

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
MAY 29, 2013
WOODRUFF TOWN HALL
WOODRUFF, WI 54568

Members present: Chairman, Scott Holewinski
Gary Baier
Jack Sorensen
Mike Timmons (Recused from HYMC PH)
Dave Hintz

Department staff present: Karl Jennrich, Planning & Zoning Director
Pete Wegner, Planning & Zoning Assistant Director
Kathleen Ray, Land Use Specialist
Lila Dumar, Secretary

Other county staff present: Mike Fugle, Assistant Corporation Counsel

Guests present: See Sign-in Sheet

Call to order.

Chairman Scott Holewinski called the meeting to order at 12:30 P.M., in accordance with the Wisconsin Open Meeting Law.

Discussion/decision of the agenda.

Motion by Jack Sorensen, second by Dave Hintz to approve the agenda. With all members present voting "aye", the motion carried.

Public Comments:

Man in audience stated that he believes this is the same Committee that decided it is inappropriate to keep roosters on your property in Oneida because it is too disruptive to the neighbors so he doesn't feel the Committee can even consider a helicopter in lieu of that.

Discuss Zoning Permit application by William Wright for a new detached garage with loft, 3 season porch and deck on property located at 7738 Blue Lake Island Rd. further described as Plat of Blue Lake Island Lot 32, Section 28, T39N, R6E, PIN MI 3685, Town of Minocqua.

Mr. Jennrich stated this is a garage permit in the Town of Minocqua. Staff wanted to bring it to the Committee's attention. Mr. Wegner stated this is the 2nd permit submitted. The 1st one had a 3 season porch and deck on a garage. The 2nd one was submitted without the 3 season porch and deck. Pete Wegner stated that in 2005 and 2009 staff brought similar permits to the Committee's attention. Mr. Wegner stated that there is a principal dwelling on the property and they don't have enough frontage for a 2nd dwelling. The issue is Staff is concerned that the garage will use this as a 2nd dwelling. There is no basis to deny the 2nd permit. There will be conditions that it be used for storage only. No action was taken on this item. Information only.

Mike Timmons recused himself from the Public Hearing for the Conditional Use Permit of HYMC.

The following portion of the meeting minutes are transcribed verbatim

Conditional Use Permit of Howard Young Medical Center to expand existing air transportation service to a 24/7 availability, to construct a helicopter hangar/ambulance garage with a parking pad and a 12,000 gallon fuel tank on property described as Assessor's Plat of Howard Young Medical Center Lot 1, and Larson's 1st Addition Lot 5, being part of the SW SE and Village of Woodruff Lots 3,4,5 & 6 Block 25, Section 2, T39N, R6E, 240 Maple Street (includes 301 Elm St), PIN #'s WR 1720, 1130 and 685 and 686, Town of Woodruff.

KARL JENNRICH: Mr. Chairman, before you get into it, there has been correspondence since the date of the public hearing. We had correspondence from George Zoch; and if I'm not mistaken, an email from the LaPlante's, I just put it in file and sent it to you, but it is after-the-fact.

KARL JENNRICH: We did meet on this on May 14, 2013 and the Committee delayed a decision until this meeting. and then the only other thing that I did send to you is that there is a letter in the file from Inman Consultants which we can get into because the Committee members were requested to provide questions to me to forward on to Howard Young, which I did get some questions from Baier, Holewinski and Hintz. And forwarded it on and they did respond to that. And I provided you with the document. If not, I have extra ones.

SCOTT HOLEWINSKI: We don't have to go through the responses.

SCOTT HOLEWINSKI: With that, we need to clarify a few things. Mike [Timmons] submitted last month, notice that if we approve this, you [Town of Woodruff] wanted conditions. Was that approved by the Town Board or was that a recommendation by the Town Chair?

MIKE TIMMONS: It was recommendations that evening—we did approve those conditions.

SCOTT HOLEWINSKI: At a Board meeting? Do you have a copy of that?

KARL JENNRICH: I don't believe we...

SCOTT HOLEWINSKI: I just want to see it in writing.

GERRY INMAN: I have copies that I can provide to you, if you wish.

MIKE TIMMONS: I can get the draft of the minutes of the meeting.

KARL JENNRICH: We have them, but I don't have them with me. They are part of the public record which is in Rhineland. But I did scan it and email them to Mr. Inman.

GERRY INMAN: I have the approved minutes, not the rough draft.

KARL JENNRICH: So they are a part of the record.

GERRY INMAN: I have the previous motion as well. Do you have that?

KARL JENNRICH: It's in the file somewhere.

GERRY INMAN: March 26th?

MIKE TIMMONS: These are the approved last night's minutes.

SCOTT HOLEWINSKI: Dave, did you have questions for Mike?

DAVE HINTZ: I did. Mike [Timmons], referring back to the Town of Woodruff letter, dated March 28th and part of it says "the above item was addressed at the regular Town Board meeting held on March 26, 2013; and was not approved with 4 nays and 1 aye for the following reasons. And it lists 9 reasons why the Town denied the application. Have these changed? Are they still concerns of the Town?"

MIKE TIMMONS: We haven't had much correspondence except through this Committee since then. We haven't had Laurie or Gerry address any of them.

DAVE HINTZ: So these concerns still stand.

MIKE TIMMONS: Still stand.

DAVE HINTZ: Ok. Thank you.

SCOTT HOLEWINSKI: No answers at all regarding the fuel tank? We pretty much talked about that at the public hearing, right?

MIKE TIMMONS: The only answers that we've had are what they told you. The original questions starting with the Administrative Review Permit that we turned back, there was not going to be a fuel tank and then there was going to be a fuel tank. There were no questions on it during this whole thing except for when it came back to you guys. The fuel is...the intent in stopping the whole project or getting it under control and then with no compromise on anything else, the fuel was never really a question after that.

JACK SORENSEN: The location of the fuel tank would have the hangar on one side and the berm on the other. So it would be somewhat isolated.

MIKE TIMMONS: Correct. It never came back to us.

SCOTT HOLEWINSKI: As for Howard Young Medical Center, I had a lady call, and I think it was the lady from the second site we visited during the onsite—complaining about helicopters flying out of the flight path and over by the tower. Could you explain what happened? She mentioned...

