

Minutes of the
Bayfield County Board of Supervisors' Meeting
March 20, 2018 - 6:00 p.m.
Bayfield County Board Room, Courthouse, Washburn, Wisconsin

Chairman Pocernich called the meeting to order at 6:00 pm. A roll call was taken by Scott Fibert, *County Clerk*, as follows: Harold Maki-present; Jeremy Oswald-present; Jeffrey Silbert-present; Dennis Pocernich-present; Fred Strand-present; Thomas Snilsberg-present; Rachel Coughtry-absent; Shawn Miller-present; James Crandall-present; Brett Rondeau-present; George P. Newago-present; William Bussey-present; Larry Fickbohm-present; Total 13: 12 present, 1 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*; Jason Bodine

The Pledge of Allegiance was recited by all attending this evening's meeting.

John Mason, Cornucopia, spoke of his background on how he ended up in this area. He reminded everyone that no one owns the river, it belongs to everyone. Siskiwit is special with its shallow waters and small waterfalls allowing people to walk, swim and play in it. This goes back for generations and he hopes the park gets the protection that it needs for future generations to enjoy.

Phil Moyer, Lost Creek, Town of Bell. Moyer went on record for himself and his wife Nancy stating they believe Bayfield County's involvement, ownership and stewardship of the Siskiwit River Forest Project will truly result in a treasured learning and recreational experience for all who have an opportunity to visit this beautiful combination of waterfalls, boreal forest and plains where the Siskiwit River makes its way to Lake Superior. They believe the potential for this project is equal to and possibly greater than that of Copper Falls near Mellen. The vision and knowledge of Bayfield County's leadership and staff will provide the policy, planning, fiscal, operational infrastructure and manpower resources needed to optimize this property's true potential

Alan Hahn stated he lives adjacent to Swenson property and is in favor of protecting the property; hoping that this will be kept in the County's hands and preserved for future use.

Laurel Shanks stated she is a Senior at Washburn High School and is applying for the Local Government Scholarship and explained why she is interested in government.

Yvette Fleming, Town Board Supervisor for the Town of Bell. Fleming stated that this project meets every standard of the Town's Comprehensive Plan, i.e., wildlife, fisheries, byways for birds, estuary. Fleming urged the Board to vote in favor of this project.

Dan Zei, Maple Hill Road, Washburn, stated he is here this evening to show support for the Siskiwit River Project. This is a very unique property and this effort will allow for public use of this property for perpetuity. He commended all parties involved and hopes to see that this project take place. He encouraged the Board to support this project as a whole.

Gordon Anderson is an adjacent property to estuary preserve project. Anderson's family is in total support of this and excited that this opportunity has presented itself. Anderson asked that the Board support this and save this piece of property for prosperity.

Mary OBrien, representative from the Bayfield Regional Conservancy reported that 71 individuals have \$181,000 towards this project which has matching funds. It is the hope of these individuals that the Board will approve this project this evening. OBrien stated Erika Lang, Director of the Conservancy will be speaking more on the project.

Jane Norton, Ehlers Store and adjacent property owner. Norton reported that this was a tough summer as people could not come back to visit this property. They are excited that this will become a reality and people will once again be able to visit.

Susan Keachie, Resident of cornucopia, stated she was instrumental in writing the Comprehensive Plan. Keachie stated that this project totally meets the objectives of the Comp Plan and this project is a good fit and should be reserved for future use.

At this time Pocernich closed Public Comment and introduced County Board candidates who are running for positions on the County Board on April 3rd; that were in the audience. Pat Quaintance, District 2, David Zepczyk, District 11 and Marty Milanowski, District 10, spoke at the last meeting. Dee Kittleson, District 11 and Thomas Gordon, District 2. Pocernich invited the candidates to say a few words if they wanted to.

Kittleson spoke stating she used to be on the County Board but then moved from Washburn to Grand View. She is running for the District 11 seat. Kittleson also stated that she came to wish everyone well who is retiring from the Board this evening.

Gordon state that he cares about what happens in Bayfield County. He has previously given over 50 years of dedication to Bayfield County either as a County Board member, County Clerk, Administrative Coordinator, through committees and the like. He believes he has and will continue to take care of Bayfield County residents.

Coughtry chose not to speak.

