

**Oneida County Board of Supervisors
Regular Meeting April 19th 2011
County Board Room – 9:30 am**

Chairman Cushing called the meeting to order at 9:30 a.m. in the County Board Meeting Room at the Oneida County Courthouse. There was a brief moment of silence for our troops here and overseas, followed by the Pledge of Allegiance.

MEMBERS PRESENT: Supervisors: Gary Baier, Greg Berard, Ted Cushing, Paul Dean, Billy Fried, David Hintz, John Hoffman, Scott Holewinski, Jack Martinson, Matt Matteson, Bob Metropulos, David O'Melia, Sonny Paszak, Carol Pederson, Thomas Rudolph, Jim Sharon, Denny Thompson, Michael Timmons, Romelle Vandervest, Peter Wolk.

Members Present: 20

Supervisors Excused: 1- John R. Young

Student Representatives: 2 – Marina Candela and Justin Bant

OTHERS PRESENT: Mary Bartelt, County Clerk; Melodie Gauthier, Deputy County Clerk; Brian Desmond, Corporation Counsel; John Potters, County Coordinator; Jim Winkler, U.W. Extension; Nick Scholtes, Highway Department; Karl Jennrich, Planning and Zoning; Nancy Hollands, Land, Water Conservation; Mike Romportl, Land Information; Marge Sorenson, Finance and Kris Ostermann, Treasurer.

Chairman Cushing announced that anyone who wanted to address the Board should sign in at the podium; all Supervisors should use their microphones when speaking.

ACCEPT THE MINUTES OF THE MARCH 15, 2011- REGULAR MEETING

MOTION/SECOND: Hoffman/Berard to accept March 15, 2011 minutes as presented. All “aye” on voice vote, motion carries.

REPORTS

Highway Operations 2010 Annual Financial Report

MOTION/SECOND: Vandervest/Paszak to approve the Highway Operations 2010 Annual Financial Report. All “aye” on voice vote, motion carries.

Planning & Zoning 2010 Annual Financial Report

MOTION/SECOND: Metropulos/Vandervest to approve the Planning & Zoning 2010 Annual Financial Report. All “aye” on voice vote, motion carries.

Land Information Office Annual Financial Report

MOTION/SECOND: Hoffman/Paszak to approve Land Information Office 2010 Annual Financial Report. All “aye” on voice vote, motion carries.

Update Report Revising the Oneida County Zoning and Shoreland Protection Ordinance to comply with NR 115. – Karl Jennrich

MOTION/SECOND: Hintz/Baier to approve the update report revising the Oneida County Zoning and Shoreland Protection Ordinance to comply with NR 115.

PRESENTATIONS

National Soil & Water Conservation Poster Contest Winner

Cael Steinmetz -1st Place - “Conservation Habits = Healthy Habitats

Supervisor Tom Rudolph introduced Nancy Hollands, Land Water Conservation who introduced the National Poster Contest winner, Cael Steinmetz, who took 1st place with his “Conservation Habits = Healthy Habitats” poster.

UNFINISHED BUSINESS – None

PUBLIC COMMENT - None

CONSIDERATION OF RESOLUTIONS & ORDINANCES

RESOLUTION # 26-2011 Resolution offered by Supervisors of the Ag. & Extension/Land & Water Conservation Committee. Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Oneida County received a petition from the Lake Nokomis group regarding the formation of the proposed Lake Nokomis Inland Lake Protection and Rehabilitation District hereinafter referred to as the “Lake District”; and

WHEREAS, Oneida County staff, utilizing the 2009 tax roll data of Oneida and Lincoln County, determined the total number of eligible landowners located in the boundary of the proposed Lake District was 1,618 with 51% of the required signatures being 826; and

WHEREAS, 826 signatures were needed to meet the 51% requirement, and only 768 signatures were eligible; and

WHEREAS, the Committee, after reviewing staff reports, determined that the petitioners failed to meet the required signatures from 51% of the proposed Lake District landowners; and

WHEREAS, the Committee after reviewing maps prepared by the Oneida County Land Information Office showing the landowners who had signed the petition, determined that the petitioners met the required signatures of landowners from 51% of the land area within the proposed Lake District; and

WHEREAS, the Oneida County Board considered a resolution to approve the proposed Lake District at their meeting on March 15th; and

