

Bayfield County Clerk

Scott S. Fibert, *County Clerk*

Kim Mattson, *Accountant*

Gail M. Reha, *Bookkeeper*

Jeran Rekemeyer, *Deputy Clerk*

Allison Radke, *Clerk III*



Ph: 715.373.6100 • Fx: 715.373.6153 • Email: sfibert@bayfieldcounty.org • 117 E. Fifth Street, PO Box 878, Washburn, WI 54891

Draft Minutes of the:
Bayfield County Board of Supervisors' Meeting
January 28th, 2020 6:00 p.m.

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

BAYFIELD COUNTY BOARD OF SUPERVISORS

Dennis M. Pocernich, *Chair*, Fred Strand, *Vice-Chair*
George Newago, Thomas Gordon, Larry Fickbohm, Harold Maki,
Jeremy Oswald, Jeffrey Silbert, Thomas Snilsberg, Marty Milanowski,
David Zepczyk, James Crandall, Brett Rondeau

The Bayfield County Board of Supervisors was called to order at 6:01 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 (via telephone); 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 Comment**:

Sandra (Sandy) Raspotnik introduced herself. She is a District 4 candidate for Bayfield County Board *Supervisor*. Raspotnik is from the Town of Washburn and serves as the *Town Chair* in the Town of Washburn. She works in the field of education and became interested in running for local office in part because of her family's history and experience in political office.

5. **Motion Regarding the Minutes of the November 12th, 2019 Bayfield County Board of Supervisors' Meeting**;

Motion by Rondeau, Milanowski to approve the Minutes of the November 12th, 2019 Bayfield County Board of Supervisors' Meeting. No additions or corrections. Motion carried.

6. **Bayfield County Resolution No. 2020-01; Recognizing Dennis Mika for 19 years of dedication and service in the Bayfield County Sheriff's Department**;

The Resolution was read by *County Administrator* Mark Abeles-Allison. The plaque was presented

to *Sheriff* Susienka in recognition of Dennis Mika for his service.

WHEREAS, Dennis Mika has served Bayfield County with distinction, honor and dedication in the Sheriff's Office for over 19 years,

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 28th day of January 2020, honors Dennis Mika for his over 19 years of public service to Bayfield County and expresses gratitude for his efforts, wishing him well in the years ahead.

Motion by Gordon, Rondeau to approve Resolution No. 2020-01, Recognizing Dennis Mika for 19 years of dedication and service in the Bayfield County Sheriff's Department. Motion carried.

7. **Bayfield County Resolution No. 2020-02; Recognizing Captain Roy Hitchcock for 24 years of dedication and service to the Bayfield County Sheriff's Department;**

The agenda states that Roy Hitchcock is being recognized for 30 years of service. This amount was corrected to 24 years.

The Resolution was read by *Supervisor* Silbert and an award was presented to Captain Roy Hitchcock, thanking him for his service.

WHEREAS, Roy Hitchcock led the Bayfield County Reserve Unit from 1999 until recently, and

WHEREAS, Roy Hitchcock has provided this leadership with the highest of professional, ethical, and moral standards, along with excellent communication, experience and knowledge and facilitated a collaborative team spirit, and

NOW, THEREFORE, BE IT RESOLVED, on this day 28th day of January 2020 the Bayfield County Board expresses their sincere appreciation, recognition, and gratitude to Roy Hitchcock for his distinguished service.

Motion by Maki, Silbert to approve Resolution No. 2020-02, Recognizing Captain Roy Hitchcock for 24 years of dedication and service to the Bayfield County Sheriff's Department. Motion carried.

8. **Presentation: Mike BeBeau, Manager - Xcel Energy, Solar Connect, Founding Member;**

Mike BeBeau from Xcel Energy presented an award recognizing Bayfield County as a founding member of Solar Connect. The three solar gardens in the State have been completely filled. They are located near Eau Claire, LaCrosse, and Ashland. Bayfield County subscribed to 19% of the solar garden in Ashland.