1. Bayfield County Resolution No. 2018-21, Supporting Bayfield Regional Conservancy's (BRC) Siskiwit River Estuary Preserve Project, Including County Ownership and Management of the Property. Jason Bodine, *Forest Administrator*, stated that Erika Lang, *Bayfield Regional Conservancy Director*, is on the telephone waiting to speak on behalf of the Conservancy and what the project will mean to the area. Lang stated that this project has been in the making for over 3 years and gave a lengthy background on how a conservancy such as this takes place and what it will mean to the area. Lang stated that the Conservancy and the Town of Bell pursued competitive grants through Wisconsin's Knowles-Nelson Stewardship Program and NOAA's Coastal and Estuarine Land Conservation Program (to which Wisconsin Coastal Management Program applies) to acquire and protect the property. The NOAA grant will soon be awarded to Bayfield County (as a local government entity), who will hopefully agree to become the property's owner and manager. All matching funds have been raised for the land purchase, and are coming from landowners, community members, and other donors. The Bayfield Regional Conservancy will hold a conservation easement on the property to protect its conservation values forever. The landowners would like the property to be called the Swenson Forest Preserve, to honor the family, if possible.

Bodine stated that with Lang's explanation, he need not say more. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, The Siskiwit River Estuary Preserve Project (also known as the Swenson Forest Preserve) involves approximately 100 acres of land, with significant frontage along,

and access to, the Siskiwit River, including portions of the Siskiwit falls, in the Town of Bell, Bayfield County (see Exhibit A); *and*

WHEREAS, on January 16, 2017, the Forestry and Parks Committee voted to support the Siskiwit River Estuary Preserve Project (hereafter, Siskiwit River project), on the basis of conserving the natural resource values of the property, for tourism and economic development potential, for the preservation and sense of place in the community, and for its consistency with both the County's and Town's Comprehensive Plans; *and*

WHEREAS, on February 13, 2017, the Forestry and Parks Committee approved a draft resolution of support for the Siskiwit River project including the potential for county ownership of the land comprising the project, provided that full funding for land acquisition was awarded and the Town of Bell declined ownership; *and*

WHEREAS, the project was initially presented with the Bayfield Regional Conservancy (hereafter, the BRC) obtaining full funding for the acquisition of land from numerous sources, including grants from the Knowles-Nelson Stewardship Program, NOAA's Coastal and Estuarine Land Conservation Program (CELCP), as well as from private donations, as needed, with ownership of the property conveyed to the Town of Bell; *and*

WHEREAS, during their meeting on October 10, 2017, the Town of Bell Town Board formally declined ownership of the property by postponing indefinitely the submission of a letter to NOAA for the awarding of the CELCP grant, thereby rejecting the grant award; *and*

WHEREAS, as part of the Town of Bell Town Board's formal rejection of the CELCP grant, the Town Board passed a motion to turn the project over to Bayfield County for County acquisition of the property; *and*

WHEREAS, this same NOAA CELCP grant will now be awarded to Bayfield County and will cover up to 50% of the cost of land acquisition; *and*

WHEREAS, the BRC has successfully raised funds to fully match the remaining 50% of the cost of land acquisition, which will be applied when the NOAA CELCP grant is officially awarded to Bayfield County; *and*

WHEREAS, on March 12, 2018, the Forestry and Parks Committee re-confirmed support of the Siskiwit River project and subsequent conveyance of land to Bayfield County, provided that the initial acquisition of the property comes at no out of pocket expense to the County.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, meeting this 20th day of March, 2018, supports the acquisition of approximately 100 acres of land in the Town of Bell, as part of the Siskiwit River Estuary Preserve Project, and funded, in full, by monies from the NOAA CELCP grant, and/or similar sources, as well as private donations received by the BRC; *and*

BE IT FURTHER RESOLVED, that Bayfield County will accept full ownership and management responsibilities of the land, contingent upon acquisition costs being covered, in full, by others; *and*

BE IT FURTHER RESOLVED, that Bayfield County will accept and support a conservation easement on the property, to be held by the BRC (but note that this name will change due to a merger with another land trust), that will be recorded after conveyance of

said property, at a date to be mutually agreed upon by the County and the BRC, but by no later than December 31, 2019, unless otherwise agreed upon, in writing, by both Parties; *and*

BE IT FURTHER RESOLVED, that, when Bayfield County is conveyed ownership of the land, the property will be managed by the Forestry and Parks Department, recognizing all applicable grant contracts and the conservation easement, recorded and placed on the property, and preferably as part of the County Forest, if said property meets the requirements for enrollment in County Forest Law; *and*

