

MINUTES
Oneida County Board of Supervisors
Tuesday, August 15, 2023 – 9:30 a.m.
County Board Meeting Room - 2nd Floor Oneida County Courthouse

CALL TO ORDER.

Chairman Holewinski 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: Tom Kelly, Billy Fried, Jim Winkler, Russ Fisher, Scott Holewinski, Mike Roach, Steven Schreier, Bob Almekinder, Robert Briggs, Diana Harris, Ted Cushing, Collette Sorgel, Debbie Condado, Robb Jensen, Mike Timmons, Linnaea Newman, Chris Schultz, Connor Showalter and Greg Oettinger.

Members Present: 19

Absent: Tony Rio, Tommy Ryden

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS:

- Please use a microphone when speaking.

ACCEPT THE MINUTES OF THE JUNE 20, 2023 MEETING:

Motion/Second: Winkler/Cushing to accept the minutes of the June 20, 2023 meeting. All "Aye", Motion carried.

REPORTS/PRESENTATIONS:

- 2022 Audit Presentation – Finance Director Tina Smigielski and Anthony M Cervini, Sikich LLP presented an overview of the 2022 Audit. Per Smigielski, the state statutes requires an audit and the full Oneida County Audit Report is posted on the Oneida County website. Smigielski explained that financially we had a good year with \$4.9 million of net revenue. Smigielski reported that the largest revenues are property tax at \$18.1 Million and Grants and Contribution being second at \$14 Million. Smigielski explained that the largest expenses is Health and Human Services with the second being Public Safety. Smigielski stated that the Health and Human Services expense includes the Health Department, Social Services, Veteran's Services and Human Service Center. Smigielski reported the balances on accounts. Discussion ensued regarding the unrestricted fund balance.

PUBLIC COMMENT (time limit of three minutes):

- Sign attendance form at the podium. Karl Fate of Crescent spoke in opposition to Resolution # 82 – 2023. Fate explained that this would increase the development of our lakefronts. Kathleen Cooper of Pelican spoke against Resolution # 82 – 2023 stating that this would benefit only a handful of people. Stephanie Burrows spoke regarding Shoreland protection.

CONSENT AGENDA:

Resolution # 71 – 2023: Offered by the Supervisors of the Land Records Committee to grant WPS an Easement for Electric Distribution.

Resolution to grant WPS an Easement for Electric Distribution.

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 parcelnumber WB-3-1 in the Town of Woodboro as shown in Exhibit A attached hereto; and,

WHEREAS, the Land Records Committee reviewed the proposed location and has no objection to the easement request, and 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 and recommends the County Board to approve such request.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Oneida County hereby approve granting the easements 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 July, 2023.
Offered and passage moved by: Mike Timmons, Robert Briggs, Chris Schultz, Greg Oettinger

Resolution # 72 – 2023: Offered by the Supervisors of the Administration Committee 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.

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.

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

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

WHEREAS, The American Rescue Plan Act (ARPA) amends Title VI of the Social Security Act by adding Sections 602 and 603 establishing the Coronavirus Local Fiscal Recovery Fund (CLFRF); and

WHEREAS, Oneida County receives funds through CLFRF to assist the County in responding to the public health emergency or its negative economic impacts; to provide premium pay to eligible workers; to make necessary investments in infrastructure; and/or to provide government services; and

WHEREAS, certain restrictions of the use of these funds are determined by the United States Treasury (UST) Department including the prohibition of depositing the funds into any pension fund; directly or indirectly offsetting tax revenue; and does limit the amount of CLFRF funding to be used for “government services” to a not-to-exceed revenue reduction cap; and

WHEREAS, Hilbert Communications (Bug Tussel) requested the County contribute \$1,500,000 in local matching funds toward a Public Service Commission broadband grant using CLFRF dollars; and

WHEREAS, Hilbert Communications has consulted with the Public Service Commission and advises that the grant match may take the form of a loan in that amount by Oneida County to Hilbert Communications, and

WHEREAS, Hilbert Communications and the County are in concurrence that due to timing constraints and other factors it is more advantageous to use general corporate funds via a promissory note by and between the County and Hilbert Communications instead of CLFRF funds for said match, and

WHEREAS, a separate Resolution regarding the aforementioned promissory note will be forthcoming, and

THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that \$1,500,000 in CLFRF funds be returned to the ARPA Contingency for future allocation; and

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by

Adoption of this resolution the project / program will be reevaluated annually as part of the budget process to determine need and available funding for future years.

