

# Bayfield County Clerk

**Scott S. Fibert**, *County Clerk*

Jeran Rekemeyer, *Deputy*

Kim Mattson, *Accountant*

Gail M. Reha, *Bookkeeper*

Allison Radke, *Clerk III*

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Minutes of the:  
**Bayfield County Board of Supervisors' Meeting**  
**July 31<sup>st</sup>, 2018 – 6 p.m.**

Bayfield County Board Room, Bayfield County Courthouse, Washburn, WI

The Bayfield County Board of Supervisors was called to order at 6:04 p.m. by Bayfield County Chairman, Dennis Pocernich. A roll call was taken by *County Clerk*, Scott Fibert, follows: George Newago-present; Thomas Gordon-present; Larry Fickbohm-present; Harold Maki-absent; Jeremy Oswald-present; Jeffrey Silbert-present; Dennis Pocernich-present; Fred Strand-present; Thomas Snilsberg-present; Marty Milanowski-present; David Zepczyk-present; James Crandall-present; Brett Rondeau-present. Total: 12 present, 1 absent. 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; *Clerk III*-Allison Radke; *Child Support Director*-Jennifer Osmak; *Zoning Director*-Rob Schierman; *Apostle Islands National Lakeshore Superintendent*-Bob Krumenaker; *Northern Lights Executive Director*-Jennifer Augustine; *Northern Lights Board of Directors*-Colleen Daly; *Corporation Counsel*- Linda Coleman; *Community Member*-Mark Wendling.

3. **Pledge of Allegiance**; The Pledge of Allegiance was recited by all in attendance.
4. **Motion Regarding Minutes of June 26<sup>th</sup>, 2018 Bayfield County Board of Supervisors' Meetings**; *Motion by Gordon, Crandall to approve the minutes of the June 26<sup>th</sup>, 2018 meeting. No additions or corrections. Motion carried.*
5. **Public Comment** – *Limited to 3 minutes per person.*  
Mark Wendling spoke about the Apostle Islands National Park. He is a resident of the Town of Russell. Expressed appreciation for the park, for *Superintendent* Krumenaker, and for the funding secured after the storm. Advocated for preserving and restoring buildings carefully and when necessary.
6. **Bayfield County Resolution No. 2018-69, Honoring Bayfield County Departments involved in flood response**;

**WHEREAS**, Bayfield County experienced heavy rains on June 16 and 17, 2018, which resulted in widespread flooding throughout the county, and;

**WHEREAS**, numerous Federal, State, County, and local roadways became severely damaged, which resulted in accidents, closures, and detours, and;

**WHEREAS**, in addition to transportation issues, the flooding impacted many other aspects of daily life including public health, commerce, tourism, agriculture, etc...

**WHEREAS**, many individuals, organizations, local and state officials and volunteers responded with a helping hand; and

**WHEREAS**, Bayfield County Departments responded immediately and professionally to address concerns resulting from the flooding, with examples such as:

- Emergency Management activation in advance of and throughout the event, continuing today.
- County Highway Department staffing reporting for work beginning at 2:00 AM and working until 9:00PM in the pouring rain standing in water directing traffic and setting barricades in darkness.
- Tourism and Land Records staff worked on Sunday to begin compiling a map of roads depicting both Open and Closed status to place on the web site and to provide to various entities communicating the status of transportation routes.
- Health and Tourism Departments worked on Sunday to develop a web page with Alert and flood information for the general public and provided an interview with KBJR to provide a flood update.
- On Sunday, the Tourism, Forestry and the US Forest Service worked together to provide updates on the status of recreation trails.
- Maintenance Department work on Sunday to set up the Incident Command Center in the EOC including phone systems, tables, etc.

**WHEREAS**, the response to the flooding minimized the negative impacts of the flooding on citizens and visitors to Bayfield County.

