

Minutes of the
Bayfield County Board of Supervisors' Meeting
May 29, 2018 - 5:00 p.m.
Drummond Civic Center, 52540 Front Ave., Drummond, WI 54832

The Bayfield County Board of Supervisors was called to order at 5:00 pm by Bayfield County Chairman, Dennis Pocerlich. A roll call was taken as follows: Newago-present; Thomas J. Gordon-present; Larry Fickbohm-present; Harold A. Maki-present; Jeremy Oswald-present; Jeffrey Silbert-present; Dennis M. Pocerlich-present; Fred Strand-present; Thomas Snilsberg-present; Marty Milanowski-present; David A. Zepczyk-present; James A. Crandall-present; Brett T. Rondeau-present. Total 13: 13 present and a quorum was present to conduct business.

The following were also present for today's meeting: County Clerk-Scott Fibert; County Administrator, Mark Abeles-Allison; Assistant to the County Administrator-Kristine Kavajecz; UW Extension Educator-Kellie Pederson; Emergency Management Director-Jan Victorson; UW Extension Director-Mary Pardee; Sheriff Paul Susienka; Public Health Director-Sara Wartman; Corporation Counsel-Linda Coleman; Planning & Zoning Director-Robert Schierman

3. Pledge of Allegiance; The Pledge of Allegiance was recited by all in attendance

4. Welcome and Opening Remarks: Pocerlich and Abeles-Allison welcomed everyone and explained that the county board provides the guidance, through the budget, on priorities to be observed in the coming year and provided a brief overview of the agenda for the budget planning portion of the meeting.

5. Thank you to the Town of Drummond for Hosting May Bayfield County Board of Supervisors' Meeting; Jim Crandall and the Town of Drummond were thanked for hosting this meeting.

6. Bayfield County Finances and Trends, Mark Abeles-Allison: A summary of budgeted expenses, revenues, equalized value, levy and fund balances was reviewed from 1985-2017. County Levy has increased from \$1.6 million in 1985 to \$9.7 million in 2018. Highest valuation was observed in 2010. A chart was reviewed, which compared the levy and mill rate trends. A similar chart was reviewed which compared the levy and equalized value. Pocerlich pointed out that this is only the county mill rate/taxes, it does not include other taxes such as towns, schools and state. Sheriff, Human Services and Highways make up about 83% of the levy with the remaining 17% being utilized by the other 20 departments. County mill levy represented approximately 25% of total taxes in 2017. Various sources of income were discussed. End of 2017, Fund balance was approximately \$16 million. This amount includes both committed and undesignated funds. Approximately \$6 million of this is undesignated. Highway Department Fund Balance was reviewed. County debt limit figures were reviewed. Payroll and Benefits trend was reviewed. Timber Sale Revenue trend was reviewed. The trend has leveled off, with a projected slight decline.

6. 2018 County Budget Survey Results and Discussion, Kellie Pederson: Kellie Pederson was hired as the UW Extension Community Resource Educator. Kellie reviewed a summary of results from the annual budget survey. 193 public and 11 county board responses were received. A summary of comments received from the public was handed out to each county board supervisor.

7. 2019 Strategic Planning Synthesis - Mark Abeles-Allison: Departments have been working on their strategic plans for the next 10 years. Trends identified by departments included: aging population, increased technology demands, increased needs for elderly services. Critical issues included: Shortage in DA office, human services space issues, keeping up with technology, drug addiction impact, and several others. Jail programming and mental health impact. IT, Staffing, Senior Services and Jail Services were the 4 top concern areas.

8. County Board Budget Priorities for 2019 - Kellie Pederson, Mark Abeles-Allison: Copy of powerpoint presentation available with the packet of materials.

9. 2019 Levy Discussion - Mark Abeles-Allison: *The levy freeze remains in place, plus any increase in net new construction. Exceptions to the levy lid include: Bridge Aide, Libraries and Debt Service. The state also allowed a one-time exception for the flood-related expenses.*

10. Budget Calendar, Wrap-Up, Discussion and Possible Action Regarding 2019 Budget - Mark Abeles-Allison, County Administrator and Dennis Pocernich, Chair; Motion Rondeau, Gordon to levy the maximum amount possible. (Motion Carried 12- 1) Maki opposed.

The Regular Monthly Meeting of the Board of Supervisors was Convened at 6:00pm

1. Motion Regarding Minutes of February 27th, March 20th, and April 17th, 2018 Bayfield County Board of Supervisors' Meetings;

Motion Oswald, Fickbohm to approve minutes of the February 27, 2018 meeting. Motion Carried (12- 1) Maki Opposed.

Motion Newago, Crandall to approve the minutes of the March 20, 2018 meeting. Motion Carried (13- 0)

Motion Rondeau, Newago to approve the minutes of the April 17, 2018 meeting. Motion Carried (13- 0)

2. Public Comment - Limited to 3 minutes per person: None Received.

3. Be Somebody - June 4th - Jan Victorson, Emergency Mgmt. Coordinator: Victorson provided handouts to the board members including an invitation to the "Be

Somebody" event and maps depicting coverage areas for each Fire and EMS Service Provider. Great Divide Ambulance Service covers an area larger than 5 counties in WI. There are 15 fire departments (14 are volunteer) in the county and 9 ambulance services (7 are volunteer services). Victorson read an article related to the importance of volunteer services. "Be Somebody" will take place on June 9th. Comment was received from a supervisor that state and federal regulations are making it unattractive to become a fire or EMS volunteer. One supervisor asked how many towns participate in the LOSA program (retirement match for volunteer services). Victorson read a story which provided an example of an EMS "Thank-You".

4. Bayfield County Resolution No. 2018-34, Honoring Rachel Coughtry for her years of Dedicated Service on the Bayfield County Board of Supervisors; Motion Crandall, Silbert to approve resolution 2018-34 honoring Rachel Coughtry. Motion Carried (13-0)

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

WHEREAS, Rachel has served on many County Committees including: Bibon Swamp; Birkebeiner; Health; Dept. of Human Services; Library; NW Regional Planning; Personnel; Sheriff's, Emergency Mgmt., Veteran's Service & Child Support; Vaughn Library Representative; WCA Steering; and Tri-County Corridor Committees.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of May, 2018, honors Rachel Coughtry for her two (2) years of public service to Bayfield County and expresses gratitude for her efforts, wishing her well in the years ahead.

5. Bayfield County Resolution No. 2018-35, Honoring Heidi Danielson upon her Retirement from the Bayfield County Sheriff's Department; Motion Rondeau, Gordon to approve resolution 2018-35 honoring Heidi Danielson. Motion Carried (13-0)

WHEREAS, Heidi Danielson has served Bayfield County with distinction, honor and dedication in the Sheriff's Department for over 24 years.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of May, 2018, honors Heidi Danielson for her over 24 years of public service to Bayfield County and expresses gratitude for her efforts, wishing her well in the years ahead.

