

AGENDA

April 18, 2023, 2023

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 – April 4, 2023 (Attachment)
3. Approve Loans

Old Business:

4. None

New Business:

5. Easement – Town of Round Lake, Sawyer County
6. Submerged Land Lease – Madeline Island Ferry

Routine Business:

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

AUDIO ACCESS INFORMATION

Conference Line Number: 608-571-2209

Conference ID: 335 125 302#

Board Meeting Minutes
April 4, 2023

Present were:

| | |
|---|--|
| Sarah Godlewski, Board Chair | Secretary of State |
| Josh Kaul, Commissioner | Attorney General |
| John Leiber, Commissioner | State Treasurer |
| Tom German, Executive Secretary | Board of Commissioners of Public Lands |
| Richard Sneider, Chief Investment Officer | Board of Commissioners of Public Lands |
| Chuck Failing, IT Specialist | Board of Commissioners of Public Lands |
| Thuy Nguyen, Office Manager | Board of Commissioners of Public Lands |

ITEM 1. CALL TO ORDER

Board Chair Godlewski called the meeting to order at 2:01 p.m.

ITEM 2. APPROVE MINUTES

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

DISCUSSION: None.

VOTE: The motion passed 3-0.

ITEM 3. APPROVE LOANS

MOTION: Board Chair Godlewski moved to approve the loans; Commissioner Leiber seconded the motion.

DISCUSSION: Mr. Sneider shared that three of the loans are for road work and bridge projects. The Village of Black Creek is financing some sewer and water projects and ancillary projects, meaning there are some curb, gutter and sidewalk projects included in the project.

VOTE: The motion passed 3-0.

The Board of Commissioners of Public Lands (BCPL) unanimously approved a **\$1,345,000.00** State Trust Fund Loan to support 4 community projects in Wisconsin.

1. Village of Dousman / Waukesha County / Finance roadwork / \$45,000.00
2. Village of Westfield / Marquette County / Finance road and bridge projects / \$750,000.00
3. Town of Pleasant Springs / Dane County / Finance roadwork / \$300,000.00
4. Village of Black Creek / Finance sewer/water and ancillary projects / \$250,000.00

ITEM 4. OLD BUSINESS

None

ITEM 5. NEW BUSINESS

None

ITEM 6. CHIEF INVESTMENT OFFICER'S REPORT

Mr. Sneider shared that he recently returned from giving a presentation to a meeting of drainage districts in Portage, WI. BCPL approved our first loans to drainage districts a few years ago to some Dane County drainage districts. Drainage Districts were just added to our list of potential borrowers about 2010. Drainage districts are unique in that the repayment of the loan is through assessments to individual parcels in accordance with the benefits that parcel receives rather than the equalized value of the district.

Executive Secretary German commented that it's not a uniform tax or a uniform assessment. It is based on the benefits that each of the parcel owners are getting from the project. And so that's a bit different from the vast majority of our loans.

ITEM 7. EXECUTIVE SECRETARY'S REPORT

Executive Secretary German shared that Assembly Bill 67, which removed the sunset provision on the Normal School Fund providing funding for the merit scholarships, was passed by both houses of the legislature with a significant amount of bipartisan support. The bill is now with the governor waiting for his action.

BCPL staff completed some revisions to our internal control plan that provided better clarity for financial transactions and timber sale transactions. Our internal control plan is roughly 40 pages. And it's pretty remarkable when you look at it and realize how much money is flowing through our organization on a yearly basis. These annual reviews provide the staff with an opportunity to talk in greater detail about these issues. It was a good experience for everyone and it also helped our new IT manager get a better sense of how things work here.

We have now completed the in person phase of the Wisconsin Towns Association regional meetings. It has been a great experience. It gave us a chance to reconnect with a lot of those potential borrowers in virtually every corner of the state and provide them with more information about our loan program and about BCPL and the constitutional officers that make up our board.

Finally, a couple submerged land leases will be brought to the board in the near future. Likely, sometime in the next six weeks.

ITEM 8. BOARD CHAIR'S REPORT

Board Chair Godlewski shared she has continued to reach out to our beneficiaries, since being elected board chair. She has talked to the league and different school entities and will continue to do so. She will start her check-ins again with Executive Secretary German to discuss goals for the agency as we all move forward.