Approved for presentation to the County Board by the Administration Committee this 17th day of July, 2023.

Offered and passage moved by: Billy Fried, Ted Cushing, Russ Fisher, Steven Schreier, Tom Kelly

Resolution # 73 – 2023: Offered by the Supervisors of the Administration Committee to Amend Resolution # 110 – 2022 Returning Coronavirus Local Fiscal Recovery Fund (CLFRF) back to Oneida County American Rescue Plan Act (ARPA) Contingency which were previously allocated for the purpose of the Jail Dorm Pod Fire Suppression System Replacement Project.

Resolution to Amend Resolution # 110 – 2022 Returning Coronavirus Local Fiscal Recovery Fund (CLFRF) back to Oneida County American Rescue Plan Act (ARPA) Contingency which were previously allocated for the purpose of the Jail Dorm Pod Fire Suppression System Replacement Project.

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

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

WHEREAS, The American Rescue Plan Act (ARPA) amends Title VI of the Social Security Act by adding Sections 602 and 603 establishing the Coronavirus Local Fiscal Recovery Fund (CLFRF); and

WHEREAS, Oneida County receives funds through CLFRF to assist the County in responding to the public health emergency or its negative economic impacts; to provide premium pay to eligible workers; to make necessary investments in infrastructure; and/or to provide government services; and

WHEREAS, certain restrictions of the use of these funds are determined by the United States Treasury (UST) Department including the prohibition of depositing the funds into any pension fund; directly or indirectly offsetting tax revenue; and does limit the amount of CLFRF funding to be used for “government services” to a not-to-exceed revenue reduction cap; and **WHEREAS**, the Jail Dorm Pod Fire Suppression System Replacement Project would ensure a safe and secure environment for both employees and inmates. The project involved replacing the non-operational fire suppression system in the jail dorm pod. To fund this essential upgrade, a request for \$75,600 in CLFRF funds was approved on October 18, 2022. The funding was used to replace the pod fire suppression system in the dorm side housing unit of the jail; and **WHEREAS**, the Jail Dorm Pod Fire Suppression System Replacement project was successfully completed, and Fire Protection Specialists LLC fees totaled \$62,000; and **THEREFORE, BE IT RESOLVED**, by the Oneida County Board of Supervisors that \$13,600 in CLFRF funds be returned to the ARPA Contingency for future allocation; and **BE IT FURTHER RESOLVED**, by the Oneida County Board of Supervisors that by Adoption of this resolution the project / program will be reevaluated annually as part of the budget process to determine need and available funding for future years.

Approved for presentation to the County Board by the Administration Committee this 7th day of August, 2023.
Offered and passage moved by: Billy Fried, Ted Cushing, Russ Fisher, Steven Schreier, Tom Kelly

Resolution # 74 – 2023: Offered by the Supervisors of the Public Works Committee to fund a new Salt Dome Roof for the price not to exceed One Hundred Eighty Thousand, Eight Hundred Fifty Six Dollars (\$180,856.00).

Resolution offered by the Supervisors of the Public Works Committee.
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Oneida County Public Works Committee and the Highway Department seek to fund a new Salt Dome roof; and **WHEREAS**, the Highway Department has an account designated for the purchase of “Buildings and Grounds” with \$265,000 available for 2023; and **WHEREAS**, Oneida County Code sec. 3.09(2) requires County Board approval of purchases over \$100,000; and **WHEREAS**, the Highway Department and Public Works Committee believe that a new roof can be installed for no more than One Hundred Eighty Thousand, Eight Hundred Fifty Six dollars (\$180,856.00); and **WHEREAS**, the Public Works Committee and the Highway Department have assessed their needs and determined that the funding of a new Salt Dome roof is in the best interest of the department; and **WHEREAS**, the Public Works Committee and the Highway Department seek to use a portion of the available funds in the “Buildings and Grounds” account to fund the aforementioned new Salt Dome roof. **NOW, THEREFORE, BE IT RESOLVED**, the Public Works Committee and the Highway Department are authorized to fund a new Salt Dome for the price not to exceed One Hundred Eighty Thousand, Eight Hundred Fifty Six Dollars (\$180,856.00) and **BE IT FURTHER RESOLVED**, that the Public Works Committee and the Highway Department are authorized use of the available funds in the “Buildings and Grounds” account for the aforementioned purchase.