9. **Bayfield County Resolution No. 2020-03; Sale of Land to Across the Pond Veterans Park and Withdrawal from County Forest Law; Department of Forestry & Parks;**

This item will be brought forward to a future agenda. The month is not determined at this time.

10. **Department of Forestry & Parks 2020 Annual Work Plan; Jason Bodine, Forestry & Parks Director;**

This plan has been approved and recommended by the Forestry & Parks Committee. The plan helps Bayfield County to secure the County Forest Administrator grant and other grants. *Forestry & Parks Director* Jason Bodine gave information about the Executive Summary. Bodine reported that the last Forest Certificate Audit went very well and that Bayfield County's certificate was renewed for another five years. No corrective action, minor or major, was recommended. Questions and comments were received. It is required per State Statute to receive County Board approval of this Forestry & Parks Annual Work Plan in order to receive the County Forest Administrator Grant.

Motion by Strand, Maki to approve the 2020 Forestry & Parks Annual Work Plan. Motion carried.

11. Report from the Cervid Study Committee regarding Chronic Wasting Disease;

Land & Water Conservation Director Ben Dufford provided an overview of the Chronic Wasting Disease (CWD) efforts. He reported that Bayfield County remains CWD free. Of 189 heads tested in Bayfield County this year, zero showed signs of CWD. Two additional interns worked with Bayfield County on this project. Educational materials and information were released to area businesses and through social media, newspapers, and radio. Dufford reported about the CWD dumpster usage and locations. He also informed that deer harvest this year was down 43%. Continuation of this program will depend on Department of Natural Resources funding. Oneida County had two positive cases. Questions were received from County Board *Supervisors*. The Land & Water Conservation Department, the *County Administrator*, and other contributing Departments were recognized for their work and success in this pilot program.

Motion by Rondeau, Maki to receive and place on file the report from the Cervid Study Committee regarding Chronic Wasting disease. Motion carried.

12. Bayfield County Resolution No. 2020-04; Ten-year Bayfield County Land and Water Resource Management Plan; Land & Water Conservation Department;

Land & Water Conservation Director Dufford provided an overview of the Ten-year Bayfield County Land & Water Resource Management Plan. This plan was reviewed and recommended for approval by the Land & Water Conservation Committee. The Wisconsin Land & Water Conservation Board also reviewed and recommended this plan.

WHEREAS, Chapter 92.10 of the Wisconsin Statutes requires that all counties in the state of Wisconsin develop a Land and Water Resource Management Plan; and

WHEREAS, the Bayfield County Land Conservation Committee hosted three public input sessions, contacted representatives of partnering NGOs, (hosted meeting(s) open to the public), and held one public hearing to explain the plan process, solicit public opinion, and to solicit participation in the revision of the Land and Water Resource Management Plan; and

WHEREAS, the Bayfield County Land Conservation Committee formed a volunteer workgroup to draft a county-wide AIS Strategic Plan with the goals, objectives, and activities to address aquatic invasive species control, education, and prevention incorporated into this LWRMP; and

WHEREAS, the resulting LWRMP identifies land and water resource management goals, objectives, and activities for implementation by the Bayfield County Land Conservation Committee and the LWCD staff for the next ten years, including a work plan revision after 5 years; and

WHEREAS, at their November 8th, 2019 meeting, the Bayfield County Land Conservation Committee approved the Land and Water Resource Management Plan and forwarded the approved plan to the Bayfield County Board for their review and action; and

WHEREAS, the Bayfield County Land Conservation Committee staff presented the revised Land and Water Resource Management Plan to the Wisconsin Land and Water Conservation Board, at their meeting on December 3, 2019; and

WHEREAS, the Bayfield County Land and Water Resource Management Plan was reviewed and approved by the Wisconsin Land and Water Conservation Board at their meeting on December 3, 2019:

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, does approve the Bayfield County Land and Water Resource Management Plan to be implemented for the period January 2020 through December 2029, with a work plan review and update in 2024.

