

TOWN OF NAMAKAGON  
FOR – TOWN BOARD MEETING – June 9, 2020  
At – NAMAKAGON TOWN HALL – 7:30pm  
MINUTES

Chairman Rasmussen called the meeting to order at 7:30pm. Present were Chairman Rasmussen, Supervisors Jack McGregor and Jim Krueger, Treasurer Arlene Skultety, Clerk Laura Bjork and 9 others.

Agenda was posted at the Town Hall and on the website and the Daily Press was notified. The Pledge of Allegiance was recited.

The minutes from the previous meeting were presented. MOTION made by Supervisor Krueger to approve the minutes as presented. MOTION seconded by Supervisor McGregor and carried.

The Financial Report was read by Treasurer Skultety; checks approved and signed #3386 through #3429. Town Financials are available to the public upon request to the Treasurer.

**COMPREHENSIVE PLANNING REPORT** – Supervisor Krueger stated that the Plan Commission welcomed new member Linda Kraft. They went through a couple of short-term rental situations. They also discussed the communication problem with Bayfield County Zoning, which will be discussed during that agenda item. The Commission finished the Emergency Management Plan, which will be submitted to the Town Board for approval.

**LIBRARY REPORT** – The Library Report will be posted on the website.

**DISCUSSION AND POSSIBLE ACTION ON OPENING GARDEN LAKE ROAD FROM COUNTY HWY D TO NAMAKAGON SUNSET ROAD FOR AN ATV/UTV ROUTE** – Steve Bollig submitted a petition with 47 signatures, not counting couples, to open Garden Lake Road from County Road D to Namakagon Sunset Road for an ATV/UTV Route. He stated that he counted 47 parcels on land touching the road. Supervisor McGregor stated that there are about 28 houses from Duck Point to Namakagon Sunset. There are also multiple vacant properties. There was discussion on what signatures to count considering that the request was for a portion of the road and the signatures were from all of Garden Lake Road. The Board agreed that opening the route would affect everyone on the road, even if part of the road is opened already. Abett Icks stated an objection to the request. She inquired why it was necessary. Chairman Rasmussen responded that opening this route will allow access to everyone on that portion of the road. It was noted that the speed limit is 35mph. MOTION made by Supervisor Krueger to open Garden Lake Road from Duck Point to Namakagon Sunset. MOTION seconded by Supervisor McGregor and carried. Ordinance #32 will be changed to reflect the

change. The opening of the route will be effective after postings and signage go up. The Road Crew will post the signs and then charge the club.

**DISCUSSION ON LACK OF COMMUNICATION BETWEEN THE TOWN AND BAYFIELD COUNTY ZONING DEPARTMENT** – Supervisor Krueger stated that there are a couple of recent situations and some ongoing situations with zoning. Within the last year, there have been seven situations with a lack of communication with the zoning department. It was noted that these issues are with the county and not with the property owner. Some of the requests are not going to the township for recommendations. Yet other towns are getting these requests; examples were presented from Cable and Barnes. This is a matter of discrimination. There have been no changes in the requirements for recommendations from the Comp Plan and the Town Board. Letters of concern were sent to Brett Rondeau, the town's representative on the county board, with no response. The Plan Commission made a motion which recommended the Town Board of Namakagon to take all actions necessary to have Bayfield County Zoning communicate and work proactively with the Town of Namakagon and its residents including if needed establishing its own Zoning department replacing Bayfield County Zoning in order to provide the service and apply and enforce the existing ordinances for the residents of the Town of Namakagon. The Town Board agreed to write a letter and send to the County.

**REQUEST FROM MIKE AND CHRIS PICKERING FOR A SHORT-TERM RENTAL LOCATED AT 42560 ROCK LAKE ROAD #697, BAYFIELD COUNTY, CABLE, WI** – Supervisor Krueger stated that this property was previously owned by Laure Wells and is in no need of any County permits. It was inspected in 2018 and does not need another inspection at this time. MOTION made Supervisor Krueger to approve the request from Mike and Chris Pickering for a Short-Term rental located at 42560 Rock Lake Road #697, Bayfield County, Cable, WI. MOTION seconded by Supervisor McGregor and carried.

