

These are the minutes of the Annual Meeting of the Town of Bass Lake, Sawyer County held on Tuesday, April 18, 2017. Members Present: Supervisors Doug Mrotek, Ralph Meixner, Dave Aubart, Joel Valentin, Treasurer Kari Aderman and Clerk Erica Warshawsky. Members Absent: Chairman Justin Hall.

Thirty five (35) Townspeople were present.

Clerk Warshawsky called the meeting to order at 6:30 pm in accordance with Wis. Stat. 60.11 (2)(a) and announced Chairman Hall is absent and asked for a motion to elect a Chairman for the Annual and Regular Meeting. Motion by Mrotek, seconded by Aubart to elect Meixner as Chairman. Motion carried.

Warshawsky affirmed notice was posted in accordance with Wis. Stat. 60.12 (3) and 985.02 (2).

Minutes of the 2016 Annual Meeting were distributed. Motion by Edmond Packee, seconded by Shirley Suhsen to approve the 2016 Annual Meeting Minutes. Vote unanimous. Motion carried.

The 2016 financial statements prepared by CliftonLarsonAllen were distributed. Motion by Dorothy "Doc" Brueggen, seconded by Packee to approve the 2016 financial statements. Vote unanimous. Motion carried.

Motion by Brueggen, seconded by Phil Nies to hold the next Annual Meeting on April 17, 2018 at 6:30 pm. Vote unanimous. Motion carried.

Meixner opened the floor for public comment. Meixner reminded the audience that per statute the decisions made during an Annual Meeting can be advisory or binding, depending on the topic.

Tony Pfendt ran through a list of last year's motions and graded the Town on their performance:

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| 1. Posting Town Board Draft Minutes within 5 business days | A |
| 2. Posting Planning Committee Draft Minutes | F |
| 3. Recording Town Board Meetings | A |
| 4. Recording Planning Committee Meetings | F |
| 5. Beaver Dam Removal | C |
| 6. Ordinance Regarding Public Access Strip | D |
| 7. Managing High Water Levels | D |
| 8. Appointing a Part-Time Resident to the Planning Committee | F |
| 9. Creating a Bike Path on K | F |
| 10. Putting Money from the Power Line into the General Fund | F |

Discussion followed regarding Billy Boy dam and the number of gates that should be open given the weather predictions and the beaver dams. Pfendt addressed his questions and concerns directly to Mrotek. Mrotek responded by stating that the beaver dam Pfendt referred to is Sawyer County's responsibility because it is on county property. Mrotek went on to say that Sawyer County is also responsible for Billy Boy Dam, which is in Sand Lake. Discussion followed. Mrotek asked if Concerned Conservation Strip Committee (CCSC) met with Dale Olson at Sawyer County. Mrotek stated that it is a matter of jurisdiction. Mrotek suggested that the CCSC meet with Olson. Discussion followed. Packee stated that he went to the County last year and was "blown off" by Dale Olson. He then went to the Governor's office and the Commissioner's office. Discussion followed. Nies stated that he was at the County meeting and Packee was not "blown off", they just didn't agree with him. Nies stated that Billy Boy dam is a flood control dam, not a water level dam. Nies added that he lives on Lac Courte Oreilles and his water levels are perfect. Discussion followed. Mike Shal stated that the County was to install a gauge Thoroughfare Bridge and they are still waiting. Shal added that the gauge is a very important management tool.

Pfendt requested that a motion be made to set up a vehicle whereby the identity of people who report a nuisance complaint are kept confidential. Pfendt stated that there are some ladies who are afraid. Meixner responded to

Pfendt's request stating that the Board does that already. Warshawsky added that calls she receives are kept confidential and forwarded to the appropriate person to resolve.

Paul Ostroot observed that some properties that appear on the Planning Committee agenda are referred to by lots numbers and not a fire number. Warshawsky replied that some properties do not have a fire number.

Packee reported that he received a call from a property owner who could not attend the meeting and asked Packee to read letter regarding in his sub-basement flood problem that has been ongoing for the last 3 or 4 years. Packee read the letter requesting the formation of a committee that is fact based instead of solution based. Packee made the following motion:

The Town of Bass Lake form a fact-finding committee on lake surface water levels to objectively research all information on the impact of water levels (high, medium, low) including groundwater, wildlife and fish, plants, loss of shore property through erosion, and human uses such as boating, swimming, and fishing and hunting; the effort should seek information well beyond the local area.

