Chairman Willingham called the meeting of the Rusk County Zoning Committee to order at 2:23 p.m. in the Law Enforcement Center at the Rusk County Courthouse. Members present were Willingham, Mai, Schneider and Costello. Taylor was absent. Staff present: CeCe Tesky and Monica Kenealy.

Schneider/Mai motion to approve the minutes of the November 5th, 2008 meeting. Carried.

The next meeting will be on January 7th, 2009, at 2:00 P.M.

**BILLS**

Costello/Mai motion to approve bills. Carried.

**CSM's**

Discussion about the preliminary land division for Secluded Land in the Town of Thornapple. The committee had approved the preliminary map at the last meeting, but the developers had changed the private road from an outlot to an easement. There was concern expressed about how the road might get changed to a town road in the future. As an easement, the process would be more cumbersome, however, the ordinance does not prohibit it. Schneider/Costello motion to approve the Secluded Land Preliminary land division in the Town of Thornapple. Carried.

**REZONING REQUEST**

Closed meeting at 2:33 p.m. for a public hearing for a rezoning request for Margaret Hill in the Town of Stubbs. (See separate minutes)

Reconvene meeting at 2:37 p.m. CeCe discussed current zoning and land uses in the area. Schneider/Costello motion to forward the rezoning request to county board with zoning committee approval. Carried.

**CSM's CONTINUED**

Candy Anderson from Mathy Construction was present to discuss the CSM for them in the NW ¼ - S18-T33N-R9W. Bestway Sand and Gravel is selling them property that is an existing nonmetallic mine. A portion of the area is being kept by the seller and is less than 10 acres, therefore it falls under the subdivision ordinance. It meets the minimum lot size standards and the private road for access to the proposed lot has been built. Costello/Schneider motion to approve. Carried.
DISCUSSION AND POSSIBLE ACTION:

Floodplain maps. CeCe sent an appeal to FEMA. All county board members received copies of the letter. John Fitzl has talked with a company to get a quote to do LIDAR and obtain 2’ topo contours. A ballpark estimate to do the whole county is $270,000, however, CeCe has received no response yet as to whether or not FEMA would use the better topographic information to remap the floodplain areas. CeCe will keep the committee posted when more information is obtained. Willingham asked for public comment. Mr. Bushendorf is concerned about the county spending that much money to get better topographic data. He has concerns about FEMA’s track record. Mr. Stencil asked if there would be grant money available for Rusk County. CeCe said there are no grants available at this time, however, the money used to do Rusk County’s preliminary maps was minimal, by the DNR’s own admission. The county did not receive any assistance in establishing any base flood elevations of any of the lakes that have floodplain, while other counties did. If the county did LIDAR, there would be benefit to several other departments and property owners, not solely the floodplain issue.

CONDITIONAL USE REQUEST

Closed meeting at 3:06 p.m. for public hearing for a conditional use request for a bar for Jackie Nitek in the Town of Willard. (See separate minutes)
Reconvene meeting at 3:29 p.m. CeCe gave the committee the conditions for the Nitek bar from 10/01/08. Willingham reminded the committee that the current ordinance does not limit 2nd or 3rd conditional use applications. The committee could amend the ordinance language to restrict this if they see fit. He also commented that the health and safety clause at the beginning of the ordinance relates to the ordinance itself and not every permit granted is going to actually promote health and safety, but the conditions that can be put on a permit can address health and safety concerns.

CeCe said that she talked to Jon Kleist from the DNR and they have no environmental issues with the bar. The committee had copies of their decision from 9/2/08. At that time, the committee had concerns about the ordinance provision that “domestic uses shall be generally preferred”. After reviewing the application and proposed conditions at that time, the committee was unable to determine that the use would be comparable with domestic uses.

Willingham stated that he has an issue with #9 on the conditions dated 10/1/08. (outdoor music at the bar) He said it’s hard for him to approve any permit with outdoor music involved.

Jason Gillis questioned the review of the permit and completion of the project. He also had concerns about a condition that would restrict the discharge of firearms on the property.