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 54-20 FIRE PROTECTION & PREVENTION** – Supervisor McGregor explained that the board and the Fire Department could not find any papers for the establishment of the Fire Department under the town. There were some papers found. In 1972 the Fire Department was incorporated as a non-stock corporation. Sometime in 1987 they were no longer in good standing. In 1993 the state dissolved the corporation. Under the State's Fire Manual issued in 2019 there are three different ways to establish the legality of a Fire Department; by ordinance, as a non-profit, or by resolution, with the resolution being the weakest. The Town Board then pursued drafting an ordinance to bring the Fire Department up to regulations and the recommendations from the State. The ordinance states that the Fire Department will be governed by the Fire Department By-Laws, which are in progress. The presented ordinance was drafted from ten other township Fire Department Ordinances in the state. There was very little information received from WTA. It was noted that the ordinance could be amended if necessary. Fire Chief Henry Rieckhoff stated that the Fire Department has issues with their Volunteer Account and need to get things in order.

Supervisor McGregor stated that the ordinance allows the Town to delegate fire protection to the Fire Department. It also states that the Fire Department members are employees of the town. MOTION made by Supervisor McGregor to adopt Ordinance 54-20 Fire Protection & Prevention.

Ordinance 54-20  
Fire Protection & Prevention

54-20.01 Fire Department Recognized

54-20.02 Organization

54-20.03 Meeting Procedures

54-20.04 Town Financial administrative Policies and Procedures

54-20.05 Fire Chief

54-20.06 Assistant Fire Chief, Secretary/Treasurer, Captains, Fire Fighters and Fire Inspector

54-20.07 Legislative Intent

**54-20.01 FIRE DEPARTMENT RECOGNIZED**

- (1) **RECOGNITION.** Under the authority of WI St. Stats. 60.55., the Town of Namakagon hereby recognizes and establishes the Town of Namakagon Volunteer Fire Department, which shall be a Department of government of the Town of Namakagon. The duty of fire protection and fire prevention in the town is hereby delegated to the Namakagon Volunteer Fire Department.

**54-20.02 ORGANIZATION**

- (1) The Town of Namakagon Volunteer Fire Department's purpose and mission is to preserve and protect life and property in the Township of Namakagon; provide assistance to all other cities, villages and townships thru mutual aid agreements; provide for the Protection of life and property through inspections and enforcement of all fires; provide, within reason, search, rescue, and/or assistance to all other emergencies; and when available, respond to requests from other Fire Departments, EMS, Law Enforcement, State or Federal agencies.
- (2) The Town of Namakagon Volunteer Fire Department shall consist of one Fire Chief, two Assistant Fire Chiefs, one Fire Inspector, two Captains, one Secretary/Treasurer and Firefighters.
- (3) The Namakagon Volunteer Fire Department is hereby authorized to create By-Laws, rules, regulations for the control, management, standard operations, and routine business of the Department. The By-Laws and any amendments shall be adopted by a two-thirds affirmative vote of the active department membership and become effective upon approval by the Town Board. Furthermore, By-Laws shall be reviewed by the Department annually.

- (4) All active members of the department shall be employees of the Town of Namakagon. All employees of the Town of Namakagon are governed by the Town of Namakagon Employee Handbook.

#### **54-20.03 MEETING PROCEDURES**

- (1) The Town of Namakagon Volunteer Fire Department is subject the Open Meeting Laws of Governmental Bodies as recorded in Subchapter V of the WI. State Statutes.
- (2) The proceedings of meetings shall be governed by, and conducted according to, the most recent edition of “Roberts Rules of Order”.
- (3) At any meeting of the Fire Department, two-thirds of the total active membership shall constitute a quorum.