BE IT FURTHER RESOLVED, that, if the property meets the requirements for enrollment in County Forest Law, the Forestry and Parks Department shall develop an application for a Knowles-Nelson Stewardship County Forest Land Acquisition grant, leveraging the appraised value of said property as the required matching funds; *and*

BE IT FURTHER RESOLVED, that, when the property is conveyed to Bayfield County, the County would appreciate some assistance from the BRC, in the form of labor, financial support, and/or the development of grants or similar aid applications, to help offset future workloads and/or expenses associated with managing the natural resources of the property, per the management plan for the Siskiwit River project, as mutually developed by the County and the BRC, including maintaining and/or creating sustainable public recreational access; *and*

BE IT FURTHER RESOLVED, that, when Bayfield County is conveyed ownership of said land, the Forestry and Parks Department intends to collaborate with the Town of Bell and the BRC regarding the development and funding of recreational activities on the property, including, but not limited to, signage, parking areas and trail heads; *and*

BE IT FURTHER RESOLVED, that the Bayfield County Board of Supervisors hereby authorizes the Forestry and Parks Administrator and County Administrator to act on behalf of Bayfield County to: sign documents; take all necessary action(s) required to undertake, authorize, direct, and complete the Siskiwit River Estuary Preserve Project, including development and recording of the conservation easement with the BRC; and accept any and all awarded and/or donated funds, including grants, pertaining to the project, provided said funds are sufficient to fully cover land acquisition costs.

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

*A motion was made by Miller/Newago to adopt Bayfield County Resolution No. 2018-21, Supporting Bayfield Regional Conservancy's (BRC) Siskiwit River Estuary Preserve Project, Including County Ownership and Management of the Property. Discussion took place and how this can affect the south side of Port Wing to Bayfield. People forget to stop and this may encourage people to stop. Further discussion on the age groups that use the trails from real young to real old. It was noted that the Swenson's could have received much more money but they chose to protect and give back to the area. The topic of garbage was briefly mentioned. A big "kudos" was given to the Forestry Department for their time and effort into this project. **The motion carried.***

2. Bayfield County Resolution No. 2018-22, Authorizing the Application for Project Funds from the Wisconsin Habitat Partnership Program. Bodine informed the Board that this is straight forth language every time you enter into an agreement and this

has been done in the past with others. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, Bayfield County (hereafter, the County) is interested in obtaining a cost-share grant from the Wisconsin Department of Natural Resources (hereafter, DNR) for the purpose of developing and/or maintaining pine barrens communities on Bayfield County Forest lands located within the Barnes Barrens Management Area; *and*

WHEREAS, the County attests to the validity and accuracy of the statements and representations contained within the proposal; *and*

WHEREAS, an Agreement with the DNR is required to carry out the project.

NOW THEREFORE BE IT RESOLVED, that the Bayfield County Board of Supervisors, meeting this 20th day of March, 2018, hereby authorizes and empowers the Forestry and Parks Administrator and/or County Administrator to act on behalf of the County to:

1. Submit an application to the DNR for financial assistance that may be available;
2. Sign and submit all necessary and required documents;
3. Enter into an Agreement with the DNR;
4. Submit annual and final reports to the DNR to satisfy the Agreement, as appropriate;
5. Submit reimbursement requests to the DNR as per the Agreement;
6. Sign a public access easement;
7. Sign and submit all other documentation as necessary and/or required to complete the project as per the Agreement;

BE IT FURTHER RESOLVED, that the County will meet all financial obligations to fully and satisfactorily complete the project; *and*

BE IT FURTHER RESOLVED, that the County will comply with all local, state and federal rules, regulations, and ordinances relating to this project and the cost-share Agreement.

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

A motion was made by Silbert/Rondeau to adopt Bayfield County Resolution No. 2018-22, Authorizing the Application for Project Funds from the Wisconsin Habitat Partnership Program. The motion carried.

3. Discussion and Possible Action Regarding Apostle Islands National Lakeshore Storm Repair and Restoration. Abeles-Allison reported that the Board at its last meeting wanted this subject to be brought back for further discussion. We have with us this evening, Bob Krumenaker from the Apostle Islands National Park Service, via telephone conference. Abeles-Allison stated that there is in the Drop Box a copy of a letter that was drafted to go to the National Park Service addressing the damage that has taken place to the docks and buildings on several islands. This is a second letter as one was sent to the Senators.