Commissioner Leiber proposed that a thank you letter be sent to former Commissioner LaFollette thanking him for his years of service. Board Chair Godlewski and Commissioner Kaul agree.

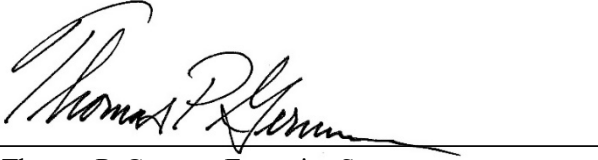
Executive Secretary German confirms that he will be the one to draft the letter on behalf of the board.

ITEM 9. FUTURE AGENDA ITEMS

None

ITEM 10. ADJOURN

Board Chair Godlewski moved to adjourn the meeting; Commissioners Leiber seconded the motion. The motion passed 3-0; the meeting adjourned at 2:13 p.m.

A handwritten signature in black ink, appearing to read "Thomas P. German", written over a horizontal line.

Thomas P. German, Executive Secretary

Link to audio recording:

[https://bcpl.wisconsin.gov/bcpl.wisconsin.gov Shared Documents/Board Meeting Docs/2023/2023-04-04 BoardMtgRecording.mp3](https://bcpl.wisconsin.gov/bcpl.wisconsin.gov/Shared%20Documents/Board%20Meeting%20Docs/2023/2023-04-04/BoardMtgRecording.mp3)

**BOARD MEETING
APRIL 18, 2023**

**AGENDA ITEM 3
APPROVE LOANS**

| Municipality | Municipal Type | Loan Type | Loan Amount |
|--|--------------------------------------|--------------------|--------------------------|
| 1. Wayne Washington County Application #: 02023070 Purpose: Finance dump truck purchase | Town Rate: 5.00% Term: 5 years | General Obligation | \$83,925.00 |
| | TOTAL | | <hr/> \$83,925.00 |

**BOARD MEETING
APRIL 18, 2023**

**AGENDA ITEM 5
PROPOSED EASEMENT RELOCATION – SAWYER COUNTY PROPERTIES IN THE
TOWN OF ROUND LAKE**

RECITALS

- A. BCPL owns two parcels of land in the Town of Round Lake in Sawyer County legally described as:

Township 41 North, Range 5 West

Section 30: Government Lot 1, less and except Lot 1 of CSM 5459, and
Lot 1 of CSM 5461

- B. In 1862 BCPL acquired Government Lot 1 pursuant to a federal Swamp Land Patent.

- C. In 1995 BCPL exchanged part of Government Lot 1 described as Lot 1 of CSM 5459 for another parcel nearby legally described as Lot 1 of CSM 5461 (part of Government Lot 2, the NE/NE, and the SE/NE).

- D. The BCPL parcel acquired in the 1995 land exchange was benefitted by an access easement that burdens a parcel now owned by Susan MacIntosh Trust No. 2015, generally described as:

Township 41 North, Range 5 West, Town of Round Lake, Sawyer County, Wisconsin
Section 30: Lot 1 of CSM 8004

- E. Ms. MacIntosh desires to expand her cabin and in order to comply with county zoning setback requirements she requests that BCPL agree to move the easement location on her property to a new road she has already constructed lying 80 feet west of the existing easement road. Another user of the easement road has already executed an amended and restated easement agreeing to the easement relocation.

