

Minutes of the
Bayfield County Board of Supervisors' Meeting
Of December 14, 2010 - 6:00 p.m.
Bayfield County Board Room, Courthouse, Washburn, Wisconsin

The monthly meeting of the Bayfield County Board of Supervisors was called to order by Chairman Kacvinsky at 6:00 p.m. Roll call was taken by Bayfield County Clerk, Scott Fibert as follows: Jardine-present; Maki-present; Kittleson-present; Bennett-present; Kacvinsky-present; Rantala-absent; Williams-present; Bichanich-present; Miller-present; Crandall-present; Rondeau-present; Meyers-present; Bussey-present: Total 13: 12 present, 1 absent. The motion carried and 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; Terry Kramolis, Health Director; Elizabeth Skulan, Director; Tom Toepfer, Highway Commissioner, Claire Duquette, Reporter for The Daily Press; and community residents.*

The Pledge of Allegiance was recited by all in attendance.

1. **Motion Regarding Minutes of November 9, 2010 Bayfield County Board of Supervisors Meeting.** The Board dispensed with the reading of the minutes, a copy of which is on file in the County Clerk's office and on-line for the public to view. *A motion was made by Rondeau/Miller to adopt the Minutes of the November 9, 2010 Bayfield County Board of Supervisors Meeting. The motion carried.*

2. **Recognition of Marcia Wellnitz for Service as Bayfield County Representative on the Northern Waters Library Board.** Abeles-Allison introduced Wellnitz and reported that she has served on the Northern Waters Library Board for 30 years. Chairman Kacvinsky read what was printed on the plaque which was presented to her by Bayfield County Library Board Chairman, John Bennett. Pictures were taken and everyone stood and applauded and thanked for her services.

3. **Public Comment.**

Larry MacDonald, City of Bayfield Mayor. He is a Bart Board member and encouraged the Board to make the right decision. We need this transportation system.

Ralph Brzezinski, City of Washburn, Mayor. He informed the Board that he made phone calls and spoke with many people. We need a transportation system, but not the RTA at this time is not in the best interest of our community.

Carl Doersch, Ashland. He informed the Board that he is on the Bart Board and is also on the Ashland City Council. He wanted to reiterate a few items from the public hearing that needs serious consideration. The people that use the transportation system are our local residents, our neighbor and friends. We need to support it.

Dick Pufall, Ashland. He stated he is on the Ashland City Council and Ashland County Board. A document was presented and handed out to the Board (a copy of which is on file

in the County Clerk's office for public review). He went over each of the items one by one. He stated he would appreciate the Board's support, vote for the people.

Charles Ortman, Ashland. He stated he is against the RTA and Bart entirely. He gave a lengthy list of both pros and cons as to why and how Bart uses their dollars and a closer looks to be done in order for him to support.

Donna Williamson, Ashland County Board, 9th Ward. She stated that she represents the poorest ward in Ashland, maybe even the poorest in Ashland County. If these residents did not have public transportation they would literally have no way of getting around. When you vote this evening, remind yourselves of who put you into office. Vote for what the people want, a safe, clean bus system for everyone to use.

Chairman Kacvinsky asked 3 more times if there was anyone else who wanted to comment. There were no more comments.

4. **Introduction of Janet Bewley, State Elect Representative to Assembly.** Bewley telephone earlier and informed the Administrator that she would not be able to attend.

5. **Introduction of Terry Kramolis, Bayfield County Health Director.** Abeles-Allison gave an educational and experience background on Kramolis and then introduced her to the Board. Kramolis thanked the board for allowing her to come to meet with them this evening and that it was good to be back in Bayfield County. She reported that she was recently appointed to the Governor's Health Conference, which represents all small health opponents and is the only representative north of Wausau. She is very excited about this. She previously worked for MMC and also has experience in psychiatry. She believes in and is a strong advocate for public health. She has met with the State and a date has been set in April for the State to come in and investigate for becoming a Level 3 in health care. The Board asked a few questions of Kramolis, and then welcomed her aboard and thanked her for coming to the meeting.

6. **Bayfield County Resolution No. 2010-61, Honoring Bruce Pohjonen for his 25 years of Dedicated Service to Bayfield County.** Chairman Kacvinsky read the resolution, which reads as follows:

WHEREAS, Bruce Pohjonen has served Bayfield County with distinction, honor and dedication in the Highway Department for 25 years,

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 14th day of December, 2010, honors Bruce Pohjonen for his 25 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 Williams/Jardine to adopt Bayfield County Resolution No. 2010-61, Honoring Bruce Pohjonen for his 25 years of dedicated service to Bayfield County. The motion carried.

7. Bayfield County Resolution No. 2010-66, Creation of the Chequamegon Bay Regional Transit Authority (CBRTA). The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, the State of Wisconsin has authorized the creation of the CBRTA with Wisconsin Statutes Section 66.1039; and

WHEREAS, public transit services are critical for the economy and well being of the people living in Ashland and Bayfield Counties; and

WHEREAS, the availability of public transportation helps promote commerce and helps people get to jobs, school, shopping and more: and

WHEREAS, for elderly persons and persons with disabilities the availability of public transportation is what keeps them out of institutions and allows them to live independently in their own homes: and

WHEREAS people in Ashland and Bayfield Counties who are too young, too old, do not have a car or choose to save energy by riding public transit need access to public transit: and

WHEREAS visitors and businesses considering coming to the area consider public transportation positively in their decision making process: and

WHEREAS public transportation is part of making the United States of America more energy independent and more self reliant: and

WHEREAS, BART and other transportation providers have a successful and well liked service that has been diligently and effectively providing public transportation for 29 years with a funding base that has never been fully stable: and

WHEREAS, it is the desire of the people needing and wanting public transit to have a stable funding base and a dependable transit service operating in Ashland and Bayfield Counties.

