

MINUTES
Oneida County Board of Supervisors
Tuesday, February 18, 2020 – 9:30 a.m.
County Board Meeting Room - 2nd Floor Oneida County Courthouse

CALL TO ORDER:

Chairman Hintz called the meeting to order at 9:30 a.m. in the County Board Meeting Room of the Oneida County Courthouse. There was a brief moment of silence for our troops, law enforcement officers and emergency responders followed by the Pledge of Allegiance.

Members Present: Alan VanRaalte, Billy Fried, Tom Kelly, Sonny Paszak, Dave Hintz, Mike Timmons, Ted Cushing, Bill Liebert, Scott Holewinski, Russ Fisher, Lance Krolczyk, Robb Jensen, Jim Winkler, Greg Pence, Steven Schreier, Greg Oettinger (entered at 10:44 a.m.), Mitch Ives and Bob Almekinder.

Members Present: 18

Excused Absent: Jack Sorensen, Bob Mott.

Vacant: District 15

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS:

- Sign attendance form at the podium.
- Please use a microphone when speaking.

ACCEPT THE MINUTES OF THE JANUARY 21, 2020 MEETING.

Motion/Second: Jensen/Cushing to accept the minutes of the January 21, 2020 Meeting. All "Aye", motion approved; Supervisor Kelly abstained from this vote.

PUBLIC COMMENT: Karl Fate of the Town of Crescent spoke in opposition of Resolution # 21 – 2020. Tom Jerow of Rhinelander spoke in opposition to Resolution # 21 – 2020 reducing the setback of wetlands. Jerow distributed a handout and discussed wetland setbacks. Ted Rulseh of Harshaw, representing the Oneida County Lakes and Rivers Association is opposed to the proposed reduction in the setbacks. Sue Thome of Rhinelander spoke against the change in the setbacks for wetlands. Eric Rempala of Harshaw spoke about the process of asking for a variance being the preferred method. Rhody Jakusz spoke stating the wetland setbacks should not be changed. Robert Briggs of Monico discussed how the setbacks affect driveways and roads, he stated he was in favor of changing the setback to five feet. Jim Rein of Minocqua spoke regarding Resolution # 21 – 2020, he stated a shoreland wetland is 1000 feet from a lake not a wetland attached to a lake. Per Rein this is a setback for disturbance, not construction.

CONSENT AGENDA:

Resolution # 13 – 2020: Offered by the Supervisors of the Land Records Committee approving the conveyance of part of CR 52-1 to William R Groskopf & Clara K Groskopf, part of CR 52-1 to be attached to CR 49-B2 to William R Groskopf & Clara K Groskopf, part of CR 52-1 to be attached to CR 49-B to William R Groskopf & Clara K Groskopf, and Part of CR 52-1 to be attached to CR 49-A to Kyle Kuehneman in the Town of Crescent.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Land Records Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the part of the County owned real estate parcel identified in Exhibit A listed below has been offered for public sale pursuant to the procedures in Chapter 18 of the General Code of Oneida County, WI; and,

WHEREAS, during the sale process, it was discovered that landowners' descriptions east of the county parcel overlap on to the county property approximately 15' due to Surveyors using an incorrect location of the north one quarter corner of the Section over 40 years ago; and,

WHEREAS, the Land Records Committee has determined it would be in the best interest of Oneida County to clear title to the property and convey the approximately 15' strips of the overlapped lands to the adjoining to the east for the cost of recording the deed, and the remaining land east of N Rifle RD be sold to the successful bidder listed in Exhibit A for the bid listed and the deed recording fee.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Oneida County hereby approve the conveyance of the parcels listed in Exhibit A below to the adjoining landowners to clear title of the overlap for the cost of recording the deed, and sell the remaining lands to the successful bidder listed in Exhibit A for the bid price and the deed recording fee and along with any condition or terms listed in Exhibit A; and,

BE IT FURTHER RESOLVED, that upon receipt of the bid amount and recording fee, the County Clerk is authorized to sign and place the county seal upon a quit claim deed for the parcels listed in Exhibit A; and,

BE IT FURTHER RESOLVED, that the County Treasurer is authorized and instructed to assign to the successful bidder,

at the time of issuance of the quit claim deed, all county certificates on the property sold.
Approved for presentation to the County Board by the Land Records Committee this 11th day of February, 2020.
Offered and passage moved by: Sonny Paszak, Bill Liebert, Greg Pence, Mike Timmons and Greg Oettinger.

