

# Bayfield County Clerk

Scott S. Fibert, *County Clerk*

Kim Mattson, *Accountant*  
Gail M. Reha, *Bookkeeper*

Jeran Rekemeyer, *Deputy Clerk*  
Allison Radke, *Clerk III*



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**Draft Minutes of the:**  
**Bayfield County Board of Supervisors' Meeting**  
**November 12<sup>th</sup>, 2019 6:00 p.m.**

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

The Bayfield County Board of Supervisors was called to order at 6:02 p.m. by Bayfield County *Chairman*, Dennis Pocernich. A roll call was taken by *County Clerk*- Scott Fibert, as follows: George Newago- absent; Thomas Gordon- present; Larry Fickbohm- present; Harold Maki- present; 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 Administrator*- Mark Abeles- Allison; *County Clerk*- Scott Fibert; *Clerk III*- Allison Radke.

3. **Pledge of Allegiance;** The Pledge of Allegiance was recited by all in attendance.
4. **Public Hearing – Memorial Medical Center (MMC) Conduit Bond;**

*Motion by Gordon, Crandall to adjourn as a County Board and convene as a Committee of the Whole to hold a public hearing on the Memorial Medical Center (MMC) Conduit Bond. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-yes, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-yes. (12-yes, 0-no, 1-absent) Motion carried.*

No public comment was received regarding the Memorial Medical Center (MMC) Conduit Bond.

Information regarding the MMC Conduit Bond was provided by *County Administrator* Mark Abeles-Allison and Bayfield County *Corporation Counsel* John Carlson. *Corporation Counsel* John Carlson stated that the bond does not put Bayfield County at risk and would benefit Bayfield County residents, as well as surrounding communities. MMC *Chief Financial Officer* Kent Dumoneseau gave further information. Tom Mayfield from National Healthcare Capital was present via telephone to answer questions as needed.

*Motion by Gordon, Rondeau to close the Public Hearing and reconvene as a County Board. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-yes, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-yes. (12-yes, 0-no, 1-absent) Motion carried.*

5. **Bayfield County Resolution No. 2019-78; Approving the Issuance and Sale of Revenue Bonds (MMC, Inc. Project) Series 2019 and 2020, Authorizing the execution of documents**

**relating thereto; John Carlson, Corporation Counsel;**

County Administrator Abeles-Allison provided a review of Resolution No. 2019-78. Ashland and Bayfield Counties are working together on this issuance and sale of revenue bonds. The bonding will take place over two years, both 2019 and 2020. Bayfield County will issue \$7.5 million this year and \$5 million next year to Memorial Medical Center for their building project. Counties are allowed to issue up to \$10 million in tax-exempt financing. Questions and comments were received from County Board *Supervisors*.

**BE IT RESOLVED** by the Board of Supervisors (the “Board”) of Bayfield County, Wisconsin (the “Municipality”), as follows:

Section 1. It is hereby found, determined, and declared as follows:

A. Under Wisconsin Statutes, Section 66.0621, as amended (the “Act”), the Municipality is authorized and empowered to issue revenue obligations to finance all or any part of the cost of acquisition, construction, equipping, improving, enlarging, or extending of public utilities, as defined therein, including hospital facilities.

B. Under and pursuant to the provisions of Wisconsin Statutes, Sections 59.01 and 59.52(6), the Municipality is authorized to:

(1) acquire and hold, lease or rent real and personal estate for public uses or purposes, to sell, lease and convey the same, to make such contracts and to do such other acts as are necessary and proper to the exercise of the powers and privileges granted and the performance of the legal duties charged upon it;

(2) acquire, lease or rent property, real and personal, for public uses or purposes of any nature, including without limitation, acquisitions for county buildings;

(3) direct the clerk to lease, sell or convey or contract to sell or convey any county property, not donated and required to be held for a special purpose, on terms that the Board approves;

(4) construct, purchase, acquire, lease, develop, improve, extend, equip, operate and maintain all county buildings, structures and facilities hereinafter in this subsection referred to as “projects,” including, among others, schools, hospitals, homes for the aged or indigent, regional projects and including all property, real and personal, pertinent or necessary for such purposes;

(5) finance such projects, including necessary sites, by the issuance of revenue bonds under the Act, and payable solely from the income, revenues and rentals and fees derived from the operation of the project financed from the proceeds of the revenue bonds.

C. The Municipality on the date hereof held a public hearing on the issuance of revenue bonds in an aggregate amount not to exceed \$12,500,000, which together with revenue bonds to be issued by Ashland County in the aggregate amount of up to \$17,500,000 (the “Ashland County Bonds”), will be used to finance the construction of a two-story addition to, and extensive renovation of, the hospital and related facilities located at 1615 Maple Lane in Ashland, Wisconsin (the “Project”), owned and operated by Memorial Medical Center, Inc., a Wisconsin nonstock nonprofit corporation (the “Company”).

