

# City of Oconomowoc Common Council Meeting Minutes March 03, 2020 - 6:30 PM



**Aldermen Present:** Charlie Shaw, Kevin Ellis, Karen Spiegelberg, Derek Zwart, Tom Strey, Lou Kowieski, Andy Rogers, Matt Rosek  
**Also Present:** David Nold, Sarah Kitsebel, Stan Riffle, Betsy Bleck, Ron Buerger, 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 6:34 PM.

## Call to Order and Confirmation of Appropriate Meeting Notice

### Pledge of Allegiance

### Roll Call

## Public Hearing Continuations from February 18, 2020 – the Public Hearings began at 6:34 PM:

- a. **Zoning Ordinance Text Amendment - General Outdoor Recreation, Commercial**
- b. **Blue Ribbon Baseball Conditional Use Permit**

Riffle went over the Public Hearing process guidelines as required by law and the reason for the continuation of the February 18th Public Hearings, due to the amount of information provided at the Public Hearing that was presented for staff and Council review. As a result of that information, Riffle outlined each of the amendments to the CUP.

Tim Neubert, Blue Ribbon representative stated they are not in agreement with some of the changes regarding a special permit for a non-athletic events, acoustical requirements and hours of operations. They are asking Council for flexibility and requested an additional hour of operation for sporting events delayed due to weather; allowing intermittent sound decibels at 60 per hour between the hours listed in code (not 55); and being allowed to serve alcohol until after the 8th inning.

Matt O'Neill, attorney for several businesses/residents recited Wis Stat 17.806(1)(b) that protects from negative affects & 17.806(1)(c) that requires the applicant to satisfy us that it will not create undesirable impacts on nearby properties, the environment or the community. He urged Council to adhere to the conditions in CUP because it will not limit the ability to play baseball games; special event permit being necessary because other events are not identified; and keep Item 29 in for a 1-year review.

Rob Mitchell was asked to speak on the turf, and he stated he installs over 400 fields per year with crumb rubber and it is safe. Frye displayed a stormwater map of the field drainage. Bill Moomey, 1087 Mineral Springs Blvd spoke on noise readings done regarding decibels.

**Supports:** Jason Laatsch, 330 Thurow Dr; Michael Christman, N7903 Woody Ln; Jeff Rockteacher, 270 Silver Lake Trl; Gary Bender, 1271 Lily Rd; Jeff Zwieg, 184 Linden Ct; Dan Gotzler, 1399 Shoreland Ln; John VanMersbergen, 720 Westover; Jerry Wendt, W155 Allen Rd; Jason Baumann; 1351 Mamerow Ln; Jim Daley, 341 W. Second St; Kris Jacob, 230 Thurow Dr; Mike Beatty, 1048 Saratoga Ct; Brian Giese, W376 S5144 E. Pretty Lake Rd; Luke Nelson, OABC; Derek Nelson, 214 Summit Ave; Nate Schacht, 1333 Redwing Dr; Doug Schuyler, 1071 Neuhausen; Eric Vanmersbergen, 230 N. Prairie Dr; Matt Trout, 815 Pine Meadow Ct.

**Opposes:** Shelia Bertolas, 37434 Indian Mound Rd; Nate Rice, 37803 Valley Rd submitted documents for the record; Lisa Carrao, 37096 Silver Knoll Ct; Kristin Simons, 37848 Atkins Knoll Rd; Jeff Lee, 37420 Indian Mound Rd; Ed Cohen, 1018 N. Breens Bay Rd;

Doug Orman, 2317 N. Daystar Ln submitted handouts; Kenneth Murray, 2913 N. Silver Cedar Rd; Jenny Meier, 37416 Indian Mound Rd; Bill Mooney, 1887 Mineral Springs Blvd.

No other comments were received. The hearings closed at 8:45 PM.

### **Approval of Meeting Minutes**

Motion to approve the February 4, 2020 Council minutes as presented made by Strey and seconded by Kowieski.  
Motion carried 8-0-0.

### **Comments/Suggestions from Citizens**

#### **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 Ellis and seconded by Strey.  
Motion carried 8-0-0.

- a. **Licenses**
- b. **Electric Utility Easement Agreement between City of Oconomowoc and Alexander Lumber Co. (124 S. Worthington St)**
- c. **Electric Utility Easement Agreement Between City of Oconomowoc and Brittingham & Hixon Lumber Co. (136 S. Worthington St)**