KARL JENNRICH: This is the voicemail message we have from LaPlante.

HOWARD YOUNG STAFF: Basically, over the weekend there was a busy holiday weekend. It had four flights into Howard Young. Two of those flights one on Friday and one on Sunday, were done by a competitor that we use as well. If we are tied up flying another flight, we are going to use the next closest service for that patient. Medevac out of Wausau had flown up twice over the weekend so basically, the complaint was also received by our Director. At that point in time he made contact with their Program Director. Since then, we have submitted them with draft documents—the same documents that you have in your binders, Flying

Friendly, Noise Abatement. We have not provided them with those documents yet because until we have a true clear plan of what direction we are going to go, we didn't want to have a bunch of confusion....which way is it this week that we are going to be operating? Truly, we have...the vendor that we use, Air Methods, we have good working relationship with them and we started out with them. We can work with the other programs as well. That information that we have given to you, we can put on the Wisconsin Air Medical Website that the pilots can look at and see that they are flying into Howard Young, here's where the noise sensitive area are; here's the flight paths and things. So since the Friday and Sunday fly-in with their aircraft, they have been sent the documents in draft format. I have printed off our GPS flight following of our aircraft of the two flights that our aircraft did into Howard Young this weekend and if you'd like to look at them, you can see that we stayed away from the neighborhood that is in question as well as that we used the flight paths in and out of Howard Young. So basically, if everyone is familiar with GPS, you can track exactly where the ambulances go, where the helicopters go.

SCOTT HOLEWINSKI: What if the wind had blown in a different direction, will those flight paths serve, or would they have to change their flight path?

HOWARD YOUNG STAFF : Our consultants shared with us that the majority of the time they would be able to land using the flight paths, but there will be an occasion where the wind would be different and would have to land differently. And we had one of those instances that we reviewed not long ago, in fact, where the aircraft had to land differently. One of those really brisk windy days. And the wind was blowing around and we reviewed it. I don't know if it was the Shepard's or the LaPlante's that shared it with us and it was one of those days.

SCOTT HOLEWINSKI: Any other questions for Howard Young?

JACK SORENSEN: Yes. I'm not sure for whom. Gerry Inman's very precise report left me somewhat surprised when he blew off the potential impact on property values. I was talking to a appraiser in Rhinelander who does specialty work. He indicated to me that Howard Young, some six or eight months ago, contacted him to do some work with regards to the impact on residential properties, and he declined, saying that was very special. He gave Howard Young two names of appraisers that do that kind of work. Did you do anything? Has there been any kind of appraisal work done on the effects of this heliport on adjoining properties? If so, what are the results? And if not, why not?

JOHN LUND: The first thing is, the only opinion as to value is from Adam Redman. I did contact an appraiser, there was no appraisal commission. And the reason is he didn't feel there would be any change in value unless there has been a taking. He does work for Minneapolis Airport and others. He described the situation where jets were going over a building at 30 feet, about every 30 seconds. There there is a significant taking because you can't build higher. But without a taking, he didn't see how you could come up with a value. His second point was you already have the heliport there. So how do you get a comparable that simply addresses an increase in volume. It's not something where you could simply take values next to a heliport and values away, on comparable sales. Because what you have is, in this community, something that already exists and you would be trying to say or project what would be the effect on future sales with an increase in volume. And he didn't see how he could come up with an opinion on that.

JACK SORENSEN: Who was this?

JOHN LUND: I can get you his name, I just don't remember it.

JACK SORENSEN: My concern, and this is from personal experience, dealing with the hospital in Rhinelander. It's somewhat different, but it was the way they treated their neighbors at the time. Of course, it was an expansion of the hospital itself, which eventually they stopped. But in the mean time they went to the neighbors on a couple of adjacent blocks and said they needed to buy those properties; and told those neighbors that they would have the choice of appraisers. The appraisers were brought in and told point blank by the hospital staff that any question of value was to be in favor of the property owners. They then bought the properties at 150% of appraised value. To me, it's just the way I perceive the Rhinelander Hospital and the way they treated their neighbors and how Howard Young has in my opinion just blown off the neighbors who may very well be affected in the marketability of their homes that are adjacent to the hospital property. That to me, as an appraiser, it goes to marketability for those folks. It does have an effect. I'm just a little bit disappointed in the way Howard Young has approached this from the stand point of the adjacent property owners and their home values. That's my personal reaction to the whole thing. I also have a concern with the Town Roads that are going to be arbitrarily blocked off and there again, it would seem to be that it would be the easiest thing in the world, at least for 4th Avenue to just close it down and sell it to the hospital and be done with it. And you wouldn't have any of that traffic concern there and certainly you couldthe one coming in, the same thing. Just put lights up at that intersection when the choppers are coming in. But again, that is my primary concerns and that's where I am coming from. One other thing--Corporation Counsel. I had a discussion with Corporation Counsel and he said that I should bring this up as an interest to full disclosure. Prior to one of the meetings, Trig Solberg asked if he could meet with me, and we did have a meeting. He made his presentation to me, but the presentation he gave to me was no different than what he said in his presentation when we had the big meeting. So that is in the interest of full disclosure and on the advice of Corporation Counsel.

JOHN LUND: In the instance of Rhinelander, was that an actual taking of those properties?

JACK SORENSEN: Their intent was to expand the hospital at its old location. And they went through the process of acquiring all those lands and then did more engineering studies and it would be cheaper to build brand new. In the meantime they picked off two city blocks and in some cases moved the houses out and then changed their minds and that was the end of that.

HOWARD YOUNG: It was an actual purchase of....?

JACK SORENSEN: They actually purchased two city blocks. Save one property who wasn't going to.

JOHN LUND: The difference would be that and the fact that the charity cannot give a financial benefit to somebody without getting something back. It's called private inurement.

SCOTT HOLEWINSKI: Does the Committee have any more questions for Howard Young?

TODD ALBANO: Scott, can I say something to set the record straight?

SCOTT HOLEWINSKI: No. No.

TODD ALBANO: Because it's not an existing..

SCOTT HOLEWINSKI: We're not going to get into a back and forth conversation here. This is our time. We sat and listened to everybody. This is our time to go through this.