Approved by the Public Works Committee this 10th day of August, 2023.
Offered and passage moved by: Ted Cushing, Bob Almekinder, Billy Fried, Mike Roach, Mike Timmons

Resolution # 75 – 2023: Offered by the Supervisors of the Administration Committee to Amend Resolution # 50 – 2023 to Amend the 2023 Budget Relative to the Landfill Entry and Parking Lot Project.

Resolution to Amend Resolution # 50 – 2023 to Amend the 2023 Budget Relative to the Landfill Entry and Parking Lot Project.
Resolution approved for presentation to the Oneida County Board by the Supervisors of the Administration Committee
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, in Resolution # 50 – 2023 the County Board of Supervisors approved \$370,000 in American Rescue Plan Act (ARPA) program funding for the Solid Waste Paving Project, and **WHEREAS**, the actual projected cost of the Solid Waste Paving Project is \$574,336, resulting in a funding shortfall of \$204,336, and, **WHEREAS**, the County Board Supervisors has determined that a transfer of funds to the Solid Waste Department as noted below is necessary to fund the project.

PROJECT	DEPARTMENT	FUND	AMOUNT	SOURCE
Landfill Entry & Parking Lot	Solid Waste	ARPA #203	\$370,000	ARPA
		General #101	\$204,336	Contingency General Fund Balances
TOTAL			\$574,336	

THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors approves an amendment to the 2023 Capital Improvement Plan and Adopted 2023 Annual Budget.

Approved for presentation to the County Board by the Administration Committee this 7th day of August, 2023.

Offered and passage moved by: Billy Fried, Ted Cushing, Russ Fisher, Steven Schreier, Tom Kelly

Resolution # 77 – 2023/ Ordinance Amendment # 06 – 2023: Offered by the Supervisors of the Planning and Development Committee amending Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, Article 7, Section 9.78 – Sign Regulations.

Resolution to amend Section 9.78 Sign Regulations.

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 # 06 – 2023, which was filed May 8, 2023 (copy attached) to amend Section 9.78 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 14, 2023 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 regulates the placement of signs, both freestanding and on the face of a building; and

WHEREAS, the current sign ordinance allows signs attached to a building not to be placed greater than 30 feet from ground level; and

WHEREAS, the current ordinance allows buildings in business districts to exceed 35 feet in height with a conditional use permit, if the building is connected to municipal sewer and water; and

WHEREAS, this ordinance amendment will allow the placement of a sign attached to a building to be placed on taller buildings; and

WHEREAS, there is no change to the size of the sign; and

WHEREAS, the Planning and Development Committee held a public hearing and nobody spoke in favor or against the proposed changes; and

WHEREAS, the Planning and Development Committee has carefully studied the proposed 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. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

9.78 SIGN REGULATIONS

B. On-Premise Signs

1. a. A business shall be permitted one freestanding sign exposure visible and designed to be read from each direction of travel.
 1. An on-premise free standing sign shall be no greater than 64 square feet per face if the setback is 0 feet or greater from right-of-way.
 2. An on-premise free standing sign shall be no greater than 250 square feet per face if the setback is greater than 100' from right-of-way.
- b. A multi-tenant business shall be allowed one free standing sign visible and designed to be read from each direction of travel.
 1. An on-premise free standing sign shall be no greater than 128 square feet if the setback is 0 feet or greater from right-of-way.
 2. An on-premise free standing sign shall be no greater than 250 square feet per face if the setback is greater than 100 feet from right-of-way.
 3. No single tenant can utilize greater than 50% of the allowable area of the sign.
- c. A home occupation as allowed by section 9.43 of this ordinance shall be permitted one free standing sign no greater than 12 square feet per face.