NOW, THEREFORE BE IT RESOLVED, that the Bayfield County Board of Supervisors does approve and authorize the creation of the Chequamegon Bay Regional Transit Authority authorized by Section 66.1039 of the Wisconsin Statutes and specifies that a sales and use tax as identified in Wisconsin statutes section 77.708 shall be set and the maximum rate shall not exceed one tenth (.1) of one percent of sales and use tax until such time as the business and operation plan pursuant to the section of this resolution titled "Duty To Provide Planning For Transit Services" is approved by the Ashland County Board, the Bayfield County Board and the Chequamegon Bay Regional Transit Authority Board. Subject to the approved business and operations plan the maximum rate of the tax that may be

imposed, if approved by both county boards, shall not exceed two-tenths (.2) of one percent of sales and use tax as identified in Wisconsin statutes section 77.708 (1). If such increase is not approved, the maximum rate shall remain at one-tenth of one percent. The authority shall be subject to the following provisions:

Definitions of terms:

- a) "Authority" means a transit authority created under this resolution.
- b) "Bonds" means any bonds, interim certificates, notes, debentures, or other obligations of an authority issued under this resolution.
- c) "Comprehensive unified local transportation system" means a transportation system that is comprised of motor bus lines and any other local public transportation facilities, the major portion of which is located within, or the major portion of the service of which is supplied to the inhabitants of, the jurisdictional area of the authority.
- d) "Municipality" means any city, village, or town.
- e) "Participating political subdivision" means a political subdivision that is a member of an authority, either from the time of creation of the authority or by later joining the authority.
- f) "Political subdivision" means a municipality or county.
- g) "Transportation system" means all land, shops, structures, equipment, property, franchises, and rights of whatever nature required for transportation of passengers within the jurisdictional area of the authority and, only to the extent specifically authorized under this resolution, outside the jurisdictional area of the authority. "Transportation system" includes elevated railroads, subways, underground railroads, motor vehicles, motor buses, and any combination thereof, and any other form of mass transportation, but does not include transportation excluded from the definition of "common motor carrier" under Wisconsin statutes section 194.01 (1) or charter or contract operations to, from, or between points that are outside the jurisdictional area of the authority.

CREATION OF TRANSIT AUTHORITY. Chequamegon Bay Regional Transit Authority (authority), a public body corporate and politic and a separate governmental entity, shall be created by the passage of this resolution by the Bayfield County Board of Supervisors and the passage of a resolution with the same terms by the Ashland County Board of Supervisors. This authority shall consist of the counties of Ashland and Bayfield and any municipality located in whole or in part within these counties. This authority may transact business and exercise any power granted to it under this resolution.

After the authority is created any county other than Ashland County or Bayfield County may join this authority if the governing body of the county adopts a resolution authorizing the county to become a member of the authority, and the board of directors of the authority approves the county's joinder.

The jurisdictional area of the authority is the combined territorial boundaries of the counties of Ashland and Bayfield and any county that joins the authority.

If a county joins the authority after it is created, the authority shall provide the department of revenue with a certified copy of the resolution that approves the joining and a certified copy of the authority's board of director's approval. The county's joining of the authority shall take effect on the first day of the calendar quarter that begins at least 120 days after the department receives this information. The authority shall also provide the department with a description of the new boundaries of the authority's jurisdictional area.

TRANSIT AUTHORITY GOVERNANCE. The powers of an authority shall be vested in its board of directors. Directors shall be appointed for 4-year terms. A majority of the board of directors' full authorized membership constitutes a quorum for the purpose of conducting the authority's business and exercising its powers. Action may be taken by the board of directors upon a vote of a majority of the directors present and voting, unless the bylaws of the authority require a larger number. The board of directors of the authority shall be determined by resolution of the governing bodies of Ashland and Bayfield and of any county that joins the authority, except that all of the following may apply:

- a) The board of directors shall consist of not more than 17 members unless the minimum number of members specified in this b. to d. exceeds 17.
- b) The board of directors shall include at least 3 members each from the counties of Ashland and Bayfield and from any county that joins the authority, appointed by the county board chairperson and approved by the county board.
- c) The board of directors shall include at least one member from the most populous city of each county that is a member, appointed by the mayor of the city and approved by the common council of the city. If the city does not have a mayor, the appointment shall be made by the chairperson of the common council.
- d) The board of directors shall include at least one member from the authority's jurisdictional area, appointed by the governor.
- e) The board of directors shall include one member from The *Red Cliff* Band of Lake Superior Chippewa Indians appointed by The *Red Cliff* Band of Lake Superior Chippewa Indians Tribal Council.
- f) And one member from The *Bad River* Band Of Lake Superior *Tribe* of Chippewa Indians appointed by The *Bad River* Band Of Lake Superior *Tribe* of Chippewa Indians Tribal Council.

The bylaws of an authority shall govern its management, operations, and administration, consistent with the provisions of this resolution, and shall include provisions specifying the following:

1. The functions of services to be provided by the authority.
2. The powers, duties, and limitations of the authority.
3. The maximum rate of the taxes that may be imposed by the authority, not to exceed the maximum rate specified in Wisconsin statutes section 77.708 (1) and further enumerated in this resolution under Powers s), and not to exceed the maximum rate authorized by this resolution without further authorization by each county board of each participating county.
4. The composition of the board of directors of the authority. The initial appointments to the board of directors of the authority shall, at their first meeting, draw lots to determine five (5) members of the board whose initial term will be only 2 years, thus providing that all board members terms will not expire at the same time.

POWERS. The authority may do all of the following, to the extent authorized in the authority's bylaws:

- a) Establish, maintain, and operate a comprehensive unified local transportation system primarily for the transportation of persons.
- b) Acquire a comprehensive unified local transportation system and provide funds for the operation and maintenance of the system. Upon the acquisition of a comprehensive unified local transportation system, the authority may:
 1. Operate and maintain it or lease it to an operator or contract for its use by an operator.
 2. Contract for superintendence of the system with an organization that has personnel with the requisite experience and skill.
 3. Delegate responsibility for the operation and maintenance of the system to an appropriate administrative officer, board, or commission of a participating subdivision.
 4. Maintain and improve railroad right-of-way and improvements of these rights-of-way for future use.
- c) Contract with a public or private organization to provide transportation services in lieu of directly providing these services.
- d) Purchase and lease transportation facilities to a public or private transit companies that operate within and outside the jurisdictional area.
- e) Apply for federal aids to purchase transportation facilities considered essential for the authority's operation.