Motion by Strand, Milanowski to approve Resolution No. 2020-04, Ten-year Bayfield County Land and Water Resource Management Plan. Motion carried.

13. **Bayfield County Resolution No. 2020-05; Request to amend the 2020 Budget for funds received from the DNR Clough Island Project Grant and Cost-Share Funds from DATCP Reserve; Land & Water Conversation Department;**

These additional grants for the Land & Water Conservation Department were received after the 2020 budget was approved. The grants were received from the Department of Natural Resources (DNR) and also from the Department of Agriculture, Trade, and Consumer Protection (DATCP).

WHEREAS, the Bayfield County Land and Water Conservation Department requests that their 2020 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 2020 and after the 2020 budget was submitted.

WHEREAS, the Land & Water Conservation was awarded an additional \$76,500.00 Cost-Share Funds from DATCP Reserve after the 2020 budget was submitted.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, meeting this January 28th, 2020, 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): \$4,995.00

Increase revenue account 100-28-43589 (DATCP-LWRM (Cost-Share/Bond) by: \$76,500.00
Increase expense account 100-28-56101-50291 (LWCD-DATCP Cost-Share/Bond) by: \$76,500.00

Motion by Rondeau, Gordon to approve Resolution No. 2020-05, Request to amend the 2020 Budget for funds received from the DNR Clough Island Project Grant and Cost-Share Funds from DATCP Reserve. A roll call was taken as follows: Newago-absent, Gordon-yes, Fickbohm-yes, Oswald-yes, Silbert-yes, Pocerlich-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. 2020-06; SAMHSA (Substance Abuse and Mental Health Services Administration) Grant; Criminal Justice Department;**

Bayfield County has an extensive Criminal Justice Program. This Resolution is in support of the application for the Substance Abuse and Mental Health Services Administration (SAMHSA) grant. This grant would help expand the Criminal Justice Program and would focus on housing, transportation, and professional employee costs.

WHEREAS, Bayfield County works proactively with inmates and the circuit court to reduce recidivism of individuals with substance abuse and mental health needs; and

WHEREAS, the Bayfield County Community Health Plan has identified both substance and alcohol use as top priority areas to focus on; and

WHEREAS, Bayfield County Treatment Court has a well-established history of providing alternatives to incarceration

WHEREAS, the Substance Abuse and Mental Health Services Administration has funding available for a period five years for the purpose of enhancing treatment courts.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 28th day of January 2020, do hereby authorize Bayfield County Criminal Justice to apply for a SAMHSA grant to provide enhanced treatment court services.

Motion by Gordon, Crandall to approve Resolution No. 2020-06, authorizing the Criminal Justice Department to apply for the SAMHSA Grant. Motion carried with one opposed.

15. **Bayfield County Resolution No. 2020-07; Rural Development Disaster Grant Application for Highway Repair; Highway Department;**

This USDA Community Facility Disaster Assistance Program grant was described as very competitive. If received, the funding would be applied to Pigeon Lake and County Highway N.

WHEREAS, severe flooding of Pigeon Lake over the past 24 months has caused water levels to rise along County Highway N; and

WHEREAS, the Bayfield County Highway Department has spent close to \$1,000,000 during this time making emergency repairs and maintenance; and

WHEREAS, Bayfield County provided data regarding flooding damage to the USDA in late 2019; and

WHEREAS, The USDA, through the Community Facility Disaster Assistance Program allocated funding to help communities rebuild from natural disasters; and

WHEREAS, Bayfield County could qualify for up to 35% of grant funds for needed projects; and

WHEREAS, Bayfield County estimates that another four-foot lift will be needed in the Spring / Summer of 2020 at a cost of approximately \$452,555; and

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 28th day of January 2020, do hereby authorize the County Highway Department to apply for USDA Community Facility Disaster Assistance Program funds for the Pigeon Lake / County Highway N Highway Repair Project.

Motion by Rondeau, Crandall to approve Resolution No. 2020-07, authorizing the Highway Department to apply for the Rural Development Disaster Grant for highway repair. Motion carried.

