

**Minutes of the Regular Meeting of the City Council Held on January 11<sup>th</sup>, 2022, Pursuant to Notice Duly Given:**

1. Meeting called to order by President John Reed at 6:00 p.m.
2. Roll Call: Al Schreiber, Kim Bronikowski, Dean Reed, Jean Feldt (via ZOOM), Roger Reed, John Reed, Attorney Calvert  
Excused: Mayor Heier  
Also Present: Building Inspector Joe Last (via ZOOM), Parks and Rec Director John Bostedt, Superintendent of Public Works Jeremy Wusterbarth, Police Chief Mike Rehberg, Firefighter Cody Henry, Administrator Brittney Bickel and as recording secretary, and other interested parties
3. Invocation and Pledge of Allegiance by Alderperson Roger Reed
4. Approval of Agenda  
**Motion by Schreiber, second by Bronikowski to approve the agenda.**  
**Motion carried upon verbal voice vote. 6 ayes**
5. Approval of Minutes as Presented from City Council and any Special Council Meetings  
**Motion by Bronikowski, second by R. Reed to approve the minutes as presented.**  
**Motion carried upon verbal voice vote. 6 ayes**
6. Correspondence/Public Input:
  - Robert Rogall, 104 Robin Lane, stated that spot zoning on less than 40 acres is suspect, and is unfair singling out of property as it pertains to all the surrounding properties, with the sole benefit only going to the property owner who bought residential land and now wants commercial land. This makes spot zoning incompatible with the adjacent residential areas. Site size is relevant. The nuisance model looks at surrounding neighborhoods and adjacent properties and applies to increased traffic, noise, and incompatibility to the neighboring properties. This would be spot zoning to meet a single public need, a single purpose, or single general welfare, which can affect property values due to inside deals. It should not be allowed to purchase cheap residential land, “cry wolf” that government is trying to “hold down the working man and try to get public sympathy”. This was not allowed at the riverfront property for the Campground last year. “If you allow this outdoor venue, you have the commonality of law to overturn the property to have a Campground that had been denied last year. This is the same family trying to do this twice in our community. Business is great, but not in a quiet residential area.”
  - Riley Sowle, 1240 McDonald St, stated that the City knows it as “the barn”, but it is their home, they live in the barn since last March, it is a private residence. They fixed it up and made it nice. Family, friends, and others are interested in utilizing the property for different sorts of events, not just weddings. They bought it less than 2 years ago “in shambles”, over 20 acres, 7 parcels, no spot zoning took place. Rezoned 5 parcels, “redistricting”, from R1 to R2 to allow for a liquor license. They heard through Council meeting from the Mayor and Council that there was an issue with parking at the trial wedding they held, and they apologize. The City originally encouraged them to keep parking on their side of the road to ensure guest safety and no pedestrians were crossing McDonald Street in the dark. There is a “giant wall of trees that boarder the property that is a 95% visual barrier”, but unexpectedly the headlights still shown through. The parking was immediately moved across the street to fix that problem, since a parking lot cannot

go on multiple parcels, they moved property lines to allow this to happen and address the concerns of the neighbors. They also moved all activities to the West side of the barn which is “400-500 feet away from the nearest house”. From all the additional traffic caused by the venue “not a single car drives down Robin Lane or Holtwood Way... McDonald Street is a main arterial road.” They want to do what they can to make this work. Will keep fighting to make it work. Will address all concerns. Every step of the way trying to do things the right way. Doesn’t feel they are doing anything wrong. Work still needs to be done. The City has never dealt with an Outdoor Event Venue, and it will take time to figure out a solution to make everyone happy.

