

Town of Bayfield
Regular January Town Board Meeting Minutes
January 8th, 2024

Call to Order and Roll Call: The meeting was posted on Thursday, January 4th, 2024. Town Board Chairman Craig Hoopman, and Supervisors Carol Fahrenkrog, Karen Boutin, Fred Erickson and Robert Meierotto were present, as well as Clerk Kelly Faye, Treasurer Billie Hoopman and Road Foreman Chuck Cadotte. Chairman Hoopman called the meeting to order at 6:13 PM immediately following the Town Caucus.

Public Comment: Several members of the public were present to comment on the Mather Conditional Use Application that was to be addressed later in the meeting. Chairman Hoopman invited those that wanted to provide input to do so. Comments included the following:

- 1) Paula Lundberg, adjacent landowner that has shared a driveway with the applicant for the past four years, read a letter expressing her concerns about the facility based on past and ongoing dog barking. She commented that...
 - Sarah Mather is a nice person but asked that the Town Board and others put their friendship aside.
 - she had known that Sarah likes dogs but not that she planned to operate a kennel.
 - The operation was started before Mather applied for a Conditional Use Permit with Bayfield County Zoning Department.
 - There have been multiple visits from the Bayfield County Sheriff's Department.
 - Many calls from concerned neighbors have not been returned by Mather.
 - The topography of the area lends itself to an amphitheater effect.
 - Dog barking happens several times a day, often for about 20-minute periods.
 - Pet owners can travel to get their needs met but the neighbors cannot travel to get their peace and quiet back.
 - there are better ways to get young business owners to settle in the township and that there is a better location for the business.
- 2) Sarah Mather, the applicant, commented that...
 - She has five dogs of her own.
 - She is a nine-year resident of the Bayfield area.
 - She was previously employed at the City of Bayfield and at that time realized that there are very few choices for dog daycare.
 - She began offering the service and currently provides dog daycare services from one night to 2.5 months at a time.
 - She serves about 12 daycare clients daily and grooms several dogs per day.
 - She does not advertise her boarding services except for at one local veterinary clinic but still remains very busy. This shows the need for the service in the local area.
 - the business is located in a good location and there are other business along County Highway J that make noise.
 - The Bayfield County Sheriff's Office has visited several times but she has never received a citation.
- 3) A local resident (name unclear) commented that...
 - he believes the layout of the new building will prevent dogs from seeing people arriving and leaving which in the past has caused the "mailman effect" barking.

- the Plan Commission's suggested condition that an eight-foot fence be installed be held off until it is clear whether the building itself will alleviate the noise problem.
 - the proposed condition restricting the hours of operation/drop-offs and pick-ups is a concern as customers may want to attend Big Top Chautauqua shows or take the late ferry back from Madeline Island in the summer.
 - there will need to be a large amount of flexibility.
- 4) Another local resident (name unclear) commented that...
 - he can't believe that the application has gotten this far as she did not apply for a permit prior to starting the business.
 - on the number of complaints to the Bayfield County Sheriff's Department and the 26 signatures of neighboring landowners opposing the operation.
 - the Bayfield County Ordinance related to barking dogs is being violated.
 - the property will only have two holding tanks.
 - the manure from the dogs may affect the safety of the area's well water.
 - 5) Paul Lundberg, owner of an adjacent property, commented that...
 - he moved to Bayfield in 1999 and has lived next door to Sarah for two years.
 - the Conditional Use Application can include conditions.
 - residential projects have been supported in the area in the past.
 - he opposes the CUP.
 - the neighbors are currently having an issue with one of her dogs showing up in their yards and barking.
 - 6) Mark Tregilgas, owner of an adjacent property, commented that...
 - the 26 taxpayers that signed the letter of concern he presented to the Plan Commission are being marginalized in favor of one resident.
 - he wonders who the kennel will be supporting, Town of Bayfield residents, or non-residents.
 - he questions if there are any nearby residents that support the request.
 - the outdoor kennels planned along the new building will only increase exposure to barking.
 - he suggests the play area be located downhill from the building rather than on the backside in an effort to reduce the noise directed uphill to the neighboring properties.
 - that the hand drawn site plan on the application itself inaccurately labeled as vacant.
 - 7) Kim Tregilgas, owner of adjacent property, commented that...
 - the driveway for the Mather property is based on an easement for residential use only.

