

City of Oconomowoc Common Council Meeting Minutes February 18, 2020 - 7:30 PM



Aldermen Present: Matt Rosek, Charlie Shaw, Kevin Ellis, Karen Spiegelberg, Derek Zwart, Tom Strey, Lou Kowieski, Andy Rogers
Also Present: David Nold, Sarah Kitsembel, Stan Riffle, Ron Buerger, Lucas Caine, Diane Coenen, Robert Duffy, Kevin Freber, Mark Frye, Jason Gallo, Craig Hoepfner, Joe Pickart, Laurie Sullivan, Ivan Lam

Mayor Nold called the Common Council Meeting to order at 7:30 PM.

Call to Order and Confirmation of Appropriate Meeting Notice

Pledge of Allegiance

Roll Call

Public Hearings

a. Zoning Ordinance Text Amendment - General Outdoor Recreation, Commercial

The purpose is to hear public comment on amending Section 17.108 of the City of Oconomowoc Zoning Ordinance regarding "Conditional Use Permit - Specific Standards." The request is to amend Subsection (6)(a) pertaining to General Outdoor Recreation, Commercial, which limits the hours of operation to be between 8:00am and 10:00pm daily. The applicant is requesting the allowable hours be changed to 7:00am to 12:00am daily for the proposed Blue Ribbon Baseball development.

b. Blue Ribbon Baseball Conditional Use Permit

The purpose is to hear public comment on the Conditional Use Permit (CUP) to allow general outdoor recreation, commercial on a vacant site at Blue Ribbon Circle North in the Pabst Farms Commerce Centre. Land is immediately south of I-94, west of Wisconsin Harley Davidson, east of Ace Precision & north of Blue Ribbon Dr. Parcel is identified as Tax Key OCOC 0635.999.008. Per the Table of Allowable Uses listed in §17.106 of the City of Oconomowoc Zoning Code, general outdoor recreation, commercial use requires a CUP in the General Commercial zoning district. If approved the applicant would be allowed to operate a 2,500 seat outdoor ballpark with associated activities which are classified as outdoor recreation, commercial within the Zoning Code.

The hearings opened at 7:30 PM. Gallo first reported on the text amendment to change the City code hours of operation from 10 pm to midnight which would allow non-athletic events to operate from 7 am - 10 pm and sport related events to operate from 7 am - 11 pm. The applicant requests 11 pm to allow extending games caused by weather delays. The ordinance in the packet reflects what Plan Commission recommended and would not affect other outdoor uses. Gallo then gave a PowerPoint presentation on the CUP. Nold noted that the stormwater management plan will need to go before the Pabst Farms Joint Stormwater District for approval. Riffle went over the requirements of the statute in determining approval or denial of a CUP stating Council acts in a quasi-judicial manner to make a decision. Riffle asked each Alderman if they prejudged this CUP and if they can be fair and impartial when making their decision. All Aldermen responded that they could be impartial. Tim Neubert & Sonny Bando, developers of the Lake Country Athletic & Wellness Facility gave a PowerPoint presentation.

Public Support: Matt Traudt, 815 Pine Meadow Ct; Todd Peterson, 2339 N. 59th St; Luke Nelson, W1233 Steinway Dr; Kevin Raasch, 1243 Victoria Ln; John Hogan, W292 Circle Dr; Kasyn Nelson, W1233 Steinway Dr; Dan Gotzles, 1399 Shoreland Ln; Tom & Morgan Newberger, 1350 Mamerow Ln; Brian Giese, W376 S5144 E. Pretty Lake Rd; Marek Bolson, W1210 Steinway Dr; Pat Leslie, S18 W37130 W. Ottawa Ave; Jason Baumann, 1351 Mamerow Ln; Chad Bauer, N52 W35247 W. Lake Dr; Nate Schacht, 1333 Redwing Dr; and Jerry Wendt, Magna LLC.

Public Opposition: Lisa Regal, 37832 Atkins Knoll Rd; Fay Sanders, 701 Lake Bluff Dr; Jeff Lee, 37420 Indian Mound Rd; Nate Rice, 37803 Valley Rd (displayed pictures on screen & provided various handouts); Doug Orman, 2317 N. Daystar Ln; Sheri Eubanks, Ace Precision; Kristin Simons, 37848 Atkins Knoll Rd (provided handouts); Brian Baker, Sentry Ribbon Corp; Emily Keigher, 37082 Silver Knoll Ct; Lisa Carrao, 37096 Silver Knoll Ct; Matt O'Neill, Atty for Businesses & Homeowners; Marc Regal, 37832 Atkins Knoll Rd; Ed Cohen, 1018 N. Breens Bay Rd; Rebecca Melgares, 1512 Saint Andrews Dr; and Shaun Hester, 1878 River Lakes Rd.