Motion was seconded by Shal. Nies stated that a committee was formed and Packee decided not to participate because he didn't get what he wanted. Suhsen requested the motion be read. Packee responded to Nies' comments stating that he did not want the committee to be political. He wanted the committee to be solely fact finding and not be set up to solve a problem. Meixner stated that if a Town forms a committee, it is political. Meixner suggested forming a committee outside of the Town. Judith Packee suggested that the Board look at the motion from the perspective of a homeowner, a homeowner who is asking for help. J. Packee continued by saying it is the Board's responsibility to speak on behalf of the owners. Gordon Zimmerman agreed with Meixner and suggested talking to the Lake Associations since they have more pull. Discussion followed Vote: 9 in favor, 16 opposed. Motion fails.

Pfendt stated that he would like to see the money from the pipeline or powerline easement to go into the general fund. Meixner explained that when the Town first received the environmental impact fee from the American Transmission Company (ATC), the funds were to be used for environmental programs per Wisconsin statute 16.969 (4). Later on, the funds were approved for general purpose. At the 2009 Town of Bass Lake Annual Meeting, a motion was made that the ATC funds be used for Parks and Recreation purposes each year. Meixner stated that parks and recreation are important and that the Planning Committee has done a fantastic job. The Town has fantastic boat landings. Nies stated that the Town has a park plan. The Town has received \$305,000.00 to date from ATC. Nies reported that the Planning Committee does not do anything without the Board's approval. Nies went on to say that the Town has be able to supplement the ATC funds with grants from the DNR, LCO and the County and has been able to provide \$600,000.00 in improvements. Nies reported that it takes \$4,000.00 – \$5,000.00 per year to maintain the parks. At the end of this year, the park budget will have \$0.00. The Planning Committee has put in hundreds of hours into planning and developing parks. Nies reported that currently park funds are budgeted. If the ATC funds go into the general fund, the Planning Committee will not know what they have to spend and will be unable to plan for future projects. Packee seconded Pfendt's motion. Warshawsky stated that Pfendt's motion was not valid because Pfendt is not an elector and therefore unable to make a motion. Warshawsky apologized for not catching the error sooner. Nies made a point of order that in order to overturn a previous motion (31 voted in favor in 2009) 32 electors would need to approve the motion. Discussion followed. Dave Bauer made the motion in Pfendt's place. Discussion followed. Vote: 8 in favor, 21 opposed. Motion fails.

Packee reported that his daughter, who owns property in Bass Lake presented a letter to Justin Hall. Hall sent the letter to Attorney Ward Winton for review. Winton responded to the Town and a copy of the response was sent to Packee's daughter. Packee read letter from his daughter against Mr. Winton. Packee expressed a lack of confidence in Winton. Packee made the following motion: "The Town of bass Lake Board of Supervisors replace Mr. Ward Winton immediately and hire a new attorney to provide the quality of service the Town and we the taxpayers deserve." Motion was seconded by Shal. Nies stated that Winton has done a great job for the

Town adding that Winton gives the right answer, not the answer you're looking for. J. Packee asked if the Town's attorney works for the Town or the taxpayers. J. Packee stated that she has been told that she needs hire an attorney and the attorney in turn sues the taxpayers. Meixner explained that Ward is only brought in for a specific questions and is not on retainer. J. Packee stated that she doesn't understand the relationship and went on to say that the public reserve strip issue is probably going to court. Meixner replied that if the citizens sue the Town or Board, the citizens would have an attorney and the Town would then hire an attorney. Nies added that is no different than County. When the County is sued, the County hires an attorney the represents the entity, in this case, the County. Meixner reminded everyone that there is a motion on the floor. Shal expressed concern about Ward. Bauer also expressed concern regarding Ward. Discussion followed. Packee stated that if the Board agrees to discuss the problem with Winton, Packee will rescind his motion. Meixner asked for a vote. Vote to retain a different attorney: 7 in favor, 13 opposed. Motion fails.