GERRY INMAN: Do you want a response to his close out 4th Avenue question?

SCOTT HOLEWINSKI: No.

SCOTT HOLEWINSKI: Jack, do you have any more questions?

JACK SORENSEN: No.

SCOTT HOLEWINSKI: Karl, the height of the buildings. It was three lots over there. It was brought up these people won't be able go to any extra height. That was one of the Town's concerns. Would you take us through that?

KARL JENNRICH: Well right now because this is Howard Young, it's not an airport that receives federal funding so therefore there is no height ordinance that we enforce around the Rhinelander Airport. The only thing that would control height is through the zoning ordinance...so there really are no restrictions. I think Gerry Inman put that into his letter as far as that restriction, but currently under 9.72 Building Height Restrictions, "*Except as provided in section 9.72(B), any building or structure exceeding two (2) stories or 35 feet in height shall require a CUP.*" This is zoned Business, so they could go up to 35 feet without a CUP. If they want to exceed it, they would have to get a conditional use permit; and the main reason for the CUP is for firefighting protection services because there are a lot of towns that don't have the ability to fight fires when it gets over a certain height. They don't have the equipment. So we have had some residences go above that height, and we require input from the Town to see whether or not they can fight the fire.

SCOTT HOLEWINSKI: So basically, it doesn't impact that property for the height that the lady talked about here.

KARL JENNRICH: No. The flight's path, my understanding, does not clearly go over that parcel of property.

SCOTT HOLEWINSKI: Anybody else have any questions?

SCOTT HOLEWINSKI: Okay then, let's move on. Does anybody want to make any comments that we did before we get into the standards of approval?

SCOTT HOLEWINSKI: No comments?

SCOTT HOLEWINSKI: At this point, I think it's time that we get into the standards of approval. Our job here today is to approve the conditional use as is or we can deny the conditional use permit application; or we can approve it with conditions. So as we go through each standard, each one of us will have to give our input on this. Karl, do you have copies of the standards?

KARL JENNRICH: I can read them. Under 9.42 E, General Standards of Approval of a CUP, No application for a CUP shall be approved or conditionally approved, unless the Committee finds that the following standards are fulfilled. There are nine of them. The first one is the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

SCOTT HOLEWINSKI: Dave, do you want to respond on that? Do you feel it meets it? Why it doesn't?

DAVE HINTZ: Can I see that?

[Copies of the general standards were provided to the Committee members at this time.]

SCOTT HOLEWINSKI: I'll start out, since he is reading it. Under Standard 1, I do feel that the standard is fulfilled. And I am basing my decision as the standard relates to the public which includes all of north Wisconsin and upper Michigan. It does not just relate to the Town of Woodruff. If you read in the application, the applicant sent in their items to each one of the general standards. Karl, do you want me to read through or should I just refer to each piece that I am going to talk about.

KARL JENNRICH: I would just refer to this part of the conditional use permit that they submitted on the 28th.

SCOTT HOLEWINSKI: Based on what the applicant has submitted under that standard, I agree with that. I also agree with the letter sent back on May 1, 2013, page 3, item #30, which talks about the morals and comforts that was submitted back to me. We all have copies. The discussion from Jay Nieuhaus at the last meeting on May 14, 2013 explaining the above grade fuel tanks. The information received May 14, 2013 from John Lund, page 7, item #19, that on the information supplied on April 24, 2013, Howard Young adopted a Helicopter Landing Safety Policy. And one more item was the placing it there would improve the skills of emergency staff at the hospital. I also note that if it was out at the Lakeland Airport, and flew back and forth to Howard Young, that there would be a total 440 flights in 2012, plus another 100 emergency flights for Howard Young, which total 540. If the hangar is placed at Howard Young it was have less impact on all the neighbors by about 160 flights per year. So that's what I based my decision on for Standard #1. Dave, how do you feel?

DAVE HINTZ:: I agree with you and would like to point out one other thing. That the word comfort in #1, that concerned me, but I think it is more directly involved or detailed in item #2; and about property values and use of the adjoining property. So. I concur that Standard #1 has been met.

SCOTT HOLEWINSKI: Jack?

JACK SORENSEN: In general, I concur. However, when we get into the morals. The moral thing to do now is to save lives. Why did we wait until the lease on the hangar in Rhinelander was terminated? Why wasn't this, from a moral standpoint, started years ago? So that is my one.

SCOTT HOLEWINSKI: Karl, why don't you read item #30 on page 3. This is what I asked Howard Young because they didn't answer it in the actual application. So everybody can hear what the morals and comfort... how they answer that question.

KARL JENNRICH: Section 6, General Standards, does not answer all five questions. Never discussed morals and comfort. That was the question that was brought forward. The answer was: Morals, we submit that saving lives and minimizing life time impairment through emergency transfer services represents and reflects a core value that all life is important in each of the moral values. Comfort, it is acknowledged that helicopters make noise during climb, descent and when on ground. It is important to note that the duration of noise on the ground varies based on the patient's condition. Noise levels peak during the helicopter climb; the descent is typically short in duration and rapidly dissipates. To mitigate noise levels, the following plans have been proposed. Two designated flight paths away from neighboring properties; fly friendly guidelines; air methods noise abatement plan and natural ground barrier; architectural rendering of an earthen berm. At the same time we are called upon to consider the comfort, short term and long term of patients and family who benefit from this important service.

JACK SORENSEN: Okay, I'll say yes. But I did question the morality of the whole thing. We had to wait for a lease to expire before this was done.

SCOTT HOLEWINSKI: Gary?

GARY BAIER: Yes, based on what was discussed.

SCOTT HOLEWINSKI: Ok. Standard #2.

KARL JENNRICH: 2. The uses, values and enjoyment of neighboring property shall not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

SCOTT HOLEWINSKI: Jack, do you want to answer that one first?

JACK SORENSEN: As far as I am concerned they have not met. No appraisal work or impact work regards to the adjoining property owners. So I would say no to that one.

GARY BAIER: I will say yes.