- d. No part of an on-premise free standing sign shall exceed 35' in height from existing grade including support.
 - e. Freestanding signs must comply with the requirements of sections 9.70, 9.94 and 9.97, highway and waterfront setbacks. Freestanding signs at all intersections shall meet the highway setback requirements.
 - f. Freestanding signs must comply with the requirements of section 9.71, side and rear lot line setbacks.
2. In addition:
- a. Every business shall be permitted attached building signs as follows:
 - (1) Two "flat" signs a maximum of 32 square feet mounted flat against the building or on the roof for a building with a face of 1250 square feet in area or less OR a maximum of 64 square foot sign mounted flat against the building or on the roof for a building with a face of greater than 1250 square foot area. No part of this sign including supports shall be ~~more than 30 feet from ground level~~ located above the roofline. Only one flat sign per building face.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #06-2023 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 28th day of June, 2023.

Offered and passage moved by: Scott Holewinski, Mike Timmons, Bob Almekinder, Tommy Ryden

- Appointments to Committees, Commissions and other Organizations:
 - Re-Appoint Guy Hansen to the Zoning Board of Adjustment for a 3-year term to expire in July 2026.
 - Re-Appoint Jeff Viegut to the Zoning Board of Adjustment for a 3-year term to expire in July 2026.

Motion/Second: Roach/Sorgel to approve the Consent Agenda as presented.

Roll Call Vote: 19 Aye, 2 Absent, Ryden, Rio

Motion: Adopted

Cushing requested that Resolution # 76 – 2023 be pulled from the Consent Agenda and placed after # 79 – 2023.

CONSIDERATION OF RESOLUTIONS & ORDINANCES:

Resolution # 78 – 2023: Offered by the Supervisors of the Administration Committee to Request Coronavirus Local Fiscal Recovery Fund (CLFRF) Allocated to Oneida County through the American Rescue Plan Act (ARPA) for the Purpose of Paving Solid Waste Landfill Rd. and Parking Lot.

Resolution to Request Coronavirus Local Fiscal Recovery Fund (CLFRF) allocated to Oneida County through the American Rescue Plan Act (ARPA) for the Purpose of Paving Solid Waste Landfill Rd. and Parking Lot.
Resolution approved for presentation to the Oneida County Board by the Supervisors of the Administration Committee

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

WHEREAS, The American Rescue Plan Act (ARPA) amends Title VI of the Social Security Act by adding Sections 602 and 603 establishing the Coronavirus Local Fiscal Recovery Fund (CLFRF); and

WHEREAS, Oneida County receives funds through CLFRF to assist the County in responding to the public health emergency or its negative economic impacts; to provide premium pay to eligible workers; to make necessary investments in infrastructure; and/or to provide government services; and

WHEREAS, certain restrictions of the use of these funds are determined by the United States Treasury (UST) Department including the prohibition of depositing the funds into any pension fund; directly or indirectly offsetting tax revenue; and does limit the amount of CLFRF funding to be used for "government services" to a not-to-exceed revenue reduction cap; and

WHEREAS, the County established the Funding Opportunities Committee (FOC) to provide direction and guidance on the use of the CLFRF; and

WHEREAS, the County Board adopted an Oneida County Relief Funding Plan in conjunction with the 2023 budget which includes projects or programs to resolves long-term, pressing issues; and / or addresses serious health and public safety risks; and / or has a widespread impact; and / or addresses a financial burden on the County; and / or has well-defined ancillary benefits; and

WHEREAS, only those projects or programs which are "shovel-ready" or set to commence, if funded, upon approval of this Resolution are entertained at this stage to ensure UST requirements of funding obligation no later than December 31, 2024 and fully expended by December 31, 2026; and

WHEREAS, The Paving Project is included in the County's Relief Funding Plan incorporated into the 2023 budget; and, based on UST guidance should be funding under the Government Services; category, and