#### **54-20.04 TOWN FINANCIAL ADMINISTRATIVE POLICIES AND PROCEDURES**

- (1) The Town of Namakagon Volunteer Fire Department shall obtain monies for revenue and expenditures from an annual budget previously agreed upon by the Fire Chief and the Town Board. The revenue funds provided for the budget will be obtained through Tax Levy. All disbursements shall be paid by check from the Town of Namakagon. Bills shall be paid by authorization of the Fire Chief or Assistant Fire Chief or the Secretary/Treasurer. Two signatures are required on all checks issued. No cash transactions are allowed. Any budgeted item over \$1,000 must be approved by the current, active membership and the Town Board.
- (2) The Town of Namakagon Volunteer Fire Department may also receive additional monies through donations and/or fundraisers. These additional funds (to be held in a “Volunteer Funds” account detailed in Ordinance #50-20) are to supplement, not replace, the annual budget.

#### **54-20.05 FIRE CHIEF**

- (1) **EMPLOYMENT STATUS.** The Fire Chief shall be a part-time salaried, through Stipend, employee of the Town. The wage shall be determined by the Town Board. The Town Board may base the set wage on a recommendation from election results of the Annual meeting of the Department. These funds shall come from and be provided for in the Annual Fire Department Budget.
- (2) **APPOINTMENT.** The Fire Chief shall be appointed by the Town Board. The Town Board may base their appointment from a recommendation from election results of the Annual meeting of the Department. Following the appointment, the Fire Chief shall take and file the Oath of Office within five days after notification of appointment, as per WI St. Stats. 60.31(1).
- (3) **QUALIFICATIONS.** Job experience must include Fire Fighter I training. In addition, the Fire Chief must complete the Fire Officers Course of training

within two years of appointment. The selection of Fire Chief will be at the discretion of the Town Board.

(4) **DUTIES, RESPONSIBILITIES, POWER AND AUTHORITY.** The Fire Chief shall have the following authority and responsibilities:

- a. **Code Enforcement.** The Fire Chief shall enforce the Wisconsin Statutes, the Wisconsin Administrative Code, Department By-Laws, and the Town Code in matters relating to fire prevention, code enforcement, public education, and fire suppression within the Town. It shall be the duty of the Fire Chief to direct the operation of the Fire Department. The Fire Chief shall report monthly to the Town Board all fires occurring in the Town, together with the amounts and value of the property destroyed.
- b. **Department Operations.** The Fire Chief shall provide for the general condition and efficient operation of the Fire Department, the training of members and the performance of other assigned duties.
- c. **Attendance at Meetings.** The Fire Chief shall attend all official meetings of the Department whenever possible. The Fire Chief shall attend Town Board meetings as requested by the Town Board. The Fire Chief is required to maintain membership in the WI St. Fire Chief's Association and the WI St. Fire Firefighters Association. It is strongly recommended by the Town Board that the Fire Chief attend the annual WI St. Fire Chief's Association conference.
- d. **Mutual Aid Agreements.** The Fire Chief shall seek, administer, and maintain mutual aid agreements with neighboring jurisdictions. The Fire Chief shall submit mutual aid agreements to the Town Board for approval.
- e. **Rules, Regulations, Standard Operating Guidelines (SOG's) and By-Laws.** The Fire Chief shall prepare rules, regulations, SOG's and By-Laws for the proper operation of the Fire Department. Such rules, regulations, SOG's and By-Laws shall be in addition to the provisions of this Ordinance. Rules, regulations, SOG's and By-Laws promulgated by the Fire Chief shall be approved by the Town Board before becoming effective. All members of the Department shall be provided with access to all such rules, regulations, SOG's and By-Laws once they become effective. Department By-Laws and SOG's shall be reviewed and updated annually. The Fire Chief shall make sure all employees receive a copy of the Town of Namakagon Employee Handbook and sign and return the acknowledgement page.
- f. **Reports.** The Fire Chief is responsible to submit an Annual Report to the Town Clerk for the calendar year ending on December 31<sup>st</sup> no later than the 1<sup>st</sup> of April each year. This report shall detail the condition of all apparatus and equipment, number of fires and total number of members in the Department. It shall also include an overview of the total Department operations of the past year regarding training programs, needs of the Department now and in the coming year. Monthly bank statements shall be submitted to the Town Clerk within