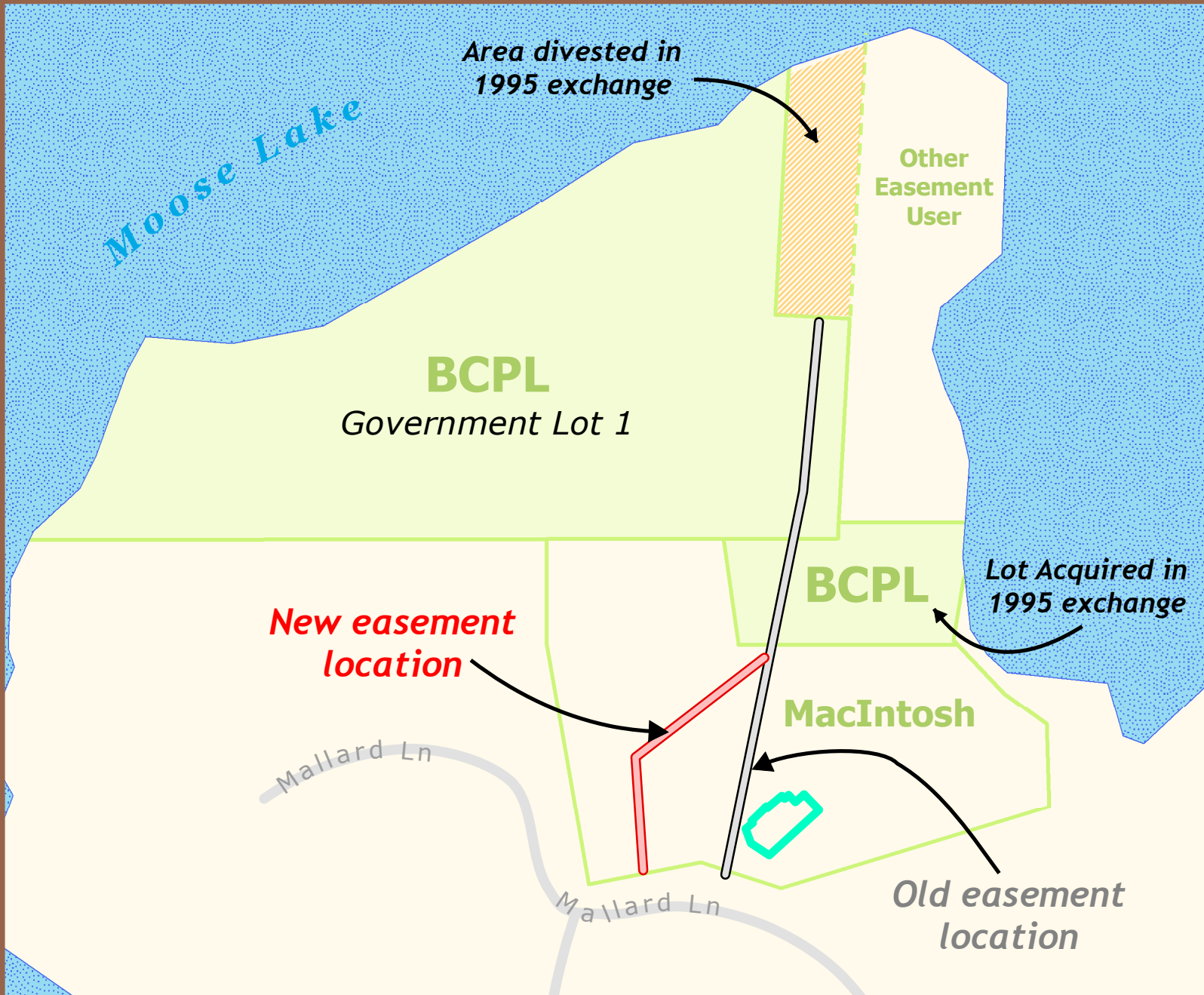
- F. BCPL staff is requesting authority from the Board to amend and restate the existing easement across Ms. MacIntosh's land for the following reasons:

1. It is not a detriment to BCPL staff to use the new easement road. Nor is it expected to be a detriment to future buyers of the BCPL parcels, should the Board approve selling the parcels in the future.

2. The new easement document will clarify BCPL's access rights to that part of Government Lot 1 still owned by BCPL by specifically stating that access across Ms. MacIntosh's land will benefit said BCPL parcel.
 3. The new easement document will clarify the scope of use of the easement as to both BCPL parcels by specifically including utility rights.
 4. Both BCPL and Ms. MacIntosh's respective parcels will benefit from the proposed amendment of the easement and therefore both parties are providing good and valuable consideration for this proposed agreement even if no funds are paid by either party.
- G. BCPL staff recommends waiving any fee that may be applicable to this request because of the positive impact it will have on BCPL's title and because Ms. MacIntosh paid legal fees for the initial easement draft, which BCPL staff found acceptable.
- H. BCPL staff recommends approval of this proposed amended and restated easement so the easement road can formally be moved.

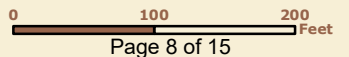
NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands approves the amendment and restatement of an access easement with Susan C. MacIntosh, Trustee of Susan MacIntosh Trust No. 2015 without any requirement for payment of any additional sum in accordance with Chapter 24 of the Wisconsin Statutes on such 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.