SCOTT HOLEWINSKI: I feel they did fulfill the standard can be met with conditions, basically a berm. I base my opinion off the comments in the general standards of approval from Howard Young and also the Howard Young has adopted an Air Methods Noise Abatement Plan; they also adopted a plan for helicopter operators which is outlined in the Helicopter Association International Fly Neighborly Program; and also on information sent by John Lund, page 6, #16 & #17. There was no proven documentation that the neighboring property owners property values will be diminished. He did submit information, but it dealt mostly with airports and didn't talk about heliport property values, mostly by airports. We did receive a letter from Redman Realty out of Minocqua, a reliable local realtor that did say that in his professional opinion, that it would not affect it. Also, in the letter from John Lund, page #7, #20 basically states the same thing. So based on those comments, nobody came to say its going to deteriorate it and proved it. But we did have comments that said it would not affect it. So with conditions, I believe #2 can be fulfilled. Dave?

DAVE HINTZ: This is the condition I had the most difficulty with. In my opinion it has been met. Did look at what was proposed by the Town of Woodruff in making Howard Young liable for declining property values. Conceptually I think that sounds good, but how we would actually do that, I think is the...it would be very difficult. I wish there were and I don't have any great ideas, I agree with the concept but I cannot think of a workable conditional to help mitigate this issue. But the bottom line is that I feel the condition has been met.

KARL JENNRICH: 3. The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.

KARL JENNRICH: Oneida County does not have an adopted comprehensive plan at this time. Hopefully, in the month of August we may. That is a bottom up plan, we basically adopted the Town plans. Mike Timmons, for the record, stated that for the Town of Woodruff, he does not believe that it does meet the Local Plan for the Town of Woodruff. The Town of Woodruff did adopt a comprehensive plan. We do have a copy of it. They did designate the area for future land use as governmental/public/institutional use, which identifies areas and facilities that are designated for the public good. For example, utilities, community facilities, schools and governmental buildings. They also did designate transportation in Chapter 5, that air transportation facilities are the Lakeland Airport, the Howard Young Center Heliport, the Rhinelander Oneida County Airport. And under Howard Young they stated this heliport is for medical use only, located on the Howard Young Medical Center Grounds in the Town of Woodruff.

SCOTT HOLEWINSKI: Gary, how do you...Standard #3.

GARY BAIER: I believe they have met it.

JACK SORENSEN: I don't believe it is met with the Town of Woodruff's standards.

SCOTT HOLEWINSKI: Based on what Karl just read, I believe it talks about heliports.

JACK SORENSEN: Helipads.

SCOTT HOLEWINSKI: It says heliport, he just read it.

KARL JENNRICH: Howard Young--they stated this heliport is for medical use only, located on the Howard Young Medical Center Grounds in the Town of Woodruff.

MIKE TIMMONS: For the record, that plan was written when the helipad was on the opposite of that hospital.

KARL JENNRICH: That is correct.

MIKE TIMMONS: The plan has not been changed accordingly when it was moved.

SCOTT HOLEWINSKI: But there is a definition between heliport and helipad.

MIKE TIMMONS: There is also....inaudible

JACK SORENSEN: I'll stick with my support for the Town on this one.

SCOTT HOLEWINSKI: I will agree that #3 has been met.

DAVE HINTZ: I agree that item #3 has been met.

KARL JENNRICH: 4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

KARL JENNRICH: This property is zoned Business. The neighboring properties are zoned, to the east, single family residential and also there is a small area multi-family residential, and everything to the west is Business. I'm flipping. Sorry. Just the opposite. West is single family and east is Business.

DAVE HINTZ: I agree that the condition has been met.

SCOTT HOLEWINSKI: I agree that it has been met. I don't think it will disrupt the improvement to the residential area or the business area.

JACK SORENSEN: As a real estate appraiser, I have difficulty with the effect on the residential properties that are adjacent to the heliport.

SCOTT HOLEWINSKI: This is talking about...

JACK SORENSEN: I understand that. Please, Scotty. I will reluctantly say no to that one also.

GARY BAIER: I say it has been met. Yes.

KARL JENNRICH: 5. Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.

KARL JENNRICH: I don't think the committee really has had concerns with that. The one concern is maybe, with the Town of Woodruff cutting off those public roads, but...

SCOTT HOLEWINSKI: The only thing that should be addressed in there would be the drainage, which can be met with conditions that would be a stormwater plan and that. So that would be one of the conditions too. I believe item #5 can be met with conditions.

JACK SORENSEN: I agree.

GARY BAIER: I agree.

DAVE HINTZ: I agree.

KARL JENNRICH: 6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.

SCOTT HOLEWINSKI: Gary?

GARY BAIER: I guess I do have some question on this one, because the helicopters do have to somewhat close that road down. So...but I think from what I have seen so far from the way the hospital has come

forward with all the information and everything that has been done, they are going to do exactly what they have to do to make it safe for everybody and have put a lot of effort and work into it. And I hope that is one of the things that can be worked out. Yes. I feel they can do that.

DAVE HINTZ: I agree that the condition is met.

SCOTT HOLEWINSKI: I also agree that the condition can be met. There are ingress egress locations at the hospital, and staff does go out and oversee it as part of their landing and takeoff of helicopters.

JACK SORENSEN: I agree it has been met, but I think there could be a more effectively met by the hospital and town getting together with regards to 4th Avenue and terminating Pine Street as it enters into the helicopter area. They could probably save money if they were to do that, instead of having staff out there, they could erect warning lights, stop lights, whatever. But I agree that it has been met.

KARL JENNRICH: 7. The conditional use shall conform to all applicable regulations of the district in which it is located.

KARL JENNRICH: My opinion is that it has been met. I did submit the report to the Committee dated 5-1-2013. The reason I stated that is on the bottom paragraph, 2nd page. It says "The Department has been struggling with the issue regarding legal pre-existing use. Because the use was authorized under CUP #1119-85 Howard Young has been landing helicopters at the property since 1985. With this CUP, Howard Young is asking to house the helicopter at Howard Young versus the Oneida County, City of Rhinelander Airport. This would be an increase in the number of flights emanating from Howard Young. At this time, the use has not changed. Staff believes it is an increase in the frequency of flights. Again, as I stated, if the Committee wants to deny or approve on the CUP focus on the standards. Just to remind the Committee, airports are not a use that is allowed within the Business District, but it was authorized on this property in 1985 by the Planning and Development Committee. Again, that was for a helicopter landing pad.

