

**County Board Regular Meeting
Oneida County Board of Supervisors
Tuesday, February 17, 2015 - 9:30 a.m.
Oneida County Courthouse
County Board Meeting Room- 2nd Floor**

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 here and overseas, followed by the Pledge of Allegiance.

MEMBERS PRESENT: Supervisors: Ted Cushing, Bill Freudenberg, Billy Fried, David Hintz, Scott Holewinski, Jim Intrepidi, Mitchell Ives, Robb Jensen, Tom Kelly, Lance Krolczyk, Bob Metropulos, Bob Mott, Greg Oettinger, Sonny Paszak, Carol Pederson, Tom Rudolph, Jack Sorensen, Michael Timmons, Alan VanRaalte and Alex Young.

OF MEMBERS PRESENT: - 20

SUPERVISORS EXCUSED: 1- Lisa Zunker.

STUDENT REPRESENTATIVES PRESENT: 2 - Bailey Nichols and Erin Tenderholt.

OTHERS PRESENT: Mary Bartelt, County Clerk; Melodie Gauthier, Chief Deputy Clerk; Brian Desmond, Corporation Counsel; Mike Romportl, Land Information and Karl Jennrich, Planning and Zoning.

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS

- Sign Attendance Form at the Podium
- Please Use Microphones When Speaking

ACCEPT THE MINUTES OF THE DECEMBER 16, 2014 SPECIAL MEETING, JANUARY 7, 2015 EVIDENTIARY HEARING AND JANUARY 20, 2015 REGULAR MEETING.

MOTION/SECOND: Sorensen/Cushing to accept the minutes of December 16, 2014 Special meeting, January 7, 2015 Evidentiary Hearing and January 20, 2015 Regular meeting. Correction, deletions, additions: Supervisor Rudolph – Dec. 16, 2015 minutes, p. 2 – under Sept. 12 item, there are six members listed and on page 7 in Resolution #92-2014 it states the approval of a five-member AD HOC Committee (Highway Facility Evaluation Committee). The Resolution should read six members. January 7, 2015 Agenda, p. 3 at the top, add to the minutes what happened between the recess and the lunch break. January 20, 2015 minutes, p. 14 after a Roll Call Vote in the middle of page,” Motion: failed” is missing. Supervisor VanRaalte stated on the January 20, 2015 minutes, p. 2, third paragraph from the bottom, second line the word “Lake” is missing after the word Pine. P. 3 third paragraph from the bottom, last line the word “successfully” should be “successful” and on page 13 in the Motion/Second: paragraph third sentence from the bottom the word “compensative” should be “commensurate”. All “Ayes” on Amended Minutes, motion carries.

REPORTS/PRESENTATIONS

- Introduction of the Rhinelander High School Teens Active in Government alternative representative (Ali Schickert) - Lynn Feldman.

Lynn Feldman introduced the “Teens Active in Government alternate from Rhinelander High School, Ali Schickert. Ms. Schickert will take Erin Tenderholt’s place as Student Representatives after Ms. Tenderholt graduates High School at the end of the year.

- Introduction of the UW-Extension Family Living Agent (Sara Richie)-Lynn Feldman

Lynn Feldman introduced Sara Richie who is UW Extension's Family Living Agent. Sara came on board in December 2014. Sara came from Richland County and graduated from UW Steven's Point and U W La Crosse.

- Highway Facility Evaluation update.

Chairman Hintz stated that the County Board has hired Barrientos Design and Engineering to evaluate the current Highway facility and evaluate a potential new facility. Barrientos has three options for the County. (1) Remodel current facility. (2) Vibrant upgrade to the current facility providing a more modern efficient facility; (3) build a new facility and sell current facility site to Kwik Trip. At the March County Board meeting each option will be discussed including the cost and benefits of each option. The County Board will be asked to provide direction at that meeting. There may be a closed session on this item to discuss the contract terms of the Kwik Trip offer at the March County Board Meeting. The County Board has until May 1, 2015 to respond to the Kwik Trip offer. Draft materials may be sent out to County Board members to review before the meeting.

- Update on Oneida County Heal Creek Request for Proposals for County-owned land in the Town of Crescent Sections 10, 14, & 15 T36N R8E.

Chairman Hintz stated the Land Records Committee received three responses to the request for proposals. **Proposal 1:** Hodag Sports Club - \$281,123.00 cash offer to purchase entire parcel with a clear deed. **Proposal 2:** Hodag Sports Club - \$82,123.00 cash offer for the two forties on the east side of the property, with a clear deed. **Proposal 3:** City of Rhinelander and Town of Crescent, joint proposal - \$10,000.00 cash offer plus a deed to the County for a city-owned parcel in the Town of Crescent, approximately 38.3 acres. The offer is for all the property except the east two forties. The Town would take title to the east two forties. These proposals are posted on the County website. Supervisor Young stated he will introduce a resolution to hold the April 21, 2015 meeting at 6:00 pm. for discussion on the Heal Creek proposals.

