

Minutes of the
Bayfield County Board of Supervisors' Meeting
February 28, 2017 - 6:00 p.m.
Bayfield County Board Room, Courthouse, Washburn, Wisconsin

The Bayfield County Board of Supervisors' meeting was called to order by Chairman Pocernich 6:05 pm. A roll call was taken by Scott Fibert, *County Clerk*, as follows: Rondeau-present; Goodwin-present; Bussey-present; Fickbohm-present. Maki-present; Oswald-present; Silbert-present; Pocernich-present; Strand-present; Williams-present; Coughtry-present; Miller-present; Crandall-present; Total 13: 13 present, 0 absent. A quorum was present to conduct business. The following were also present for this evening's meeting: Mark Abeles-Allison, *County Administrator*; Dawn M. Bellile, *Deputy County Clerk*; Robert Schierman, *Zoning Administrator*; Kim Lawton, *District Attorney*; Kay Cederberg, *Clerk of Court*; Brenda Spurlock, *Criminal Justice Coordinator*; Scottie Sandstrom, *Bayfield County Economic Development*; Paul Susienka, *Sheriff*; Ben Dufford, *County Conservationist*; Jan Victorson, *Emergency Mgmt. Coordinator*; and Kevin Johnson, *Veterans' Service Officer*.

1. The Pledge of Allegiance was recited by all in attendance.
2. A Moment of Silence was held in memory of Richard Fredericks, former Bayfield County Sheriff.
3. **Motion Regarding Minutes of January 31, 2017 Bayfield County Board of Supervisors' Meetings.** The Board dispensed with the reading of the minutes. To see a copy of the minutes, please visit the County's webpage at www.bayfieldcounty.org/meetings or contact the County Clerk's office. *A motion was made by Rondeau/Crandall to receive and place on file the Minutes of January 31, 2017 Bayfield County Board of Supervisors' Meeting. The motion carried.*
4. **Public Comment.** Chairman Pocernich reminded the audience that public comment is for a period of 15 minutes, allowing an individual to speak for no more than 3 minutes at a time. This may also be extended longer at the Board's discretion.

Paul Tribovich, Town of Russell Chair. Tribovich spoke in favor of Agenda Item #7, "Rezone for Bolder Point." He explained that this passed at the Town and Planning Commission levels unanimously. He then read a letter to the Board from Town of Russell Supervisor, *Mark Bugher*, who could not attend this evening's meeting. Bugher's letter states that as a member of the Town of Russell Board of Supervisors, his support for this development is vested in a few key principles that are important for the County Board to consider in their deliberations. *(A copy of Mr. Bugher's letter is on file in the county Clerk's office).*

Sam Atkins, Town of Russell. Atkins stated that he doesn't feel the citizens of Russell received any direction on what the development is proposing. He further discussed the Town of Russell's 2009 Comprehensive Plan which states that there is to be openness

and transparency in the planning process. Atkins stated that he believed this has clearly not been the case with this situation. The agent has not given us anything concrete, just proposals. How can an informed decision be made on such a vague description? This piece of property needs to be developed with great care as this is pristine property. He asked the Board to preserve the peoples' rights to know what the rezones are before they are done.

Dave Good, Clerk/Treasurer for Town of Russell spoke as a resident and a taxpayer stating that he was in favor of this rezone. As the official custodian of records for the Town of Russell, Good gave a background on the documents which were used to help the town in making their decision to approve of this rezone. Good stated that this potential rezone started in September of 2016 and much planning has been done. He believes the Town moved properly in approving this rezone and asked the Board to do the same. *(A copy of the documents Mr. Good provided are on file in the County Clerk's office.)*

Steve Oberle, Town of Russell, voiced strong opposition for several reasons which he stated. He also said that there have been issues in the past with Mr. Nelson when it comes to development on lands. Oberle asked the Board to require a site plan and map before further development is started. Oberle stated that as a former Land Conservationist for Taylor County, he is concerned about water quality how much electricity is going to be needed, etc. to put such a development in place. This area has always been a peaceful place and he would like to keep it that way.

Craig Haukaas, Attorney/Broker for Bolder Point, first of all informed the Board that Mr. Nelson doesn't own the property, it belongs to Bolder Point. He also stated that they asked Mr. Oberle for some assistance with this development which he declined, which is his right to. Haukaas stated that "yes" people are asking for plans, but they don't have concrete plans yet. They are, however, asking for input which they aren't receiving either. This type of development would be good for the area providing long-term jobs, sustainable growth and a thriving business for the area

The fifteen-minute time period was now up and the Board agreed to extend time public comment period for a few more people.

Mark Wendling, Town of Russell, spoke on the Bolder Point rezone, stating the Town of Russell has a vested interest in this property. While he favors development, he stated any development must be appropriate and compatible to the community values, strategic and long-term goals. We don't know if this proposal will be of such as the plans have not been given to the community. This is the last large prime pristine acreage in the Town. This is the last opportunity to develop such a parcel with the most beautiful view of the lake. This requested rezone is incompatible with the Land Use Map. The map is to ensure thoughtful and strategic use of the land. The County needs to know more about what specifically is being asked for and approved. Please do not let this rezone happen.

Ann Bowker, was on the Planning Commission, and is speaking solely for herself. In September of 2016 when Bolder Point came to the Town for this rezone and stated they

were in no rush, however, each time they came, they had a different plan. The Planning Commission didn't feel they could act on this until they knew what they wanted to do. The Planning Commission approved the development assuming the Plan would be in existence, which fell through. Bowker stated that if Bolder Point doesn't tell you what their plan is for the property, she asked that they not approve the rezone until they show you what they really plan to do. It is important that people know what they are getting involved in. You should know what you are voting for before you vote.

Larry Meierotto, Supervisor, Town of Russell, Chair for the Planning Commission. Meierotto stated he was present to let the Board know that hours and hours were spent by the Planning Commission in putting together a plan. Right now, what is in front of you is a zoning change. The details for a plan Bolder Point can't come until they have the rezone in place. The Town voted in favor of the zoning change, now it is up to the County Board to uphold this decision.

Chairman Pocernich closed public comment. At this time, he also asked that Item 6 on the Agenda be moved to after Item 9. The Board approved this move.

5. Reports of Bayfield County Planning & Zoning Committee Regarding the Following:

a) **Bolder Point, LLC: 7 Parcels Consisting of 200-Acre Parcel Located in Section 35, Township 51N, Range 4W, Located in the Town of Russell, Bayfield County, WI, be changed from Forestry-One (F-1) to Residential-Recreational Business (R-RB).** The Board dispensed with the reading of the Report, which reads as follows:

TO: The County Board of Supervisors of Bayfield County on the hearing of petitions to amend the Bayfield County Zoning Ordinance.

The Planning and Zoning Committee of the Bayfield County Board of Supervisors, having held a public hearing pursuant to Section 59.69(5)(e), Wisconsin Statutes; notice thereof having been given as provided by law; and having been duly informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

The Zoning of **Bolder Point LLC** (7) parcels consisting of: [200-acre parcel \(Document # 2015R-557556; #2016-565223 and #2017R-266805\)](#)

Parcel 1 is a 20-acre parcel (Tax ID# 37080), described as N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$.

Parcel 2 is a 20-acre parcel (Tax ID# 37081), described as NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, less N $\frac{1}{2}$.

Parcel 3 is a 20-acre parcel (Tax ID# 37141), described as E 330' of the NE $\frac{1}{4}$.

Parcel 4 is a 30-acre parcel (Tax ID# 37142), described as NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, less E 330'.