6. Bayfield County Resolution No. 2018-36, Honoring Jim Zifko upon his Retirement from the Bayfield County Highway Department; Motion Maki, Rondeau to approve resolution 2018-36 honoring Jim Zifko. Motion Carried (13-0)

WHEREAS, James Zifko has served Bayfield County with distinction, honor and dedication in the Highway Department for over 25 years.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of May, 2018, honors James Zifko for his over 25 years of public service to Bayfield County and expresses gratitude for his efforts, wishing him well in the years ahead.

7. Bayfield County Resolution No. 2018-37, Honoring Thomas Toepfer upon his Retirement from the Bayfield County Highway Department; Motion Silbert, Rondeau to approve resolution 2018-37 honoring Thomas Toepfer. Motion Carried (13-0)

WHEREAS, Thomas Toepfer has served Bayfield County with distinction, honor and dedication as Bayfield County's Highway Commissioner for 9 years.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of May, 2018, honors Thomas Toepfer for his over 9 years of public service to Bayfield County and expresses gratitude for his efforts, wishing him well in the years ahead.

8. UW-Extension Annual Report - Mary Pardee, UW-Ext. : Pardee provided a handout of the 2017 annual report to all board members and reviewed the highlights of the report.

Pardee expressed thanks for the support that Bayfield County provides to ensure that the programming continues.

Motion Rondeau, Crandall to receive the UW Extension Annual Report and place it on file. Motion Carried (13-0). Silbert stated that he would like the county's appreciation noted on the record.

9. Bayfield County Resolution No. 2018-47, State Statute Telecommuter Forward! Certificate - Scottie Sandstrom, BCEDC Director and Leo Carlson, Norvado: Sandstrom explained that this legislation is a tool for job creation. Broadband availability allows citizens to relocate to the Bayfield County area and work from home. Any county, city, village or town is eligible for the Telecommuter Forward Certification. Sandstrom is willing to serve as Bayfield County's Point of Contact for this Program under Wisconsin Act 342. If approved tonight, Bayfield County will be the first county in the state to be certified.

Leo Carlson with Norvado explained that they are enthusiastic about the Telecommuter Forward Certification and the possibilities for Bayfield County.

WHEREAS, In accordance with state statute 196.5045, Bayfield County wishes to apply to the Public Service Commissioner for certification as a Telecommuter Forward! Community; and,

WHEREAS, Bayfield County supports and commits to promoting the availability of telecommuting options; and,

WHEREAS, Telecommuting is good for our region. Workers who can work remotely anywhere can purchase real estate and add to our tax base, send their children to school here, purchase goods and services in our area, and add to the overall economic development of our area, enjoy the flexibility of working at home to promote a healthy family life; and,

WHEREAS, Telecommuter Forward! Certification will encourage municipalities and broadband providers to partner together to further job opportunities in the teleworking field; and,

WHEREAS, Trends are that rural population is declining, however, young to middle-age adults are moving back to rural areas; and,

WHEREAS, More Telecommuting jobs can keep the younger population here, encourage middle agers to stay or move back, and Telecommuting is a vibrant option for the 65+ age group.

NOW THEREFORE BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of May 2018, Bayfield County designates the Bayfield County Economic Director (Currently Scottie Sandstrom) as the single point of contact for coordinating telecommuting opportunities.

BE IT FURTHER RESOLVED, that the Bayfield County Economic Development Corporation Director shall:

- Coordinate and partner with broadband providers, realtors, economic development professionals, employers, employees, and other telecommuting stakeholders.
- Collaborate with broadband providers and employers to identify, develop, and market telecommuter-capable broadband packages.
- Communicate and partner with broadband providers and economic development professionals to develop common goals.
- Promote telecommuter-friendly workspaces, such as business incubators with telecommuting spaces,
- Be familiar with broadband mapping tools and other state-level resources.
- Maintain regular communication with the state broadband office.
- Make regular reports to the governing body of the political subdivision.

Motion Newago, Crandall to adopt resolution 2018-47 authorizing Telecommuter Foreward Certification. Discussion regarding the difference between fiber and broadband, which is essentially the speed and method of transmission. **Motion Carried (13- 0)**

10. Report of the Bayfield County Planning & Zoning Committee Regarding the Rezone of the Sherwood/Monroe Property Located in Bayfield - Robert Schierman, Zoning Director; Located inside Highway J loop, targeted for residential development in the Bayfield Land Use Plan. Town of Bayfield recommends for approval. County **Motion Rondeau, Gordon to receive the report and place it on file. Motion Carried (13- 0).**

11. Bayfield County Amendatory Ordinance No. 2018-06, Regarding the Rezone of the Sherwood/Monroe Property Located in Bayfield - Robert Schierman, Zoning Director;

The Zoning of **Jonathan M Sherwood and Gina R Monroe** [35.7-acre parcel \(Tax ID# 36076\) \(V. 1159 P. 7\)](#), described as the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section Fifteen (15), Township Fifty (50) N, Range Four (4) W, Town of Bayfield,

EXCEPTING THEREFROM; a parcel of land described as follows: Commencing at the West $\frac{1}{4}$ of said Section Fifteen (15); thence due South along the Section line, 238 feet 8 inches; thence East on a line parallel to the North line of said Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), 365 feet to a point; thence North 238 feet 8 inches to a point on the North line of said Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$); thence West along the $\frac{1}{4}$ line, 364 feet 11 inches to the West $\frac{1}{4}$ corner and the point of beginning;

ALSO EXCEPTING: a parcel in the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), described as follows; Beginning at the Northwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section Fifteen (15), Township Fifty (50) North, Range Four (4) West; thence running South along the West line, a distance of 238.8 feet to the point of beginning; thence run East 208.8' along the South boundary of the present Town Hall property to a point; thence run South a distance of 156.3' to a point; thence run West a distance of 208.8' to the West line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$); thence run North a distance of 156.3' to the point of beginning, intending to convey a parcel 156.3' by 208.8', adjacent to the Town of Bayfield Town Hall;

ALSO EXCEPTING: the following parcel of real property In the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Fifteen (15), Township Fifty (50) North, Range Four (4) West, in the Town of Bayfield, Bayfield County, Wisconsin: Commencing at the Northwest corner of said NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and proceed due East

along the North boundary line of said NW1/4 of SW1/4 a distance of 441 feet to the point of beginning; thence proceed due South on a line parallel with the West boundary line of said NW1/4 of SW1/4 to a point which is 395 feet South of the North boundary line of said NW1/4 of SE1/4 and which is 441 feet East of the West boundary line of said NW1/4 SW1/4; thence proceed due West on a line parallel with the North boundary line of said NW1/4 SW1/4 to a point which is 208.8 feet East of the West boundary line of said NW1/4 of SW1/4; thence proceed due North on a line parallel with the West boundary line of said NW1/4 of SW1/4 a distance of 156.3 feet to a point which is 208.8 feet East of the West boundary line of said NW1/4 of SE1/4; thence proceed due East on a line parallel with the North boundary line of said NW1/4 of SW1/4 a distance of 156.2 feet; thence proceed due North on a line parallel with the West boundary line of said NW1/4 of SW1/4 to a point on the North boundary line of said NW1/4 of SW1/4 a distance of 364 feet 11 inches East of the Northwest corner of said NW1/4 of SW1/4; thence proceed due East on the North boundary line of said NW1/4 of SW1/4 to the point of beginning.

