

MINUTES
Notice of Regular Meeting
Oneida County Board of Supervisors
Tuesday, June 18, 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 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: 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: 19

Excused Absent: Mitch Ives, Russ Fisher

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS:

- Sign attendance form at the podium.
- Please use a microphone when speaking.
- Handouts were distributed for both the open house for the Community Garden and the Fair.

ACCEPT THE MINUTES OF THE MAY 21, 2019 MEETING.

Motion/Second: Cushing/Schreier to accept the minutes of the May 21, 2019 Meeting. All "Aye", motion approved.

REPORTS/PRESENTATIONS:

- Supervisor Winkler discussed National Dairy Month as well as providing a "dairy snack" to all members and attendants.
- The Oneida County Health Department Annual Report was presented by Public Health Director Linda Conlon.
- Steve Nelson, Area 4 Extension Director presented the UW Extension Annual Report.

CONSENT AGENDA:

- Appointments to Committees, Commissions and other Organizations:
 - Re-Appoint Brian Jopek to the Veteran's Service Commission with a term to expire January 2022.
 - Appoint Ryan Zietlow to the Board of Health with a term to expire June 2022.

Supervisor Liebert requested that Resolution # 55 – 2019 be pulled from the Consent Agenda.

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

Roll Call Vote: 19 Aye, 2 Absent, Ives, Fisher

Student Representative: 1 Aye

Consent Agenda: Approved

CONSIDERATION OF RESOLUTIONS & ORDINANCES:

Resolution # 55 – 2019: Offered by the Supervisors of the Planning and Development Committee amending Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, Article 5, Section 9.58 Tourist Rooming House.

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 #4-2019, which was filed May 6, 2019, (copy attached) to create Section 9.58-Tourist Rooming House 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 June 5, 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, 2017 Wisconsin Act 59 creates Wis. Stats. Sec 66.0414 prohibiting municipalities from enacting an ordinance prohibiting rental of a residential dwelling for seven consecutive days or longer; and

WHEREAS, Oneida County previously prohibited the rental of a residential dwelling for 30 consecutive days or less in certain zoning districts such as District #02-Single Family Residential; and

WHEREAS, the Planning and Development Committee believed rentals of six (6) consecutive days or less should be

prohibited in zoning districts that previously restricted rentals of 30 consecutive days or less; and

WHEREAS, the Planning & Development Committee and numerous towns believed tourist rooming houses should be regulated through the Administrative Review Permit process; and

WHEREAS, the Planning and Development Committee solicited input from all Towns in Oneida County and held three (3) separate public hearings November 28, 2018, April 3, 2019, and June 5, 2019; 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~~]:

9.58 TOURIST ROOMING HOUSE

A. PURPOSE

The purpose of this ordinance is to ensure the quality of tourist rooming houses operating within the county is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators, and resident agents offering these properties for tourists, for collection of taxes, to protect the character and stability of all areas within the county; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

B. EXEMPTIONS

The following operations are exempt from complying with the requirements of this article:

1. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
2. A hotel, motel, or resort license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), pursuant to §97.605, Wis. Stats., or a designated local health department pursuant to §97.625, Wis. Stats., directly or through its agent.
3. Bed and breakfast establishments.

C. DEFINITIONS

1. The following definitions and conditions apply unless specifically modified:

- a. **Corporate Entity:** A corporation, partnership, limited liability company, or sole proprietorship authorized to conduct business in this state.
- b. **Department:** Oneida County Planning and Zoning Department.
- c. **Dwelling:** A detached structure or part thereof designed or used as a residence or sleeping place and includes a manufactured home, but does not include boarding or lodging houses, motels, hotels, tents, or tourist cabins.
- d. **Dwelling Unit:** A room or group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use as a living quarters for one family.
- e. **Owner:** The owner of a short-term rental.
- f. **Permit:** Administrative Review Permit issued under Article 3, Section 9.36-Procedure for Administrative Review Permits.
- g. **Person:** Shall include a corporation firm, partnership, association, organization, and any other group acting as a unit as well as individuals including a personal representative appointed according to law. Whenever the word person is used in any section of this article prescribing a penalty or fine as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of such section.
- h. **Resident Agent:** An owner meeting the qualifications for a Resident Agent as set forth in section

- 9.58(G) or a person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
- i. **State:** State of Wisconsin Department of Agriculture, Trade and Consumer Protection, or its designee.
 - j. **Tourist or Transient:** A person who travels from place to place away from his or her permanent residence for vacation, pleasure, recreation, culture, business, or employment.
 - k. **Tourist Rooming House (TRH):** Any lodging, place, tourist cabin, or cottage where sleeping accommodations are offered for pay to tourist or transients, or to persons who stay or intend to stay for thirty (30) days or less.