SAWYER COUNTY PROPERTIES IN THE TOWN OF ROUND LAKE



| | |
|-------------|-------------|
| Bayfield | Gordon |
| Spider Lake | Shanagolden |
| Sawyer | Ashland |
| Round Lake | Chippewa |

County: Sawyer
 Town: Round Lake



**BOARD MEETING
APRIL 18, 2023**

**AGENDA ITEM 6
PROPOSED SUBMERGED LAND LEASE WITH MADELINE ISLAND FERRY LINE, INC.**

RECITALS

- A. **MADLINE ISLAND FERRY LINE, INC.** (the “Ferry”) is the riparian owner of certain waterfront property on the shore of Lake Superior in Bayfield County, Wisconsin.
- B. The Ferry desires to possess and maintain certain improvements on the bed of Lake Superior adjacent to its upland waterfront property.
- C. Pursuant to the Wisconsin Constitution, the State holds the beds of lakes in trust for the citizens of Wisconsin. In order to legally place fill or construct improvements on the beds of Great Lakes or certain other navigable waters and possess such areas, a riparian owner 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). BCPL may only lease submerged land to a riparian owner.
- D. The **CITY OF BAYFIELD** (the “City”) adopted a bulkhead line ordinance in 1996. The area enclosed by such bulkhead line is described on Attached Exhibit A. After the adoption of said ordinance, the Wisconsin Department of Natural Resources (“DNR”) issued Findings of Fact, Conclusions of Law and an Approval of the above-described bulkhead line on December 5, 1996 (Docket #3-NW-1996-04020). A map depicting the bulkhead line and proposed lease area is attached as Exhibit B. BCPL entered into a Submerged Lands Lease for the area described within the bulkhead line description with the City in November of 1997.
- E. The prior lease contemplated a sublease to allow such sublessee to use the leased premises to operate a ferry line. The City did in fact sublease its rights to Madeline Island Ferry Line, Inc. in April of 1998.
- F. The prior lease and sublease have approached their respective termination dates and there is no longer a need for the City to be named a lessee as the Ferry is now the riparian owner and eligible to lease the lakebed described above.
- G. Lessee desires to enter into a new lease for the same area previously leased, being a portion of the bed of Lake Superior located within the bulkhead line described on attached **Exhibit A** and illustrated on the map attached as **Exhibit B**. The Lessee desires to lease the area for the purpose of improvement of navigation or for the improvement or construction of harbor facilities in accordance with Section 24.39(4) Wis. Stats.
- H. Recently, the Wisconsin Department of Natural Resources (“DNR”) issued the Findings required for a submerged land lease under sections 24.39 and 30.11 Wis. Stats., for the proposed submerged land lease, finding that the Lessee’s proposed uses are consistent with the public interest in the navigable

water of Lake Superior, provided that the Lessee complies with the conditions stated in such findings. A copy of the DNR's Findings is attached hereto as **Exhibit C**.

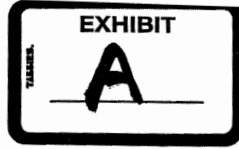
- I. The Ferry asserts that the lease is intended to provide the public with enhanced access to the nearby Apostle Islands, and improvement of navigation for the general public and the enjoyment of the waters of Lake Superior.
- J. BCPL staff recommends that the Board authorize a new Submerged Lands Lease for the Proposed Lease Area with the Ferry:
 - For the purpose of improvement of navigation or for the improvement or construction of harbor facilities
 - At a base rental rate of \$750 per year;
 - For a term of no more than 25 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 Madeline Island Ferry Line, Inc. for the area described in Attached Exhibit A in accordance with Section 24.39 of the Wisconsin Statutes with a base rental rate of Seven Hundred Fifty Dollars (\$750) per year with a term of no more than Twenty-Five (25) years for the purposes of improvement of navigation or for the improvement or construction of harbor facilities subject to the conditions set forth in the DNR's published findings 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 A: Legal description of Proposed Lease Area

Exhibit B: Survey Map

Exhibit C: WI DNR's Findings



LARRY T. NELSON, PRES., R.L.S.
TIMOTHY E. OKSIUTA, R.L.S.
RANDY M. LUND, P.E.