Resolution # 14 – 2020: Offered by the Supervisors of the Land Records Committee approving to release and convey excess right-of-way to JLF Resources in the Town of Three Lakes.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Public Works and Land Records Committees.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, JLF Resources, LLC operators of the James Lake Farms, Inc cranberry farm, which is near the Thunder Lake marsh in the Town of Three Lakes, requested the County to consider conveying and releasing the excess right-of-way of County A fronting parcel number TL 73 as indicated on the map in Exhibit A below, so they could expand their sand pit operations, and they have paid the \$600 administrative fee for such request; and,
WHEREAS, the Highway Commissioner and Public Works Committee reviewed the request and has recommended that 50' of the 100' right-of-way from centerline and the slope easement could be released upon the proper approvals; and,
WHEREAS, per Wis Stat 83.025, deletion to County Highways are permitted if the Town and Department of Transportation (DOT) approves such deletion; and,
WHEREAS, the Town of Three Lakes has approved such deletion at the January 7th, 2020 Board meeting, and the WI Department of Transportation indicated they approve such deletion in their letter dated January 14th, 2020, both which are shown in Exhibit B.
THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors hereby approves conveying and releasing the lands described in Exhibit A below and with the conditions therein to JLF Resources, LLC, and the Board authorizes the County Clerk, upon receipt of the deed recording fees, to issue a quit claim deed conveying and releasing any interest the County has in the descriptions described in Exhibit A.

Approved for presentation to the County Board by Public Works Committee and this 23rd of January 2020 and by the Land Records Committee February 11th, 2020.
Offered and passage moved by: Robb Jensen, Scott Holewinski, Mike Timmons, Ted Cushing and Sonny Paszak.

Resolution # 15 – 2020: Offered by the Supervisors of the Land Records Committee granting an easement across PIN NE 202 to Wisconsin Public Service Corporation in the Town of Newbold.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Land Records Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Wisconsin Public Service Corporation is in the process of obtaining easements from landowners to improve reliability by converting overhead electric lines to underground; and,
WHEREAS, Wisconsin Public Service Corporation has requested an easement from Oneida County across tax parcel numbers Town of Newbold NE 202 as shown in Exhibit A attached hereto; and
WHEREAS, the Land Records Committee has determined it would be in the best interest of the residents of Oneida County dependent on Wisconsin Public Service Corporation to grant such easements at no cost.
THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Oneida County hereby approve granting an easement for no costs, across those lands as described in Exhibit A below to Wisconsin Public Service Corporation; and,
BE IT FURTHER RESOLVED, that the County Clerk is authorized to sign and place the county seal upon the easement documents and other documents necessary to complete such transaction.

Approved for presentation to the County Board by the Land Records Committee this 11th day of February, 2020.
Offered and passage moved by: Sonny Paszak, Bill Liebert, Greg Pence, Mike Timmons and Greg Oettinger.

Resolution # 18 – 2020: Offered by the Supervisors of the Administration Committee adopting the policy to prohibit the use of excessive force and the barring of entrances/exits for non-violent civil rights demonstrations as required for the Community Development Block Grant Funds.

Resolution offered by the Supervisors of the Administration Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 69 §5304) prohibits the State from expending or obligating any Community Development Block Grant funds to any unit of

general local government that does not have or adopt a policy prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and a policy of enforcing State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction;

WHEREAS, it is in the interest of Oneida County to pursue Community Development Block Grant Funds and to adopt policy that complies with Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 USC 69 §5304);

NOW THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that it is policy of Oneida County to prohibit the use of excessive force by law enforcement agencies within the County's jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.

BE IT FURTHER RESOLVED, It is policy of the Oneida County to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within the County's jurisdiction.

BE IT FURTHER RESOLVED, The officials and employees of Oneida County shall assist in the orderly prevention of all excessive force within Oneida County by implementing the authority and enforcement procedures set forth in Title I of the Housing and Community Development Act of 1974.

BE IT FURTHER RESOLVED, The Oneida County Board of Supervisors directs the Oneida County Sheriff to implement this Resolution by amending applicable Oneida County Sheriff's Office procedures if necessary for implementation.

Approved by the Administration Committee this 10th day of February, 2020.

Offered and passage moved by: Dave Hintz, Ted Cushing, Robb Jensen and Billy Fried.