- f) Coordinate specialized transportation services for residents who reside within the jurisdictional area and who are disabled or aged 60 or older. An authority may contract with a county that is a participating political subdivision for the authority to provide transportation services.
- g) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property or service.
- h) Acquire property by condemnation using the procedure under Wisconsin statutes section 32.05 for the purposes set forth in this resolution.
- i) Enter upon any state, county, or municipal street, road, or alley, or any public highway of the purpose of installing, maintaining, and operating the authority's facilities. Whenever the work is to be done in a state, county, or municipal highway, street, road, or alley, the public authority having control thereof shall be duly notified, and the highway, street, road, or alley shall be restored to as good a condition as existed before the commencement of the work with all costs incident to the work to be borne by the authority.
- j) Fix, maintain, and revise fees, rates, rents, and charges for functions, facilities, and services provided by the authority.
- k) Make, amend, and repeal, bylaws, rules, and regulations to carry into effect the powers and purposes of the authority.
- l) Sue and be sued in its own name.
- m) Have and use a corporate seal.
- n) Employ agents, consultants, and employees, engage professional services, and purchase such furniture, stationary, and other supplies and materials as are reasonably necessary to perform its duties and exercise its powers.
- o) Incur debts, liabilities, or obligations including the borrowing of money and the issuance of bonds.
- p) Invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds for the sale of any bonds, in such obligations, securities, and other investments as the authority deems proper in accordance with Wisconsin statutes section 66.0603 (lm).
- q) Do not perform any acts and things authorized by this section under, through, or by means of an agent or by contracts with any person.
- r) Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the authority, including providing for passenger safety.
- s) Impose, by the adoption of a resolution by the board of directors, the taxes authorized under Section 77.708 Wisconsin Statutes in the authority's jurisdictional area, not to exceed the

maximum rate authorized by this resolution without further authorization by each county board of each participating county. . If an authority adopts a resolution to impose the taxes, it shall deliver a certified copy of the resolution to the department of revenue at least 120 days before its effective date. The authority may, by adoption of a resolution by the board of directors, repeal the imposition of taxes and shall deliver a certified copy of the repeal resolution to the department of revenue at least 120 days before its effective date. If an authority adopts a resolution to impose the tax, an authority shall specify to the department of revenue, the exact boundaries of the authority's jurisdictional area. If the boundaries are the same as the county lines on all sides of the authority's jurisdictional area, the resolution shall specify the county or counties that comprise the authority's entire jurisdictional area. The resolution will specify the maximum rate of the tax that may be imposed.

LIMITATIONS ON AUTHORITY POWERS.

- a) The authority, and no public or private organization with which the authority has contracted for service, may provide service outside the jurisdictional area of the authority unless the authority receives financial support for the service under a contract with a public or other private organization for the service unless it is necessary in order to provide service to connect residents within the authority's jurisdictional area to transit systems in adjacent counties.
- b) Whenever the proposed operations of an authority would be competitive with the operations of a common carrier in existence prior to the time the authority commences operations, the authority shall coordinate proposed operations with the common carrier to eliminate adverse financial impact for the carrier. This coordination may include route overlapping, transfers, transfer points, schedule coordination, joint use of facilities, lease of route service, and acquisition of route and corollary equipment. If this coordination does not result in mutual agreement, the proposals of the authority and the common carrier shall be submitted to the Wisconsin department of transportation for arbitration.
- c) In exercising its powers, the authority shall consider any plan of a metropolitan planning organization that covers any portion of the authority's jurisdictional area.

AUTHORITY OBLIGATIONS TO EMPLOYEES OF MASS TRANSPORTATION SYSTEMS.

- a) If the authority acquires a comprehensive unified local transportation system for the purpose of the authority's operation of the system shall assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law.
- b) If the authority acquires, constructs, or operates a comprehensive unified local transportation system they shall negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, control, or operation to protect the interests of employees affected. This agreement shall include all the provisions identified in Wisconsin statutes section 59.58(4)(b)1. to 8. and may include provisions identified in Wisconsin statutes section 59.58(4)(c). An effected employee has all the rights and the same status that he or she enjoyed immediately before the acquisition, construction, control, or operation and may not be required to serve a probationary period if he or she attained permanent status before the acquisition, construction, control, or operation.

- c) In all negotiations under this subsection of the resolution, a senior executive officer of the authority shall be a member of the authority's negotiating body.

BONDS, GENERALLY.

- a) The authority may issue bonds, the principal and interest on which are payable exclusively from all or a portion of any revenues received by the authority. The authority may secure its bonds by a pledge of any income or revenues from any operations, rent, aids, grants, subsidies, contributions, or other source of moneys whatsoever.
- b) The authority may issue bonds in such principal amounts as the authority deems necessary.
- c) Neither the members of the board of directors of the authority nor any person executing the bonds is personally liable on the bonds by reason of the issuance of the bonds. The bonds of the authority are not a debt of the participating political subdivisions. Neither the participating political subdivisions nor the state are liable for the payment of the bonds. The bonds of the authority shall state the restrictions contained in this paragraph on the face of the bonds.

ISSUANCE OF BONDS.

- a) Bonds of the authority shall be authorized by resolution of the board of directors. The bonds may be issued under such a resolution or under a trust indenture or other security instrument. The bonds may be issued in one or more series and may be in the form of coupon bonds or registered bonds under Wisconsin statutes section 67.09. The bonds shall bear the dates, mature at the times, bear interest at the rates, be in the denomination, have the rank or priority, be executed in the manner, be payable in the medium of payment, and at the places, and be subject to the terms of redemption, with or without premium, as the resolution, trust indenture, or other security instrument provides. Bonds of the authority are issued for an essential public and governmental purpose and, together with interest and income, are exempt from taxes.
- b) The authority may sell the bonds at public or private sales at the price or prices determined by the authority.
- c) If an officer whose signatures appear on any bonds or coupons ceases to be an officer of the authority before the delivery of the bonds or coupons, the officer's signature shall, nevertheless, be valid for all purposes as if the officer had remained in office until delivery of the bonds or coupons.

COVENANTS. The authority may provide covenant in connection with the issuance of bonds in accordance with Wisconsin statutes Section 66.1039(9).

REFUNDING OF BONDS. An authority may issue refunding bonds for the purpose of paying any of its bonds at or prior to issue or upon acceleration or redemption in accordance with Wisconsin statutes Section 66.1039(10).

BONDS ELIGIBLE FOR INVESTMENT.