SCOTT HOLEWINSKI: Dave?

DAVE HINTZ: I think it has been met.

SCOTT HOLEWINSKI: I agree that the condition has been met.

JACK SORENSEN: Yes.

GARY BAIER: Yes.

KARL JENNRICH: 8.The conditional use does not violate shoreland or floodplain regulations governing the site.

KARL JENNRICH: I don't believe it violates shoreland zoning issues because it is not within the 75 ft setback to a body of water; and this project is not proposed to be within a floodplain.

SCOTT HOLEWINSKI: Jack?

JACK SORENSEN: I agree.

GARY BAIER: I agree

DAVE HINTZ: I agree.

SCOTT HOLEWINSKI: I agree.

KARL JENNRICH: 9. Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

KARL JENNRICH: If I'm not mistaken they are required to get erosion control permits and stormwater permits from the DNR or Commerce.

SCOTT HOLEWINSKI: I'll go first. I believe this standard can be met with conditions. And we will get into the conditions after this.

JACK SORENSEN: Agree.

GARY BAIER: I agree.

DAVE HINTZ: I agree.

SCOTT HOLEWINSKI: Okay. Let's get into the conditions. Staff had a recommendation.

KARL JENNRICH: I'm going off the report I sent out to you 5-1-2013. It does not take into consideration what Mr. Timmons, or the Town provided us from their meeting from last time, so those should be discussed also.

1. The project is commenced within 3 years from date of issuance.
2. The nature and extent of the conditional use permit shall not change from that described in the application and approved.
3. Permits to be obtained prior to construction – Town, County and State.
4. Signs to conform to Section 9.78 of the OCZ&SPO.
5. Dumpster(s) to be screened from view.
6. Construction sight storm water runoff permits to be obtained from the DNR.
7. Exterior lighting to be downcast and shielded from above.
8. Parcels to be combined with a Certified Survey Map prior to issuance of a zoning permit for the hangar.
9. Noise barrier berm to be constructed and seeded.

SCOTT HOLEWINSKI: Gerry, did you submit this or did Becher Hoppe submit this to you? This drawing?

GERRY INMAN: I may have submitted it, but it is Becher-Hoppe.

SCOTT HOLEWINSKI: When I looked at it, I viewed this picture as what the berm was going to look. When I drew it out, the berm got small compared to what it was supposed to be. So when we out looking at the berm out on the Wal*Mart property, we looked at the one side and that was an 8 ft berm. Of course it was deeper on the one side. I also found that they had buried all the stumps in that berm, which means that after time it is going to decay and get smaller as it goes down. Also on this end of the berm, they had

taken the center out and built a retaining wall thought they would have more space on it. As we went around the building we went by the one by Candy Sorensen's property. There is a wall built. When I look at this, the helicopter propeller is 12 feet off the pad. Now I don't know how the pad is with the back one. But I surely think they could build a block retaining wall out of landscaping blocks which would, in the same area that they are proposing a 44 ft berm, could be from 8 feet tall to probably 15 ft tall. And once that helicopter is sitting on the pad would diminish the sound from the neighbors, would directly muffle that. Noticing, when I was on the onsite, standing next to the heliport pad, it was loud when they came in for maybe 30-40 seconds. When we went back to the second site, I noticed we could actually talk and hear each other, but I think the higher berm having trees planted closer than what the Wal*Mart berm was, that this would alleviate a lot of the noise on the grounds for those property owners in that area. As far as Mr. Albano, his property sits right on the edge of a clear opening. There's nothing we can do when that heliport comes in from the north....I think everybody in Woodruff and Minocqua hears the heliport coming. Whether you are a neighbor or not, I think you would hear it. My house is out in Sugar Camp, when that helicopter leaves, the Rhinelander Airport, I'm on a high hill that is open, I can hear it when it heads for Minocqua at night. But I believe that by building the berm this way; and what I want to say is that if we approve it, the Committee will look at the details of the berm. I think the berm can be a little bit longer around the sweep over there to contain that. But I do believe it can be built higher. And I think it will reflect that noise more than flowing over the berm as the proposed 8 ft berm is laid out.

KARL JENNRICH: That is the only request of staff. That when we do get into specific design, it should be brought before the Committee. I mean, just so it is clear what will be constructed.

SCOTT HOLEWINSKI: They make a mesh seeding that grows on steeper grades than the other ones. There is all kinds of stuff. But I would like to see the berm better than how it turned out at the Wal*Mart site when its done.

JACK SORENSEN: I believe its been said that the Wal*Mart site berm is already reduced itself in height. By putting a retaining wall like you suggest, it wouldn't have to be as wide. The retaining wall would have to be reinforced somehow so its not....

SCOTT HOLEWINSKI: I checked on that through a...

JACK SORENSEN: By the time you get up 15 feet, the soil left from the street side...

SCOTT HOLEWINSKI: You have to build it up as you go up. The whole thing. But its made to go as high as you want it . They can do it in a small area and plus it's on a curve on the inside. The architect can figure that out I'm sure. So as far as item 9, that berm can be constructed and seeded by....we have to change that. We should have a date when it has to be done, but also that it needs Committee approval for the final design. Now the building is going to sit 26 feet tall. The berm doesn't have to. The berm can start where it is now and go from 0-8 feet, but by the time it hits the other corner the building should be up to 14 feet and come around the corner, because the building is going to block a lot of that noise through that end of it.

DAVE HINTZ: Where should the trees be planted?

SCOTT HOLEWINSKI: They should be planted on top that's why they have that five foot flat area. But also, they can plant trees on the side. I was dissatisfied with Wal*Mart that the trees were planted so far apart. They really didn't form a barrier. And I can show you, I've planted on fields, barriers so people can't

look at our fields and see what we got out there. And you can't see through them. So as far as #9, that berm will have to be approved by Committee and we would have to set a date that would have to be approved by Committee.

KARL JENNRICH: I am assuming that if you approve it, we would try to bring it back to Committee as soon as possible. I don't know what it takes on your end to redesign.