Items for Future Agendas: AJ Long of the Pikes Bay Sanitary District was present and stated that an informal discussion is taking place between the District, the City of Bayfield and the Greater Bayfield Wastewater Treatment Plant (GWWTWP) about the possibility of changing the way that certain employees are managed. He explained that the discussion brought up the idea that someone could be hired that would work with both the Pikes Bay Sanitary District and the GWWTWP as a back-up for multiple positions. If this were to happen, Long suggested that he would like to see the Town of Bayfield involved. He will let the town know if and when it becomes appropriate to make it a town agenda item.

Discussion and possible approval of minutes of the Regular Town Board Meeting of

December 11th, 2023: A motion was made by Meierotto, seconded by Fahrenkrog to approve the meeting minutes for both dates. Motion carried.

Receive and Place on File Treasurer's Report:

1/08/24

GENERAL CHECKING ACCT. #50062

CURRENT ACCOUNT BALANCE	\$89,661.31
Less Checks Outstanding (to date)	\$58,819.23
CURRENT AVAILABLE BALANCE	\$30,842.08

MONEY MARKET SAVINGS ACCT. #150375

CURRENT ACCOUNT BALANCE	\$1,623,067.46
GROWTH INCENTIVE-DESIGNATED MONEY	\$35,469.11
BIG RAVINE APPRAISAL DONATIONS	\$2,963.62
HATCHERY TRAIL	\$9,410.04
TOTAL OF DESIGNATED FUNDS	\$53,667.10
CURRENT AVAILABLE BALANCE	\$1,569,400.36

LOANS:

BREMER BANK GRADER LOAN:	
00077024356	
Issued date:	2/21/2020
Maturity date:	2/21/2029
Interest rate:	2.5%
Original Balance:	\$433,918.28
Last Payment Amount 11/21/22 Principle \$4,355.02 Interest \$643.50	\$4,998.52
Current Balance:	\$236,935.12
12/21/2024 Next Pay Amount:	\$4,998.52

Other:

1. On 1/2/2024 received WI Transportation Aid Payment in the amount of \$49,861.32.
2. Sent out 2023 Tax Bills and began collections. I will be collecting taxes in person on Saturday, January 20 from 9-noon (cancelled if blizzard conditions).

A motion was made by Boutin, seconded by Fahrenkrog, to approve the minutes. Motion carried.

Report from Pikes Bay Sanitary District: AJ Long reported their last meeting, which originally was intended to include a vote related to the potential assessment of approximately 83

condo residents, ended up being a listening session due to a problem with the posting requirement. Loans will be available and payments would begin in 2025. Pikes Bay Marina and Port Superior Marina would be assessed individually. Chairman Hoopman brought up the 6% interest rate and whether it is allowable when taxpayer money is involved. He asked that Pikes Bay Sanitary District consult with their attorney to provide clarification on this issue. Long agreed to ask for clarification but also noted that the Pikes Bay Sanitary District took out a 4% loan for the project and also acquired administrative costs.

