

1 RESOLUTION # ~~82-0023~~
2 TO RETAIN COUNSEL FOR ORDINANCE AMENDMENT #13-2022
3

4 Resolution to provide funds from the contingency budget to retain outside
5 counsel for legal representation for Ordinance Amendment #13-2022.
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7 Resolution offered by the Planning and Development Committee.
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9 Resolved by the Board of Supervisors of Oneida County, Wisconsin:
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11 WHEREAS, the Planning & Development Committee, having considered
12 Ordinance Amendment #13-2022, which was filed March 9, 2023 (copy attached) to
13 amend Sections 9.33, 9.94, 9.95, 9.97, 9.99, Appendixes C-Q, and Article 10 Definitions
14 of Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, and
15 having given notice thereof as provided by law and having held a public hearing thereon
16 March 29, 2023, pursuant to Section 59.69(5), Wisconsin Statutes, and having been
17 informed of the facts pertinent to the changes; and
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19 WHEREAS, Oneida County provided the revisions to the Wisconsin Department
20 of Natural Resources (WDNR) as required by law; and
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22 WHEREAS, the WDNR brought forward technical concerns with the Ordinance
23 and stated the WDNR would not certify the Ordinance pursuant to Wisconsin
24 Administrative Code NR 115.06(02); and
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26 WHEREAS, the Planning & Development Committee having held a meeting on
27 May 17, 2023 with a motion made to approve seeking outside counsel for representation
28 to move forward with the process of Ordinance Amendment #13-2022; and
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30 WHEREAS, the Planning & Development Committee would like to hire outside
31 counsel to review Ordinance Amendment #13-2022, relevant State statutes, and
32 Administrative Codes and provide the Committee with a legal analysis on the proposed
33 revisions and/or language that may be acceptable to WDNR; and
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35 WHEREAS, the Administration Committee having held a meeting on July 17,
36 2023 and discussing the approval and funding to retain outside counsel for Ordinance
37 Amendment #13-2022 with a motion being made to approve the funding to retain outside
38 counsel through the contingency budget not exceeding an amount of ten thousand
39 dollars and 00/100 (\$10,000.00); and
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41 THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors
42 hereby approve the request for the Planning & Development Committee to retain legal
43 representation for the review of and to provide a legal analysis and/or language
44 acceptable to the WDNR concerning the proposed Ordinance Amendment #13-2022
45 with funding in the amount of ten thousand dollars and 00/100 (\$10,000.00) to be
46 disbursed from the contingency budget.
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48 Approved for presentation to the County Board by the Planning and Development
49 Committee this 9th day of August, 2023.
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51 Consent Agenda Item: _____ YES NO

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Vote Required: Majority = 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes No _____ as reviewed by the Corporation Counsel, _____, Date: 8.10.23

Offered and passage moved by: Scott R. Holewinski

Supervisor
[Signature]

Supervisor
[Signature]

Supervisor
[Signature]

Supervisor

Supervisor

16 Ayes
2 Nays
3 Absent
0 Abstain
X Enacted

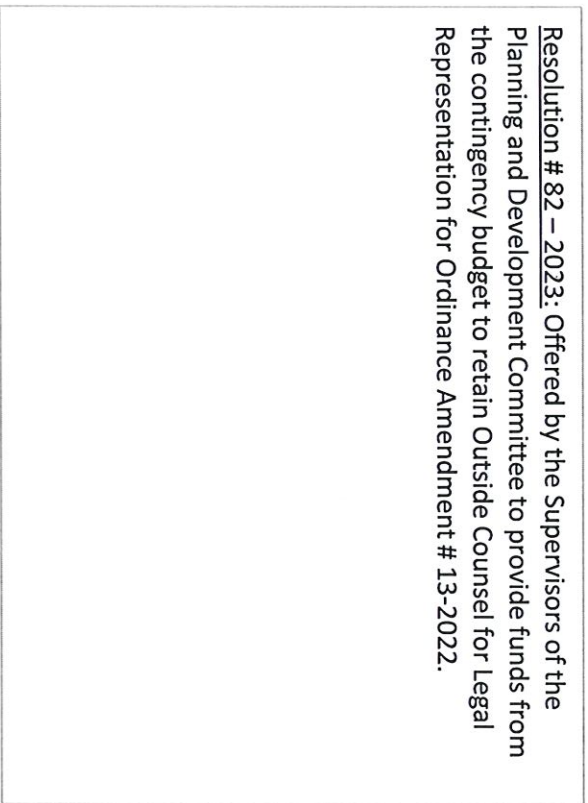
by the County Board of Supervisors this 15th day of August, 2023.