- Steven Sowle, 522 Main St, stated he is Riley’s father. He retired 2 years ago. Has been working on the property with his son and it is “a labor of love”. People against the venue have legitimate complaints. He apologized for the vehicle lights, and they planted a hedge to help this. They respect neighbors and their privacy. It is a unique property, bordered 100% on the North by the Oconto River, 100% to the West by the highway, 100% on the South by vacant land that has, Pearl and Nash, their horses living on. The closest neighbor has been very helpful and supportive. Wants to move forward in a commonsense way. His son needs a venue for income. Riley and Anita are both entrepreneurs and need to be able to make money.
- Al Wickman, 110 Robin Lane, stated his concern is this is a large event. The amount of garbage that will accumulate is a concern and will attract vermin. He is against the “spot zoning” and putting a business in a residential area. He is concerned “if we do it here, where else will it be done in the City.”
- Aimee Clough, Sobieski, stated she believes the venue is nothing but a positive thing for the City. It brings business to Oconto gas stations, restaurants, bars, Airbnbs, stores, and hotels. It can bring a lot to our community. What does the baseball do at tournaments? Will the venue have more people or cars than the baseball diamonds do? The lights are on at all hours to finish the tournaments, all the garbage that is brought into the baseball tournaments, and all the children that are there. “Everyone except a small handful of people will benefit from this venue.”
- Dale Thompson, 106 Robin Lane, stated he believes the Council should take it off the table and vote “no” to creating a new ordinance. He listed reasons why he believes this: it is a Commercial business, not a home-based business or home occupation business. Per the zoning ordinances, Commercial businesses are not allowed in Residential neighborhoods. There is suitable Commercial property in the City available for this type of venue, example the 12 acres next to Wagner Shell. The neighbors, Sowles, and anyone who has booked at this venue deserve an answer, this has been going on for a long time. If created, this ordinance would be in direct conflict with almost a dozen existing ordinances. (13-1, -3, -4, -21, -41, -42, -81, -86, -89, -122, -200 and 13-2-34) He does not want the Council to vote with emotion. The Council was sworn into a Code of Ethics defined by the City which touches on responsibility of public office, fair and equal treatment, and conflict of interest.
- Joe Kingsley, 3067 N. River Road, stated he is approximately a quarter mile up the River, he can hear the train and everything in his home, but how can neighbors tell people what to do in their home and on their property. “If we say no to this family, they will take their business elsewhere”. The Fly-In and the baseball tournaments are busy and noisy as well, but it sounds like this family is willing to take the steps to follow the codes and avoid disruptions. “Barn weddings are fun, and we should allow them to have them.”
- Tere Hochmuth, 424 Seventh Street, stated she moved away from here when she was 19 and moved back here 4 years ago from Arizona. Not a lot has changed. “Trash that has not even materialized yet should not be listed as a problem.” She wants Oconto to grow

and prosper and have a tourist community. Wedding venue is positive and “what is happening in our world right now. Everyone will prosper from this”. This community needs it.

- Dave Dreshek, 234 Frank Street, stated he is a life-time resident of Oconto. “Watched Oconto tear down train depots, buildings on Main Street, and take a step back from forwarding our City”. People don’t want change and “expand horizons”. “Two young people putting time, sweat, blood into a building that’s been here longer than anyone against this.” Why are we solving problems that haven’t happened yet. He wants to see our City grow and neighbors work together.
- Jerry Clough, Sobieski, stated his wife has a business in Oconto and his daughter booked her wedding at the venue with the Sowles. They have been very cooperative throughout the entire process, are making changes to appease everyone, and compromising to make this happen. The people who will be coming into town will buy beer, gas, and go out to the Harbor. The Harbor will be great for wedding pictures.
- Anita Jensen, 1240 McDonald Street, stated that when she moved here 8 years ago, she saw beauty and potential in the barn for a wedding venue. They want to offer this beautiful opportunity with the City. It is an opportunity for kids and grandkids to come back home to Oconto and get married in their hometown. They want to offer this to the community. They have worked hard and are going to continue to work hard to make this happen. She has tried to reach out to neighbors, “Call back. Message back. We’re here to talk about things. And we still are. Nothing changes. We’re here to listen, makes changes, whatever’s needed. We want the success for us, but more importantly, the community, the businesses.” “This was a farmland before it was ever residential.”
- David Bikowski, 189 Lindsey Avenue, stated he is friends with both parties present. Younger people and younger couples are taking over businesses and helping to move Oconto forward. He would like to see this business succeed. “We’ve seen great examples of this already: the bowling alley with the Goods, The Shop on Main, and many other places throughout this area that have been taken over by young couples that are willing to give and willing to benefit Oconto.”

J. Reed called three times for Public Input, hearing no additional comments.

J. Reed stated he was voted in, and it is the Council’s responsibility to follow and defend every ordinance without prejudice, without favoritism, be fair and consistent, and that is what they intend to do. The Federal, State, and City guidelines, codes, and ordinances.

