

**Notice of Regular Meeting
Oneida County Board of Supervisors
September 17, 2013 – 9:30 a.m.
Oneida County Courthouse
County Board Meeting Room 2nd Floor**

Chairman 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 for our troops here and overseas, followed by the Pledge of Allegiance.

MEMBERS PRESENT: Supervisors: Gary Baier, Greg Berard, Ted Cushing, Billy Fried, David Hintz, Scott Holewinski, Jim Intrepidi, Bob Martini, Jack Martinson, Bob Metropulos, Bob Mott, Greg Oettinger, Sonny Paszak, Carol Pederson, Tom Rudolph, Jerry Shidell, Candy Sorensen, Jack Sorensen, Denny Thompson, Michael Timmons and Romelle Vandervest.

OF MEMBERS PRESENT: 21

SUPERVISORS EXCUSED: 0

OTHERS PRESENT: Mary Bartelt, County Clerk; Melodie Gauthier, Chief Deputy Clerk; Brian Desmond, Corporation; 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 AUGUST 20TH, 2013 REGULAR MEETING AND SEPTEMBER 3, 2013 SPECIAL MEETING.

MOTION/SECOND: Fried/Martinson to accept the minutes of the August 20th Regular Meeting and the September 3, 2013 Special Meeting.

Corrections, additions, and deletions – Rudolph – August 20, 2013 Minutes -Page 2, third paragraph from the bottom, second line the word “presents” should read “presence” and third line the word “actives” should read “activities.” Page 6, regard to the closed and open session should be a roll call vote. Roll Call Vote: on Closed and Open session - (16 Ayes, 0 Nays, 5 Absent, Vandervest, Baier, Berard, Metropulos and Oettinger). September 3, 2013, Special Meeting Page 3, under (smaller Items looked at by ITS insert the word “Electronic” before the word “roll”.

Martini – August 20, 2013 Minutes, Page 3 add the word “General” before the word “Fund” in 2012 Audit Report Presentation.

All “aye” on voice vote, motion carries on amended minutes.

REPORTS/ PRESENTATIONS: none

***PUBLIC COMMENT:**

CONSENT AGENDA:

RESOLUTION # 60-2013- offered by the Forestry, Land and Recreation Committee regarding the health, maintenance and forest management of the Chequamegon-Nicolet National Forest. (*Resolution removed and placed under Consideration of Resolutions & Ordinances*).

RESOLUTION # 61-2013 – offered by Land Records Committee regarding a quit claim deed to the town of Piehl. A parcel of land located in the Northeast ¼ of the Northwest ¼, Section 20, Township 37 north, Range 11 East, Oneida County WI.

RESOLUTION # 62-2013 - offered by Land Records Committee regarding a quit claim deed to Garth G. Mueller, Town of Cassian.

RESOLUTION # 63-2013 - offered by Land Records Committee regarding a quit claim deed to the Estate of Mark E. Wagner, C/O Law Offices SC, 8741 W National Ave, West Allis, WI. Town of Cassian.

Appointments to Committees, Commissions and Other Organizations – None

Supervisor Martini requested to move Resolution#60-2013 under the Consent Agenda Items and place it under #8. (*Consideration of Resolutions & Ordinances.*)

MOTION/SECOND: Shidell/Paszak: to accept the Consent Agenda as amended. All “aye” on voice vote, motion carries.

CONSIDERATION OF RESOLUTIONS & ORDINANCES:

TABLED - RESOLUTION # 53-2013 - GENERAL CODE OF ONEIDA COUNTY, WISCONSIN ORDINANCE AMENDMENT # 6-2013

Ordinance Amendment offered by the Planning and Development Committee

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #6-2013, (copy attached) which was filed June 20, 2013 (copy attached) 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 July 8, 2013 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, members of the public and local building contractors requested to be allowed to have flat roofed boathouses; and

WHEREAS, a flat roofed boathouse would have a more aesthetically pleasing view from both the lake and the property owners home; and

WHEREAS, with a pitched roof that is designed to handle the snow load the roof tends to cut off the view of the lake for the property owner; and

WHEREAS, the Planning and Development Committee held a public hearing and a majority of the public wanted a flat roofed boathouse; and

WHEREAS, the Planning and Development Committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

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

Section 2. This 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 this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

Ordinance Amendment # 6-2013 authored by the Planning and Development Committee to amend Section 9.94A, Boathouses, of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

Option A

Option A is not being forwarded to the Oneida County Board of Supervisors.

