

**Oneida County Board of Supervisors
Regular Meeting January 15th 2008**

Vice Chairman Ted 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, followed by the Pledge of Allegiance.

Members present: Supervisors Gary Baier, Ted Cushing, Paul Dean, Franklin H. Greb, Larry Greschner, Doug Hall, Guy Hansen, John Hoffman, Scott Holewinski, Jack Martinson, Matt Matteson, Bob Metropulos, David O'Melia, Wilbur Petroskey, Tom Rudolph, Jim Sharon, Romelle Vandervest, Charles Wickman, Peter Wolk and John R. Young.

Members absent/excused – Andrew Smith – excused.

Others present: Robert Bruso, County Clerk, Mary Bartelt, Deputy County Clerk, Brian Desmond, Corporation Counsel and John Potters, County Coordinator. Teens Active in Government: Keri Kerns, Samantha Stelmack (absent), Eric Klemm (absent). (Complete sign-in sheet is part of Clerk's official file)

Announcements: Vice Chairman Cushing asked all Supervisors to recognize and welcome Mr. John Potters, County Coordinator, to the Oneida County Board meeting. Vice Chairman Cushing reminded Supervisors to use their microphones when addressing the floor and those addressing the Board to sign the attendance form at podium. The Finance Department requests County Board members to turn in per diem vouchers to the Finance Department as soon as possible after year end.

Accept late resolutions and ordinances for placement on the agenda.

Motion/second Hoffman/Hansen to accept Late Resolution #3-2008 offered by Supervisors of the Labor Relations and Employee Services Committee regarding Deputy Association Contract Agreement for the year 2008 and place on the amended agenda. All "ayes" on voice vote.

Approval of the December 11th 2007 meeting minutes.

Motion/second Hansen/Vandervest to approve the ~~November 13th 2007~~ **December 11th 2007** meeting minutes. All "ayes" on voice vote.

Supervisor Tom Rudolph pointed out that the word "contributed" located on page 2, last line of the first paragraph, should be "attributed." "Also, on the third line of the next paragraph, it says, "The clean indoor air program educates the dangers of second hand smoke." "I think it should read, "The clean indoor air program educates the public about the dangers."

Motion/second Rudolph/Hoffman to change the wording "contributed" to "attributed" at the last line of the first paragraph on page 2 and at the third line of the next paragraph, will insert the words "the public about" after the sentence, "The clean indoor air program educates

**17 aye 3 nay (Baier, Martinson, O'Melia) 1 absent (Smith) 0 abstain.
1 aye, Student Representative (Kerns) 0 nay 2 absent (Klemm, Stelmack).**

Motion/second Wolk/Matteson to approve minutes as amended, and/or corrected.

**18 aye 2 nay (Baier, O'Melia) 1 absent (Smith) 0 abstain.
1 aye, Student Representative (Kerns) 0 nay 2 absent (Klemm, Stelmack).**

Presentation of petitions and other communications

- **Lumberjack Resource Conservation and Development Update. Presented by Kim Goerg, Lumberjack RC & D Coordinator and Paul Mueller, Forest Inventory Analysis Project Supervisor.**

Mr. Goerg stated that the Lumberjack Resource Conservation and Development Council is tax exempt, a § 501 (c)(3) non-profit organization and with State of Wisconsin charitable status designation.

LRC & D was established in 1968. Oneida County has been a member of the Lumberjack Resource Conservation and Development program since 1968. The Lumberjacks newly revised mission is to enhance the area of Natural Resources, promote a higher standard of living, improve the quality of life and strives to prosper partnerships between the private and public sectors for the benefit of area citizens. The Lumberjack RC& D includes all of Florence, Forest, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Shawano and Vilas Counties. Oneida County, as a sponsor of LRC&D pays \$200.00 as an annual fee.

Mr. Goerg stated that Supervisor Tom Rudolph has been an indispensable member of Lumberjack RC&D and has served as Treasurer of LRC & D for the past five years and has played an instrumental role in revitalizing the council's operation. Supervisor Wilbur Petroskey has been on the Forestry Committee for the past four years and his committee typically oversees the greatest number of projects and also has the largest budgets within the council projects.

The Council has four standing committees: Energy Committee, Finance/Contracting Committee, Forestry Committee, Personnel/Special Events Committee and the Recreation/Tourism Committee. The Lumberjack RC&D Council meets quarterly.