- a) Any of the following may invest funds, including capital in their control or belonging to them, in bonds of the authority:
 - 1. Public officers and agencies of the state.
 - 2. Local governmental units
 - 3. Insurance companies
 - 4. Trust companies
 - 5. Banks
 - 6. Savings banks
 - 7. Savings and loan associations
 - 8. Investment companies
 - 9. Personal representatives
 - 10. Trustees
 - 11. Other fiduciaries not listed in this paragraph.

- b) The authority's bonds are securities that may be deposited with and received in accordance with Wisconsin statutes Section 66.1039(11)(b).

BUDGETS, RATES, AND CHARGES: AUDIT. The board of directors of the authority shall annually prepare a budget for the authority. Rates and other charges received by an authority shall be used only for the general expenses and capital expenditures of the authority, to pay interest, amortization, and retirement charges on bonds, and for specific purposes of the authority and may not be transferred to any political subdivision. The authority shall maintain an accounting system in accordance with generally accepted accounting principles and shall have its financial statements and debt covenants audited annually by an independent certified public accountant.

WITHDRAWAL FROM AUTHORITY. A participating political subdivision that becomes a member of an authority under Section 66.1039(e)2 Wisconsin Statutes may withdraw from the authority in accordance with Wisconsin statutes Section 66.1039(13).

DUTY TO PROVIDE TRANSIT SERVICE. The authority shall provide, or contract for the provision of public transit service within the authority's jurisdictional area. The authority will provide as appropriate the local share of the cost of public transit services within the authority's jurisdictional area, understanding that these local dollars will potentially provide matching funds from the State of Wisconsin or Federal funds that are provided to public transit services. The funds expended by the authority may include matching funds for the purposes of raising other dollars from either governmental or private sources or include the direct provision of public transit. The funds expended by the authority may also include reimbursement of staff and other costs by local governmental or contractors seeking grants or overseeing provision of public transit services.

DUTY TO PROVIDE PLANNING FOR TRANSIT SERVICES. The authority shall complete a five year business and operations plan within two years of its creation to provide guidance on authority operations and budgeting of funds or the authorization for this resolution shall be rescinded. This plan shall be developed with significant public involvement that provides the opportunity for public input into the plan

during the plan preparation process. At the least, input shall be sought during development of alternatives and prior to adoption of the plan by the authority. The purpose of the public input shall be to help guide the authority in the provision of public transportation services and the budgeting of funds.

DUTY TO UPDATE AND PREPARE A NEW PLAN

The specified five year plan shall be updated at least every two years and every five years a new plan must be developed. The revised plan does not require approval of the Ashland County Board or the Bayfield County Board. However the Chequamegon Bay Regional Transit Authority Board must approve the revised plan prior to its implementation. The new plan created every five years must be approved by Ashland County Board, the Bayfield County Board and the Chequamegon Bay Regional Transit Authority Board and is subject to the same requirements for public involvement as described in the above section.

DUTY TO NOTIFY AND INVOLVE PUBLIC OF ANY SERVICE CHANGES OR FARE INCREASES

In addition any plan or action by the authority which reduces service hours or raises fares charged to passengers in any of the authority funded public services will be presented at a public hearing for public comment at least 60 days prior to any planned service reduction or fare increase.

Adopted by the Bayfield County Board of Supervisors this 14th Day of December, 2010.

By Action of the
Bayfield County Board of Supervisors

William D. Kacvinsky, *Chairman*

Supervisor Rondeau opened up discussion on the resolution in front of the Board, stating he had received many e-mails with opinions for both sides and also spoke with people in his district. After much consideration and the financial tough times we are in he is not in favor of passing this resolution. **Rondeau/Bichanich made a motion to deny the resolution.** A very lengthy discussion took place on the pros, cons and the value of the transportation service to our community. No one is stating that they are against the Bart System, but, we need to look at it in further detail before we can go to a system such as the RTA .

Supervisor Bussey looked at the proposed changes on the resolution, made other corrections to it and stated that the increase is only a .1% and not a .2% as originally thought. He brought up the fact that the county helps provide other programs that the entire county does not benefit from. We fund dollars for county highways, motorized sports, trail maintenance, and even the fair. Everyone does not take part in using all of these, yet our tax dollars help provide for these. You have to look at the entire picture.

Supervisor Maki stated that he is on the Bart Board and informed the Board that it is true that Bart is putting up a new storage facility for the buses, however, it was government funded, and the City of Ashland donated the land to put the building on. The building and busses are already part of the package deal, they are not added after the .1%.

Supervisor Crandall stated that it is true that there doesn't seem to be any benefit from the Bart transportation system that will benefit southern Bayfield County. But, as he listened to Bussey, he thought that it was true, not everyone in Bayfield County benefits from every program. Bart has been operating for almost 30 years. There is a need for the system and the benefits it offers to all, especially our poor and impaired residents. Bayfield County has had a tradition in helping out its constituents. This is another way to do just that. It is good for the population of Bayfield County even though it doesn't benefit everyone.

Supervisor Jardine stated he didn't like the charts and figures as they related to employee wages and benefits and what is needed to make Bart run. This needs to be looked at more closely and at this time he could not vote for the resolution.

Supervisor Miller commented on the remarks that were made tonight during public comment. He took some of them to be quite offensive and thought that in this economy we should be thankful for a small business that creates jobs. He also looked at the statistical sheets offered by Bart, and stated that if we all ran our business like we are seeing Bart being run, we would have to raise taxes too.

Supervisor Kittleson commented on how sales tax is arrived at for all participating people who use Bart.

Supervisor Meyers commented with concerns regarding the resolution. She stated that she repeatedly asked for answers to her questions regarding the resolution, and believes that with the new wording, now believes they have been answered. She stated that she believes we need to go forward with the proposal. We have an opportunity to have a better transportation system in place. Property taxes will not go down if we go through with this. She would be voting against the motion.

Supervisor Williams stated that he was informed by his constituents that they don't want any more taxes, plain, period and simple. He will not be voting for the resolution.

Chairman Kacvinsky stated that Bart is heavily funded by both state and federal dollars. If these dollars dry up, where will be. He is not in favor of the resolution.

Further discussion took place on perhaps delaying the vote for a month or so to get the proper wording down and more time to review all of the material.