16. **Bayfield County Resolution No. 2020-08; Enhanced 911 Grant; Emergency Management Department;**

Sheriff Susienka and Emergency Management Coordinator Jan Victorson provided an overview on this Next Generation 911 Upgrade grant. Upgrades need to be made to the 911 system. There would be technology upgrades as well. This Resolution is a commitment from Bayfield County to contribute 40% local cost share. The estimated cost for Bayfield County would be around \$50,000.

WHEREAS, modernizing Wisconsin's 911 system has been a priority for local governments, Public Safety Answering Points (PSAPs), law enforcement, and the telecommunications industry since the early 2000s; and

WHEREAS, the State of Wisconsin announced a Next Gen 911 grant available to qualifying Public Service Answering Points across the state; and

WHEREAS, a NG911 system utilizes advancements in technology to improve communication with 911 operators and provides greater efficiency in assisting individuals in crisis; and

WHEREAS, currently Bayfield County is NOT Next Gen 911 capable; and

WHEREAS, the Bayfield County system has an end of life in 2021 and will no longer be supported; and

WHEREAS, the Bayfield County Sheriff's Office has explored Next Gen Enhancements to the existing PSAP and has recommended application for a Next Gen 911 Grant; and

WHEREAS, Bayfield County is located in a very rural area with limited cell coverage making Next Gen 911 features such text to 911 very attractive; and

WHEREAS, the county understands that the Next Gen 911 grant has a 40% local cost share; and

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 28th day of January 2020, do hereby authorize the County to apply for a Next Gen 911 Grant and commits funds toward the County match; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Bayfield County Board of County Supervisors thanks the Wisconsin Office of Emergency Communications for administering this grant funding for Wisconsin communities.

Motion by Fickbohm, Rondeau to approve Resolution No. 2020-08, in support of the Enhanced 911 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.

17. **Discussion and Possible Action regarding Bayfield County changing to the IRS mileage rate retroactive to January 1st, 2020;**

This motion is a wording change to allow the Bayfield County mileage rate to change to the IRS mileage rate from the previously approved 58 cent mileage rate.

Motion by Gordon, Rondeau to approve the change to the IRS mileage rate, retroactive January 1st, 2020. 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. **Discussion and Possible Action regarding the 2020 Emergency Fire Warden Organization list; Wisconsin Department of Natural Resources;**

The 2020 Emergency Fire Warden Organization list is an annual requirement and was submitted to Bayfield County from the Wisconsin Department of Natural Resources.

Motion by Rondeau, Crandall to approve the 2020 Emergency Fire Warden Organization List. Motion carried.

19. **Appointment to the Tahkodah Lake District Board of Commissioners;**

Supervisor Jim Crandall was appointed to the Tahkodah Lake District Board of Commissioners.

Motion by Rondeau, Fickbohm to approve the appointment of Supervisor Jim Crandall to the Tahkodah Lake District Board of Commissioners. Motion carried.

Supervisor Jeremy Oswald departed via telephone prior to Executive/Closed Session.

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)(c), Considering employment, promotion, compensation or performance valuation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. §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 7:11 p.m. Motion carried with unanimous vote.

The following were allowed to remain in Executive/Closed Session: *Corporation Counsel- John*

Carlson; *Attorney*- Michael Modl via telephone; County *Administrator*- Mark Abeles-Allison; County *Clerk*- Scott Fibert; *Clerk III*- Allison Radke.

Discussion took place regarding the Red Cliff Zoning Lawsuit and the Bayfield County Administrator's Evaluation.

There being no further business to conduct in Executive/Closed Session, *a motion was made by Rondeau, Milanowski to return to Open Session at 8:07 p.m. Motion carried.*

21. **Report of the Bayfield County Planning and Zoning Committee No. 2020-01; Petition to amend the Bayfield County Zoning Ordinance regarding the Zoning of Bonney – Bayfield Properties, LLC parcel in the Town of Russell from Agricultural-One (Ag-1) to Commercial; Rob Schierman, Planning and Zoning Director;**

The motion is to receive and place on file this Report that was discussed in the November 21st, 2019 Bayfield County Planning and Zoning Committee meeting.