WHEREAS, the County Board voted 13-5 to deny the formation of the proposed Lake District; and

WHEREAS, Wisconsin Statute s. 33.26(3) the County Board is required to declare its findings and issue a written order denying the petition ; and

WHEREAS, it was determined that the proposed district is not necessary, that the public health, comfort, convenience, necessity or public welfare will not be promoted by the establishment of the district, and that the property included in the district would not be benefited by the district’s establishment; and

WHEREAS, the Oneida County Board found the formation of the proposed lake district to be unnecessary because the Lake Nokomis Concerned Citizens (LNCC) are already working to address lake issues as they have organized an eradication effort to eliminate Eurasian Water Milfoil, completed a comprehensive lake study, placed “no wake” buoys in high traffic areas, and provided shoreline information to area residents; and

WHEREAS, the public welfare will not be promoted by the formation of the Lake District because it would unnecessarily burden the landowners located in the proposed District with another tax in these economic times; and

WHEREAS, the County Board found it to be unfair to the taxpayers in the proposed Lake District to have the requirement of signatures from 51% of the land area within the proposed Lake District be met by inclusion of Wisconsin Valley Improvement Company (who owns 46% of the land in the proposed area), a tax exempt corporation, i.e. not subject to the additional tax burden associated with the creation of the proposed lake district.

NOW, THEREFORE, BE IT RESOLVED, that the Oneida County Board formally denies the petition seeking the formation of the proposed Lake District for Lake Nokomis.

BE IT FURTHER RESOLVED THAT, the Oneida County Board of Supervisors hereby adopts the aforementioned reasons for denial as their findings for denial of the petition.

BE IT FURTHER RESOLVED THAT, this resolution shall serve as the written order of denial for purposes of Wisconsin Statute s. 33.26(3); and

BE IT FURTHER RESOLVED THAT, a copy of this resolution be provided to Ron Ament who represented the Lake Nokomis Concerned Citizens Group.

Approved by the Oneida County Ag. & Extension/Land and Water Conservation Committee this 11th day of April 2011. Offered and passage moved by: Thomas Rudolph, Greg Berard, Romelle Vandervest, Carol L. Pederson, Paul Dean and Bob Evsich.

ROLL CALL VOTE: 13 Ayes, 7 Nays, (Rudolph, Berard, Pederson, Vandervest, Sharon, Matteson, Metropulos) 1 Absent (Young)

Student Representative: 2 Ayes, 0 Nays

Resolution #26-2011 – Adopted.

RESOLUTION # 27-2011 Resolution offered by Supervisors of the Mining Oversight/Local Impact Committee. Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Mining Oversight/Local Impact Committee has been given direction from the Oneida County Board to pursue the leasing of county forest lands for the purposes of exploration, prospecting and mining with regards to the “Lynne Deposit” ; and

WHEREAS, the Mining Oversight/Local Impact Committee recognizes that mining could have major impacts on the future generations of Oneida County residents; and

WHEREAS, Oneida County currently has a budget account (the Mineral Resource Account) that has funds that are to be used for the betterment of future generations; and

WHEREAS, the Mining Oversight/Local Impact Committee believes that the use of the funds in the Mineral Resource Account for current expenses related to determining proposed metallic mining in Oneida County benefits future generations by allowing the committee the flexibility to explore all avenues of the current proposal to make an educated decision regarding the risks and rewards of metallic mining in Oneida County; and

WHEREAS, the Mining Oversight/Local Impact Committee is requesting a budget transfer of twenty-thousand dollars (\$20,000.00) from the Mineral Resources Account to the Mining Impact account.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that the County budget for fiscal year 2011 shall be amended to reflect a transfer of twenty-thousand (\$20,000.00) from the Mineral Resource Account to the Mining Impact Account.

Approved by the Mining Oversight/Local Impact Committee this 1st day of April, 2011. Offered and passage moved by: David Hintz, Peter Wolk and Michael Timmons.