7. Discussion/Action/Recommendation on the Following:

a. Department Reports

- i. Building Inspection Report: Building Inspector, Joe Last, stated he ended the year with 470 permits issued. Community is building and growing.
- ii. Police and Fire Reports: Police Chief, Mike Rehberg, stated there were 34 ordinance violations issued in December, 457 calls to service in December, and just under 7,000 year-to-date last year. Many of the officers attended the National Incident Command Training at the Sheriff’s Department. Officer Hagel is now the Department’s taser and firearms instructor, and Officer Tousey will soon be the defense and arrest tasks instructor. Fire Chief, Josh Bostedt, was unable to attend the meeting. He provided City Administrator Bickel with his monthly reports to be handed out at the meeting.
- iii. Park & Recreation Report: Parks & Recreation Director, John Bostedt, stated the Tree City Recertification report was submitted, and we are working on the Bird City Recertification for January submission. There have already been 28 Holtwood Campground reservations, 15

park pavilion rentals, and 4 City Park Campground reservations taken for the 2022 year. He also mentioned Saturday, February 5<sup>th</sup> will be the Candlelight Walk at Copper Culture State Park.

- iv. Public Works Report: Board of Public Works Director, Jeremy Wusterbarth, stated the Pacer street rating report for the DOT is almost ready which rates the 42 miles of road in the City. He will be holding interviews for the Mechanic's position tomorrow night. Ice fishing access was put in today in the new parking lot on Splinter Causeway, which gives ice fisherman another access point other than City Park to access the Bay. New meters are being installed currently. Snow plowing still keeping the guys very busy. Have used currently approximately 250 tons of salt, which is 160 ton over last year. Bronikowski asked Wusterbarth about the purple streetlights. Wusterbarth explained they contain bad LEDs and are getting fixed. He also stated that if anyone sees any streetlights out or any other problems with them to call or email Jeremy immediately. He contacts WPS and a ticket gets put in for service.
- v. Administrator Report: City Administrator, Brittney Bickel, stated the auditors were in yesterday for the Interim Audit. They will be back the week of March 7<sup>th</sup> for the Final Audit. Bickel has been talking with some clerks and administrators from municipalities in Wisconsin on the information and reports the present or provide to their Council, as a way to keep them all informed and have a better understanding of the income and expenses, and financial and budget health. She has received a lot of great feedback. Once the auditors are done and 2021 is balanced and closed, she can start utilizing the bank reconciliation feature in our Workhorse program. This will allow for monthly financial statements to be printed for the Council meetings, and have a more detailed up-to-date picture of where the City is at financially. Bickel stated the ARPA Final Rule (COVID Funds) was released on January 6<sup>th</sup>, She registered for a webinar on the updates of the rule, but the City's internet went out in the beginning of the presentation. She requested from the host an emailed recording of the presentation. More information will be provided at the February Committee of the Whole meeting. Tomorrow, Attorney Calvert and Bickel have a meeting with Robert E Lee to close TIF 3 and continue the process of opening TIF 5. Bickel informed everyone that the front office is very busy in the middle of tax collection, which began on December 8<sup>th</sup> and continues until January 31<sup>st</sup>. She also stated that there are 3 candidates running for Mayor, which will require a February Primary Election, and there are 5 candidates running for Alderperson at Large.

- b. Accounts Payable for the Month of November 2021 in the Amount of \$313,037.37 and December 2021 in the amount of \$430,081.08, Payroll for the Month of November 2021 in the Amount of \$152,590.53 and December 2021 in the amount of \$243,453.70, and other Financial Reports as Presented

**Motion by Schreiber, second by Bronikowski to approve the reports and amounts as presented.**

**Motion carried upon verbal voice recorded roll call vote.**

**6 ayes**

- c. Approval of An Ordinance Regarding Revisions to the Offenses and Nuisances Ordinance in the Municipal Code of Ordinances for the City of Oconto

**Motion by Bronikowski, second by R. Reed to approve the Ordinance.**

**Motion carried upon verbal voice recorded roll call vote.**

**6 ayes**

- d. Possible creation of new Outdoor Event Venue Ordinance.