In 2007 the Council completed 8 projects and the budget for these projects was \$693,000.00. In 2008 the budget for the 2008 plan of work is approximately \$845,000.00. (80 to 85% of the \$845,000.00 comes from government entities)

Mr. Paul Mueller, Supervisor for the Forest Inventory Analysis Projects discussed the two main projects which are under the Forest Inventory Analysis and under his supervision. One is called Forest Inventory and Analysis (See Green Pamphlet in County Clerk's office under County Board minutes) The FIA (Forest Inventory Analysis Program) is a national program of the USDA Forest Service that conducts and maintains comprehensive inventories of the forest resources in the United States.

The other main project is called the Continuous Wisconsin Forest Inventory. This project takes place only on state forest land.

- **GHT Wellness DVD**

Supervisor John R. Young gave a brief explanation of the GHT Wellness Program which started in 1991 by a group of counties and WCA (Wisconsin Counties Association). Approximately \$240,000.00 has been set aside for wellness programs for Oneida County.

A portion of the GHT Wellness Program DVD video was played for the County Board. The object of GHT having a video like this is to educate people on the importance of keeping healthy. This in turn, will keep health insurance premiums down. There are twelve members on the Board of Directors from twelve counties and these members meet five times a year. So far Oneida County has been reimbursed \$22,725.00 from GHT for monies spent by Oneida County for Health Enhancement.

Special reports - NONE

Appointments and Elections - NONE

Unfinished business - NONE

Consideration of Resolutions and Ordinances

Postponed Resolution #5-2007/Ordinance Amendment #08-2006 – offered by Supervisors of the Planning and Zoning Committee regarding amendment to the Zoning and Shoreland Protection Ordinance - Section 9.55, Adult Oriented Business Establishment Ordinance.

Karl Jennrich, Zoning Director, respectively requested a motion be made to withdraw Resolution #5-2007/Ordinance Amendment #08-2006. Currently the Planning and Zoning Committee is working on amendments to the Adult Oriented Business Establishment Ordinance and also looking at revisions to Section 9.50 and 9.99 in the zoning ordinance, which regulates legal pre-existing businesses.

Motion/second Greb/Vandervest to withdraw Postponed Resolution #5-2007/Ordinance Amendment #08-2006 offered by Supervisors of the Planning and Zoning Committee regarding amendment to the Zoning and Shoreland Protection Ordinance – Section 9.55, Adult Oriented Business Establishment Ordinance from the agenda until the Planning and Zoning Committee is prepared to bring it back in its finalized form.

Roll Call Vote: 20 aye 0 nay 1 absent (Smith) 0 abstain.

Student Representatives: 1 aye 0 nay 2 absent (Klemm, Stelmack) 0 abstain.

Resolution #1 – 2008 offered by Supervisors of the Planning & Zoning Committee regarding amending the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map – Town of Minocqua.

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

WHEREAS, the Planning & Zoning Committee, having considered Petition #15-2007, (copy attached) which was filed September 7, 2007, to amend the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map, and having given notice thereof as provided by law and having held a public hearing thereon December 5, 2007 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

PART A: To rezone from District 1-A Forestry to District #2 Single Family Residential for property described as all that property lying west of Scotchman Lake Road located in the North ½ of the NE SE, Section 23, T39N, R5E Town of Minocqua. Said property is identified in Foltz and Associates Map attached to Document #657014 of the Oneida County Register of Deeds Office.

PART B: To rezone from District 1-A Forestry to District #15 Rural Residential for lands lying south and east of Scotchman Lake Road located in the North ½ of the NE SE, Section 23, T39N, R5E, Town of Minocqua. Said property is identified in Foltz and Associates Map attached to Document #657014 of the Oneida County Register of Deeds Office.

And being duly advised of the wishes of the people in the area affected as follows:

The Town of Minocqua approved the request in writing (copy attached). Adjoining and all affected landowners were provided with a written notice of the change and no one objected to this request. The Planning & Zoning Committee has reviewed the general standards as specified in Section 9.86F of the Oneida County Zoning & Shoreland Protection Ordinance and concluded that the standards have been met. The Planning & Zoning Committee recommends passage.

NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAINS AS FOLLOWS: Petition #15-2007:

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby repealed as far as any conflict exists.

Section 2: The 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 the ordinance shall not be affected thereby.

Section 4: Rezone Petition # 15-2007 is hereby adopted amending the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map, by changing the zoning district classification as follows:

PART A: To rezone from District 1-A Forestry to District #2 Single Family Residential for property described as all that property lying west of Scotchman Lake Road located in the North ½ of the NE SE, Section 23, T39N, R5E Town of Minocqua. Said property is identified in Foltz and Associates Map attached to Document #657014 of the Oneida County Register of Deeds Office.

