

Regular Town Board Meeting- July 20th, 2017

The meeting was posted Tuesday, July 11th, 2017 at the Bayfield Town Hall, the town website, and submitted to the Ashland Daily Press Meeting Notices. Chairman Thomas J. Gordon and Supervisors Karen Boutin, Robert Meierotto, Gerald Carlson, and Craig Hoopman were present, as well as Clerk Kelly Faye, Treasurer Larry Weber, and Road Foreman Chuck Cadotte. Twelve members of the public were present. Chairman Gordon called the meeting to order at 7:00 PM.

Public Comment and Suggestions from Persons Present: 1) Sean Heckman was present and expressed that he would like the Town Board to consider establishing a noise ordinance for Ski Hill Road. He mentioned concerns over late night shows being held at Big Top Chautauqua. Chairman Gordon asked him to submit his request in writing. Heckman provided a letter to Clerk Faye at that time. 2) Galazen asked about the current state of gravel crushing. Foreman gave an update on the status. Wayne Nelson stated that if the town is unable to get gravel from its current sources that he could be contacted. 3) Jack Beagan- Town of Bayfield Plan Commission Chairman gave an overview of the Nelson Special Use application to be considered later in the meeting and some of the concerns that were brought up by the Plan Commission when the application was considered at their meeting on July 10th, at which time the Plan Commission recommended the application be denied. He also explained that he has since spoke with Rob Schierman and was told that there have been complaints related to other short-term rentals in Bayfield County. He also confirmed with Schierman that short-term rental units go through Bayfield County Health Department checks for working smoke/carbon monoxide alarms, etc. Beagan also addressed the behavior of the Wayne Nelson at the Plan Commission. He stated that his disrespectful behavior towards the Plan Commission members at the meeting was not acceptable and would not be tolerated in the future.

Discussion and Identification of Items for Future Agendas: Chairman Gordon asked that the discussion of a potential noise ordinance be added to the August agenda.

Approval of the Minutes of the Regular Town Board Meeting of June 19th, 2017: A motion was made by Carlson, seconded by Boutin, to approve the minutes. Motion carried.

Receive and Place on File the Treasurers Report for July 2017 and 2017/2018 Snowplowing Rate:

Deputy Treasurer Joel Weber reported the following...

General Checking Account	Current Balance:	\$ 38,802.40
Money Market Savings Account	Current Balance:	\$ 245,745.60
Total		\$ 284,548.00

Designated Funds

Growth Incentive Fund \$ 16,045.71

Total Designated Funds	- \$ 16,045.71
Cash Available to Town	\$ 268,502.29
Combined Bremer Bank Loan Principal	\$ 106,049.61
Payments due on the 1st each month.	\$ 5,400.00

Last payment April 1st, 2019

The current snowplow rate is \$90.00 hr. with a 15 minute minimum of \$22.50 per time plowed. There is also a \$15.00 sign up fee which is non refundable. There were 78 accounts for the 2016/2017 season. Of the 78, 11 had no plowing with 67 receiving service for a total of 395 time plowed.

The Town will collect \$8,887.50 in fees for 2016/2017.

Per WI Statutes 86.105, which allows the Town to remove snow from private driveways, it cannot be done for free nor can it be done as a revenue generator but must be done with contract that serve to recover solely the costs of doing the work. Base on the Statute and the cost of plowing for 2016/2017, My recommendation is to leave the fee at the present rate for the 2017/2018 season.

A motion was made by Meierotto, seconded by Boutin, to approve the Treasurer's Report and keep the 2017/2018 snowplowing rate at \$90.00 hr. Motion carried.

