

**Oneida County Board of Supervisors
Regular Meeting May 17th 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, John R. Young.

Members Present: 21

Supervisors Excused: 0

Student Representatives: Marina Candela and Justin Bant

OTHERS PRESENT: Mary Bartelt, County Clerk; Melodie Gauthier, Deputy County Clerk; Michael Fugle, Corporation Counsel; John Potters, County Coordinator; Karl Jennrich, Planning and Zoning; John Bilogan, Forestry.

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.

Chairman Cushing advised that the Oneida County Board of Supervisors will have a special County Board Meeting on July 12, 2011 at 9:30 a.m. for the purpose of training. Rep.'s from WI Counties Association along with attorneys will be here. This will be the only item on the Agenda.

Supervisor Gary Baier / John Bilogan, Forestry Director, stated this year Oneida County has the honor of hosting the Wisconsin County Forest's Association Summer Tour Convention (WCFA) on June 23-24, 2011 and would like to invite the County Board to attend this 2 day convention.

ACCEPT THE MINUTES OF THE APRIL 19, 2011- REGULAR MEETING

MOTION/SECOND: Hoffman /Vandervest- to accept April 19, 2011 minutes as presented.

Supervisor Rudolph stated a correction on page 9 of the April 19th, 2011 County Board Minutes. Supervisor Pederson stated a correction on page 3 of the April 19th, 2011 County Board Minutes.

All "aye" on voice vote, motion carries.

CERTIFICATES TO TAG REPRESENTATIVES

Jim Winkler presented certificates to 3 Tag Representatives for participating in Teens Active in Government - Erin Lawrence, Lakeland Union High; Laci McCann, Three Lakes High School and Melissa Scheffer, Rhinelander High School.

REPORTS

Veterans Service Office 2010 Annual Report
Board of Health 2010 Annual Report

Forestry, Land, and Outdoor Recreation Department 2010 Annual Report
Emergency Management 2010 Annual Report

MOTION/SECOND: Vandervest/Martinson- to approve the Veterans, Board of Health, Forestry, Land and Outdoor Recreation Department and Emergency Management 2010 Annual Reports as presented. All “aye” on voice vote, motion carries.

PUBLIC HEARING FOR THE ONEIDA COUNTY COMPREHENSIVE PLAN – Karl Jennrich

Public hearing speakers: Mark Patulski, Town of Crescent; Ben Loma, - Town of Newbold; Steve Margitan, Town of Little Rice; Tom Morken – Town of Newbold; Dave Schmitz- Town of Newbold; Dennis Schoeneck Town of Enterprise, Jay Verholtz,- Town of Arbor Vita; Dennis Lawrence and Andy Faust- North Central WI. Regional Planning Commission.

MOTION/SECOND: Baier/ no second - to not vote on the Comprehensive Plan at this time. Chairman Cushing stated there is nothing to vote on at this time as this is a public hearing.

Motion rescinded.

Karl Jennrich closed public hearing at 10:50 a.m.

PRESENTATIONS - None

UNFINISHED BUSINESS - None

PUBLIC COMMENT

Ben Loma

Mark Patulski

CONSIDERATION OF RESOLUTIONS & ORDINANCES

RESOLUTION #33-2011 – ORDINANCE AMENDMENT #1-2011

Ordinance Amendment offered by the Planning and Zoning Committee.

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

WHEREAS, the Planning & Zoning Committee, having considered Ordinance Amendment #1-2011 (copy attached) which was filed February 16, 2011, to amend 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 16, 2011 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, chickens and ducks can provide food for families in the form of eggs and meat; and

WHEREAS, a property owner should be allowed to keep a small amount of chickens and ducks on their property; and

WHEREAS, the Planning and Zoning Committee has carefully studied the proposed changes after listening to comments made at the Public Hearing and recommends approval.

NOW, THEREFORE, BE IT RESOLVED, THE ONEIDA COUNTY BOARD OF SUPRVISORS 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 Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

9.56 Domesticated Chickens / Ducks

A. Purpose and Intent

1. It is the purpose of this ordinance to provide standards for the keeping of domesticated chickens/ducks. It is intended to enable residents to keep a small number of chickens/ducks on a non-commercial basis.

B. Definitions.

1. Chicken – The common fowl (Gallus gallus) especially when young; also: its flesh used as food.
2. Pen – shall mean a wire enclosure connected to a coop for the purpose of allowing chickens/ducks to leave the coop while remaining in an enclosed, predator-safe environment.
3. Duck – Any of various swimming birds (family Anatidae, the duck family) in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.
4. Coop – shall mean a structure for the sheltering of chickens/ducks. An existing shed or garage can be used for this purpose if it meets the standards contained in this ordinance including the required setbacks from property lines.

C. Number and type of chickens/ducks allowed.

1. The maximum number of chickens and/or ducks allowed is eight (8) per lot.
2. Only female chickens are allowed, no roosters. Male or female ducks are allowed. There is no restriction on chicken or duck species.

D. Coop and Pen construction

The chickens/ducks shall be provided with a covered coop and attached pen. Chickens/ducks shall not be allowed out of the coop or pen.

E. Location.

1. Chicken/duck coops and pens shall not be located closer than fifty (50) feet to any lot line.
2. Chicken/duck coops and pens shall not be located closer than 75' from the ordinary high water mark (OHWM) of any lake, river or stream
3. Chicken coops and pens, pursuant to this Section are allowed in District #2, Single Family Residential.
4. Minimum lot size is 1 acre.

F. Other Provisions.

Poultry are still allowed in District #4, Residential and Farming; District #10, General Use; District #14, Residential and Retail and District #15, Rural Residential.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #01-2011 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to all Town clerks and The Department of Natural Resources.

Approved by the Planning and Zoning Committee this 20th day of April, 2011.