Supervisor Rondeau called for the question and asked for a roll call vote. A "yes" vote would be to turn down the resolution. *A roll call vote was taken as follows: Maki-no; Kittleson-yes; Bennett-no; Kacvinsky-yes; Rantala-absent; Williams-yes; Bichanich-yes; Miller-yes; Crandall-no; Rondeau-yes; Meyers-no; Bussey-no; Jardine-yes. 13 votes, 7 yes, 5 no, 1 absent, the motion carried and the resolution was defeated.*

8. Bayfield County Resolution No. 2010-62, Variable Acreage Share Loan for Year 2011. 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, that the Bayfield County Board of Supervisors assembled this 14th of December, 2010, hereby directs the County Forest Administrator to apply for the Variable Acreage Share Loan for 2011 at the rate of fifty cents (50¢) per acre.

By Action of the
Bayfield County Board of Supervisors

William D. Kacvinsky, *Chairman*

A motion was made by Jardine/Bichanich to adopt Bayfield County Resolution No. 2010-62, Variable Acreage Share Loan for Year 2011. Discussion took place. The motion carried with one opposition.

9. **2011 Annual Forest Plan.** The Board dispensed with the reading of the 2011 Annual Forest Plan, which reads as follows:

BAYFIELD COUNTY FOREST ANNUAL WORK PLAN

January 1, through December 31, 2011

The Bayfield County Forest Work Plan for the 2011 calendar year gives direction and meaning to the County Forest budget, further defines and supplements the Comprehensive Fifteen Year Land Use Plan, and emphasizes current needs of the County Forest. **This plan complies with Chapter NR47 Wisconsin Administrative Rules for the administration of the County Forest Administrator Grant Program.**

ALLOWABLE TIMBER HARVEST

The mission of the Bayfield County Forestry Department is to manage, conserve, and protect the forest resources of the County Forest. Multiple use management of these resources will provide a wide variety

of forest products and amenities for current and future generations through the use of sustainable forest management practices.

Timber harvests are important for the economic well being of Bayfield County, as well as for the health and vigor of the forest. One of the objectives of timber management is to produce a sustained yield of forest products, in perpetuity. This is realized through the analysis and scheduling of forest stands and, ultimately, the development of sustainable annual allowable harvest goals. Professional implementation of proper forest management and harvest techniques is essential. Existing reconnaissance data, along with thorough field inspections conducted by department foresters, will be used to determine which stands are ready for treatment.

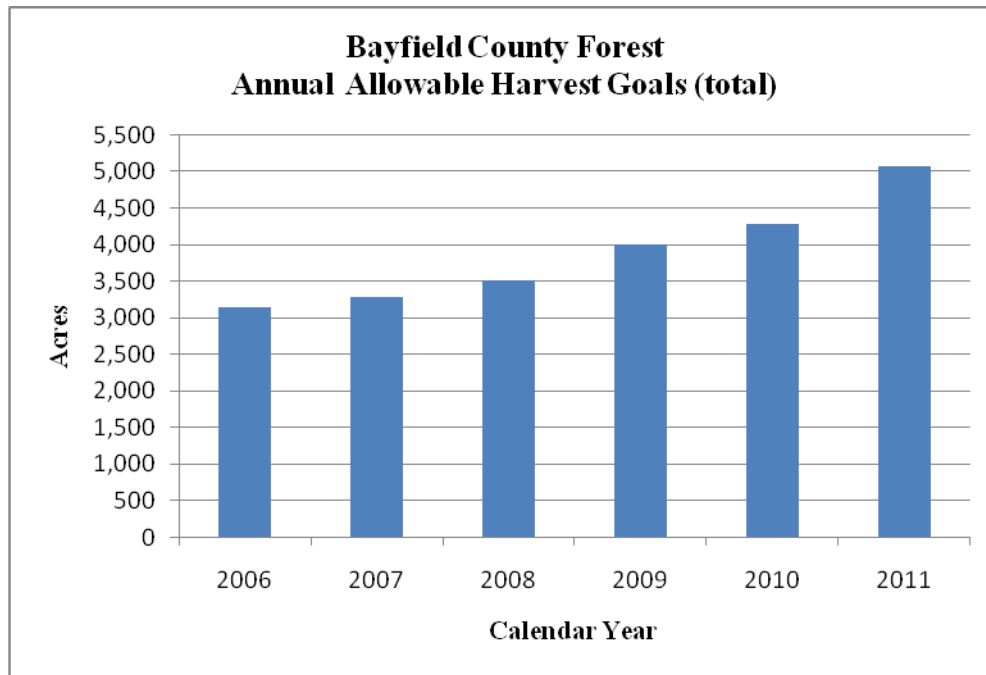
The sustainable allowable harvest goal for the Bayfield County Forest in the calendar year 2011 is 5,108 acres. This represents an 823 acre (19%) increase over the harvest goal for 2010. Table 1 displays the 2011 allowable harvest goal (acres) per primary timber type:

Table 1: 2011 Allowable Harvest Goal

Timber Type	Goal (acres)
Aspen	1,189
Northern Hardwood	914
Red Oak	808
Paper Birch	200
Scrub Oak	85
Red Pine	978
Jack Pine	516
White Pine	50
Swamp Conifer	142
Swamp Hardwood	126
Fir/Spruce	100
Total	5,108

Figure 1 displays the annual allowable harvest goals over the past six years. Since 2006, the harvest goals have increased approximately 63%; from 3,134 acres in 2006 to 5,108 acres in 2011. This increase is due to a variety of factors, some of which include: improved reconnaissance information, a significant increase in the number of stands reaching management age (particularly in the aspen and red pine types), the inclusion of swamp hardwood and conifer, and a change in the management approach of the aspen, red oak and northern hardwood timber types. The allowable harvest goals for aspen and red pine will continue to increase.

Figure 1:



FOREST INVENTORY

Approximately 10,000 acres of County Forest will be re-inventoried. Previous goals were to re-inventory approximately 10% of the forest each year, or roughly 17,000 acres. The new direction will be the implementation of a 15 year re-inventory cycle. To date, roughly 70,000 acres remain to be re-inventoried. The goal is to complete this over the next 7 years. Once completed, it will put the department on pace to achieve the 15 year re-inventory goal. At which time, a 15 year, modified re-inventory cycle will be put in place. In the meantime, inventory priorities will be placed on forest compartments that contain a larger percentage of old data (≥ 20 years old), as well as compartments that contain a larger percentage of stands prescribed for management in the near future.