Parcel 5 is a 40-acre parcel (Tax ID# 29494), described as SW $\frac{1}{4}$ of the NE $\frac{1}{4}$.

Parcel 6 is a 30-acre parcel (Tax ID# 37143), described as SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, less E 330'.

Parcel 7 is a 40-acre parcel (Tax ID# 29496), described as NE $\frac{1}{4}$ of the NW $\frac{1}{4}$.

All in Section Thirty-Five (35), Township Fifty-One (51) N, Range Four (4) W, Town of Russell, Bayfield County, WI from Forestry-One (F-1) to Residential-Recreational Business (R-RB).

The Bayfield County Planning and Zoning Committee recommendation is: **Be Approved**

Date: February 16, 2017

BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE

William Bussey, Dennis Pocernich, Brett Rondeau, Jeff Silbert, Fred Strand

Schierman explained that Bayfield County has been presented with a rezone request which he believes is suitable for a rezone. The Town Planning Commission and Town Board met and recommended it for a rezone. The Town Board took recommendation to amend their future Land Use Plan. Schierman explained that when rezones are dealt with, there is really limited discussion on them. Schierman also explained the difference between zoning districts. If there is anything else that the developer wants to do, it will have to come back to Planning & Zoning Committee again for further permission. Schierman stated that he has consulted with the County's Corporation Counsel and she believes the rezone is consistent with the Comp Plan. Schierman stated that he himself, also believes it is consistent with the Plan, and explained that this is the first step to which the rezone can start. A very lengthy discussion took place.

A motion was made by Rondeau/Goodwin to receive and place on file the Report of the Bayfield County Planning & Zoning Committee Regarding Bolder Point, LLC. Discussion again took place, and Supervisor Maki asked if the rules could be suspended for more comments from the Broker for Bolder Point. The motion carried with one opposition.

b) Amendments to Sections 13-1-41 and 13-1-41A, Refilings; Reconsiderations and Rehearings, Code of Ordinances, Bayfield County, WI. Schierman explained the purpose of amending this Section of the Code of Ordinances, is to allow an applicant to reapply after a 3-year period of time has lapsed. The time period involved would be 3-years which would eliminate people from coming back month after month for just a word change. If after 3-years it is still the same and a rezone is still wanted, it allows it to be reconsidered. Discussion on proposing an identical rezone and how it would be substantiated. Schierman explained.

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notice thereof having been given as provided by law; and having been duly informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

Section 1. Section 13-1-41(i) [Planning and Zoning Committee] of Article C [Nonconforming Uses and Structures; Special and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits of Chapter 1 [Zoning Code] or Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin is hereby created to read as follows, with additions highlighted by the double underline feature (additions):

13-1-41(i) Refilings; Reconsiderations and Rehearings

(1) Refiling Rule. No Conditional Use Permit that has been previously acted upon by the Committee shall be considered upon a new application unless one or more of the following applies:

- a. Thirty-Six (36) consecutive calendar months have expired from the date of the final decisions denying the earlier application.
- b. The application does not contain the original or a substantially similar request for specific use.
- c. Substantial change in the use of adjacent property has occurred since the previous application was heard.
- d. The previous application was closed without a hearing because the applicant was not present at the time such situation/circumstance was scheduled for a meeting and the applicant demonstrates to the satisfaction of the Committee that his or her absence was due to excusable neglect.
- e. There is a claim that there should be a rehearing based upon newly discovered evidence. A rehearing will only be granted on this basis when all of the following apply:
 1. The evidence has come to the moving party's notice after the initial hearing.
 2. The moving party's failure to discover the evidence earlier did not arise from lack of diligence in seeking to discover it.
 3. The evidence is material and not cumulative.
 4. The new evidence would probably change the result.

(2) Reconsideration. There shall be no reconsideration of any Planning and Zoning Committee decision approving or denying a conditional use permit except that the Planning and Zoning Committee, by its own motion and by a simple majority vote taken at the hearing in which a decision to grant or deny a conditional use permit is made, or at very next meeting of the Committee, shall be sufficient to reconsider a previous decision. If

the Planning and Zoning Committee decides to reconsider the granting or denial of a conditional use permit after the close of the hearing at which the original grant or denial is voted upon, the case will be placed on the agenda for the next regular meeting/hearing and notice given as required for an original hearing.

(3) **Closure of Application.** An application will be considered as heard and closed at such time as the Committee approves or rejects an application or appeal by motion. No subsequent request for reconsideration by the applicant shall be considered.

(4) **Filing fee(s)** for a refiling will not be refunded in the event the Committee or Board decides to deny the application.

Section 2. Section 13-1-41A(e) [Planning and Zoning Committee] of Article C [Nonconforming Uses and Structures; Special and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits of Chapter 1 [Zoning Code] or Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin is hereby created to read as follows, with additions highlighted by the double underline feature (additions):

13-1-41A(e) Refilings; Reconsiderations and Rehearings

(1) **Refiling Rule.** No Special Use Permit that has been previously acted upon by the Committee shall be considered upon a new application unless one or more of the following applies:

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(4) Filing fee(s) for a refiling will not be refunded in the event the Committee or Board decides to deny the application.

BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE

William Bussey, Dennis Pocernich, Brett Rondeau, Jeff Silbert, Fred Strand

A motion was made by Bussey/Rondeau to receive and place on file the Report of the Bayfield County Planning & Zoning Committee Regarding Amendments to Sections 13-1-41 and 13-1-41A, Refilings; Reconsiderations and Rehearings, Code of Ordinances, Bayfield County. The motion carried.

6. Bayfield County Amendatory Ordinance No. 2017-04, Regarding 7 Parcels Consisting of 200 Acre Parcel for Bolder Point, LLC, located in Section 35, Township 51N, Range 4W, Located in the Town of Russell, Bayfield County, WI, be changed from Forestry-One (F-1) to Residential-Recreational Business (R-RB). The Board dispensed with the reading of the Ordinance, which reads as follows:

The Bayfield County Board of Supervisors ordains as follows:

That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is hereby amended as follows:

The Zoning of Bolder Point LLC (7) parcels consisting of: [200-acre parcel \(Document # 2015R-557556; #2016-565223 and #2017R-266805\)](#)

Parcel 1 is a 20-acre parcel (Tax ID# 37080), described as N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$.

Parcel 2 is a 20-acre parcel (Tax ID# 37081), described as NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, less N $\frac{1}{2}$.

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Parcel 7 is a 40-acre parcel (Tax ID# 29496), described as NE $\frac{1}{4}$ of the NW $\frac{1}{4}$.

All in Section Thirty-Five (35), Township Fifty-One (51) N, Range Four (4) W, Town of Russell, Bayfield County, WI from Forestry-One (F-1) to Residential-Recreational Business (R-RB).

The Bayfield County Planning and Zoning Committee recommendation is: **Be Approved**

Date: February 16, 2017

BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE

William Bussey, Dennis Pocernich, Brett Rondeau, Jeff Silbert, Fred Strand

A motion was made by Rondeau/Goodwin to adopt Bayfield County Amendatory Ordinance No. 2017-04, Regarding 7 Parcels Consisting of 200 Acre Parcel for Bolder Point, LLC, located in Section 35, Township 51N, Range 4W, Located in the Town of Russell, Bayfield County, WI, be changed from Forestry-One (F-1) to Residential-Recreational Business (R-RB). Discussion about having the floor opened up again. A motion was made by Silbert/Crandall to suspend the rules to allow Attorney Haukaas speak to the Board. Discussion on whether this was for others to speak or only the applicant. Clarification is that only questions would be asked by the Board to Attorney Haukaas. The motion carried.

