

MINUTES
Oneida County Board of Supervisors
Tuesday, May 21, 2019 – 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 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: Russ Fisher, Lance Krolczyk, Scott Holewinski, Robb Jensen, Jim Winkler, Greg Pence, Bob Mott, Alan VanRaalte, Billy Fried, Tom Kelly, Jack Sorensen, Sonny Paszak, Dave Hintz, Mike Timmons, Ted Cushing, Bob Metropulos, Bill Liebert, Steven Schreier, Greg Oettinger and Bob Almekinder.

Members Present: 20

Members Excused Absent: Mitch Ives

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS:

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

ACCEPT THE MINUTES OF THE APRIL 16, 2019 MEETING.

Motion/Second: VanRaalte/Sorensen to accept the Minutes of the April 16, 2019 Meeting. All "Aye", motion approved.

REPORTS/PRESENTATIONS

- Melanie Stauffer gave her speech titled, My life as an Emerald Ash Borer.
- Kaylee Cornelius gave her presentation, The Aquatic Fugitive.
- Eli Erickson gave his presentation on The Purple Loosestrife.
- 2018 Social Service Annual Report was presented by Social Services Director Mary Rideout.

CONSENT AGENDA:

Resolution # 49 – 2019: Offered by the Supervisors of the Land Records Committee conveying part of PIN NE 225-6 to the Stevens Joint Revocable Trust dated December 10th, 2010, and Wayne F Stevens & Linda Seiter Stevens and a part of the 200' strip of land retained by Oneida County.

WHEREAS, Oneida County retained a 100 foot strip of land on each side of the center line of existing roads crossing Southeast - Southwest, Section 22, Township 37 North, Range 8 East, as recorded in the Register of Deeds, Volume 64 of Deeds on Page 546, Document # 114648, recorded on December 15th 1942; and,

WHEREAS, a request has been made to Oneida County from the adjoining landowner listed in Exhibit A below requesting that a portion of said strip of land described above adjacent to **Northwestern DR** be conveyed to them as they are the present adjoining owner of the land, and have paid the \$100.00 administrative fee to process this request; and,

WHEREAS, the Town of Newbold has been notified of this request, and the Land Records Committee recommends that the parcel described in Exhibit A be conveyed to the adjoining landowner, provided the Town of Newbold does not have any objection to said conveyance.

THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors hereby approves conveying the parcel described in Exhibit A below to the adjoining landowner as listed in Exhibit A, provided that the Town of Newbold has no objection to such conveyance, and the Board authorizes the County Clerk, upon receipt of the \$30 deed recording fees, to issue a quit claim deed conveying any interest the County has in the description described in Exhibit A.

Approved for presentation to the County Board by the Land Records Committee this 14th day of May, 2019.
Offered and Passage moved by: Sonny Paszak, Bill Liebert, Greg Pence and Greg Oettinger.

Resolution # 50 – 2019: Offered by the Supervisors of the Labor Relations Employee Services (LRES) and Administration Committee to extend the contract of Limited Term Employee (LTE) Law Clerk.

WHEREAS, Oneida County has shared a Limited Term Employee (LTE) with Vilas County for many years sharing the costs of such with two-thirds Oneida County and one third Vilas County; and

WHEREAS, the LTE Law Clerk is hired on a one-year contract that includes the County's sponsored group health insurance plan but no other benefits based on the one year of employment; and

WHEREAS, on occasion, the Judges of Oneida and Vilas County wish to extend an additional year of employment to the LTE Law Clerk: and

WHEREAS, by extending such employment, the LTE Law Clerk becomes eligible for other benefits such as: Wisconsin Retirement System (WRS); Life Insurance and Income Continuation Insurance (ICI) which add additional dollars to the Branch I and Branch II budgets for 2019; and

WHEREAS, the Public Works, LRES and Administration Committees agree with the request to extend the LTE Law Clerk contract for one year.

THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that the contract for the LTE Law Clerk be extended by one year beginning June 1, 2019; and

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that the additional costs associated costs of the position will come from the Contingency Fund for Fiscal year 2019 as set forth in the fiscal impact statement which is attached hereto and made apart thereof.

Approved for presentation to the County Board by the LRES Committee this 8th day of May, 2019. Approved for presentation to the County Board by the Administration Committee this 14th day of May, 2019.

Approved and passage moved by: Ted Cushing, Dave Hintz, Sonny Paszak, Billy Fried, Rob Jensen and Bob Mott.