REFORESTATION

The following reforestation efforts are planned for 2011:

Spring Planting: Tree species planted during the 2011 planting season will be a little more diverse when compared to previous years. The department will be planting 255,000 Red Pine, 94,000 Jack Pine, 29,000 White Spruce, 26,000 Tamarack and 16,000 White Pine on 507 acres. All seedlings are containerized stock and will be hand planted by contract planters.

Site Preparation and Release: 464 acres will be trenched for planting and 350 acres will be trenched for Jack Pine seeding. Approximately 200 acres will be aerial sprayed for planting (site preparation) and 406 acres will be aerial sprayed for red pine release.

Natural Regeneration: Thousands of acres of natural regeneration will occur on a variety of forest types. The exact amount is solely dependent on the total number of acres harvested in 2010. Forest types such as northern hardwoods and aspen regenerate naturally via seed, stump sprouting and/or coppicing (vegetative sprouting from existing root system) and require very little additional input from

the department. However, the natural regeneration of hardwood forest types such as red oak and paper birch do require additional inputs from the department. Examples of additional inputs include: pre or post sale site scarification to prepare a favorable seed bed and reduce competition, pre or post sale burning to reduce competition from undesirable tree seedlings and prepare favorable seedbeds, and deer browse protection i.e. fencing, repellents, etc. to improve the tree seedlings chance of survival. These additional inputs occur when opportunities arise and are treated on a case by case basis.

Seedling Counts: All planting sites and many areas that were regenerated naturally require survival counts. Data collected from the counts are used to determine stocking levels of desired tree species and, ultimately, to evaluate the success rate of the reforestation attempt. Seedling counts are administered at one, two, three and five years after the regeneration attempt on most planted sites. Seedling counts on naturally regenerating hardwood stands are administered beginning at years two or three and may include an additional count at year seven. In 2011, seedling counts will be administered on roughly 3,000 acres of planted and naturally regenerated sites.

PRESCRIBED BURNING

Prescribed fires will be used to maintain portions of the Pine Barrens in the Township of Barnes. Approximately 240 acres will be treated, half in the spring and half in the fall. Prescribed fires will also be used to facilitate oak regeneration on approximately 200 acres. Seedling counts will be administered prior to burning and will provide baseline information that will be used to establish the effectiveness of these treatments.

WILDLIFE

A number of wildlife projects will again be undertaken in 2011. The majority of wildlife habitat improvement work conducted on County Forest land will be accomplished through funding from Wisconsin DNR grant programs, specifically, the County Conservation Aids and Nickel-an-Acre programs. The Nickel-an-Acre program reflects a change from the previous Dime-an-Acre program. As indicated in the name, the program funding was cut in half starting in 2010 and will continue to be funded at a nickel an acre into the foreseeable future. The County Conservation Aid grant requires a 50% County match on eligible projects.

The Conservation Aids project for 2011 have yet to be determined. There is approximately \$4,218 available for eligible projects.

The Nickel-an-Acre grant totals \$8,467. This grant will be used to aid in the funding of any or all of the following projects/activities:

- Hunter walking trail repair, clearing, and mowing.
- Site prep and seeding for jack pine in the sand barrens.
- Herbicide for wildlife opening maintenance.
- Mechanical site prep for white birch regeneration.
- Prescribed burning of wildlife openings and oak regeneration areas.
- Fish habitat projects.
- Habitat projects on old homesteads.
- Breeding bird surveys.

- Invasive species eradication.
- Deer exclosures for red oak regeneration (fencing).

ACCESS MANAGEMENT

The Access Management Plan will continue to be implemented in accordance with the Bayfield County Forest Comprehensive Land Use Plan. Criteria for classification of roads will be clarified and then applied when designating existing and planned transportation networks. The access management plans for the Cable and South Barnes blocks are complete. Access management for the remainder of the County Forest will be completed in 2011 and incorporated into the plan.

The Forestry Department will continue to maintain 36.09 miles of Primary Forest roads, for which we receive County Forest Road Aids. The Department will continue to plan and develop additional forest roads and trails as the need arises for later entry into the County Forest Road program.

BAYFIELD COUNTY FOREST PLAN

The existing County Forest Comprehensive Land Use Plan for the period 2006 - 2020 will be amended to reflect changes and/or updates. Some items that require updating in 2011 include, but are not limited to:

- Access management.
- Integrated Resource Management Unit (IRMU) summaries.
- IRMU boundaries.
- Northwest Sands Barrens Wildlife Area Management Plan summary.
- Timber sale contract language.
- Firewood permit language.
- Timber sale rutting policy.
- Forest certification (addition of FSC).
- Camping permit.

OTHER ACTIVITIES

Recreation:

The department will continue to work with the County Tourism and Recreation Department and interested user groups on recreation activities occurring on the County Forest. The demand for recreational use on the County Forest continues to grow. The re-routing and realignment of snowmobile and ATV trails continues to improve the safety and lessen the environmental impacts of these uses. Requests for non-motorized trail systems are on the rise, especially for mountain biking, hiking, cross country skiing and horseback riding. Requests for additional trails will be treated on a case by case basis, as per the access management plan.

Trail counters and a voluntary donation tube were placed on the Jerry J. Jolly/Pike's Creek trail. The counters were strategically placed in an attempt to acquire information on how often the trail is being used. The data received from these counters will provide the County with valuable information needed to determine future direction. Counters will also be used to monitor other recreational locations in 2011, most notably, the lost creek falls trail head.

The lost creek falls trail will need some minor attention. The trail needs to be better defined and signed, including some brush work and the removal of a few hazard trees, and possibly re-routed in areas to avoid sensitive soils.

Insects and Disease Salvage Timber Sales:

The salvaging of timber killed by the Two-lined Chestnut Borer and Jack Pine Budworm was completed in 2009. Reforestation of these areas will continue into 2011. The Department is continuing to monitor the effects of forest pathogens such as the Jack Pine Budworm, Two-Lined Chestnut borer, Emerald Ash borer, and Gypsy Moth. If any additional sites containing a significant amount of damage are discovered, they will be promptly managed.

Land Acquisition:

The department will continue efforts to acquire private properties on a willing seller, willing buyer basis when advantageous to the long term goals for the Bayfield County Forest.