Supervisor Silbert stated he had lack of detail and wanted people to feel better about the development. Haukaas informed the Board that they will be asking people to come to Town Hall meetings. This development will be for more high-end residential homes, with owners who maybe have home based businesses. There are 3 tiers where homes would be clustered and the rest would be business. He is also hoping for horse trails and a riding facility. This is as far as we have gotten. Discussion took place about a possible airstrip and that neighbors wouldn't be excited about it. At present, plans do not include this. Bolder Point intends to be the developer/agent of this project. He hopes to come back to the Planning Commission about Conditional Use Permits. They also own 3 40's to the North that are not RRB, they are F-1, which is where gravel pit is located. Haukaas encouraged everyone to go to the property to take a look at it. This is truly a jewel of the North. Any plans for this property deserve to be well thought out. Haukaas stated that it is their hope that this will go through as effortless as possible. Discussion on what the danger would be in waiting, and Haukaas pointed out that while they are moving forward, out building season is short. The Planning Commission, Town Board and the Zoning Committee have approved the rezone. Don't we as a County Board have a right to uphold their decisions. Discussion on the steps ahead before "shovels hit the ground." They want this go through with the right approvals, to get everything ready for building, but not

actual building. No contracts are lined up to put up buildings. They need to know what options they have available to them.

Supervisor Bussey spoke about a possible problem in complying the statutes on Comp Planning. In order to amend an Ordinance for a rezone, it has to be consistent with the County's Comp Plan. Bayfield County's Comp Plan is from 2009. This whole area for the development and a great area around it is zoned Forestry-Limited Residential. Schierman has stated that Corporation Counsel says it is consistent, subject to the Town of Russell Overlay which requires lot sizes in RRB zoning to be equivalent to F1. What is overlooked is the great change of uses permitted in RRB zoning. Schierman pointed out that they require Conditional Use Permits, but there are many that are not allowed in Forestry-Limited Residential. It may be entirely appropriate for Bayfield County to amend their Plan as we have to think about all towns. The Town amending their use plan, does not amend the plan of Bayfield County. We would need to do this and it would be another hoop to jump through. The Zoning Committee can make a recommendation to make a change in the Comp Plan, the County Board would provide 30 days' notice and then a public hearing. This would be a delay but could be brought up again in March at the Zoning Committee Meeting and be on the County Board Agenda again in April. It wouldn't be that time consuming, only a couple of months and we would be complying with the law. A very lengthy discussed took place about other zoning issues that have come before the Board for rezones, does that make those inappropriate? Board members expressed their concerns that if the Town Board, Planning Commission and Bayfield Planning & Zoning Committee have all approved the rezone; our Corporation Counsel has looked at and scrutinized the rezone and found it to be in order for passing, then it should be passed. A call for the question was made by Supervisor Rondeau. *A roll call vote was taken as follows: Goodwin-yes; Bussey-no; Fickbohm-no; Maki-no; Oswald-no; Silbert-yes; Pocernich-yes; Strand-no; Williams-yes; Coughtry-yes; Miller-yes; Crandall-yes; Rondeau-yes. Total 13: 8 yes, 5 nos, the motion carried.*

Supervisor Rondeau left at 7:30 p.m.

7. Bayfield County Amendatory Ordinance 2017-05, Regarding Amendments to Sections 13-1-41 and 13-1-41A, Code of Ordinances, Bayfield County, WI. The Board dispensed with the reading of the Ordinance, which reads as follow:

The Bayfield County Board of Supervisors ordains as follows:

That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is hereby amended as follows:

Section 1. Section 13-1-41(i) [Planning and Zoning Committee] of Article C [Nonconforming Uses and Structures; Special and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits of Chapter 1 [Zoning Code] or Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin is hereby created to read as follows, with additions highlighted by the double underline feature (additions):

13-1-41(i) Refilings; Reconsiderations and Rehearings

(1) Refiling Rule. No Conditional Use Permit that has been previously acted upon by the Committee shall be considered upon a new application unless one or more of the following applies:

- a. Thirty-Six (36) consecutive calendar months have expired from the date of the final decisions denying the earlier application.
- b. The application does not contain the original or a substantially similar request for specific use.
- c. Substantial change in the use of adjacent property has occurred since the previous application was heard.
- d. The previous application was closed without a hearing because the applicant was not present at the time such situation/circumstance was scheduled for a meeting and the applicant demonstrates to the satisfaction of the Committee that his or her absence was due to excusable neglect.
- e. There is a claim that there should be a rehearing based upon newly discovered evidence. A rehearing will only be granted on this basis when all of the following apply:
 1. The evidence has come to the moving party's notice after the initial hearing.
 2. The moving party's failure to discover the evidence earlier did not arise from lack of diligence in seeking to discover it.
 3. The evidence is material and not cumulative.
 4. The new evidence would probably change the result.

(2) Reconsideration. There shall be no reconsideration of any Planning and Zoning Committee decision approving or denying a conditional use permit except that the Planning and Zoning Committee, by its own motion and by a simple majority vote taken at the hearing in which a decision to grant or deny a conditional use permit is made, or at very next meeting of the Committee, shall be sufficient to reconsider a previous decision. If the Planning and Zoning Committee decides to reconsider the granting or denial of a conditional use permit after the close of the hearing at which the original grant or denial is voted upon, the case will be placed on the agenda for the next regular meeting/hearing and notice given as required for an original hearing.

(3) Closure of Application. An application will be considered as heard and closed at such time as the Committee approves or rejects an application or appeal by motion. No subsequent request for reconsideration by the applicant shall be considered.

(4) Filing fee(s) for a refiling will not be refunded in the event the Committee or Board decides to deny the application.

Section 2. Section 13-1-41A(e) [Planning and Zoning Committee] of Article C [Nonconforming Uses and Structures; Special and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits of Chapter 1 [Zoning Code] or Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin is hereby created to read as follows, with additions highlighted by the double underline feature (additions):

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will be placed on the agenda for the next regular meeting/hearing and notice given as required for an original hearing.

(5) Closure of Application. An application will be considered as heard and closed at such time as the Committee approves or rejects an application or appeal by motion. No subsequent request for reconsideration by the applicant shall be considered.

(6) Filing fee(s) for a refiling will not be refunded in the event the Committee or Board decides to deny the application.

Section 3. Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 4. SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 5. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

The Bayfield County Board of Supervisors decision is to Be Approved

**By Action of the
BAYFIELD COUNTY BOARD OF SUPERVISORS**

Attested to by:

Dennis M. Pocernich, Bayfield County Chair

A motion was made by Bussey/Silbert to adopt Bayfield County Ordinance No. 02017-05, Regarding Amendments to Section 13-1-41 and 13-1-41A, Code of Ordinances, Bayfield County, WI. Discussion took place regarding the length of time before one can come back for reconsideration. The motion carried.

8. Bayfield County Ordinance No. 2017-03, Amendment Creating Section 5-5, "Animal Manure Storage" in Bayfield County Ordinance, Title 5, "Public Safety."