PART B: To rezone from District 1-A Forestry to District #15 Rural Residential for lands lying south and east of Scotchman Lake Road located in the North ½ of the NE SE, Section 23, T39N, R5E, Town of Minocqua. Said property is identified in Foltz and Associates Map attached to Document #657014 of the Oneida County Register of Deeds Office.

The County Clerk shall, within seven (7) days after adoption of Rezone Petition #15-2007 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Minocqua Town Clerk.

Approved by the Planning and Zoning Committee this 2nd day January of 2008.

Offered and passage moved by Supervisors Bob Metropulos, Ted Cushing, Larry Greschner, Frank H. Greb and Scott Holewinski.

Roll call: 20 ayes 0 nay 1 absent (Smith) 0 abstain.

Student Representatives: 1 ayes 0 nay 2 absent (Klemm, Stelmack) 0 abstain.

Resolution #2-2008 offered by Supervisors of the Planning & Zoning Committee regarding amending the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map – Town of Nokomis.

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

WHEREAS, the Planning & Zoning Committee, having considered Petition #20-2007, (copy attached) which was filed October 22, 2007, to amend the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map, and having given notice thereof as provided by law and having held a public hearing thereon December 19, 2007 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

To rezone all of the NE NE and all of the NW NE, Section 32, T36N, R6E, PIN#NO 485 and NO 486 from District #1-A Forestry to District #4 Residential and Farming.

And being duly advised of the wishes of the people in the area affected as follows:

The petitioner recently purchased this property. His intentions are to subdivide this property into several larger size lots for year round residential purposes and allow for the raising of animals. The current zoning district only allows for seasonal use.

The Town of Nokomis approved the request in writing (copy attached). Adjoining and all affected landowners were provided with a written notice of the change and one person objected to this request. The Planning & Zoning Committee has reviewed the general standards as specified in Section 9.86F of the Oneida County Zoning & Shoreland Protection Ordinance and concluded that the standards have been met. The Planning & Zoning Committee recommends passage.

NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAINS AS FOLLOWS: Petition #20-2007:

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby repealed as far as any conflict exists.

Section 2: The 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 the ordinance shall not be affected thereby.

Section 4: Rezone Petition #20-2007 is hereby adopted amending the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map, by changing the zoning district classification from District #1-A Forestry to District #4 Residential Farming on property described as follows:

All of the NE NE and all of the NW NE, Section 32, T36N, R6E, PIN# NO 485 and NO 486.

The County Clerk shall, within seven (7) days after adoption of Rezone Petition #20-2007 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Nokomis Town Clerk.

Approved by the Planning and Zoning Committee this 2nd day of January, 2008.

Offered and passage moved by Supervisors Bob Metropulos, Ted Cushing, Larry Greschner, Frank H. Greb and Scott Holewinski.

Roll call: 20 ayes 0 nays 1 absent (Smith) 0 abstain.

Student Representatives: 1 aye 0 nay 2 absent (Klemm, Stelmack) 0 abstain.

Late Resolution #3-2008 offered by Supervisors of the Labor Relations and Employee Services Committee regarding Deputy Association Contract Agreement for the year 2008. Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Labor Relations and Employee Services committee (hereinafter, "Committee"), Attorney John Prentice, Interim County Coordinator and Employee Services Manager have met on several occasions with representatives of the Oneida County Deputy Sheriff's Association employees bargaining unit represented by the Law Enforcement Employee Relations Division of the Wisconsin Professional Police Association (hereinafter, "Association");and

WHEREAS, the Committee and the Association have reached a tentative agreement concerning the contract for calendar year 2008; and

WHEREAS, the principal changes, modifications and improvements to the contract, set forth below, have been recommended by the Committee; and

WHEREAS, the Oneida County Board of Supervisors have reviewed the proposed changes for the purposes of ratification of the agreement between the Committee and the Association.

