

NOTICE OF MEETING

COMMITTEE: PLANNING & ZONING
DATE: OCTOBER 5, 2009
TIME: 12:30 P.M. CLOSED SESSION - COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2:00 P.M. PUBLIC HEARING – COMMITTEE ROOM #2

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

1. Call to order.
2. Approve the agenda.
3. It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.
 1. Second dwelling issue in the Town of Woodruff.
 2. Excavation issue in the Town of Wooboro.
4. A roll call vote will be taken to return to open session.
5. Approve regular and public hearing meeting minutes of June 17, 2009.
6. Approve regular and public hearing meeting minutes of July 15, 2009.
7. Issues related to proposed Almon Park access for persons with disabilities.
8. Section 9.42 E, General Standards for approval of CUP.
9. Section 9.52, Mobile Homes, Manufactured Homes and House Trailer Parks. The Committee may be amending Section 9.52 (B)(2) and Section 9.52 (H) and (I).
10. Ordinance Amendment #8-2009, a rezone in the Town of Newbold. The Committee will be forwarding to the Oneida County Board of Supervisors.
11. Ordinance Amendment #1-2009. The Committee will be forwarding to the Oneida County Board of Supervisors on behalf of the Board of Adjustment, Chapter 17.
12. Line item transfers, refunds, purchase orders and bills.
13. Approve future meeting dates: October 21 and November 4, 2009.
14. Public comments.
15. Future agenda items.

2:00 P.M. – CONDUCT PUBLIC HEARING ON THE FOLLOWING:

16. **Conditional Use Permit Application** of James McCoy to open a bakery with a drive-up window and outdoor seating in a 10-unit multi-tenant building on property owned by Eagle Pointe Properties, LLC described as part of NW NE, Lot 10, CSM V16 P3561, Suite A, Section 10, T39N, R6E, 9832

Plaza Drive, PIN# MI 2155-6, Town of Minocqua.

- 17. **Conditional Use Permit Application** of Jon Wicke to establish a hardware store to include a U-Haul rental service and small engine repair shop on property owned by OPCO Ltd. Described as Lot 1 CSM V15 P3442 and being part of the NW SE, Section 34, T39N, R6E, 9783 Rylee Lane, PIN# MI 2503-7, Town of Minocqua.
- 18. **Conditional Use Permit Application and Preliminary 14-unit Condominium Plat** Darrin Zimmermann, owner of property described as Lots 1 and 2 CSM 3640 and being part of Gov't Lot2, Section 23, T39N,R 6E, Northern Road and Old "51" Road, PIN#'s MI 2332-11 and MI 2332-13, Town of Minocqua.
- 19. **Conditional Use Permit Application** of Paul Singh, Paramjeet Arora, owner to re-open gas station for credit card "drive-thru" service only on property described as M.A. Ebert's 1st Addition Lots 5 & 6 Blk 1, Section 3, T38N, R7E, 7205 Bradley Street, PIN#'s LT 623 and LT 524, Town of Lake Tomahawk.
- 20. **Conditional Use Permit Application** of Dean Bettinger to establish a contractor equipment storage, office and yard at 2709 Highway 17 South, further described as part of the NE NE, Section 23, T36N, R8E, PIN# CR 289-2, Town of Crescent.
- 21. **After-the-Fact Conditional Use Permit Application** of Paul J. Cahak d/b/a P&B construction Services, Inc. to establish a roofing and construction headquarters and storage yard for property described as part of Gov't Lot 2, Section 19, T36N, R10E, PIN# PE 664-1, 3670 Rivers End Road, Town of Pelican.
- 22. Adjourn.

NOTICE OF POSTING

TIME: 3:00 p.m. PM DATE: SEPTEMBER 29, 2009 PLACE: COURTHOUSE BULLETIN BOARD

SCOTT HOLEWINSKI, COMMITTEE CHAIRMAN

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

NEWS MEDIA NOTIFIED VIA E-MAIL:

Rhineland Daily News	Date: 09/29/09	Time: Approx. 3:30 p.m.
Lakeland Times	Date: "	Time: "
Buyer's Guide/Our Town	Date: "	Time: "
WXPR Public Radio	Date: "	Time: "
WERL/WRJO Radio	Date: "	Time: "
News of the North	Date: "	Time: "

NEWS MEDIA NOTIFIED VIA FAX:

WHDG Radio Station	Date: 09/29/09	Time: Approx: 3:30 p.m.
WJFW-TV 12	Date: "	Time: "
Vilas County News	Date: "	Time: "
Tomahawk Leader	Date: "	Time: "
WLSL	Date: "	Time: "

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Robert Brusio at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

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 apprise members of the public and news media.

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 good cause that such notice is impossible or impractical.
3. Separate notice for each meeting of the governmental body must be given.

EXEMPTIONS FOR COMMITTEES & SUBUNITS

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the 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.

SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Concerning a case which was the subject of Judicial or quasi-judicial trial before this governmental body 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 over which this body has jurisdiction or responsibility. 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 person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f), except where paragraph 2 applies.
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).

PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT

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 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.
4. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.
5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open 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.

Prepared by Oneida County Corporation Counsel Office - 5/16/96