D. The issuance and sale of the Revenue Bonds (Memorial Medical Center, Inc. Project) Series 2019 and 2020 (the “Revenue Bonds”), by the Municipality, in the aggregate principal amount of up to \$12,500,000, pursuant to the Act, and the sale of the Revenue Bonds to Bremer Bank, National Association, or its assigns (the “Lender”), as provided herein is in furtherance of the public interests of the Municipality and the Municipality hereby determines to issue the Revenue Bonds. The Municipality will make the proceeds of the Revenue Bonds available to the Company in order to finance the Project.

E. A draft of two separate Sale Agreements (the “Sale Agreements”) to be entered into between the Municipality and the Company respecting the Revenue Bonds and the Project has been submitted to the Board.

F. Pursuant to two separate Pledge Agreements (the “Pledge Agreements”) to be entered into between the Municipality and the Lender, the Municipality assigns and pledges to the Lender and grants the Lender a security interest in all of its rights, title, and interest in the Sale Agreements (except for certain rights for reimbursement of certain costs and expenses and for indemnification) and the Promissory Notes (as defined in the Sale Agreements), and all amendments, extensions, renewals and replacements of the Sale Agreements and the Promissory Notes, and all proceeds thereof. Drafts of the Pledge Agreements have been submitted to the Board.

G. Pursuant to a Cooperation Agreement (the “Cooperation Agreement”) to be entered into between the Municipality and Ashland County, the Municipality and Ashland County will consent to each other’s financing described herein, pursuant to Wisconsin Statutes, Section 66.0301. A draft of the Cooperation Agreement has been submitted to the Board.

H. The Revenue Bonds are limited obligations of the Municipality payable solely from the revenues received by the Municipality pursuant to the Promissory Notes and the Sale Agreements (except for the Unassigned Municipality’s Rights, as such term is defined in the Sale Agreements). No holder of the Revenue Bonds shall ever have the right to compel any exercise of the taxing power of the Municipality to pay the Revenue Bonds or the interest thereon, nor to enforce payment thereof against any property of the Municipality. The Revenue Bonds do not constitute an indebtedness, a pecuniary liability, a moral or general obligation or a loan of the credit of the Municipality and the Revenue Bonds are not secured by, and are not a charge, lien or encumbrance, legal or equitable, against the Municipality’s property, funds, general credit or taxing powers.

Section 2. The Municipality hereby authorizes the issuance of the Revenue Bonds. The Revenue Bonds shall be in substantially the form submitted to the Board on the date hereof, and shall mature on the dates and in the amounts, be subject to redemption, and provide interest at the rate(s) as therein specified, as such may be modified by agreement of the Lender, the Company and the Municipality. The initial interest rate on the Revenue Bonds shall not exceed 4.00% per annum.

Section 3. The Sale Agreements, the Pledge Agreements, the Cooperation Agreement and the Revenue Bonds are hereby made a part of this Resolution as fully as though set forth herein and are hereby approved in substantially the forms presented to the Board. The Chair of the Board and the County Clerk are hereby authorized in their discretion, at such time (if any) as they may deem appropriate, to execute, acknowledge, and deliver said documents on behalf of the Municipality with such changes, insertions, and omissions therein as bond counsel and counsel to

the Municipality may hereafter deem appropriate, such execution to be conclusive evidence of approval of such documents in accordance with the terms hereof.

Section 4. There is hereby created special funds in the treasury of the Municipality to be identified as the “Revenue Bond (Memorial Medical Center, Inc. Project) Series 2019 Special Redemption Fund” and the “Revenue Bond (Memorial Medical Center, Inc. Project”) Series 2020 Special Redemption Fund” (hereinafter, the “Special Redemption Funds”). Pursuant to the Promissory Notes and the Pledge Agreements, payments by the Company on the Promissory Notes will be paid directly to the Lender, but will be deemed to have been first deposited in the respective Special Redemption Funds. If for any reason the Company makes payments to the Municipality with respect to the Promissory Notes, such payments will be deposited in the respective Special Redemption Funds. The Special Redemption Funds are hereby set aside for the payment of the principal of, premium, if any, and interest on the Revenue Bonds.

Section 5. The Chair of the Board and the County Clerk are hereby also authorized to execute and deliver all other documents which may be required under the terms of the Sale Agreements or Pledge Agreements, or by bond counsel, and to take such other action as may be required or deemed appropriate for the performance of the duties imposed thereby to carry out the purposes thereof. The County Clerk is hereby authorized and directed to give notice pursuant to Wisconsin Statutes, Section 893.77, subd. 2, that the Municipality has by this Resolution authorized issuance of the Revenue Bonds, based on form and instruction provided by bond counsel.