Bayfield County, WI **changed from Agricultural- One (Ag- 1) to Residential- Recreational Business (R- RB).**

Motion Gordon, Rondeau to adopt amendatory ordinance 2018-06. Motion Carried (13- 0)

12. Report of the Bayfield County Planning and Zoning Committee Regarding Amendatory Ordinance No. 2018-08, MUD/Non-Conforming Classification List- Robert Schierman, Zoning Director: This item was tabled until after the closed session.

13. Bayfield County Amendatory Ordinance No. 2018-08, Multiple Unit Development/Non-Conforming Classification List - Robert Schierman, Zoning Director: This item was tabled until after the closed session

14. Bayfield County Resolution No. 2018-38, Authorizing Participation in Outdoor Recreation and Stewardship Local Assistance Grant Programs:

Whereas, Bayfield County is interested in maintaining, acquiring, insuring, and/or developing lands for public outdoor purposes as described in the application; and

Whereas, financial aid is required to carry out the project; and

Whereas, Bayfield County has budgeted a sum sufficient to complete the project or acquisition,

Now, Therefore, Be it Resolved, that the Bayfield County Board of Supervisors, assembled this May 29, 2018, hereby authorizes Mary Motiff, Director of the Bayfield County Tourism Department, to act on behalf of the Bayfield County Fair to:

- 1) Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;

- 2) File reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- 3) Submit signed documents; and
- 4) Take necessary action to undertake, direct and complete the approved project; and

Be It Further Resolved that the Bayfield County Fair will comply with state or federal rules for the programs; may perform force account work; will maintain the completed project in attractive, inviting and safe manner; will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources approval in writing before any change is made in the use of the project site.

Motion Strand, Newago to approve resolution 2018- 38. Motion Carried (13- 0)

15. Bayfield County Resolution No. 2018- 39, Authorizing an Agreement with T-Mobile for Leased Space on the Port Wing Tower; Abeles-Allison explained that the tower in Port Wing is owned by the County, but is located on leased land. AT&T is currently located on the tower. Corporation Counsel and the County Executive Committee have approved a lease with T-Mobile for location on the tower.

WHEREAS, Bayfield County places a priority on cellular communications; and,

WHEREAS, T-Mobile has requested to lease space on the Bayfield County Port Wing Tower; and,

WHEREAS, AT&T reinforced the base of the tower during their improvements and tower additions in 2016; and,

WHEREAS, at the February, 2018 Executive Committee meeting, the committee supported this agreement provided there would be no expense to the county; and,

WHEREAS, T-Mobile is prepared to sign an agreement and pay \$24,000 per year for five successive, five-year terms with an annual inflation increase of 3%.

NOW THEREFORE BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of May 2018, authorizes the County Administrator and County Clerk to sign the T-Mobile lease agreement.

Motion Rondeau, Fickbohm to adopt resolution 2018- 39 authorizing an agreement with T-Moble. Discussion regarding requiring the company to remove their equipment if the lease is terminated. Discussion regarding what towers the county owns. ***Motion Carried (13- 0)***

16. Bayfield County Resolution No. 2018- 40, Bayfield County 2018 Highway Department Budget Amendment to Fund Resurfacing of an Additional 2-Miles of

County Highway: Abeles-Allison explained that funding for 6 miles of resurfacing of County Highway N was originally approved in the 2018 budget. Earlier in the year, the county took over 2 miles of County Highway Y and resurfaced it. The funding had originally been planned for County Highway N. The additional funding being requested will be used to complete the 6 miles of N originally planned to be resurfaced.

WHEREAS, county highway maintenance is a top priority of the Bayfield County Board.

WHEREAS the 2017 budget includes funding for six miles of highway reconstruction.

WHEREAS the Highway Committee has recommended that the County Board consider funding 2 additional miles of county highway paving in 2018;

WHEREAS Bayfield County has recently taken responsibility for 2 miles of County Highway Y on the Douglas/Bayfield County border;

WHEREAS the cost for the additional 2 miles of paving will require an additional \$500,000;

WHEREAS, sufficient funds are available in the Highway Fund Balance to fund the additional 2 miles of paving.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of May 2018, does hereby approve an amendment to authorize the use of Highway Fund Balance and to amend the 2018 Highway Budget to fund the paving of 2 miles of County Highway.

Increase Highway Fund Balance applied revenue account # 710-71-49301 by \$500,000

Motion Maki, Zepczyk for approve resolution 2018- 40. Roll Call Vote: Newago-yes; Gordon- yes; Fickbohm- yes; Maki- yes; Oswald- yes; Silbert- yes; Pocerlich- yes; Strand- yes; Snilsberg- yes; Milanowski- yes; Zepczyk- yes; Crandall- yes; Rondeau- yes. Motion Carried (13- 0)

17. Bayfield County Resolution No. 2018- 41, 2018 Highway Department Budget Amendment for the Purchase of a 2013 John Deere 772G Motor Grader; Abeles-Allison explained that the Highway Department had planned to purchase a grader in 2019. An affordable used grader was identified for purchase in 2018, which requires an agreement to purchase the equipment and a down payment of \$10,000. This budget amendment authorizes expenditure for the equipment even though the purchase will not be made until 2019. The commitment is made in 2018, so the funds need to be approved.

WHEREAS, county highway maintenance is a top priority of the Bayfield County Board.

WHEREAS the Highway Department equipment replacement plan reflects the replacement of a grader in 2019; and

WHEREAS a used 2013, John Deere 772G Motor Grader with 1050 hours became available in 2018 at the price of \$209,900; and

WHEREAS the Highway Committee has authorized that the Highway Department's 1982 Cat 140G would be traded, with the trade value of \$29,500 being applied to the purchase of the new motor grader; and,

WHEREAS the Highway Committee determined that it was in the county's interest to make this acquisition a year earlier than planned; and

WHEREAS, sufficient funds are available in the Highway Fund Balance to fund the purchase of the grader in 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of May 2018, does hereby approve an amendment to the Highway Department Budget to fund the purchase of a 2013 John Deere 772G Motor Grader, with the Motor Grader purchase to take place at the end of December, 2018.