- Appointments to Committees, Commissions and other Organizations:
 - Appoint Dawn Winquist to the ADRC Committee with a term to expire February 28, 2023
 - Appoint Joan Hauer to the ADRC Committee beginning May 1, 2020 with a term to expire April 30, 2023.

Supervisor Winkler requested Resolutions # 16 – 2020 and # 17 – 2020 be pulled from the Consent Agenda.

Motion/Second: Cushing/Almekinder to accept the Consent Agenda as presented.

Roll Call Vote: 17 Aye, 3 Absent, Sorensen, Mott, Oettinger; 1 Vacant, District 15

Consent Agenda: Approved

CONSIDERATION OF RESOLUTIONS AND ORDINANCES

Resolution # 16 – 2020: Offered by the Supervisors of the Labor Relations & Employee Services Committee to award additional Paid Time Off days to newly rehired Corrections Officer.

Resolution offered by the Supervisors of the Labor Relations Employee Services (LRES) Committee

WHEREAS, the Sheriff has rehired a Corrections Officer, who has over three years of experience as a certified corrections officer with the Oneida County Sheriff Office; and

WHEREAS, the Sheriff did recommend to the LRES Committee that the rehired employee should be awarded more Paid Time off (PTO) hours at the time of hire; and

WHEREAS, the LRES Committee approved placing the rehired employee at year three (3) of the PTO benefit or twenty-seven (27) days of PTO, (this is the annual amount of PTO after one year of employment), at the time of hire in lieu of the standard three (3) days of PTO upon hire; additional three (3) days of PTO at six months of employment and nine (9) paid closure days or a total of fifteen (15) days; and

WHEREAS, the LRES Committee can only approve an additional ten (10) days of PTO at the time of hire, does recommend to the Oneida County

Board of Supervisors the twenty-seven (27) days of PTO be granted in lieu of all other PTO benefits during the first year of employment.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that effective on the date of hire, Rachel Blomdahl shall receive twenty-seven (27) days of PTO in her PTO bank in lieu of the standard PTO for a newly hired employee and be placed at year four (4) of the PTO scale.

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that an amendment has been made to the County budget for fiscal year 2020 as set forth in the fiscal impact statement which is attached hereto and made a part hereof.

Approved by the LRES Committee this 6th day February, 2020.

Offered and passage moved by: Dave Hintz, Scott Holewinski, Ted Cushing, Billy Fried and Sonny Paszak.

Discussion: Human Resources Director Lisa Charbarneau discussed the PTO process and how it is paid out. She stated that this is for employees that have left and decide to return. She stated that this is based on years of service and saves money in training costs by having these people come back. Jensen stated that there are costs to leaving when you decide to leave an organization. Charbarneau discussed the market and that certain positions are harder to hire than others. Holewinski discussed the benefit of hiring a trained person versus the expense of training a new individual.

Roll Call Vote on Resolution # 16 – 2020: 17 Aye; 3 Absent, Sorensen, Mott, Oettinger; 1 Vacant, District 15

Resolution # 16 – 2020: Adopted

Resolution # 17 – 2020: Offered by the Supervisors of the Labor Relations & Employee Services Committee to award additional Paid Time Off days to newly rehired Equipment Operator/Mechanic.

Resolution offered by the Supervisors of the Labor Relations Employee Services (LRES) Committee

WHEREAS, the Highway Commissioner has rehired an Equipment Operator/Mechanic, who has three years of experience as Equipment Operator/Mechanic with the Oneida County Highway Department; and

WHEREAS, the Highway Commissioner did recommend to the LRES Committee that the rehired employee should be awarded more Paid Time off (PTO) hours at the time of hire; and

WHEREAS, the LRES Committee approved placing the rehired employee at year three (3) of the PTO benefit or twenty-seven (27) days of PTO, (this is the annual amount of PTO after one year of employment), at the time of hire in lieu of the standard three (3) days of PTO upon hire; additional three (3) days of PTO at six months of employment and nine (9) paid closure days or a total of fifteen (15) days; and

WHEREAS, the LRES Committee can only approve an additional ten (10) days of PTO at the time of hire, does recommend to the Oneida County Board of Supervisors the twenty-seven (27) days of PTO be granted in lieu of all other PTO benefits during the first year of employment; and

WHEREAS, the Public Works Committee recommended that the PTO be awarded as follows: 50 hours on date of hire, 50 hours after three months, 50 hours after six months and the balance after nine months on the job.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that effective on the date of hire, Taylor Miles shall receive twenty-seven (27) days of PTO in his PTO bank in lieu of the standard PTO for a newly hired employee and be placed at year four (4) of the PTO scale as follows: 50 hours on date of hire, 50 hours after three months, 50 hours after six months and the balance after nine months on the job.

