Chairman Willingham called the meeting of the Rusk County Zoning Committee to order at 2:03 p.m. in the Law Enforcement Center at the Rusk County Courthouse. Members present were Willingham, Mai, Schneider and Costello. Taylor was absent.

Costello/Mai motion to approve the minutes of the Aug 12th & Aug 26th & public hearings. Carried. (In addition to minutes, any written comments are included in the record.)

The next meeting will be on October 1st, 2008, at 2:00 P.M.

**Bills**

Mai/Costello motion to approve bills. Carried.

**Public Comment**

Joe Perlongo requested that someone from the zoning office or committee come out to Stubbs township to see the violations. He would like clarification on ordinances regarding dilapidated buildings. Willingham thought it would be a Public Health ordinance, not zoning ordinance. He said the zoning committee could probably request public health to look into it. Rich Summerfield (Corp. Counsel) was present and said he would look into it and talk to Kayo Nash. Rich did suggest he goes to the Health and Human Services Committee.

Pam Hayden was concerned about how committee members will vote when they haven’t asked any questions. Outside of a meeting, she overheard a committee member say they were going to vote a certain way. She wondered if that was a concern. There have been problems with noise and harassment last Saturday night. A deputy was present on the Nitek property. She does have a tape recording of all the yelling from Saturday night.

Jeff Hayden states that they have video and audio tapes shot from Hayden’s porch from about 300 yards. Phil Lukowitz complained that Nitek’s can get the fines and they pay it, but keep violating more.

Rich Summerfield said that there are nine elements that need to be talked about before a conditional use permit can be issued. The committee needs to look at the land, not the people who own the land. It’s a weighing factor, and the committee needs to weigh the decision. Willingham asked if there is any relationship between the proposed land and the history of the owner not using the land as proposed? Rich explained that it could not really be taken into consideration with the new permit application. Rich explained the three branches of government and how it applies to the committee. Costello requested putting in a timeline for the Nitek property. Rich said that it’s possible to do a timeline.
CeCe said that the applicant has downsized their application from the past in order to comply with some of the issues. Willingham felt that the committee should be able to address concerns about past violations as part of the application. There was discussion about the importance of looking at the use of the land and how it is compatible with other uses, not just the opinions of some people. Pam Hayden, stated that the committee should consider the people who will not talk against the proposal because of their beliefs. Willingham said that it’s hard to consider the neighbors who won’t talk and state their opinion.

**DISCUSSION AND POSSIBLE ACTION:**

Discussion about the Nitek campground application. Willingham asked for the committee to go thru the conclusions of law one by one. Changes made to the conclusions of law included removing the economic benefits of the need of the proposed use for a shoreland location. Discussion about conditions that may apply to the permit. Changes included:

17) This permit shall be null and void if the campground is not operational within 1 year of the date of approval or if the property transfers owners before completion of the project.
18) The teepee shall be removed from the property immediately.
19) 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.
20) No outdoor musical productions are permitted on the property.
22) Firearms shall not be discharged on the property.

Costello/Schneider motion to grant the conditional use permit for the campground with the above corrections to the conditions.

Recess at 4:08 P.M.
Reconvene at 4:20 P.M.

Additional discussion to include the following changes:

4) Quiet time shall be established between the hours of 10PM – 6AM in compliance with the Rusk County Noise Ordinance.
14) The screening provisions for mobile home parks shall be met along the east and south property lines. Screening will require plan approval from the zoning department.

Schneider/Costello motion to amend the motion to include the additional changes. Carried.

Willingham called for a vote for the amendment: all 3 “yes” 0 “no”.

All in favor of the campground conditional use permit. 3 “yes” 0 “no”.

Discussion about the Nitek bar application. The committee went through the conclusions of law. Changes included removing the economic benefits of the need of the proposed
use for a shoreland location. For the compatibility with uses on adjacent land, the committee noted that there is residential, forestry, recreational, small businesses and ag uses in the area.

Committee has concerns about issuing a permit if there are existing violations on the property, violations for other civil ordinances. Discussion about conditions that would be placed on the permit. Changes made to the proposed conditions include:

5) The teepee shall be removed from the property immediately.

6) 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.

7) No outdoor musical productions are permitted on the property.

8) This permit shall be null and void if the campground is not operational within 1 year of the date of approval or if the property transfers owners before completion of the project.

9) Firearms shall not be discharged on the property.

Committee has concern about the ordinance provision that “domestic uses shall be generally preferred”. After reviewing the application and proposed conditions again, the committee was unable to determine that the use would be comparable with domestic uses.

Costello/Mai motion to deny permit application for bar. Schneider feels we would have more control if we issued the permit. Carried.

Adjourn. 5:24 PM

Monica Kenealy, Secretary/Bookkeeper