LAURIE OUNGST: We'll work with the architect and get it back to you.

SCOTT HOLEWINSKI: Karl, I'm looking at it that we could pass the general standards of approval based on they will submit a plan that we approve. And then they can move forward.

KARL JENNRICH: Yes. Correct

SCOTT HOLEWINSKI: Any input from you guys on that berm? They'll bring us a cross section and where the trees are going to be planted and how close.

DAVE HINTZ: I think that's fine.

SCOTT HOLEWINSKI: From the road side it will look like a hill going up. From the side of the helicopter pad you'll see a retaining wall. But that way it should muffle more of the sound when it is on the ground and idling and starting up for those property owners to the west of the pad.

SCOTT HOLEWINSKI: Okay Karl, item #10.

KARL JENNRICH: 10. That we can also package in with item #9. Landscaping is installed by....and I left a blank date. Landscaping to be maintained to ensure establishment and growth. So when they have the berm plan, landscaping plan, we can bring that back to Committee. 11. Above grade fuel tank to be installed and maintained pursuant to applicable regulations. I would say that you guys are going to be looking at the location that is being proposed. So that's not changing. Again, the proposed location on the map, and I said it is highly encouraged and you may just want to make it a condition that Howard Young Medical develop an emergency plan in case of leakage or fire. Because that is the main concern with those.

SCOTT HOLEWINSKI: Any comments? Any other conditions that you think should be brought forward?

KARL JENNRICH: Do you want to go through the Town of Woodruff?

DAVE HINTZ: I would like to go through the Town of Woodruff's suggestions one by one.

KARL JENNRICH: And the five conditions proposed by the Town of Woodruff are: (1) Motion by Rudolph that if the property values of homes near the hospital go down due to the addition of the helicopter base, not because of the market, the hospital is liable.

DAVE HINTZ: This one I agree with the intent of the proposal, but I don't see a workable way to make this a condition.

KARL JENNRICH: We have discussed this condition with other projects and to my knowledge; we have never placed it as a condition.

MIKE FUGLE: I think to administer it, I think is problematic. I don't know if placing such a condition creates an argument that it is a government taking of that land; and how that would impact the process moving forward. In terms of if you require the hospital to do this, in a sense, can that be argued that is a taking of the land; that it is taking of property by a governmental entity in which case, to what extent does the government itself become liable for payment and such. I'm not sure how that could play out down the road. I think the hospital should bring the claim that this has been a taking. Yet, the counter argument would be if you want to do this, you would have to follow these conditions, and is no more than saying you have to build a certain berm, but it gets problematic territory and I'm not sure how you would determine beyond that what is market and what is attributable to the helipad.

DAVE HINTZ: That was more my concern, how you would determine the value in a reliable way to say there is \$5,000-\$10,000 due to the heliport. I can't think of a way.

SCOTT HOLEWINSKI: What if the value went up? Would they give that money to the hospital? I agree that this is something we can't meet or try to put a condition in there for this one.

KARL JENNRICH: So "no" on that condition?

JACK SORENSEN: Again, I don't see how Mr. Rudolph's motion could be implemented down the road. I've said that I am disappointed in Howard Young for not dealing with this particular issue up front and with the neighbors here and now rather than at some other time. Possibly the only way that I see is, how Rhineland handled it, is buying out some of the neighbors right now and turning around and re-selling those properties with the conditions that here is the helipad, do you want to buy under those conditions? That's fine, but at least you are dealing with the neighbors and their concerns. So again, I agree with you Dave, how do you do this?

KARL JENNRICH: 2. Motion by Allen that there will be no restrictions other than those in place with Oneida County Zoning to the property owners at WR 665, WR 667, WR 668 for height or use related to the helicopter protection zone as long as the property owners are not Ministry Health Care or Accention. 2nd by Timmons. All voted "aye", motion carried. I think that is a legitimate concern that could be a condition. Again, I didn't look at the second part. It also talks about use. Height, I don't think is an issue. Might as well put use in there also.

SCOTT HOLEWINSKI: But if the zoning rule changes, are we locking...at this time, right now he is allowed to go to any height, if that rule would change.

KARL JENNRICH: They said specifically, no restrictions, other than those in place with Oneida County Zoning. So to me, if you want to have a new height, say 15 feet, they would have to follow that.

SCOTT HOLEWINSKI: So we don't need to write a condition on it. It already is allowed to do what he can.

KARL JENNRICH: But to satisfy the Raduege's or the Town of Woodruff, I have no issue with that as a condition. It's no different than our condition "Project to commence within 3 years of date of issuance." That's already in the ordinance.

SCOTT HOLEWINSKI: Mike, I'm going to question you. When I read it, it says "other than those in place." Today is how I read that. Do we interpret it the way Karl is saying, in place could be down the road?

MIKE FUGLE: I don't think you are locking. I think Karl's reading is correct, that in five years, that restriction is changed to 15 feet, and they try to build in ten years, then those that are in place, I don't think that....I'm not sure you want to get into granting specific parcels to have zoning as of a certain year in perpetuity. Is that your question?

SCOTT HOLEWINSKI: Yes.

MIKE FUGLE: I think it would be difficult to say, these people are subject to zoning from 2013. I mean if it goes to 15 feet, that's great for them. But what if it goes to 60 feet and they are locked in at 35 feet? So I would read this, I'm not sure how the Town means it, but ultimately this is saying that these parcels are subject to what ever the current law is at the time they wish to exercise any rights.

SCOTT HOLEWINSKI: I don't think we have to add it as a condition. It is already allowable. If they want to go higher, they can take out a conditional use permit and go higher as long as they are on the sanitary district. It's the same as all the other properties out there.

KARL JENNRICH: That's your call.

JACK SORENSEN: I agree.

GARY BAIER: I agree.

DAVE HINTZ: I agree. And I think that there were concerns of the public that they were restricted in the building height of their home or extending the height of their home.

SCOTT HOLEWINSKI: Okay.

KARL JENNRICH: 3. Motion by Allen, to allow Corporation Counsel to create wording to ensure the helicopters stay in the flight path following the fly friendly guidelines. Second by Timmons.