OLD BUSINESS

Discussion and possible action on confirmation of December 21st, 2023 contingent awarding of bid for the construction phase of WI DOT TRI-S Star Route Road Reconstruction Project based on input from Town of Bayfield Attorney Max Lindsey:

At the Thursday, December 21st, 2023 Special Town Board Meeting considering possible awarding of the bid for the construction phase of the Star Route Road Reconstruction Project, the Bayfield Town Board Supervisors discussed several concerns about the lowest bidder Angelo Luppino, Inc. and their recent work on Ondossagon Road in the Town of Barksdale. As stated in the approved meeting minutes, discussion took place at that time about samples and borings that were taken on the road, patches that have already been put in place, the Town of Barksdale Chairman's insight about their town board's dissatisfaction with the final project results, the likelihood of upcoming litigation based on that dissatisfaction, and Chairman Hoopman's role as an elected official to do what he believes is the best thing for the Town of Bayfield on an expensive WI DOT funded project. Concerns were also about the possibility of Angelo Luppino hauling hot mix all the way from Hurley, WI to the western end of the Town of Bayfield based on an opinion he received that it was too long of a transport. A motion was made, seconded, and carried based on a roll call vote that the bid be awarded to the second lowest bidder, Northwoods Paving, contingent on confirmation from the Town Attorney's office that the concerns the Town Board members have related to the lowest bidder Angelo Luppino's recent work on Ondossagon Road and possible upcoming litigation related to that work, were a legally acceptable reason to deny them the bid. The awarding of the bid was also made contingent on confirmation from the Wisconsin Department of Transportation that the TRI-S funding awarded for the project would not be negatively affected by awarding the bid to the second lowest bidder considering the Town Board's concerns.

Chairman Craig Hoopman requested that Town Clerk Kelly Faye seek legal advice to allow the Town to finalize the awarding of the bid. The issue was presented to town Attorney Max Lindsey on December 22nd, 2023. Katie Posewitz, Assistant Attorney (Anich, Wickman & Lindsey, S.C.) provided a detailed written opinion. This opinion confirmed that it is proper for the Town of Bayfield to award the bid to Northwoods Paving if they are found to be the lowest responsible bidder. She noted that the WI State Statutes define a responsible bidder as "a person who, in the judgment of the town board, is financially responsible and has the capacity and competence to faithfully and responsibly comply with the terms of the public contract."-Wis. Stat. §60.47(1)(b). She also noted that the WI DOT LRIP agreement specifically states in its terms and conditions, paragraph 5 that "All contracts will be let by competitive bid and awarded to the lowest responsible bidder in accordance with the provisions of s. 86.31 Wis. Stat and all other municipal/county bidding requirements." Wis. Stat. §86.31 is for the LRIP and states in

part “Such contract shall be awarded on the basis of competitive bids and shall be awarded to the lowest responsible bidder.”

Chairman Hoopman gave an overview of the situation and stated that the written legal opinion was provided to the Town Board Supervisors in their (January 8th, 2023) meeting packets. He reiterated the fact that the Town Board can award the bid to the second lowest bidder if the lowest bidder is found to not be the lowest “responsible bidder”. He also noted the difference in cost between the Angelo Luppino, Inc and the Northwoods Paving bid being about \$60,000. Hoopman shared that he does not believe Angelo Luppino, Inc. to be the lowest responsible bidder based on having driven down Ondossagon Road which is similar to the upcoming Star Route Project, information provided by the Barksdale Town Board Chairman, and possible upcoming litigation their township may be involved in against the company. He stated that it is his opinion that the bid should be awarded to Northwoods Paving. He asked for input from the other Town Board Supervisors. Discussion took place on topics including the preferred thickness of the blacktop and gravel/fill, the total budget for the project, and the TRI-S funding awarded to the town. Fahrenkrog suggested potential wording of the motion should state that the town rejects the Angelo Luppino Inc. bid because it was found that they are not the lowest responsible bidder based on concerns over past work. Erickson noted the motion should also include the concern over possible litigation. Chairman Hoopman suggested that the motion specifically mention Ondossagon Road. He also suggested mentioning the best interest of the town. A motion was made by Boutin, seconded by Meierotto, to award the bid to Northwoods Paving, the lowest responsible bidder, after a conversation with the Town of Barksdale about Ondossagon Road in Bayfield County; due to concerns over their work performance the lowest bidder is not a “responsible bidder”. Chairman Hoopman called for a roll call vote. Fahrenkrog-yes, Meierotto-yes, Hoopman-yes, Boutin-yes, Erickson-yes. Motion carried with a vote of 5-yes, 0-no.