Increase Highway Fund Balance applied revenue account # 710-71-49301 by \$180,400

Motion Rondeau, Milanowski to adopt resolution 2018- 41. Roll Call Vote: Newago- yes; Gordon- yes; Fickbohm- yes; Maki- yes; Oswald- yes; Silbert- yes; Pocernich- yes; Strand- yes; Snilsberg- yes; Milanowski- yes; Zepczyk- yes; Crandall- yes; Rondeau- yes. Motion Carried (13- 0)

18. Bayfield County Resolution No. 2018- 42, Request to Amend the UW- Extension 292 Budget;

WHEREAS, the Bayfield County UW-Extension Office has received a grant from the Northern Central Sustainable Agriculture Research & Education (SARE), University of Minnesota, for the Project "Extending the Season in Northern Wisconsin Through Processing Vegetable Production" which will start on March 15, 2018 and end on March 14, 2020; and

WHEREAS, the 2018 Bayfield County UW-Extension 292 budget needs to be amended to reflect these increases and expenses:

Revenue Accounts to increase for a total of \$ 29,891
292-25-43570-006 Processing Vegetables SARE Grant - \$29,891

Disbursement Accounts to increase for a total of \$ 29,891

292-25- 55650-50290 - Contractual Services: \$28,381

292-25 -55650-50332 - Mileage: \$1,185

#292- 25- 55650-50340-Operating Supplies: \$325

NOW, THEREFORE, BE IT RESOLVED that the Bayfield County Board of Supervisors assembled this 29th day of May, 2018 does hereby amend the UW-Extension 292 budget to reflect the increase in revenues by \$ 29,891 and the increase in expenditures by \$ 29,891.

Motion Silbert, Gordon to approve resolution 2018- 42. Motion Carried (13- 0)

19. WCA Platform Resolutions: Discussion took place on whether to review/approve these resolutions now, in their draft format, or wait until the next county Board meeting. ***Motion Rondeau, Silbert to authorize the County Administrator and Supervisor Silbert to finalize the resolutions and distribute to the board members for final input. The Administrator is authorized to forward the revised resolutions to WCA unless there are any significant substance changes resulting in concern by any board member, in which case, the resolution must come back to the board. Motion Carried (13-0).***
Resolutions Included:

- a) Bayfield County Resolution No. 2018-43, WCA Platform Resolution to Request an Increase in Wisconsin's Medicaid Rates - Elizabeth Skulan, *DHS Director*;
- b) Bayfield County Resolution No. 2018-45, Action to Address the Mental Health Epidemic in County Jails
- c) Bayfield County Resolution No. 2018-46, Emergency Medical Response: A Rural Crisis
- d) Bayfield County Resolution, No. 2018-49 Supporting Additional Funding for Assistant District Attorneys.
- e) Bayfield County Resolution, No 2018-50, Supporting Increased Payments to Towns with County Forests.
- f) Bayfield County Resolution, No. 2018-51, Supporting Increased Payments to Court Appointed Attorneys and Public Defenders by the State of Wisconsin to address current shortage and delays caused by the shortage.

20. Bayfield County Resolution No. 2018- 44, Forestry & Parks Dept. Siskiwit River Estuary Preserve Project 2018 Budget Amendment - Jason Bodine, Forest Administrator:

WHEREAS, during the March 20, 2018 Bayfield County Board meeting, the County Board voted to approve support of the Siskiwit River Estuary Preserve Project (hereafter, the

Project), which included county ownership and management of the properties, located in the Town of Bell; *and*

WHEREAS, as part of the approval, the County Board authorized 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 Project, including development and recording of the conservation easement with the Bayfield Regional Conservancy (hereafter, BRC); and accept any and all awarded and/or donated funds, including grants, pertaining to the Project, provided said funds were sufficient to fully cover land acquisition costs; *and*

WHEREAS, a NOAA CELCP grant, administered through the Wisconsin Department of Administration's Wisconsin Coastal Management program, in the amount of \$194,773.00 was awarded to Bayfield County, which would cover half of the expenses pertaining to the purchase of the properties, as well as preliminary site development and/or improvement work associated with the Project; *and*

WHEREAS, through a combination of cash, private contributions, land donations (the Dorau property) and bargain sale/discounts (the Surowiec property), the BRC provided matching funds required to fully cover the remaining balance of expenses associated with the purchase of the properties; *and*

WHEREAS, as part of the NOAA CECLP grant awarded to Bayfield County, a total of \$7,932.00 is available to cover some of the costs associated with the construction and/or improvement of infrastructure, including, but not limited to, trail head parking area development, hiking trail development and improvement, trail signs/markers and an informational kiosk; *and*

WHEREAS, to receive the full grant award allocated for the construction and/or improvement of infrastructure, Bayfield County must provide an equal match, which could be in cash and/or in-kind services; *and*

WHEREAS, Bayfield County will also be responsible for the pro-rated share of taxes due on all properties associated with this Project, which is estimated to be a total of \$1,400.00, though this expense would not be incurred until CY 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, meeting this 29th day of May, 2018, approve the following amendments to the Forestry and Parks Department's 2018 budget:

Increase Wisconsin Coastal Management (Siskiwit River) Grant revenue line:

100-34-43584-001 by \$194,773.00;

Increase WI Coastal Grant (Siskiwit River) Purchase of Land expense line:

100-34-55204-50252 by \$186,841.00;

Increase WI Coastal Grant (Siskiwit River) Trail Maintenance and Development expense line:

100-34-55204-50350 by \$7,932.00.

Motion Gordon, Fickbohm to adopt resolution 2018-44. Roll Call Vote: Newago-unavailable; Gordon-yes; Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Snilsberg-yes; Milanowski-yes; Zepczyk-yes; Crandall-yes; Rondeau-yes. Motion Carried (12-0-1) Newago unavailable.

21. Bayfield County Resolution No. 2018-48, Budget Amendment Authorizing Various Energy Improvements Related to the Focus on Energy Retro-Commissioning Project; Abeles-Allison explained that Focus on Energy conducted an energy audit in 2017 resulting in several recommendations for energy improvements.

WHEREAS, Bayfield County undertook a retro-commissioning project with Focus on Energy; and

WHEREAS, the cost to implement the six projects recommended through the retro-commissioning project is \$9850; and

WHEREAS, the estimated payback is \$17,254 over 12 months; and

WHEREAS, Focus on Energy will provide financial incentives for the retro commissioning improvement projects in the amount of \$17,438.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 29th day of May, 2018 authorizes a budget amendment in the amount of \$9,850 to be used for energy improvements identified in the Focus on Energy Retro-commissioning Project.

Increase Maintenance Expense 100-14-51601-50290 by \$9,850

Increase Maintenance Revenue 100-14-48900 by \$9,850

Motion Gordon, Rondeau to approve resolution 2018-48. Roll Call Vote: Newago-yes; Gordon-yes; Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Snilsberg-yes; Milanowski-yes; Zepczyk-yes; Crandall-yes; Rondeau-yes. Motion Carried (13-0)

22. Discussion and Possible Action on Memorandum of Understanding - Revised Ice/Water Rescue/Recovery Agreement; This is a revised version of an agreement already approved by this body. The City of Ashland requested a revision that the county will make an annual \$5,000 contribution for rescue/recovery services. **Motion Silberg, Oswald to approve the revised MOU.** Discussion regarding whether the MOU includes rescue/recovery for situations other than those involving human beings. After review of the MOU, consensus of the Board was that the MOU is not restricted to human beings only. Comment from Maki that there are several other local entities that also provide this service. **Motion Carried (12-1 with Maki opposed.)**

23. Citizen Appointment to the Human Services Board; Motion Gordon, Crandall to approve appointment of Susan Rose' to the Human Services Board. Crandall provided some background on the appointment. ***Motion Carried (13- 0)***

24. Discussion and Possible Action on CBR Group Buy Solar Projects, County Forestry Garage and Mason Highway Garage: Funding for these projects is in the 2018 budget, however, the board requested that all projects to be funded be brought to the board for approval first.