Section 6. Registration. The Board appoints the County Clerk as bond registrar, transfer agent, authenticating agent and paying agent for the Revenue Bonds (the “Registrar”). The effect of registration and the rights and duties of the Municipality with respect thereto are as follows:

- A. Register. The Registrar must keep a bond register for the Revenue Bonds in which the Registrar provides for the registration of ownership of the Revenue Bonds and the registration of transfers and exchanges of the Revenue Bonds.
- B. Transfer of Revenue Bonds. Upon surrender for transfer of a Revenue Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one new bond of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the 1st day of the month of each interest payment date and until such interest payment date.
- C. Exchange of Revenue Bonds. When a Revenue Bond is surrendered by the registered owner for exchange, the Registrar will authenticate and deliver one new bond of a like aggregate principal amount and maturity, as requested in writing by the registered owner or the owner’s attorney.
- D. Cancellation. A Revenue Bond surrendered upon any transfer or exchange will be promptly canceled by the Registrar and thereafter disposed of.
- E. Improper or Unauthorized Transfer. When a Revenue Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer a Revenue Bond until the Registrar is satisfied

that the instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

F. **Persons Deemed Owners.** The Municipality and the Registrar may treat the person in whose name a Revenue Bond is registered in the bond register as the absolute owner of the Revenue Bond, whether the Revenue Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Revenue Bond and for all other purposes, and payment so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon such Revenue Bond to the extent of the sum or sums so paid.

G. **Taxes, Fees and Charges.** For a transfer or exchange of a Revenue Bond, the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange, including payment to the Municipality of any fees and costs incurred by the Municipality under or related to its performance of this Section 6.

H. **Mutilated, Lost, Stolen or Destroyed Bonds.** If a Revenue Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Revenue Bond of like amount, number, maturity date, redemption privilege and tenor in exchange and in substitution for and upon cancellation of the mutilated Revenue Bond or in lieu of or in substitution for any Revenue Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar and the Municipality in connection therewith; and, in the case of a Revenue Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Revenue Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar and the Municipality of an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the Municipality and the Registrar must be named as obligees. A Revenue Bond so surrendered to the Registrar will be canceled by the Registrar. If the mutilated, destroyed, stolen or lost Revenue Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Revenue Bond prior to payment.

I. **Redemption.** In the event a Revenue Bond is called for redemption, notice thereof will be given in accordance with Section 5.1 of the applicable Sale Agreement or by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) not less than 30 days prior to the date fixed for redemption to the registered owner of the Revenue Bond to be redeemed at the address shown on the registration books kept by the Registrar. The Revenue Bond so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit at the place of payment at that time.

Section 7. In order to qualify the Revenue Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby makes the following factual statements and representations:

A. Based on representations of the Company, the Revenue Bonds, when issued, will be "qualified 501(c)(3) bonds" under Section 145 of the Code;

B. The Municipality hereby designates each of the Revenue Bonds as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code;

C. The reasonably anticipated amount of tax-exempt obligations (other than obligations described in clause (ii) of Section 265(b)(3)(C) of the Code) which will be issued by the Municipality (and all entities whose obligations will be aggregated with those of the Municipality) during each of calendar years 2019 and 2020 will not exceed \$10,000,000 in either year; and

D. Not more than \$10,000,000 of obligations issued by the Municipality during calendar years 2019 and 2020 have been or will be designated for purposes of Section 265(b)(3)(D) of the Code.

Section 8. This Resolution shall take effect immediately upon its adoption.

*Motion by Gordon, Rondeau to approve Resolution No. 2019-78, Approving the Issuance and Sale of Revenue Bonds (MMC, Inc. Project) Series 2019 and 2020, Authorizing the execution of documents relating thereto. Motion carried.*

**6. Public Comment:**

County Board *Supervisor* Larry Fickbohm presented an award that the Bayfield County Fair received in recognition of the 125<sup>th</sup> Anniversary of the Fair. It was issued by *State Senator* Janet Bewley and *State Representative* Beth Meyers.

**7. Motion Regarding the Minutes of the October 29<sup>th</sup>, 2019 Bayfield County Board of Supervisors’ Meeting;**

*Motion by Rondeau, Milanowski to approve the Minutes of the October 29<sup>th</sup>, 2019 Bayfield County Board of Supervisors’ Meeting. No additions or corrections. Motion carried.*

**8. Discussion and Possible Action to Adopt the Amended 2020 Budget;**

The total budget decreased by approximately \$70,000 to account for unreimbursed flood expenses.

*Motion by Rondeau, Zepczyk to adopt the Amended 2020 Budget in the amount of \$33,242,680. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-yes, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-yes. (12-yes, 0-no, 1-absent) Motion carried.*

**9. Discussion and Possible Action to Set the Amended 2020 Tax Levy;**

This agenda item will adjust the levy by \$70,000 due to unreimbursed flood expenses for the Highway Department. It will lower the levy by \$70,000.