Tonight, we are looking for authorization to send this letter on with Pocernich and Strand signing on behalf of the County Board. ***A motion was made by Bussey/Crandall authorize Pocernich and Strand sign and forward on the letter to the Apostle Islands National Park Service.*** Discussion that this is just a letter and no money involved. Discussion also took place that most of the Apostle Islands are located in Ashland County and that perhaps they should be sending a letter as well. It was also noted, that the National Park Service Headquarters is located in Bayfield County. The Board stated that they would like someone to encourage Ashland County to follow Bayfield County's initiative in sending out this letter. ***The motion carried.***

4. Bayfield County Amendatory Ordinance No. 2018-02, Creating Chapter 5 to Title 2 of the Bayfield County Code of Ordinances Establishing Cut-Off Times for Filing and Recording Documents in the Bayfield County Register of Deed's Office. The Board dispensed with the reading of the Resolution. Denise Tarasewicz, *Bayfield County Register of Deeds*, was present to answer any questions the Board may have regarding this new Ordinance. Tarasewicz explained that her office presently has an informal policy regarding filing and recording documents. When electronic recordings and paper documents come to their office, it is imperative to examine the documents carefully before accepting them for recording. When documents are received late in the day, it is difficult for staff to analyze documents and help customers who come in for assistance at the same time. The State Vital Record System and time restraints for recordings sometimes conflict with our practice of prioritizing customers at the counter. This has led to the informal policy of accepting documents at the end of the, but not recording them until the following day.

This Ordinance will establish a cut-off time of 3:00 p.m. for recordings. There will also be a cut-off time of 1:00 p.m. on the last working day of the year. This will give staff the opportunity to finish their daily work and help customers coming in for assistance late in the day. Presently, 3 Register of Deeds' offices (*Sawyer, Washburn, Douglas*) in District 6 have Cut-Off Ordinances in place with another 4 counties (*Bayfield, Iron, Polk, Burnett*) hoping to be approved by their respective County Boards.

The Resolution reads as follows:

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 §59.02(3)(c) authorizes the County to enact an ordinance requiring sufficient time in which to complete the processing of documents filed for recording on the same day they are received by setting cut off times for receipt of documents. Documents shall be accepted up to the end of the business day, but may be process the next business day if received after the cut-off time; *and*

WHEREAS, it is deemed to be in the best interest of the County of Bayfield to create Chapter 5 to Title 2 of the 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 I. AUTHORITY. This ordinance is adopted pursuant to the authority of Wis. Stats. §59.20(3)(c).

Section II. PURPOSE. The purpose of this Ordinance is to provide the Register of Deed's Office sufficient time in which to complete the processing of documents filed for recording on the same day they are received by setting cut-off times for receipt of documents. Documents shall be accepted up to the end of the business day, but may be processed the next business day if received after the cut-off time.

Section III. TIMES FOR FILING AND RECORDING DOCUMENTS. In order to assure the complete processing of documents on the same day they are received, the Register of Deeds must receive a document no later than 3:00 p.m. Additional cut-off times: 1:00 p.m. on the last working day of the year. Documents received after the cut-off times may be processed on the next official business day. For all other purposes, the office shall remain open to the public until 4:00 p.m. on all official business days.

Section IV. REPEAL OF CONFLICTING ORDINANCES. Prior ordinances and resolutions are repealed to the extent that they conflict with this Ordinance.

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

Section VI. 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 VII. 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.

Adopted by the Board of Supervisors of the County of Bayfield on the 20th day of March, 2018.

By Action of the
BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:

Dennis M. Pocernich, *Chairman*

A motion was made by Bussey/Newago to adopt Bayfield County Ordinance No. 2018-02, Creating Chapter 5 to Title 2 of the Bayfield County Code of Ordinances Establishing Cut-Off Times for Filing and Recording Documents in the Bayfield County Register of Deed's Office. Discussion took place on how this is going to affect other offices. It was explained that it won't. All offices will remain open until 4:00 p.m. as usual. It was explained that this is kind of like when you make a deposit at a bank. The time for your deposit has to be by 3:00 p.m. otherwise it will be put on the next day. This is working in the same way. Your recording may be brought in any time during the day, but in order for

it to be recorded on the same day, like a deposit, it has to be in their office by 3:00 p.m. This is a good Ordinance and will give everyone formal notice of the policy. *The motion carried.*

Chairman Pocernich stated that the next four items are Resolutions honoring the 4 Board Supervisors who are retiring. This meeting is their last meeting as April 3rd is the Spring Election and on April 17th the new Board of Supervisors will be sworn in. As Supervisor Bussey tuned up his banjo, Abeles-Allison handed out paper with a song printed on it for everyone to sing to the tune of "I've been working on the railroad" with new words relating to the retiring Board Supervisors.