Motion Crandall, Fickbohm to approve the group buy solar projects for the county forestry garage and mason highway garage projects. Motion Carried (13- 0).

25. Resolution No. 2018- 52 Authorizing Bayfield County DOT BUILD grant:

WHEREAS, Road infrastructure is a critical priority of Bayfield County, and

WHEREAS, Bayfield County has the largest amount of public lands forestry acreage in the State of Wisconsin, and

WHEREAS 80% of Bayfield County land is forested

WHEREAS Forestry is a critical industry for Bayfield County and the State of Wisconsin, and

WHEREAS every spring county highways are closed to protect roads from spring breakup, and

WHEREAS road closures impact business in Bayfield County, and

WHEREAS, the amount of time roads are closed for spring breakup is increasing, and

WHEREAS the Federal Highway BUILD program has a focus on rural roads in 2018 including improvements for all season roads, and

WHEREAS, an all-season county highway along county and national forest lands on County Highway A, south of Iron River would create substantial savings to the county and generate economic development opportunities,

NOW THEREFORE BE IT RESOLVED that The Bayfield County Board, this 29th Day of May, 2018 does hereby authorize the application of a US Department of Transportation BUILD grant for reconstruction of Highway A from Iron River to the Town of Barnes and then west on N to Highway 27

NOW THEREFORE BE IT FURTHER RESOLVED that Bayfield County agrees to provide matching funds of not to exceed 20% on this project

Motion Rondeau, Gordon to approve resolution 2018-52. Discussion regarding the county's share of the project which is anticipated to be about 20% of the grant, potentially \$800,000. The road is in need of repair. Making it an all season road would facilitate lower maintenance costs in the future. Funds could come from the county's annual highway reconstruction budget. Grant determination will not be known until December. **Motion Carried (13- 0)**

Newago exited the meeting at 7:34pm.

26. The Bayfield County Board of Supervisors may entertain a motion to move in and out of Executive/Closed Session:

Motion Gordon, Rondeau to enter into closed session pursuant to §19.85(1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; and §19.85(1)(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 for the following items:

- a) Motion to Adopt Closed Session Minutes of the Bayfield County Board of Supervisors' Meetings held on February 27th, March 20th, and April 17th, 2018;**
- b) Discussion Regarding Stolz Farm Law Suit - Linda Coleman, Corporation Counsel;**
- c) Discussion regarding Multiple Unit Development / Non-Conforming Classification List - Linda Coleman, Corporation Counsel**
- d) Discussion Regarding Bayfield County Amendatory Ordinance No. 2018-10 Regarding Cervid Moratorium - Linda Coleman, Corporation Counsel**
- e) Discussion Regarding Bayfield County Amendatory Ordinance No. 2018-09, South Fish Creek Watershed Animal Waste Storage and Management Ordinance - Linda Coleman, Corporation Counsel**
- f) Discussion Regarding Appointment of Bayfield County Highway Commissioner;**

The motion also authorized Schierman, Susienka and Coleman to remain in the closed session. Motion Carried (12- 0). Entered closed session at 7:35pm.

Motion Crandall, Gordon to return to open session. Motion Carried (12- 0) Returned to open session at 8:43pm

Consensus of the committee is to discuss items 12 & 13 on the agenda:

Item 12. Report of the Bayfield County Planning and Zoning Committee Regarding Amendatory Ordinance No. 2018- 08, MUD/Non-Conforming Classification List-

Robert Schierman, Zoning Director: Motion Rondeau, Gordon to receive and place the report on file. Motion Carried (12- 0)

Item 13. Bayfield County Amendatory Ordinance No. 2018-08, Multiple Unit Development/Non-Conforming Classification List - Robert Schierman, Zoning Director;

**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:**

An Ordinance Amending Sections 13- 1- 29(B)(3), 13- 1- 40(D)(2)D, And 13- 1- 62, Code Of Ordinances, Bayfield County, Wisconsin regarding Open Space Requirements For Multiple Unit Developments, Limits On Replacement Of Exterior Walls For Nonconforming Structures and Allowable Or Conditional Uses For Game Farms

WHEREAS, Wisconsin Statutes § 59.69(4) authorizes the Bayfield County Board of Supervisors to ordinances promoting the public health, safety and general welfare; and

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Sections 13-1-29(b)(3) to provide that open space requirements for Multiple Use Developments may be waived or amended by the Planning and Zoning Committee in certain circumstances, to amend 13-1-40(d)(2)d to remove language indicating that reconstruction or replacement of exterior walls of nonconforming structures is limited to 25% of the perimeter of the structure and to amend the chart located in 13-1-62 to make Game Farms a conditional use, rather than special use in A-2, F-1 and F-2 zones and to eliminate it as a conditional use in the R-RB zone as well as to make Trailhead a permitted use in the W zone; and

WHEREAS, it is deemed 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. Section 13-1-29(b)(3) [Multiple Unit Developments] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows, with additions highlighted by the double underline feature (additions) and deletions highlighted by the strike out feature (~~deletions~~):

Sec. 13- 1- 29(b)(3)

- (3) Multiple Unit Developments shall have a minimum of 30,000 square feet of open space per unit, with the following exceptions:

- a. In an unincorporated village overlay district the minimum open space requirement may be reduced to 5,000 square feet per unit if adequate public open space is available elsewhere, off-site, within the district.
- b. If the development is to be served by a public sewer system but is not located in an unincorporated village overlay district, the minimum open space requirement may be reduced to 15,000 square feet per unit, except that such reduction shall not apply within the Town of Bayfield.
- c. A Multiple Unit Development in an R-3 zoning district shall have a minimum open space requirement of two acres (87,120 sq. ft.) per unit.
- d. A Multiple Unit Development in an F-1, A-1, or R-2 zoning district shall have a minimum open space requirement of 4.5 acres (196,020 sq. ft.) per unit.
- e. The Planning and Zoning Committee may adjust or waive the open space requirements when reviewing applications to make a non-conforming use conforming. In considering whether to adjust or waive the requirements, the committee shall consider the following:
 - i. The length of time the non-conforming use has been in existence.
 - ii. Relevant public input.
 - iii. Whether the non-conforming use was active and actual prior to the application to waive the open space requirements and not merely casual and occasional or incidental.
 - iv. Whether waiving or adjusting the open space requirements will allow for repurposing of existing structures and prevent additional land disturbance.