*Motion by Rondeau, Gordon to adopt the Amended 2020 Tax Levy in the amount of \$11,348,140. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-yes, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes,*

**GENERAL FUND**

	2019 Adopted Budget	2020 Proposed Budget	% Change
<b>REVENUES:</b>			
<b>Taxes:</b>			
General Property Taxes	5,495,548	5,562,446	1.22%
41 Other Taxes	1,663,359	1,777,032	6.83%
42 Special Assessments	0	0	0.00%
43 Intergovernmental Revenues	2,106,068	2,200,584	4.49%
44 Licenses & Permits	346,650	356,900	2.96%
45 Fines, Forfeitures & Penalties	51,500	50,000	-2.91%
46 Public Chrges for Services	4,178,085	4,142,217	-0.86%
47 Intergovernmental Charges for Services	24,435	21,638	-11.45%
48 Miscellaneous Revenues	1,183,285	1,419,196	19.94%
49 Other Financing Sources	0	0	0.00%
<b>TOTAL REVENUES</b>	<b>15,048,930</b>	<b>15,530,013</b>	<b>3.20%</b>
Cash Balance Applied	2,249,571	1,267,799	-43.64%
<b>Total Revenue &amp; Cash Balance Applied</b>	<b>17,298,501</b>	<b>16,797,812</b>	<b>-2.89%</b>
<b>EXPENDITURES:</b>			
General Government	4,352,877	4,455,957	2.37%
Public Safety	5,296,353	5,565,013	5.07%
Public Works	118,975	98,023	-17.61%
Health & Human Services	1,068,374	1,189,963	11.38%
Culture, Recreation & Education	1,352,461	1,485,519	9.84%
Conservation & Development	2,794,458	2,773,038	-0.77%
Capital Outlay	0	0	-
Other Financing Uses	2,315,003	1,230,299	-46.86%
<b>TOTAL EXPENDITURES</b>	<b>17,298,501</b>	<b>16,797,812</b>	<b>-2.89%</b>

ALL GOVERNMENTAL PLUS PROPRIETARY FUNDS COMBINED	ANTICIPATED 2020 FUND BALANCE JANUARY 1	PROPOSED 2020 TOTAL REVENUES	PROPOSED 2020 TOTAL EXPENDITURES	PROPOSED 2020 BALANCE DECEMBER 31	FUNDS	2020 PROPERTY TAX CONTRIBUTION	2019 PROPERTY TAX CONTRIBUTION	2020 PROPERTY TAX CHANGE	% CHANGE
General Fund	11,565,674	15,530,013	16,797,812	10,297,875	General Fund	5,562,446	5,495,548	66,898	1.22%
Employee Health Fund	335,103	0	74,459	260,644	Employee Health Fund	0	0	-	0.00%
Human Services Fund	714,161	7,373,277	7,373,277	714,161	Human Services Fund	1,817,788	1,817,788	-	0.00%
Housing Rehabilitation Fund	75,008	0	0	75,008	Housing Rehabilitation Fund	0	0	-	0.00%
Jail Assessment Fund	6,457	16,000	20,000	2,457	Jail Assessment Fund	0	0	-	0.00%
Veterans Relief Fund	5,444	2,500	2,500	5,444	Veterans Relief Fund	1,500	1,500	-	0.00%
UW Extension Program Fund	(185)	48,405	48,405	(185)	UW Extension Program Fund	0	0	-	0.00%
Nursing Home Debt Fund	7,687	442,217	442,217	7,687	Nursing Home Debt Fund	437,717	443,017	(5,300)	-1.20%
Capital Projects Fund	418,905	1,089,449	1,156,449	351,905	Capital Projects Fund	0	0	-	0.00%
Highway Fund	0	6,859,866	6,859,866	-	Highway Fund	3,515,689	1,832,654	1,683,035	91.84%
Motor Pool Fund	80,173	192,935	192,935	80,173	Motor Pool Fund	0	0	-	0.00%
Copy Machine Fund	32,522	24,260	24,260	32,522	Copy Machine Fund	0	0	-	0.00%
Squad Car Fund	36,395	226,000	226,000	36,395	Squad Car Fund	0	0	-	0.00%
Dog License Fund	6,315	21,500	24,500	3,315	Dog License Fund	13,000	13,000	-	0.00%
<b>TOTAL</b>	<b>13,283,659</b>	<b>31,826,422</b>	<b>33,242,680</b>	<b>11,867,401</b>	<b>TOTAL</b>	<b>11,348,140</b>	<b>9,603,507</b>	<b>1,744,633</b>	<b>18.17%</b>

*Crandall-yes, Rondeau-yes, Maki-yes. (12-yes, 0-no, 1-absent) Motion carried.*

10. **Bayfield County Resolution No. 2019-79; Recognizing Bayfield County Victim Witness Coordinator, Jody Heffner, recipient of the Passageways to Peace Award, Honored for excellent work with victims;**

District Attorney Kimberly Lawton recognized Jody Heffner, *Victim Witness Coordinator*, for all her excellent work in Bayfield County. Resolution No. 2019-79 was read in recognition of Heffner.

**WHEREAS**, Jody Heffner serves as the Bayfield County Victim/Witness Coordinator in the District Attorney's Office; *and*

**WHEREAS**, Jody has been awarded the Passageways to Peace Award through the New Day Advocacy Center for going above and beyond when working with victims of domestic violence and sexual assault.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 12<sup>th</sup> day of November 2019, applauds Jody Heffner for putting Bayfield County in a positive light and demonstrating the county's commitment to victims and survivors of domestic and sexual abuse; and congratulates her on her receipt of the Passageways to Peace Award.

