



101 E. Wilson Street
2nd Floor
PO Box 8943
Madison, WI 53708-8943

608 266-1370 INFORMATION
608 266-0034 LOANS
608 267-2787 FAX
bcpl.wisconsin.gov

Thomas P. German, *Executive Secretary*

AGENDA

June 1st, 2021
2:00 P.M.

Board of Commissioners of Public Lands
101 E. Wilson Street, 2nd Floor
Madison, Wisconsin

Routine Business:

1. Call to Order
2. Approve Minutes – May 18, 2021 (Attachment)
3. Approve Loans

Old Business:

4. None

New Business:

5. Submerged Land Lease – Town of Bell, Bayfield County

Routine Business:

6. Chief Investment Officer's Report
7. Executive Secretary's Report
8. Board Chair's Report
9. Future Agenda Items
10. Adjourn

AUDIO ACCESS INFORMATION

Conference Line Number: **(608) 571-2209**
Conference ID Code: **790 694 843#**

Board Meeting
Minutes
May 18, 2021

Present were:

- | | |
|---|--|
| Sarah Godlewski, Board Chair | State Treasurer |
| Josh Kaul, Commissioner | Attorney General |
| Doug LaFollette, Commissioner | Secretary of State |
| Tom German, Executive Secretary | Board of Commissioners of Public Lands |
| Jim DiUlio, Deputy Secretary | Board of Commissioners of Public Lands |
| Richard Sneider, Chief Investment Officer | Board of Commissioners of Public Lands |
| Mike Krueger, IT Manager | Board of Commissioners of Public Lands |
| Denise Nechvatal, Senior Accountant | Board of Commissioners of Public Lands |
| Thuy Nguyen, Office Manager | Board of Commissioners of Public Lands |
| Julie Benkoske, Chief of Staff | State Treasurer |

ITEM 1. CALL TO ORDER

Board Chair Godlewski called the meeting to order at 2:02 p.m.

ITEM 2. APPROVE MINUTES – May 4, 2021

MOTION: Commissioner LaFollette moved to approve the minutes; Board Chair Godlewski seconded the motion.

DISCUSSION: None

VOTE: The motion passed 3-0.

ITEM 3. APPROVE LOANS

MOTION: Commissioner LaFollette moved to approve the loans; Commissioner Kaul seconded the motion.

DISCUSSION: Mr. Sneider mentioned there were two loans for roadwork, one for capital equipment and one to finance operations. He explained that the loan to Town of Dexter for the purpose of financing operations is to replenish the town accounts for funds spent on road work done last year.

VOTE: The motion passed 3-0.

The Board of Commissioners of Public Lands (BCPL) unanimously approved **\$850,667.00** in State Trust Fund Loans to support **4** community projects in Wisconsin.

1. City of Marshfield / Marathon and Wood Counties / Finance 2021 capital equipment / \$320,667.00
2. Town of Pleasant Springs / Dane County / Finance roadwork / \$300,000.00
3. Town of Dexter / Wood County / Finance operations / \$75,000.00
4. Town of Unity / Trempealeau County / Finance roadwork / \$155,000.00

ITEM 4. OLD BUSINESS

None

ITEMS 5 NEW BUSINESS

NONE

ITEM 6. CHIEF INVESTMENT OFFICER'S REPORT

NONE

ITEM 7. EXECUTIVE SECRETARY'S REPORT

Executive Secretary German shared that BCPL will be closing on land transactions with The Forestland Group and the Northwoods Land Trust. These transactions were approved by the Board at the April 6th meeting. Kevin Burns, manager of BCPL's Lake Tomahawk Office, is planning to offer a timber sale on the incoming property this fiscal year because timber was already marked by The Forestland Group.

The Joint Finance Committee had an executive session last week for a number of agencies, including BCPL. BCPL requested a program revenue appropriation for payments in lieu of taxes. After adoption of the last budget, BCPL had a statutory requirement to make certain payments in lieu of taxes from program revenue but had no program revenue appropriation. Therefore, BCPL could only make those payments out of GPR. The request for a program revenue appropriation was to bring the statutes into alignment. The Joint Finance Committee instead gave BCPL a GPR appropriation for payments in lieu of taxes and adopted a statutory amendment authorizing PILT payments from GPR.

BCPL also asked for a new gifts and grants appropriation. Recently, the Roughed Grouse Society offered BCPL a grant to fund the mapping of interior roads on our School Trust Lands, but we didn't have a gifts and grants appropriation to spend such grant. The Joint Finance Committee approved this request.