WHEREAS, The Paving Project is designed and engineered to meet the needs of the department and the increased heavy truck traffic as described on the Fiscal Impact Report. The project will replace thirty year old asphalt in dire need of replacement; thereby reducing public health risk by providing adequate access to the Solid Waste Facility and will also ensure the long-term care of the facility, and

WHEREAS, cost of the Solid Waste Paving Project is Five hundred seventy-four thousand three hundred and thirty-six dollars, (\$574,336), and

WHEREAS, Three hundred seventy thousand dollars (\$370,000) of the cost would be funded using CLFRF funds and the balance to be paid through a General Fund loan to the Solid Waste Department, and

WHEREAS, the project will be completed by September 30 2023, and

WHEREAS, the Administration Committee is in agreement and recommends this project / program be funded using CLFRF funds; and

THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that this project / program be funded using CLFRF funds; and

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by

Adoption of this resolution the project / program will be reevaluated annually as part of the budget process to determine need and available funding for future years.

Approved for presentation to the County Board by the Administration Committee this 7th day August, 2023.

Offered and passage moved by: Billy Fried, Ted Cushing, Russ Fisher, Steven Schreier, Tom Kelly

Discussion: Solid Waste Director Lisa Jolin reported that this was a CIP project repaving the Solid Waste Department. Jolin reported the project came in higher than the budgeted amount that was to be funded with ARPA funding. Jolin explained that this Resolution is for approval of the original portion of this project. Discussion regarding the balance in the ARPA funding account.

Roll Call Vote on Resolution # 78 – 2023: 19 Aye, 2 Absent, Ryden, Rio

Resolution # 78 – 2023: Adopted

Resolution # 79 – 2023: Offered by the Supervisors of the Administration Committee to amend Resolution # 128 – 2022 to loan General Fund monies to the Solid Waste Department for Funding Capital Equipment and Improvement Projects.

Resolution to amend Resolution # 128 – 2022 to loan General Fund monies to the Solid Waste Department for funding Capital Equipment and Improvement Projects.

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

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

WHEREAS, the Solid Waste Fund is a business-type (enterprise) fund per Governmental Accounting Standard Board (GASB) definition, whereby cost of services are to be financed through system generated revenues and not general tax dollars; and

WHEREAS, intra-fund loans from the General Fund to the Solid Waste Fund totaling \$573,717 (\$236,500 in 2021, \$107,459 in 2022, and \$229,758 in 2023) were previously approved for the purpose of purchasing capital equipment for the Solid Waste Department; and

WHEREAS, the balance due on the aforementioned loans is \$464,297 as of July 31st, 2023 net of repayments to date, and including principal and accrued interest; and

WHEREAS, the projected cost of the Solid Waste Paving Project is \$574,336, for which \$370,000 in ARPA funding has been approved by the County Board of Supervisors leaving an unfunded balance of \$204,336; and

WHEREAS, the Solid Waste Director has indicated the procurement of equipment made with prior loans, and the repaving project for which this additional loan is requested, will generate new revenues sufficient to repay current loans and the requests for additional funding, and

WHEREAS, the County Board of Supervisors has the authority to approve increasing the General Fund loan to the Solid Waste Fund by an amount not to exceed \$204,336; and

WHEREAS, the increase in principal to the loan relative to the Paving Project will only be made upon the Solid Waste Director's written confirmation to the Finance Director that the Paving Project is completed and provide invoices indicating the exact purchase price of the project; and

WHEREAS, the Oneida County General Fund loan to the Solid Waste Fund shall accrue interest at ten basis points (0.10%) above the Local Investment Pool computed compounded month in keeping with past practice; and

WHEREAS, the Finance Department shall continue minimum quarterly repayments from the Solid Waste Fund to the General Fund on March 31, June 30, September 30, and December 31, in the amount of \$9,750 starting March 31, 2023 and increasing by 3% each year on March 31 thereafter until all principal and interest is repaid, with any and all final balances due and paid no later than March 31, 2043; and

THEREFORE, BE IT RESOLVED, the Administration Committee is authorizing the Finance Department to amend the loan to the Solid Waste Fund contingent upon approval of the Oneida County Board of Supervisors, and upon notification of the completion of the Paving Project described herein.

