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Two Bay-Area towns hit with massive tax hikes

BY **RICK OLIVO**
AND **TOM STANKARD**
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James Fuhry was stunned when he opened the property tax bill on his undeveloped tract of 40 acres in the Bayfield County town of Russell in January and found his town taxes had leapt with no warning by more than 20%.

"I am amazed that the government can do this," he said. "I am feeling unhappy and unequal, I guess."

Fuhry, who lives in Port Washington, said he got no benefit from the increased taxes, and was troubled by the lack of uniformity in new local tax rates. "I just don't understand it," he said.

Fuhry is not alone. Residents in two Bay-Area towns have seen their property taxes skyrocket by as much as 218% this year following a controversial court ruling about tribal lands in Wisconsin.

The two primary areas affected are the town of Russell, adjacent to the Red Cliff Reservation, where taxes were hiked about 30%, and the Ashland County town of Sanborn, which borders Bad River lands, where taxes in some cases more than doubled.

The hikes are the result of a federal appeals court ruling that said Red Cliff and Bad River tribal members who own property that was once sold to non-tribal residents but has come back into tribal or tribal-member ownership cannot be taxed under the 1854 treaty between the United States and Ojibwe Indians. That treaty, among other things, created reservations at Red Cliff, Bad River, Lac Courte Oreilles and Lac du Flambeau.

As a result, towns could have lost hundreds of thousands of dollars in revenue and could only turn one place to make up the money: To non-tribal landowners.

"It increased everybody's property taxes in the town by about 20%," Russell Clerk/Treasurer Dave Good said. "There was an additional increase on the town for the Bayfield School District and Bayfield County, which brought it up by about another 10%."



Sanborn residents were walloped with property tax bills that jumped more than 200% over last year following a court ruling that taxes cannot be collected on land owned by tribal members. (Tom Stankard/staff photo)

Tax case timeline

- 1854: The Treaty of La Pointe establishes Ojibwe Indian reservations at Bad River, Red Cliff, Lac Courte Oreilles and Lac du Flambeau. The treaty establishes permanent homes for the Ojibwe people, which the courts have reasoned includes the promise that those lands would remain forever tax-free.
- 2007: Federal court rules on a lawsuit by four bands of Lake Superior Chippewa Indians asserting that land owned by tribal members couldn't be taxed. The federal district court disagrees and rules against the tribes, which appeal the decision.
- 2021 Ojibwe Indians argue to the Federal Court of Appeals that land on reservations sold by Native American owners to non-natives, and then returned to Indian ownership should regain its tax-exempt status.
- 2022: The Seventh Court of Appeals rules in favor of the tribes, saying the state can't tax tribal lands regardless of their ownership history.

Good said when all taxes were accounted for, Russell residents experienced a hike of between 27% to 32% on this year's bills — about \$500 more on a property taxed at a value of \$100,000.



Good

Sanborn residents were hit much harder. A whopping 85% of the town's land was declared tax-exempt overnight. The remaining 15% of land had to cover the town's entire \$182,000 levy, and taxes went from about \$2,168 on a \$100,000 property in 2022 to \$4,438 this year.

"I think it's an issue that will be ongoing," Ashland County Administrator Dan Grady said.

"The potential for taxpayers to pay even more is even higher because people are using fractional ownership."

Fractional ownership is the practice of a non-Native selling partial interest in a property to a tribal member to have it declared tax-free.

Russell property owners face similar but less dire circumstances.

"Because we had to take the tribal lands that were previously taxed off the rolls, we removed about \$7 million off the tax roll. Our assessed value went from \$39 million to \$32 million," Good said.

The four Indian bands sued former Gov. Scott Walker, the state Department of Revenue and about a dozen towns, including Russell and Sanborn, over taxation of Indian-owned properties on reservations.



Grady

SEE TAXES • PAGE A5

Coming to America: Russian asylum-seekers build new lives in Bayfield

BY **PETER J. WASSON**
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Editor's note: This is the first in a two-part story about how the Rychagov family fled persecution in their native Russia, sought asylum in the U.S. and found refuge in Bayfield. Watch for part two in our Feb. 17 print edition. Unless otherwise noted, interviews with Pavel Rychagov were conducted through a translator.

It was early 2020, and anti-immigration fervor was at a fever pitch in the United States, with some talking heads on TV warning that caravans full of drug dealers and terrorists were flooding the U.S.-Mexico border.

At the time Mary Meierotto, then the minister of two local churches, traveled on an immersion trip to Texas to see the situation for herself. She didn't encounter terrorists or drug dealers — just the opposite, in fact.

"I saw the willingness of the people living on the border to help desperate immigrants



The Rychagov family on their flight to Mexico, where they began their efforts to seek asylum in the United States, fleeing persecution in their native Russia. (Contributed photo)

that were coming across with absolutely nothing," she said. "They had opened up an armory building to house busloads of people who were being dropped off in the city with nothing. The immigrants didn't know where they were. They didn't have

anything." At the same time, halfway across the globe, Pavel Rychagov and his family were fleeing for their lives. Desperate to escape a vicious legal system in Russia, Pavel and wife Alla, son Oleg and daughter Viktoriia had tried

several times to escape — to Canada, England or the U.S. via its territory in Guam. Finally, frustrated after being denied papers and approvals, Pavel, 41, packed up the family and flew to Mexico City, figuring that the closer to the United States they were, the better their odds of being admitted.