For purposes of discussion, *a motion was made by Crandall/Strand to adopt Bayfield County Ordinance No. 2017-03, Amendment Creating Section 5-5, "Animal Manure Storage" in Bayfield County Ordinance, Title 5, "Public Safety."* Ben Dufford, *County Conservation*, gave a powerpoint presentation to help with the history of the need for a manure storage ordinance as well as the goings on of the CAFO Committee over the last couple of years. Dufford explained that Bayfield County has just a little over 20 farms. The language contained in this ordinance is boiler plate language used by many counties with a few exceptions that have to do with fees, etc. A lengthy discussion took place on existing and new structures and different types of farming. *The motion carried.*

The Ordinance reads as follow:

WHEREAS, Wisconsin Statutes §59.03(2) provides that, except as elsewhere specifically provided in the statutes, the board of any county is vested with all powers of a local, legislative and administrative character; *and*

WHEREAS, Wisconsin Statutes §59.02(2) permits the enactment of ordinances by the County Board of Supervisors; *and*

WHEREAS, Section 2-2-3, Code of Ordinances, Bayfield County, Wisconsin, authorizes County Board committees or individual supervisors to introduce proposed ordinances; *and*

WHEREAS, Wisconsin Statutes §92.16 authorizes the County to enact an ordinance requiring manure storage facilities to meet certain technical standards; *and*

WHEREAS, it is deemed to be in the best interest of the County of Bayfield to create Chapter 5 "Animal Manure Storage" under Title 5 "Public Safety", Code of Ordinances, Bayfield County, Wisconsin; *and*

WHEREAS, it is deemed to be in the best interest of the County of Bayfield that the Code of Ordinances, Bayfield County, Wisconsin, be further modified and amended in the manner hereinafter set forth.

NOW, THEREFORE, the Bayfield County Board of Supervisors does hereby ordain as follows:

Section 1. Chapter 5 [Animal Manure Storage] of Title 5 [Public Safety] of the Code of Ordinances, Bayfield County, Wisconsin is hereby created to read as follows:

Chapter 5 Animal Manure Storage

Sec. 5-5-1 Animal Manure Storage Ordinance Adopted

(a) Authority and Name: This Ordinance is adopted under authority granted by §92.16, Wis. Stats.

This Ordinance shall be known as, referred to, and may be cited as the *Bayfield County Animal Manure Storage Ordinance* and is hereinafter referred to as this "Chapter."

(b) Findings and Declaration of Policy: The Bayfield County Board of Supervisors finds that storage of animal manure in storage facilities not meeting the technical design and construction standards may cause pollution of the surface and ground waters of Bayfield County, and may result in actual or potential harm to the health of County residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of Bayfield County.

The Bayfield County Board of Supervisors also finds that improper management of animal manure storage facilities, and utilization, including land application of stored animal

manure, may cause pollution of the ground and surface waters of Bayfield County.

The Bayfield County Board of Supervisors further finds that the technical standards issued by the U.S.D.A. Natural Resources Conservation Service and developed with the assistance of the Interagency Standards Oversight Committee provide effective, practical, and environmentally safe methods of storing and utilizing animal manure.

(c) **Purpose:** The purpose of this Chapter is to regulate the location, design, construction, installation, operation, alteration and use of animal manure storage facilities, as well as abandonment and the application of manure from these facilities in order to prevent water pollution and thereby protect the health of Bayfield County residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of Bayfield County. It is also intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

(d) **Interpretation:** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(e) **Severability Clause:** If any section, provision, or portion of this Chapter is ruled invalid by a court, the remainder of the Chapter shall not for that reason be rendered ineffective.

(f) **Applicability:** This Chapter applies to the entire geographical areas of Bayfield County and to all animal manure storage facilities constructed therein.

(g) **Effective Date.** This ordinance shall become effective upon its adoption by the Bayfield County Board of Supervisors, and publication.

Sec. 5-5-2 Definitions

(a) The following terms used in this Chapter have the meanings indicated:

(1) **Abandonment.** A livestock waste storage facility that is no longer being used for its intended purpose and has not received any animal wastes for a period of two consecutive years.

(2) **Animal Manure.** Excretion from livestock, poultry and other materials, such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal manure handling operations.

(3) **Animal Manure Storage Facility.** Both fabricated and earthen facilities as herein defined.

(4) **Animal Unit.** A unit of measure to determine the total number of single animal types or combination of animal types, as specified in NR243, which are fed, confined, maintained, or stabled in an animal feeding operation.

- (5) **Applicant.** Any person who applies for a permit under this Chapter.
- (6) **Discontinuance of Use.** A farming operation that has removed the livestock units that were principally using the animal manure storage facility must empty that animal manure storage facility within one hundred twenty (120) days or when land becomes fit based on weather conditions and at such time as the animal manure may be utilized following the nutrient management plan for that farm.
- (7) **Earthen Animal Manure Storage Facility.** A structure above or below grade, excavated or constructed of earth beams or dikes, or utilizing pits, depressions or ponds, which may be lined with earth, nonstructural concrete, or a flexible membrane material, to contain animal manure and associated liquids for storage for a period of thirty (30) or more days or that has the capacity to store 5,000 cubic feet or more of animal manure.
- (8) **Fabricated Animal Manure Storage Facility.** A concrete, steel, or otherwise fabricated storage of animal manure with one or more walls to contain manure and associated liquids for a period of thirty (30) or more days or that has the capacity to store 5,000 cubic feet or more of animal manure.
- (9) **High Ground Water Level.** The higher of either the elevation to which the soil is saturated as observed as a free water surface in an unlined hole, or the elevation to which the soil has been seasonally or periodically saturated as indicated by soil redoximorphic features throughout the soil profile.
- (10) **LWCD:** Land and Water Conservation Department of Bayfield County.
- (11) **Nutrient Management Plan.** Written plan detailing the amount, form, placement, and timing of application of plant nutrients, including animal manure.
- (12) **Permit.** The signed, written statement issued by the Bayfield County Land and Water Conservation Department under this Chapter authorizing the applicant to construct, abandon, install, enlarge, or substantially alter an animal manure storage facility and to use or dispose of manure from the facility.
- (13) **Permitee.** Any person to whom a permit is issued under this Chapter.
- (14) **Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or State agency within Wisconsin, the Federal government, or any combination thereof.
- (15) **Substantially altered.** A change initiated by an owner or operator that results in a relocation of a structure or facility or significant changes to the size, depth, or configuration of a structure or facility including:
- a. Replacement of a liner in a manure storage structure.
 - b. An increase in the volumetric capacity or area of a structure or facility by

greater than 20%.

c. A change in a structure or facility related to a change in livestock management from one species of livestock to another such as cattle to poultry. NR 151.015(20) Wisc. Admin. Code.

(16) **Technical Guide.** The United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service Technical Guide, as adopted by the Bayfield County Land and Water Conservation Committee and the Department of Land and Water Conservation, which provides standards incorporated in this Ordinance.

(17) **Technical Standard 312.** "Waste Management System" A planned system in which all necessary components are installed for managing liquid and solid waste, including runoff from concentrated waste areas, in a manner that does not degrade air, soil, or water resources.

(18) **Technical Standard 313.** "Waste Storage Facility" is a practice standard within the Technical Guide that covers the proper location, design, construction, installation, alteration, operation and maintenance of a manure storage facility.

(19) **Technical Standard 360.** "Waste Facility Closure" is a practice standard within the Technical Guide that covers decommissioning of facilities, and/or the rehabilitation of contaminated soil, in an environmentally safe manner, where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose.

(20) **Technical Standard 590.** "Nutrient Management" is a practice standard within the Technical Guide that covers managing the amount, form, placement and timing of plant nutrients associated with organic wastes (manure and organic by-products), commercial fertilizers, legume crops and crop residues.

(21) **Technical Standard 634.** "Manure Transfer" is a practice standard within the Technical Guide that covers the design, material types and quality, and installation of components such as conduits, pumps, valves and other structures or devices to transfer manure and waste from buildings and yards and other sources to storage, loading areas, crop fields and other destinations. The standard establishes the minimum acceptable requirements for design, construction, and operation of waste transfer system components.

