LINCOLN COUNTY
PLANNING AND ZONING COMMITTEE

Thursday, October 14, 2010 at 8:30 a.m.
Lincoln County Service Center – Meeting room 107
801 N. Sales Street, Merrill, WI 54452

Lunch: Only if necessary approximately Noon at 3's Company, 3201 E. Main St., Merrill

Agenda

1. 8:30 a.m. Call Meeting to Order
2. Tour sites that will be the subject of the public hearings and "Old Business" that will be held at 10:30 a.m.
3. **10:30 a.m. Public Hearing (See public hearing notice)**
4. Discussion by the Planning and Zoning Committee and Decision on the Comprehensive Plan Change and Rezone requests
5. "Old Business" Revisit CUP-08-009 (2 year review of conditions) granted to Tim Karschney to allow for a camper in Rural Residential Zoning district (Town of Bradley of Tomahawk River Rd)
6. "Old Business" Take action on CUP-10-005 (Laid over since 5/13/10 meeting) Request by Wagner Oil & Best Built Inc., to allow for a gas station/convenience store/restaurant near the U.S. Hwy 8 & U.S. Hwy 51 interchange. – Town of Bradley
7. "Old Business" Petition for Modification request by Donald Nitschke (Town of King on Red Arrow Ln)
8. "Old Business" Revisit CUP-04-018 and discuss request for 10 year extension of the CUP, by Darlene Beyer/Duffek Sand & Gravel - granted for a non-metallic mine (Town of Schley off the end of Trout Rd)
9. Discuss process for requests to alter Conditional Use Permits 17.8.30(13)
10. Public comment opportunity
11. Approve the September 9, 2010 meeting minutes
12. Discuss and approve 2010 Budget Modification regarding Wisconsin Fund totals
13. Report on Lincoln County Housing Information Fair held on October 6, 2010
14. Administrator's Report
    - Meetings and Activities since September 9, 2010
    - Compliance Report
    - Financial Report
    - Comprehensive Plan revision update
    - Correspondence that may be pertinent
15. Adjourn

DISTRIBUTION:
Zoning Committee Members – Frank Saal, Ron Mittelsteadt, Arlene Meyer, Greta Rusch, & Richard Eisenman
Robert Lussow, County Board Chairman
Administrative Coordinator
News Media
Bulletin Boards

Courthouse – Posted on _____at _____ .m by _____

Lincoln County Service Center on _____ at _____ .m by _____

Tomahawk Annex – Posted on _____ at _____ .m by _____

There may be a quorum of other Lincoln County committees present at this meeting.

Requests for reasonable accommodations for disabilities or limitations should be made prior to the date of this meeting. Please do so as early as possible so that proper arrangements can be made. Requests are kept confidential.

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

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

MANNER OF NOTICE:
Date, time, place, and subject matter, including subject matter to be consider in a closed session, must be provided in a manner and form reasonably likely to give notice to the public.

TIME FOR NOTICE:
1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is a good cause that such notice is impossible or impractical.

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

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

STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:
1. Deliberation of judicial or quasi-judicial matters. Sec. 19.85(1)(a)
2. Considering dismissal, demotion, or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation, or performance evaluation data of any public employee. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(c).
6. Considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public would likely have an adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f).
7. Conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

CLOSED SESSION RESTRICTIONS:
1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve (12) hours <u>unless</u> proper notice of this sequence was given at the same time and in the same manner as the original open meeting. Sec. 19.85(2).
3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.

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

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

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

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