Option B

A. OHWM Setbacks

2. Exceptions to the 75-foot setback from the OHWM of a navigable waterbody. See Appendices C through G for illustrative purposes only. The text in this section shall be controlling and will supersede the appendices if there are any conflicting interpretations.
- d. Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:
 - (1) One boathouse is permitted in the first 100 feet of shoreline. In any additional increment of 100 feet of shoreline, a boathouse may be permitted only upon the issuance of a conditional use permit.
 - (2) The construction of a boathouse is confined to the viewing area.
 - (3) No part of any boathouse shall extend into the lake or stream beyond the OHWM.
 - (4) Any boathouse which may be permitted within the setback area shall be of one story only.
 - (5) A boathouse shall not exceed a total height of twelve (12) feet.
 - (6) A boathouse shall not be constructed on slopes 20% or greater.
 - (7) The maximum width of a boathouse parallel to the OHWM shall not exceed 20 feet. The overhang and eaves shall not exceed two feet. The maximum length of a boathouse landward and away from the OHWM shall not exceed 36 feet.
 - ~~(8) A boathouse shall have a pitched roof with a minimum pitch of 2:3 to 12.~~
 - (9) Decks, platforms, & other construction not essential for berthing of boats is prohibited.
 - (10) A boathouse shall contain no plumbing.
 - (11) A boathouse shall contain no living facilities.
 - (12) A boathouse cannot be constructed if the riparian landowner has a permanent boat shelter.
 - (13) The number of berths within a boathouse shall be subject to the provisions of section 9.98(D).
 - (14) A boathouse cannot be constructed if the riparian landowner has an existing "wet" boathouse extending over a navigable waterway.

The County Clerk shall, within seven (7) days after adoption of Rezone Petition #6-2013 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Wisconsin Department of Natural Resources.

Approved by the Planning and Development Committee this 6th day of August, 2013.
Offered and passage moved by Supervisors: Holewinski, Hintz, Baier and Timmons.

MOTION/SECOND: Holewinski/Vandervest to table the Tabled Resolution # 53-2013 to the November 12, 2013, County Board Meeting, due to changes that may be made in the Resolution.

ROLL CALL VOTE: 20 Ayes, 1 Nay – Fried, 0 Absent.

MOTION – passes.

***Public Comment on Resolution # 53-2013**

Jean Roach stated allowing flat roofs on boat houses is a vote against the economic health of the County and adding impervious surfaces within the first 75 feet of shoreline degrades the lakes. Ms Roach feels the very things that attract people to the area are the things we will destroy if we accept this resolution. The only groups that will benefit from passing this Resolution are the developers but this will be at the expense of the community. Ms Roach urges the County Board to vote “no” on Tabled Resolution #53-2013 when it comes back to the County Board in November.

RESOLUTION # 60-2013 *(removed from the consent agenda)*

Resolution offered by the Supervisors of the Forestry, Land and Recreation Committee:
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Oneida County recognizes the tremendous importance of the lands contained within the 1.6 million acres of the Chequamegon-Nicolet National Forest (CNNF) as an exceptional natural resource capable of producing a sustainable supply of timber products on an annual basis to provide forest health, economic, social, and biological benefits to Oneida County, the State of Wisconsin, as well as the Nation; and

WHEREAS, the health of the forest across the landscape has a direct effect on the sustainability of the communities in our County and across the Nation. The declining harvest on our National Forest lands has led to an array of forest health concerns. Forest health issues on National Forests often spread to adjacent lands including tribal forests, state forests, county forests and privately owned forestlands. Fire, forest pests and diseases do not adhere to ownership boundaries so reduced management on our National Forests increases forest health issues on adjacent forestland and endangers people who may live there; and

WHEREAS, declining forest health has resulted in huge costs associated with wildfire response as well as loss of value from degradation of timber quality and mortality of timber assets across our Nation; and

WHEREAS, , the science of silviculture, through proven studies, has developed management strategies which provide for maintenance of forest health, forest value and forest quality through active forest health management (including timber programs); and