SCOTT HOLEWINSKI: How do we control that? If they are coming in for a landing and the wind would be at a different direction, they are going to have to land in the safest direction. They are going to utilize these two fly paths. How are we going to write it so if they get off the path that we are going to control that.

KARL JENNRICH: Corporation Counsel. The question was directed to him.

MIKE FUGLE: The fly friendly guidelines say that it is up to the discretion of the pilot. It says that throughout. I think you can say that they will use the fly friendly guidelines. I don't know if that is any more binding than representation they've made to follow those guidelines. I don't know how you create something saying, "You will follow the fly friendly guidelines." And someone comes out and says "No, they didn't." Then it's whether the pilot purposely made the decision based upon the safety of the aircraft and the community or did the pilot just decide they didn't want to do what the fly friendly guidelines say. I'm not sure how you would enforce that.

SCOTT HOLEWINSKI: When we reviewed the nine standards of approval, we discussed that and mentioned the fly friendly guidelines. If a resident feels they are not using the two paths that they are supposed to be in and how the operator is supposed to fly the helicopter to reduce the noise, they would call you with a complaint, and you would call Howard Young to check it out, and multiple complaints would result in something else, right?

KARL JENNRICH: Yes, it could. But it's difficult to enforce.

SCOTT HOLEWINSKI: But I don't think we can put a condition on it. How would we...?

KARL JENNRICH: At least Howard Young has been responsive at least in the past, of the concerns of the neighbors.

SCOTT HOLEWINSKI: Does anyone want to make a motion for a condition for #3? I don't see how we could.

JACK SORENSEN: I think since Howard Young has brought forth, it is going to be up to them to internally enforce it. There are going to be those times when they are not going to have the ability to come in flight paths that have been established. That's a given. But again, that's an internal thing that I would hope Howard Young would really make sure that their contractors that were bringing in helicopters understand exactly how they feel about it.

SCOTT HOLEWINSKI: Does somebody want to make a motion?

DAVE HINTZ: I do not.

SCOTT HOLEWINSKI: Gary?

GARY BAIER: No.

SCOTT HOLEWINSKI: Okay. Next.

KARL JENNRICH: 4. Motion by Rudolph that there will be no more than one operable helicopter on site unless there is a true emergency situation.

SCOTT HOLEWINSKI: Well they did represent in their conditional use permit that there could be one being worked on, right?

KARL JENNRICH: Yes, that is my understanding.

SCOTT HOLEWINSKI: Unless there is an emergency. So if they have one emergency going on, they call the other contractor and he flies in, that's an emergency. If you are working on one, doing repairs to it, then there could be another helicopter on site, right?

MIKE TIMMONS: It's not that it's two based...it is a single operation base. That they don't have more than two helicopters based there.

SCOTT HOLEWINSKI: Laurie, Do you have input on that? The way I understand it, there is only room for one helicopter that you can fly?

LAURIE OUNGST: Correct.

SCOTT HOLEWINSKI: They don't want this looking like an airport field out here.

HOWARD YOUNG STAFF: I think the proper term that you could use is one "staffed" helicopter. Because we could have one there that is staffed and one that is being serviced. If we had two staffed helicopters there, that is what Mike and the Board doesn't want to see two helicopters being simultaneously operated out of that base. So I think if the terminology read, "one staffed helicopter" there unless there is an emergency. That would be appropriate language.

SCOTT HOLEWINSKI: There won't be three in the back for parts, right? I've been on this committee long enough to see stuff like that happen.

Motion by Scott Holewinski, second by Dave Hintz that there shall be no more than one staffed helicopter on site at a time.

KARL JENNRICH: So no more than one staffed helicopter on site. What about the "unless there is a true emergency?"

DAVE HINTZ: What if we had to transport five people at the same time? There was a significant accident or fire. That would be called an emergency, so you could get three helicopters here. You would be able to do that.

HOWARD YOUNG STAFF: Yes. I think the emergency language would be should be in there.

DAVE HINTZ: I think that's why the emergency language was in there.

KARL JENNRICH: Okay, the motion is there shall be no more than one staffed helicopter on site unless there is a true emergency situation.

SCOTT HOLEWINSKI: With the understanding that there could be one helicopter there being serviced.

KARL JENNRICH: The motion now reads: **Motion by Scott Holewinski, second by Dave Hintz that there shall be no more than one staffed helicopter on site at a time unless there is a true emergency situation and with the understanding that there could be one helicopter there being serviced.**

With all members voting "aye", the motion carried.

KARL JENNRICH: 5. Motion by Timmons, that the hospital works out an agreement regarding the closing of Pine Street and 4th Avenue for the helicopter protection zone with the Town as well as other EMS that routinely use the route.

SCOTT HOLEWINSKI: Mike [Fugle], do we want to get into dictating what the Town has to do. Mike [Timmons] is making the motion that he wants to work with them, but if it's in there as one of the

conditions, shouldn't we leave that alone or just let the Town and Howard Young work that out. Do we add that as a condition?

MIKE FUGLE: Well again, the difficulty is how you do...it's pretty easy to tell if there is more than one staffed helicopter and if there is an emergency. If they are flying everybody in because they decided to run a concert in the south parking lot, that's wouldn't constitute an emergency. That one is easily identifiable. In terms of what does it mean to say that they are going to work out an agreement?

SCOTT HOLEWINSKI: Well, they are going to close the road off. If we put it in as a condition, what if it doesn't happen?

MIKE FUGLE: And I think that is difficult. I know what it means to say you guys sit down and work this out, but I'm not sure how you encapsulate that into a condition of a conditional use permit. Typically what we are looking for are things that have some definition and that have something where we can tell if it is done or not. We can tell whether or not they've made a berm. We can tell whether or not they've planted trees. We can tell whether or not they have a couple helicopters. How can we tell that they have worked up an agreement?

JACK SORENSEN: In writing generally speaking. If the Town and Howard Young agrees to the process, on how the streets...that there are public thoroughfares. They are, I assume, owned by the County and/or the Town of Woodruff. And they are Town right-of-ways. The action that's being taken by Howard Young affects the use of the roads.

DAVE HINTZ: We talk about closing roads. Are we talking a permanent closure?