NOW, THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors does hereby ratify and approve the contract agreement referred to above for calendar year 2008 as negotiated between the Committee and the Association, and

BE IT FURTHER RESOLVED by the Oneida County Board of Supervisors that the County budget for fiscal year 2008 shall be amended to meet the projected costs as set forth in the fiscal impact statement, which is attached hereto and made a part hereof, with monies to come from the Contingency Fund, and

BE IT FURTHER RESOLVED, The Association's contract for the year of 2008 shall incorporate the following principal changes, modifications and improvements:

- Deputy Association wage schedule shall increase by 3.0%, effective January 1, 2008.
- ARTICLE VII – SALARIES

- a. Section 7.01 – Wages: ~~Effective January 4, 2003,~~ The hourly wage/annual salary for the classification of work covered by this Agreement shall be as prescribed in Appendix “A”. ~~Protective Classifications~~ The base hourly workweek is 37.5 hours per week for 7/7 employees. For all other ~~classifications~~ employees the base hourly workweek shall be 40 hours per week.
- b. Section 7.07 – Hold-Over Pay: When an employee is required to work greater than one (1) hour beyond their normal scheduled hours of work due to minimum manpower requirements, they shall receive hold-over pay of two (2) hours straight time, plus pay for actual time worked. This section shall not apply if the employee is given notice on the previous day worked or with a twenty-four (24) hour notice.
- c. Section 7.08 – Special Activity Compensation: Special Activities for the purposes of this section shall include all time spent training (excluding out of county travel time to attend training), or performing duties associated with the following special activities:
~~Drug Abuse Resistance Education, Field Training Officer, Special Response Team, Bomb Squad, Dive Team, Crime Prevention Officer, and Certified Tactical Instructors (e.g., Firearms, Defense and Arrest Tactics, Vehicle Contact, Professional Communication, and Emergency Vehicle Operations Course).~~ Employees performing Special Activities shall earn one (1) hour of pay, for each five (5) hours cumulative, worked in such activity(s).

- ARTICLE VIII – HOURS OF WORK

- d. Section 8.01 – Hours of Work: ~~Excluding 7/7 employees and Telecommunicators,~~ the normal scheduled workday shall be eight (8) hours. The normal scheduled workweek shall be prepared by the Sheriff and posted in advance. The normal scheduled workweek shall be so established as to provide for regular work schedules, which will permit the employees to obtain the hours per day and hours per week necessary to provide for a normal scheduled workday of eight (8) hours and a normal scheduled workweek of forty (40) hours. ~~Telecommunicators will work a 4/3 schedule. The normal scheduled workday for Telecommunicators shall be ten (10) hours. These e~~Employees shall report for duty 15 minutes prior to the regular shift for muster and assignments and shall be compensated at the regular shift rate for this time.

~~All protective classifications, excluding those employees working a 7/7 schedule, will be scheduled to work for eight (8) hours per day and will take a ½ hour unpaid downtime, which shall be mutually scheduled between the employee and management, during that eight hour schedule.~~

Patrol Officer and Patrol Sergeants working a 7/7 schedule: The normal scheduled workday shall be ten and one-half (10 ½) hours. The Patrol Division will work non-rotating shifts. Each Patrol Officer and Patrol Sergeant will be assigned, by Management to the next years Annual Work Schedule no later than December 15th immediately preceding the January 1st implementation date of the Annual Work Schedule, in accordance with article 22 20, section 22 20.01 of the labor agreement. The annual schedule for each Patrol Officer and Patrol Sergeant shall be identified in two components, base hours and work hours. Paid Time Off shall be used to make up the difference between the work schedule and base scheduled hours. Surplus hours shall be placed in the employee's PTO bank. ~~The employee will be allowed to schedule their deficit hours by January 30th of the current scheduled year. Conflicts in scheduling deficit hours shall be controlled by department seniority. Any hours not scheduled by January 30th shall be scheduled by Management.~~

e. Section 8.02 – Shift Schedule: The Correction Officer and Lead Correction Officer
~~Shifts are to be scheduled in the following manner: First shift from 7:00 a.m. to 3:00 p.m.
Second shift from 3:00 p.m. to 11:00 p.m.
Third shift from 11:00 p.m. to 7:00 a.m.~~

~~The shifts are to be scheduled in the following manner for Patrol Officers and Patrol Sergeants working a 7/7 schedule:~~

The shifts for Patrol Officers are shall be:
First shift from 6:00 a.m. to 4:30 p.m.
X-Shift from 9:00 a.m. to 7:30 p.m.
Second shift from 4:30 p.m. to 3:00 a.m.
Third shift from 7:30 p.m. to 6:00 a.m.
Court Services Officer 7:30 a.m. to 6 p.m.

The shifts for Patrol Sergeants shall be:
First shift from 6:00 a.m. to 4:30 p.m.
Second shift from 4:30 p.m. to 3:00 a.m.

Patrol Officers and Sergeants working other than the 7/7 schedule shall be:
8:00 a.m. to 4:00 p.m.