After the song was sung, Chairman Pocernich stated to everyone that 34 years of experience is leaving with the retirees. s

5. Bayfield County Resolution No. 2018-23, Honoring William D. Bussey upon his Retirement from the Bayfield County Board of Supervisors. Chairman Pocernich read the Resolution, which reads as follows:

WHEREAS, William D. Bussey has served Bayfield County with distinction, honor and dedication as a member of the County Board for eight (8) years; *and*

WHEREAS, Bill has served on many County Committees including: Aquatic Invasive Species; Bayfield County Economic Development; Extension; Industrial Development; Land & Water Conservation; Personnel, Planning & Zoning; and Tourism & Recreation Committees.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 20th day of March, 2018, honors William D. Bussey for his eight (8) 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

Attested to by:

Dennis M. Pocernich, *Chairman*

A motion was made by Rondeau/Newago to adopt Bayfield County Resolution No. 2018-23, Honoring William D. Bussey upon his Retirement from the Bayfield County Board of Supervisors. The motion carried.

6. Bayfield County Resolution No. 2018-24, Honoring Shawn Miller upon his Retirement from the Bayfield County Board of Supervisors. Chairman Pocernich read the Resolution, which reads as follows:

WHEREAS, Shawn Miller has served Bayfield County with distinction, honor and dedication as a member of the County Board for twelve (12) years; *and*

WHEREAS, Shawn has served on many County Committees including: Bad River Watershed; Bibon Swamp; Development & Land Sales; Executive; Fair & Fencing; Forestry; and NORTAC, Committees.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 20th day of March, 2018, honors Shawn Miller for his twelve (12) 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

Attested to by:

Dennis M. Pocernich, *Chairman*

A motion was made by Rondeau/Maki to adopt Bayfield County Resolution No. 2018-24, Honoring Shawn Miller upon his Retirement from the Bayfield County Board of Supervisors. The motion carried.

7. Bayfield County Resolution No. 2018-25, Honoring Brian Goodwin upon his Retirement from the Bayfield County Board of Supervisors. Chairman Pocernich read the Resolution, which reads as follows:

WHEREAS, Brian Goodwin has served Bayfield County with distinction, honor and dedication as a member of the County Board for two (2) years; *and*

WHEREAS, Brian has served on many County Committees including: Bayfield County; Health; Land Council; NW Community Service; Tribal Study; and UW-Extension Committees.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 20th day of March, 2018, honors Brian Goodwin for his two (2) 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

Attested to by:

Dennis M. Pocernich, *Chairman*

A motion was made by Newago/Bussey to adopt Bayfield County Resolution No. 2018-25, Honoring Brian Goodwin upon his Retirement from the Bayfield County Board of Supervisors. The motion carried.

8. Bayfield County Resolution No. 2018-26, Honoring Wayne "Rusty" Williams upon his Retirement from the Bayfield County Board of Supervisors. Chairman Pocernich read the Resolution, which reads as follows:

WHEREAS, Wayne "Rusty" Williams has served Bayfield County with distinction, honor and dedication as a member of the County Board for twelve (12) years; *and*

WHEREAS, Rusty has served on many County Committees including: Clean Sweep; Bayfield County Economic Development; Development & Land Sales; Fair & Fencing; Health; Highway; Dept. of Human Services; Sheriff's, Emergency Mgmt., Veteran's Service & Child Support; Land Conservation, Tourism & Recreation; and Tri-Corridor Committees.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 20th day of March, 2018, honors Wayne "Rusty" Williams his twelve (12) 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

Attested to by:

Dennis M. Pocernich, *Chairman*

A motion was made by Strand/Crandall to adopt Bayfield County Resolution No. 2018-26, Honoring Wayne "Rusty" Williams upon his Retirement from the Bayfield County Board of Supervisors. The motion carried.

At 7:05 p.m. the Board took time to present plaques to the retirees, take pictures and enjoy refreshments were served in their honor. The Board reconvened at 7:20 p.m.