Report from Pikes Bay Sanitary District: Rex Dollinger reported on several issues:

- 1) Joel Weber who has managed the Greater Bayfield Waste Water Treatment Plant for around 11 years has chosen to move on to another job offered to him doing similar work in Washburn. He explained that Weber has always done a fantastic job and they are sorry to see him leave. Dollinger explained that the City of Bayfield was presented with the situation to see if they could match the compensation that was offered to Weber in Washburn, but they were unable to do so.
- 2) Representatives from Big Top Chautauqua attended the last PBSB meeting and asked for an extension to comply with the orders to connect their Highway 13 property to the PBSB line. The extension was approved. PBSB will be in discussion about what will be required if the Big Top property on Ski Hill Road is developed as planned. Howl, LLC also made a presentation about their plans to connect to the PBSB line and they do not believe there will be any problems with this.
- 3) Dollinger explained that it had been discussed in recent months that the PBSB could possibly be expanded to include more of the Town of Bayfield. PBSB developed a resolution for the

Town Board to consider but will not be passing it to them unless the Town Board shows interest in this possibility. He distributed a handout with the following information:

Current PBSD Financial Approach

PBSD Cash Operating Budget (\$113,000, paid for by monthly user fees)

Balancing requires us of depreciation of approx. \$60,000

- Operators Salary
- Clerical Wages
- Utility Costs
- GBWWTP Waste Treatment Costs
- Lift Station, Line and Grounds Maintenance
- % of Board Salaries (Per Time Sheets)
- % of Professional Services (Per Project)

District Costs (paid for by tax levy)

- GBWWTP CWF Loan Principle and Interest
- CWF Required GBWWTP Replacement Fund Funding
- PBSD Audit (Required by SWF and DOA)
- % of Professional Services (per project)
- % of Officers' Compensation (per time sheets)

Future Levy (After 2024)

- CWF Required GBWWTP Replacement Fund Funding
- PBSD Audit
- % Officers compensation
- % Professional services
- Support for Expansion

Estimated Tax Change

2016 True Values Bayfield Township

Base Real Estate \$170,717,000

Personal Property \$916,700

Total \$171,633,700

2016 True Values PBSD

Base Real Estate \$144,438,700

Personal Property \$86,900

Total \$144,525,600

2015 Tax Levy \$60,533.21

Present Levy: $\$60,533.21/\$144,525,600 = \$42.57/\$100K$

Simple Township: Levy: $\$60,533.21/\$171,633.700 = \$35.27/\100

17.1% reduction

There would be some reduction in Twp. Numbers because of ag and industrial so the difference would be less than stated above.

Estimated change in parcels taxed

Town of Bayfield = 1810 tax parcels

PBSD District = 1138 tax parcels (63% of TWP)

Difference = 672 tax parcels (37% of TWP)

2015 Tax Levy As Approved

Clean Water Fund

\$36,170.97 Principle

\$4,234.48 Int. May

\$3,806.76 Int. October

\$44,210.21

\$12,423.00 Replacement Fund

\$56,633.21

“District” Expenses

½ Officers’ Compenstation

\$7,800 in Budget for 2015

\$3,900 Added to Tax Levy

\$56,633.21

\$3,900.21

\$60,533.21

For 2016:

1. % of Officer’s Compensation

2. % of “District” Costs for Expansion

3. Audit Costs to Satisfy CWF

Hoopman asked of the 63% of the parcels in the district what percentage is accessible to PBSD lines. Dollinger wasn’t sure but estimated it to be about 200-225 users that theoretically could be serviced.

Meierotto asked if there is a per foot price that it takes to connect to provide an estimate about the Business Park. Dollinger estimated it could be ¾ of a million dollars. He noted that it is closer to Red Cliff and that connect with them may be the best option.

Update from Business Park Promotion Committee.