(22) **Temporary Manure Stack.** An uncontained deposit of animal waste, placed on an earthen, concrete, or other surface necessary to facility daily or periodic land spreading.

(23) **Water Pollution.** Contaminating or rendering unclean or impure the ground or surface waters of the State, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plan life.

Sec. 5-5-3 Activities Subject to Regulation

(a) **General Requirement.** Any person who designs, constructs, installs, reconstructs, abandons or makes changes to an animal manure storage facility resulting in its being substantially altered; or who employs another person to do the same, on land subject to this Chapter, shall be subject to the provisions of this Chapter.

(b) **Compliance with Permit Requirements.** A person is in compliance with this Chapter if he or she follows the procedures of this Chapter, receives a permit from the LWCD before beginning activities subject to regulation under this Chapter, and complies with the requirements of the permit.

Sec. 5-5-4 Standards

(a) **Standards for Animal Manure Waste Storage Facilities.** The standards for design and construction of animal waste storage facilities are those in Standards 312 (Waste Management System) 313 (Waste Storage Facility) 360 (Closure of Waste Impoundments) and 634 (Manure Transfer) of the USDA-NRCS Technical Guide.

(b) **Standards for Nutrient Management Plan.** The standards for a nutrient management plan shall be as provided in Section IV of the Technical Guide, Standard 590, including any and all existing and future standards amended thereto.

(c) **Subsequent Modification of Standards.** The standards of the Technical Guide are adopted and by reference made a part of this Chapter as if fully set forth. Any future amendment, revision or modification of the standards incorporated herein are made a part of this Chapter.

(d) **Human Household Wastewater Prohibited.** Human household wastewater shall not be discharged into animal manure storage facilities unless provided for through other permitting process outside of this Chapter.

Sec. 5-5-5 Application for issuance of Permits

(a) **Permit Required.** Except as provided below, no person may undertake an activity subject to this Chapter without obtaining a permit from the LWCD prior to beginning the proposed activity.

Note: DNR and other permits may be needed for construction site erosion control and stormwater management, floodplain and shoreland construction, and livestock facilities with 1,000 or more animal units. [Moved from Sec. 5-5-5.J.]

(b) **Exception to Permit Requirements.** Emergency repairs such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a permit. If repairs will significantly alter the original design and construction of the facility, a report shall be made to the LWCD within two (2) work days of the emergency for a determination by the LWCD on whether a permit will be required for any additional alteration or repair to the facility. Pre-existing waste storage facilities, except where the facility is substantially altered, do not require a permit.

(c) **Abandoning an Existing Livestock Waste Storage Facility.** A permit, a fee, and a nutrient management plan are not required to abandon an existing livestock waste storage facility. However, a waste storage facility must be closed in compliance with Standards 313 and 360 of the USDA Technical Guide, including any and all existing and future standard amendments thereto, if the facility is inactive for 2 years or more.

(d) **Exception to Avoid Closure.** The owner or operator may avoid closure of a facility as required under paragraph (c) by demonstrating to the county that all of the following conditions are met:

- (1) The facility is designed, constructed and maintained in accordance with Technical Standard 313.
- (2) The facility is designed to store manure for a period of time longer than 24 months.
- (3) Retention of the facility is warranted based on anticipated future use.

(e) **On-Site Investigation Required.** Each application for a permit under this Section shall require an on-site inspection prior to issuance and include a summary report of on-site conditions. The site inspection shall be conducted by the LWCD staff.

(f) **Fee.** There is no fee for new storage facilities or substantially altering manure storage facilities, however a permit is required.

(g) **Animal Manure Storage Facility Plan and Nutrient Management Plan Required.** Each application for a permit under this Section shall include an animal manure storage facility plan and nutrient management plan. The plan shall specify:

- (1) The number, kinds, and weights of animals for which storage is provided and the duration for which storage is to be provided. Storage volume computations and the storage facility volume shall be provided.
- (2) A plan view of the facility and its location in relation to buildings within five hundred feet (500') and homes within one thousand feet (1,000') of the proposed facility. The plan view shall be

drawn to scale, with a scale of with a scale no smaller than one inch equals one hundred feet (1"=100'), the North arrow, scale of drawing, township, range and quarter-quarter section of the proposed facility, and location, description and elevation of temporary bench mark.

- (3) The structural details, load assumptions, design computations, dimensions, cross sections, concrete thickness, reinforcing steel to be used, and facility elevations. The construction and material specifications set forth in Section IV of the Technical Guide including any and all existing and future amendments including, but not limited to, applicable specification for earthen fill quantities and soil types, excavation quantities and soil types, timber and pipes.
- (4) The location of any existing or proposed well within one thousand feet (1,000') of the facility.
- (5) The soil test pit locations and soil descriptions to a depth of at least three feet (3') below the planned bottom of the facility. Surface elevation of soil test pits shall be provided. Soil tests shall be done by a certified soil tester and evaluated by the LWCD or the Bayfield County Zoning Department.
- (6) The elevation of high ground water level or bedrock if encountered in the soil profile and the date of any such determinations.
- (7) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and ground water. If a navigable body of water lies within five hundred feet (500') of the facility, the location and distance to the body of water shall be shown.
- (8) A time schedule for construction of the facility.
- (9) A description of the method and materials proposed in transferring animal manure into and from the facility.
- (10) Plans for utilization of the animal waste will follow Standard 590 Nutrient Management of the Technical Guide. Preliminary plans will include the amount of land

available for the application of waste, identification of the areas where the waste will be used, soil types and any limitations on waste application due to soil limitations, type and proximity of bedrock, or water table, slope of land, and proximity to surface water.

- (11) An operation and maintenance plan, operating safety provisions, and details of the manure transfer system, including, but not limited to, materials quality, shall be provided.

(h) **Review of Application.** The LWCD shall receive and review all permit applications and shall determine if the proposed facility meets required standards set forth in Section 5-5-4 of this Chapter. Within thirty (30) business days after receiving the completed application, the LWCD shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the LWCD shall notify the permit applicant. The LWCD shall have thirty (30) business days from the receipt of the additional information in which to approve or disapprove the application. No construction may commence without the final approval by the LWCD. If after thirty (30) business days the LWCD has not responded, the application is considered approved, and the applicant may go ahead with the project. If the LWCD determines additional review of the plan is necessary by the Natural Resources Conservation Service, Department of Natural Resources, or Department of Agriculture, Trade and Consumer Protection and notifies the applicant of such determination within the 30 business day time period, the time period shall be extended for an additional thirty (30) business days

(i) **Permit Conditions.** All permits issued under this Chapter shall be issued subject to the following conditions and requirements:

- (1) Animal manure storage facility design and construction, management, and utilization activities shall be carried out in accordance with the animal manure facility plan and applicable standards specified in Section 5-5-4 of this Chapter.
- (2) The permittee shall give at least two (2) business days' notice to the LWCD before starting any construction activity authorized by the permit.
- (3) Approval in writing must be obtained from the LWCD prior to any modifications to the approved animal manure facility plan.
- (4) The permittee and, if applicable, the contractor, shall certify in writing that the facility was installed as planned.
- (5) The LWCD staff may conduct on-site inspections before, during and after construction.

Activities authorized by permit must be completed within two (2) years from the date of issuance after which such permit shall be void. (Permit for construction may also be subject to County Zoning Ordinance time limitations.)