Submitted by Jason Bodine, Bayfield County Forest Administrator, December 14, 2010.

By Action of the
Bayfield County Board of Supervisors

William D. Kacvinsky, *Chairman*

A motion was made by Bichanich/Rondeau to receive and place on file the 2011 Annual Forest Plan. The motion carried.

10. **Bayfield County Resolution No. 2010-63, 2010 Department of Human Services Budget Adjustments.** Elizabeth Skulan, *Human Services Director*, was present to explain the nature of the budget adjustments to the Board. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, adjustments to and transfers within the Department of Human Services 2010 budget are necessary to satisfy state statutes and accounting principles; and

WHEREAS, state and federal funding adjustments provide additional revenues to Bayfield County and help limit county expenditures; and

WHEREAS, no additional county revenue is required in the Department's 2010 budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 14th day of December, 2010, does hereby approve an amendment to the Department of Human Services Budget.

ACCOUNT NUMBER	DESCRIPTION	ADJUSTMENTS
	Expenditure Adjustments	
235-53-54520-50299	Family Services, Domestic Violence Services	7,521

235-54-54410-50299	Economic Support, Otto Bremer Heating Assistance Grant	18,000
235-55-54320-50299	A&D, Birth to Three Services	43,000
235-56-54610-50299	GWAAR, Congregate Meals	21,000
235-59-54590-50390	ADRC-North, Other Supplies & Expenses	62,000
	Total Increase to Expenditures	\$151,521
	Revenue Adjustment	
235-50-43560-101	State / Federal Revenue, DHS	133,521
235-50-46640	Economic Support, Otto Bremer Heating Assistance Grant	18,000
	Total Increase to Revenues	\$151,521

By Action of the
Bayfield County Board of Supervisors

William D. Kacvinsky, *Chairman*

A motion was made by Meyers/Crandall to adopt Bayfield County Resolution No. 2010-63, 2010 Department of Human Services Budget Adjustments. A roll call vote was taken as follows: Kittleson-yes; Bennett-yes; Kacvinsky-yes; Rantala-absent; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes; Maki-yes. 13 votes, 12 yes, 0 no, 1 absent, the motion carried.

11. Bayfield County Resolution No. 2010-64, Budget Amendments for Several Bayfield County Departments. Abeles-Allison explained the budget adjustments. The Board dispensed with the reading of the resolution, which reads as follows:

WHEREAS, it is anticipated that expenditures will exceed the budgeted amount for FY2010 for the Clerk of Court Department; *and*

WHEREAS, the UW Extension was awarded a grant through the Wisconsin Department of Administration, Office of Energy Independence for a "Biomass Plantation Clone Trial and Production Trial Program" in the amount of \$10,000; *and*

WHEREAS, the UW Extension was awarded a grant through Xcel Energy for a "Biomass Plantation Clone Trial and Production Trial Program" in the amount of \$25,000; *and*

WHEREAS, the UW Extension office served as the fiscal manager for the 2010 Lakes Conference. All registrations and expenses were processed through the Bayfield County Accounting System. Revenues offset expenditures for this conference; *and*

WHEREAS, timber sale revenue in the Forestry Department will exceed budgeted figures; *and*

WHEREAS, certain expenses in the Clerk of Court's Office will exceed budgeted figures; *and*

WHEREAS, the revenues in the Forestry Department and Expenses in the Clerk of Court office are both within the General Fund and will offset.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, meeting this 14th day of December, 2010 approve the following budget amendments:

Increase 2010 Clerk of Court expense accounts:

100-02-51221-50212-003 (Legal Fees) by \$7,000.

100-02-51221-50213 (Medical Fees) by \$8,500.

100-02-51221-50254 (Juror Fees) by \$5,000.

Increase 2010 County Forest Revenue 100-34-46811 by \$20,500.

Increase 2010 UW Extension Program Fund revenue accounts:

292-25-43570-005 by \$10,000.

292-25-48513-001 by \$25,000.

292-25-46776 by \$10,231.

Increase 2010 UW Extension Program Fund 292 expense accounts:

292-25-55636-50290 by \$25,000.

292-25-55636-50340 by \$10,000.

292-25-55635-50290 by \$6,261.

292-25-55635-50313 by \$1,135.

292-25-55635-50340 by \$172.

292-25-55635-50390 by \$2,663

By Action of the
Bayfield County Board of Supervisors

William D. Kacvinsky, *Chairman*

A motion was made by Kittleson/Rondeau to adopt Bayfield County Resolution No. 2010-64, 2010 Budget Amendments for Several Bayfield County Departments. A roll call vote was taken as follows: Bennett-yes; Kacvinsky-yes; Rantala-absent; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes; Maki-yes; Kittleson-yes. 13 votes, 12 yes, 0 no, 1 absent, the motion carried.

12. **Appointment to Northern Waters Library Board.** Chairman Kacvinsky asked the Board to appoint Delores Kittleson to the Northern Waters Library Board to replace the outgoing Marcia

Wellnitz. *A motion was made by Bussey/Rondeau to appoint Delores Kittleson to the Northern Waters Library Board. The motion carried.*

13. Bayfield County Amendatory Ordinance No. 2010-26, Highway Ordinance Amendment to Section 2-3-8, Highway Committee; Section 3-1-5, Bidding for Public Works; and Section 3-1-6, Highway Finances. Tom Toepfer, Highway Commissioner, was present to answer any questions the Board had for him regarding the Ordinance. The Board dispensed with the reading of the Amendatory Ordinance, which reads as follows:

The Bayfield County Board of Supervisors ordains as follows:

Chapter 3 County Board Committees, Commissions and Boards

Title 3-Chapter 1-Section 5

3-1-5 Bidding for Public Works

The provisions of Sec. 59.52(29), Wis. Stats., regarding bidding for public works projects ~~of over Twenty Thousand Dollars (\$20,000)~~, as amended from time to time, are adopted and incorporated herein by reference.

Title 3-Chapter 1-Section 6

3-1-6 Highway ~~Equipment Purchases~~ Finances

As required by Sec. 66.30(11) of the Wisconsin Statutes, all monies received from the State of Wisconsin and from the federal government for local highway purposes shall be deposited in a segregated account under the County's bookkeeping system (segregating both expenditures and revenues) from which monies may be used only for purposes related to local highways.