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that an amendment has been made to the County budget for fiscal year 2020 as set forth in the fiscal impact statement which is attached hereto and made a part hereof.

Approved by the LRES Committee this 6th day February, 2020.

Offered and passage moved by: Ted Cushing, Scott Holewinski, Sonny Paszak, Dave Hintz and Billy Fried.

Roll Call Vote on Resolution # 17 – 2020: 17 Aye; 3 Absent, Sorensen, Mott, Oettinger; 1 Vacant, District 15

Resolution # 17 – 2020: Adopted

Resolution # 19 – 2020/Ordinance Amendment # 1 – 2020: Offered by the Supervisors of the Planning and Development Committee to amend Chapter 13 of the Oneida County POWTS Ordinance, Subchapters 13.27 & 13.28.

Ordinance Amendment offered by the Planning and Development Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #1-2020, which was filed January 2, 2020 (copy attached) to amend Subchapters 13.27 & 13.28 of the Oneida County Private Onsite Wastewater Treatment Systems Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon January 22, 2020 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, Oneida County can regulate Non-Plumbing Sanitary Systems (Privy's) through Wis. Stats. Sec. 59.70, Environmental Protection & Land Use; and

WHEREAS, Oneida County regulates Non-Plumbing Sanitary Systems pursuant to Chapter 13, The Oneida County Private Onsite Wastewater Treatment System (POWTS) Ordinance; and

WHEREAS, staff has currently been allowing composting and incinerating toilets and recommended incorporating standards specified in the Department of Safety Professional Services (DSPS) 391; and

WHEREAS, the Planning & Development Committee believes there should be minimum regulations on portable restrooms and when and when not they are allowed on a property; and

WHEREAS, the Planning and Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

13.27 **NON-PLUMBING SANITARY SYSTEMS.**

1. Non-plumbing sanitary systems shall comply with the minimum requirements of Wisconsin Administrative Code SPS 391 and SPS 362.2900(2)(a) and (b) unless this ordinance is more restrictive.
2. Pit and vault type privies shall be sturdily constructed and maintained in a clean and healthful condition.
3. Pit and vault type privies shall be located at the minimum horizontal distance of:
 - (a) 25 feet from dwellings.
 - (b) 10 feet from lot line.
 - (c) 50 feet from any well.
 - (d) 75 feet from the ordinary high water mark of a lake or stream.
 - (e) ~~25~~ 15 feet from a shoreland/wetland.
4. Composting and incinerating toilets
 - (a) The disposal of compost and/or ash shall be in accordance with 40 CFR part 503.
 - (b) The disposal of any liquid shall be to a public Sanitary Sewer System or a POWTS conforming to Chapter SPS 383.
 - (c) The materials, design, construction, setback and performance shall conform to Chapter SPS 391.

13.28 **PORTABLE RESTROOMS**

1. A Sanitary permit is not required for a portable restroom.
2. When allowed.
 - (a) Portable, self contained toilets may be allowed for emergency purposes, at construction sites, and in quarries for the duration of the project or need. In such cases, there must be a service contract or agreement to ensure the appropriate maintenance of the toilet.
 - (b) Portable, self contained toilets may be allowed on a temporary basis not to exceed two weeks for short term events, such as auctions, flea markets, recreational events, etc. In such cases, there must be a service contract or agreement to ensure the appropriate maintenance of the toilet.
3. Portable Restrooms are prohibited as a substitution for an approved Private Onsite Wastewater Treatment System (POWTS), for other non-plumbing Sanitation Systems, or for connection to a municipal wastewater system.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #1-2020 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Offered and passage moved by: Scott Holewinski, Jack Sorensen, Ted Cushing, Mike Timmons and Billy Fried.

Discussion: Planning and Zoning Director Karl Jennrich stated that this applies to restricting portable toilets, Jennrich went over different types of privies. Winkler asked why the proposed change is 25 feet from 15 feet. Jennrich stated the intent is to make it consistent with the Zoning Ordinance. He stated this is basically up to the county.

Motion: Winkler to amend Line 62 stay at 25 rather than 15 feet.

