial support for Clean Sweep collections could result in increased improper disposal of hazardous chemicals and old medications that in turn would have negative impacts on our "Northwoods" environment and people's health.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 21<sup>st</sup> day of April, 2009, opposes the elimination of state funding for the Wisconsin Clean Sweep Program; and

**BE IT FURTHER RESOLVED** that the Bayfield County Board of Supervisors requests that the Joint Finance Committee and Wisconsin Legislature restore funding in the state biennial budget for the Wisconsin Clean Sweep Program to finance hazardous waste and pharmaceutical collections.

#### **BAYFIELD COUNTY BOARD OF SUPERVISORS**

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

*A motion was made by Jardine/Bichanich to adopt Bayfield County Resolution No. 2009-20, Requesting the Restoration of Wisconsin Clean Sweep Program Funding in the State Budget and to send it to our state officials as well as the Wisconsin Counties Association. The motion carried.*

**9. Bayfield County Amendatory Ordinance No. 2009-07, Aquatic Invasive Species Fines and Penalties.** Stefania Strzalkowska was present to speak to the Board. She reported that the Amendatory Ordinance has already been passed by the AIS Committee. There have also been many conversations held with the Sheriff and Sheriff's Committee as to enforcement of the fines, etc. What is in front of you this evening is supported and recommended by the Sheriff, Sheriff's Committee, AIS Committee and also the Tourism Committee.

The Board dispensed with the reading of the Ordinance, which reads as follows:

**The Bayfield County Board of Supervisors ordains as follows:**

**That Title 16 of the Bayfield County Ordinance, revised January 1, 2002, be hereby amended as follows:**

#### **Chapter 2: Aquatic Invasive Species**

##### **Sec. 16-2-1 Purpose.**

The purpose of this chapter is to establish a local program to prevent the spread of aquatic invasive species in Bayfield County.

##### **Sec. 16-2-2 Definition of Aquatic Plants and Animals.**

(a) "Aquatic plant" means a submergent, emergent, or floating-leaf plant or any part thereof. "Aquatic plant" does not mean wild rice.

(b) "Aquatic animal" means zebra or quagga mussel, or any other aquatic invasive animal prohibited by the state.

**Sec. 16-2-3 Prohibited Transport of Aquatic Plants and Animals.**

No person may transport any boat, boat trailer, personal watercraft and its associated trailer, canoe, kayak, or boating equipment from navigable waters onto a public highway if aquatic plants or animals are attached, or to do so in violation of an order from a law enforcement officer who has reason to believe that aquatic plants or animals are attached, except as provided in Section 16-2-4.

**Sec. 16-2-4 Exceptions to Transport of Aquatic Plants and Animals.**

Unless otherwise prohibited by law, a person may transport aquatic plants:

(a) for disposal as part of a harvest or control activity conducted under an aquatic plant management permit (NR 109).

(b) when transporting commercial aquatic plant harvesting equipment to a suitable location, away from any water body, for purposes of cleaning any remaining aquatic plants or animals.

(c) when harvested for personal or commercial use, as to be used as compost or mulch, and in a sealed container.

(d) for purposes of shooting or observation blinds for waterfowl hunting during the waterfowl season, if the aquatic plants used for these blinds are emergent, cut above the waterline, and contain no aquatic invasive species.

**Sec. 16-2-5 Penalties.**

Any person who violates a provision of this ordinance shall be subject to a base fine of not less than \$50 for a first offense, not less than \$100 for a second offense, and not less than \$1,000 for a third and each subsequent offense. All surcharges, assessments and costs will be added to base fines as applicable by law.

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. 2009-07, Aquatic Invasive Species Fines & Penalties.* Discussion took place about making the State be responsible for this as well. Just because the State and Federal governments do not have any money they shouldn't be allowed to pass their jobs on to us. The DNR should step up to the plate as well as we can't fight this all alone. Game Wardens do not enforce this. Our Bayfield County deputies work in conjunction with the conservation wardens, and can issue a fine. We do all the work and we will be the recipients of the funds collected as it is a Bayfield County Ordinance. *The motion carried.*

10. Appointment of Delores Kittleson to the Northern Bridges Board of Directors. Chairman Kacvinsky asked the Board that they approve of his recommendation of the appointment of Delores Kittleson to the Board of Directors at Northern Bridges.

*A motion was made by Rondeau/Miller to appoint Delores Kittleson to the Northern Bridges Board of Directors.* Discussion as to whether there is an alternate and it was reported that there is not one in this case. *The motion carried.*

*A motion was made by Jardine/Rondeau to move into Executive Session pursuant to §19.85(1),(e),(g), for the purpose of 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 and 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 vote was taken as follows: Crandall-yes; Rondeau-yes; Good-yes; Gordon-yes; Jardine-yes; Maki-absent; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-yes; Williams-yes; Bichanich-yes; Miller-yes. Total: 13; 12 yes, 0 no, 1 absent. The motion carried.*

The short took a short recess 7:10 p.m. and reconvened at 7:25 p.m.

*A motion was made by Gordon/Crandall to move out of Executive Session pursuant to §19.85(1),(e),(g), for the purpose of 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 and 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 vote was taken as follows: Rondeau-yes; Good-yes; Gordon-yes; Jardine-yes; Maki-absent; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes. Total: 13; 12 yes, 0 no, 1 absent. The motion carried.*

11. **Discussion and Possible Action on Ag Station Proposals.** Abeles-Allison reported that Ashland County met this morning and took the same action, which is for a lease up to 5 years. Discussed Ag Station Committee negotiating lease and coming back to each respective counties. Also discussed was Bayfield County's interest in full ownership of the property.

*A motion was made by Rondeau/Gordon that Bayfield and Ashland Counties and a 3<sup>d</sup> party, enter into a 5 year lease and to then go back to the Ag Station Committee and both Bayfield and Ashland County Boards for approval. The motion carried.*

12. **Administrator's Report:**

- a) A reminder of the 4 p.m. May 11<sup>th</sup> Budget Planning Meeting; May 26<sup>th</sup> is the regular meeting;
- b) WCA Annual Convention will be held on Sept. 13-15 in LaCrosse. Supervisors who would like to attend are to let Mark know. Good, Crandall, Kacvinsky, Kittleson, Beeksma and Williams signed up.
- c) Construction Update: The hole has been dug, wall is about to be cut. Progress is being made.
- d) Visitor's Guide should be here shortly.

13. **Supervisors' Reports:** None.

There being no further business to come before the Bayfield County Board of Supervisors, *a motion was made by Gordon/Bichanich to adjourn. The motion carried* and the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Scott S. Fibert,  
Bayfield County Clerk  
SSF/dmb