ROLL CALL VOTE: 13 Ayes, 7 Nays, (Vandervest, Metropulos, Rudolph, Berard, Paszak, Dean, Matteson) 1 Absent (Young)

Student Representative: 2 Ayes, 0 Nays

Resolution #27-2011 – Defeated. (2/3 Majority Vote)

RESOLUTION # 28-2011 Resolution offered by Supervisors of the Finance and Insurance Committee. Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Oneida County Board of Supervisors has been advised by the Finance and Insurance Committee and the Finance Director that the accounts set forth below are overdrawn for the year ended December 31, 2008, and the County Board has determined that a transfer of funds as noted below is necessary to pay claims which have been made or which are anticipated,

NOW, THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors authorizes and directs the 2010 budget transfers as listed below:

TRANSFER TO:

1) Fire Suppression	\$ 530
2) Medical Examiner	<u>11,968</u>
Total	\$ 12,498

TRANSFER FROM:

Contingency Fund	\$ <u>12,498</u>
Total	\$ 12,498

Approved by the Finance and Insurance Committee this 19th day of April, 2011.
Offered and passage moved by: Ted Cushing, Peter Wolk, David Hintz and John R. Young.

ROLL CALL VOTE: 19 Ayes, 1 Nays, (Baier) 1 Absent (Young)

Student Representative: 2 Ayes, 0 Nays

Resolution #28-2011 – Adopted

RESOLUTION # 29-2011: Resolution offered by Supervisors of the Finance and Insurance Committee. Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Section 65.90(5)(a) dictates that appropriations in the Oneida County budget may not be changed unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors, and

WHEREAS, the Finance and Insurance Committee has reviewed and does recommend the 2010 transfers listed below,

NOW, THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors authorizes and directs the budget transfers as listed below:

APPLY CARRYFORWARD BALANCES TO 2010 BUDGET

Elections	23,243
Department on Aging	16,561
UW-Extension	1,005
Public Health	7,232
Highway	152,438
Forestry	1,058
Buildings and Grounds	2,013
Solid Waste	229,885

APPLY ADDITIONAL REVENUES RECEIVED TO RELATED EXPENSES

General Insurance	13,900
Department on Aging	29,585
Land Conservation	6,207
Fair	16,861
UW-Extension	3,559
Public Health	6,778
Social Services	128,551
Human Service Center	3,932
Highway	318,303
Sheriff	107,814
District Attorney	2,903
Emergency Management	590

ROLL CALL VOTE: 20 Ayes, 0 Nays, 1 Absent (Young)

Student Representative: 2 Ayes, 0 Nays

Resolution #29-2011 – Adopted

**RESOLUTION # 30-2011: GENERAL CODE OF ONEIDA COUNTY, WISCONSIN-
ORDINANCE AMENDMENT - Ordinance Amendment offered by Supervisor Jack
Martinson.**

WHEREAS, meetings of the Oneida County Board vary in length; and

WHEREAS, County department heads and staff are routinely called upon to address resolutions and ordinance amendments brought forth by their committee of jurisdiction; and

WHEREAS, given the varying length of County Board meetings it is an inefficient use of tax-dollars to have department heads and staff at County Board meetings waiting to address the resolutions and/or ordinance amendments from their committee of jurisdiction; and

WHEREAS, telephone appearances by department heads and staff at County Board meetings will allow for department heads and staff to continue to provide services to county citizens while any resolution or ordinance amendment they may need to address is not before the County Board; and

WHEREAS, the Buildings and Ground department believes that telephone appearance by department heads at County Board meeting can be accomplished effectively and inexpensively.

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

2.19 GENERAL RULES. (Am. #16-2002)

(1) Except where expressly provided by the Wisconsin Statutes or by specific rules set forth in this chapter, the deliberations of the Board and its boards, commissions and committees shall be conducted in accordance with procedures set forth in: A Guide to Parliamentary Procedure for Local Governments in Wisconsin by Larry E. Larmer. Robert's Rules of Order, newly revised, shall be consulted for any questions of

procedure not addressed in the above noted guide. Such guide shall be provided to each supervisory district and shall remain the property of Oneida County.

- (2) All department head and staff appearances at County Board meetings shall be conducted by telephone.

Approved by Supervisor Jack Martinson this 6th day of April, 2011. Seconded by: Supervisor Peter Wolk.

MOTION/SECOND: Martinson/ (No second) to amend Line #44 and #45 adding “unless Committee of Jurisdiction requests Department Head or Personnel to answer the question of issue.” No second, motion fails for a lack of second.