(a) Subject to Subsection (b) below, the County Highway ~~Committee~~ Commissioner is authorized, pursuant to Sec. 83.015(2)(b), Wis. Stats., ~~to purchase~~, without further authority and to the extent that revolving funds accumulated for such purpose or appropriations made for such purpose are available, to: , such highway equipment as they deem necessary to properly carry on the work and to trade or sell such old equipment as may be considered to be for the best interests of the County.

- (1) Supervise the Bayfield County Highway Department.
- (2) Purchase such highway equipment as the County Highway Commissioner deems necessary to properly carry on the work of the Bayfield County Highway Department, and to trade or sell such old equipment as may be considered to be for the best interests of the County.
- (3) Determine whether each piece of county aid construction shall be let by contract or shall be done by day labor.
- (4) Enter into contracts in the name of the County and make necessary arrangements for the proper prosecution of the construction and maintenance of highways provided for by the County Board.

- (5) Enter private lands with employees of the Bayfield County Highway Department to remove weeds and brush and erect or remove fences that are necessary to keep highways open for travel during the winter.
- (6) Direct the expenditure of highway maintenance funds received from the state or provided by county tax.
- (7) Meet from time to time at the county seat to audit all payrolls and material claims and vouchers resulting from the construction of highways.
- (8) Perform other duties imposed by law or by the County Board.

~~(b) No one complete unit of equipment of a value exceeding Seventy five Thousand Dollars (\$75,000) shall be purchased without further prior budget authority of the County Board.~~

**Title 2-Chapter 3-Section 8
2-3-8 Highway Committee.**

- (a) Composition: (No changes proposed)
- (b) Duties. The Highway Committee shall:
 - 1) ~~Serve as the Bayfield County Highway Committee under Sec. 83.015, Wis. Stats., and have the powers and duties of such committee as set forth in the statutes as well as such other duties as may be imposed upon it by the County Board.~~
 - 2) ~~Supervise the Bayfield County Highway Department.~~
 - 3) ~~Be responsible for maintenance of all roads, bridges and equipment belonging to the County.~~
 - 4) ~~Have the authority to purchase and sell road machinery within the limits of the budget as approved by the County Board.~~
 - 5) ~~Have the authority to enter into highway contracts in the name of the County.~~
 - 6) ~~Direct the expenditure of highway maintenance and construction funds.~~
 - 7) ~~Have the authority to enter into agreements with the State Division of Highways for maintenance of state trunk highways located in Bayfield County.~~
 - 8) ~~Keep and repair and have complete supervision and control and management over all highway buildings and grounds.~~
 - 9) ~~Have responsibility for all other matters incident to maintaining highways over which the County has jurisdiction.~~
 - 2) Determine the broad outlines and principles governing administration of the Bayfield County Highway Department in accordance with Sec. 83.015(2)(b), Wis. Stats.

By Action of the
Bayfield County Board of Supervisors

William D. Kacvinsky, *Chairman*

Abeles-Allison explained that this Amendatory Ordinance has been to both the Highway and Executive Committees and has also been reviewed by Corporation Counsel and the modifications are shown herewith. This is basically a housekeeping amendment to keep in compliance with State Statutes. *A motion was made by Rondeau/Crandall to adopt Bayfield County Amendatory Ordinance No. 2010-26, Highway Ordinance Amendment to Section 2-3-8, Highway Committee; Section 3-1-5, Bidding for Public Works; and Section 3-1-6, Highway Finances. The motion carried.*

Toepfer also informed the Board that \$1.4 million dollars were awarded to the County for work to be done on County Trunk C and this morning, we received another \$1.7 million in federal dollars, which means that 6 miles out of the 9 are now funded.

The Board recessed at 7:20 p.m. for a short break and resumed at 7:35 p.m.

A motion was made by Williams/Bennett to move into executive session pursuant pursuant to §19.85(1)(c); Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; and (f) considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies, which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation. A roll call vote was taken as follows: Kacvinsky-yes; Rantala-absent; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes; Maki-yes; Kittleson-yes; Bennett-yes. 13 votes, 12 yes, 0 no, 1 absent, the motion carried.

A motion was made by Maki/Meyers to move out of executive session. The motion carried.

15. Bayfield County Resolution No. 2010-65, Setting 2001 Wage Increase for Bayfield County Non-Represented Employees. Abeles-Allison stated that this will not be in resolution form, rather we only need a motion on the information. *A motion was made by Rondeau/Williams to set the 2011 wage increase for non-represented employees at an increase of 1%. A roll call vote was taken as follows: Rantala-absent; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Meyers-yes; Bussey-yes; Jardine-yes; Maki-yes; Kittleson-yes; Bennett-yes; Kacvinsky-yes. 13 votes, 12 yes, 0 no, 1 absent, the motion carried.*

16. Discussion and Possible Action Regarding Confirmation of County Conservationist for the Land Conservation Department. *A motion was made by Jardine/Bichanich to confirm the appointment of Benjamin Dufford as the Bayfield County Conservationist. The motion carried.*

17. Administrator's Report:

a) **Superior Days:** Abeles-Allison stated that plans are moving right along. The #1 topic for our area will be the Highway 2 project. He stated he is trying to do something unique for our area; talking to the fisheries about fish filleting, etc. Talked to Big Top Chautauqua about playing for the banquet. If anyone has any other suggestions, please let

him know, and likewise, if others want to attend, please let him know. Kacvinsky and Meyers would also like to go to Superior Days.

b) Per Diems and Mileage reimbursements are due in the County Clerk's office by December 20th.

c) Supervisor Crandall gave a semi-annual report for Northwest Regional Planning. Clean Sweep was awarded a \$1 million grant to expand the clean sweep in the Upper Peninsula. After all of the years of picking up toxic waste, you would think it would go down, but it still goes up. Supervisor Maki asked about a tire collection as well, noting there are a lot of tires being found out in the woods again.

d) Abeles-Allison informed the Board that Sheldon Johnson from Northwest Regional Planning has been appointed to Transportation Board. Northwest Regional was given a grant to do a comprehensive plan for our region.

Chairman Kacvinsky wished everyone happy & safe holiday and adjourned the meeting at 8:25 p.m.

Respectfully submitted,

Scott S. Fibert,
Bayfield County Clerk
SSF/dmb