*Motion by Rondeau, Crandall to approve Resolution No. 2019-79, Recognizing Bayfield County Victim Witness Coordinator, Jody Heffner, recipient of the Passageways to Peace Award, Honored for excellent work with victims. Motion carried.*

11. **Bayfield County 2018 Audit Presentation; Kimberly M. Shult, CPA, Partner, Baker Tilly;**

Kimberly Shult presented on behalf of Baker Tilly. She summarized the Bayfield County 2018 Audit. An overview of the 2018 Bayfield County Audit was presented including information about the audit procedures, process, and findings. Information was also presented regarding fund balance, unassigned balances, cash and investments, debt obligation, special revenue funds, debt service funds, enterprise funds, internal service funds, etc.

The audit report found that Bayfield County has a very low amount of debt. There was one material weakness and one significant deficiency in internal control over financial reporting. One instance of noncompliance was reported (client rights training). Bayfield County has very few audit entries. Shult reported that the accounting staff at Bayfield County does a great job. Comments and questions were received from Bayfield County *Supervisors*.

*Motion by Zepczyk, Silbert to receive and place on file the Bayfield County 2018 Audit. Motion carried.*

12. **Discussion and Possible Action on Letter of Intent regarding Bayfield Wireless Partnership and Tower Agreement for a State Broadband Grant, Town of Bayview, Washburn, and Barksdale; Mike Cariveau, Chief Executive Officer;**

County Administrator Mark Abeles-Allison gave information regarding this continued partnership. This Letter of Intent is in preparation for a State Broadband Grant. This project is called the Maple Hill Tower. Both CenturyLink and Bayfield Wireless are applying for the same



grant, to serve the same region. Bayfield County will be informed if the grant is received in February of 2020. Norvado and Bayfield Wireless have been working together throughout the region.

*Motion by Silbert, Fickbohm to approve the Letter of Intent with Bayfield Wireless and Tower Agreement for a State Broadband Grant. Motion carried.*

13. **Bayfield County Resolution No. 2019-80; Fire Hill Preserve Land Acquisition Project; Forestry & Parks Department;**

*Forestry & Parks Administrator* Jason Bodine provided the history behind the Fire Hill Preserve. Bodine acknowledged the Landmark Conservancy for the considerable work they have put into this project. Bayfield County has the opportunity to acquire approximately 107 acres of continuous forest land at no expense to Bayfield County. This Resolution has been previously reviewed and recommended for approval by the Forestry & Parks Committee, as well as the Executive Committee. Comments were received from County Board *Supervisors*.

**WHEREAS**, the Fire Hill property totals approximately 104 contiguous acres, and is located in the heart of orchard country in the Bayfield Peninsula (see Exhibit A);

**WHEREAS**, the property is nearly completely forested, including examples of mature red oak, white pine, red pine and hemlock, is located within the Pikes Creek watershed, has views of Lake Superior and provides exceptional habitat for a variety of wildlife species;

**WHEREAS**, since early 2017, Landmark Conservancy (then Bayfield Regional Conservancy) has been collaborating with the current landowner regarding the permanent protection/conservation of the property, which included the potential of acquiring the land;

**WHEREAS**, as part of the process, Landmark Conservancy approached Bayfield County regarding potential ownership of said property, should full funding be secured;

**WHEREAS**, from a letter dated November 19, 2018, Bayfield County was notified, by the Wisconsin Department of Natural Resources (hereafter “DNR), of Landmark Conservancy’s grant application to the Knowles-Nelson Stewardship Program for the potential purchase of forested property in the Town of Bayfield;

**WHEREAS**, during their meeting held on September 10, 2018 the Bayfield County Forestry and Parks Committee voted to support the Fire Hill project, as proposed and presented by Landmark Conservancy (see Exhibit B), 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;

**WHEREAS**, during their meeting held on December 13, 2018, the Bayfield County Executive Committee also voted to support the Fire Hill Preserve Acquisition project, including potential County ownership of said 104 acres, but only if full funding for land acquisition is secured and awarded;

**WHEREAS**, the Town of Bayfield, Bayfield Chamber and Visitor Bureau, US Fish and Wildlife Service, Wisconsin Department of Natural Resources, and Trout Unlimited (Wild Rivers Chapter) all formally supported the Fire Hill project;

**WHEREAS**, Landmark Conservancy applied for and has been awarded \$110,985.00 in Knowles-Nelson Stewardship funds that would be used towards the purchase of said property and other associated requirements;

**WHEREAS**, as part of their unanimous vote of support for the project, the Forestry and Parks Committee and Executive Committee authorized the Forestry and Parks Department to work with Landmark Conservancy on the development and submission of a grant application to Wisconsin Coastal Management, which, if approved, would also be used towards the purchase of the Fire Hill property;