Note: Discussion took place during the wording of the motion about whether Ondossagon Road is in the Town of Washburn or the Town of Barksdale or both. Chairman Hoopman clarified that he spoke with John Nyara, Town of Barksdale Chairman, (related to their dissatisfaction with their recent Ondossagon Road Project) thus the motion lists the Town of Barksdale for this purpose.

Updates and any other possible action needed for the WI DOT TRI-S Star Route Reconstruction Project: None.

NEW BUSINESS

Discussion and possible recommendation to Bayfield County Zoning on Conditional Use Permit Application (After-The Fact) for Sarah Mather to construct and operate an animal boarding facility; dog kennel & home-based business consisting of utilizing existing residence as a temporary base for dog daycare, boarding, and grooming facility with a future expansion to accommodate those needs in a separate building on property owned by applicant South of the existing residence. *The applicant’s property consists of three (3) parcels. Parcel #1 is an Ag-1 zoning district; a 13.82–acre parcel (Tax ID# 37868); described as a parcel in S ½ of the NE ¼ of the SW ¼ in Doc# 2018R-573709; and Parcel #2 is an Ag-1 zoning district; a 20–acre parcel (Tax ID# 4323); described as the N ½ of the SE ¼ of the SW*

¼ in Doc # 2021R-590149; Parcel #3 is an Ag-1 zoning district; a 0.50-acre parcel (Tax ID# 4330); described as a parcel in SW ¼ of the SE ¼ in Doc# 2018R-573709; all three parcels are in Section 1, Township 50 North, Range 4 West, Town of Bayfield, Bayfield County, WI:

Hoopman brought up past efforts to attract businesses to the Bayfield Business Park and his opinion that the 40-acre location proposed for this business would be a good location. Boutin commented that she thinks it is a much needed business with the grooming/boarding being important to the local area and tourism. Fahrenkrog stated that this type of business is supported by the Comprehensive Plan. She also noted that in the past, businesses have been encouraged to be located along County Highway J and State Highway 13. Erickson commented that he grew up in Bayfield and that the area has changed greatly since then. He stressed the need for young people in the area to prevent the Town of Bayfield from becoming solely a retirement area. He suggested a compromise will be needed. Hoopman again brought up the Comprehensive Plan as an important factor in making the decision. A motion was made by Boutin, seconded by Erickson, to recommend that Bayfield County Zoning approve the application with the following conditions...

- 1) All dogs associated with animal boarding business shall be kept indoors between 5PM and 8AM.
- 2) No animal drop-offs or pick-ups permitted between 9PM and 6AM.
- 3) Dogs associated with business must always remain inside fenced areas.
- 4) Property owner shall clean up metal debris on TaxID #4323 prior to opening new commercial facility.
- 5) Property owner shall obtain address sign from Bayfield County Land Records Department prior to opening new commercial facility.
- 6) Property owner shall submit parking plan to Department prior to opening new commercial facility.
- 7) The applicant will install an 8-foot solid wood fence to alleviate the noise.

Motion carried.

Open proposals for new Truck with Plow, Wing, and Sander received as of 3PM on Friday, January 5th, 2024: Clerk Faye reported that two proposals were received. 1) 2025 Western Star 47X Truck from Boyer Trucks of Superior, WI for 147,073. 2) 2023 Equipment Package for a plow, wing, and sander from Monroe Truck Equipment of Marshfield, WI \$143,671

Discussion and possible selection of proposal for new Truck with Plow, Wing, and Sander: .