Resolution # 51 – 2019: Offered by the Supervisors of the Labor Relations Employee Services (LRES) and Administration Committee to decrease Account Technician position in Social Services to part-time.

WHEREAS, the Social Services Director has reviewed and provided analysis regarding a vacant full time Account Technician position within the Department of Social Services to the Social Services Committee recommending the position be reduced to a part time position; and

WHEREAS, the Social Services Committee did approve the concept proposed by the Social Services Director and instructed the Director to work with the Human Resources (HR) Director regarding the number of hours and appropriate wage; and

WHEREAS, the LRES Committee has reviewed and approved the recommended change and recommends such change to the County Board.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that the following changes be made effective May 22, 2019:

- Decrease the Social Services Account Technician from 1950 hours to 780 hours per year
- Savings from the decrease in hours for Social Services shall be used within the Social Services 2019 budget at the discretion of the Social Services Director and reported to the Social Services Committee.

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that all of the savings for the above changes are set forth in the fiscal impact statement which is attached hereto and made apart thereof.

Approved for presentation to the County Board by the LRES Committee this 8th day of May, 2019. Approved for presentation to the County Board by the Administration Committee this 14th day of May, 2019.

Approved and passage moved by: Ted Cushing, Dave Hintz, Sonny Paszak, Billy Fried, Rob Jensen and Bob Mott.

Resolution # 54 – 2019/Ordinance Amendment # 3 – 2019: Offered by the Supervisors of the Planning and Development Committee amending Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, Article 9, Section 9.90, 9.91, 9.94, 9.99.

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 #3-2019, which was filed April 10, 2019 (copy attached) to amend Section 9.90, 9.91, 9.94, and 9.99 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 May 1, 2019 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, pursuant to Wisconsin Administrative Code NR 115.06, The Wisconsin Department of Natural Resources is to review and approve Chapter 9, Article 9- Shoreland Protection Provision; and

WHEREAS, by letter dated February 15, 2019, The Wisconsin Department of Natural Resources conditionally approved Chapter 9, Article 9-Shoreland Protection Provision; and

WHEREAS, by the same letter, the Wisconsin Department of Natural Resources required revisions to Chapter 9, Article 9-Shoreland Protection Provision; and

WHEREAS, all towns were notified and no comments were received for or against the proposed language; and

WHEREAS, the Planning and Development Committee held a public hearing and no comments were received for or against the proposed language; and

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~~]:

9.90 SHORELAND PROTECTION

Article 9, Section 9.90 remains unchanged except for the following:

F. DNR Notices and Copies of County Decisions

1. Written notice shall be given to the ~~Northern Region~~ appropriate Service Center of the DNR at least ten (10) days prior to hearings on proposed shoreland variances, special uses (conditional uses), appeals for map or text interpretations and map or text amendments.
2. Copies of decisions on shoreland variances, special uses (special exceptions), (conditional uses), appeals for map or text interpretations, and map or text amendments shall be submitted to the ~~Northern Region~~ appropriate Service Center of the DNR within ten (10) days after they are granted or denied.

9.91 SHORELAND WETLAND ZONING (DISTRICT 11)

Article 9, Section 9.91 remains unchanged except for the following:

B. Designation

This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory maps as depicted on the Department of Natural Resources Surface Water Data Viewer <https://dnrmaps.wi.gov/H5/?viewer=SWDV>.

9.94 SHORELAND SETBACKS, EXEMPT STRUCTURES, REDUCED PRINCIPAL STRUCTURE SETBACKS, FLOODPLAIN STRUCTURES, IMPERVIOUS SURFACES AND HEIGHT

Article 9, Section 9.94(A)(1) remains unchanged except for the following:

A. Exempt Structures (NR 115.05(1)(b)1m.) and s59.692(1k)(a)(6), Wis. Stats. All of the following structures are exempt from the shoreland setback standards in section 9.94. Any structure not specifically mentioned under Section 9.94(A)(1-7) below is not permitted.

1. Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:

~~k. The placement of decking on top of a flat roof boathouse is not permitted.~~

~~k. †~~ Stairs placed on the exterior side of a boathouse to gain access to a flat roof are not permitted. Concrete aprons/boat launch pads placed between the boathouse and OHWM are not permitted.

~~l. †~~ Boathouse construction must comply with the provisions of Section 9.97.

~~m. †~~ Onsite inspections may be required prior to excavation, during construction and upon completion for the placement all boathouses.