**WHEREAS**, one stipulation of receiving funds from a Wisconsin Coastal Management grant, for the purchase of property, is that said land is owned by a local unit of government;

**WHEREAS**, a combination of funds obtained from the Knowles-Nelson Stewardship grant, a bargain sale from the current landowner, additional funds from Landmark Conservancy (if necessary), and a potential grant from Wisconsin Coastal Management (that would be awarded to Bayfield County), would be used to purchase the 104 acre Fire Hill property, with ownership ultimately conveyed to Bayfield County;

**WHEREAS**, should Bayfield County be conveyed ownership of said 104 acres of land, the property would be managed by the Forestry and Parks Department, providing recognizing the terms and conditions contained within all applicable grant awards, easements and/or contracts;

**WHEREAS**, should the Forestry and Parks Department be assigned the responsibility of managing said land, short and long-term management plans will be developed, in collaboration with Landmark Conservancy, and ultimately approved by the Forestry and Parks Committee;

**THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors, meeting this 12<sup>th</sup> day of November, 2019, supports the acquisition of approximately 104 acres of land in the Town of Bayfield, as part of the Fire Hill project, contingent upon being funded, in full, by monies obtained from the Wisconsin Coastal Management grant, or similar sources, as well as Knowles-Nelson Stewardship grant funds, private donations and/or funds applied by Landmark Conservancy;

**BE IT FURTHER RESOLVED**, if full funding is obtained for the purchase of the Fire Hill property, as described above, then Bayfield County will accept ownership and management responsibilities of the land, contingent upon there being permanent legal public access to said property and acquisition costs being covered, in full, as previously described, resulting in zero out of pocket costs to the County;

**BE IT FURTHER RESOLVED**, that, should Bayfield County be conveyed ownership of the land, the property would be managed by the Forestry and Parks Department, recognizing all applicable grant awards, contracts and easements, if applied, recorded and placed on the property;

**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 and required action(s) to undertake, authorize, direct, and complete the Fire Hill project; 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;

**BE IT FURTHER RESOLVED**, that, if Bayfield County is awarded a grant from Wisconsin Coastal Management, and full funding for the Fire Hill project is secured and awarded, the following amendments will be made to the Forestry and Parks Department's 2019 or 2020 budget (depending upon the calendar year in which funds are received and/or the final closing date):

Increase Wisconsin Coastal Management (Fire Hill) Grant Revenue line:  
100-34-43584-002 by: \$89,505.00

Increase WI Coastal Grant (Fire Hill) Purchase of Land Expense line:  
100-34-55205-50252 by: \$86,405.00

Increase WI Coastal Grant (Fire Hill) Other Supplies and Expense line:  
100-34-55205-50390 by: \$3,100.00

*Motion by Strand, Gordon to approve Resolution No. 2019-80, Fire Hill Land Acquisition Project. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-yes, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-yes. (12-yes, 0-no, 1-absent) Motion carried.*

**14. Bayfield County Resolution No. 2019-81; Designation of Authorized Depositories for Bayfield County;**

This is an annual Resolution to designate where Bayfield County funds may be held.

**WHEREAS**, Section 34.05 of the Wisconsin Statutes authorizes counties to invest any of their funds not immediately needed, in time deposits, in banks, or savings and loan associations, in accordance with and subject to the limitations of Wisconsin Statute §66.0603(1m), and also authorizes counties to engage in financial transactions in which the public depository agrees to repay funds advanced to it by the county plus interest, if the agreement is secured by bonds or securities issued or guaranteed as to principal and interest by the Federal Government; *and*

**WHEREAS**, it appears to be to the financial benefit of the County and its citizens to invest funds not immediately needed in such deposits and to enter into such financial transactions from time to time; *and*

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors, assembled this 12<sup>th</sup> day of November 2019, hereby authorizes and directs the Bayfield County Treasurer to invest 2020 County funds, not immediately needed, either in time deposits in accordance with and subject to the limitations of Wisconsin Statute §66.0603, or by entering into financial transactions in which a public depository agrees to repay funds advanced to it by the County plus interest, if the agreement is fully secured by securities issued or guaranteed as to principal and interest by the Federal Government, with any of the following financial institutions, which have been designated as public depositories for Bayfield County: Bremer Bank & Bremer Trust; Security State Bank; Northern State Bank; Chippewa Valley Bank; and the Local Government Investment Pool, investing in public instruments as approved by the County Executive Committee in accordance with county and state investment policies and laws;

**BE IT FURTHER RESOLVED**, that County funds not so invested shall be deposited in checking or savings accounts at any of the foregoing institutions.

*Motion by Rondeau, Crandall to approve Resolution No. 2019-81, Designation of Authorized Depositories for Bayfield County. Motion carried with one abstention.*

15. **Bayfield County Resolution No. 2019-82; Holding of Meetings as may be necessary to conduct business in 2020;**

This is an annual Resolution which allows more meetings to be held when necessary in 2020 and to compensate for those meetings.

