Chairman Willingham called the public hearing to order at 3:00 P.M. Members present were Phil Schneider, Tom Costello, Kathy Mai, Cliff Taylor and Dave Willingham. Staff Present: CeCe Tesky and Monica Kenealy. The purpose of the hearing was for considering amending a condition on the campground and bar conditional use approvals to allow for outdoor music productions. These conditional use permits are issued in the SE ¼ - SE ¼, Section 12, T33N, R6W, Town of Willard. Property owner: Jacquelyne Nitek.

Tesky read the public hearing notice.

Willingham asked Jackie Nitek to explain in detail what the request was for. Nitek explained that she wants to be able to have outdoor music for graduations, weddings etc, until no later than 10:00 PM once per month from May to September.

Willingham asked for anyone present in favor of the request. Phil Lukowicz said he wanted to know about the January 6th minutes. Was this request approved for consideration by corporation counsel? Taylor said that issue should be discussed after the public hearing. Willingham again asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Phil Lukowicz spoke again. He asked what the administrator has done regarding the approved conditional use request. Willingham stated that the zoning committee has reviewed the bar/campground quarterly. So far there has been no knowledge of any illegal activity or unmet conditions. The Zoning Administrator nor law enforcement have reported any violations. Taylor stated that the 2008 Conditional Use permit has steps defined and there have been no violations so far. Glen Baer wanted to know who regulates any violations. Willingham said the Zoning Administrator does for violations of the conditional use permit.

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Jeff Hayden stated that the noise is still an issue. The campground was passed September 2nd and the bar was passed December 3rd. Hayden said it should have been closed down since the campground was not up and running within one year. Tesky said it wasn’t the fault of the zoning office or of the owner that the approval for the campground didn’t come within one year. She said that because of health issues of the state inspector they had not gotten back to Nitek’s in a timely matter. Hayden read part of the inspection report dated April 16, 2009 from Department of Commerce Wastewater Specialist. It stated that tanks need to be vented, pumps calibrated, etc. He asked if any of this has been checked. Tesky said yes. Wastewater inspector ordered the plumber to be repair the problems discovered at the audit and the owner has hired new plumbers to have the other things fixed. Tesky does
inspect and the things were fixed and finished when she inspected the property. It’s the Zoning Administrator’s responsibility to check things and make sure they are in compliance. Hayden read part of the county’s Loud and Unnecessary Noise Ordinance. This went to court before and they lost. Willingham explained that the property owner is asking the zoning committee to amend one condition on the existing permit. The public hearing was held for the initial permit request and the committee is holding this public hearing only to gather input on the issue, not as a requirement.

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Pam Hayden stated that she lives across the street from the Nitek’s. She said that having music outside until 10:00 is not feasible. There have been problems in the past and fines still outstanding. She talked to other neighbors and they don’t think it’s a good idea either. It will get out of control again. She said she doesn’t think other campers would want to listen to wedding/party music while camping. Neighbors are the ones who suffer. She can hear doors slamming and people talking at night more than during the day. There is no peace and quiet. Nitek’s already have the bar and campground. What else can be on this property? There is also a write up in the paper on what kind and how much noise is at the other campgrounds. Domestic use is preferred.

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Phil Lukowicz spoke again. He said that way back when the pavilion, which grew into a bar, was applied for, he disapproved of this. He said the Town of Willard should either permit or not permit this type of establishment. Tesky said the Town of Willard does require a permit and has restrictions on outdoor music. Lukowicz suggested that zoning screen security and enforce the noise ordinance. Willingham said that the County Board is currently reviewing and revising the Large Gathering Ordinance which affects gatherings of more than 1000 people. Gatherings of less than 1000 people currently don’t need that type of permit. Lukowicz asked if the zoning administrator believes the conditional use permit will be done right. He said Nitek’s don’t want to do this for anything except money. He doesn’t think the zoning committee should go along with it. They need to think of what the neighbors have and will have to go through.

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Kevin Schaffer lives south of the Nitek’s property. His family is not looking forward to outdoor music. It would basically be in his back yard. There is only a few hundred yards between the Nitek’s property and his property. He stated that he would not want to live with the loud music.

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Laura Dutter said that the Nitek’s claim to increase the county revenue. A bar/campground/music festival next to houses is a lot for neighbors to deal with. Land owners shouldn’t be able to open things
for their own personal investment. The Zoning Committee should see what happens with the campground before starting a music festival. There will be underage drinking and she wants to prevent these types of opportunities for her kids. Underage drinking is a problem at festivals. And weddings and family gatherings need to be monitored. Nitek’s have pushed to have bike rallies in the past. Motorcycles are not good for a rural area. Dutter stated that there are too many loopholes if you approve so many things for one property. There have been too many problems in the past. If you give an inch, they’ll take a mile. The revenue they’ll bring in will eventually cause problems. Dutter asked if Nitek’s are being inspected every three months. Willingham said yes they are. The Zoning Administrator reports every three months. Tesky indicated that she has inspected onsite quarterly. Dutter asked how long it would take to resolve an issue. Can the music be as loud as they want until 10:00 and at 10:01 the neighbors can call the police? If there is going to be a party with 999 people, is the septic big enough? Dutter asked the committee to leave it as is and see how the campground works out first before you consider approving the music. Look at the past records before you consider this request.

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Tesky read 2 letters. (see attached)

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Glen Baer stated that he thinks it is a bad idea because of the Nitek’s past.

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Phil Lukowicz spoke again. He said that by allowing this type of music, you are providing possible damage. So don’t allow it to continue. Don’t consider crowds like this to come in.

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Jeff Hayden said that if campers are domestic use, are domestic laws considered? Willingham explained the ordinance. It says domestic use of land is preferred. It doesn’t mean that domestic is the only use. It doesn’t mean that it should be assumed other things are prohibited. Hayden read part of
NOT COMMITTEE APPROVED
the December 3, 2008 minutes. Hayden stated that in the minutes, Jim Nitek stated that he was all right not to have outdoor music.

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Laure Dutter spoke again. She said this in not a vendetta against the Nitek’s. She just wants what is right. It will lower (decrease) the land investments and lower the tax revenue for Rusk County. Willingham said that a public hearing is used to help see what should be done. It also helps the committee to see what the neighbors want.

Willingham asked for anyone present in favor of the request. None present.

Willingham asked for anyone present against the request. Kevin Shaffer spoke again. He stated that there had been a wedding party across the street where he lived before. The person having the wedding dance was considerate to the neighbors and warned them it would be loud. He has a good idea of what to expect and does not like the idea of having to put up with it.

Willingham asked three times for anyone in favor or against the request. No more people present to speak.

Willingham closed the public hearing at 4:21 P.M.

Monica Kenealy
Secretary/Bookkeeper