**NOW, THEREFORE BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 31st day of July, 2018, do hereby proclaim appreciation to the Emergency Management Department, Sheriff's, Register of Deeds and Treasurer's Office, Highway Department, Health Department, Planning and Zoning, Clerk of Court, Tourism Office, Land Records Office, District Attorney's Office, Forestry & Parks Department, UW Extension Office, Human Services Department, Veteran's Services Office, County Clerk's Office, County Administrator's Office, Child Support, Maintenance Department, Information Technology Department and, Land Conservation Department for their part in responding to and assisting during and after the flooding events and thank all staff that provided assistance while at work and through their additional volunteer efforts.

*Motion by Rondeau, Gordon to approve Resolution No. 2018-69. Motion carried.*

7. **Bayfield County Resolution No. 2018-70, Discussion and Possible Action on Highway Department upcoming Budget Amendments relating to the June 2018 flooding;**

**WHEREAS**, County Highway crews responded in full force the weekend of June 16, 2018 as record rains undermined and destroyed road infrastructure.

**WHEREAS**, an unprecedented number of county highway roads and bridges were damaged;

**WHEREAS**, County crews worked around the clock to ensure highway safety.

**WHEREAS**, County Highway incurred substantial overtime, hauled and placed extra materials from our pits and purchased materials from private pits and quarries, rented extra equipment and entered into emergency contracts with contractors and other counties to open roads as quickly and safely as possible for the public.

**WHEREAS** preliminary estimates place the damage to County Highway infrastructure at over \$3.7 million (61% of the Highway Department’s annual budget).

**WHEREAS** the County Highway Commissioner is working closely with the Wisconsin Department of Transportation on emergency restoration funds. The County is anticipating an 87.5% reimbursement of County Highway emergency repairs;

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 31th day of July 2018, does hereby accept formal notice of the extent of damages and needed repairs to the County Highway System with a future allocation to be requested from fund balances.

**BE IT FURTHER RESOLVED**; that the Bayfield County Board directs the County Administrator, County Highway Commissioner and Highway Committee, to prepare a budget amendment for the August 2018 County Board meeting including a total estimate of storm related costs, anticipated reimbursements AND funding shortfalls that will have to be paid.

*Motion by Crandall, Gordon to adopt Resolution No. 2018-70. Motion carried.*

**8. Bayfield County Resolution No. 2018-71, on 2019 Budget Preparations and inclusion of unreimbursed 2018 flood response expenses;**

**WHEREAS**, the Storm of June 16, 2018 and succeeding days created unprecedented damage and havoc in Bayfield County. Unreimbursed expenses are anticipated in the Sheriff’s Office and Highway Departments; and

**WHEREAS**, the County Board urges cost recovery through any and all sources possible to minimize impact on tax payers; and

**WHEREAS:** under 66.0602(3)(e)8, Wisconsin State Statutes allows for a levy increase for unreimbursed expenses related to an emergency declared under s. 323.10 and that All expenses need to be unreimbursed and related to the emergency; and

**WHEREAS**, County crews incurred substantial overtime, purchased, hauled and place extra materials, rented extra equipment for road repairs and entered into emergency contracts with contractors and other counties to safely open roads for the public; and

**WHEREAS**, estimated, preliminary, *unreimbursed* expenses are estimated at \$10,000 in the Sheriff’s Office and \$400,000 in the Highway Department based on expected reimbursements;

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 31st day of July 2018, does hereby direct the County Administrator to include unreimbursed disaster expenses from the June 16 storm event in the Proposed 2019 budget levy.

*Motion by Silbert, Strand to adopt Resolution No. 2018-71. Motion carried.*

9. **Appointment and Confirmation of Jennifer Osmak, Child Support Director;**

County Administrator, Mark Abeles-Allison, introduced Jennifer Osmak, recently hired Child Support Director.

*Motion by Gordon, Rondeau to confirm the appointment of Jennifer Osmak as Child Support Director. Motion carried.*

10. **Bayfield County Resolution No. 2018-67, Honoring Dianna Kacvinsky for her service to Bayfield County Human Service Department;**

**WHEREAS**, Dianna Kacvinsky has served Bayfield County with distinction, honor and dedication in the Department of Human Services for over 19 years,

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 31st day of July 2018, honors Dianna Kacvinsky for her over 19 years of public service to Bayfield County and expresses gratitude for her efforts, wishing her well in the years ahead.