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:

The Zoning of **Bonney – Bayfield Properties, LLC**, owner and Todd Bonney, agent 4.5-acre parcel in a shoreland (ID# #29514), described as that part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼), lying North of Hwy 13 in V. 895 P. 697, Section 36, Township 51 North, Range 4 West, Town of Russell, Bayfield County, WI from **Ag-1 to Commercial**.

(* Note: parcels within one thousand (1,000) feet landward of the ordinary high-water mark of navigable lakes, ponds or flowages or within three hundred (300) feet landward of the ordinary high-water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater is deemed a shoreland and/or wetland zone.)

Motion by Rondeau, Milanowski to receive and place on file Report No. 2020-01. Motion carried with one opposed.

22. **Bayfield County Ordinance No. 2020-01; Amendment regarding the Zoning of Bonney – Bayfield Properties, LLC parcel in the Town of Russell from Agricultural-One (Ag-1) to Commercial; Rob Schierman, Planning and Zoning Director;**

Due to the Zoning litigation involving the Red Cliff Band of Lake Superior Chippewa, the Bayfield County Board discussed returning this Amendatory Ordinance to the Planning & Zoning Committee.

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 change district boundaries; and

WHEREAS, it is deemed in the best interest of the County of Bayfield that the District Boundaries be further modified and amended in the manner hereinafter set forth;

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

The Zoning of **Bonney – Bayfield Properties, LLC, owner and Todd Bonney, agent** 4.5-acre parcel in a shoreland (ID# #29514), described as that part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼), lying North of Hwy 13 in V. 895 P. 697, Section 36, Township 51 North, Range 4 West, Town of Russell, Bayfield County, WI from **Ag-1 to Commercial**.

(* Note: parcels within one thousand (1,000) feet landward of the ordinary high-water mark of navigable lakes, ponds or flowages or within three hundred (300) feet landward of the ordinary high-water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater is deemed a shoreland and/or wetland zone.)

Motion by Strand, Rondeau to refer Amendatory Ordinance No. 2020-01 back to the Planning & Zoning Committee and then to return to the County Board for enactment or rejection. Motion carried with one opposed.

23. **Bayfield County Administrator’s Report:**

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

- ✓ February 25th, 2020 – Regularly scheduled meeting
- ✓ March 31st, 2020 – Regularly scheduled meeting
- ✓ April 21st, 2020 – Statutory meeting - Reorganization meeting with swearing in.

b) **2020 Census;** Materials will start arriving in March. County Board *Supervisors* are being asked to spread the word in their communities. It can be completed electronically or in paper format.

c) **Superior Days Issues;** The conference will be held on February 11th and 12th. Topics of local interest were highlighted.

d) **Lighthouse Services;** Lighthouse Services is a company Bayfield Company contracts with. It is an anonymous whistleblower service. This system can help to alert regarding fraud and ethics violations.

e) **Letter from Senator Tammy Baldwin;** Bayfield County Board of *Supervisors* received a letter in response from Senator Baldwin. The letter was recognized.

- f) **Northern Lights Finance Report;** A report will be provided next month.
- g) **January 20th, 2020 Inservice Day;** An overview was provided of the 1st Bayfield County Inservice Day. Highlights and photos were shared.

24. Supervisors' Reports;

Positive reports were received regarding Northern Lights Services Inc. The Vaughn Library is in the discussion stage of a \$4 million building project. *County Clerk* Fibert gave a brief review of the February 18th, 2020 ballot.

25. Future Agenda Items; None identified.

26. Adjournment.

There being no further business to come before the Bayfield County Board of Supervisors, *Chair* Pocernich adjourned the meeting at 8:26 p.m.

Respectfully submitted,

SCOTT S. FIBERT

Scott S. Fibert, *Bayfield County Clerk*
SSF/alr