9. Bayfield County Resolution No. 2018-27, Amending the 2017 Bayfield County Planning & Zoning/Board of Adjustment Budget. Abeles-Allison explained and the Board dispensed with the reading of this Resolution, which reads as follows:

WHEREAS, revenues and expenses exceeded the amounts originally budgeted in the 2017 Planning & Zoning and Board of Adjustment budget; *and*

WHEREAS, County policy requires that budgets be amended as necessary to reflect authorization for expenditures and revenues if they will exceed the adopted budget; *and*

WHEREAS, registration and tuition fees for the Planning and Zoning and legal fees for the Board of Adjustment exceeded budget; *and*

WHEREAS, revenues for Planning and Zoning and Board of Adjustment exceeded budget.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 20th day of March, 2018, does hereby authorize the following budget amendment for the 2017 Planning and Zoning / Board of Adjustment budget as follows:

Increase Revenue Line 100-26-44401	Zoning Permits & Fees	by	\$5,379.00
Increase Revenue Line 100-26-44403	BOA Fees	by	100.00
Increase P & Z Registration Fees/Tuition Line	100-26-56401-50325	by	639.00
Increase BOA Legal Fees Line	100-26-56402-50212	by	4,840.00

By Action of the
BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:

Dennis M. Pocernich, *Chairman*

It was noted that the Planning & Zoning Committee did not get a chance to approve prior. *A motion was made by Rondeau/Miller to adopt Bayfield County Resolution No. 2018-27, Amending the 2017 Bayfield County Planning & Zoning/Board of Adjustment Budget. A roll call vote was taken as follows: Bussey-yes; Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Snilsberg-yes; Coughtry-yes; Miller-yes; Crandall-yes; Rondeau-yes; Newago-yes. Total: 13; 13 yes, 0 no. The motion carried.*

10. Bayfield County Resolution No. 2018-28, Bids for Business Park Road.

Abeles-Allison explained that bids were received for the Business Park Road and Ritola, Inc. was the successful bidder. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, Bayfield County authorized engineering for the Bayfield County Business Park Road in 2017; *and*

WHEREAS, Bayfield County appropriated \$250,000 toward the project in the 2018 budget; *and*

WHEREAS, it is Bayfield County's goal of completing the entire road project as quickly as possible; *and*

WHEREAS, the project was divided into a base bid with four alternatives; *and*

WHEREAS, five bids for the project were received; *and*

WHEREAS, the county has sufficient funds to proceed with the base bid portion of the project; *and*

WHEREAS, the county is applying for grants to pay for a portion of Alternative A and Alternative C; *and*

WHEREAS, the Bayfield County Executive Committee has recommended approval of the base bid submitted by Ritola, Inc in the amount of \$246,410.58.

NOW THEREFORE BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 20th day of March, 2018, does hereby authorize that the bid of Ritola Inc, in the amount of \$246,410.58 be approved for the base bid which includes 2000 linear feet of the project provided the contractor agrees to honor all bid prices, including alternatives, in the 2018 year; *and*

NOW THEREFORE BE IT FURTHER RESOLVED that if additional grant funds are received that these be put toward a portion of Alternate A on the main road and Alternate C, the Spur Road.

BE IT FURTHER RESOLVED that the Bayfield County Administrator and County Clerk be authorized to execute contracts and documents to go forward with the Road Construction Project with county funds available and supplemental grants that may become available.

By Action of the

BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:

Dennis M. Pocernich, *Chairman*

A motion was made by Newago/Rondeau to adopt Bayfield County Resolution No. 28, Bids for Business Park Road. Discussion took place on the base bid. The motion carried.

11. Discussion and Possible Action Regarding Reimbursement to Court Appointed Attorneys. Judge Anderson was present to speak to the Board regarding this topic. Presently, a consideration of Rule Petition 17-06 filed on May 25, 2017 by John A. Birdsall and Henry R. Schultz, on behalf of the Wisconsin Association of Criminal Defense Lawyers, the Wisconsin of Justice, and a number of individuals. The purpose of the petition is to

increase the hourly rate of compensation for court appointed lawyers from \$70 to \$100, indexing future compensation rates to annual cost of living increases and specifying that the payment of an hourly rate less than the rate set forth in SCR 81.02 for legal services rendered pursuant to appointment by the State Public Defender under Wis.Stat S977.08 is unreasonable. ****Note: a copy of the petition can be found on the Court's website at <https://wicourts.gov/scrules/pending.htm>****

As the Judge further explained when he has to appoint a public defender to a case, many of the attorneys simply will not take the cases at the rates now in effect. The real issue at hand is that the State has not increased their fees since 1989. Presently, people are sitting 4 to 6 weeks in jail because a Public Defender will not take their case and this is against their constitutional rights.