The last thing BCPL asked for was an adjustment to our salary and fringe line to provide full funding for salaries and benefits for our staff because at the time the base budget was established, we had a couple of open positions. The Joint Finance Committee rejected that request and instead increased our salary and fringe lines by taking money from the goods and services line of our appropriation.

Commissioner Kaul acknowledged that there are pros and cons with the budget. He asked what Executive Secretary German's assessment is to how things net out for BCPL.

Executive Secretary German replied that the net hit to the agency would be about \$50,000. He is exploring the possibility of obtaining a line item veto for what the Joint Finance Committee did with respect to the salary and fringe line. He expressed his disappointment of the budget outcome after spending a considerable amount of time with the members of Joint Finance Committee.

Commissioner LaFollette asked for clarification of the impact the new budget has on the agency.

Executive Secretary German explained that the net impact of the new budget would, in essence, result in BCPL having approximately \$50,000 less in spending authority.

Commissioner LaFollette asked about what the ramifications are of these changes.

Executive Secretary German commented that BCPL did a lapse of \$108,000 this year. That means we would be able to spend \$50 some thousand more next year than we could this year because of the Covid spending restrictions.

Board Chair Godlewski asked if there is an opportunity for a line item veto to rectify the changes.

Executive Secretary German responded that he believes so, but it is not a definite yes.

Board Chair Godlewski asked if BCPL had ever been a beneficiary to the supplements that are provided for DOA.

Executive Secretary German said yes and expressed that he was thinking about that possibility for the future as well. BCPL has usually not needed that in the past.

Board Chair Godlewski shared that for the State Treasurer's Office they do need those supplements from DOA and she sees that as an option for BCPL.

Executive Secretary German reported that there may be a submerged land lease coming before the board next meeting. The Town of Bell in northern Wisconsin had a submerged land lease for years, which recently expired, and would like to renew it.

Finally, Executive Secretary German shared that Commissioner LaFollette, Secretary of State, has asked the staff to start issuing press releases after board meetings. These press releases would announce loans that have been approved for local government projects. These press releases would begin after the next board meeting.

Commissioner LaFollette explained that these had been done for years. The Executive Secretary would put out a press release announcing the approved loans and it would include a quote from Commissioner LaFollette or other commissioners about how much BCPL enjoys lending through the State Trust Fund Loan Program. The press releases would then go out to the specific communities that were benefitted by the loans.

Board Chair Godlewski commented that the previous office manager of BCPL would put out press releases after each board meeting but the information was not being picked up and broadcasted by the media. She believes it was a lot of work for little return. She acknowledged that BCPL staff is already very busy and that is why she stepped up to do certain things.

Commissioner LaFollette asked about the success of press releases put out by Board Chair Godlewski's office.

Board Chair Godlewski replied that she did not have an analysis on that.

Commissioner LaFollette shared that he preferred the old method of how press releases were done and that the current method does not include the other two board members.

Board Chair Godlewski proposed that she will reach out to Commissioner LaFollette just as she does to Commissioner Kaul's communications staff.

Commissioner LaFollette commented that in the past local newspapers were more receptive to publishing information about loans in their communities. He acknowledged that reaching out to specific newspapers to publish for specific communities is a lot of work. He hopes whatever method is used going forward for press releases can include Commissioner Kaul and himself.

Board Chair Godlewski shared her disappointment about the downfall of local newspapers. She commented about the importance of being innovative and creative. She will continue doing what she and her staff have been doing, and will make sure to reach out to the other commissioners for input and quotes.

Commissioner LaFollette and Board Chair Godlewski discussed news alerts and notifications pertaining to keywords.

Board Chair Godlewski proposed that an overview of what made it into the press could be reported on quarterly at the same meetings that updates are provided on the goals and priorities.

Commissioner LaFollette commented about tracking the success of the press releases.

Board Chair Godlewski shared that she has been more strategic on which loans are worth highlighting and suggested that such process be continued.

Executive Secretary German asked for confirmation that the Board is suggesting BCPL staff to not produce press releases and that Board Chair Godlewski will continue doing so while reaching out to the other Commissioners.

Board Chair Godlewski replied, yes. She reiterated that Julie from her office will coordinate with Commissioner LaFollette as she does Commissioner Kaul's office when something is newsworthy.

