



Daniel J. Miller
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**Lincoln County
Solid Waste Committee Meeting
Thursday, February 28, 2013, at 3:30 p.m.
Room 256.1 of Lincoln County Service Center, 801 N. Sales Street, Merrill**

AGENDA

- 1) Review the draft Local Siting Agreement provided by the Town of Merrill attorney, Paul David.
- 2) Adjourn

Distribution:

Solid Waste Committee: David Fox, Mike Loka, Hans Breitenmoser, Jr., Graham Rankin, and Carl Vander Sanden, Department Heads, Charlene Woller

News Media – Notified on _____ at _____ .m. by _____

Bulletin Boards:

Courthouse – Posted on _____ at _____ .m. by _____

Lincoln County Service Center – Posted 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. You may contact the County Clerk at 715-539-1019. 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 statute.
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 considered 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)(e).
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 with twelve (12) hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.
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.

Lincoln County
Joint Solid Waste Committee & Local Siting Committee Meeting
Wednesday, February 13, 2013
Town of Merrill Community Center, Merrill, WI

1. **Meeting called to order at 5:00 p.m.** by Mike Matushak, Chairman of the Local Siting Committee. **Solid Waste Committee Members present:** Fox, Loka, Rankin, Vander Sanden & Breitenmoser, Jr. **Local Siting Committee Members present:** Michael Matushak, Stacy Pettit, Harry Tubin and Fred Krueger representing the Town of Merrill, Deb Gano and Terry Lokemoen representing the Town of Birch. **Others present:** Dan Miller – Solid Waste Manager, Aga Razvi – Consultant to Lincoln County, Robert Reichelt – Consultant to the Town of Merrill. **Observers:** County Board Supervisor Kortney Pike, Town of Merrill Chairman - Bill Burgener, Town of Merrill Clerk – Naomi Fischer, Town of Merrill Supervisor – Larry Simon.

2. Matushak discussed how he hoped to work through the agenda, taking each item representing points of disagreement with the draft local siting agreement document and discussing them one by one in hopes of reaching an agreement in principle. The following items were discussed and the results by consensus are listed:
 - a. Indemnification – County will accept “arising out of” as suggested by the Local Committee in place of “that arise as a result of” which was preferred by the County, the County will explain what a “Notice of Claim” is and when it applies and the Solid Waste Committee asked for Paul David to provide his rationale as to why the words “sole negligence” are appropriate and why they don’t negatively affect the County in place of the words “any negligence”.
 - b. Transfer, Lease or Assignment – The County agreed to leaving the redundant indemnification provision in the agreement even though the Town is protected by the earlier indemnification provision and by an insurance policy.
 - c. Reimbursement of Negotiation Expenses – The County agreed to reimburse the Local Siting Committee for their actual negotiation expenses up to the statutory maximum \$20,000.00.
 - d. Payments/Financial consideration to the Town of Merrill – the County will pay \$250,000 in equal annual installments of \$16,666 over 15 years. If the landfill closes before 15 years, the remainder is not owed. One additional payment of \$16,666 will be paid in the 16th year as a payment in lieu of tax base if the landfill is still operational.

3. **Next meeting Date** – March 6, 2013 at 6:00 p.m. at the Lincoln County Landfill.

4. **Adjourn at 7:18 p.m.** by M/S Krueger / Tubbin; all voting aye.

Minutes prepared by,
Dan Miller
Solid Waste Manager