Discussion took place on what the criteria for a Public Defender would be. The Judge explained that there are income guidelines and it doesn't take much to go over the dollar amount. If a client meets the Federal poverty guidelines, then the Judge appoints legal counsel for them. It doesn't take much to go over dollar amount.

The Public Defender's office will now have 4 people in the office, which is significantly more than it has been but they are still farming out cases because of the work overload.

Abeles-Allison has drafted an advisory note which could be sent to the Supreme Court.

A motion was made by Silbert/Rondeau to send an advisory note to the Supreme Court as follows:

Bayfield County supports Rule Petition 17-06 proposing an increase in hourly compensation for court appointed lawyers from \$70 to \$100 and indexing future compensation rates to annual cost of living increases; *and*

It is difficult for Bayfield County to find court appointed attorneys for the \$60 out of court and \$70/hour in court rate; *and*

Bayfield County has gone over budget on court appointed attorney line items the past several years; *and*

The lower rate restricts the County's ability to bill for / go through collections on outstanding attorney fees and limits it to the \$60/\$70 rate even though we are spending considerably more; *and*

Bayfield County supports the \$100 per hour rate together with annual indexing.

The motion carried.

Judge Anderson also asked that this topic be put on the Executive Committee Agenda to discuss with them as well.

12. Bayfield County Resolution No. 2018-30, Authorizing Lump Sum Payment for Employees At Step 11 of the Wage Scale for 2 Years or More. The Board dispensed with the reading of the Resolution. Abeles-Allison informed the Board that this has been discussed for the past few months at the Personnel Committee. The issue involves our wage schedule and what happens when someone reaches the top / 11th Step. Someone who is at the top step for more than one year receives whatever indexing the County grants, that moves the overall wage schedule up at the beginning of each year.

Over the past three years we have indexed the wage schedule by .5%. Several have noted that this is less than the consumer price index. For example, in 2017 the CPI in January was 1.84%. The committee heard presentations that those at the 11th step for multiple years should receive a CPI indexing in order to not fall behind. The attached resolution highlights / summarizes the issues.

In addition, I have noted some concerns expressed:

1. Our pay plan is robust allowing for 2.5% annual increases for employees with 11 steps.
2. Our pay plan added 5% to the median
3. Our pay plan goes above the median. Some other plans stop at the median.
4. It is important that we remain competitive with our pay plan. Attracting employees is more difficult now than ever before.
5. We don't want to lose experienced employees after they have reached the top step.
6. There will be administrative challenges with this pay plan. Tracking will be difficult and involve additional time.
7. The number of employees impacted will grow dramatically in the years ahead.

The Resolution reads as follows:

WHEREAS, Bayfield County established a wage schedule for county general employees; *and*

WHEREAS, the wage schedule was approved by the full county board and implemented in 2016; *and*

WHEREAS, the County Board has indexed the wage schedule annually by .5%; *and*

WHEREAS, the cost of living (CPI-U), as determined by the WI Department of Revenue, effective January 1, 2016 and January 1, 2017 were .68% and 1.84% respectively; *and*

WHEREAS, employees at step 11 (last step of the wage scale) have received a wage increase of .5% in 2017 and 2018, which is less than the cost of living adjustment; *and*

WHEREAS, the Personnel Committee has recommended that employees at the 11th step of the wage scale for two or more years should receive a lump sum payment for the difference between the wage scale indexing and the State of Wisconsin CPI-U calculation for January of each year for just the years 2017 and 2018; *and*

WHEREAS, the cost of these adjustments is approximately \$121 in 2017 and \$2,708 in 2018 plus an additional 14% for taxes and retirement.

NOW THEREFORE BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 20th day of March, 2018, does hereby authorize that employees at step 11 for their second year or more in 2017 and 2018 will receive a lump sum payment at the end of the year, or a pro-rated portion if they leave employment during the year in the amount of the .18% in 2017 and 1.34% in 2018; *and*

BE IT FURTHER RESOLVED that these payments are only for the 2017 and 2018 years; *and*

BE IT FURTHER RESOLVED that the Personnel Committee will evaluate this annually in the future; *and*

BE IT FURTHER RESOLVED that the Personnel Committee and County Administrator will work out details as required.