No Second: Motion Fails

Roll Call Vote on Resolution # 19 – 2020/Ordinance Amendment # 1 – 2020: 16 Aye; 1 Nay, Winkler; 3 Absent, Sorensen, Mott, Oettinger; 1 Vacant, District 15

Resolution # 19 – 2020/Ordinance Amendment # 1 – 2020: Adopted

Resolution # 20 – 2020/Ordinance Amendment #1 – 2020: Offered by the Supervisors of the Planning and Development Committee to amend Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, Article 5, Section 9.57.

Ordinance Amendment offered by the Planning and Development Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #1-2020, which was filed January 2, 2020 (copy attached) to amend Section 9.57 of the Oneida County Zoning and Shoreland Protection

Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon January 22, 2020 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, the purpose of the ordinance is to allow Oneida County to impose a moratorium providing additional time to study, review, consider, and determine whether amendments to the Oneida County Zoning and Shoreland Protection Ordinance, creation of a Livestock Facilities Zoning Ordinance or creation of a Manure Management/Storage Ordinance is required to protect public health or safety in Oneida County; and

WHEREAS, the moratorium would prohibit new livestock facilities that will have 500 or more animal units; and

WHEREAS, The Planning & Development Committee held a public hearing and no one testified in opposition; and

WHEREAS, the Planning & Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

9.57 MORATORIUM ON LIVESTOCK FACILITIES LICENSING

A. Purpose and Intent

The purpose of this ordinance is to allow Oneida County to impose a moratorium providing adequate time to study, review, consider, and determine whether amendments to the Oneida County Zoning and Shoreland Protection Ordinance, creation of a Livestock Facilities Zoning Ordinance or creation of a Manure Storage Ordinance is required to protect public health or safety in Oneida County. Further, the imposition of a moratorium will allow Oneida County to determine whether it has adequate resources to enforce any new or existing livestock facility ordinance.

B. Authority

The Oneida County Board has the specific authority under Wisconsin Statutes including but not limited to §59.02(2) and §59.68 Wis. Stats.

C. Adoption

This ordinance, adopted by a majority vote of the Oneida County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on the licensing of new livestock facilities that will have 500 or more animal units, and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 500 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

D. Definitions

1. Livestock Facility - A feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any twelve (12) month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility."
2. Related Livestock Facilities - Livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:
 - a. They are located on the same tax parcel or adjacent tax parcels of land.
 - b. They use one or more of the same livestock structures to collect or store manure.
 - c. At least a portion of their manure is applied to the same landspreading acreage.
3. Animal Unit - Has the meaning that was given in s. NR 243.03(3) as of April 27, 2004.

E. Moratorium Imposed

The Oneida County Board of Supervisors hereby imposes a moratorium on the licensing of new livestock facilities that will have 500 or more animal units and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 500 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

F. Duration of Moratorium

This moratorium shall be in effect for a period of twelve (12) months from the date this ordinance is passed by the County Board unless the County Board rescinds this moratorium at an earlier date. This moratorium may be extended for up to six (6) more months by a majority vote of the Oneida County Board of Supervisors.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #1-2020 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources and the Department of Agriculture Trade and Consumer Protection (DATCP).

Offered and passage moved by: Scott Holewinski, Jack Sorensen, Ted Cushing, Mike Timmons and Billy Fried.

Discussion: Jennrich stated that this provision would prohibit confined animal feed lot operations for a period of 12 months. This would allow the county additional time to figure out what the county would like to do with some of these larger feed lot organizations. There was a moratorium in place in 2016, that has since expired. This moratorium would give the committee time to draft some type of language. Per Jennrich, the committee is looking at what zoning districts commercial Agriculture is allowed and a manure storage ordinance is being drafted.

Roll Call Vote on Resolution # 20 – 2020/Ordinance Amendment # 1 – 2020: 17 Aye; 3 Absent, Sorensen, Mott, Oettinger; 1 Vacant, District 15

Resolution # 20 – 2020/Ordinance Amendment # 1 – 2020: Adopted

Resolution # 21 – 2020/Ordinance Amendment # 2 – 2020: Offered by the Supervisors of the Planning and Development Committee to amend Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, Article 9, Section 9.92.