D. TOURIST ROOMING HOUSE REQUIREMENTS

1. No person may operate a tourist rooming house without an Administrative Review Permit (ARP).
2. Every tourist rooming house shall be operated by a Resident Agent.
3. A tourist rooming house shall meet the following minimum requirements:
 - a. Tourist rooming house rentals of six (6) consecutive days or less are prohibited in the following zoning districts:
 - (1) District #1B Forestry
 - (2) District #1C Forestry
 - (3) District #02 Single Family
 - (4) District #08 Manufacturing/Industrial
 - (5) District #15 Rural Residential
 - b. Maximum occupancy for a tourist rooming house served by a Private Onsite Wastewater Treatment System (POWTS) is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less.
 - c. Maximum occupancy for a tourist rooming house served by a public sewage facility is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72.
 - d. Off-street parking of 1.1 parking space for each bedroom in compliance with Article 7, Section 9.77(E).
 - e. On-street parking is prohibited, unless allowed by the governmental entity having jurisdiction over the public road.
 - f. No recreational vehicles, campers, tents, or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodations for paying guests or other invitees.
 - g. Compliance with all state, county, and town regulations.
 - h. Signage. Signage shall not exceed twelve square feet. No other signage is permitted on site or any adjoining lake or water body. A sign permit is required pursuant to Article 7, Section 9.78(A)(2).
 - i. Advertising the availability of the rental may take place only after all town, county, and state permits and licenses have been obtained.
 - j. Trash and garbage removal shall be provided on a weekly basis. Such service shall be evident by a contract with a licensed garbage hauler or, if not contracted, by name of a private party responsible for weekly trash removal.
 - k. Each tourist rooming house shall comply with all other provisions of Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance.

E. TOURIST ROOMING HOUSE ADMINISTRATIVE REVIEW PROCESS

1. All applications for a Tourist Rooming House Administrative Review Permit shall be filed with the zoning director on forms provided. Applications must be filed by the owner of the tourist rooming house or by the Resident Agent. Each applicant shall certify that the tourist rooming house that is the subject of the application can meet the requirements set forth in section 9.58(D).
2. An application for a Tourist Rooming House Administrative Review Permit shall include the following and shall not be considered complete until all of the following are submitted:
 - a. Floor plan and requested maximum occupancy.
 - b. Site plan including available onsite parking.
 - c. POWTS information.
 - d. Designation of the Resident Agent.

- e. Certification from the owner and Resident Agent that the property meets the requirements of section 9.58(D).
- f. The application fee.

F. APPLICATION REVIEW PROCEDURE

A Tourist Rooming House Administrative Review Permit shall follow the procedure for administrative review permits as specified in Article 3, Section 9.36-Procedure for Administrative Review Permits.

G. RESIDENT AGENT

- 1. A Resident Agent and/or his/her designee is required for all tourist rooming houses.
- 2. Resident Agent shall meet the following requirements:
 - a. Be an adult person residing in or within a twenty-five (25) mile radius of the location of the tourist rooming house or a corporate entity with offices located within a twenty-five (25) mile radius of the tourist rooming house that is the subject of the application.
 - b. Be authorized by the owner to act as the agent for the owner for: (i) the receipt of service of notice of violation of this article's provisions, (ii) service of process pursuant to this article, and (iii) to allow the county to enter the property permitted under this article for inspection and enforcement.

H. NONTRANSFERABLE

Any permit issued under this article is nontransferable. The holder of any permit or license shall notify the zoning director in writing of any transfer of the legal control of any property covered by the permit.

I. FEES

The application fee, as periodically designated by the county board, shall be paid when the application is filed.

J. ENFORCEMENT AND PENALTIES

Enforcement and penalties as specified by Article 8, Section 9.82 of the Oneida County Zoning and Shoreland Protection Ordinance.

K. CONDITIONS ON PERMIT

The department shall have the authority to place reasonable conditions on a permit when necessary to meet the requirements of section 9.58(D) with regard to the matters set forth in this article.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #4-2019 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 5th day of June 2019.
Offered and passage moved by: Scott Holewinski, Jack Sorensen, Ted Cushing, Mike Timmons and Billy Fried.

Discussion: Planning and Zoning Director Karl Jennrich answered questions regarding a Resident Agent. Discussion ensued regarding Tourist Rooming Houses and how the complaint process works.

Roll Call Vote on Resolution # 55 – 2019: 19 Aye, 2 Absent, Ives, Fisher

Student Representative: 1 Aye

Resolution # 55 – 2019: Adopted

Resolution # 56 – 2019: Offered by the Supervisors of the County Facilities Committee and the Administration Committee to replace Oneida County Law Enforcement Center jail cell plumbing valves and controllers for \$57,122 with the funding to come from the general fund.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the County Facilities Committee and the Administration Committee.