Revised - August 21, 1996

Herring Shed Bulkhead Line

A bulkhead line located in Block 71 of the Original Plat of the City of Bayfield, Bayfield County, Wisconsin, described as follows:

To locate the Point of Beginning, commence at the NW corner of said Block 71, which is marked by a 1-1/4" iron pipe, and run South, 162.06 feet along the Easterly right of way line of Front Street to a 1-1/4" iron pipe. Thence leaving said Easterly right of way line, S 80°50'41" E, 27.49 feet to a 2" iron pipe, which is the Point of Beginning.

Thence from said Point of Beginning by metes and bounds:

Continue S 80°50'41" E, 195.00 feet;

Thence N 13°48'14" E, 150.98 feet;

Thence N 89°48'00" E, 106.97 feet, parallel with the Southerly right of way line of Washington Avenue;

Thence N 00°12'00" W, 51.74 feet to the extension of said Southerly right of way line;

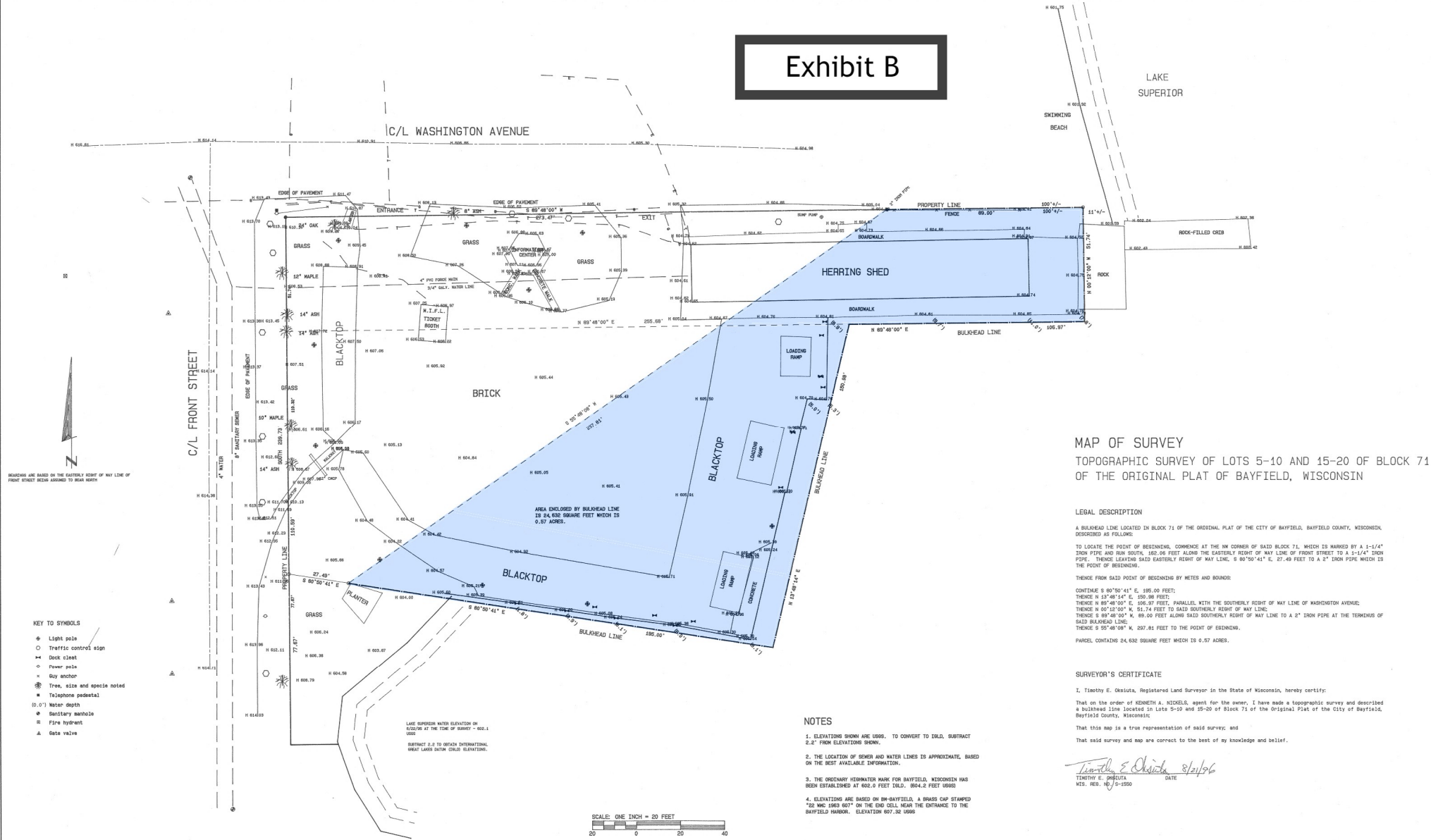
Thence S 89°48'00" W, 89.00 feet to a 2" iron pipe at the terminus of said bulkhead line;

Thence S 55°48'08" W, 297.81 feet to the Point of Beginning.