Defeated
[Signature]
Tracy Hartman, Clerk
[Signature]
Scott Holewinski, County Board Chair

Resolution # 82-2023

Supervisors	AYE	NAY	ABS	ABSTAIN
Condado	X			
Sorgel	X			
Roach	X			
Almekinder	X			
Newman	-		X	
Winkler		X		
Harris	X			
Fisher	X			
Jensen	X			
Schultz	X			
Rio	-		X	
Fried	X			
Kelly	X			
Timmons	X			
Oettinger	X			
Briggs	X			
Ryden	-		X	
Showalter	X			
Schreier		X		
Cushing	X			
Holewinski	X			
TOTALS	10	2	3	
TAGS				

Resolution # 82 – 2023: Offered by the Supervisors of the Planning and Development Committee to provide funds from the contingency budget to retain Outside Counsel for Legal Representation for Ordinance Amendment # 13-2022.



**MEETING OF ADMINISTRATION COMMITTEE
JULY 17, 2023
Minutes**

Committee members present: Chairman Billy Fried, Ted Cushing, Tom Kelly, Russ Fisher and Steven Schreier.

Call to order: Chairman Fried called the meeting to order at 9:00 a.m. in the County Board Room of the Oneida County Courthouse. The meeting has been properly posted and mailed in accordance with the Wisconsin Open Meeting law and the facility is handicap accessible.

Approve agenda: Motion by Schreier/Kelly to approve today's agenda with the order of items at the Chair's discretion. All aye; motion carried.

Dates and items for future agenda/meetings: The next administration committee meetings will be held on August 7th at 10:00 a.m. and August 14th at 9:00 a.m. Future topics: Outside Agency and Department Budgets.

Approve minutes: Motion by Cushing/Schreier to approve the minutes of June 12, 2023. All aye; motion carried.

Public comment - None

Approval and Funding to Retain Outside Counsel for Ordinance Amendment 13-2022 – Karl Jennrich, Planning and Zoning Director, gave an overview of the need for outside counsel with regards to proposed changes to Chapter 9. Jennrich reported that the WI DNR has stated that if the changes in the proposed ordinance amendment are passed by the Oneida County Board the WI DNR will not be able to certify the county ordinance. Jennrich stated that the outside legal counsel will be hired to review relevant State Statutes and Administrative Codes; and to provide the committee with a legal analysis on the proposed revisions and/or to provide language that may be acceptable to the DNR. Jennrich stated that this is looking for approval to hire outside legal counsel and to determine where the funding will come from. Discussion regarding the situation with proposed changes to chapter 9. Discussion regarding what happens if the DNR finds that the Oneida County Code is out of compliance. Motion by Fried/Schreier to approve the hiring of outside counsel as presented and forward it onto the County Board as a resolution. All aye; motion carried. Motion by Fried/Cushing to approve the funding of the outside counsel through the contingency budget not to exceed \$10,000. All aye; motion carried.

Resolution to Loan Money to Bug Tussel AC, LLC, and guaranteed by Hilbert Communications, LLC to serve as the Matching Funds for a Previously Awarded Public Service Commission Grant – Verdoorn gave an overview of the resolution and reported that the name of the entity listed in the resolution may change prior to the county board meeting. Discussion regarding the resolution and possible changes needed and bringing this back to the committee next month for final changes. Discussion regarding the interest rate and whether it should be the same as the bond rate or Local Investment pool rate.

Motion to approve the Promissory Note with Bug Tussel AC, LLC, and guaranteed by Hilbert Communications, LLC. – Verdoorn reported that this is tied to the above resolution

and can not be passed until the entity is known. Discussion regarding the entity name. Verdoorn has stated that he will contact Bug Tussel and make certain that the correct entity is known in time for the August 7th meeting.

Resolution to Authorize a Reimbursement Agreement with Bug Tussel 1, LLC for Oneida County Expenses related to the \$24,000,000 Bond Guarantee - Fugle reported that this will provide for Bug Tussel to reimburse the county out of their revenue for expenses that the county has incurred during the bonding. Discussion regarding using Bug Tussel 1 as the entity. Verdoorn reported that Bug Tussel 1 will be the entity for all items except the loan from Oneida County. Motion by Fried/Cushing to approve the resolution to Authorize a Reimbursement Agreement with Bug Tussel 1, LLC for Oneida County Expenses related to the \$24,000,000 Bond Guarantee and forward to the County Board. Discussion regarding how to get the expenses reimbursed. This will not be a consent agenda item. All aye; motion carried.