*Motion by Newago, Gordon to approve Resolution 2018-67. Motion carried.*

11. **Bayfield County Resolution No. 2018-68, Honoring Bonnie Chivers for her service to Bayfield County Department of Child Support;**

**WHEREAS**, Bonnie Chivers has served Bayfield County with distinction, honor and dedication in the Child Support Agency for over 5 years,

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 31st day of July 2018, honors Bonnie Chivers for her over 5 years of public service to Bayfield County and expresses gratitude for her efforts, wishing her well in the years ahead.

*Motion by Oswald, Crandall to approve Resolution No. 2018-68. Motion carried.*

Bonnie Chivers was then recognized for her role in boosting workplace morale.

12. **Presentation; National Park Services, Apostle Islands National Lakeshore, Bob Krumenaker, Superintendent;**

Superintendent Krumenaker spoke regarding the October 2017 storm and its impacts. He shared slides and photographs of the damages and repairs. Krumenaker reported on repair efforts throughout

the Apostle Islands. He gave examples, such as docks, trails, piers, campsites, Devils Island Boathouse, stairway on Sand Island, and additional projects throughout the Apostle Islands National Lakeshore. The Devils Island Boathouse is National Register of Historic Places and needs to be restored in a different way. Rocky Island is being repaired with no federal money; funds are provided from donors.

Comments were received from County Board members including: appreciation for Krumenaker and the National Park Service's work, questions regarding Little Sand Bay and ecological damage, and appreciation for the staff. Krumenaker announced that he was promoted to be *Superintendent* at Big Bend National Park in Texas.

**13. Northern Lights Report; Jennifer Augustine, Executive Director; and Colleen Daly, Board of Directors;**

Augustine and Daly reported on the action plan towards stability that Northern Lights had prepared. Low Medicaid reimbursements are causing financial difficulties throughout nursing homes in the entire United States, especially in Wisconsin. Explained the insurance demographics of the residents, challenges that Northern Lights is facing in regards to staffing. Northern Lights audit will be completed next week. *Chairman* Pocernich and *County Administrator* Mark Abeles-Allison recommended that more information be reported next month to the Executive Committee, especially regarding the budget.

Comments were received from County Board member such as: a question about approaching Memorial Medical Center and a question about the purpose of the media campaign. There were also comments in favor of Northern Lights.

**14. 2017 Annual Department of Human Services Report, Jim Crandall;**

Board member Crandall explained the Human Services budget. Bayfield County spends 7.3 million dollars on Human Services, out of the 30 million dollar budget. Crandall summarized the 2017 Annual Department of Human Services Report. Human Services Department *Director* Elizabeth Skulan was unable to attend due to a family emergency. Funds go to services involving mental health, youth, the aging population, substance abuse, opioid epidemic, foster care, and more.

*Motion by Gordon, Silbert to receive and place on file 2017 Annual Department of Human Services Report. Motion carried.*

**15. Appointment of Linda Schneider, Department of Human Services Board Citizen Member;**

*Motion by Rondeau, Newago to appoint Linda Schneider to the Department of Human Services Board as a citizen member. Motion carried.*

**16. Bayfield County Resolution No. 2018-72, Condemnation Committee Compensation;**

**WHEREAS**, State Statutes 32.08 provide for the establishment of a Condemnation Committee consisting of six commissioners; and

**WHEREAS**, The Committee shall be appointed by the circuit judge and act on applications as presented in accordance with 32.08, and

**WHEREAS**, section 32.08, section 4 specifies that the county board shall set the compensation, and

**WHEREAS**, the Executive Committee met and recommended the following to the full board.

**NOW THEREFORE BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 31st day of July 2018, do hereby set the compensation for the Condemnation Committee at \$20 per hour and a minimum of the standard committee reimbursement amount (\$50 per meeting currently).

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Commission be appointed and oriented by the Judge and Corporation Counsel in 2018.