- a. Discussion and possible action on selection of new Chairperson for Committee:**
Chairman Gordon reported that Robert Feyen resigned as Chairman of the Business Park Promotion Committee. He stated they would pick a new Chairperson at the next meeting and that Jenna Galegher could lead the next meeting.
- b. Discussion and possible action on proposed rezone of Business Park property, selection of zoning classification(s), and related application process/timeline (or set date and time for special joint meeting to address these issues):** Chairman Gordon explained Rob Schierman of Bayfield County Planning and Zoning stated that it could probably be rezoned.
- c. Discussion and possible action on request from committee to town board to obtain proposal from Cedar Corporation for study of the business park site, help establishing an economic development plan for the park, and development a promotional document and request to assess if budget would allow for related costs:** Chairman Gordon explained that the most recent quote stated the work could be done for around \$6,000. A motion was made by Hoopman, seconded by Meierotto, to recommend that the Town Chairman/Clerk meet with the Town Treasurer to look for \$6,000 in available funds, and if funds will be available to enter into a contract with Cedar Corporation for up to \$6,000. Motion carried.
- d. Update from Telecommunications Sub-Committee:** Ron Hauptert provided an overview of the current work the sub-committee is doing. He stated that 240 surveys were sent out and 115 have been received back at this point. The results will be compared with and incorporated into the results that the Town of Russell received from their residents

New Business

Discussion and possible recommendation to Bayfield County Planning & Zoning regarding Class A Special Use Request from Wayne Nelson for a short-term rental property (for period of less than 30 days) located on 4.5-acres, zoned Ag-1, at 87260 Eagle Bluff Drive. Tax ID # 35742:
Wayne and Mirka Nelson were in attendance. Wayne stood and apologized for his behavior at the Plan Commission Meeting explaining that he was frustrated at the time. He explained that he has since gone to the Bayfield County Zoning Office and was able to have 15 applications like his that have come to the Town of Bayfield many of which have been approved. Mirka stood and presented information. She handed out her written presentation to the Town Board members and then went through its contents.

Town of Bayfield Town Board,

We are asking you to approve our request for Class A Special Use permit for short term rental (less than 30 days) for our residence located at Eagle Bluff Dr. - because it is consistent with the Town of Bayfield Comprehensive plan & Land use map.

Town of Bayfield has approved 15 short term rentals- Class A Special use permits in the last 9 years.

Three of which were in Agricultural zoning - 2 of which were on Meyers-Olson Road - within a mile from our house.

According to Town of Bayfield Comprehensive plan - Tourism is the state's second largest industry, and has a great impact on economic development in Bayfield County, too.

1. Town of Bayfield Comp plan vision states:

"We therefore support and encourage growth of our existing businesses: our cottage industries, forest products industry, orchards, farms, tourism businesses and marinas. We also seek to create conditions, which will attract new businesses, particularly those that might add value to the products of our local businesses as well as new clean enterprises..."

We will do this.

2. Town of Bayfield Comp plan also states (HOME BASED BUSINESS): There are opportunities for expanding home-based business within the Town of Bayfield. These businesses do not typically require municipal sewer or water supply, are generally low impact, and do not typically generate high traffic volume. - *WE ALREADY DO THIS*

3. T of Bayfield Comp plan - Goal 3 in survey for "Economic Development: (83/38)

a) "job creation" - the better we do, the more people will be hired

b) "develop new business" - trying to

c) "attract new business" - trying to

d) "broader tax base" - 6 % room tax in City and Town of Bayfield

e) "low environmental impact" - existing home, existing well ...

Our Request will do all of the above.

4. Town's Comp Plan talks about: Expanding economic benefits of tourism to existing businesses, restaurants, gift shops, art galleries, golf courses, ski facilities, Big Top Chautauqua, Apostle Islands National Lakeshore, silent sports) by promoting growth and development of lodging and supporting businesses and by extending tourist season into winter and the shoulder seasons.

WE will do all this.

5. V. PLANNING FOR ECONOMIC DEVELOPMENT

Desired Economic Development - The Town of Bayfield will support economic development that is consistent with the town's goals and objectives. In general, the town will support and/or encourage economic development that: Expands economic benefits of tourism for existing businesses Is "clean" business which will provide year-round employment Adds value to the products of local businesses. *AND WE WILL DO ALL THAT*

6. VI. ECONOMIC DEVELOPMENT GOALS AND OBJECTIVES: Create well paying year-around employment opportunities for the resident families of the Town of Bayfield by encouraging growth of existing businesses and by attracting new businesses which are compatible with our environment and values and fit the Town's Vision for its future. *WE WILL DO THIS.*

7. Land use talks about - The visual environment of the Town of Bayfield is an important component of the community's rural character. Apart from the views of the natural forested landscape, views of Lake Superior ... are important features of the visual landscape.