WHEREAS, the United States Department of Agriculture, Forest Service has forest data available to utilize the science of silviculture to determine the amount of timber that can be harvested from a forest on an annual and sustainable basis. This amount is known as the annual allowable harvest; and

WHEREAS, the United States Department of Agriculture, Forest Service currently utilizes the term Annual Sale Quantity(ASQ) which defines harvesting levels as determined by funding and staffing availability rather than utilization of scientific forest data; and

WHEREAS, since there has been a Forest Plan on the CNNF the Forest has never sold the ASQ in the Forest Plan because of the complex analysis process the Forest Service must go through; and

WHEREAS, the CNNF has significantly reduced forest health treatments (including timber harvesting) over the past 10 years. Last year the CNNF harvested less than one half of the timber required to maintain forest health. Harvesting levels on the National Forest lands in both Softwood and Hardwood stands has been reduced significantly nationwide. For example, on the CNNF in Wisconsin with an ASQ of 131 million board feet per year, they have only averaged harvesting 58% of the ASQ. This translates to a long term impact on forest health and wildlife, reduced revenue to local communities from direct Forest Service payments and a significant reduction in raw materials needed to sustain our forest industry and local economy; and

WHEREAS, every 20,000 board feet of timber harvested provides enough raw material to sustain 1 job in our forest industry. Last year the CNNF failed to harvest 88

million board feet of timber available for harvest which could sustain 4,400 Wisconsin jobs; and

WHEREAS, Federal appropriations are a funding source that is utilized to meet forest health goals as well as other forest plan goals; and

WHEREAS, the percent of Federal appropriations utilized for active forest health management (including timber program) utilized on the CNNF is less than 30% of the total appropriations budget; and

WHEREAS, Stewardship contracting authority, as authorized in the 2008 Farm Bill is an additional funding source that can be utilized to meet forest health goals as well as other forest plan goals; and

WHEREAS, Stewardship contracting authority is due to expire in 2013; and

WHEREAS, to formally research these issues, the Oneida County Board of Supervisors facilitated the development of an AD Hoc research committee formally known as the Federal Sustainable Forest Committee (FSFC) to make recommendations as well as develop solutions. This committee is comprised of members with a unique, diverse, experienced background including forest professionals from local, county and tribal governments as well as economic, industry, trade and environmental groups; and

WHEREAS, the FSFC Committee has proposed some initial solutions to improve forest health and benefit local economies which are hereby supported by this resolution, as follows

NOW, THEREFORE, BE IT RESOLVED, that by County Board Action, Oneida County, Wisconsin request the United States House of Representatives and the United States Senate to:

1. Change United States Forest Service (USFS) policy to maximize the health of forest at the landscape level by requiring USFS harvesting levels at the annual allowable harvest as determined through silvicultural prescriptions that can be supported by scientific means; and
2. Require forest health management (including timber programs) to be the highest priority in all management areas and change USFS policy to require forest units to provide detailed plans on how forest health management (including timber programs) will be funded through appropriations and the use of Stewardship Contracting receipts. This funding plan shall prioritize spending; and
3. Change USFS appropriation percentages earmarked for forest health management (including timber programs) to be at least 60% of the budget by 2015 with the requirement to harvest at least 80% of the annual allowable harvest in each forest; and
4. Take action to extend or make permanent Stewardship Contracting Authority; and
5. Change USFS policy to shift funding for non-forest health management programs (recreation, fire, wildlife, etc.) to Stewardship Contracting receipts or user fees by 2015; and
6. Require Forest Plan revisions to meet the directives listed above

BE IT FURTHER RESOLVED, copies of this Resolution be presented to President Barack Obama, Secretary of the Department of Agriculture Tom Vilsack, Chief of the Forest Service Thomas Tidwell, U.S. Regional Forester Kathleen Atkinson, Wisconsin Senator Tammy Baldwin and Senator Ronald Johnson, Congressman Sean Duffy, Congressman Reid Ribble, Representative Dan Benishek, Senator Tom Casperson, Governor Scott Walker, each legislator in the Wisconsin Senate and Assembly who represents constituents from Oneida County, all towns in Oneida County, Wisconsin Towns Association, City of Rhinelander, Wisconsin Counties Association, Wisconsin County Forests Association, Great Lakes Timber Professionals Association, Wisconsin Economic Development Corporation and Nicolet College. We respectfully request that all entities that rely on the National Forest for recreation, commerce, employment, and energy production, approve and forward the same or similar resolution

to your representatives, to safeguard the health and productivity of the natural resources and land that we all utilize.