Discussion took place regarding night meetings and special meetings. Brian Desmond, Corporation Counsel, stated a special meeting would need a petition signed by at least ½ of the County Board Supervisors and will need to be provided to the County Clerk at least 48 hours in advance of the special meeting. A night meeting may call for recess of a meeting or an adjourned meeting in which the Board shall recess at 11:00 p.m. until 9:30 a.m. the next day. The Board may, by majority, vote upon the adjourning motion and set the hour of reconvening of the Board.

More discussion followed.

***PUBLIC COMMENT:** None at this time.

CONSENT AGENDA

Resolution #10-2015 offered by the Forestry, Land and Recreation Committee regarding an application to be sent to the WDNR requesting a parcel of land located in the SE ¼ - NW ¼ of Section 24, Township 37 N, Range 7 E, Tn. of Cassian, officially be removed from County Forest Law Program under WI. State Stats. 28.11.

Resolution #11-2015 offered by the Forestry, Land and Recreation Committee amending Chapter 800 of the 2006-2020, (815 - Tree Retention) Oneida County Forest Fifteen Year Comprehensive Land Use Plan.

Resolution #12-2015 offered by the Administration Committee authorizing 2014 budget transfers.

- Appointments to committees, commissions and other organizations
To reappoint John Bloom to the Zoning Board of Adjustment for a term to expire July 2017.

MOTION/SECOND: Cushing/Rudolph to accept the Consent Agenda as presented.
All “Aye” on voice vote, motion carries.

CONSIDERATION OF RESOLUTIONS & ORDINANCES

RESOLUTION #13-2015

Resolution offered by Supervisor Alex Young (District 3),
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, intense public interest exists regarding the disposition of the parcel of County owned land known as "Heal Creek"; and

WHEREAS, numerous individuals, local governments, community organizations, and others have expressed strong opinions regarding the same; and

WHEREAS, currently County Board meetings are regularly held at 9:30 a.m. pursuant to the Oneida County Code, which is inconvenient for working citizens and citizens with daytime obligations to attend; and

WHEREAS, the intense public interest in the issue of the disposition of the Heal Creek parcel calls for increased public access to the debate,

WHEREAS, the Land Records Committee has asked parties involved with the proposals for Heal Creek to return to the April 2015 Committee meeting with more information regarding their proposals.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Oneida County Board of Supervisors duly assembled this 17th day of February, 2015, that the April meeting of the Oneida County Board of Supervisors be held on April 21st, 2015 at 6:00 pm, and that the issue of the disposition and potential conveyance of the Heal Creek parcel be taken up at that meeting.

Offered and passage moved by Supervisor: Alex Young
Seconded By: Supervisor Mott

MOTION/SECOND: Young/Cushing to amend line 22 by deleting “April 21” and add “May 19”, 2015.

ROLL CALL VOTE: 18 Ayes, 2 Nays - Fried & Krolczyk 1 Absent - Zunker

STUDENT REPRESENTATIVES: 2 Ayes

MOTION TO AMEND: passes

ROLL CALL VOTE: 19 Ayes, 1 Nay – Fried, 1 Absent – Zunker.

STUDENT REPRESENTATIVES: 2 Ayes

AMENDED RESOLUTION #13-2015: Adopted

RESOLUTION # 14-2015

Resolution offered by Supervisors of the Planning and Development Committee.
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Pursuant to Section 157.07, of the Wisconsin Statutes, both the County Board in which the Town is located and the Town Board must approve Cemetery Plats where the cemetery is located.

WHEREAS, The Hazelhurst Cemetery 3rd Addition - “Garden of Sleep”, hereafter called Plat located in part of the NW, NW, Section 10, T38N, R6E, Town of Hazelhurst, Oneida County, Wisconsin, was reviewed by the Oneida County Planning &

Zoning Committee on February 4, 2015 and they have no objection to the Plat. No public comments or concerns were raised during the Planning & Zoning Committee meeting. The Town of Hazelhurst is the owner of this parcel of land; the Town Board has requested approval of the Hazelhurst Cemetery – Third Addition, “Garden of Sleep” and the Town has approved said Plat by Resolution. A copy of the Plat is attached hereto.

NOW THEREFORE, BE IT RESOLVED, that the Plat of Hazelhurst Cemetery – 3rd Addition “Garden of Sleep” located in part of the NW, NW, Section 10, T38N, R6E, in the Town of Hazelhurst is hereby approved.