- 15 calendar days of the end of the month for the “Volunteer Fund”. Any other reports shall be submitted as requested by the Town Board.
- g. **Record Maintenance.** The Fire Chief shall be the custodian of all official records of the Fire Department. Such records shall include, at a minimum, those required by the Town Board, Town Ordinances, and the Statutes of the State of Wisconsin. Copies of such records shall be submitted to the Town Clerk to be filed in the Fire Department section of the records room.
  - h. **Equipment.** The Fire Chief shall be responsible for Department equipment and maintenance and maintaining the serviceability of department equipment and vehicles. The Fire Chief shall determine the needs of the Fire Department in evaluating the use of current equipment, assessing, and researching the need of additional equipment that would be necessary to protect Town residences and businesses.
  - i. **Attendance at Fire and Rescue Calls.** In accordance with the Standard Operating Guidelines of the Department, the Fire Chief or the Chief’s designee shall attend all fires in the Town and elsewhere when the Department has responded to render mutual aid to another department. At every emergency call, when present, the Fire Chief shall oversee the department and shall direct and supervise the work of the personnel and the use of the apparatus and equipment. If the Fire Chief or the Chief’s designee is unavailable, the highest-ranking officer of the Department in attendance shall have the same powers and duties as the Chief.
  - j. **Supervisor of Fire Department Employees.** The Chief shall have the power to handle personnel matters, including discipline, appointments, suspensions, demotions, or terminations any officer or member of the Department for just cause.
  - k. **Fiscal Responsibilities.** The Fire Chief shall participate in the Town budgeting process and submit an annual Budget for the upcoming calendar year by September 1<sup>st</sup> of each year. The Town Clerk shall provide the Fire Chief with current year or past year Financial Reports upon request.
  - l. **Other Duties.** The Fire Chief shall perform other duties as are incumbent upon him as the commanding officer of the Fire Department and as may be directed from time to time by the Town Board.
  - m. **Arson Reports.** The Fire Chief shall report all fires in which arson is suspected to the County Sheriff’s Department and the State Fire Marshall.
  - n. **Fire Inspection and Inspection Records Maintenance.** In accordance with section COMM 14.02(2) of the WI Admin. Code, the Fire Chief shall be responsible for the conduct and documentation of fire safety inspections within the Town.

- o. **Vacancy.** A vacancy in the office of Fire Chief shall be filled by a special election called upon by the current ranking officer and with approval of the Town Board. Upon creation of a vacancy of the office of Fire Chief, the highest-ranking officer shall perform the duties of Fire Chief until such vacancy has been filled.

**54-20.06 ASSISTANT FIRE CHIEF, SECRETARY/TREASURER, CAPTAINS, FIRE FIGHTERS, AND FIRE INSPECTOR** The Appointment Procedures and the Duties and Responsibilities are outlined in the Town of Namakagon Volunteer Fire Department By-Laws.

**54-20.07 LEGISLATIVE INTENT** The Namakagon Volunteer Fire Department will be governed and administered by this Ordinance, their By-Laws and Standard Operating Guidelines, and applicable State Law.

MOTION seconded by Supervisor Krueger. Kathy Sill noted a typo correction that was needed. MOTION carried.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE #50-20 AUTHORIZING THE FIRE DEPARTMENT TO HOLD VOLUNTEER FUNDS – Supervisor McGregor explained that the Fire Department had issues with their Volunteer Funds Account with the Department of Revenue, so there became a need to create an ordinance to legally have the Fire Department hold separate funds. The law states that any monies of the Fire Department belong to the town before being dispersed. The Department of Revenue made an exception to this rule to allow Volunteer Funds to be kept in a separate account in an approved financial institution. The Volunteer Funds Account is mentioned in the Fire Protection and Prevention Ordinance and then detailed in this ordinance. Fire Chief Henry Rieckhoff stated that the Fire Department has no issues with this ordinance. MOTION made by Supervisor Krueger to approve Ordinance #50-20 Authorizing the Fire Department to Hold Volunteer Funds.