Approved for presentation to the County Board by the Administration Committee this 7th day of August, 2023.
Offered and passage moved by: Billy Fried, Ted Cushing, Russ Fisher, Steven Schreier, Tom Kelly

Discussion: Jolin explained that this Resolution is to complete the repaving project and they are requesting a loan to cover the overage. Per Jolin, the project came in higher than the budgeted amount and this will cover that amount.

Roll Call Vote on Resolution # 79 – 2023: 19 Aye, 2 Absent, Ryden, Rio

Resolution # 79 – 2023: Adopted

Resolution # 76 – 2023: Offered by the Supervisors of the Public Works Committee to award a Contract for the Purpose of the Solid Waste Paving Project.

Resolution to Award a Contract for the purpose of the Solid Waste Paving Project.
Resolution approved for presentation to the Oneida County Board by the Supervisors of the Public Works Committee
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the County Board of Supervisors adopted a resolution to fund \$370,000 of the Solid Waste Paving Project with CLFRF, and

WHEREAS, contingent on the County Board of Supervisors adopting a resolution to amend an existing General Fund loan to the Solid Waste Fund to approve additional monies to be loaned for the purpose of funding the portion of the Paving Project not funded by CLFRF funding, and

WHEREAS, an Invitation to Bid was published and Request for Bids were solicited. After opening the bids and the ensuing discussion at Committee, Pitlik & Wick was determined to be the lowest responsible bidder, and

WHEREAS, Pitlik & Wick's bid followed the bid specifications, and

WHEREAS, the cost of the project is Five hundred seventy four thousand three hundred thirty-six dollars, (\$574,336), and

WHEREAS, the Public Works Committee recommends this paving project be awarded to Pitlik & Wick, and

THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that effective on August 15, 2023 the project be awarded to Pitlik & Wick.

Approved for presentation to the County Board by the Public Works Committee this 10th day of August, 2023.
Offered and passage moved by: Ted Cushing, Bob Almekinder, Billy Fried, Mike Roach, Mike Timmons

Discussion: Cushing stated that this is to award the project bid for the Solid Waste Paving Project.

Roll Call Vote on Resolution # 76 – 2023: 19 Aye, 2 Absent, Ryden, Rio

Resolution # 76 – 2023: Adopted

Resolution # 80 – 2023: Offered by the Supervisors of the Administration Committee to Authorize a Reimbursement Agreement with Bug Tussel 1, LLC for Oneida County Expenses related to the \$24,000,000 Bond Guarantee.

Resolution to Authorize a Reimbursement Agreement with Bug Tussel 1, LLC for Oneida County Expenses related to the \$24,000,000 Bond Guarantee.
Resolution approved for presentation to the Oneida County Board by the Supervisors of the Administration Committee.
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Oneida County has agreed to guarantee bonds issued by Bug Tussel 1, LLC in the amount of \$24,000,000; and

WHEREAS, Oneida County incurred various costs related to due diligence prior to agreeing to guarantee bonds in the amount of \$24,000,000 by hiring technical, consultants, bond consultants, and bond counsel in addition to sundry costs; and,

WHEREAS, Oneida County and Bug Tussel 1, LLC have previously covenanted and agreed that Bug Tussel 1, LLC will reimburse Oneida County for expenses related to the bond issuance; and,

WHEREAS, Bug Tussel 1, LLC covenants and agrees that Oneida County shall be reimbursed by Bug Tussel 1, LLC within thirty (30) days of presentation of any invoice reasonably related to the above referenced bond issuance.

WHEREAS, any such invoice shall be presumed reasonably related to the above referenced project unless and until Bug Tussel 1, LLC provides a definitive statute or case establishing otherwise

THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that a Reimbursement Agreement by and between the County and Bug Tussel 1, LLC for expenses incurred by Oneida County related to the \$24,000,000 bond guarantee be authorized.

Approved for presentation to the County Board by the Administration Committee this 17th day of July, 2023.
Offered and passage moved by: Billy Fried, Ted Cushing, Russ Fisher, Steven Schreier, Tom Kelly

Discussion: Fried stated that this Resolution is so the County can be reimbursed for the cost of administration regarding the Bonding. Fried reported that this offsets the costs.