WE HAVE A NATURAL Scenic overlook

8. We want to promote the quite beauty of the area - enjoying the privacy not a bustle of the city setting. (Not our target market).

9. LAND USE - Providing green buffer -AG-1 zone that is used for residential - *We do this*

Future land use plan defines: "**Residential/ Agricultural Use** - Very limited uses for land zoned AG but not in AG use and useful as a buffer, in AG density, adjacent to active AG lands and dense residential land uses."

10. FUTURE LAND USE PLAN for The Town of Bayfield supports rural development, which is consistent with community goals and objectives in areas with suitable environmental characteristics.

-Low impact

-Buffer

-Protecting sensitive areas - not developing on lakeshore

-Conserve natural resources

-View-shed and visual landscape

-Long-term viability of the community

-Create the best possible living environment for both the present and future residents of the community.

COMMUNITY:

WE OWN approximately 18 acres

No neighbors will be affected - X miles of the black top road, we own the property on both side of the road.

We are the first house on this private road that is on our land, nobody will be driving by any other houses.

We are not an R-RB lot with neighbor that I can see inside their house. You can barely see our house from the main road or any neighboring property.

Our house is not part of the Eagle Bluff association -we pay for road maintenance.

Not a nightly rental or B&B - but the entire house

THIS IS NOT A new request as 3 short term rental in AG zoning were already approved by the town because they comply with the comprehensive plan and land use map.

Thank you!

Wayne & Mirka Nelson

They also provided copies of some of the similar approved zoning applications. Discussion took place regarding their request. Chairman Gordon stated that he visited the property and most of the construction equipment that had been there has been removed. It was discussed that not all of the information provided at this meeting was available to the Plan Commission when they voted to deny the application.

John Lindell, neighbor to the Nelsons at 87385 Eagle Bluff Drive, stood and presented his concerns about the application, which he had also done at the Plan Commission meeting. (See Plan Commission Minutes for detailed concerns). After listing these concerns for the Town Board, he asked that if the Town Board does vote to approve the application that permit conditions be attached to the approval such as ...maximum occupancy, noise, quiet hours, pets, etc. He also asked that the permit not exceed one year initially. He suggested these are things other places in the State of Wisconsin are already doing.

Chairman Gordon noted that the land to be used is not in the Eagle Bluff Landowners Association and never was. He stated that Nelson is not asking to use any of the property in the Association for this rental. Hoopman commented that he does not see anything that would not allow the rental and that other people are already doing the same thing. Gordon also questioned if it was up to the town to enforce the covenants of the association implying that if Nelson uses the road for this purpose that isn't a town issue. Boutin agreed that the precedent for rentals has already been set. Meierotto commented that the Plan Commission did not have all the information when they voted to deny the application. A motion was made by Hoopman, seconded by Carlson, to approve the application. A roll call vote was taken. Carlson-yes, Hoopman-yes, Meierotto-yes, Boutin-yes, and Gordon-yes. 5-yes, 0-no. Motion carried.

Discussion and possible recommendation to Bayfield County Planning & Zoning regarding a petition by Robert Schierman, Director of Planning and Zoning, on behalf of the Bayfield County Planning and Zoning Committee, requesting amendments to the Bayfield County Zoning Code of Ordinances (Title 13-1; 13-3 and Title 14): Plan Commission Chairman Beagan explained that local zoning must be less strict than the state's zoning regulations. The Plan Commission made the recommendation that the Town Board not approve under protest of loss of local control. A motion was made by Meierotto, seconded by Hoopman, to recommend that Bayfield County Planning and Zoning not approve the amendments under protest of the loss of local control. Motion carried.