BE IT FURTHER RESOLVED, that the Chairman of the Oneida County Board and the Clerk of Oneida County are hereby authorized to sign the Plat for recording. Offered and passage moved by Supervisors: Holewinski, Timmons and Sorensen.

Student Representative Bailey Nichols excused at 10:30 am.

ROLL CALL VOTE: 20 Ayes, 0 Nays, 1 Absent - Zunker

STUDENT REPRESENTATIVES: 1 Aye, 1 Absent –Nichols.

RESOLUTION #14-2015: Adopted.

OTHER BUSINESS

- Administration Committee recommended action related to the Veterans Service Officer issue.

Chairman Hintz stated at the Administration Committee meeting further action related to the Veterans Service Officer’s two charges, (profanity and the use of a proximity card) was discussed. Chairman Hintz stated he thought it was time for the County to move forward and heal. Chairman Hintz explained the process the Administration Committee went through to reach their decision. At the end of deliberation a motion was made by Jensen/Cushing that the Administration Committee recommend to the full County Board of Supervisors that no further action be taken and the results of the Evidentiary Hearing stand as is. A roll call vote was taken and was passed unanimously by the Administration Committee.

MOTION/SECOND: **Cushing/Young** to accept the recommendation of the Administration Committee with no disciplinary record in Ms. Walters’ file. 18 Ayes, 2 Nays - Pederson and Fried, 1 Absent- Zunker.

STUDENT REPRESENTATIVE: 1 Aye, 1 Absent – Nichols.

MOTION: passes

Brian Desmond explained the motion made at the Administration Committee was not to put anything in her file and that Supervisor Mott had made a motion to put a letter of discipline in her file but after discussion the motion was rescinded.

Supervisor Sorensen asked it be noted that apologies for the profanity were rendered and accepted and that departments are now working to have proximity cards issued for volunteers to have access.

PUBLIC COMMENT:

Karl Fate – inquired if Tammy Walters is a union member and stated if she was she probably would have the representation at those meetings that she needed and then all this probably would have not gotten to this point.

Supervisor Mott stated that none of this should have ever got to the point of an Evidentiary Hearing. There needs to be a review of the charges by the entire County Board in closed session when a Committee/s bring charges against a department head. The purpose would be to prevent the event that we just went through and demonstrate there is support for the level of seriousness of the charges. This needs to be done in a way that does not legally prejudice the quasi-jury status that the County Board has.

MOTION SECOND: **Mott/Young** to charge our Corporate Counsel and LRES with the responsibility of reviewing the process and try to arrive at a new process which allows County Board review before going to an evidentiary hearing stage.

Corporation Counsel, Brian Desmond stated he does have due process concerns with Supervisor Mott's motion. Under State Statutes, verified charges can be filed by any resident tax payer. So there may come a time when someone files verified charges against an appointed official and we would not know why these charges were filed and the background of said charges. He said he did not know if it was legally advisable for the County to enact a policy allowing the Board to review verified charges before they are filed.

It was questioned if the person who files charges can also be the one who does the investigation. Per Mr. Desmond, you would have to have someone with the knowledge of why the charges or allegations were true to sign the allegation paper.

Supervisor Mott agreed to withdraw the motion. Chairman Hintz accepted the withdrawal and stated the motion would have been ruled out of order if not withdrawn.

More discussion took place but started to trail off the subject. Chairman Hintz stated the discussion is not on today's County Board Agenda and is out of order.

PUBLIC COMMENT:

Virginia Bowman - Tammy Walters' mother, asked a question of Mr. Desmond, following up his comment that these verified charges were brought up by a private citizen as Ms. Charbarneau signed the charges with no title and swore under oath she was a taxpayer. Questioned is why Oneida County hired a private lawyer for her, a citizen, when Ms. Walters had to hire and pay for her own lawyer. The taxpayers paid for the lawyer for Ms. Charbarneau," why"?

Corporation Counsel, Brian Desmond stated that the lawyer was hired by Oneida County's insurance provider and given the nature of the proceedings, the insurance provider felt that it was important to have that attorney," Desmond said. "That attorney did not represent Ms. Charbarneau in any personal capacity. She was hired to represent Oneida County and make sure that Oneida County's interests were protected in this matter should any further action come after that evidentiary hearing, such as any type of employment lawsuit as a result of that action."

NEXT MEETING DATE AND TIME: March 17, 2015 @ 9:30 a.m.
(unless a motion is made to change the starting time).

Items for March 17, 2015 Agenda: Kwik Trip presentation.

ADJOURNMENT:

MOTION/SECOND: **Rudolph/Jensen** to Adjourn at 11:13 a.m. All "aye" on voice vote, motion carries.

DRAFT