ROLL CALL VOTE: 1 Ayes, 18 Nays, 1 Abstained (Wolk),1 Absent (Young)
Student Representative: 0 Ayes, 2 Nays
Resolution #30-2011 General Code O/A– Defeated

RESOLUTION # 31-2011: GENERAL CODE OF ONEIDA COUNTY, WISCONSIN-ORDINANCE AMENDMENT. Ordinance Amendment offered by Supervisors of the Land Records Committee.

WHEREAS, Chapter 16, titled “Road Naming and Uniform Addressing System” was reviewed by the Land Records Committee and the Committee recommends that changes be made to various parts of the ordinance for improved administration of the ordinance.

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. The following Sections of Chapter 16 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

16.02 JURISDICTION.

The County shall be the lead coordinator in administering this chapter. The Towns shall cooperate with the County in the implementation of this system. The Land Information ~~Director~~ Manager, who shall work under the direction of the Land Records Committee, shall implement the system defined below.

16.03 ASSIGNMENT OF ROAD NAMES.

(1) All public roads shall be named.

(2) All new private roads or easements serving more than ~~2~~ 4 residences or lots shall be named.

(3) Existing public or private roads serving more than ~~2~~ 4 residences or lots are ~~encouraged~~ to be named if the County determines it is necessary to better locate properties or it is needed to allow for proper implementation of the addressing system. ~~If they remain unnamed, the residences or lots must be signed as described in the "Address Signage" section of this chapter [§16.07].~~

(6) ~~Landowners and easement holder(s) of record of a new or existing private road shall submit a proposed road name to the Town that has been agreed upon by the~~

~~majority of the landowners and easement holder(s) of record. Renaming of an existing private road shall also be by the majority stated above. The Town shall act on the road name and submit it to the County for approval. If the landowners and easement holder(s) do not submit a name, the Town may act on behalf of the landowners.~~

The County shall facilitate the process of naming of roads with the landowners, easement holders and the Town. The County shall have the final approval authority of the road name.

(13) The assignment of addresses or road names to private roads in no way obligates the Town or County to maintain said private road or indicates the private road is suitable for access by emergency vehicles.

16.04 ROAD NAME SIGNAGE

(4) Towns may continue to use their current sign specifications. Adoption of new sign specifications shall be in compliance with state and federal guidelines. ~~approved by the County.~~

16.05 ADDRESS SYSTEM.

(7) Existing duplicate address numbers on the same road or numbers inconsistent with the address system will be evaluated. If the County determines a correction is needed, it may include changing of all the addresses on that road.

16.07 ADDRESS SIGNAGE.

(3) Towns may continue to use their current sign and post specifications. Adoption of new signage specifications shall be in compliance with state and federal guidelines. ~~approved by the County.~~

Approved by the Land Records Committee this 12th day of April, 2011.

Offered and passage moved by: Gary Baier, Denny Thompson, Peter Wolk and Sonny Paszak.

ROLL CALL VOTE: 20 Ayes, 0 Nays, 1 Absent (Young)

Student Representative: 2 Ayes, 0 Nays

Resolution #31-2011 General Code O/A– Enacted

RESOLUTION # 32-2011: GENERAL CODE OF ONEIDA COUNTY, WISCONSIN-ORDINANCE AMENDMENT. Ordinance Amendment offered by Supervisors of the Land Records Committee.

WHEREAS, Chapter 18, titled ‘County Real Estate Transactions’ was reviewed by the Land Records Committee and the Committee recommends that changes be made to various parts of the ordinance for improved administration of the ordinance.

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. The following Sections of Chapter 18 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

18.04 (1) Real estate for sale will be advertised in accordance with §75.69(1), Wis. Stats., by publication of a class 3 notice, under Ch. 985, Wis. Stats. The first publication of the class 3 notice will list the specific parcels with appraised values as minimum bids. The subsequent 2 publications may or may will not list specific parcels or appraised values as minimum bids but will make known that this information is readily available in the Land Information Office, as allowed in §75.69(1m)(b), Wis. Stats. The re-advertising of previously advertised lands will be by class one notice, although not required by §75.69(1), Wis. Stats.