Section 2. Section 13-1-40(d)(2)d. [Nonconforming Uses and Structures] of Article C [Nonconforming Uses and Structures; Special and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read, in part, as follows:

- (2) Improvement or Expansion of Non-Shoreland Nonconforming Structures. Non-shoreland nonconforming structures may be improved internally, externally, or expanded provided that:
- a. A structure that is nonconforming as to structural or dimensional standards may not be expanded or enlarged so as to increase its dimensional nonconformity.
 - b. Where practicable, additions to non-shoreland nonconforming structures shall conform to all applicable provisions of this Chapter.
 - c. The lifetime total of all expansions shall not exceed fifty percent (50%) of the structure's footprint that existed at the time the structure became nonconforming; an owner shall provide documentation of the footprint of a structure at the time it became nonconforming, and any expansion shall be documented by recorded affidavit;~~and.~~
 - d. ~~The structure may not be substantially reconstructed by replacement of exterior walls constituting more than twenty-five percent (25%) of the perimeter of the initial structure of the life of the structure. The owner shall provide documentation of the perimeter of the structure at the time this provision took effect and any reconstruction shall be documented by recorded affidavit.~~
 - d. The property owner obtains a land use permit.

Section 3. Subsection (a) of Section 13-1-62 [Classification of Uses] of Article D [Zoning District] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read, in part, as follows:

PERMISSIBLE USES	R-4	R-3	R-2	R-RB	C	I	M	A-1	A-2	F-1	F-2	W
Game Farm				€				C	SB C	SB C	SB C	
Trailhead				SB	SB		SB	SB	SB	SB	SB	SB P

PERMISSIBLE USES	R-4											
	R-3	R-2	R-RB	C	I	M	A-1	A-2	F-1	F-2	W	
	R-1											

Section 4. 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 5. **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 6. **EFFECTIVE DATE.** This ordinance shall take effect and be in full force from and after its passage.

Motion Strand, Crandall to approve Ordinance 2018-08 with modification to section 3, allowing game farms only in Ag-2 with a conditional use permit. Delete A-1, F-1, F-2 in section 3. Motion Carried (12-0)

27. Report of the Bayfield County Planning and Zoning Committee regarding Amendatory Ordinance No. 2018-10 regarding Cervid Moratorium - Robert Schierman, Zoning Director. Motion Rondeau, Oswald to receive and place the report on file. Motion Carried (12-0)

28. Bayfield County Amendatory Ordinance No. 2018-10, Regarding Cervid Moratorium - Robert Schierman, Zoning Director;

**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:**

WHEREAS, Wisconsin Statutes §59.69 (5) authorizes the County Board to adopt a zoning ordinance; and

WHEREAS, Wisconsin Statutes §59.69(5)(e) authorizes the County Board to amend an ordinance; and

WHEREAS, Section 13-1-104 Code of Ordinances, Bayfield County, Wisconsin authorizes the County Board to make amendments to Title 13, Chapter 1 of the Code of Ordinances, Bayfield County, Wisconsin pursuant to Wisconsin Statutes §59.69; and

WHEREAS, it is deemed in the best interest of the County of Bayfield to create Title 1, Chapter 1, Article D, Section 13-1-62A Code of Ordinances, Bayfield County, Wisconsin to create language regarding Moratorium on Importing Cervids and Permitting New Game Farms Housing Cervids in Bayfield County; and

WHEREAS, it is deemed 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. Section 13-1-62A [Moratorium on Importing Cervids to Bayfield County] and [Permitting New Game Farms Housing Cervids in Bayfield County] of Title 13 [Zoning Code] of the Code of Ordinances, Bayfield County, Wisconsin is hereby created to read as follows:

13- 1- 62A Moratorium on Importing Cervids to Bayfield County and Permitting New Game Farms Housing Cervids in Bayfield County.

- (a) **Authority.** This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 59.02(2) and 59.69.
- (b) **Title and Purpose.** The title of this ordinance is the Moratorium on Importing Cervids to Bayfield County and permitting new game farms housing cervids. The purpose of this ordinance is to allow Bayfield County to impose a moratorium providing adequate time to study, review, consider and determine whether amendments to the Zoning Ordinance or other ordinances of Bayfield County is required to protect public health or safety in Bayfield County in light of the unique environment and the key concerns identified in the Bayfield County Comprehensive Plan Update 2010. Further, the imposition of a moratorium will allow Bayfield County to determine whether it has adequate resources to enforce any new or existing regulations for captive cervids who may contract or spread communicable diseases.
- (c) **Adoption.** This ordinance, adopted by a majority vote of the Bayfield County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on any cervids being brought into Bayfield County that are to be housed in Bayfield County and the permitting of any new game farms

housing cervids. The moratorium does not apply to cervids that have been brought into Bayfield County prior to the adoption of this ordinance.

- (d) **Moratorium Imposed.** The Bayfield County Board of Supervisors hereby imposes a moratorium on any cervids being brought into Bayfield County that are to be housed in Bayfield County and the permitting of any new game farms housing cervids. The moratorium does not apply to cervids that have been brought into Bayfield County prior to the adoption of this ordinance.
- (e) **Study Committee.** The Bayfield County Board of Supervisors hereby creates a 6 to 8 person special study committee which shall be known as the "Communicable Diseases in Cervids Study Committee" and which shall consist of five (5) elected officials or county employees and one to three (1)-(3) interested Bayfield County residents or property owner. The five (5) elected officials or employees on the Communicable Diseases in Cervids Study Committee shall be as follows:
- County Board Vice-Chairman Fred Strand, Chairman of the Communicable Diseases in Cervids Study Committee
 - Bayfield County Agriculture Agent Jason Fischbach
 - Bayfield County Conservationist Benjamin Dufford
 - Mike Amman, Forester
 - TBD (to be determined)

The Chairman shall receive applications from interested Bayfield County residents and property owners interested in being part of the Communicable Diseases in Cervids Study Committee. From those applications, the Chairman shall select at least one and no more than three (3) interested Bayfield County residents or property owners and the selected individual(s) shall become part of the Communicable Diseases in Cervids Study Committee.

The Communicable Diseases in Cervids Study Committee shall, during the course of the moratorium imposed by this ordinance, research, analyze and synthesize scientific literature regarding the impact of communicable diseases on cervids, both captive and wild, on other animals, on human beings, and on soil, specifically as those issues apply in Bayfield County. If funds are needed for such research, funds must be approved by a majority of the Bayfield County Board of Supervisors.

The Communicable Diseases in Cervids Study Committee shall report its recommendations on appropriate county-level regulatory approaches relative to the transport or housing of cervids within Bayfield County and the concerns regarding communicable diseases in cervids to the full Bayfield County Board of Supervisors at

least 30 days prior to the end of the moratorium adopted pursuant to this ordinance or as soon as the Committee has developed recommendations based upon its research, whichever comes soonest.