That flight was the beginning of a journey that landed the family in Bayfield, building new but still uncertain lives after a series of connections that Meierotto believes were more than just chance.

Growing up Russian

Pavel's troubles in Russia began almost 20 years ago.

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» ASYLUM

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He was born in Leningrad, and his parents divorced when he was 3, leaving him the child of a single mother who held three jobs to pay the bills, primarily as a guard at a factory.

It was the early years after the collapse of the Soviet Union, and Russia was in chaos with stampeding inflation and shortages of almost everything.

"I remember, bread got very small and was not very tasty," Pavel said. "There was a big deficit of food and big queues for everything. Once I was standing in line for food and they drew a number on my arm, which was my number for getting a ration. My mother went and stood in another line. When we got to our turn, there was nothing left to buy."

In elementary school, Pavel and his mother were forced to live in a shared apartment with another family. They raised and butchered rabbits for meat, feeding them kitchen scraps that Pavel scrounged from his school cafeteria.

"It was a time of crisis," Pavel remembered. "There was no food around. I remember a day when I was about 10, and the military vehicles all rushed past our house. My mom told me to close all the curtains and turn off the lights. That might have been when the Soviet Union fell. I don't know much about politics then."

Pavel attended school until ninth grade, then transferred — as is the Russian practice — to a technical school to learn a trade. He was to be an electrician.

"In '97, material things started to be more available," he said. "Western stores were opening. There was more expression and connection with Western culture. People began to open up and not be as afraid."

Buoyed by the improving economy and a new career in the trades, Pavel married at age 23 — a woman from Ukraine. They had a son, Oleg, and that's when the trouble began.

Fight or flight

Pavel believes today that his first wife married him and got pregnant only because she needed citizenship and a family-sized apartment in Russia, where housing was allocated by the government.

"She did not really want a child," he said. "It was a way to keep me for a while. She was a person whose personality changed."

Pavel describes the following several years in a rushed jumble of dates and events that is difficult to follow. His wife became violent, he said. She attacked him on several occasions, once with a hammer, breaking his knee, and once injuring Oleg. She ran off with a lover, and when Pavel



Alla, Oliver and Viktoriia in Tiraspol, Moldova, where Alla's parents live, about three years ago. (Contributed photo)

How to help

To join Lake Superior Bridge Builders, to be a part of their efforts or donate to LSBB's future efforts to resettle refugees, contact Mary Meierotto at mary-meierotto@gmail.com or at LSBB, P.O. box 724, Bayfield WI 54814.

tried to take ownership of their apartment, she returned and took it back. When Pavel sought a divorce, she fought for custody of Oleg. At one point, she tried to set fire to Pavel's mother's apartment. At another, she was committed to a mental institution, he said.

Through all of it, Pavel turned repeatedly to police, to the courts, to housing authorities and found them all to be corrupt, he said as his face reddened and his words became almost barks. "Sorry," he said in English. "I get, the word is emotional."

For whatever reason, even after his ex-wife was charged with crimes for her attacks or committed to the institution, the authorities sided with her. He began agitating for housing reform and fathers' rights, which made him even more of a target.

"Finally, I realized Russia was a broken system," he said. "No one would help us. We tried to get her parental rights removed three times. In the end, the court awarded her parental rights and the use of the apartment."

During all the turmoil, Pavel met his current wife, Alla. She was from Moldova, a tiny nation that has changed hands repeatedly over the centuries, with



In Russia, Pavel worked as a technician or engineer who repaired medical equipment, and Alla designed fire-safety systems for industrial spaces, providing them with a relatively comfortable life. They lost their entire life savings and all their possessions when they fled to America. (Contributed photo)

Hungary, Poland, the Ottoman empire, Russia, Ukraine, Romania and the Soviet Union all staking claims at one time or another.

To escape Russian jurisdiction, the family moved to Moldova with Alla's parents. Still, the Russian legal system loomed nearby.

They decided they had to leave eastern Europe for good.

Seeking asylum

Early 2020 wasn't the best time to seek asylum. The world was in the opening months of the pandemic that soon would grip the globe, shutting down almost all international travel.

Neither Canada nor the United Kingdom would consider their application. They flew to Guam, hoping that landing on U.S. soil

would help their cause. They were turned away, sent back to Moldova.

"We were ready for big changes in life," Pavel said. "It was a big relief to leave all the ugliness behind. Regarding language and culture, we felt we had the same value system as Americans. So we want to come to America."

Finally they flew to Ukraine — through a city that now has been bombed into ruin by Russia, and then to Istanbul and on to Mexico City. As they fled, the members of Bethesda Lutheran Church in Bayfield were moving toward their decision to sponsor a refugee family.

But everyone involved soon learned it wouldn't be so easy.



