

ONEIDA COUNTY PLANNING & ZONING
September 7, 2011
12:30 Closed Session
1:00 PM – Regular Meeting
Committee Room #2- Oneida County Courthouse
Rhineland WI 54501

Members present: Scott Holewinski
Gary Baier
Billy Fried
Mike Timmons
Dave Hintz

Department staff present: Karl Jennrich, Zoning Director
Nadine Wilson, Land Use Specialist
Lila Dumar, Secretary III

Other County Staff: Brian Desmond, Corporation Counsel

Guests: Edward Wendt
Pete Schau
Timothy Clark
James Kroeger
Beth Kroeger

Scott Holewinski, Chairman, called the meeting to order at 12:30 p.m. in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted. All members are present.

Approve the agenda.

Motion by Dave Hintz, second by Mike Timmons, to approve the agenda. With all members present voting “aye”, the motion carried.

It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, 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. A roll call vote will be taken to go into closed session.

a. Pier violation in the Town of Minocqua.

12:31 pm - Motion by Billy Fried, second by Mike Timmons, to go into closed session. Roll call vote: Scott Holewinski: “aye”, Gary Baier “aye”, Mike Timmons “aye”, Billy Fried “aye”, Dave Hintz “aye.” The motion carried.

A roll call vote will be taken to return to open session.

1:00 pm – Motion by Mike Timmons, second by Dave Hintz, to go into open session. Roll call vote: Scott Holewinski: “aye”, Gary Baier “aye”, Mike Timmons “aye”, Billy Fried “aye”, Dave Hintz “aye”.

Chairman Holewinski stated that while in closed session, the Committee discussed a pier violation in the Town of Minocqua. There was no action taken while in closed session.

Public Comment.

None.

Approve meeting minutes of June 29, 2011.

Motion by Billy Fried, second by Mike Timmons, to approve the meeting minutes of June 29, 2011 as presented. With all members voting “aye” the motion carried.

Second Addendum to the Fryday’s Northwoods Condominiums being part of Gov’t Lot 4, Section 15, T37N, R7E, for an expansion of Unit 4, PIN CA 1551, Town of Cassian.

Nadine Wilson, Land Use Specialist, reviewed the 2nd Addendum of Fryday’s Northwoods Condominiums in the Town of Cassian. Ms. Wilson stated that the addendum will allow an expansion to Unit #4 and a 1-car garage. The Town of Cassian has approved the request.

Ms. Wilson recommended approval subject to:

1. Statement on Plat: “Approval of zoning permits is not implied nor guaranteed with approval of this condominium plat. Zoning permits may be required for any improvements, expansions, and/or additions and shall comply with the current Oneida County Zoning and Shoreland Protection Ordinance.”
2. Zoning Permit applied for and approved, prior to construction.

Motion by Dave Hintz, second by Mike Timmons, for approval of the 2nd Addendum of Fryday’s Northwoods Condominiums, subject to staff recommendations and Town concerns, if any. With all members voting “aye” the motion carried.

Section 9.54 M, Communication Structures, charges for Co-location.

Peter Schau, Verizon Wireless, is present. Brian Desmond, Corporation Counsel, is present. Karl Jennrich, Zoning Director, stated that this was discussed previously by the Committee on August 17, 2011. Mr. Jennrich explained that Section 9.54 M - Communication Structures regulate charges for co-location to control the number of cellular towers. This section states as follows:

The holder of a CUP under this section shall make the structures and sites available for the placement of technologically compatible communication structures, antenna arrays, and associated equipment under contractual provisions which are standard in the

industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the co-location sites and a fair return on investment.

Mr. Schau stated that Verizon Wireless has not been able to negotiate with NRG Media to co-locate 9-12 antennas on the NRG Media tower. Mr. Schau stated that it is a rental hardship because the rental rate that the landowner has quoted is 3 times higher than what Verizon Wireless has paid in the past. Mr. Schau stated that they will have to look for a different site for a new tower instead of co-location on this existing tower. Mr. Desmond stated that the County could go to the CUP holder (NRG Media) to try to resolve the issue; bring them in to review the CUP or possibly revocation of the permit.

The Committee directed staff to try to work with NRG Media and to follow up with the Committee before looking at any other options.

Conditional Use Permit #225-05 for Lakeview Landing on property described as Village of Minocqua Block 13, Lots 3, 4 and t, Gov't Lot 5, Section 14, T39N, R6E, PIN MI 3416, 1, Town of Minocqua

Edward Wendt, Lakeview Landing Condominium is present. Mr. Wendt reviewed the proposed pier configuration with the Committee. Mr. Jennrich stated that this has been discussed by the Committee on numerous occasions due to a complaint filed by a neighbor. The piers were not constructed in accordance with the CUP approval. There were 10 berthing spaces authorized and 12 berthing spaces were constructed.