(j) **Permit Revocation.** The LWCD may revoke any permit issued under this Chapter if the holder of the permit misrepresents any of the materials to be used for constructing and /or reconstructing the animal manure facility, misrepresents the plans of the animal manure facility, makes statements within the permit application which misrepresent the facts, or if the holder of the permit violates any of the conditions of the permit. The permittee shall be immediately notified of the revocation in writing giving reason(s) for the revocation.

Sec. 5-5-6 Administration

(a) **Delegation of Authority.** Bayfield County Board of Supervisors hereby designates the Bayfield County LWDC to administer and enforce this Chapter.

(b) **Administrative Duties.** In the administration of this Chapter, the LWCD shall:

- (1) Keep an accurate record of all permit applications, animal manure facility plans, permits issued, inspections made, and other official actions.
- (2) Review permit applications and issue permits in accordance with Section 5-5-5 of this Chapter.
- (3) Inspect animal manure storage facility construction to ensure the facility is being constructed according to plan specifications.
- (4) Investigate complaints relating to compliance with this Chapter.
- (5) Perform other duties as specified in this Chapter.

(c) **Design and Construction Plan Approval.** Storage facility design and construction plans may be provided through the LWCD, cooperating members or County, State, or Federal government agencies, and private consultants. Private consultants shall be registered professional engineers, licensed in the State of Wisconsin. Storage facility designs, construction plans, and specifications utilizing preapproved or prequalified Natural Resources Conservation Service plans must be prepared by a registered professional engineer, licensed in the State of Wisconsin. The approval of preapproved or prequalified plans must state that plan meets the requirements of this Chapter. Construction plans utilizing a preapproval or prequalified plan must be adapted to fit site

conditions making it comply with Standard 313.

(d) **Inspection Authority.** The LWCD is authorized to enter upon any lands affected by this Chapter to inspect the land prior to or after permit issuance to determine compliance with this Chapter. If permission cannot be received from the applicant or permittee, the permit may be denied or entry by the LWCD shall be in accordance with §92.07(14), Wis. Stats.

(e) **Enforcement Authority.** The LWCD is authorized to post an order stopping work upon land which has had a permit revoked or on land in violation of this Chapter. Notice is given by both posting upon the land where the violation occurs, one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail, return receipt requested, to the person whose activity is in violation of this Chapter. The order shall specify that the activity must cease immediately and be brought into compliance within five (5) working days. Any permit revocation or order stopping work shall remain in effect unless retracted by the LWCD, or until the activity is brought into compliance with this Chapter. The LWCD is authorized to refer any violation of this Chapter or of any order stopping work issued pursuant to this Chapter to the Corporation Counsel for commencement of further legal proceedings.

Sec. 5-5-7 Violations

(a) Any person who violates, neglects, refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to a forfeiture of not less than \$100.00 not more than \$1,000.00 for each violation. A violation includes failure to comply with any standard of this Chapter or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. The County Conservationist may refer violations of this Chapter to Corporation Counsel for enforcement.

(b) **Enforcement of Injunctions:** As a substitute for or as an addition to forfeiture actions, Bayfield County may seek enforcement by injunction order at the suit of the County or the owner or owners of the land within the district affected by the regulations of this Title.

Sec. 5-5-8 Appeals from Administrative Decisions

(a) **Authority.** The Bayfield County Land and Water Conservation Committee shall hear and decide appeals where it is alleged that there is error in an order, requirements, decision or determination by the Land and Water Conservation Department staff in administering this chapter.

(b) **Procedure.** Any appeal shall be made by written request, mailed or delivered to the Bayfield County Land and Water Conservation Committee, c/o Land and Water

Conservation Department, 615 2nd Ave E, Washburn, WI 54891. The request shall state the ground or grounds upon which it is contended that the decision should be modified or reversed. The appeal shall be heard within sixty (60) days of the date the appeal is filed with the LWCD. A copy of the meeting notice shall be sent to the applicant and the appropriate Town Board. The LWCD shall transmit to the Committee all documents constituting the record from which the appeal was taken. The Committee shall issue a written decision regarding the appeal within sixty (60) days after the appeal hearing.

(c) **Statutory Administrative Review and Certiorari.** The decision of the Bayfield County Land and Water Conservation Committee shall be subject to judicial review if, within 30 days after the decision of the Bayfield County Land and Water Conservation Committee, an action seeking the remedy available by certiorari is commenced, as authorized by §59.694, Wis. Stats.

Section 2. Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 3. SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

Adopted by the Board of Supervisors of the County of Bayfield on the 28th day of February, 2017.

By Action of the
BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:
Dennis M. Pocernich, *Chairman*

9. Bayfield County Resolution No. 2017-12, Request to Amend the 2016 Year End Budget for the Bayfield County Veteran's Relief Fund. Kevin Johnson, *Veteran's Service Office*, was present and gave a brief background on Relief Fund. Since he has been here, there have been many generous donations made. The Board authorized the donations be made to the non-lapsing fund to be used for Veteran's relief. Last year, we decided to focus on programs to work with the Veteran's organization in the County. This Resolution is basically "housekeeping" to make the 2016 budget correct. In the future, the monies will be placed in the correct fund to prevent this from happening again.

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

WHEREAS, the 2016 expense budget for the Bayfield County Veteran's Relief Fund was approved at \$1,500.00; *and*

WHEREAS, the actual 2016 expenses for the Bayfield County Veteran's Relief Fund were \$5,125.00; *and*

WHEREAS, the 2016 revenue budget for the Bayfield County Veteran's Relief fund was approved for \$1,500.00; *and*

WHEREAS, the actual 2016 revenue for the Bayfield County Veteran's Relief Fund was \$6,040.00; *and*

WHEREAS, the additional revenues received will offset the additional expenses incurred. The Veteran's Office is requesting a budget amendment in the amount of \$3,625 to cover expenses.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 28th day of February, 2017, approves the following 2016 budget amendments:

Increase 2016 Veteran's Relief Fund Expense Account:

#250-64-54704-50191 \$3,625.00

Increase 2016 Veteran's Relief Fund Revenue Account

#250-64-48500 \$3,625.00

By Action of the

Bayfield County Board of Supervisors

Dennis M. Pocernich, *Chairman*

A motion was made by Oswald/Coughtry to adopt Bayfield County Resolution No. 2017-012, Request to Amend the 2016 Year End Budget for the Bayfield County Veteran's Relief Fund. A roll call vote took place as follows: Bussey-yes; Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Williams-yes; Coughtry-yes; Miller-yes; Crandall-yes; Rondeau-yes; Goodwin-yes. Total: 13; 12 yes, 0 no, 1 absent. The motion carried.

10. Bayfield County Resolution No. 2017-13, Opposing Making County Veteran's Service Officer Optional, Allowing Non-Veterans to fill the CVSO Position, or Consolidating or Regionalizing County Veteran Service Offices in Wisconsin.

Johnson stated that this Resolution changes the scope and terms of a Veteran's Service Officer and sees these proposed changes as a major step backwards. This Resolution would send to the State Legislation a message of their desire to oppose any efforts to allow non-Veterans to fill the position of County Veteran's Service Officer. It is very

similar to what other counties have passed and does not limit us to do what we want to do with our Veteran's Service.