Offered and passage moved by Supervisors: Baier, J.Sorensen, Rudolph, Martinson and Shidell.

Supervisor Martini stated he agrees with Resolution # 60-2013 but feels there is “sloppy language” throughout it. Page 1, line 32, instead of “rather than” it should read “in addition to”. On line 79, “requirement” to harvest at least 80% of the annual allowable harvest in each forest, should be the word “goal” instead of “requirement”. Line 84, the word “require” should be removed and should read (Forest Plan revisions “should move toward the goals listed above.”) Martini suggested that the Resolution does not necessarily only refer to the Chequamegon-Nicolet National Forest.

Supervisor Shidell stated items on page 2 of the Resolution # 60-2013 does in fact refer to the Chequamegon-Nicolet National Forest and the intent of this resolution should be interpreted that it refers to the Chequamegon-Nicolet National Forest.

More discussion took place between the County Board members.

MOTION/SECOND: Martini/Vandervest to amend Resolution # 60- 2013 - line 32, instead of “rather than” it should read “in addition to”. In line 68 after the word “policy” add “with respect to the Chequamegon-Nicolet National Forest. In line 69, change the word “requiring” to “goal”. Line 84, remove the word “require” and the sentence should read (Forest Plan revision should move toward the goals listed above).

ROLL CALL VOTE ON THE AMENDMENTS: 10 Ayes, 11 Nays – Rudolph, Hintz, Shidell, Baier, Martinson, Timmons, Holewinski, Oettinger, J.Sorensen, Paszak and Cushing, 0 Absent

MOTION TO AMEND: Fails

ROLL CALL VOTE ON RESOLUTION # 60-2013: 19 Ayes, 2 Nays - Martini and Metropulos, 0 Absent.

RESOLUTION # 60-2013 - adopted

RESOLUTION # 64-2013 / REZONE PETITION # 7-2013

Ordinance Amendment offered by Supervisors of the Planning and Development Committee.

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

WHEREAS, the Planning & Development Committee, having considered Petition # 7-2013, (copy attached) which was filed July 18, 2013 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 August 6, 2013 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 from District # 02, Single Family Residential to District # 07, Business on land described as: Property A: That part of the NE NW, E of Hwy 45, Section 25, T39N, R10E (TL 291) and; Property B: All of the SE NW except the South 200 feet of Section 25, T39N, R10E, (TL 294) and: Property C: the NW NE, Section 25, T39N, R10E (TL 288), all in the Town of Three Lakes.

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

The current owner is interested in selling the property as a "commercial" property and the property has State Highway access. Properties to the North and South are currently zoned District 07, Business.

The Town of Three Lakes has approved the request (copy attached). Adjoining and all affected land owners were provided with a written notice of the changes and no one objected. The Planning and Development 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 & Development Committee recommends passage.

NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAINS AS FOLLOWS: Petition #7-2013.

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 #7-2013 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 #2, Single Family Residential to District #7, Business on property described as follows:

Property A: That part of the NE NW, E of Hwy 45, Section 25, T39N, R10E (TL 291) and; Property B: All of the SE NW except the South 200 feet of Section 25, T39N, R10E, (TL 294) and: Property C: the NW NE, Section 25, T39N, R10E (TL 288), all in the Town of Three Lakes.

The County Clerk shall, within seven (7) days after adoption of Rezone Petition #7-2013 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Three Lakes Town Clerk.

Approved by the Planning and Zoning Committee this 21st day of August, 2013.
Offered and passage moved by Supervisors: Holewinski, Hintz, Baier and Timmons.

Karl Jennrich, Planning and Zoning, added a letter dated July 23, 2013 from the Town of Three Lakes approving the Resolution and stated all neighbors have been notified of the zoning change.

ROLL CALL VOTE: 21 Ayes, 0 Nay, 0 Absent.

RESOLUTION # 64-2013 / REZONE PETITION # 7-2013 – adopted.

OTHER BUSINESS: None.

ADJOURNMENT:

MOTION/SECOND: Rudolph/Vandervest to adjourn at 10:13 a.m. All "ayes" on voice vote, motion carries.