Other Comments/Concerns: Jim Schneider, owner of Ace Precision has concerns about covenant restrictions adhered to in the past versus what is being allowed for Blue Ribbon. Riffle stated the covenants are not a City function. Diane Weber stated the City should keep morning hours at 8 am for outdoors, the athletic indoor facility open at 7 am, concern about lighting being intrusive to neighboring homes, asked what other uses are considered athletic events, concern about the effect on other businesses and groundwater supply issues with crumb rubber turf. Bill Moomey, 1887 Mineral Springs Blvd is concerned about entertainment & noise.

No other comments were received. The hearings closed at 9:50 PM. Council took a 5-minute recess.

c. Grove Street Duplex - Conditional Use Permit

The purpose is to hear public comment on the Conditional Use Permit (CUP) to change the existing CUP that was granted in 2017 for the Fowler Lake Terrace Condos at 515 E Grove St. Per the approved CUP the existing structure is now classified as a legal 2-family duplex. Any major amendment or change to the plans associated with the CUP require review by the City with a new public hearing. The applicant's request is to remove 2 existing detached structures & replace with 1 new detached garage & add a building addition with an attached garage to the existing duplex.

The hearing opened at 9:55 PM. Gallo gave a PowerPoint presentation. Joe & Karen Gosse, owners of the property clarified there is only one sewer lateral on the property and the asphalt area along Grove St. will not be removed. No other comments were received. The hearing closed at 10:04 PM.

d. Un-Named Car Wash - Conditional Use Permit

The purpose is to hear public comment on the amendment to the Conditional Use Permit (CUP) allowing vehicle service (car wash) at approx. 1600 Summit Ave. The property is known as the NW corner of Lot 2, Certified Survey Map #11156. Per the Table of Allowable Uses in §17.106 of the City of Oconomowoc Zoning Code, vehicle service requires a CUP in the General Commercial zoning district. If approved the applicant would be allowed to construct a car wash which is classified as vehicle service within the Zoning Code with amended site & architectural plans from what was previously approved.

The hearing opened at 10:04 PM. Gallo gave a PowerPoint presentation. John Kutts, MSI General stated the project meets the CUP conditions. No other comments were received. The hearing closed at 10:10 PM.

Approval of Meeting Minutes

Motion to approve the January 21, 2020 Council minutes as presented made by Rosek and seconded made by Kowieski. Motion carried 8-0.

a. Minutes of January 21, 2020

Consent Agenda (Items listed under the Consent Agenda are considered in one motion - a Council member may request to remove an item):

Motion to approve the consent agenda made by Zwart and seconded by Rosek. Motion carried 8-0-0.

Motion to amend the motion to remove Items b. & c. from the Consent Agenda made by Spiegelberg and seconded by Rosek. Motion carried 8-0-0.

Motion to approve approve Item b. made by Zwart and seconded by Spiegelberg. Motion carried 8-0-0.

Motion to approve approve Item c. made by Spiegelberg and seconded by Zwart. Council asked about the status of the NE

Regional project. Sullivan stated the NE project is a private/public partnership that includes St. Matthew's, a City park, school and private parcel ownership. Sullivan stated the budget amendment is to true up expenses. Council asked if the total project amount has gone up from what was projected and Sullivan stated the City share comes from park impact fees and there have been change orders on this project.

Motion failed 2-0-6. Voted no: Rosek, Spiegelberg, Zwart, Strey, Kowieski, Rogers.

- a. **Licenses**
- b. **Resolution Approving 2019 Continuing Appropriations**
- c. **Budget Amendment for 2019 Grants/Donations Received and NE Region Project - 10/1/19 to 12/31/19**
- d. **Treasurer's Report**
 - 1. **Treasurer's Report - January 2020**

Committee Reports

- a. **Public Services - Strey, Chr; Zwart, Secy; Ellis**
 - 1. **Consider/act on Resolution 20-R2858 Awarding Engineering Services for Thackeray Trail Extension Phase One Construction Management**

Motion to adopt resolution 20-R2858 awarding Engineering Services for Thackeray Trail Extension Phase One Construction Management made by Ellis and seconded by Rogers.
Motion carried 7-0-1. Voted no: Strey.
- b. **Utility - Kowieski, Chr; Zwart, Secy; Shaw**
 - 1. **Consider/act on Resolution 20-R2857 Awarding Engineering Design Services for Digester Cover Replacement/HVAC Upgrades**

Motion to adopt resolution 20-R2857 awarding Engineering Design Services for Digester Cover Replacement/HVAC Upgrades made by Rogers and seconded by Shaw.
Motion carried 8-0-0.
 - 2. **Consider/act on Final Resolution 20-R2855 Levying Special Assessments for the Valley Road Water Main Extension**

Motion to adopt Final Resolution 20-R2855 levying Special Assessments for the Valley Road Water Main Extension made by Strey and seconded by Kowieski.
Motion carried 8-0-0.