Bearings are based on the Easterly right of way line of Front Street being assumed to bear North.

Said parcel contains 24,632 square feet which is 0.57 acres.

Exhibit B



MAP OF SURVEY
TOPOGRAPHIC SURVEY OF LOTS 5-10 AND 15-20 OF BLOCK 71
OF THE ORIGINAL PLAT OF BAYFIELD, WISCONSIN

LEGAL DESCRIPTION

A BULKHEAD LINE LOCATED IN BLOCK 71 OF THE ORIGINAL PLAT OF THE CITY OF BAYFIELD, BAYFIELD COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

TO LOCATE THE POINT OF BEGINNING, COMMENCE AT THE NW CORNER OF SAID BLOCK 71, WHICH IS MARKED BY A 1-1/4" IRON PIPE AND RUN SOUTH, 182.05 FEET ALONG THE EASTLY RIGHT OF WAY LINE OF FRONT STREET TO A 1-1/4" IRON PIPE, THENCE LEAVING SAID EASTLY RIGHT OF WAY LINE, S 80°50'41" E, 27.49 FEET TO A 2" IRON PIPE WHICH IS THE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING BY METES AND BOUNDS:

CONTINUE S 80°50'41" E, 195.00 FEET;
THENCE N 13°48'14" E, 150.88 FEET;
THENCE N 89°48'00" E, 106.97 FEET, PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF WASHINGTON AVENUE;
THENCE N 00°12'00" W, 51.74 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE;
THENCE S 89°48'00" W, 69.00 FEET ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO A 2" IRON PIPE AT THE TERMINUS OF SAID BULKHEAD LINE;
THENCE S 95°48'08" W, 297.81 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 24,632 SQUARE FEET WHICH IS 0.57 ACRES.

SURVEYOR'S CERTIFICATE

I, Timothy E. Oksiuta, Registered Land Surveyor in the State of Wisconsin, hereby certify:

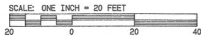
That on the order of KENNETH A. NICKELS, agent for the owner, I have made a topographic survey and described a bulkhead line located in Lots 5-10 and 15-20 of Block 71 of the Original Plat of the City of Bayfield, Bayfield County, Wisconsin;

That this map is a true representation of said survey; and

That said survey and map are correct to the best of my knowledge and belief.

Timothy E. Oksiuta 8/21/96
TIMOTHY E. OKSIUTA DATE
WIS. REG. NO. 15-1950

- NOTES**
- ELEVATIONS SHOWN ARE USGS. TO CONVERT TO IGLD, SUBTRACT 2.2' FROM ELEVATIONS SHOWN.
 - THE LOCATION OF SEWER AND WATER LINES IS APPROXIMATE, BASED ON THE BEST AVAILABLE INFORMATION.
 - THE ORDINARY HIGHWATER MARK FOR BAYFIELD, WISCONSIN HAS BEEN ESTABLISHED AT 602.0 FEET IGLD. (604.2 FEET USGS)
 - ELEVATIONS ARE BASED ON BM-BAYFIELD. A BRASS CAP STAMPED "102 WHO USED 807" ON THE DND COLL NEAR THE ENTRANCE TO THE BAYFIELD HARBOR. ELEVATION 607.32 USGS



- KEY TO SYMBOLS**
- Light pole
 - Traffic control sign
 - Dock cleat
 - Power pole
 - Stay anchor
 - Tree, size and specie noted
 - Telephone pedestal
 - Water sign
 - Sanitary manhole
 - Fire hydrant
 - Gate valve

Legend

- Monument, as noted, found in place
- 1-1/4" x 24" iron pipe set this survey
- Monument, as noted, set this survey