By Action of the

BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:

Dennis M. Pocernich, *Chairman*

A motion was made by Bussey/Fickbohm to adopt Bayfield County Resolution No. 2018-30, Authorizing Lump Sum Payment for Employees At Step 11 of the Wage Scale for 2 Years or More, correcting the years in the WHEREAS CLAUSE. Discussion took place as to what do you do after 11 steps. The Personnel Committee has approved this for 2 years, 2017 & 2018. Discussion also took place on why increases were given in the first place. This issue was brought to the Executive Committee by the Highway Department due to positions in that office where employees are at the Stage 11. A lengthy discussion took place on the entire subject. A roll call vote was taken as follows: A roll call vote was taken as follows: Fickbohm-yes; Maki-no; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Snilsberg-yes; Coughtry-yes; Miller-no; Crandall-yes; Rondeau-yes; Newago-no; Bussey-yes. Total: 13; 10 yes, 3 no. The motion carried.

13. *A motion was made by Maki/Crandall 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 allowing for Scottie Sandstrom, Bayfield County Economic Director to remain in closed session: A motion was made by Maki/Newago to pass this topic back to the Executive Committee to meet on and then to bring back to the County Board with their recommendation. The motion carried with 2 oppositions*

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

14. Bayfield County Resolution No. 2018-29, Authorizing the Submission of a Wisconsin Department of Transportation Facilities for Economic Assistance (TEA) Grant Application. Abeles-Allison explained that this Resolution is for making application to the Department of Transportation TEA Program and authority is granted to the Bayfield County Administrator to take the necessary steps to prepare and file the appropriate application for funds. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, Bayfield County, KV Tech Construction and World Class Manufacturing have mutually agreed to develop a site and business to construct its Construction Business; *and*

WHEREAS, the agreement between Bayfield County, KV Tech Construction, and World Class Manufacturing provides for construction of a Business Park Road project to make the project feasible; *and*

WHEREAS, given all the financial demand on Bayfield County related to this project Bayfield County is in need of assistance to make the transportation improvements. Without

the grant assistance, Bayfield County cannot reasonably afford to construct the required improvements; *and*

WHEREAS, the State of Wisconsin Department of Transportation's Facilities Transportation Economic Assistance (TEA) program provides financial assistance to municipalities to develop transportation facilities required to enable industrial development to occur.

NOW, THEREFORE, BE IT RESOLVED THAT, the Bayfield County Board of Supervisors assembled this 20th day of March, 2018, hereby authorizes the submission of an application to the Department of Transportation TEA program and authority is granted to the Bayfield County Administrator to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution and that they are hereby authorized to sign all necessary documents on behalf of Bayfield County; *and*

BE IF FURTHER RESOLVED, that Bayfield County does hereby commit to fund at least 50% of the cost of the Business Park Road improvements from Bayfield County and/or other sources; *and*

BE IT FURTHER RESOLVED, that Bayfield County will have jurisdictional responsibility for the transportation improvements; *and*

BE IT FURTHER RESOLVED, that, Bayfield County will sign a Jobs Guarantee with the Wisconsin Department of Transportation; *and*

BE IT FURTHER RESOLVED, that Bayfield County will administer and oversee the development of the transportation improvement; *and*

BE IT FURTHER RESOLVED, that Bayfield County will comply with all applicable Federal, State, and Local regulations.

By Action of the

BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:

Dennis M. Pocernich, *Chairman*

A motion was made by Maki/Rondeau to adopt Bayfield County Resolution No. 2018-29, Authorizing the Submission of a Wisconsin Department of Transportation Facilities for Economic Assistance (TEA) Grant Application. The motion carried.

15. Bayfield County Resolution No. 2018-19, Authorizing the Submission of a Community Development Block Grant (CDBG). This was placed on this agenda per last meeting's direction. This will be put on April's agenda for discussion.

16. Administrator's Report:

- a) Future County Board Meeting Dates:
 - ✓ April 17th - 9:00 a.m. to 1:00 p.m.;
 - ✓ May 29th - Meeting to be held in Drummond at 5:00 p.m. Location will come later.
 - ✓ June 26th;
- b) Committee Reports, Meeting Dates, Members. Pocernich went on record thanking the retiring Supervisors for their service to Bayfield County.
- c) Committee Assignments;

17. Supervisors' Reports: None

18. Future Agenda Items: None other than those previously stated here in the minutes.

There being no further business to come before the Bayfield County Board of Supervisors, Chairman Pocernich adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Scott S. Fibert,
Bayfield County Clerk
SSF/dmb

DRAFT