Resolution to Return Coronavirus Local Fiscal Recovery Fund (CLFRF) back to Oneida County American Rescue Plan Act (ARPA) Contingency which were previously allocated in Resolution #35-2022 for the purpose of Broadband and Cellular Infrastructure Expansion – Fried gave an overview of the resolution. Schreier asked for confirmation that Bug Tussel is crystal clear that the \$1.5 million originally allocated for this will now become a loan. Verdoorn confirmed that Bug Tussel is aware of this change and the PFC has expressed support of this change from the initial grant. Motion by Fried/Schreier to approve the Resolution to Return Coronavirus Local Fiscal Recovery Fund (CLFRF) back to Oneida County American Rescue Plan Act (ARPA) Contingency which were previously allocated in Resolution #35-2022 for the purpose of Broadband and Cellular Infrastructure Expansion as a consent agenda item. All aye; motion carried.

Motion to authorize the execution of a Master Continuing Disclosure Services Agreement to retain Ehlers Public Finance Advisors as Dissemination Agent for Issuer Continuing Disclosure Required Under Securities and Exchange Commission (SEC) Rule 15c2-12 – Smigielski reported that for as long as Oneida county has publicly traded bonds there will need to be a filing made. This is typically contracted out and this would be an operating expense. Motion by Cushing/Fisher to approve the Ehlers Contract per item #10. Smigielski reported that this will be added to finance budget for 2024. All aye; motion carried.

2024 Budget Schedule – Smigielski presented an updated proposed budget schedule. Discussion regarding the proposed calendar. Fried asked that the outside agencies are moved to the first day. Schreier asked that the calendar stay as it currently is proposed. The budget calendar will be left as has been proposed.

ITS Capital Improvement Project – Replacement County Wide Phone System – Rhodes gave an overview of the proposed updated phone system. Discussion regarding the phone needs and the need for an upgrade.

ITS Capital Improvement Project – Mobile Device Computer Replacement – Rhodes gave an overview of the proposed mobile device computer replacement. Rhodes reported that this is for all of the mobile computers that are used in the Sheriff's Office squad cars. Rhodes reported that the computers are at the end of life and will need to be replaced in 2025.

Motion by Cushing/Schreier to approve the 2 capital improvement projects for ITS and forward to the CIP Committee. All aye; motion carried.

Vouchers, reports, purchase orders, line item transfers and updates:

Finance

- ARPA Project Report - Smigielski presented an ARPA Project report showing the financial activity through June 30th.
- ERP Upgrade Report – Smigielski thanked the IT team and the Treasurer's Office for the assistance while General Ledger/Budget and Purchasing/Accounts Payables went live. Smigielski gave an update on the timeline for moving to the cash receipting system and updated payroll.
- General Investments Report – Discussion regarding the general investment report.
- Finance Invoices Paid Report – Smigielski presented the invoices paid report. Discussion regarding the signature page on the reports and whether or not that is necessary. Fried noted the receipt of the Finance, Contingency, ARPA & Due to Outside Agencies invoices paid report.
- Finance Budget / Actual Report – Discussion regarding the Budget/Actual Finance Department report. Fried noted the receipt of the Finance Budget / Actual Report.
- Sales Tax Report – Smigielski presented the sales tax report through June 2023.
- Act 12 Information – Discussion regarding the possible impact of Act 12 on the county budget.

ITS

- ITS invoices paid report – Rhodes presented the ITS Invoices paid report. Fried noted the receipt of the ITS invoices paid report.
- IT Planning update – Rhodes gave a planning update. Discussion regarding the county wide copier/printer managed system.

Treasurer

- Statement(s) of cash – Ostermann presented and explained the statement of cash report.
- Treasurer Invoices Paid Report - Fried noted the receipt of the Finance invoices paid report. Treasurer submitted a mileage report.
- IN REM Summary – Ostermann provided an IN REM Summary regarding the parcels in Oneida County that are moving forward in the process. Ostermann reviewed the parcels and noted any concerns. Fried noted the receipt of the IN REM Summary report.

County Clerk

- County Clerk Invoices Paid Report - Fried noted the receipt of the County Clerk invoices paid report.

Public comment/communications: None

Adjourn – Fried adjourned the meeting at 11:14 a.m.