#### Ordinance 50-20

Town of Namakagon, Namakagon Volunteer Fire Department Volunteer Funds  
STATE OF WISCONSIN, Town of Namakagon, Bayfield County

### **SECTION I – TITLE AND PURPOSE**

This ordinance is entitled the Town of Namakagon, Namakagon Volunteer Fire Department Volunteer Funds Ordinance. The purpose of this ordinance is to authorize the Town Fire Department to hold “Volunteer Funds” in the name of the Namakagon Volunteer Fire Department.

### **SECTION II – AUTHORITY**

The Town Board of the Town of Namakagon, Bayfield County, Wisconsin, has the specific authority under s. [66.0608](#), Wis. Stats. to adopt this ordinance.

### **SECTION III – ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, authorizes the Town Fire Department to hold volunteer funds in the name of Namakagon Volunteer Fire Department as provided in this ordinance.

### **SECTION IV – DEFINITIONS**

In this ordinance:

- A. “Public depository” means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national bank in this state that receives or holds any public deposits or the local government pooled-investment fund.
- B. “Volunteer funds” means funds of a municipality that are raised by employees of the Town's Fire Department, by volunteers, or by donation to the Namakagon Volunteer Fire Department for the benefit of the Town Fire Department.

### **SECTION V – ACCOUNTS**

The Town of Namakagon Fire Chief is authorized to deposit Volunteer Funds of the Department in an account in the name of the Namakagon Volunteer Fire Department in any public depository used by the Town of Namakagon. The Namakagon Volunteer Fire Department, through its Fire Chief, shall have exclusive control over the expenditure of volunteer funds of the department, subject to Section VI.

### **SECTION VI Limitations**

- A. The amount of withdrawals of Volunteer Funds from the account described in Section V of over \$1,000 may be made only upon majority vote of the Fire Department Members present at a duly noticed meeting of the department and approval by the Town Board. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the Namakagon Volunteer Fire Department to provide services for which it is organized.
- B. The account under the Namakagon Volunteer Fire Department designated as the Paul Feckner Memorial Scholarship Fund will be limited in revenues to donations specified to the Paul Feckner Memorial Scholarship Fund. The expenditures will be limited to withdrawals of volunteer funds specifically to be spent on a scholarship for a graduated or graduating student, from Drummond Area District School, that is going into the emergency services, fire department, emergency medical services or law enforcement. This withdrawal must be approved by a majority vote of the Fire Department

Members present at a duly noticed meeting of the department the Fire Department.

- C. The Namakagon Volunteer Fire Department is subject to the following reporting and auditing requirements:
1. The Town of Namakagon Fire Chief shall provide the Town Board with monthly bank statements of the Department's volunteer funds. The statements shall be provided within 15 calendar days of the end of the month. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the month. The source of all funds and the identity of the payee for each disbursement shall be set forth.
  2. Namakagon Volunteer Fire Department accounts shall be included in the annual audit of town funds and shall be audited in the same manner as other town funds.

#### **SECTION VII - SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

#### **SECTION VIII – EFFECTIVE DATE**

This ordinance is effective on publication or posting.

The Town Clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. Stats.

MOTION seconded by Supervisor McGregor and carried.

#### **RESOLUTION 2020-02 TO AUTHORIZE SIGNATURE ON FIRE DEPARTMENT CHECKS –**

MOTION by Supervisor Krueger to approve Resolution 2020-02 to authorize signature of Fire Department Checks.

The Town Board of the Town of Namakagon, Bayfield County, Wisconsin, under its authority in Wisconsin Statutes 66.0608(2) to designate employees of the municipality's Fire Department authorized to sign Town of Namakagon "Namakagon Volunteer Fire Department" and the "Paul Feckner Memorial Scholarship Fund" checks for disbursement, hereby authorizes the signature of the Fire Chief Henry Rieckhoff and Secretary Kathleen Sill as authorized signatures on the Town of Namakagon "Namakagon Volunteer Fire Department" and the "Paul Feckner Memorial Scholarship

Fund” checks. The Town Board of the Town of Namakagon approves these accounts to allow for only two signatures.

MOTION second by Supervisor McGregor and carried.