9.99 NONCONFORMING USES AND STRUCTURES (NR 115.05(1)(g))

Article 9, Section 9.99(F) remains unchanged except for the following:

F. Maintenance, Repair, Replacement or Vertical Expansion of Structures that were authorized by variance. (s. 59.692(1k)(a)2. and (a)4, Wis. Stats.)

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

MAINTENANCE, REPAIR, REPLACEMENT OF ILLEGAL STRUCTURES s. 59.692(1k)(a)2c, Stats) A structure that was illegally constructed, which is older than ten years and may not be enforced under the shoreland ordinance (s59.692(1t) Stats) may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the structure. (No vertical or lateral expansion allowed for structures in violation.)

Note: Section 59.692(1k)(a)2. Wis. Stats. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 12. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment # 3 – 2019 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.

Approved for presentation to the County Board by the Planning and Development Committee this 15th day of May 2019. Offered and passage moved by: Scott Holewinski, Ted Cushing, Mike Timmons and Jack Sorensen.

- Appointments to Committees, Commissions and other Organizations:
 - Appoint Geoff Weller to the Rhinelander/Oneida County Airport Commission to serve a term ending April 2025.
 - Appoint Nancy Watry to the ADRC Committee with a term ending April 2022.
 - Re-Appoint Barbara Young to the ADRC Committee with a term ending April 2022.

*Supervisor Holewinski requested that Resolution # 53 – 2019 be pulled from the Consent Agenda.
Supervisor Jensen requested that Resolution # 52 – 2019 be pulled from the Consent Agenda.*

Motion/Second: Cushing/VanRaalte to approve the remaining items on the Consent Agenda.

Roll Call Vote: 19 Aye; 1 Nay, Mott; 1 Absent, Ives

Student Representative: Absent

Amended Consent Agenda: Adopted

CONSIDERATION OF RESOLUTIONS & ORDINANCES:

Resolution # 52 – 2019/Ordinance Amendment # 13 – 2019: Offered by the Supervisors of the Public Works Committee amending section 7.095 of the General Code – All Terrain/Utility Vehicle Trails and Routes on County Highway and Bridge Crossings.

Ordinance Amendment to open certain County Highways to ATV/UTV use.
Ordinance Amendment offered by Public Works Committee.

WHEREAS, Oneida County has many roads open to ATV's; and
WHEREAS, the Public Works has received multiple requests to open County Highways to ATV/UTV use, and
WHEREAS, the Public Works committee has reviewed these request and approved them; and
WHEREAS, Oneida County needs to update the County Code in order to effectuate the changes.

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. Section 7.095 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

7.095 ALL TERRAIN/UTILITY VEHICLE TRAILS AND ROUTES ON COUNTY HIGHWAYS AND BRIDGE CROSSINGS.
(Rn. #80-2011, Am. #51-2015)

ATV'S are allowed to be operated on County Trunk Highways as designated by the Highway Commissioner and Highway Committee. The trails and routes that are to be on County Trunk Highways shall be reviewed and approved according to the "Oneida County Highway Committee Policy for ATV Routes and Trails", or any successor policy adopted by the Highway Committee. The following County Highways are open to ATV/UTV use:

CTH A) Open entire length.

CTH B) Open entire length.

CTH C) Closed from Chippewa Drive (STH 17) to North Faust Lake Road, Open from North Faust Lake Road to 1900 CTH C at the East Stella Town Line Closed in the Town of Stella.

CTH D) Open from Highway 17 to Town of Lake Tomahawk Town Line.

CTH E) Open entire length.

CTH G) Open Lassig Road to USH 45.

CTH H) Open entire length.

CTH J) Open from STH 70 to Woodruff Road, Closed from Woodruff Road to US 51.

CTH K) Open from US 51 to Sheep Ranch Road, Closed from Sheep Ranch Road to STH 47.

CTH L) Open entire length.

CTH M) Open from Highway "B" to Forest County line.

CTH N) Open entire length.

CTH O) Open entire length.

CTH P) Closed from Chippewa Drive (STH 17) to Faust Lake Road, Open from Faust Lake Road to East Lake George Road, Closed from East Lake George Road to USH 8.

CTH Q) Open entire length.

CTH W) Closed from the city limits by Golf Course to River Road, Open from River Road to STH 17.

CTH Y) Open entire length.

CTH Z) Open entire length.

Pursuant to Wisconsin Statute s. 23.33(11)(am)3 ATV's & UTV's shall be allowed to cross the bridge following bridges in Oneida County:

1. Bridge over Crystal Lake on State Highway 45 [Connecting Oneida County parcels TL 586-2 & TL 586-3], Town of Three Lakes, and Federal ID number C-43-08-98.