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

WHEREAS, the Oneida County Facilities Committee seeks to make a purchase of jail cell plumbing valves and controllers in 67 secure jail cells at the Oneida County Law Enforcement Center, which will replace the currently used acorn parts; and

WHEREAS, the direct purchase cost of these plumbing valves and controllers is \$57,122, with an additional annual expenditure of \$4,000 for water monitoring and treatment; and

WHEREAS, the cost of these jail cell plumbing valves and controllers was not anticipated, and was not specifically itemized in the 2019 department budget, for purchases in excess of \$5,000; and

WHEREAS, the County Facilities Committee has assessed the need for the replacement of the jail cell plumbing valves and controllers and determined that this purchase is in the best interest of the County; and

WHEREAS, as a benefit of the purchase there will be an estimated annual savings of \$31,200, with an estimated payback of 22 months; and

WHEREAS, the Buildings and Grounds Department will require use of General Fund monies to cover the project costs, as this purchase was not anticipated for year 2019;

THEREFORE, BE IT RESOLVED, that the Buildings & Grounds Department is authorized to purchase and install the replacement plumbing valves and controllers for \$57,122 with funding from the General Fund; and

BE IT FURTHER RESOLVED, the 2019 savings generated in Account Number 52114.522001 Law Enforcement Center Water and Electric be returned to the General Fund at the end of fiscal year 2019, and all future budgets be reduced to reflect the savings.

Offered and passage moved by: Greg Oettinger, Lance Krolczyk, Russ Fisher, Bob Metropulos, Dave Hintz, Ted Cushing, Robb Jensen, Bob Mott and Billy Fried.

Discussion: Facilities Director LuAnn Brunette discussed the need and the savings that would result in replacing the valves and controllers.

Roll Call Vote on Resolution # 56 – 2019: 19 Aye, 2 Absent, Ives, Fisher

Student Representative: 1 Aye

Resolution # 56 – 2019: Adopted

Resolution # 57 – 2019: Offered by the Supervisors of the Administration Committee approving the Oneida-Vilas Transit Commission to obtain a commercial loan in the amount of \$192,000 to be used for the purchase of up to four buses.

Resolution offered by Oneida County Supervisor Bob Mott. Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Oneida-Vilas Transit Commission (Transit Commission) has the need to purchase up to four (4) new passenger buses to replace its aging fleet, with said purchase to be funded by State and Federal transportation grants totaling \$192,000.00; and

WHEREAS, these previously approved transportation grants are structured as reimbursements, requiring the Transit Commission to first purchase the buses; and,

WHEREAS, funds are not available for this purchase, thus requiring the Transit Commission to borrow money from a bank on a short term basis; and,

WHEREAS, the Oneida-Vilas Transit Commission Charter (Article IV, Sec. 3) may require "Member Municipalities" to approve borrowing of this nature by the Transit Commission; and

WHEREAS, Vilas County Board of Supervisors has approved or will pass a similar resolution.

THEREFORE, BE IT RESOLVED that the Oneida County Board of Supervisors approves the Oneida-Vilas Transit Commission (Transit Commission) obtaining a commercial loan, in the name of the Transit Commission alone, from a properly licensed lending institution, in the amount of \$192,000.00 or less, with the proceeds of such loan to be used only to purchase up to four (4) buses, with the loan repayment to be made from the funds to be obtained by grants which the Commission is to receive, and, if necessary, with such loan to be secured by the buses which the loan is being used to purchase.

BE IT FURTHER RESOLVED that the Oneida County Board of Supervisors specifically does not grant the Transit Commission any of the following powers:

1. The power to undertake any borrowing in the name of Oneida County.
2. The power to take any action that requires Oneida County to co-sign or otherwise guarantee any such borrowing.
3. The power to take any action that makes Oneida County liable for repayment of part or all of any such loan, or any interest, penalties, or costs of any nature associated with such loan.
4. The power to take any action that requires Oneida County to reimburse the Commission for any amount in any way associated with such loan.
5. The power to take any action that in any way pledges or encumbers any property of Oneida County, either real or personal, as collateral for any such loan.

BE IT FURTHER RESOLVED that Oneida County neither offers, nor extends to any lending institution from which such loan may be obtained, any collateral or repayment guarantees regarding such loan.

BE IT FURTHER RESOLVED, that such loan shall be repaid by the Transit Commission immediately upon receipt of State and Federal transportation grant reimbursement funds.

BE IT FURTHER RESOLVED, that the ability of the Transit Commission to obtain the loan which is the subject of this resolution is conditioned on Vilas County also passing a resolution approving such borrowing, and that this approval shall only be valid if Vilas County passes such a resolution, and shall only remain valid so long as the approval granted by Vilas County remains valid.

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

Discussion: Supervisor Mott discussed that the Transit Commission is requesting to borrow funds and it is no cost to the county, the county would not be responsible for the loan. Discussion ensued regarding the upcoming independent audit.

Roll Call Vote on Resolution # 57 – 2019: 16 Aye, 3 Nay, Sorensen, VanRaalte, Liebert, 2 Absent, Ives, Fisher

Student Representative: 1 Aye

Resolution # 57 – 2019: Adopted

NEXT MEETING DATE AND TIME: August 20, 2019 @ 9:30 a.m.

Unless a motion is made to change the starting time.

ADJOURNMENT:

Chairman Hintz adjourned the meeting at 11:03 a.m.

DRAFT