Offered and passage moved by: Scott Holewinski, Gary Baier, Michael Timmons, William Fried and David Hintz.

MOTION/SECOND: Rudolph/ Vandervest- to waive the reading of Resolution #33-2011. All "aye" on voice vote, motion carries.

MOTION:/SECOND: Dean/No second- to Amend/Strike all of Resolution #33-2011.

Supervisor O'Melia stated Supervisor Dean's motion is out of order stating that to amend the whole resolution is to withdraw a resolution and this is not considered an amendment to a resolution.

Per Michael Fugle, Corporation Counsel, the motion to strike the entire resolution and insert a new provision is in essence to bring a separate motion. Fugle also concurred with O'Melia stating, to make an amendment to strike the whole resolution is not an amendment and this motion should be ruled out of order.

MOTION RESCINDED.

ROLL CALL VOTE: 20 Ayes, 1 Nay - Metropulos

STUDENT REPRESENTATIVE: 2 Ayes, 0 Nays

RESOLUTION #33-2011 - ORDINANCE AMENDMENT #1-2011 - Enacted

RESOLUTION #34-2011 - Resolution offered by Re-Districting Committee.

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

WHEREAS, Oneida County is required to redistrict the county board supervisory districts after each Federal decennial census to comply with one person-one vote representation; and

WHEREAS, a tentative redistricting plan must be adopted by the county board after a public hearing and prior to distribution of the plan to county municipalities, pursuant to Sec. 59.10(3)(b) of the Wisconsin Statutes; and

WHEREAS, the Oneida County Redistricting Committee held a public hearing on May 5th, 2011 in Rhinelander, Wisconsin at the Oneida County Courthouse at 6:00 p.m., at which time the tentative redistricting plan was made public and public comments and questions were addressed regarding the plan; and

WHEREAS, the Oneida County Redistricting Committee recommends adoption of the attached tentative plan.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors in do hereby adopt said tentative redistricting plan for the supervisory districts as described on the attached document and as visually displayed.

BE IT FURTHER RESOLVED, that the County clerk is hereby directed to provide visual copies of this tentative redistricting plan by certified mail to each municipal governing body in Oneida County, with instructions regarding the action required under Wis. Stat. §5.15 within sixty (60) days of receipt of said tentative redistricting plan.

BE IT FURTHER RESOLVED, that the Oneida County Redistricting Committee members hereby authorized to meet with county municipalities if so requested to explain said ward plan.

Approved by the Re-Districting Committee this 5th day of May, 2011.

Offered and passage moved by: Gary Baier, Scott Holewinski, Matt Matteson, Wolk and Mary Bartelt.

MOTION/SECOND: Holewinski/Vandervest- to amend Resolution #34-2011 to encompass District 8 – (Part of Stella) and the small portion of District 16 – (Town of Woodruff), back to the original plan prior to the tentative plan, as presented in Resolution #34-2011.

ROLL CALL VOTE: 21 Ayes, 0 Nays

STUDENT REPRESENTATIVE: 2 Ayes, 0 Nays

MOTION TO AMEND PASSES

Chairman Cushing called a recess for 10 minutes while Andy Faust rechecked numbers and information for the above motion.

Andy Faust stated there are 4 factors looked at for redistricting, population, compactness, community interest and cooperation and states the deviation with the above changes would be a negative 14%.

MOTION/SECOND: Young/Thompson to reduce the County Board Supervisors to 17 from 21.

Chairman Cushing stated this motion needs to be brought forward by an ordinance and is not relevant – motion is out of order. Corporation Counsel concurred with Chairman Cushing stating the motion is invalid.

MOTION/SECOND: Metropulos/Vandervest to reconsider the motion to amend and rescind the motion to amend Resolution #34-2011 and keep the original resolution redistricting plan.

ROLL CALL VOTE 20 Ayes, 0 Nay, 1 Absent – Wolk

STUDENT REPRESENTATIVES: 2 Ayes, 0 Nays

MOTION TO RESCIND - Passes

ROLL CALL VOTE ON ORIGINAL RESOLUTION #34-2011 19 Ayes, 1 Nay- Timmons, 1 Absent – Wolk.

RESOLUTION #34-2011 –Adopted

OTHER BUSINESS

Appointments to committees, commissions and other organizations

Reappoint Maxine Meyer to serve on the Commission on Aging Committee for a 3 year term to expire April 2014.

Appoint Joan Hauser to service on the Commission on Aging Committee with a term to expire April 2013 and Nancy Brisse to serve on the Commission on Aging Committee with a term to expire April 2012.

Reappoint Tom Knudsen, Dale Opperman, Gene Tesch and Mike Knoche to serve on the Economic Develop Corp. Revolving Loan Fund Committee for a two year term to expire April 2013.

MOTION/SECOND: O'Melia /Martinson to approve all appointments listed above as presented. All "ayes" on voice vote, motion carries.

MOTION/SECOND: Rudolph/Hintz to enter into closed session 12:25 p.m.

ROLL CALL VOTE: 20 Ayes, 0 Nays, 1 Absent –Wolk

MOTION PASSES

CLOSED SESSION

It is anticipated that a motion will be made, seconded, and approved by roll call vote to enter into closed session pursuant to Section 19.85(1)(g), "conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved." Topic: *Lake Nokomis Lake District Lawsuit.*

MOTION/SECOND: O'Melia/ Fried to return to open session at 1:00 p.m.

ROLL CALL VOTE: 19- Ayes, 0 Nays: 2 Absent – Wolk, Vandervest

MOTION CARRIES.

Chairman Cushing announced there was no action taken during closed session.

ADJOURNMENT

MOTION/SECOND: Rudolph/O'Melia to adjourn at 1:01 p.m. All "ayes" on voice vote motion carries.