- (f) **Duration of Moratorium.** This moratorium shall be in effect for a period of twelve months from the date this ordinance is passed by the County Board unless the County Board rescinds this moratorium at an earlier date, or until the Action and Study contemplated by subsection (e) of this ordinance is complete and the County Board adopts amendments to the Bayfield County Code of Ordinances, creates new ordinances, or rescinds this moratorium. This moratorium may be extended for up to 12 more months by a majority vote of the Bayfield County Board of Supervisors, if necessary in order for the Communicable Diseases in Cervids Study Committee to complete its responsibilities under subsection (e).

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.

Motion Strand, Silbert to approve ordinance 2018-10 with the following modifications: delete all wording that would place a moratorium on the permitting of new game farms housing cervids and modify 13-1-62(e) Study Committee by adding one representative from the Great Lakes Indian Fish and Wildlife Commission. Motion Carried (12-0)

29. **Bayfield County Amendatory Ordinance No. 2018-09, Revised South Fish Creek Watershed Animal Waste Storage and Management Ordinance - Linda Coleman, Corporation Counsel;**

South Fish Creek Watershed Animal Waste Storage and Management Ordinance

FINDINGS:

The Bayfield County Board of Supervisors makes the following findings:

1. The predominant farmed soils in Bayfield County are clay-loams originating from glacial till. With high bulk density and slow infiltration, runoff during the spring snowmelt and after heavy rains is common.
2. To farm the clay soils of Bayfield County, agricultural producers maintain extensive surface drainage networks to rapidly remove excess water.
3. Drainage practices that increase runoff rates from agricultural lands lead to higher peak flows in streams, resulting in increased streambank erosion and consequent loading of particulate phosphorus and sediment into downstream surface waters.
4. As such, the primary threat from agriculture to surface water in Bayfield County is from surface run-off carrying sediment, nutrients, and manure.
5. Phosphorus loading in surface waters and consequent algal blooms constitute a threat to human health due to toxins produced by the algae.
6. Microbiological pathogens from manure in runoff and surface waters constitute a threat to human health.
7. Most erosion, sedimentation, and nutrient loss from agricultural lands occur during spring snowmelt and during large storm events.
8. Historical precipitation data and future climate modeling indicate the Chequamegon Bay region is and will continue to receive more precipitation in larger storm events.
9. Increasing manure and fertilizer applications within a watershed is likely to increase nutrient loading into surface waters within that watershed.
10. The required manure storage capacity for Concentrated Animal Feeding Operations under NR 243 Wis. Adm. Code, given the climate and soils of Bayfield County, is likely inadequate to ensure no winter manure applications.
11. The short growing season for grain crops such as corn, soybeans, and sunflowers, and the likelihood of saturated or frozen ground conditions after harvest increases the likelihood that manure cannot be applied after harvest, and consequently, livestock operations covered by NR 243 relying on application of manure in the fall after harvest of grain crops are likely to utilize emergency spreading allowances for winter applications of manure.
12. Manitowoc County in Wisconsin, with soils similar to those found in Bayfield County, has implemented additional limits on mechanical application of manure in order to achieve water quality standards in surface waters.
13. The phosphorus levels in South Fish Creek in northeast Bayfield County have exceeded the maximum thresholds permitted under NR 102.06 Wis. Adm. Code in 2014 and 2015. (Lehr, 2015)
14. The phosphorus levels in nearshore areas of Chequamegon Bay have exceeded the maximum thresholds permitted under NR 102.06 Wis. Adm. Code in 2014 and 2015. (Lehr, 2015)
15. The Wisconsin Department of Natural Resources, Bureau of Drinking Water and Groundwater, "Source Water Assessment For Ashland Water Utility, Ashland, Wisconsin, March 27, 2003" has determined:
 - a. The City of Ashland, Wisconsin, located on the south shore of Lake Superior's Chequamegon Bay, relies solely on source water from the bay to provide drinking water to its residents. (p.2)

- b. The area providing Ashland's source water includes the watersheds of Bono Creek, Boyd Creek, Whittlesey Creek, and the north and south branches of Fish Creek, located in Bayfield County. These streams drain an area of relatively flat, impermeable red clay soils, resulting in heavy sedimentation. (p.5)
- c. The source area contains a mixture of agricultural activities identified by the Department as having negative impacts on the south branch of Fish Creek (South Fish Creek). (p.6)
- d. The shallow nature of Chequamegon Bay has multiple negative impacts on source water quality, including warmer summer and autumn temperatures, more easily suspended lake bottom sediments and less dilution of contaminants entering the bay. (p.7)
- e. The normal counterclockwise circulation pattern in the bay negatively impacts source water by drawing the discharge of the Fish Creek and Bay City Creek east along the shoreline towards the drinking water intake. (p.8)
- f. Ashland's municipal water supply has one surface water intake located in southeastern Chequamegon Bay. The calculated sensitivity of the intake—defined as the likelihood that source water will be impacted by contaminants due to the intrinsic physical attributes of the source water area—is very high. (p.9)
- g. Concentrated animal feeding operations (over 1000 animal units) have the potential to contribute pollutants such as inorganic, synthetic organic, microbial contaminants as well as hormones and antibiotics to the source water. (p.10)
- h. Ashland's source water quality is significantly impacted by local factors and highly susceptible to contamination. (p.14)
- i. Manure management is a recommended means of dealing with negative impacts on Ashland's source water. (p.15)

Based on the foregoing findings, the Board further finds that the following regulations pertaining to the operations of Concentrated Animal Feeding Operations within the South Fish Creek watershed are necessary to achieve water quality standards under section 281.15 of the Wisconsin Statutes and to protect public health and safety.

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

Chapter 7 of Title 5 [Public Safety] is hereby created to read as follows:

Chapter 7 South Fish Creek Watershed Animal Waste Storage and Management Ordinance

Sec 5-7-1 Authority. This chapter is adopted under authority granted under Section 59.02, 59.03, 59.70, 92.15, and 92.16 of the Wisconsin State Statutes.

Sec. 5-7-2 Applicability. All Concentrated Animal Feeding Operations, as defined in Sec. 5-6-3(b) of the Bayfield County Code of Ordinances, located or utilizing owned or rented land within the South Fish Creek watershed in Bayfield County for the housing of livestock, production of crops, spreading of manure, or any other agricultural activity shall comply with the regulations in this chapter.

Sec. 5-7-3 Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of Bayfield County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin State Statutes.

Sec. 5-7-4 Severability Clause. If any 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.

Sec. 5-7-5 Effective Date. This chapter shall become effective upon its adoption and publication by the Bayfield County Board of Supervisors and approval by the Wisconsin Department of Natural Resources under s. 92.15 of the Wisconsin Statutes and NR 151.096 of the Wisconsin Administrative Code.

Sec. 5-7-6 Definitions. Definitions herein are to conform to the provisions set forth in the Wisconsin Administrative Code and Bayfield County Code.

(a) Compliance Order. A document or notification from the Land Conservation Committee, or their designee, outlining the nature of the violation(s) of the provisions of this chapter and corrective measures.

