

ONEIDA COUNTY PLANNING & ZONING
January 21, 2009
12:30 P.M. CLOSED SESSION MEETING – COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Ted Cushing
Larry Greschner
Charles Wickman
Frank Greb
(Absent: Scott Holewinski)

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Kim Gauthier, Secretary

Other County Staff: Brian Desmond, Corporation Counsel

Guests Present: Ben Loma, Bill Liebert, Don DalPonte

Call to order

Vice Chair, Frank Greb called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Greb noted the agenda has been properly posted.

Discussion/decision to approve the agenda

Motion by Ted Cushing, second by Charles Wickman 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

Motion by Ted Cushing, second by Larry Greschner to go into closed session. With all members present voting "aye", the motion carried.

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

Motion by Larry Greschner, second by Ted Cushing to enter into closed session. Roll call vote: Larry Greschner "aye", Ted Cushing "aye", Charles Wickman "aye", Frank Greb "aye". The motion carried. Scott Holewinski was absent.

Ms. Gauthier, Secretary read the motion made in closed session as follows: Motion by Larry Greschner, second by Ted Cushing directing the department to proceed with action in accordance with legal counsel on the Roger Gaber complaint. With all members present voting "aye", the motion carried.

Approve regular meeting minutes of November 5, 2008.

Motion by Larry Greschner, second by Ted Cushing to approve the November 5, 2008 minutes with the change as noted. With all members present voting “aye”, the motion carried.

Approve regular meeting minutes of November 19, 2008.

Motion by Ted Cushing, second by Charles Wickman to approve the November 19, 2008 minutes as presented. With all members present voting “aye”, the motion carried.

Three-lot re-configuration of Northern Lights Division 2, lots 27, 28 and 29, part SE NW, Section 22, T39N, R6E, Town of Minocqua.

Mr. Jennrich presented a map of the property noted (Exhibit #1). Mr. Jennrich indicated that Stewart Foltz requested this be brought to the committee to approve the attachment of lot twenty-eight to lot twenty-nine after construction of a home. Mr. Jennrich noted this is an allowed use.

Motion by Larry Greschner, second by Ted Cushing to approve the three lot re-configuration of Northern Lights Division , Town of Minocqua, agenda item number seven, as discussed. With all members present voting “aye”, the motion carried.

Section 9.50, Legal Pre-Existing Structures; 9.55, Adult Oriented Business Ordinance and 9.99, Shoreland Structures and Uses. The Committee is considering allowing the expansion of Legal Pre-existing uses.

Brian Desmond, Corporation Counsel indicated he spoke with Attorney McEldowney and he has no objections to the proposed language.

Mr. Jennrich presented draft language of Section 9.50, 9.99 and 9.55 as described (Exhibit #2). Mr. Jennrich noted the proposed language allows expansion up to 100 percent and includes all the other language Mr. DelPonte requested such as allowing liquor, contact with dancers, etc. Mr. Jennrich indicated the next step is to take this to a public hearing.

Mr. DelPonte thanked the committee for the work done on the proposed language.

Motion by Ted Cushing, second by Larry Greschner to forward Section 9.50, 9.55 and 9.99 onto a public hearing. With all members present voting “aye”, the motion carried.

Mr. Desmond noted the resolutions should be presented separate from Section 9.50, 9.55 when going to the county board.

Section 9.99 D 4 a, Shoreland Uses and Structures. The Committee is considering allowing structures that are totally torn down to be rebuilt outside their original footprint.

Mr. Jennrich commented that Tom Blake, Wisconsin DNR asked that discussion on this agenda item be postponed.

Motion by Larry Greschner, second by Ted Cushing to table this agenda item until the next regular committee meeting. With all members present voting “aye”, the motion carried.

Section 9.54, Communication Structures. The Committee will be discussing the replacement of existing cell towers.

Mr. Jennrich indicated that Jim Cheshire and Jim Weinman, Wireless Planning asked to discuss adding “drop and swap” language to the ordinance.

Jim Weinman commented that he will be proposing an ordinance revision to Section 9.50, as was presented in his August 5, 2008 memo as read. Mr. Weinman also indicated he will be proposing changes to section 9.54 that would allow for a drop and swap type situation on existing towers. Mr. Weinman asked that this be put on an agenda as soon as the request is submitted. Mr. Weinman described the tower situation on Mid Lake Road and all who will be able to access the tower once it's upgraded.

Mr. Desmond commented that his only concern is that of giving a precedent to existing towers.

Mr. Weinman commented this proposal will be tailored to all communication structures under Section 9.54 and will not set precedent. Mr. Weinman indicated he will obtain a legal recommendation from his attorney and bring information back to the committee as soon as possible.

Mr. Desmond commented that the committee must look at the affects on the county as a whole and the affect of all towers.

No action taken by the committee at this time.

Attendance to the joint Zoning and DNR meeting in Philips on March 18, 2009.

Mr. Jennrich asked to send one staff member to this one day meeting.

Motion by Larry Greschner, second by Ted Cushing to approve one zoning staff member to attend the March 18, 2009 meeting as discussed. With all members present voting “aye”, the motion carried.

Line item transfers, refunds, purchase orders and bills.

Mr. Jennrich presented bills and purchase orders in the amount of \$518.03 and \$125.28 (Exhibit #3, #4).

Motion by Ted Cushing, second by Charles Wickman to approve the bills and vouchers as presented. With all members present voting “aye”, the motion carried.

Approve future meeting dates: January 28 and February 3, 2009.

January 28, 2009 1:00 p.m. Subdivision meeting (Frank will be absent).
February 3, 2009 Tuesday meeting (Frank will be absent).
February 18, 2009.

Public comments.

Ben Loma referred to agenda item number nine, Section 9.99 and asked if this pertains to dry boathouses. Mr. Jennrich commented that this only applies to principle dwellings.

Bill Liebert commented that the intent of Section 9.99, footprint changes makes logical sense and he agrees with the proposal.

Future agenda items.

As previously discussed.

Adjourn

Time: 1:41 p.m.

Motion by Ted Cushing, second by Larry Greschner to adjourn. With all members present voting "aye", the motion carried.

Frank Greb, Vice Chair

Karl Jennrich, Zoning Director