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

WHEREAS, Wisconsin Statutes Section 45.80 requires each county to elect/appoint a County Veterans Service Officer who is a Wisconsin resident and who served under honorable conditions on active duty in the Armed Forces; *and*

WHEREAS, County Veterans Service Officers are responsible for a high percentage of veterans' claims at any given time at the VA Regional Office in Milwaukee; *and*

WHEREAS, County Veterans Service Officers are a major stakeholder in assisting veterans with obtaining more than \$2.7 billion in VA benefits annually in Wisconsin; *and*

WHEREAS, County Veterans Service Officers are invaluable to all veterans but especially elderly and disabled veterans in the local community; *and*

WHEREAS, County Veterans Service Officers are the only veterans' advocates when dealing with the VA who serve veterans' in their local community.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 28th day of February, 2017, joins other counties in the state of Wisconsin, to express their desire to the Wisconsin State Legislature to adamantly oppose any future efforts to make County Veterans Service Officers optional; *and*

BE IT RESOLVED, that the county of Bayfield joins other counties in the state of Wisconsin, to express their desire to the Wisconsin State Legislature adamantly oppose any efforts to allow non-veterans to fill the positions of County Veterans Service Officers; *and*

BE IT RESOLVED, that the county of Bayfield joins other counties in the state of Wisconsin, to express their desire to the Wisconsin State Legislature adamantly oppose any efforts to allow any consolidation and/or regionalization of County Veterans Service Offices; *and*

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to all Bayfield County's State Senators and Assembly Representatives, to the Wisconsin Counties Association, and to the President of the County Veterans Service Officers Association of Wisconsin.

By Action of the

Bayfield County Board of Supervisors

Dennis M. Pocernich, *Chairman*

A motion was made by Goodwin/Williams to adopt Bayfield County Resolution NO. 2017-13, Opposing Making County Veteran's Service Officer Optional, Allowing Non-Veterans to fill the CVSO Position, or Consolidating or Regionalizing County Veteran Service Offices in Wisconsin. Discussion took place on local control and State

mandates. We may want to have the flexibility of putting a non-Veteran in this position. Supervisor asked Johnson what the advantage of prior service in this position would be and Johnson explained that it is essential to make a connection with the person across the desk from him, either being a WWII Vet or just getting off plane yesterday. Having similar experiences helps that a Vet to know that he is there to help him and that he can be trusted. Johnson believes that a non-Vet would have empathy for the Vet, but doesn't believe a non-Vet could make that connection. Johnson stated that he believes a Veteran/Veteran relationship is important. This Resolution send a message to the State telling them that we don't want them to dictate to us who we can have. *The motion carried with one opposition.*

11. Bayfield County Resolution No. 2017-14, Returning CVSO Grant to a Block Grant Format. Johnson informed the Board that the State has asked that each County pass this Resolution and gave his reasoning for it. The Board dispensed the reading of the Resolution, which reads as follows:

WHEREAS, the Wisconsin County Veterans Service Office has operated as a block-grant for CVSO salary supplement since legislative inception in 1973, to attract and retain CVSO talent, and as a means to fund improvements to CVSO Veteran's services in the county; *and*

WHEREAS, the 2015 Wisconsin Biennium Budget restructured this long-standing CVSO Grant block payment structure to a reimbursement only payment structure, and has resulted in a very cumbersome program that no longer allows salary supplementation, and contains complicated rules of eligible reimbursable costs, which together now create fiscal constraints on Wisconsin counties that benefitted from the previous block grant payment structure.

NOW, THEREFORE, BE IT RESOLVED, that the County of Bayfield joins other counties in the State of Wisconsin, to express their desire to the Wisconsin State Legislature to have the County Veterans Service Office Grant returned to the original 1973 intent to be used for supplementing the salary of County Veterans Service Officers in order to attract and retain talented personnel in those positions and used to fund improvement of services to veterans and their dependents; *and*

BE IT FURTHER RESOLVED, that the Bayfield County Board of Supervisors assembled this 28th day of February, 2017, does hereby request of the State Legislature that the CVSO Grant be structured in a block-grant structure requiring only the signatures of the current CVSO and County Executive, County Administrator or County Board Chairman as verification of compliance; *and*

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to all of Bayfield County's State Senators and Assembly Representatives, to the Wisconsin Counties Association, and to the President of the Wisconsin County Veterans Service Officer Association.

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Strand/Maki to adopt Bayfield County Resolution No. 2017-14, Returning CVSO Grant to a Block Grant Format. The motion carried.

12. Bayfield County Resolution No. 2017-15, 2016 Budget Amendments for the Offices of District Attorney, Maintenance, Clerk of Circuit Court, Register of Deeds, Land Records and Motor Pool. Abeles-Allison explained that this Resolution is taking care of business in the departments where they either went over their budget or had excess revenue collected. A few of the Department heads were present to explain what took in each of their offices. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, a change of pay levels in the Register of Deed's Office during 2016 resulted in additional wages; *and*

WHEREAS, contractual services for imaging of documents in the Register of Deeds office exceeded the number of images anticipated in 2016; *and*

WHEREAS, costs for printing & duplication (copier) were not included in the 2016 Register of Deeds budget; *and*

WHEREAS, additional revenue was collected in 2016 for Real Estate Transfer Fees in the Register of Deeds Office. These fees offset the additional expenses that were incurred; *and*

WHEREAS, the Wisconsin Land Information Program (WLIP) allocated more revenues in 2016 than anticipated. These revenues offset additional WLIP related expenses; *and*

WHEREAS, WLIP related expenses for contracted services, staffing, software maintenance, and GPS equipment were incurred as a result of the additional WLIP funding allocation; *and*

WHEREAS, court Fees receipted in 2016 exceeded the budgeted projection; *and*

WHEREAS, the cost for legal fees related to court appointed attorneys exceeded budgeted expenses in 2016; *and*

WHEREAS, repair and Maintenance and contractual services costs exceeded budgeted expenses due to unanticipated repairs to electronic controls; *and*

WHEREAS, utility costs exceeded budgeted figures; *and*

WHEREAS, a change of pay levels in the Maintenance Department during 2016 resulted in additional wages. Contingency funds were allocated for this expense; *and*

WHEREAS, the maintenance department is not a revenue generating department, requiring the use of contingency and fund balance for budget expense overages; *and*

WHEREAS, the District Attorney Office exceeded budgeted expenditures in postage and office supply expenditures; *and*

WHEREAS, the District Attorney Office brought in addition revenues exceeding additional expenditures; *and*

WHEREAS, Repair and maintenance costs exceeded budget in the 2016 motor pool fund; *and*

WHEREAS, additional interdepartmental mileage revenues exceeded budget, and offset the additional repair and maintenance costs; *and*

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 28th day of February, 2017, does hereby authorize that the 2016 Budget Be Amended as Follows:

Register of Deed's Office:

Increase Real Estate Transfer Revenue	100-15-41230	\$4,490
Increase PT Wage Expense	100-15-51711-50122	\$2,949
Increase Contractual Services	100-15-51711-50290	\$954
Increase Printing & Duplication	100-15-51711-50313	\$587

Land Records:

Increase WLIP Grant Revenue	100-13-43516	\$25,000
Increase WLIP Grant Revenue	100-13-43513	\$38,808
Increase Land Sales	100-13-48302	\$16,705
Increase Software Maintenance	100-13-51741-50397	\$ 575
Increase Professional Services	100-13-51742-50210	\$60,040
Increase Printing & Duplication	100-13-51531-50313	\$15,538
Increase Capital Equipment	100-13-51742-50810	\$ 4,360

Clerk of Court:

Increase Court Fee Revenue	100-02-46142	\$12,548
Increase Fund Balance Applied	100 00 49301	\$10,587
Increase Criminal Legal Fee Expense	100-02-581221-50212-003	\$18,058
Increase Legal Fees Guardianship	100-02-581221-50212-001	\$5,077

Courthouse Maintenance:

Increase Fund Balance Applied	100-00-49301	\$9,696
Decrease Contingency Fund	100-00-51410-50000	\$6,890
Increase Repair and Maintenance	100-14-51601-50240	\$5,702
Increase Utilities	100-14-51601-50220	\$1,802
Increase Contractual Services	100-14-51601-50290	\$2,192
Increase Department Head Wages	100-14-51601-50111	\$6,890

District Attorney

Increase All Other Revenue	100-08-48900	\$1775
Increase Postage	100 08 51311 50311	\$1306
Increase Office Supplies	100 08 51311 50310	\$469

County Motor Pool

Increase interdepartmental mileage revenues	720-72-47411	\$13,347
Increase repair and maintenance supplies	720-72-51415-50350	\$13,347

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Bussey/Goodwin to adopt Bayfield County Resolution No. 2017-15, 2016 Budget Amendments for the Offices of District Attorney, Maintenance, Clerk of Circuit Court, Register of Deeds, Land Records and Motor Pool. A brief discussion took place as to why this comes to the Board after the year has ended. Abeles-Allison explained that you never know how the budget is going to end, you have gains and losses, this puts the revenues and expenses in their proper place. A roll call vote was taken as follows: Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Williams-yes; Coughtry-yes; Miller-yes; Crandall-yes; Rondeau-absent; Goodwin-yes; Bussey-yes. Total: 13; 12 yes, 0 no, 1 absent, the motion carried.

13. Bayfield County Resolution No. 2017-17, 2016 Emergency Management Budget Amendments. Victorson was present and reported to the Board that this past 2016 was a "heck of a year" with all of the storms that happened. These amendments are in relation to that. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, the Emergency Management Office had several unanticipated expenses in 2016, including payments to AT&T for the 9-1-1 network, repairs/maintenance to radio equipment, maintenance contract for 9-1-1 equipment and additional tower rental for radio infrastructure; *and*

WHEREAS, there was not an offsetting increase in revenue in the Emergency Management office, requiring the use of fund balance for budget expense overages.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 28th day of February, 2017, do hereby authorize that the 2016 Budget Be Amended as Follows:

Emergency Management

Increase Fund Balance Applied	100-00-49301	\$65,484
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Increase Telephone (911)	100-18-52501-50225	\$33,739
Increase Repair & Maintenance	100-18-52501-50240	\$10,084
Increase Contractual Services	100-18-52501-50290	\$14,215
Increase Rental Radio Towers	100-18-52501-50531	\$ 7,446

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Silbert/Williams to adopt Bayfield County Resolution No. 2017-17, 2016 Emergency Management Budget Amendments. Discussion took place about getting funds back from AT & T in 2017. Victorson reported that the first batch of FEMO checks have arrived and they are making progress with the others. A roll call vote was taken as follows: Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Williams-yes; Coughtry-yes; Miller-yes; Crandall-yes; Rondeau-absent; Goodwin-yes; Bussey-yes; Fickbohm-yes. Total: 13; 12 yes, 0 no, 1 absent. The motion carried.

14. Bayfield County Resolution No. 2017-16, Authorization to Apply for Grant Funding Through the U.S. Department of Justice for a Mental Health Grant.

Supervisor Oswald excused himself from discussion of this since he is working on this through his place of employment. Spurlock explained that this is an implementation grant through the Dept. of Justice working quicker and better for people with a mental illness. Bayfield County would be lead with Sawyer and Ashland Counties participating as well. This would be in partnership with NorthLakes. Discussion took place on what our chances are to be awarded such a grant.

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

WHEREAS, Bayfield County has an active Criminal Justice Council; *and*

WHEREAS, Bayfield County joined the National Association of Counties Stepping Up Initiative, focused on addressing individuals with mental illnesses in the jail; *and*

WHEREAS, an opportunity with a US Department of Justice Grant addressing individuals with mental illness or co-occurring mental health and substance abuse disorders who come into contact with the justice system has come up; *and*

WHEREAS, this is a two year grant for three counties to collaborate on planning, targeting and establishing best practices for those with mental illnesses; *and*

WHEREAS, application for this is due on April 1 and NorthLakes Community Clinic will be assisting with the grant writing; *and*

WHEREAS, Brenda Spurlock would assist with writing and oversight of the grant and serve as the director of this project for Bayfield County.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 28th day of February, 2017, hereby authorizes Bayfield County to apply for this grant and be the fiscal manager for the project.

By Action of the

Bayfield County Board of Supervisors

Dennis M. Pocernich, *Chairman*

A motion was made by Crandall/Goodwin to adopt Bayfield County Resolution No. 2017-16, Authorization to Apply for Grant Funding Through the U.S. Department of Justice for a Mental Health Grant. The motion carried.

15. Appointment and Confirmation of Elaine Kopp to the Bayfield County Board of Health. Supervisor Strand updated the Board of Kopp's background and qualifications for this appointment. *A motion was made by Crandall/Williams to confirm the appointment of Elaine Kopp to the Bayfield County Board of Health. The motion carried.*

16. *A motion was made by Miller/Maki to move in and out of Executive/Closed 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; and (g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The motion carried.*

A motion was made by Crandall/Coughtry to move out of Executive/Closed Session. The motion carried.

17. Administrator's Report:

a) **Upcoming meeting updates:**

- ✓ **March 28th 6:00 pm** - This will be a meeting with the Red Cliff Tribe.
- ✓ **April 18th** will be the date the Security and Space Study will be presented. This presentation will take at least an hour. It was suggested to meet with these people at 5:00 pm, prior to the meeting time. The Board did not want this, but rather, they wanted this group to meet with the Board at the 6:00 pm, the regular meeting time. Materials will be forthcoming to the Board on their findings.
- ✓ **May 30th - 6:00 pm** - regular meeting

b) **Ethics Board Update:** Jeremy Oswald, Jim Crandall, Brett Rondeau, Billie Hoopman make up this Board. This Board will be meeting twice a year. At the next meeting, the topic of conflicts of interest will be discussed.

- c) **Northern Lights Update.** Abeles-Allison reported that Bayfield County is planning on meeting with accountants and auditors for Northern Lights and making a presentation to us within the next 30-60 days. Discussions will take place on what Northern Lights is able to pay in the future. We are looking at a variety of options. The current situation is that Northern Lights is unable to make their payments. They borrowed money to make their last payment. They have been unable to get the 3rd party financing that they were hoping for, however, they are still looking. The Board discussed other options that may be available to both parties. Supervisors Maki and Silbert have been attending the Northern Lights Board meetings. Maki stated that he feels it is important for the County to stay involved. Discussion took place on several issues, options and possible solutions. We need to find out more and help both us and Northern Lights to find solutions.
- d) **Superior Days.** Supervisor Strand updated the Board that this event has been shortened to only 1½ days. He spoke with different representatives; discussed payment in lieu of taxes; discussed funding that comes from State property taxes. It has been stated that the Governor is going to do away with State property taxes. Water quality issues along with shoreland zoning regarding animal waste was discussed. 911 funding was also discussed. This year 20 youth from Ashland and Bayfield counties were present. There was a better attitude this year than last year.

18. **Supervisors' Reports:** It was mentioned that it would be nice for the Board to see the screen in front of the Board. The Chair, Administrator, and Clerk sit higher and they can't see around. Discussion has taken place about moving things around and a more diligent effort will be made to find a solution.

There being no further action to come before the Bayfield County Board of Supervisors, Chairman Pocernich adjourned the meeting at 9:09 pm.

Respectfully submitted,

Scott S. Fibert
Bayfield County Clerk
SSF/dmb