**WHEREAS**, Wisconsin Statute §59.13(2)(a) requires counties containing less than 25,000 population limit the number of days for which compensation and mileage may be paid to Committee members to 20 days, not more than 10 of which shall be for services on any one committee, except that the Board may increase the number of committee meetings under par. (b) and similarly fix the compensation of the members for the additional meetings; *and*

**WHEREAS**, the committees of the Bayfield County Board of Supervisors are required to conduct business of said Bayfield County, to hold and conduct committee meetings in excess of the number permitted by State Statute §59.13(2)(a); *and*

**WHEREAS**, by action of the Bayfield County Board of Supervisors, the number of meetings of said committees beyond the statutory limit may be extended.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 12<sup>th</sup> day of November 2019, agree that the committees of the Bayfield County Board of Supervisors be and are hereby authorized to hold such meetings during the year 2020, as may be necessary to conduct the business of said Bayfield County and be compensated for any such meetings.

*Motion by Rondeau, Crandall to approve Resolution No. 2019-82, Holding of Meetings as may be necessary to conduct business in 2020. Motion carried.*

16. **Bayfield County Resolution No. 2019-83; Authorization for the County Board Chair, County Clerk, and County Treasurer from Bayfield County to make Short Term Loans;**

It was noted that this authority has not been exercised in 2019 to this point.

**WHEREAS**, it may be necessary to borrow funds on a short-term basis, in order to meet payrolls and other obligations including current and ordinary expenses within the next year.

**NOW, THEREFORE, BE IT RESOLVED**, by the Bayfield County Board of Supervisors of Bayfield County in annual session, assembled this 12<sup>th</sup> day of November 2019, directs and authorizes the County Board Chairman of the County of Bayfield, the County Clerk, and the County Treasurer, to borrow funds on a short term basis for 2020, in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) in aggregate if in their opinion it should be to the County's best interest to make such loan or loans.

*Motion by Rondeau, Crandall to approve Resolution No. 2019-83, Authorization for the County Board Chair, County Clerk, and County Treasurer from Bayfield County to make Short Term Loans. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-yes, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-yes. (12-yes, 0-no, 1-absent) Motion carried.*

17. **Bayfield County Resolution No. 2019-84; Request to amend the Bayfield County Land & Water Conservation 2019 Budget due to a Department of Natural Resources Clough Island Project Grant; Land & Water Conservation Department;**

This Resolution is due to a grant from the Wisconsin Department of Natural Resources. It has been reviewed and recommended for approval by the Land & Water Conservation Committee.

**WHEREAS**, the Bayfield County Land and Water Conservation Department requests that their 2019 budget be amended as follows to reflect grant funding modifications;

**WHEREAS**, the Land & Water Conservation was awarded a new DNR Clough Island Project (NWCMA) grant in 2019 and after the 2019 budget was submitted.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors, meeting this November 12<sup>th</sup>, 2019, approve the following budget amendments to reflect modifications to the grant, cost-share and/or cooperative agreements.

Increase revenue account 100-28-43271-100 (Clough Island Project) by:

\$4,995.00

Increase expense account 100-28-56109-50290 Contractual (Clough Island Project) by:

\$4,995.00

*Motion by Strand, Milanowski to approve Resolution No. 2019-84, Request to amend the Bayfield County Land & Water Conservation 2019 Budget due to a Department of Natural Resources Clough Island Project Grant. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-yes, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-yes. (12-yes, 0-no, 1-absent) Motion carried.*

18. **Bayfield County Resolution No. 2019-85; Regarding per diem compensation for County Board Supervisors and Committee meeting members, commencing April of 2020; Offices of Bayfield County Clerk & County Administrator;**

This compensation is being established prior to election papers being taken out. The Executive and Personnel Committees made two edits on the Resolution. County Board *Chair* Pocernich summarized this Resolution. Per diems are proposed to increase to \$75 per committee meeting, \$100 for a County Board Meeting, \$100 for multiple meetings in one day, and \$100 for a meeting that lasts over 4 hours. This will commence in April of 2020.

**WHEREAS**, SS 59.10(3)(f) states the method of compensation for Supervisors is determined by a 2/3<sup>rd</sup> vote at its annual meeting.

**WHEREAS**, SS 59.13(2) states the method of compensation for committee members is determined by the County Board.

**WHEREAS**, the current compensation established by County action on 10/30/2001 allow for \$50 per diem for committee members and \$75 per diem for full County Board Meetings. If a Board member attends 2 or more meetings within a day or a meeting should last more than 4 hours, the member would receive a \$75 per diem.

**WHEREAS**, comparable County per diems were discussed at the 10/29/2019 County Board Meeting.

**WHEREAS**, it was requested at that meeting that the Clerk draw up a Resolution with a recommendation for an increase based on the discussion.

**NOW, THEREFORE, BE IT RESOLVED**, the per diem for committee meetings will be as follows:

- \$75 per committee meeting.
- Meetings that last over 4 hours will be compensated \$100 per diem.
- Multiple meetings in one day will be compensated up to \$100 per day.
- Full County Board Meetings will be compensated at \$100 per diem.
- All members are also eligible for mileage reimbursement.