SCOTT HOLEWINSKI: They would have to have a public hearing in their Town in order to close a road.

MIKE TIMMONS: Temporary closings of those roads. Has to be some sort of agreement that when they close the roads for temporary access, when the HPC Zone is set up, when they tell someone that they have to move their vehicles, those types of things, that's the part when they close the road.

SCOTT HOLEWINSKI: I was reading it as discontinuance.

MIKE TIMMONS: No.

GERRY INMAN: Can I add some clarification to the subject?

SCOTT HOLEWINSKI: No.

GERRY INMAN: Mike is mischaracterizing this. They do not have to be closed. They have to be protected.

TODD ALBANO: Do I get to comment too, then?

SCOTT HOLEWINSKI: No.

MIKE FUGLE: I understand how you tell an agreement was reached, but it's like two people I want to be reasonable; you are not talking about an objective standard in terms of what it comes to. If there is...I'm just not sure...if you are going to make an agreement, you have to then tell them what the confines of the agreement are and then I think you get into the point of dictating to the Town what should happen.

JACK SORENSEN: The Town is the one asking us to do something about it. This is from the Town to us. And I think that an agreement between the Town and Howard Young on how those closings are effected is something that can be worked out and reduced to a paper agreement between the Town and Howard Young up to and including if the Town decides that the best way is to vacate those streets, and Howard Young is in agreement with that, and they worked out something financially, that is an option too. Again, it goes right back down to these public right-of-ways. The Town is asking that we somehow or another come up with some perimeters on how that is going to be effected. But in essence, it is between the Town and Howard Young. And they want to see us put that in as part of the requirement. That is not just something that's left to fester out there or whatever. They would have a forced agreement here.

SCOTT HOLEWINSKI: We can put it down as a condition and if they can't come to an agreement then they would have to bring it back to modify the conditional use permit conditions.

KARL JENNRICH: Yes.

SCOTT HOLEWINSKI: Does it have to come back to another public hearing?

KARL JENNRICH: No.

DAVE HINTZ: It's in the Town's best interest and that of Howard Young to have an agreement to understand how to close these streets. I think it is in everyone's best interests.

DAVE HINTZ: I would make it a condition that Howard Young reach an agreement with the Town regarding closing of Pine St and 4^t Avenue.

SCOTT HOLEWINSKI: That would be during take offs and landings, correct.

DAVE HINTZ: Yes. During take offs and landings and operations at Howard Young.

Motion by Dave Hintz, second by Jack Sorensen, that Howard Young and the Town of Woodruff reach an agreement regarding the closing of Pine Street and 4th Avenue during take off and landing operations at the Howard Young Heliport.

GARY BAIER: Are helicopters that low that it could hit a vehicle?

SCOTT HOLEWINSKI: They have about 280 feet that they have for protection.

GARY BAIER: So they are following the federal aviation laws?

HOWARD YOUNG STAFF : We have to control the traffic in that area.

LAURIE OUNGST: To control traffic, not close it.

SCOTT HOLEWINSKI: And if you decided you want to go through, you will warn me that it is not safe for me to go through there and if I drive through there I am at risk?

HOWARD YOUNG STAFF : You would have to accept the liability.

GARY BAIER: So to finish up on that that means then that the Town of Woodruff and the hospital could work together on how they are going to allow the closing or how they are going to do it.

SCOTT HOLEWINSKI: It doesn't mean that he is going to close the road; he is going to temporarily warn people that the helicopter is coming down. He is looking out for the safety of his people and hopefully the hospital is looking out for the safety of their people.

DAVE HINTZ: I would like to clarify the motion, or amend it to state "control traffic."

JACK SORENSEN: I accept the amendment. There is the possibility here that Howard Young, if they can reach an agreement with the Town, they could put up some type of stop lights or whatever that when those birds are coming in, those lights go on and you don't have to worry about having staff out there.

DAVE HINTZ: I've seen that at fire stations and in controlling traffic could go to the extreme where the actual street is closed permanently, or vacated. But it leaves a wide variance on how to handle the situation. So the agreement would control traffic on Pine Street and 4th Avenue.

SCOTT HOLEWINSKI: He amended his motion and you are alright with that?

JACK SORENSEN: Yes.

Motion by Dave Hintz, second by Jack Sorensen, that Howard Young and the Town of Woodruff reach an agreement regarding controlling traffic on Pine Street and 4th Avenue during take off and landing operations at the Howard Young Heliport. With all members voting "aye", the motion carried.

SCOTT HOLEWINSKI: Does Howard Young have any questions on the conditions we outlined?

LAURIE OUNGST: No.

Motion by Scott Holewinski, second by Gary Baier, to approve the conditional use permit application of Howard Young Medical Center as presented, that the general standards of approval have been met and subject to the 14 conditions as outlined today. With all members voting "aye", the motion carried.

JACK SORENSEN: In an interest of having a unanimous decision on this, even though I feel that Howard Young has not met all of the conditions, I voted for this.

SCOTT HOLEWINSKI: That is why we voted on each one of the standards and conditions.

This concludes the portion of the meeting minutes transcribed verbatim

Line item transfers, purchase orders and bills.

Motion by Sorensen second by Hintz to approve bills as presented. With all members voting “aye”, the motion carried.

Refunds.

None

Approve future meeting dates: June 5 and June 19, 2013.

The Committee approved the meetings scheduled for June 5 & June 19, 2013.

Public comments.

Mr. Albano stated that he feels the Committee has failed miserably to uphold their duty. He feels the Committee didn't have the courage to make the right decision, which was obvious. He feels the Committee came in the meeting with a pre-determination to approve the permit and it was apparent in their comments. He feels the obvious and truth were ignored while making their decision. He did commend the Committee for their work. He doesn't have hard feelings he just doesn't agree with the reasons behind the approval of the permit.

Future agenda items.

Mr. Timmons would like to see Section 9.42, General Standards of Approval of Conditional Use Permits, including review Town's Comprehensive / Coordination Plans on the next agenda.

Adjourn.

3:30 p.m. Motion was made by Hintz second by Sorensen to adjourn the meeting. With all members present voting “aye”, the motion carried.

Chairman Scott Holewinski

Karl Jennrich, Planning & Zoning Director