Roll Call Vote on Resolution # 80 – 2023: 19 Aye, 2 Absent, Ryden, Rio

Resolution # 80 – 2023: Adopted

Resolution # 81 – 2023: Offered by the Supervisors of the Public Works Committee to Sign a Lease Agreement to have a Communications Tower Constructed at the Solid Waste Facility in Oneida County.

Resolution to sign a lease agreement to have a communications tower constructed at the Solid Waste Facility in Oneida County.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Public Works Committee.

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

WHEREAS, VB 500 II, LLC has submitted a proposal to the Solid Waste Facility to lease a portion of the property measuring approximately 75'X75' for the placement of a communications tower, (see attached map of tower site), and

WHEREAS, the terms of the lease agreement have been reviewed and approved by the Public Works Committee and the Oneida County Corporation Counsel, (see attached agreement), and

WHEREAS, the tower will be located outside the limits of waste, will not impact the landfill or landfill operations such as gas header piping, leachate forcemain piping, stormwater features, environmental monitoring, or existing on-site utilities, and

WHEREAS, the property where the cell tower will be located will be leased to VB 500 II, LLC but still owned by Oneida County, and

THEREFORE, BE IT RESOLVED, that the Public Works Committee is requesting to enter into the lease agreement with VB 500 II, LLC, and

BE IT FURTHER RESOLVED, that any and all payments resulting from the communication tower being placed at the Solid Waste Facility shall be deposited in a Solid Waste Revenue Account.

Offered and passage moved by: Billy Fried, Mike Timmons, Ted Cushing, Bob Almekinder

Discussion: Jolin stated that they were approached by a company to construct a tower on this site. Jolin stated this would create revenue for Solid Waste in the future. Jolin reported that the committee has approved it. John Sweeney stated that this would create connectivity so that Solid Waste will be able to do business. Discussion regarding where the revenue should go.

Roll Call Vote on Resolution # 81 – 2023: 19 Aye, 2 Absent, Ryden, Rio

Resolution # 81 – 2023: Adopted

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.

Resolution to provide funds from the contingency budget to retain outside counsel for legal representation for Ordinance Amendment # 13 – 2022.

Resolution 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 # 13 – 2022, which was filed March 9, 2023 (copy attached) to amend Sections 9.33, 9.94, 9.95, 9.97, 9.99, Appendixes C-Q, and Article 10 Definitions of Chapter 9 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 March 29, 2023, pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes; and

WHEREAS, Oneida County provided the revisions to the Wisconsin Department of Natural Resources (WDNR) as

required by law; and

WHEREAS, the WDNR brought forward technical concerns with the Ordinance and stated the WDNR would not certify the Ordinance pursuant to Wisconsin Administrative Code NR 115.06(02); and

WHEREAS, the Planning & Development Committee having held a meeting on May 17, 2023 with a motion made to approve seeking outside counsel for representation to move forward with the process of Ordinance Amendment #13-2022; and

WHEREAS, the Planning & Development Committee would like to hire outside counsel to review Ordinance Amendment #13-2022, relevant State statutes, and Administrative Codes and provide the Committee with a legal analysis on the proposed revisions and/or language that may be acceptable to WDNR; and

WHEREAS, the Administration Committee having held a meeting on July 17, 2023 and discussing the approval and funding to retain outside counsel for Ordinance Amendment #13-2022 with a motion being made to approve the funding to retain outside counsel through the contingency budget not exceeding an amount of ten thousand dollars and 00/100 (\$10,000.00); and

THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors hereby approve the request for the Planning & Development Committee to retain legal representation for the review of and to provide a legal analysis and/or language acceptable to the WDNR concerning the proposed Ordinance Amendment #13-2022 with funding in the amount of ten thousand dollars and 00/100 (\$10,000.00) to be disbursed from the contingency budget.

Approved for presentation to the County Board by the Planning and Development Committee this 9th day of August, 2023.