18.04 (10) The Committee shall accept the bid most advantageous to the County and may accept or reject any or all bids or accept a bid lower than the highest bid submitted based on, but not limited to, any of the following reasons listed below. The Committee shall provide a written statement explaining why the bid was accepted or rejected. If the highest bid is not accepted the Committee shall prepare written findings detailing why a lower bid was accepted pursuant to s. 75.69(1), Wis. Stat.

- (a) The bid was less than the advertised minimum bid.
- (b) A higher bid was accepted.
- (c) A bid more advantageous to the County was accepted.
- (d) The sale would involve additional and unwarranted governmental expense and services.
- (e) The apparent future use conflicts with the objectives of the Oneida County Planning & Zoning Ordinances.
- (f) The sale would be contrary to either the long-term planned development of the county forest or other land uses.
- (g) A public or governmental agency expressed interest in acquiring the property.
- (h) The sale would land lock other properties.
- (i) The Committee discovers there were irregularities in the bid process.
- (j) The Committee was provided with new information during the bid process about the real estate and determines that it would not be in the best interest of the County for the property to be sold at this time.
- (k) The Committee determines that it would be most advantageous to sell the property to an adjoining landowner, that may have submitted a bid, to minimize land use or regulation conflicts or disputes.

18.05 (3) Requests for conveyance of lands commonly referred to as "excess road right-of-way" which are strips of lands lying on each side of existing public roads (usually 100' on each side of centerline) that the County retained upon sale of properties shall be submitted to the Committee for processing on a case by case basis.

(a) The requestor must submit in writing their interest in obtaining the strips along with title evidence, a general description, and if deemed necessary by the Committee, a survey or more detailed description of the land to be conveyed. An administrative fee of \$500 shall be charged to review a request but shall be returned if the request is denied by the Committee or County Board and shall be forfeited if the request is withdrawn.

(e) Access permits or easements for utilities, driveways or private roads to serve an the adjoining property in the shortest route practical across these strips are not required if the width is 66' or less. This does not prevent any governmental agency from requiring a driveway permit to access a public road.

18.06 (2) The requestor must submit in writing their interest in obtaining an easement or lease along with title evidence, a general description and if deemed necessary by the Committee a survey or more detailed description of the real estate. An administrative fee of \$500 shall be charged to review a request but shall be returned if the request is denied by the Committee or County Board and shall be forfeited if the request is withdrawn.

18.07 (1) (a) The requestor must submit in writing their interest in obtaining a release of restrictions, reservations, covenants or related encumbrances with title evidence, a general description detailing the release sought and other information as may be determined by the Committee to make a decision with regard to granting or denying the release. An administrative fee of \$500 shall be charged to review a request but shall be returned if the request is denied by the Committee or County Board and shall be forfeited if the request is withdrawn.

Approved by the Land Records Committee this 12th day of April, 2011.
Offered and passage moved by: Gary Baier, Denny Thompson, Peter Wolk and Sonny Paszak.

ROLL CALL VOTE: 20 Ayes, 0 Nays, 1 Absent (Young)
Student Representative: 2 Ayes, 0 Nays
Resolution #32-2011 General Code O/A– Enacted

COUNTY TREASURER DECLARATION OF UNLAWFUL TAX WI STATS 74.35/74.33.

Town of Schoepke – SC 483-3 Tax year 2010 - \$3,139.06
Town of Schoepke - SC 438-3 Tax year 2010 - \$171.01
Town of Cassian – CA 231-2 Tax year 2010 - \$873.37

MOTION/SECOND: Rudolph/Vandervest to approve all the County Treasurer Declaration of Unlawful Tax WI 74.35/74.33 listed above.

ROLL CALL VOTE: 20 Ayes, 0 Nays, 1 Absent (Young)
Student Representative: 2 Ayes, 0 Nays
Declaration of Unlawful tax WI stats 74.35/74.33 – Passes

OTHER BUSINESS - None

APPOINTMENTS TO COMMITTEES, COMMISSIONS AND OTHER ORGANIZATIONS

Appoint Phil Albert to serve on the Oneida County Zoning Board of Adjustment replacing Don Werra, effective immediately.

MOTION/SECOND: Rudolph/Hoffman to approve Phil Albert to serve on the County Zoning Board of Adjustment. All “ayes” on voice vote, motion carries.

ADJOURNMENT

MOTION/SECOND: Vandervest/Martinson to adjourn at 11:30 a.m. All “ayes” on voice vote motion carries.