(b) Conduit to a navigable water. A natural or man-made area or structure that discharges to a navigable water via channelized flow. This includes open tile line intake structures, open vent pipes, sinkholes, agricultural well heads, drainage ditches that discharge to navigable waters, and concentrated flow areas, grassed or otherwise, that drain directly to a navigable water.¹

(c) Intermittent stream. A watercourse with a bed and bank where water does not flow continuously and that is identified as an intermittent stream on a United States Geological Survey 1:24,000 quadrangle map.

(d) Manure. Excreta from livestock, poultry, or other animals. Manure includes the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.

¹ Clarified to include concentrated flow areas as conduits to navigable waters

(e) Manure storage facility. An impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural wastes that has a volume of 500 cubic feet or more and a depth of 2 feet or more.

(f) Nutrient Management Plan. A plan that outlines the management and crediting of nutrients from all nutrient sources including soil reserves, commercial fertilizer, manure, organic byproducts, legume crops, and crop residues. All nutrient sources shall be accounted for and properly utilized. This plan must meet the current NRCS 590 standard, and NR 243 where applicable, and applies to all fields where plant nutrient sources and soil amendments are applied during the course of a rotation. Management includes the rate, method, and timing of the application of all sources of nutrients to minimize the amount of nutrients entering surface water and groundwater. The plan includes manure nutrient testing and routine soil testing and is developed according to USDOA -NRCS Technical Standard 590.

(g) Operator. A person responsible for the oversight or management of equipment, facilities or livestock at a livestock operation, or is responsible for land management in the production of crops.

(h) Perennial stream. A channel where water flows continuously and that is identified as a perennial stream on a United States Geological Survey 1:24,000 quadrangle map.

(i) One hundred (100)-year, twenty-four (24)-hour rainfall event. A rainfall event measured in terms of the depth of rainfall occurring within a twenty-four(24)-hour period and having an expected recurrent interval of once in one hundred (100) years.

Sec. 5-7-7 Manure storage capacity. Animal manure storage facilities shall be properly designed to provide a minimum of 270 days of manure storage. In addition, liquid manure storage and containment facilities shall have a marker near the bottom of the facility indicating the level at which the facility provides 180 days of storage. Such capacity shall include storage at all times for direct precipitation and runoff from a 100 yr, 24 hr storm event.

Liquid storage facilities shall be emptied so that the 180-day level indicator is visible on at least one day between November 1 and November 30. The operator shall notify the Bayfield County Land Conservation Department when the 180-day level indicator is visible and the Land Conservation Department shall visit the facility and document the visibility by photograph. In the event the facility is not emptied to show the 180-day level indicator by November 30 of the same calendar year for any reason, the operator shall submit a written plan to the Land Conservation Department for approval by December 1 showing how the storage facility shall be emptied to show the 180-day level indicator by December 15 of that calendar year. The Department has 5 days to respond to the proposed plan. Such a plan may include land-spreading the manure subject to any applicable local, state, or federal restrictions and upon approval by the Land Conservation Department. Approval of any proposed land-spreading by the Land Conservation Department shall depend on the

ground conditions of the fields proposed for spreading, the method and rate of spreading, the forecasted weather during that time, and the Land Conservation Department's determination of the risk of runoff from such land-spreading. Land-spreading shall not be an option unless the operator can demonstrate that weather conditions or other factors beyond the operator's control prevented the spreading that otherwise would have resulted in emptying the pit to the required level by the required time.

Sec. 5-7-8 No Winter Spreading. No land spreading shall occur on frozen or snow-covered ground. The term snow-covered ground shall mean "areas of a field covered with any amount of snow."

Sec. 5-7-9 Spreading windows. The annually updated nutrient management plan required under NR 243.14 Wis. Adm. Code shall include for each cropping year at least three distinct manure spreading windows in which at least 1/3 of the total manure produced and stored annually by the animal feeding operation is capable of being mechanically applied according to the spreading rates allowed by the nutrient management plan. Spreading windows include, but are not limited to: prior to planting in the spring, after each harvest of hay or perennial forage in the summer and fall, after harvest of small grains in the summer and fall, after harvest of corn or soybeans in the fall, or at any other time when the ground is not frozen or snow-covered and the application is allowable under the NR 243.14 Wis. Adm. Code.

Sec. 5-7-10 Further limits on mechanical application of manure. Mechanical application of manure is only permitted to meet crop needs and is subject to the following limitations:

(a) No manure at any time of the year may be mechanically applied to land within 100 feet of an active or inactive well unless that well has been abandoned per USDA-NRCS Technical Standard 351. Manure that is mechanically applied to land that is more than 100, but less than 300 feet, and is upslope of an active or inactive well and that drains to a well must be incorporated into the soil within 48 hours of application.

(b) No manure at any time of the year may be mechanically applied to land that is within 300 feet of and that drains to a drainage tile surface inlet, intermittent stream, or perennial stream, unless the manure is incorporated into the soil within 48 hours of application.

(c) No manure at any time of the year may be mechanically applied to land that is within 1,000 feet of a lake or pond and that drains to the lake or pond unless it is incorporated into the soil within 48 hours of application.

Sec. 5-7-11 Inspection Authority. Bayfield County, or its designee, is authorized to enter upon any lands affected by this chapter to inspect the land or manure storage facility to determine compliance with this chapter.

Sec. 5-7-12 Penalties and Enforcement.

(a) Any violation of this chapter shall be punishable by a forfeiture of not less than \$100 or more than \$5000 per day for each violation of this chapter, plus the costs of prosecution, including the County's reasonable attorney fees and costs. Each day of violation shall constitute a separate offense.

(b) In addition, the County Board, or its designee, may issue a notice of violation and order that specifies required remedial action, which may include a stop operations and work order, or the Board may impose or seek any other available enforcement remedy, including injunctive relief.

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

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

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 provision of this ordinance are hereby repealed.

SERVERABILITY: 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.

Motion Strand, Rondeau to approve ordinance 2018-09 and add a separate section to disallow winter spreading within the state definition of winter spreading. Discussion regarding provisions in the ordinance. Coleman will share the revised document wording with the Board. ***Motion Carried (12-0)***

30. **Appointment and Confirmation of Bayfield County Highway Commissioner;**

Motion by Maki, Gordon to confirm the nomination of Paul Johanik to the position of Highway Commissioner for the specified term. Motion Carried (12-0)

31. Administrator's Report:

a) Future County Board Meeting Dates:

✓ June 26th; July 31st; Aug. 28th;

b) Committee Reports, Meeting Dates, Members; Oswald reported that the Sheriff's Committee toured the Jail at the last meeting. If any board members

wish to tour the jail, ride along with a deputy, or sit in the dispatch center, they are welcome to.

c) County Picnic, Wed., June 20th; Human Services, Zoning, Land Conservation, Veterans Offices are hosting.

Crandall was thanked for coordinating the meeting at the Drummond location.

32. Supervisors' Reports: None

33. Future Agenda Items; None Noted

There being no further business to come before the Bayfield County Board of Supervisors, Chair Pocerlich adjourned the meeting at 9:04p.m.

Respectfully submitted,

Scott S. Fibert,

Bayfield County Clerk

SSF/kak