Client: Nickels & Bradley, S.C.
Project no. 063/95
File: Herring
Scale: One inch = 20 feet
June 23, 1995
Drafted by Tim Oksiuta

| REVISION | DATE |
|---------------------------------|-------------|
| TYPHOGRAPHICAL ERRORS CORRECTED | 8/16/96 TEO |
| | |
| | |

NELSON
SURVEYING AND
ENGINEERING, INC.
LAND SURVEYING AND PROFESSIONAL ENGINEERING SERVICES
Nb. 235A Pg. 5

101 WEST MAIN STREET
FIRST FLOOR
ASHLAND, WI. 54806
(715)-682-2692
Map no. 2597

EXHIBIT C (page 1 of 3)

12/06/2022

3-NW-1996-4-04020

City Of Bayfield
c/o: City Clerk, Billie Hoopman
P.O. Box 1288
Bayfield, WI 54814
[sent electronically]

Bayfield County
c/o: County Clerk, Lynn Divine
117 E 5th Street
P.O. Box 878
Washburn, WI 54891
[sent electronically]

Tom German
Board of Commissioners of Public Lands
125 S. Webster Street, Suite 200
Madison, WI 53703
[sent electronically]

U.S. Army Corps of Engineers
180 Fifth St E Ste 700
St. Paul, MN 55101-1678
[sent electronically]

Robin Russell
Madeline Island Ferry Line
20 Washington Ave.
Bayfield, WI 54814
[sent electronically]

Re: 30.11 Wis. Stats. Findings for the Madeline Island Ferry line in the City of Bayfield application to renew the submerged land lease for the Madeline Island Ferry Line, Inc.

Dear Interested Parties,

Please find the Department of Natural Resources Findings required to renew the existing submerged land lease under sections 24.39 and 30.11 Wis. Stats., for the proposed renewal of the submerged land lease for the Madeline Island Ferry Line in the City of Bayfield.

If you have any questions, please call me at (715) 416-3827 or email Sarah.Szabo@wisconsin.gov.

By: 

Sarah Szabo

Water Management Specialist

Email cc: Jennifer Croonborg-Murphy, Waterways Program Supervisor, DNR
Mike Kowalkowski, Waterways Program Attorney, DNR
James Yach, Secretary's Director, DNR

Attached: Madeline Island Ferry Line, Inc. lease information

EXHIBIT C (page 2 of 3)

DEPARTMENT OF NATURAL RESOURCES FINDINGS PURSUANT TO 30.11 WISCONSIN STATUTES RELATING TO AN APPLICATION TO RENEW A SUBMERGED LAND LEASE, 3-NW-1996-4-04020, TO MADELINE ISLAND FERRY LINE.

The Department of Natural Resources (Department) has been notified of the proposed Submerged Land Lease (Lease) renewal submitted to the State of Wisconsin Board of Commissioners of Public Lands (Lessor) by the Madeline Island Ferry Line (Lessee) as required under Section 24.39 and 30.11, Wis. Stats., and hereby makes these findings.

- A. The Madeline Island Ferry Line is the riparian owner of the land with Tax ID #: 31888.
- B. The submerged lands have been filled for approximately 125 years and used until 1976 as a commercial fishing dock.
- C. The parcel has been used as the ferry landing facility by Madeline Island Ferry Line, Inc. since 1976
- D. The bulkhead was established by the City of Bayfield by ordinance Number 256 on July 17, 1996. The bulkhead line was approved by the Department on December 5, 1996 with docket number 3-NW-1996-4-04020.
- E. All uses and activities in the submerged land lease area shall remain consistent with navigational uses as described in 24.39 Wis. Stats.
- F. Upon reasonable notice, the Lessee shall allow access to the project site during reasonable hours to any Department employee who is investigating the project construction, operation, maintenance, or compliance.
- G. The renewed lease is valid for a period of no more than 25 years. Any activities to fill, place structures, grade, or conduct any other regulated activity in the area leased will require Department authorization.
- H. The Department hereby determines on the basis of the findings listed above that the proposed physical changes in the navigable water of Lake Superior as a result of the execution of a submerged land lease are consistent with the public interest upon compliance with the conditions specified in findings.

Dated at the Northeast Region Headquarters on 12/06/2022.

EXHIBIT C (page 3 of 3)

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By: SARAH SZABO

Sarah Szabo

Water Management Specialist