Ordinance Amendment offered by the Planning and Development Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #2-2020, which was filed January 2, 2020 (copy attached) to amend Section 9.92 of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon January 22, 2020 pursuant to Section 59.69(5), Wisconsin Statutes, with one written comment and two verbal comments against the proposal, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, pursuant to Wis. Stat. Sec. 59.692, a Shoreland Zoning Ordinance may not regulate a matter more restrictively than the matter is regulated by a Shoreland Zoning Standard; and

WHEREAS, ordinance amendment #2-2020 only affects wetlands within the shoreland area of all the towns in Oneida County. It does not affect all other wetlands outside this area in all the towns and the city of Rhinelander; and

WHEREAS, a grading setback to a shoreland wetland is a matter Oneida County can regulate; and

WHEREAS, the setback to a shoreland wetland was 5' for just over 14 years from February of 2004 to April of 2018 and changed to 15' to accommodate a push for higher shoreland wetland protection without fully understanding the impact to property owners; and

WHEREAS, protecting a shoreland wetland with a properly installed and maintained silt fence has no more impact to a wetland at 5' verses 15'; and

WHEREAS, passage in April of 2018 to increase the setback from 5' to 15' decreased a property owners use of his land substantially because of lakebed wetland, Ordinary High Water Mark (OHWM) and wetland setbacks; and

WHEREAS, structures built between 2004 to 2018 and were built less than 15' to a shoreland wetland would now be considered a non-conforming structure; and

WHEREAS, 8 of the 9 counties that surround Oneida County have a 0' setback to a wetland; and

WHEREAS, the Planning and Development committee has carefully studied the proposed changes, considered the impacts pro and con to this change and considered the comments made at the public hearing and recommends approval.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

9.92 SHORELAND-WETLAND RESTRICTIONS

A. Purpose

Wetlands are critical natural environmental features which provide habitat for native animals and plants, help purify surface and subsurface waters, and add to, or help protect, the natural appearance of the northwoods. This section provides the minimum land use restrictions determined to be essential to protect shoreland wetlands.

B. Applicability

This section applies to all areas identified as shoreland wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer. The following restrictions do not apply to public utilities and public roads. Provisions of this section do not supersede more restrictive requirements identified in section 9.91 Shoreland-Wetland Zoning District or involving structures in a floodplain zoning district.

C. Restrictions

1. No grading or other land disturbing activities shall be permitted closer than ~~45~~ 5 feet from the edge of a shoreland wetland. An elevated walkway may be permitted pursuant to section 9.91(D)(2)(e).
2. Grading or other land disturbing activities less than 25 feet from a shoreland wetland shall require silt fencing. Installation shall be done in accordance with the standards and specifications outlined in the Wisconsin Construction Site Best Management Practices Handbook (WDNR Pub. WR-222 1993 Revision).

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #2-2020 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Offered and passage moved by: Scott Holewinski, Mike Timmons and Billy Fried.

Oettinger entered at 10:44 a.m.

Discussion: Jennrich stated that County does have the ability to regulate the shoreland wetlands setbacks. Holewinski stated that this resolution applies to wetlands not connected to a lake, it does not apply to a lakebed wetland. Holewinski discussed the history of the changes in setbacks of shoreland wetlands. Per Holewinski eight other counties around us have a zero setback to a shoreland wetland. VanRaalte went over some of the issues discussed at committee. Discussion ensued regarding setbacks, wetlands and the history of the changes that were put in place.

Motion/Second: VanRaalte/Winkler to return this resolution to the Planning and Zoning Committee to determine the answers to the following:

- 1) How many times in the past 24 months has an issue with a fifteen-foot setback come before the committee and could any of those issues have been resolved by granting a variance on a case by case basis?
- 2) What financial impact will a five-foot setback versus a fifteen-foot setback have on neighboring properties?
- 3) Can the committee cite peer-reviewed scientifically sound studies that show that a five-foot setback will have no more impact on shoreland/wetlands than a fifteen-foot setback?
- 4) Can the committee cite scientific evidence that a silt fence placed at a five-foot setback will function just as effectively as one placed at a fifteen-foot setback regardless of grade or soil type?
- 5) Can the committee cite scientific evidence that a silt fence placed at a five-foot setback will protect shoreland/wetlands during a 500 year rain event or snowmelt as effectively as one placed at a fifteen foot setback?
- 6) Prepare a financial impact statement indicating the costs and benefits of a five-foot shoreland/wetland setback versus a fifteen-foot setback to the county's assessed valuation and tax base.
- 7) Include wetland delineation language.

Discussion: Discussion of the motion on the floor ensued.