2. Bridge over Deer/Big Stone Lake [a.k.a Eagle River Bridge] on State Highway 32, Town of Three Lakes, and Federal ID number B-43-031.

ATV operators crossing any bridge listed in this Ordinance section shall comply with the following conditions:

a. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.

b. Stay as far to the right of the roadway or shoulder as practicable.

c. Stop the vehicle prior to the crossing.

d. Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder.

e. Exit the highway as quickly and safely as practicable after crossing the bridge.

Offered and passage moved by: Mike Timmons, Robb Jensen, Scott Holewinski, Sonny Paszak and Ted Cushing.

Motion/Second: Jensen/Cushing to Amend Resolution # 52 – 2019 to underline lines 46, 48 and 54 and remove the highlighting.

Roll Call Vote: 20 Aye, 1 Absent, Ives

Student Representative: Absent

Amendment to Resolution #52 – 2019: Adopted

Discussion: None

Roll Call Vote on Amended Resolution # 52 – 2019/Ordinance Amendment # 13 – 2019: 20 Aye, 1 Absent, Ives

Amended Resolution # 52 – 2019/Ordinance Amendment # 13 – 2019: Adopted

Resolution # 53 – 2019/Ordinance Amendment # 1 – 2019: Offered by the Supervisors of the Planning and Development Committee amending Chapter 13 of the Oneida County Private Onsite Wastewater Treatment Systems Ordinance, Subchapter 1 and 5.

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 #1-2019 which was filed February 28, 2019 (copy attached) to amend Subchapter 1 and 5 of the Oneida County Zoning Private Onsite Wastewater Treatment Systems Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon April 3, 2019 and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, pursuant to the Department and Safety and Professional Services SPS 383.54(4)(d)(3) " A governmental unit that has completed the inventory required under s. SPS 383.255(1)(a) may, by ordinance, extend the visual inspection interval required under subd 1., to a maximum period of 5-years for a POWTS serving an occasionally occupied structure or facility; and

WHEREAS, Oneida County has completed an inventory of all Private Onsite Wastewater Treatment Systems (POWTS) pursuant to SPS 383.255(1)(a); and

WHEREAS, Oneida County has many seasonal homes that meet the definition of "occasionally occupied"; and

WHEREAS, the department has been requested to on numerous occasions to waive the three (3) year visual inspection/pumping requirements specified in SPS 383.54(4)

WHEREAS, all towns were notified and no comments were received for or against the proposed language; and

WHEREAS, the Planning and Development committee held a public hearing and no ~~to~~ comments were received for or against the proposed language; and

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~~ on January 1, 2020 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 13 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

13.15 DEFINITIONS.

13.15 Remaining definitions remain unchanged.

Occasional Occupancy. Occupying a building that is serviced by a POWTS for less than 120 calendar days per year.

13.51 SEPTIC TANK MAINTENANCE PROGRAM.

13.51 (1) and (4) through (7) remain unchanged.

2. All new and existing POWTS shall be visually inspected within three years of the date of installation and at least ~~one~~ once every three years thereafter. Exception: the department may extend the required three-year visual inspection interval to a maximum period of five years for a POWTS serving an occasional occupied structure or facility, providing the owner of the POWTS makes a request in writing.
3. All new and existing septic tanks shall be pumped within three (3) years of the date of installation and at least once every three (3) years thereafter, unless upon visual inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #1-2019 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 Safety and Professional Services.

Approved for presentation to the County Board by the Planning and Development Committee this 17th day of April 2019. Offered and passage moved by: Scott Holewinski, Ted Cushing, Billy Fried, Jack Sorensen and Mike Timmons.

Motion/Second: Holewinski/Timmons to amend Resolution # 53 – 2019 line 43 to remove “the day” and insert “on January 1st, 2020”.

Roll Call Vote: 20 Aye; 1 Absent, Ives

Discussion: Mott directed questions to Karl Jennrich regarding the process. Discussion ensued regarding the process for off water versus on water property processes and the timelines in effect.

Roll Call Vote on Amended Resolution # 53 – 2019/Ordinance Amendment # 1 – 2019: 20 Aye; 1 Absent, Ives

Amended Resolution # 53 – 2019/Ordinance Amendment # 1 – 2019: Adopted

NEXT MEETING DATE AND TIME: June 18, 2019 @ 9:30 a.m.

Unless a motion is made to change the starting time.

ADJOURNMENT:

Chairman Hintz adjourned the meeting at 10:19 a.m.