Discussion took place about whether the 2023 equipment would work with the 2025 truck. Fahrenkrog made a motion, seconded by Erickson, to approve the truck and equipment proposals contingent on the 2023 equipment package working with the 2025 truck. It was noted that no option for trading was included. It was suggested that the old truck could be listed on the Wisconsin Equipment Surplus website for sale by auction. A roll call vote was taken: Fahrenkrog-yes, Meierotto-yes, Hoopman-yes, Erickson-yes, Boutin-yes. Motion carried with a vote of five-yes, 0-no. Note: Since the motion was made Monroe Truck Equipment amended the quote to include a 2025 equipment package and the quotations were signed and submitted to Boyer Trucks and Monroe Truck Equipment.

Discussion and possible action on hiring Robert Kelly as an on-call alternate plow driver and adding him to the town's list of insured drivers and random drug testing: A motion was made by Boutin, seconded by Meierotto, to hire Robert Kelly as an on-call alternate plow driver and add him to the insurance and random drug testing pool. Motion carried.

Receive and place on file the Correspondence for January 2024:

Received

1. Several emails from Coleman Engineering related to the Star Route TRIS Reconstruction Project Bid Recommendation.
2. Several emails from the law office of Town Attorney Max Lindsey related to the Star Route TRIS Reconstruction Project Bid Selection and WI DOT funding for the project.
3. Conditional Use Application from Sarah Mather for a dog grooming/boarding facility.
4. Several letters from local residents in support of approving the Sarah Mather Conditional Use Permit Application.
5. Email correspondence with Town Web about town website application formatting.
6. Request for letter of support for Red Cliff Cell Phone Tower Project.

Outgoing

1. Federal Payroll 941 Reports for End of December and Beginning of January to US Treasury.
2. WI Payroll Taxes for December to WI Department of Revenue.
3. Quarterly Unemployment Report to WI Department of Workforce Development.
4. Quarterly Federal 941 Reports for 4th Quarter of 2023 to IRS.
5. Request for Proposals for Truck with Plow, Wing, and Sander to Ashland Daily Press, Town Website, and Town Hall Bulletin Board.
6. Email and December 21st, 2023 Meeting Recording to Town Attorney Max Lindsey asking for legal input on the Star Route TRIS Reconstruction Project Bids.
7. Plan Commission Agenda Posting to Town Website and Town Hall Bulletin Board.
8. Plan Commission Meeting Packet, and supporting documents to Plan Commission members.
9. Copy of January 2nd Meeting Recording to Sarah Mather.
10. Letter to Anderson Bridges from Chairman Hoopman stating that the town considers the issues with their company related to the Pikes Creek Trail Bridge resolved and the invoice paid.
11. Notice of Special Town Board Meeting of December 21st, 2023 to discuss and possibly award Star Route Road Bid to town website and Town Hall Bulletin Board.
12. Notice of Caucus to Town Website and Town Hall Bulletin Board.
13. Letter to Bayfield County Zoning Department from Chairman Hoopman with suggestion to allow local municipality review cell phone proposals in their townships.
14. Annual Length of Service Award Paperwork for EMTs to Glatfelter Investments.

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

Receive and place on file the Clerk's Financial and Budget Report for December 2024:

12/06/23 - 01/02/24						
DISBURSEMENTS						
Checks written						
Range	21479	21526				
BUDGETS vs. ACTUAL						
		December 2023	Y-T-D	Budget	% of Budget	
	Revenue	\$ 1,875	\$ 1,257,417	\$ 1,461,550	86%	
	Expense	\$ 48,295	\$ 1,169,075	\$ 1,461,550	80%	
	Balance	\$ (46,420)	\$ 88,342			

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

Chair, Supervisor, and Committee Reports: Hoopman made the request that all Plan Commission and sub-committee meeting minutes be in the Town Board packets for Supervisor review in advance of the monthly Town Board meeting.

Set date and time for Regular February Town Board Meeting: Monday, February 12th, 2024 6:00 PM.

Adjourn: A motion was made by Boutin, seconded by Erickson, to adjourn the meeting. Meeting adjourned at 7:40 PM.