Roll Call Vote on Amendment to Resolution # 21 – 2020/Ordinance Amendment # 2 – 2020: 2 Aye, Winkler, VanRaalte; 16 Nay; 2 Absent, Sorensen, Mott; 1 Vacant, District 15

Motion: Fails

Motion/Second: VanRaalte/Schreier to postpone action on this resolution until the March County Board meeting.

Roll Call Vote: 4 Aye, VanRaalte, Winkler, Oettinger, Schreier; 14 Nay; 2 Absent, Sorensen, Mott; 1 Vacant, District 15

Motion: Fails

Discussion: Schreier stated that there should be language in the Resolution that protects the wetlands. What is the purpose of our shoreland and wetland restrictions. Liebert stated the Wisconsin Construction Site Best Management Practices Handbook is referenced, the protections are there.

Roll Call Vote on Resolution # 21 – 2020/Ordinance Amendment # 2 – 2020: 15 Aye; 3 Nay, Schreier, Winkler, VanRaalte; 2 Absent, Sorensen, Mott; 1 Vacant, District 15

Resolution # 21 – 2020/Ordinance Amendment # 2 – 2020: Adopted

Recess called at 11:09 a.m.

Return from Recess at 11:20 a.m.

Supervisor Cushing did not return.

CLOSED SESSION: It is anticipated that the committee may meet in closed session pursuant to Wisconsin Statutes §19.85(1)(f) considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data (Topics – Bilogan Notice of Claim) and pursuant to Wisconsin Statutes Section 19.85 (1)(e) Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session (Topic: Parcel off Air Park RD being part of Certified Survey Map # 4394 in GL 1 (NE-NE) Section 11 and GL 11 (SE-SE) Section 2, Township 36 North, Range 8 East, City of Rhinelander). A roll call vote will be taken to go into closed session and it is anticipated that the Committee will return to open session by roll call vote to consider the remainder of the meeting agenda.

Announcement of action taken in closed session, or take action based on closed session (NOTE: If the announcement of action taken in closed session would compromise the need for the closed session, the action taken will not be announced. Any action taken in closed session may be announced when the need for the closed session has passed).

Motion/Second: VanRaalte/Winkler to go into Closed Session at 11:23 a.m.

Roll Call Vote: 17 Aye; 3 Absent, Cushing, Sorensen, Mott; 1 Vacant, District 15

Motion/Second: Timmons/Fisher to return to Open Session at 12:56 p.m.

Roll Call Vote: 17 Aye; 3 Absent, Cushing, Sorensen, Mott; 1 Vacant, District 15

Announcement: In closed session the board discussed the legal strategy related to the Bilogan claim and the bargaining strategy related to the land issue on our agenda.

CONSIDERATION OF RESOLUTION # 22 – 2020: Offered by the Supervisors of the Labor Relations & Employee Services Committee denying the claim submitted by John L. Bilogan.

Resolution offered by the Labor Relations Employee Services (LRES) Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, a Notice Claim was filed on January 3, 2020 by John L. Bilogan in the Oneida County Clerk's Office; and **WHEREAS**, said Notice of Claim alleges that John L. Bilogan sustained damages and alleges that said damages were caused by Oneida County and employees of Oneida County; and

WHEREAS, the Notice of Injury and Claim have been referred to the County's appropriate insurance carrier which has investigated the matter and determined the claim should be denied; and

WHEREAS, after a review of this matter by the Corporation Counsel's Office, said office recommends that the claim be denied.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that the claim submitted by John L. Bilogan be and the same is hereby denied and notice is hereby given that no action on this claim may be brought against Oneida County or any of its officers, officials, agents or employees after six months from the date of service of this notice; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the County Clerk to the claimant by certified mail, return receipt requested, and/or by personal service if deemed necessary, as a notice of disallowance.

Approved by the LRES Committee this 6th day of February 2020.

Offered and passage moved by: Dave Hintz, Scott Holewinski, Ted Cushing, Billy Fried and Sonny Paszak.

Discussion: No discussion

Roll Call Vote on Resolution # 22 – 2020: 16 Aye; 3 Absent, Cushing, Sorensen, Mott; 1 Abstain, Kelly; 1 Vacant, District 15

Resolution # 22 – 2020: Adopted

NEXT MEETING DATE AND TIME **March 17, 2020 @ 9:30 a.m.**

Unless a motion is made to change the starting time.

ADJOURNMENT:

Chairman Hintz adjourned the meeting at 12:58 p.m.