**DISCUSSION AND POSSIBLE ACTION OF EMPLOYEE HANDBOOK** – The Employee Handbook was submitted to an Attorney for review; however, it has not been reviewed yet. MOTION made by Supervisor Krueger to adopt the Employee Handbook contingent upon approval from Attorney. MOTION seconded by Supervisor McGregor and carried.

**APPROVAL OF LIQUOR LICENSE APPLICATIONS AND RESPECTIVE AGENTS AS PUBLISHED** – Clerk Bjork stated that there were several late applicants this year, which makes it very difficult to process the licenses. Extra phone calls and emails and texts were sent as reminders, and the last one was submitted right before the meeting. The Board agreed that it was the responsibility of the establishments to comply with given deadline dates. MOTION made by Supervisor Krueger to approve Class B Combination Beer and Liquor Licenses to Hank’s Landing, Loon Saloon, Rookery Pub, Cable Nature Lodge, Four Seasons, Pla-Mor, Forest Ridges Golf Course, Lakewoods, The Evergreen, Garmisch and Birches, contingent upon compliance with the Town of Namakagon Alcohol Control Ordinance #20. MOTION seconded by Supervisor McGregor and carried.

**APPROVAL OF CIGARETTE LICENSES PER APPLICATIONS** – MOTION made by Supervisor McGregor to approve Cigarette Licenses for Hank’s Landing, Loon Saloon, Four Seasons, Forest Ridges Golf Course, Garmisch and the Evergreen. MOTION seconded by Supervisor Krueger and carried.

**APPROVE ISSUANCE OF OPERATOR’S LICENSE PER APPLICATIONS** – MOTION made by Supervisor McGregor to authorize the Chairman to approve all operator licenses through the year and to notify the board if there are any concerns. MOTION seconded by Supervisor Krueger and carried.

Chairman Rasmussen appointed JoAnn Schultz to the Library Board. He thanked Judy Krueger for her service to the library.

**REVIEW CORRESPONDENCE** – A letter was received for a request to protect Monarch Butterflies by not mowing certain roads. The road crew avoids all spots of milkweed. Supervisor Krueger noted that state law requires the town to mow, but this is spotting for a certain time.

Paul Strong from the US Forest Service sent a letter stating that they wanted to continue working with the town that remains consistent with the Road Maintenance agreement even with the issues concerning COVID-19.

A resident took a picture of the shoreline of Garden Lake noting that there was no silt fence and it was chewed up. The Board agreed to write a letter of concern to Bayfield Land and Water Conservation Department and possibly the DNR.

**PUBLIC COMMENT** – Kathy Sill inquired if the town required background checks to be done on renters for the Short-Term rentals. She brought it up due to the theft incident on Garden Lake Road. The town does not require background checks. Steve Bollig stated that the Bayfield County Sheriff's Department deserves thanks for all the work in dealing with the theft that happened in the township. Steve Bollig inquired who had the authority to put up buoys for a no wake zone on Duck Point. He was inquiring for buoys close to shore. This would need to go through the DNR, however if a buoy is put up in that certain area, then it must be put up in that area in all lakes. Close to shore is mandated as no wake. There was discussion on cell service in the area and the potential safety concerns. Henry Rieckhoff requested that the project with repairing the Facia and Soffits be completed on the building. Chairman Rasmussen will contact Dale Krajenka.

Set date for the next Board meeting July 7, 2020 @ 7:30pm. Annual Town Board meeting Tuesday, July 14, 2020 @ 7pm.

MOTION made by Supervisor McGregor to go into Closed Session at 9:05pm pursuant to S.19.85(1)(e) of the WI Statutes for deliberating or negotiating the purchasing of public property, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The board will reconvene in open session to take necessary action as required and resume regular town business. MOTION seconded by Supervisor Krueger and carried.

MOTION made by Supervisor Krueger at 9:53pm to reconvene in open session to take necessary action as required and resume regular town business. MOTION seconded Supervisor McGregor by and carried.

MOTION made by Supervisor Krueger to adjourn at 9:54pm. MOTION seconded by Supervisor McGregor and carried.

Respectfully Submitted by

Laura Bjork, Town of Namakagon Clerk