Costello asked the Nitek’s about the rumors about federal busts and criminal charges. Jackie stated that any past charges against them have been finalized in court.
Schneider stated that conditions can be changed in the future. If owners do well, it is possible that conditions can be loosened. If owners don’t do well, conditions can be tightened or revoked. Willingham wants to reduce disruption of the neighborhood and thinks it will happen if they eliminate the outdoor music. Without outdoor music, he feels that the conditions would properly address the domestic uses issue.

Schneider/Mai motion to grant permit with the conditions.
1) Permit is based on the application submitted at the time of approval.
2) The indoor restrooms must be operational proper to the re-opening of the bar.
3) The commercial establishment and addition must meet state building codes for public use and must be handicap accessible.
4) All necessary licenses and permits for the town, county and state entities shall be obtained prior to operation.
5) No alcohol shall be served prior to 11AM (not including between midnight and state required closing time)
6) The east entry doors shall not be used after 10 PM unless for an emergency.
7) Screening or fencing shall be installed between the bar and Rangeline Road to prevent noise from traveling toward the roadway.
8) This permit shall be reviewed quarterly by the Rusk County Zoning Committee for the first 2 years and violations of county civil ordinances or other unlawful conduct may result in the loss of the permit.
9) No outdoor musical productions are permitted on the property after 10 PM.
10) This permit shall be null and void if the bar is not operational within 1 year of the date of approval or if the property transfers owners before completion of the project.
11) Firearms shall not be discharged on the property.

Jeff Hayden asked the committee why they have changed their minds about the application. Willingham said he could not agree to the permit if outdoor music was permitted. Costello stated that a business plan is more than a sketch on a piece of paper and the Nitek’s have shown more recently that they are willing to comply with the things the committee has asked them to do. Since the Niteks have made a serious effort to change, that’s why he’s changed his mind about the bar.

Jim Nitek stated that he would urge the county to have a decibel level in their noise ordinance so that it is clear if and when there is a violation of noise levels. He is concerned that campers sitting around a campfire and singing songs or people listening to their radios would be prohibited. The committee assured Jim that this was not the intent. He is willing to have “no outdoor music productions” as a condition on the permit. Schneider/Mai motion to amend the conditions to remove “after 10 PM” on #9 on the conditions. Motion carried on amendment and original motion.

Jeff Hayden asked the committee to reconsider their decision. CeCe will ask Corporation Counsel about this request and it may be on next month’s agenda.

Recess at 4:17p.m.
Reconvene at 4:30p.m.
DISCUSSION AND POSSIBLE ACTION (continued):

Discussion about adult entertainment ordinance language, telecommunication ordinance language and Wind Energy Ordinances. The committee reviewed language from Chippewa Co, Jefferson Co, Barron Co, Lincoln Co and Buffalo Co.

Roman Kaminski and Leroy Jansky from the Department of Commerce reviewed the proposed revisions to the Private Sewage Ordinance as required by Comm 83. There were some minor changes that they suggested and CeCe will include those in another draft for next month. She is hoping that the committee could schedule a public hearing for these changes sometime in January.

Discussion about private road name language in the subdivision ordinance. Willingham said the Town of Big Bend has their own ordinance for new road names and the county could use similar language.

Schneider would like to see some type of language in an ordinance that would clarify where fire number signs need to be located on private roads, as when they are making emergency calls it is sometimes very difficult to find the right house if all the signs are at the end of the private road.

CeCe will ask Corporation Counsel about where language should be for increased minimum lot widths for new lots along Class I streams. Jason Gillis was present and thought the committee should consider minimum lot widths for new lots along these streams to be 1000’.

CeCe stated that the fee schedule changes do not need to be taken to county board, as the ordinances state that fees can be changed by the zoning committee, but Willingham would like the changes to go before the county board to get their acknowledgment.

ZONING ADMINISTRATOR REPORT:

CeCe has spent a large amount of time preparing the appeal for FEMA. Willingham told CeCe she did a good job on the appeal letter.

Schneider/Costello motion to adjourn at 4:53P.M. Carried.

Monica Kenealy, Secretary/Bookkeeper