The Committee reviewed the proposed configuration presented by Mr. Wendt and concluded that 10 berthing spaces should be permitted; and the configuration should be such that it does not infringe on the neighbors.

Motion by Billy Fried, second by Mike Timmons, to direct staff to work with Mr. Wendt to develop a configuration with 10 berthing spaces; and that compliance shall be gained by March 31, 2012. With all members voting "aye" the motion carried.

Conditional Use Permit Application of James Kroeger, owner to operate a firewood sale business at 2578 S. Shore Rd. legally described as part Gov't Lot 5, Section 22, T35N, R10E, PIN EN 724-7, Town of Enterprise. The Committee will be reviewing and approving the Conditional Use Permit approval letter.

Karl Jennrich, Zoning Director, stated that the Public Hearing was held on August 17, 2011 and the CUP was approved at that time. The letter of approval establishing the conditions for CUP 11-542 of James and Beth Kroeger is being reviewed today.

Mr. Jennrich read the proposed conditions from the letter:

1. The project is commenced within 3 years from date of issuance.
2. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
3. Precautions and containment shall be taken in handling of oil, gas and other fluids from equipment/tools. All materials must be properly disposed of.

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4. Hours of operation are as follows: April 1st to October 1st two (2) hours of equipment operation a day between the hours of 8am to 6pm Monday thru Friday and no Saturdays or Sundays. October 2nd to March 31st two (2) hours of equipment operation a day between the hours of 8am and 6 pm Monday thru Friday, and 8 am to noon on Saturdays, no Sundays.
 5. Area of operation to remain in location designated on site plan.
 6. Vegetative buffer along North and South side lot lines to be maintained.
 7. No burning of waste from cutting and splitting of wood.

The Committee reviewed the conditions as presented by the Zoning Director and discussed the following:

Condition #4.

- Changed wording: “limited to two (2) hours of continuous equipment (chainsaw and log splitter) operation...”
- “No holidays” was added. Holidays were defined as New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

Condition #5.

- Staff will conduct an onsite to clearly identify the area of operation.

Motion by Billy Fried, second by Mike Timmons, to approve the conditions of approval for CUP 11-542 as presented with the correction(s) discussed; and that staff will conduct an onsite to clearly identify the area of operation so there is no misunderstanding. With all members voting “aye” the motion carried.

Review and approve 2011/2012 Planning and Zoning Department budget.

Denise Hoppe, Office Manager and Karl Jennrich, Zoning Director, reviewed the proposed the 2011/2012 Planning and Zoning Department budget with the Committee. The proposed budget is part of the record of today’s meeting and attached hereto.

Motion by Mike Timmons, second by Dave Hintz, to approve the preliminary budget as presented. With all members voting “aye” the motion carried.

Planning and Zoning Department involvement with a meeting with the DNR on September 16, 2011, Portage County regarding NR 115.

Karl Jennrich, Zoning Director, stated that Oneida County and Racine County have been asked to be present at the meeting on September 16, 2011 being held by the Department of Natural Resources for NR 115 issues.

Motion by Billy Fried, second by Dave Hintz, to authorize staff to attend the September 6, 2011 meeting with the DNR. With all members voting “aye” the motion carried.

Line item transfer of \$15,000.00 for the purchase of a GPS unit.

Karl Jennrich, Zoning Director, stated that the GPS unit will be used by the Department for the non-metallic mining program. In addition, the GPS unit will be shared with the Forestry, Land Information and the Highway Departments.

Motion by Bill Fried, second by Gary Baier to approve the line item transfer of \$15,000.00 to purchase a GPS unit. With all members voting “aye” the motion carried.

Purchase orders and bills.

Purchase orders submitted for payment – \$594.48.

Bills submitted for payment - \$26, 535.03.

Motion by Dave Hintz, second by Mike Timmons to approve the purchase orders and bills submitted for payment as presented. With all members voting “aye” the motion carried.

Refunds.

Overpayment of Fees by Kurt Springob for \$30.00. Karl Jennrich, Zoning Director, recommended approval of the refund.

Motion by Mike Timmons, second by to approve the refund request of Kurt Springob. With all members voting “aye” the motion carried.

Approve future meeting dates.

The following meetings were confirmed.

September 21, 2011 – Billy Fried is excused.

October 5th – All members to be present.

October 19th – Scott Holewinski is excused.

Public comments.

None.

Future agenda items.

- Legal publication(s) of Notice of Public Hearings.
- Future changes to the zoning ordinance/NR 115

Adjourn.

3:13 pm – Motion by Mike Timmons, second by Billy Fried to adjourn the meeting. With all members voting “aye” the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director