*Motion by Rondeau, Zepczyk to approve Resolution No. 2019-85, Regarding per diem compensation for County Board Supervisors and Committee meeting members, commencing April of 2020. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-No, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-No. (10-yes, 2-no, 1-absent) Motion carried.*

19. **Appointment to the Bayfield County Criminal Justice Council; Gary Sherman; Term ending April of 2020;**

Gary Sherman has been appointed as a citizen member on the Bayfield County Criminal Justice Council. His experiences and background were discussed, including that he that was a former Judge for the State of Wisconsin. He was recommended by the Criminal Justice Core Team.

*Motion by Oswald, Fickbohm to approve the appointment of Gary Sherman to the Bayfield County Criminal Justice Council with a term ending April of 2020. Motion carried with one opposed.*

20. **The Bayfield County Board of Supervisors may entertain a motion 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 specific public business, whenever competitive or bargaining reasons require a closed session. §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 by Rondeau, Milanowski to enter Executive/Closed Session at 7:18 p.m. Motion carried with unanimous vote.*

The following were allowed to remain in Executive/Closed Session: *County Administrator-* Mark

Abeles-Allison; *County Clerk*- Scott Fibert; *Clerk III*- Allison Radke.

Discussion took place with no action regarding the Red Cliff Zoning Lawsuit and Bayfield County Union Negotiations.

There being no further business to conduct in Executive/Closed Session, *a motion was made by Rondeau, Crandall to return to Open Session at 7:27 p.m. Motion carried.*

21. **Discussion and Possible Action regarding 2020 Contract for Teamsters Union;**

This was previously discussed and negotiated by the Personnel Committee.

*Motion by Rondeau, Gordon to approve the 2020 Contract for Teamsters Union. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-absent, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-yes. (11-yes, 0-no, 2-absent) Motion carried. (Supervisor Silbert exited the room prior to this vote.)*

22. **Discussion and Possible Action regarding 2020 Wage Scale Indexing;**

The Personnel Committee is recommending a wage scale index of 1.5%. This would help Bayfield County remain competitive and react to inflation.

*Motion by Maki, Gordon to approve the 2020 Wage Scale Indexing. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-yes, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-yes. (12-yes, 0-no, 1-absent) Motion carried.*

23. **Discussion and Possible Action regarding 2020 Cost of Living Wage Adjustments for employees at the second year at Step 11;**

This motion would impact the few employees that are at Step 11 and are therefore not eligible for a Step increase.

*Motion by Gordon, Rondeau to approve the 2020 Cost of Living Wage Adjustments of .57% for employees at the second year at Step 11. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-yes, Pocernich-yes, Strand-yes, Snilsberg-yes, Milanowski-yes, Zepczyk-yes, Crandall-yes, Rondeau-yes, Maki-yes. (12-yes, 0-no, 1-absent) Motion carried.*

24. **Discussion and Possible Action regarding WPPA Contract;**

There was no discussion on this agenda item. No action was taken.

25. **Bayfield County Administrator's Report:**

a) **Future County Board Meeting Dates:**

- ✓ *No December 2019 County Board Meeting* anticipated at this time. Will schedule if required.
- ✓ **January 28<sup>th</sup>, 2020** – Regularly scheduled meeting

- ✓ **February 25<sup>th</sup>, 2020** – Regularly scheduled meeting
- ✓ **Also, Holiday Luncheon** – December 11<sup>th</sup>, All County Board *Supervisors* are welcome.

b) **2020 Census**; Another 2020 Census Complete Count meeting will be held on December 12<sup>th</sup>.

c) **CWD Testing and Dumpsters**;

In the County Board packet, there was a newspaper article from the Daily Press regarding CWD. This week dumpsters for CWD are going out to six locations throughout the region.

d) **Health Insurance 2020 Update**;

The decision was made at the Personnel Committee to move ahead with the State Health Insurance for 2020.

e) **Superior Days Issues**;

There is a summary of the issues in the County Board packet regarding Superior Days.

f) **County Administrator Evaluation Form**;

The evaluation form was included in the packet. The evaluation will be conducted with anonymous clickers in January of 2020.

g) **Reminder to turn in all mileage + per diems by **December 13<sup>th</sup>** to the County Clerk's Office.**

Please turn in all mileage and per diems before December 13<sup>th</sup>, so that expenses can be paid in the proper year. Election paperwork has been distributed. If applicable, please fill out non-candidacy forms to ensure representation in all districts.

26. **Supervisors' Reports**;

Kellie from Extension is helping to organize a Chequamegon Economic Summit on April 23, 2020.

27. **Future Agenda Items**; None identified.

28. **Adjournment.**

There being no further business to come before the Bayfield County Board of Supervisors, *Chair* Pocernich adjourned the meeting at 7:39 p.m.

Respectfully submitted,

**SCOTT S. FIBERT**

Scott S. Fibert, *Bayfield County Clerk*

SSF/alr