Respectfully submitted,
Tracy Hartman, Recording Secretary
Oneida County Clerk

**ONEIDA COUNTY
PLANNING & ZONING DEPARTMENT**

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1 South Oneida Avenue, P.O. Box 400
Rhineland, WI 54501
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Memorandum

To: Billy Fried, Administration Committee Chairperson
Cc: Scott Holewinski, Planning and Development Committee Chairperson;
Michael Fugle, Corporation Counsel;
Tina Smigielski, Oneida County Finance Director
From: Karl Jennrich, Planning and Zoning Director
Date: July 12, 2023
Re: Retaining Outside Counsel for Ordinance Amendment 13-2022

Chairperson Fried,

The Oneida County Planning and Development Committee is currently working on Ordinance Amendment 13-2022. Ordinance Amendment 13-2022 proposes various revisions to Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance and, in particular, Article 9, Shoreland Protection Provisions. The committee proposed the Ordinance amendments as a result of revisions to Wis. Stat. § 59.692 and concerns that were brought forward by landscapers, excavators, and builders.

Oneida County has provided the revisions to the Wisconsin Department of Natural Resources (DNR) as required by law. The DNR has brought forward technical concerns that they have regarding the revisions that the Planning and Development Committee would like to adopt.

On May 17, 2023, the Oneida County Planning and Development Committee made a motion to retain outside counsel to be able to assist the County in several ways. They committee is looking to hire counsel for the following two reasons:

1. To review relevant State Statutes and Administrative Codes; and
2. To provide the committee with a legal analysis on the proposed revisions and/or to provide language that may be acceptable to the DNR.

This issue is being brought to the Administration Committee because monies are not available in the Oneida County Planning and Zoning Department budget to hire outside counsel. After discussions with Corporation Counsel, it was felt that an amount of approximately \$10,000 would be needed to retain outside counsel. Because this money is not in the budget, it would have to come out of contingency. If the Administration Committee does grant the funds to hire outside counsel, it is believed that the Planning and Development Committee will have to forward a resolution to the Oneida County Board of Supervisors to seek outside legal counsel, pursuant to Chapter 1, Article 3, Section 1.39, Legal Representation, of the Oneida County Code.

The department is providing you with copies of Ordinance Amendment 13-2022, correspondence from the Wisconsin Department of Natural Resources, and the minutes from the meeting of May 17, 2023. If you have any questions prior to the meeting, please feel free to contact me at 715-369-6176 or kjennrich@co.oneida.wi.us.

**ONEIDA COUNTY
PLANNING & ZONING DEPARTMENT**

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Email: zoning@co.oneida.wi.us

Memorandum

To: Oneida County Board of Supervisors
From: Karl Jennrich, Planning and Zoning Director *Karl (Monique)*
Date: August 10, 2023
Re: Resolution to Retail Outside Counsel for Ordinance Amendment #13-2022 to amend Chapter 9, Article 1 General Provisions, Section 9.11 Purpose – Underlying Ordinance, Article 3 Zoning, Administrative Review, and Sanitary Permits, Section 9.33 Exceptions to Zoning Permit Requirement, Article 9 Shoreland Protection Provision, Section 9.94 Shoreland Setbacks, Exempt Structures, Reduced Principal Structure Setbacks, Floodplain Structures, Impervious Surfaces and Height, Section 9.95 Vegetation, Section 9.97 Shoreyard Alteration Permits and Filling, Grading, Lagooning, Dredging, Ditching and Excavating, Section 9.99 Nonconforming Uses and Structures, Appendixes C-D, & Article 10 Definitions of the Oneida County Zoning & Shoreland Protection Ordinance.

Dear County Board Supervisors,

On August 15, 2023, the Oneida County Board of Supervisors will be requested to vote on a Resolution to retain outside counsel to provide legal advice regarding Ordinance Amendment #13-2022. I am enclosing a memo dated July 12, 2023 that was sent to Administration Committee that explains the request to hire outside counsel. I am also supplying a copy of the meeting minutes from the Administration Committee meeting of July 17, 2023.

As the Resolution states, the Planning and Development Committee would like to hire outside counsel to review relevant State statutes and Administrative Codes and to provide the Committee with a legal analysis on the proposed revisions and/or to provide language that may be acceptable to the Wisconsin Department of Natural Resources (WDNR). The amount of the request has been approved by the Administration Committee to come out of the contingency budget.

If you have any questions regarding this Resolution prior to discussion on August 15, 2023, please feel free to contact me at kjennrich@co.oneida.wi.us or 715-369-6176.

Thank you,
Karl