Nathan Roberts asked about the plans for the old gravel pit on Henk's Road. Meixner reported that there had been discussion about developing the property and the Board had the property surveyed. The planning is in its infancy. The plan is to create a recreational park with bicycle and walking paths. Nies reported that the 200 acre property was purchased in 1932 for \$50.00 and is to be used for parks as stated in the deed. Nies reported that the Planning Committee meets the first Thursday of each month and invited Roberts to attend. Roberts stated that his kids would love to use the property and ice skate on the pond in the winter. Discussion followed. Keith Metcalf reported that the pond on Henk's Road is spring fed. Metcalf lives 200 yards from the pond and won't let his kids skate. Nies said that is the kind of input we need. Packee express concern about access, vandalism and the tick problem, stating that is has the worst tick problem in the County. Packee asked that his concerns be addressed.

Packee made the following motion regarding fertilizer and pesticide use:

The town of Bass Lake develop and adopt an ordinance that supports the restriction of the application (includes dry, liquid, or airborne) of fertilizers and/or pesticides and associated airborne drift within the 35-foot shoreland buffer zone and over the water:

- Fertilizers (N (nitrogen) and P (phosphorus) in particular: applied to lawns and gardens be based on soil test information and appropriate interpretations for Wisconsin or Minnesota and not to exceed those standards;
- Pesticides (insecticides, herbicides, fungicides): 0 (zero) on town of Bass Lake owned property within, minimally, the 35-foot buffer strip along all waterbodies (lakes, ponds, streams) and wetlands except on a very local basis to control problem species (e.g., wasps/yellow jacket colonies, poison-ivy, invasive species (bull thistle); and develop an information program to discourage the use of or contamination by pesticides of lands within the 35-foot shoreland buffer strip.

Meixner asked Nies about use of fertilizers in the parks. Nies replied that fertilizer is not used by the Town for parks. Nies reported that the Town sent a letter to Jump River not to use pesticide for weed control when trimming around power lines. The Town has not used fertilizer or pesticide, residents are using fertilizer and pesticides. Packee's motion was seconded by Shal. Dan Tyrolt reported that the State has a law in place and the DNR is in charge of enforcing that law. Packee replied that he is well aware of the law and an ordinance would support the State law. Discussion followed. Shal express concern because herbicides and insecticides are poisons. Discussion followed. Zimmerman asked for a vote to be taken. Vote: 4 in favor, 12 opposed. Motion fails.

Motion by Nies to adjourn. Shal asked to speak. Shal reported that Sawyer County only removed 1/3 of the beaver dam he reported last year. The remaining 2/3 is a constriction and contributes to erosion. Shal made the following motion:

The Town of Bass Lake, Sawyer County formalize, in writing, a Memorandum of Understanding (MOU) or similar document that:

- A. Designates who and their position within Town of Bass Lake is the contact person to the Sawyer County Highway Department;
- B. Designates who and their position with the Sawyer County Highway Department is the contact person to the Town of Bass Lake;
- C. Clearly states that the dam removal effort include all dam materials/debris from both bridge channels and the approaches.

Motion seconded by Nies. Discussion followed. Nies explained that the Town sent a letter to the County and students hired by the County in the summer removed the dam. Shal replied that the debris has never been removed. Nies stated that the County will remove the debris when they have the staff to do it. Vote: 11 in favor, 5 against. Motion carried.

Shal made the following motion:

To set an example for all Town shoreland property owners, that the Town of Bass Lake, Sawyer County, manage all Town shoreland property, including Grindstone shallows Park (including the boat-landing and parking area), Anchor Bay Boat Landing, Lake Windigo Boat Landing, within 35 feet of the ordinary high water mark (OHWM) as natural vegetative (trees, low and tall shrubs, non-woody plants) buffer strips with no mowing and where necessary take appropriate actions to minimize or mitigate erosion.

Motion seconded by Packee. Meixner stated that the Town does take care of the shoreline. Nies reported that the Town spent \$2,000.00 to protect the shoreline on grindstone shallows and another \$2,000.00 to replace it when it was destroyed. Shal reported that grass is being mowed to the shoreline. Meixner replied that it is not supposed to be. Nies stated that the Town has spent a total of \$4,000.00. The problem is that it's a swimming beach and boat landing. Packee stated that the way it is landscaped is beautiful as a city park landscape and we need to create a natural area (speaking as a forester). Nies replied that the Town planted natural native plants in 2005, 2006 and in 2010. Warshawsky was asked to read and read the motion. Vote: 9 in favor, 10 opposed. Motion fails. Discussion followed.

Motion by Packee, seconded by Nies to adjourn at 8:13 pm. Vote unanimous. Motion carried.