ITEM 8. BOARD CHAIR'S REPORT

Board Chair Godlewski spoke about her role of working with the 1400 municipal treasurers in Wisconsin's 72 Counties. She commented about the importance of the State Trust Fund Loan Program and its relationship to the Common School Fund. She brought up the potential impact the American Rescue Plan might have on State Trust Fund Loan Program borrowing, as Wisconsin receives millions of dollars at the state and local level. She meets quarterly with municipal and county treasurers. Last month she connected with the municipal treasurers and they spoke about how valuable the State Trust Fund Loan Program is and how it can be used (e.g. bridge financing, gap financing). Gap financing may be helpful for communities that have shovel ready projects that need funding upfront before federal stimulus funding is disbursed. Later in the summer, early fall she plans to participate in a series of outreach events with Executive Secretary German. She will keep the board updated on those events.

ITEM 9. FUTURE AGENDA ITEMS

None

ITEM 10. ADJOURN

Commissioner LaFollette moved to adjourn the meeting; Board Chair Godlewski seconded the motion. The motion passed 3-0; the meeting adjourned at 2:25 p.m.



Thomas P. German, Executive Secretary

Link to audio recording:

<https://bcpl.wisconsin.gov/Shared Documents/Board Meeting Docs/2021/2021-05-18 BoardMtgRecording.mp3>

**BOARD MEETING
JUNE 1, 2021**

**AGENDA ITEM 3
APPROVE LOANS**

Municipality	Municipal Type	Loan Type	Loan Amount
1. Phelps Vilas County Application #: 02021128 Purpose: Finance purchase of trucks and backhoe	Town Rate: 2.50% Term: 5 years	General Obligation	\$222,365.57
2. Little Rice Oneida County Application #: 02021129 Purpose: Finance land purchase	Town Rate: 3.00% Term: 8 years	General Obligation	\$305,000.00
3. Pewaukee Waukesha County Application #: 02021130 Purpose: Finance purchase of dump truck and accessories	Village Rate: 3.00% Term: 10 years	General Obligation	\$180,744.53
4. Rantoul Calumet County Application #: 02021131 Purpose: Finance purchase of truck	Town Rate: 2.50% Term: 5 years	General Obligation	\$200,000.00
5. Green Lake Sanitary District Green Lake County Application #: 02021132 Purpose: Finance sewer main extension project	Sanitary District Rate: 3.00% Term: 10 years	General Obligation	\$300,000.00
	TOTAL		<hr/> \$1,208,110.10

BOARD MEETING

June 1, 2021

AGENDA ITEM 5

TOWN OF BELL – PROPOSED SUBMERGED LAND LEASE

- A. The Town of Bell in Bayfield County desires to dredge its harbor and place the dredge material on the bed of Lake Michigan in the area described on attached Exhibit 1 (the Proposed Leased Area). Pursuant to the Wisconsin Constitution, the State holds the beds of lakes in trust for the citizens of Wisconsin. In order to legally place such dredge material on the lakebed, the Town must obtain regulatory approval from the Wisconsin DNR and must enter into a Submerged Lands Lease with the Board of Commissioners of Public Lands pursuant to Wis. Stats. Section 24.39(4).
- B. The Town of Bell adopted a “bulkhead” line ordinance in 1990 for the purpose of identifying an area of Lake Michigan to place material from dredging the local harbor. Such ordinance was approved by the Wisconsin DNR with a finding that the purpose of such ordinance was in the public interest as it would improve harbor facilities and navigational channels (See Attached Exhibit 2). Pursuant to the DNR’s approval and findings, BCPL entered into a Submerged Lands Lease with the Town of Bell for such purpose.
- C. When the original lease expired, the Town sought a lease extension for the same purpose. The DNR determined that the proposed physical changes were still consistent with the public interest in the navigable waters and issued a letter confirming such position. Based on the DNR’s regulatory approval, BCPL entered into a new lease with the Town of Bell in 2008. This lease “renewal” has now expired.
- D. The Town of Bell has now requested to renew the lease again with BCPL for the same purpose. As the Town asserts that the dredging of the harbor is intended to provide the public with enhanced access to the harbor, improved navigational channels and the enjoyment of the waters of Lake Michigan, the Town respectfully requests that the annual base rent for the proposed submerged land lease be set at a nominal amount.
- E. The DNR has recently issued a new regulatory determination that the proposed placement of dredge material behind the bulkhead line on the bed of Lake Superior is still in the public interest and no further action is required of the DNR for a new lease. (see attached Exhibit 3).