*Motion by Rondeau, Gordon to approve Resolution No. 2018-72. Roll call was taken: Newago-yes, Gordon-yes, Fickbohm- yes, Oswald-yes, Silbert-yes, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-absent. Motion carried. (12-0)*

17. **Report No. 2018-11 of the Bayfield County Planning and Zoning Committee; Regarding Amendatory Ordinance 2018-11, Amending 13-1-21 Code of Ordinances, adding language pertaining to the Wisconsin Department of Natural Resources, Rob Schierman, Zoning Director;**

*Zoning Director, Rob Schierman explained Report No. 2018-11.*

**REPORT OF THE BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE**

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

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

AN ORDINANCE AMENDING 13-1-21 CODE OF ORDINANCES,  
BAYFIELD COUNTY, WISCONSIN.

**Section 1.** Subsection (b)(6) of Section 13-1-21 [General Land Use Requirements] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read as follows:

(6) **Concurrent Jurisdiction Exemption.** A permit under this Chapter may not be required where ~~another regulatory agency~~ the Wisconsin Department of Natural Resources (DNR) has concurrent jurisdiction and the substantive concerns of this Chapter are addressed and resolved by issuance of a permit under the authority of that regulatory agency.

*Motion by Silbert, Rondeau to receive and place on file Report No. 2018-11. Motion carried.*

18. **Bayfield County Zoning Amendatory Ordinance No. 2018-11; Amending 13-1-21 Code of Ordinances, adding language pertaining to the Wisconsin Department of Natural Resources, Rob 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 amend Section 13-1-21(b)(6) Code of Ordinances, Bayfield County, Wisconsin to *delete language regarding regulatory agency and add language pertaining to the WI DNR;*

**Section 1.** Subsection (b)(6) of Section 13-1-21 [General Land Use Requirements] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read as follows:

(6) ***Concurrent Jurisdiction Exemption.*** A permit under this Chapter may not be required where ~~another regulatory agency~~ the Wisconsin Department of Natural Resources (DNR) has concurrent jurisdiction and the substantive concerns of this Chapter are addressed and resolved by issuance of a permit under the authority of that regulatory agency.

**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 by Rondeau, Newago to adopt Amendatory Ordinance No. 2018-11. Motion carried.*

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

*Motion by Rondeau, Newago to move into Executive/Closed Session pursuant to §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. Motion carried.* Entered Closed Session at 7:48 pm.

The following were allowed to remain in Closed Session: *County Clerk-Scott Fibert; County Administrator-Mark Abeles-Allison; Clerk III-Allison Radke; Zoning Director-Rob Schierman; Corporation Counsel- Linda Coleman.*

There being no further business to conduct in Executive/Closed Session, *a motion was made by Crandall, Gordon to return to open session at 8:36 pm. Motion carried.*

**20. Administrator's Report:**

- a) **2019 Budget;** *Administrator Abeles-Allison gave an update.*
- b) **US DOT BUILD Grant Application;**
- c) **Hydro Atlas;**
- d) **Future County Board Meeting Dates:**
  - ✓ **Aug. 28<sup>th</sup>; Sept. 26<sup>th</sup> (Wednesday, one day later due to WCA Conf. ending on Tuesday); October 30<sup>th</sup>, 2018**

**21. Supervisors' Reports;**

County Board Members provided updates regarding their committees. There was also discussion and concern about the bridge on County Highway E.

**22. Future Agenda Items;**

None identified.

**23. Adjournment;**

There being no further business to come before the Bayfield County Board of Supervisors, *Chairman Pocernich adjourned the meeting at 8:42 p.m.*

Respectfully submitted,

**SCOTT S. FIBERT**

*Bayfield County Clerk*

SSF/alr

cc: Mr. Mark Abeles-Allison, County Administrator/Department Heads/Bayfield County Town and City Clerks/ Other Interested Persons Requesting Agenda  
(alr)(k)WORD-COUNTY BOARD MINUTES-COUNTY BOARD AGENDA – July