### **Committee Reports**

- a. **Finance - Spiegelberg, Chr; Shaw, Secy; Rosek**
  1. **Consider/act on Budget Amendment for 2019 4th Quarter (10/1/19 - 12/31/19) Grants/Donations Received**  
Motion to approve the budget amendment for 2019 4th Quarter (10/1/19 - 12/31/19) grants/donations received made by Kowieski and seconded by Spiegelberg.  
Motion carried 8-0-0.
  2. **Consider/act on Budget Amendment for 2019 4th Quarter (10/1/19 - 12/31/19) for Northeast Region Project**  
Motion to approve the budget amendment for 2019 4th Quarter (10/1/2019 - 12/31/19) for Northeast Region Project made by Shaw and seconded by Ellis.  
Motion carried 8-0-0.
- b. **Utility - Kowieski, Chr; Zwart, Secy; Shaw**
  1. **Consider/act on Resolution No. 20-R2859 Awarding Biosolids Contract and Authorizing Budget Amendment**  
Motion to adopt Resolution No. 20-R2859 awarding biosolids contract and authorizing budget amendment made by Kowieski and seconded by Ellis.  
Motion carried 8-0-0.

### **Plan Commission**

- a. **Consider/act on Ordinance 20-O976 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

Motion to amend Section 1 to include Part A which defines the hours of operation shall be limited to operating between 7 AM and 10 PM daily for non-athletic event related activities and Part B which defines the hours of operation for athletic activities shall only be between the hours of 7 AM and 10 PM, however the Common Council may provide for limited extension to the hours of operation for extenuating circumstances, such as inclement weather made by Rosek and seconded by Rogers.

Motion failed 3-0-5. Voted no: Shaw, Ellis, Zwart, Strey, Kowieski.

Motion to amend Part A Section 1 providing that hours of operation be 7 AM-10 PM unless they obtain and receive a special use permit where the Common Council could authorize amending operating hours made by Rosek and seconded by Rogers.

Motion carried 8-0-0.

Motion to give the ordinance its first reading as amended made by Shaw and seconded by Kowieski.

Motion carried 7-0-1. Voted no: Rosek.

Without objection the second reading was waived.

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

Motion to approve the Conditional Use Permit for Blue Ribbon Baseball requesting general outdoor recreation, commercial use located on Blue Ribbon Circle North made by Strey and seconded by Kowieski.

Motion to amend Item 4. Non-Athletic Events for audiences over 1,500 capacity and/or uses an alternative sound system will need to come back to Common Council for a temporary use permit made by Rosek and seconded by Shaw.

Motion carried 8-0-0.

Motion to amend hours of operation from 7am to 11pm for athletic events made by Rosek and seconded by Strey.

Motion carried 8-0-0.

Motion to amend Item 8. striking the last paragraph made by Zwart and seconded by Ellis.

Motion carried 7-0-1. Voted no: Rosek.

Motion to amend Item 20. striking no alcohol sales be permitted after the 7th inning of baseball games and sales be discontinued at reasonable times prior to the end of the other non-athletic events made by Kowieski and seconded by Strey.

Motion carried 4-0-4. Voted no: Ellis, Spiegelberg, Rogers, Rosek.

Mayor Nold cast the tie breaking vote in favor of the amendment. Motion carried 5-0-4.

Motion to remove Item 29. made by Shaw and seconded by Kowieski.

Motion failed 1-0-7. Voted no: Ellis, Spiegelberg, Zwart, Strey, Kowieski, Rogers, Rosek.

Motion carried 8-0-0.

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

Motion to approve the Memorandum of Modifications & Variances of the Southwest Business Park at Pabst Farms Declaration of Development Standards & Protective Covenants made by Strey and seconded by Spiegelberg.

Motion carried 8-0-0.

## Unfinished/Old Business

### a. **Consider/act on Rescission of Resolution of Necessity - Resolution No. 19-R2832**

Motion to adopt the Resolution for Rescission of Resolution of Necessity No. 19-R2832 made by Shaw and seconded by Zwart.

Motion carried 6-0-2. Voted no: Strey, Kowieski.

## Staff Reports

### Reports and Comments from the Aldermen

Strey appreciated all the information, input and comments regarding the Blue Ribbon Project. Kowieski thanked downtown

businesses for participating in a fundraiser to provide training to therapy dogs to be used by Fire, etc. Spiegelberg hopes everyone can rally around the Blue Ribbon project and they will be a good neighbor.

### **Closed Session**

**a. Per Wis. Stats. 19.85(1)(g)**

Motion to approve convening into Closed Session per Wis. Stats. 19.85(1)(g) "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved regarding WaterView Condominiums made by Strey and seconded by Shaw.

Motion carried 8-0-0.

### **Adjourn**

Motion to adjourn made by Ellis and seconded by Zwart.

Motion carried 8-0-0.

The meeting adjourned at 10:02 PM.

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Diane Coenen, City Clerk  
City of Oconomowoc