Offered and passage moved by: Scott Holewinski, Mike Timmons, Bob Almekinder, Tommy Ryden

Discussion: Planning and Zoning Director Karl Jennrich stated that this would give the Planning and Development Committee the authorization to hire outside counsel. Jennrich reported that there was a public hearing and it was then decided to hire outside counsel. Jennrich explained that this attorney is well versed in zoning issues. Holewinski stated that counsel will be able to advise what direction to go. Jennrich explained what some of the other counties were doing. Discussion ensued regarding working directly with the DNR to get this cleared up.

Newman left at 10:43 a.m.

Roll Call Vote on Resolution # 82 – 2023: 16 Aye; 2 Nay, Winkler, Schreier; 3 Absent, Ryden, Rio, Newman
Resolution # 82 – 2023: Adopted

Amended Resolution # 60 – 2023/Ordinance Amendment # 06 – 2023: Offered by Supervisor Winkler to Amend the County Board Meeting Agenda to Include an Invocation/Prayer.
Second by Roach.

Ordinance Amendment to Amend the County Board meeting agenda to include an invocation/prayer.
Ordinance Amendment offered by Supervisor Jim Winkler, District 10.

WHEREAS, the Constitution of the United States of America guarantee's free speech; and

WHEREAS, our nation has relied on a tradition of prayer before conducting its business at national, state and local levels of government; and

WHEREAS, the United States Supreme Court Case of *Town of Greece, N.Y. v. Galloway*, 134 S.Ct. 1811 (2014) has found that prayer before a government meeting does not violate the Establishment Clause of the United States Constitution; and

WHEREAS, that same case found that prayer before a government meeting "comports with our tradition and does not coerce participation by non-adherents"; and

WHEREAS, in conformity with the constitutionally permitted practice from *Town of Greece, N.Y.*, a prayer/invocation should be offered by local clergy (volunteers that would be secured by the County Clerk for each meeting) for our troops and for guidance over business to be performed at that meeting, prior to the pledge of allegiance to the flag at each County Board meeting.

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

2.02 RULE 2: ORDER OF BUSINESS. (Am. #51-94; #72-94; #20-2008)

The order of business shall be as follows:

- (1) CALL TO ORDER. At the appointed hour for the meeting, the Chair shall call the Board to order requesting that the members rise for a brief moment of silence followed by a prayer/invocation and the Pledge of Allegiance.
- (a) The Board or Committee Chair shall may ask if any County Board member wishes to offer a prayer/invocation
- (b) The prayer/invocation shall be no longer than fifteen (15) seconds.
- (c) The Chair should ask if any other person would like to offer a prayer to another god. If no one offers prayer the Chair will continue business at hand.

[The remainder of Section 2.02 is to remain unchanged.]

Approved by the Supervisor Jim Winkler, District 10, this 8TH day of August, 2023.

Offered and passage moved by: Jim Winkler, Mike Roach

Newman returned at 10:49 a.m.

Discussion: Winkler stated that this Resolution was brought back with some adjustments. Winkler explained that the prayer would be offered by the Board of Supervisors. Discussion ensued regarding implementation.

Motion/Second: Schreier/Jensen to amend line 43 to strike "or committee", change the word "shall" to "may", and add "County Board" before the word member and delete lines 46 and 47.

Roll Call Vote on Amendment to Resolution # 60 – 2023/Ordinance Amendment # 06 – 2023: 18 Aye; 1 Nay
Newman, 2 Absent, Ryden, Rio

Amendment to Resolution # 60 – 2023/Ordinance Amendment # 06 – 2023: Adopted

Discussion: Discussion regarding a motion to call the question.

Roll Call Vote on Amended Resolution # 60 – 2023/Ordinance Amendment # 06 – 2023: 15 Aye; 4 Nay, Fried,
Newman, Harris, Fisher; 2 Absent, Ryden, Rio

Amended Resolution # 60 – 2023/Ordinance Amendment # 06 – 2023: Adopted

NEXT MEETING DATE AND TIME: September 26, 2023 @ 9:30 a.m.

Unless a motion is made to change the starting time.

ADJOURNMENT:

Chairman Holewinski adjourned the meeting at 11:20 a.m.