- F. For the above reasons, BCPL staff recommends that the Board authorize a new Submerged Lands Lease for the Proposed Lease Area with the Town of Bell:
- For the purpose of improving navigation;
 - At a base rental rate of \$200 per year;
 - For a term of no more than 20 years;
 - Subject to the conditions set forth in the DNR's published findings; and
 - On such other terms and conditions as the BCPL Executive Secretary determines to be reasonable and necessary.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands authorizes a Submerged Lands Lease with the Town of Bell in accordance with Section 24.39 of the Wisconsin Statutes with a base rental rate of Two Hundred Dollars (\$200) per year with a term of no more than Twenty (20) years for the purposes of improving navigation and on such other terms and conditions as the Executive Secretary determines to be reasonable and necessary. The Executive Secretary is authorized and directed to execute any documents reasonably necessary to complete such transaction.

- Exhibit 1: Legal description of Proposed Lease Area*
Exhibit 2: Town of Bell Bulkhead Line Ordinance
Exhibit 3: WI DNR's Concurrence on Lease Renewal

EXHIBIT 1
LEGAL DESCRIPTION OF PROPOSED LEASE AREA

The Proposed Lease Area is a parcel of land lying in Township Fifty-One North (T51N), Range Six West (R6W), Section Thirty-four (34), Bayfield County described as follows:

Commencing at the Center of Section Thirty-four (34), Township Fifty-one North (T51N), Range Six West (R6W), thence North $20^{\circ}48'28''$ East 2,093.20 feet to point A, the point of beginning on the shore line of Lake Superior, thence North $32^{\circ}59'36''$ West 480.00 feet to Point B, the Northeasterly water point, thence South $65^{\circ}32'15''$ West 490.36 feet to point C, a point on the Easterly side of the East Harbor Breakwall, thence South $47^{\circ}01'44''$ East 182 feet to point D, an angle point on said breakwall, then South $42^{\circ}30'37''$ West 19.53 feet to point E, an angle point in said breakwall, then South $47^{\circ}01'44''$ East 370 feet to point F, a point on the steel sheet piling of said breakwall, then North $58^{\circ}54'57''$ East 370.17 feet along the shoreline to the Point of Beginning. This parcel contains 4.99 acres.

ORDINANCE INTRODUCED BY THE TOWN BOARD OF THE TOWN OF BELL
ESTABLISHING A BULKHEAD LINE IN THE TOWN OF BELL EAST OF THE HARBOR
ENTRANCE AT CORNUCOPIA HARBOR

WHEREAS, the Town of Bell, Wisconsin, through the Town Board and pursuant to Wis. Statutes 30.11(3), proposes to establish a new bulkhead line along part of the shore of Lake Superior in Bayfield County as hereinafter described; and

WHEREAS, the proposed bulkhead line would be in the public interest in lessening the erosion of the shoreline immediately east of the Entrance to Cornucopia Harbor and in providing a disposal site for unpolluted dredged material;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF BELL, WISCONSIN does ordain as follows:

1. That the bulkhead line described on Exhibit "A" attached and made a part hereof as though fully set forth herein is established and determined, subject to the approval of the State of Wisconsin, Department of Natural Resources;
2. That the establishment of the bulkhead line described in Exhibit "A" is in the public interest in that it will allow for disposal of unpolluted dredged material immediately east of the Entrance to Cornucopia Harbor, thus reducing the cost of some necessary harbor dredging and protecting the shoreline without endangering habitat;
3. That four certified copies of this ordinance and attached Exhibit "A", together with four true and exact copies of of such proposed bulkhead line, be submitted to the

Department of Natural Resources of the State of Wisconsin for its approval.

4. That upon the return and receipt of such approved map the same be filed as follows: One in the office of the Department of Natural Resources; one in the office of the Town Clerk of the Town of Bell, Wisconsin; one in the office of the Bayfield County Clerk; and one in the office of the Register of Deeds for and in Bayfield County, Wisconsin.

Passed and adopted by the Town Board Council of the Town of Bell, Wisconsin, this 11th day of Dec, 1990. Ordinance # 90-05

Approved this 11th day of Dec., 1990.

Robert Baydo
Town Chairman

ATTEST:

Ronald W. Boguhn
Town Clerk

EXHIBIT A

CORNUCOPIA, WISCONSIN DREDGE DISPOSAL SITE

A parcel of land lying in Section 34, T. 51 N., R. 6 W.
Bayfield County, Wisconsin in the township of Bell, Wisconsin.
Described as follows:

Commencing at the Center of Section 34, T. 51 N., R. 6 W.,
thence North 20 -48'-28" East 2,093.20 feet to point A, the point
of beginning on the shore line of Lake Superior, thence North 32 -
59'-36" West 480.00 feet to point B the northeasterly water point,
thence South 65 -32'-15" West 490.36 feet to point C a point on the
easterly side of the East Harbor Breakwall, thence South 47 -01'-
44" East 182.00 feet to point D a angle point on said breakwall,
thence South 42 -30'-37" West 19.53 feet to point E a angle point
in said breakwall, thence South 47 -01'-44" East 370.00 feet to
point F a point on the steel sheet piling of said breakwall,
thence North 58 -54'-57" East 370.17 along the shoreline to the
point of beginning.