Oleg, who changed his name to Oliver when he landed in America, in a Russian hospital after he was injured by his mother. (Contributed photo)



Pavel with Viktoriia as an infant, in their apartment in St. Petersburg that became a battlefield with Pavel's ex-wife. The seagull, Pavel said, for some reason befriended his family and provided a welcome distraction from the stress of their lives. (Contributed photo)

Meierotto and others, who began calling themselves Lake Superior Bridge Builders, sat through Zoom sessions held by aid organizations, the Episcopal Diocese of Texas and the Evangelical Lutheran Church, all about how to sponsor refugees.

"In October of 2020, we decided we really should just do it," Meierotto said. "So I contacted the assistant to the bishop, a woman named Allison, in Houston. I talked to her and said our only reluctance to taking a family is they would most likely be from South America, and we didn't want to expose them to a Lake Superior winter. She said they just really needed sponsors and didn't care where they were."

"We decided just to do it," she said. "We had no housing in place, no lawyer, we just had a few donations in a bank account we started. The next day, Allison emailed back and said, 'We have some good news for you. It's a family from Russia. You don't have to worry about them being cold.'"

» TAXES

FROM PAGE A1

They successfully argued that the 1854 treaty gave them immunity from taxes forever. The state asserted those lands could be taxed if tribal members at any time sold them to non-tribal owners.

The Seventh Circuit Court of Appeals handed down the decision, which has not been appealed, in September, leaving towns scrambling to balance budgets just as they were preparing to mail tax bills to residents, Good said.

A double whammy for taxpayers is that under the state's taxing laws, calculations for Russell taxes were made based on the \$39 million value.

"It was a timing issue," Good said. "What happened this year is that town of Russell taxpayers are actually being assessed a certain amount more than our real valuation," he said.

Figuring the exact amount of land the ruling affected is difficult. Although Russell comprises 31,842 acres, 10,960 of those acres are owned by the town, are designated county forest or national park land or are tribal- and Native American-owned and thus exempt from taxes. An additional 10,286 acres are under managed forest law and also exempt from tax. So just 10,596 acres of property now must



Bad River was among four Ojibwe tribes that sued the state. (Tom Stankard/staff photo)

pay all local taxes to make up for the \$120,000 it lost in the ruling and to keep the town plowing and repairing roads and performing other municipal duties.

Again, the situation is far worse in Sanborn.

"The taxes went up 218%, and 85% of Sanborn (land) went off the tax rolls," Grady said.

Taxpayers in both towns have been understandably irate, Good said. He himself has been the target of residents' ire.

"Phone calls, emails, letters, pretty much everything," he said. "The main problem has been that people don't quite get it. They want to know why."

Good said the matter was explained to residents in the town's newsletter.

"But it's difficult and they don't read it," he said. "Once I've explained it they

understand it. They are not happy about it."

In Ashland County, Grady said that the state has done nothing about helping counties or towns affected by the ruling.

"We're still assessing our options. We have to kind of wait for the state because this is all statute-related. So the answer has to come from the state," he said.

Grady said residents should be pressing the Legislature for help.

"Residents in Sanborn and towns impacted by this are not happy," Grady said. "I've been encouraging them to contact their legis-

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lators about their situation, OK? Send letters to the representatives, senators and the governor to let them know what's going on and asking them to address the issue."

Grady said the Sanborn tax hikes could drive people away from living there and drive down non-tribal property values.

"Who wants to buy a house with the (increased) taxes on it?" he said. Sanborn town Chairman Luis Salas agreed that the town is in a difficult situation, but he didn't pass blame on any person or group.

"The town didn't do anything wrong, tribal members didn't do anything wrong and non-tribal members didn't do anything wrong," he said. "It is horrible. I don't believe that the non-tribal members should have had to go through this. Tribal members shouldn't have had to pay unnecessary taxes."

The court decision has also created problems for

Bayfield County, said County Administrator Mark Abeles-Allison. He said the county has just begun to research the decision.

"It is the law of the land, and so the county is trying to work with the town of Russell and understand the implications, but we are early in that process," he said.

Abeles Allison said that under ordinary circumstances, when property taxes weren't being paid on a piece of land, county government would be called on to make up for tax shortfalls. After five years, the county could seize and sell the land to make up for the money it paid the town. But that can't work with the existing situation because no one is delinquent on their taxes, he said. Those taxes simply no longer exist.



Abeles-Allison

"What we are trying to learn more about what the lawsuit decision means for those properties," he said.

Abeles-Allison said Bayfield County, like Ashland County, is awaiting guidance from the state about how to proceed.

"Bayfield county is an agent of the state, enforcing the laws of the state and following state guidelines," he said. "We are considering making inquiries to the state on whether some assistance in these settlements might be available."

Grady said neither town's residents should expect help any time soon because legislators are just now hearing about the problem and haven't even begun to address it. He has taken a lead in trying to inform politicians about the problem, taking a recent trip top Madison to speak to elected officials.

"It's information-gathering. It's in the very early stages. They listened and want to see some solutions, too," he said.

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