

NOTICE OF MEETING

COMMITTEE: PLANNING & DEVELOPMENT
DATE: FEBRUARY 19, 2014
PLACE: ONEIDA COUNTY COURTHOUSE – COMMITTEE ROOM #2
TIME: 1:00 P.M. REGULAR MEETING
2:00 P.M. PUBLIC HEARING

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

1. Call to order.
2. Approve the agenda.
3. Approve meeting minutes of February 5, 2014.
4. Public comments.
5. Vilas County Zoning Director to give presentation on the Vilas County Shoreland Ordinance specific emphasis on Impervious Surfaces.
6. Alternative forms to solicit public input. Staff will discuss other options to solicit public input beyond a notice in the paper and direct mailing. Staff will be seeking direction from the Committee on how to proceed.
7. Ordinance Amendment #4-2013, Section 9.98, Piers, Other Berth Structures, Shoreland Bulk Requirements.
8. Ordinance Amendment #5-2013, Section 9.99, Shoreland Uses and Structures.
9. Ordinance Amendment #6-2013, Section 9.94, Boathouses.
10. Service awards for Denise Hoppe and Nadine Wilson.
11. Secretary III vacancy.
12. Line item transfers, purchase orders and bills.
13. Refunds.
14. Approve future meeting dates: March 5 and March 19, 2014.
15. Public comments.
16. Future agenda items.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

17. **Conditional Use Permit application** of Tomahawk Log & Country Homes, owner; and Mike Korpela of Carpet City, purchaser to construct an 8,000 sq. ft. carpet and flooring store at the corner of Hwy D, Numa Road and Hwy 51 North legally described as Lot 16 of Snowmobile Run and Lots 17 and 18 of Sisolak Lots, Section 14, T38N, R6E, PIN HA 987, Town of Hazelhurst.

18. **Ordinance Amendment #1-2014** authored by the Oneida County Planning and Development Committee to amend Chapter 22, the Oneida County Nonmetallic Mining Reclamation Ordinance, of the General Code of Oneida County. A summary of the changes are as follows: Additions noted by underline and deletions noted by ~~strikethrough~~.

Sections 22.01 – 22.05 remain unchanged.

Section 22.06 (1) FINANCIAL ASSURANCE REQUIREMENTS. (Am. #51-2002; Am. #23-2006). All operators of nonmetallic mining sites in Oneida County shall prepare and submit a proof of financial assurance of successful reclamation that meets the requirements of §135.40, Wis. Adm. Code. Bonding or escrow account requirements for reclamation financial assurances shall be ~~\$1,000.00 per acre for sites with sufficient topsoil on site and \$4,000.00 per acre for sites with no topsoil on site. For sites with less than sufficient topsoil reserves available, a pro-rated level of financial assurance, as determined by the County, shall be required.~~ equal as closely as possible the cost to Oneida County of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurances shall be reviewed periodically by Oneida County to assure it equals outstanding reclamation costs.

Sections 22.07 – 22.09 remain unchanged.

Section 22.10 (2) PROCEDURES. The operator of a nonmetallic mining site requesting an alternate requirement in subsection (1) shall demonstrate all the criteria in §NR 135.26(1), Wis. Adm. Code. This shall be submitted in writing to the Oneida County Planning and Zoning Administrator. Only the Oneida County Planning and ~~Zoning~~ Development Committee shall have authority to grant approvals of such requests by majority vote using the criteria set forth in §NR 135.26(1), Wis. Adm. Code. The decision of the Committee will be appealable to the Board of Adjustment. Such appeal must be made within 30 days of receipt of the Committee's decision.

Section 22.11 – 22.13 remain unchanged.

Section 22.14 (2) AT THE OPERATOR'S OPTION. If operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to the Oneida County ~~Solid Waste~~ Planning and Zoning Department. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

Section 22.15 (2) PROCEDURES (AM. #54.2007). If Oneida County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in ~~§22.16(5)~~ DNR 135.25 it may issue a special order suspending or revoking such permit as set forth in §22.22 (3).

(3)CONSEQUENCES. The consequences of ~~an a~~ a reclamation permit suspension or revocation order under subsection (2) shall be as set forth in §NR 135.25(2) and (3), Wis. Adm. Code.

Section 22.16 remains unchanged.

Section 22.17 PLAN REVIEW FEES.

(1) AMOUNT AND APPLICABILITY.

1st paragraph remains unchanged.

2nd paragraph changes as follows:

Any operator starting a nonmetallic mine after August 1, 2001, will be required to have an approved nonmetallic mine reclamation plan, to include proof of financial assurance, in place prior to beginning operation. ~~Fees will be assessed as follows:~~

~~1-5 acres: \$600~~

~~6-15 acres: \$750~~

~~Greater than 15 acres: \$900~~

Fees will be periodically designated by the County Board to equal as closely as possible the County's cost for review of reclamation plans.

Section 22.18 (5) Annual nonmetallic mine permit fees are will be periodically designated by the County Board to equal as closely as possible the County's cost to administer Chapter 22, Non-Metallic Mining Reclamation.

~~Inactive mines \$30~~

~~4-5 acres: \$100~~

~~6-15 acres: \$250~~

~~Greater than 15 acres: \$500~~

Sections 22.19 – 22.22 remain unchanged.

19. Adjourn.

NOTICE OF POSTING

TIME: 2:00 PM DATE: FEBRUARY 13, 2014 PLACE: COURTHOUSE BULLETIN BOARD

SCOTT HOLEWINSKI, COMMITTEE CHAIRMAN

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

NEWS MEDIA NOTIFIED VIA E-MAIL:

Northwoods River News	Date: 02/13/2014	Time: Approx. 2:30 p.m.
Lakeland Times	Date: “	Time: “
Buyer's Guide/Our Town	Date: “	Time: “
WXPR Public Radio	Date: “	Time: “
WERL/WRJO Radio	Date: “	Time: “

NEWS MEDIA NOTIFIED VIA FAX:

WHDG Radio Station	Date: 02/13/2014	Time: Approx. 2:30 p.m.
WJFW-TV 12	Date: “	Time: “
Vilas County News	Date: “	Time: “
Tomahawk Leader	Date: “	Time: “
WLSL	Date: “	Time: “

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Mary Bartelt at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

MANNER OF NOTICE:

Date, time, place and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to apprise members of the public and news media.

TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is good cause that such notice is impossible or impractical.
3. Separate notice for each meeting of the governmental body must be given.

EXEMPTIONS FOR COMMITTEES & SUBUNITS

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Concerning a case which was the subject of Judicial or quasi-judicial trial before this governmental body Sec. 19.85(1) (a)
2. Considering dismissal, demotion or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
6. Considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f), except where paragraph 2 applies.
7. 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. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT

CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.

3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.
4. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.
5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open session.

BALLOTS, VOTES AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

Prepared by Oneida County Corporation Counsel Office - 5/16/96