This parcel contains 4.99 Acres.

EXHIBIT A

EXHIBIT 2
Page 4 of 6

STATION	COORDINATES		BEARING	DISTANCE
CORN	N.619326.15	E.1723635.57		
PERM	N.618904.40	E.1724423.20		
0	N.618937.07	E.1724473.53	S.61-49-56E.	60.00
1	N.619100.43	E.1724725.15	N.57-00-24E.	300.00
CENTER 34				
SECTION CORNER	N.617152.14	E.1723976.13	N.20-48-28E.	2093.20
A	N.619108.82	E.1724719.70	N.32-59-36W.	480.00
B	N.619511.41	E.1724458.23	S.65-32-15W.	490.36
C	N.619308.36	E.1724011.99	S.47-01-44E.	182.00
D	N.619184.30	E.1724145.15	S.42-30-37W.	19.53
E	N.619169.91	E.1724131.96	S.47-01-44E.	370.00
F	N.618917.70	E.1724402.69	N.58-54-57E.	370.17
A	-----	-----		

All Coordinates, Bearings and Distances are referanced to Grid, North American Datum 1927. Grid Factor = 0.0999973.

EXHIBIT A

3-NW-90-11002

ORDINANCE NUMBER

- city
- county
- town
- village

The BELL, BAYFIELD
County, Wisconsin, by and through its governing board, proposes to establish in the interest of public and

according to Section 30.11 (3), Wis. Stats., a new bulkhead line along a part of the shore of Lake Superior
BAYFIELD County, described below, and ordains as follows:

1. That the bulkhead line along the shore of LAKE SUPERIOR
(name of body of water)

described as follows and as shown by the attached map, is established subject to the approval of the Department of Natural Resources:

(Attach here the legal description
of the new bulkhead line.)

2. That the bulkhead line is in the public interest because:

It establishes where dredgings can be dumped to prevent
the erosion of the beach area as established by the
U.S. Corp of Engineers

3. That three certified copies of the ordinance and three true and correct copies of such map, be submitted to the Department of Natural Resources for its approval.

4. That upon the return and receipt of the approved ordinances and maps, copies shall be filed with

- city
- county
- town
- village

Department of Natural Resources, the clerk of the BELL & Bayfield Co. Clerk
Wisconsin, and the Register of Deeds for BAYFIELD County, Wisconsin.

Passed on Dec. 11, 19 90
(date)

Robert Beedo, Chairman
Signed president, mayor, chairperson

Attest:

- city
- county
- town clerk
- village

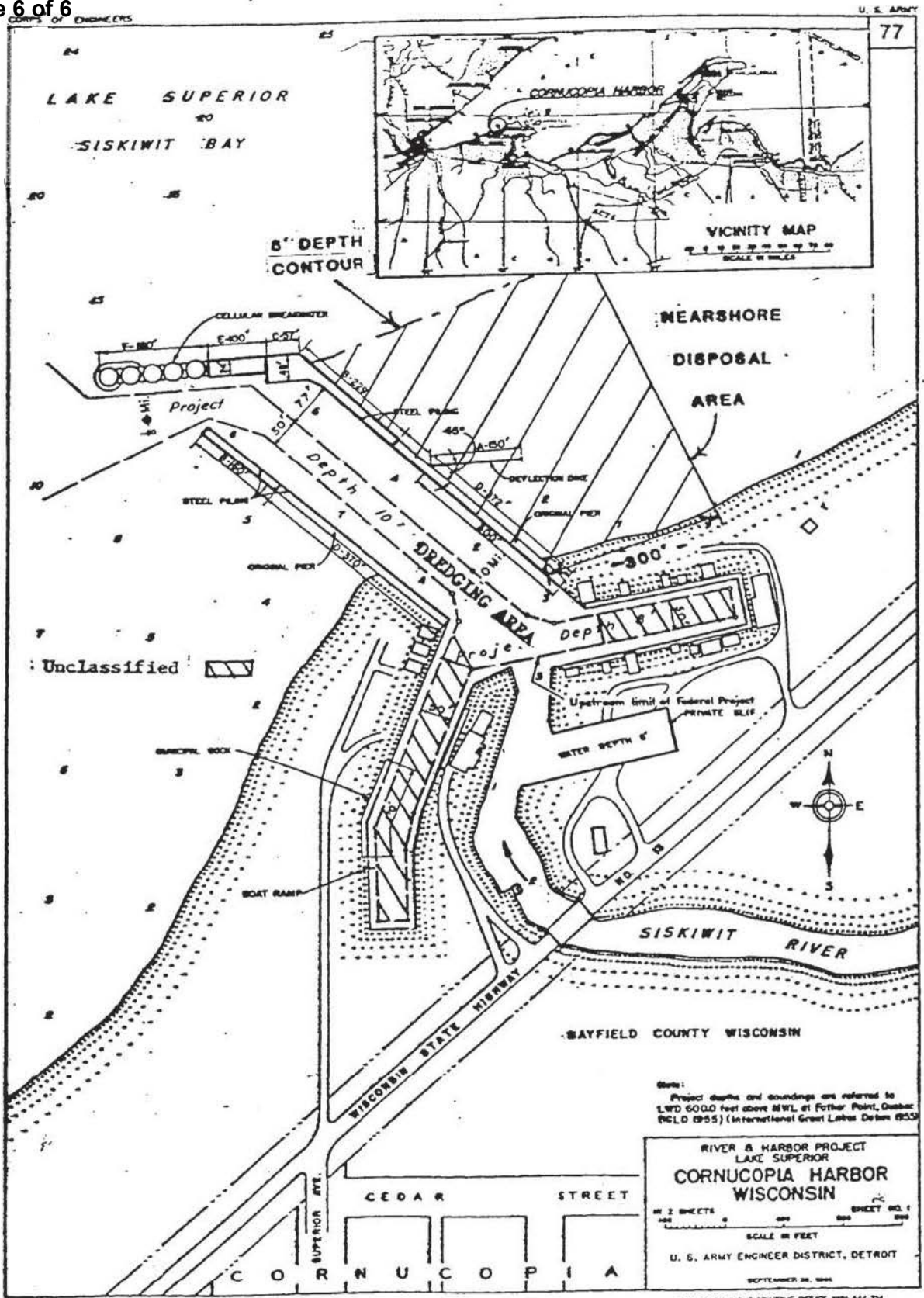
I, Ronald W Bequith
Ordinance No. OR 90-05, passed by the

- city
- county
- town
- village clerk
- city
- county
- town
- village

certify that the above is a true and correct copy of
 board city
 council of the county of Bayfield
 town
 village

Wisconsin, on Dec 11, 19 90

Ronald W Bequith
 city
 county
 town clerk
 village



State of Wisconsin
 DEPARTMENT OF NATURAL RESOURCES
 107 Sutliff Avenue
 Rhinelander WI 54501-3349

Tony Evers, Governor
 Preston D. Cole, Secretary
 Telephone 608-266-2621
 Toll Free 1-888-936-7463
 TTY Access via relay - 711



Tom German
 Executive Secretary & General Counsel
 Board of Commissioners of Public Lands
 101 E. Wilson Street, 2nd Floor
 P.O. Box 8943
 Madison, WI 53708

Subject: Renewal of Submerged Land Lease 153, Town of Bell

Dear Tom,

You have conferred with the Department concerning the renewal of Submerged Lands Lease 153 to the Town of Bell. You inquired whether the Department concurs with this Submerged Lands Lease Renewal.

The Department issued a bulkhead line approval to the Town of Bell on November 15, 1991; the conditions requiring the submerged land lease and the proposed use of the submerged land lease have not changed. The project was found to be in the public interest in 1991. The Department has engaged the United States Army Corps of Engineers to secure Water Quality Certification for the disposal of dredged material behind the bulkhead line.

In view of this information, it is the Department's determination that the project is still in the public interest in Lake Superior. The Department has no objection to the renewal of submerged Lands Lease 153 issued to the Town of Bell, Bayfield County, Wisconsin. No further action is needed by the Department prior to the Board of Public Commissioners renewal of this lease.

Please contact me at (715) 409-9016 if you have any questions or concerns.

Sincerely,

Keith Patrick
 Field Supervisor

Cc: MaryBeth Tillmans, Clerk Town of Bell
 Michael Kowalkowski, Bureau of Legal Services
 Dan Harrington, WDNR