Discussion and possible approval of 2017-2018 Operators License Application(s) received: A motion was made by Meierotto, seconded by Boutin, to approve the application. Motion carried.

Discussion and possible approval of Midland propane contract for 2017/2018: A motion was made by Carlson, seconded by Meierotto, to approve the contract at \$1.19 per gallon. Motion carried.

Old Business

Discussion and possible approval of revaluation contract provided by Assessor Nordquist: The contract was presented as follows...

Contract for Assessment Services
Town of Bayfield, Bayfield County, Wisconsin

Scope of Work: For the assessment year 2019 the assessor will perform a complete revaluation. As part of the project, the assessor will relist all taxable real estate and personal property, documenting the condition, approximate age, size, and overall quality of construction of all buildings. Assessor will create a digital sketch and take photographs of the main building of each property. Interior inspections of buildings will be performed when necessary and when permitted by property owner. Land will be inspected on-site as well as from aerial photos obtained on Bayfield County GIS website. A sales analysis will be performed using sales from within the area from the previous two to three years in order to determine current market values. Assessment records will be kept on Market Drive software, and town will be supplied with a viewer edition of assessment records. The assessor will also hold separate open book and board of review sessions to provide property owners with ample opportunity to speak with the assessor regarding their property and the revaluation. Notices of change of

assessment will be mailed at least 30 days prior to the first session of board of review. Assessors will follow all state statutes related to the assessment process. At the completion of the revaluation, the Town of Bayfield will be in compliance with the Wisconsin Department of Revenue mandate that the total assessed value of each major class of property be within 10% of equalized value.

Expenses: All costs for performing the assessments will be paid for by Nordquist Appraisal; including travel costs, postage, computer software, photographs, maps, office supplies, insurance and any other expenses incurred during the assessment process.

Payment Schedule for 2019 Town of Bayfield Revaluation:

- . \$10,000.00 due on or before 31 December 2018
- . \$20,000.00 due at adjournment of 2019 Board of Review
- . \$15,000.00 due on or before 31 January 2020

A motion was made by Meierotto, seconded by Boutin, to approve the contract. Motion carried.

Update and possible action based on discussions with Short Elliot Hendrickson engineering firm and town attorney on bank erosion issues and related repairs completed along TRIP-D Star Route Road project: Discussion took place about what would be gained by taking legal action. Also discussed was the issue of what it would cost the town to take legal action. It was suggested that if the rock had been placed during the original construction how that cost would compare to the current costs. Hoopman noted that the town needs to learn from this and that we need to pay attention during future projects. He added that he thinks the town would spend more on attorneys than would benefit the town. Chairman Gordon stated that Dan Gustafson, the engineer on the project, was let go from SEH for unrelated reasons. Joel Weber expressed that there are good and bad engineering firms and that you need to watch them. He added that the contractors also need to be checked. Hoopman stated that the load tickets should be checked. It was decided that the issue would be placed on the next agenda.

Donation to the Bayfield Heritage Association: A motion was made by Hoopman, seconded by Boutin, to approve the budgeted donation of \$1,500.00. Motion carried.

Chair, Supervisor, and Committee reports: No further reports were given.

Receive and place on file correspondence for July 2017:

Received

1. June 2017 Financial Statement from Pikes Bay Sanitary District.
2. Several postcards from voters related to Wisconsin Election Commission four-year voter record maintenance check.
3. Various emails from WI Elections Commission on election database maintenance duties.
4. Petition by Robert Schierman, Director of Planning and Zoning, on behalf of the Bayfield County Planning and Zoning Committee, requesting amendments to the Bayfield County Zoning Code of Ordinances (Title 13-1; 13-3 and Title 14).