Plan Commission

Without objection Nold moved Items 9.d., e. & f. up.

- d. **Consider/act on Conditional Use Permit for Fowler Lake Terrace Condos at 515 E. Grove Street**

Motion to approve a Conditional Use Permit for Fowler Lake Terrace Condos at 515 E. Grove Street made by Ellis and seconded by Spiegelberg.
Motion carried 8-0-0.
- e. **Consider/act on Conditional Use Permit for an Un-Named Car Wash at Approximately 1600 Summit Avenue**

Motion to approve a Conditional Use Permit for an un-named car wash at approximately 1600 Summit Avenue made by

Ellis and seconded by Kowieski.
Motion carried 8-0-0.

f. Consider/act on the Certified Survey Map to Combine/Reconfigure Property Lines of the City of Oconomowoc Campus Parking Lot and Property at 155 W. Wisconsin Avenue

Motion to approve the Certified Survey Map to combine/reconfigure property lines of the City of Oconomowoc Campus Parking Lot and property at 155 W. Wisconsin Avenue made by Kowieski and seconded by Spiegelberg.
Motion carried 8-0-0.

a. Consider/act on Ordinance 20-0976 to Amend §17.108 Conditional Use-Specific Standards of the City of Oconomowoc Zoning Code Relating to (6)a) General Outdoor Recreation, Commercial Hours of Operation

Due to the volume of information provided by several speakers, Council discussed tabling the Blue Ribbon items to allow time for review. Riffle stated Council can adjourn the public hearing to a date and time certain by giving appropriate notice as required by ordinance and statute and Nold stated a C-O-T-W meeting could occur prior the next Council meeting. Riffle further stated if Council has questions now the public hearing would reopen and the applicant or anyone else may answer questions and comment further. Council questioned the difference between this public hearing remaining open versus other public hearings that close and Riffle stated this is a CUP setting. Council discussed having people come back to the next Council meeting and Nold stated the best thing is if we have questions now we reopen the public hearing ask questions of the consultants and the applicant and then adjourn the public hearing to a date specific which would be March 3rd to continue the public hearing with input from whomever wants to speak. Nold reopened the public hearing at 10:38 PM. Council had questions on sound levels, other events using the sound system or other systems, security, special permits for concerts, using amplifiers, special permits for non-baseball events, crumb rubber/astroturf/grass, groundwater contamination, CUP conditions, parking/street parking, hours, noise, access to surrounding businesses, tailgating, alcohol consumption, stopping alcohol service at a certain time, traffic, watershed, noise barriers, and the sound study. Riffle stated Council can define the conditions in the CUP and he will work with Jason to amend if necessary. Nold stated prior to the next Council meeting on March 3rd we will hold a Committee-of-the-Whole meeting and Riffle stated Council should first decide whether or not to close the public hearing tonight. He recommends allowing additional public comment until a date and time certain and then closing the public hearing in order to debate and discuss. Nold stated the date and time certain is March 3rd at 6:30 PM.

Motion to adjourn the public hearing until 6:30 PM on March 3, 2020 made by Rosek and seconded by Ellis.
Motion carried 8-0-0. The hearing adjourned at 11:25 PM.

b. Consider/act on Conditional Use Permit for Blue Ribbon Baseball Requesting General Outdoor Recreation, Commercial Use Located on Blue Ribbon Circle North

c. Consider/act on Memorandum of Modifications & Variances of the Southwest Business Park at Pabst Farms Declaration of Development Standards & Protective Covenants

Closed Session

a. Per Wis. Stats. 19.85(1)(e)

Motion to approve convening into Closed Session per Wis. Stats. 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session regarding boat launch parking made by Ellis and seconded by Strey.
Motion carried 8-0-0.

Adjourn

Motion to adjourn made by Shaw and seconded by Ellis.
Motion carried 8-0-0.
The meeting adjourned at 11:27 PM.

Diane Coenen, City Clerk
City of Oconomowoc