The shifts for Telecommunicators shall be:
~~First shift from 7:00 a.m. to 5:00 p.m.
X shift from 11:00 a.m. to 9:00 p.m.
Second shift from 5:00 p.m. to 3:00 a.m.
Third shift from 9:00 p.m. to 7:00 a.m.~~

f. Section 8.03 – Night Differential: Night differential will be paid as follows:
~~Second shift, For time worked between 3 p.m. to 11 pm. \$.20 per hour
Third shift, For time worked between 11 p.m. to 7 a.m. \$.40 per hour~~
If there is a split shift, the shift other than provided in Section 8.02, the differential is to be computed on a per hour basis.

- ARTICLE X – PAID TIME OFF

10.06 – PAYOUT: Upon termination, for any reason, the employee shall be paid the total amount of Paid Time Off in the employee's bank, not to exceed 1,000 hours, at the rate of pay of the employee at the time of termination, subject to the borrowing rules. Annually, during the 1st full pay period in December, Deputy Association Employees with a minimum of 500 hours in their PTO banks, subject to the last sentence of this section, may notify the LRES Office of their election to convert their banked PTO hours which exceed 250 hours to payment, at the employee's hourly rate of pay at the time of payment, except employees that are eligible to retire in the next year, according to Article 12, Section 12.02 of the Labor Agreement, may convert all earned PTO hours to payment. The employee will receive the PTO payout on the next payday in December. The minimum amount of hours required to be in an employee's PTO bank in order to be eligible to participate in the payout may be increased above 500 hours by the LRES Office no later than November 1st each year, to avoid such payment being considered as earnings by the Employee Trust Fund.

The only exceptions to the 1,000 hour maximum payout are in the event of death or a duty disability determination of an active county employee. The 1,000 hour maximum can be exceeded to include the earned PTO, pro-rated, from the employee's last anniversary date to the

date of death, or date of termination due to duty disability, subject to reduction according to the borrowing rules.

- ARTICLE IX – OVERTIME

Section 9.05 – Compensatory Time: Any employee may elect to take compensatory time off in lieu of cash at the rate of one and one-half (1-1/2) hours of compensatory time for every one (1) hour of overtime, in accordance with the following:

During a “Comp Time year”, employees may earn and bank an unlimited amount of comp time. A “Comp Time year” shall be November 1st through October 31st. During a “Comp Time year”, employees may take off an unlimited amount of comp time with the written approval by Sheriff Department management.

A. The first seventy five (75) hours taken off in the comp year shall be treated as agreed upon in the Consent Award, Case 127, No. 55044, MA-9876.

B. Beginning with the 76th hour of comp time in a comp year, the use of comp time shall not create overtime; however, this shall not preclude an employee from supplementing their time off request with PTO.

C. Beginning with the 76th hour of comp time in a comp year, Sheriff Department Management will evaluate each situation and will approve or deny the request as they deem appropriate.

Employees may carry over a maximum of 75 hours from comp time year to comp time year. Comp time not carried over shall be paid out to the employee on the first paycheck in December or at the employee’s direction and where legally permitted, rolled into the employee’s deferred compensation plan or ETF account. Comp time shall have no bearing on the current procedures regarding request, use or approval of PTO.

Approved by the Labor Relations and Employee Services Committee this 9th day of January 2008.

Offered and passage moved by Supervisors John R. Young, Ted Cushing, Paul Dean, Scott Holewinski and Charles Wickman.

**ONEIDA COUNTY
FISCAL IMPACT
PROTECTIVE UNION**

AMENDED

2008 Increase		Percentage Increase
3% Across the board wages	44,947	3.0%
Change from 1950 hrs per year to 2080-10 employees	32,588	2.2%
Special Activity Pay-estimated	7,500	0.5%
Hold-over pay-estimated	<u>23,000</u>	<u>1.6%</u>
	108,035	7.3%
Social Security	8,265	7.3%
Retirement-er	11,992	7.3%
Retirement-ee	5,510	7.3%
Workers Comp	2,128	7.3%

Income Continuation Ins

270
136,200

7.3%

Motion/second Hansen/Matteson to waive the reading of Late Resolution #3-2008. All “ayes’ on voice vote.

Roll call: 20 ayes 0 nays 1 absent (Smith) 0 abstain.

Student Representatives: 1 aye 0 nay 2 absent (Klemm, Stelmack) 0 abstain.

Other business - None

Discuss/act - County Treasurer Declaration of unlawful tax, §74.33-74.35, Wis. Stats. – None

Adjournment

Motion/second O’Melia/Hoffman to adjourn at 10:42 a.m. All “ayes” on voice vote.