5. Class A Special Use Request from Wayne Nelson for a short-term rental property (for period of less than 30 days) located on 4.5-acres, zoned Ag-1, at 87260 Eagle Bluff Drive.
6. One operator's license application.
7. Numerous returned telecommunications surveys.
8. Employee Medical Invoice for Worker's Compensation.
9. MFL Closed Acres Notice from WI DNR.
10. Forest Crop Withdrawal payment notice from WI DNR.
11. 2017 Full Value Notice from WI Dept. of Revenue.
12. Copy of letter to Jay Glase of National Park Service from WI DNR confirming approval of their request to place 4 waterway markers in Lake Superior near Meyers Beach.
13. Thank you letter from the Alliance for Sustainability for donation to Pie and Politics.
14. Thank you letter from City of Bayfield for fireworks donation.
15. Bellin Health 2017 Third Quarter notice.
16. Information on Hazardous Waste Collection on July 15th.
17. Bayfield Regional Conservancy Yearly Meeting Notice.
18. Wisconsin Towns Association July Report.
19. WI Energy Cooperative News.
20. Reminder of Propane Contract Deadlines.

Outgoing

1. Signed Class B Zoning Application from Big Top Chautauqua for Northern Edge property with conditionals and Signed Class A Special Use Application from Gregory Schultz for a single family dwelling to Bayfield County Zoning Department.
2. Federal Payroll Withholding Payments to US Treasury for third payroll in June and first and second in July.
3. Federal Payroll Withholding Report for 2nd Qtr.
4. Email to JP Korpi regarding zoning application process.
5. Email response to Public Information Request from Disability Rights Wisconsin on voting accessibility as it relates to in-person absentee voting.
6. WI State Payroll Withholding Payment to WI Dept of Revenue for June.
7. Copy of SEH Contract to Haukaas Law Office for review.
8. Email to SEH regarding erosion problems on Star Route Road TRIP-D Project.
9. Telecommunications Survey to approximately 250 taxpayers in Town of Bayfield.
10. Resolutions on file related to the establishment and boundaries of Pikes Bay Sanitary District to Rose Lawyer.
11. Signed Fahrner Crack Sealing Contract.
12. Posting of July 10th Plan Commission Meeting.
13. Posting of July 17th Town Board Meeting.
14. Minutes for June 12th Plan Commission Meeting.

15. Minutes for July 19th Town Board Meeting.

A motion was made by Boutin, seconded by Carlson, to approve the correspondence. Motion carried.

Approve payment of bills: A motion was made by Meierotto, seconded by Boutin, to approve the payment of the bills. Motion carried.

Receive and place on file the Clerks Financial & Budget Report for June 2017:

TOWN OF BAYFIELD						
CLERKS MONTHLY REPORT						
June 13th, 2017-July 13th, 2017						
DISBURSEMENTS						
Checks written	\$54,970.90					
Range	18011	18053				
BUDGETS vs. ACTUAL						
		June 2017	Y-T-D	Budget	% of Budget	
Revenue	\$	22,532	\$ 279,863	\$ 1,020,488	27%	
Expense	\$	59,918	\$ 577,512	\$ 1,020,488	57%	
Balance	\$	(37,386)	\$ (297,650)	\$ -		
		Previous Mo.	Current	Change		
Accts Recv	\$	9.67	\$ 1,084.67	\$ 1,075.00		
Accts Pay	\$	27,592.64	\$ 27,592.64	\$ -		*some accounts payable are no longer valid and will be purged
GIF Balance	\$	16,982.69	\$ 17,124.44	\$ 141.75		
BUDGET EXPLANATIONS						
1. Fire Protection and Ambulance Service Contracts for 2017 Paid.						
2. 2017 Plow Truck Paid.						
3. 2017 Plow Truck Accessories Paid.						
4. MFL Withdrawal Returned Payment Received.						
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A motion was made by Boutin, seconded by Meierotto, to approve the Clerks Report. Motion carried.

Set date and time for Regular July Town Board Meeting: Monday, August 21st, 2017- 7:00 PM

Adjourn: A motion was made by Boutin, seconded by Meierotto, to adjourn the meeting. Motion carried. Meeting adjourned at 8:27PM.

Minutes respectfully submitted by: Kelly Faye-Clerk.