**Motion by Bronikowski, second by Schreiber to un-table discussion on possible creation of new Outdoor Event Venue Ordinance.**

**Motion carried upon verbal voice recorded roll call vote.**

**6 ayes**

Attorney Calvert provided the Council with a list of items that need to be addressed and answered by the Council regarding the possible ordinance. He reminded the Council when thinking about this ordinance, to think of the City as a whole, and not just this particular venue as it will apply to the entire City. Bronikowski suggested putting limits on acreage. We have outdoor venues currently such as Copperfest, Log Jam, and Crivellos having events one a year. Why is this different than those? J. Reed stated it is not zoned Commercial, it is zoned R2 and this business is in a Residential zone. Bronikowski questioned what the venue would need to be zoned as? J. Reed answered, commercial. The reason why there can be graduation parties in yards or things similar is because they are not-for-profit, people aren't being charged money to attend, it's not a business. This is a business in a residential area. Schreiber mentioned the possibility of utilizing a Conditional Use Permit. Calvert reminded him that this was discussed at the Plan Commission meeting already in November or December, and this venue does not fall under eligibility for the Conditional Use Permit. One of the reasons being it is not indoor, but outside. J. Reed commented he believes this venue would help Oconto grow and would be a great thing, however, it is the Council's job to follow ordinances. Feldt commented it is resident's right to have businesses. She commented this is a transitional area. With the river and the highway and the Campground nearby, it is not "one size fits all" sort of area. Our ordinances were pulled from another community and need to be adjusted to fit our needs and serve our community. People need to be able to make money from home in our current world. We need to review ordinances that are currently being broken and assess if they are still fitting the needs of the City. J. Reed stated we need to look at the ordinances closely and see what is possible. The Sowles have spent lots of time and money on trying to reach their venue goal and feels bad for the time this is taking for answers. No ordinance fits this situation. He is not against the Venue but goes against current ordinances. Bronikowski mentioned the Council can change the ordinance or add a new one. There are other businesses in residential areas, and it can work. She understands the neighbors' complaints and commented "let's get this done as soon as possible." Calvert stated the reason this has taken time is because when it started, it was an in-barn wedding venue. It has evolved from an in-barn venue to an outdoor event venue. It is not a home occupation, it is outside. The Plan Commission Committee allowed the Sowles to have a trial wedding to see how this would go, and if it was possible. Some things went well and some things didn't. Bronikowski asked Riley Sowle "is any part of the wedding taking place in the barn?", Sowle responded the Bride gets ready in the home part of the barn, in the living room and kitchen. They are allowed to have "a private residence rental" and allow this. Zero guests are allowed inside. Event, ceremony and reception, is fully outside. Frank stated that the reason the weddings and everything is not taking place inside is because that building (the barn) would have to meet Commercial code (ie building plans, sprinkler system, etc). Schreiber mentioned getting a draft together. The City waives the noise ordinance for Copperfest and allows this outdoor event. We set our ordinances and should follow them. Calvert added that we have to remember that there is a difference between not-for-profit and for-profit events. D. Reed added we have to take time and be careful while creating this, because if we make a mistake or leave something out, someone will exploit it. Bronikowski asked what ordinance does Copperfest and Harvestfest fall under now. Schreiber stated "Outdoor Entertainment" one-time permit. They come to the City each year and get this permit. Bronikowski asked what makes this venue different. Calvert answered it's in a residential area and it is for-profit. Wusterbarth commented that Harvestfest is not-for-profit event, but on a street that is mostly for-profit businesses. Calvert stated that it is held in a Commercial District (Main Street), but agrees that there is a lot to think about and a lot

to juggle. Bronikowski recommended planning a Special Council meeting and find out what other communities are doing. Calvert stated they couldn't find anything similar in a city, all were in townships which don't have zoning and have very few ordinances. Feldt stated "we need to make this happen." D. Reed stated that we just can't make anything happen. We have to look very hard at this and remember that ordinances are in place for a reason.

**Motion by Feldt, second by Bronikowski to hold a Special Council meeting Tuesday, January 18<sup>th</sup> at 6:00 pm.**

**Motion carried upon verbal voice recorded roll call vote.**

**6 ayes**

- e. Waterfest 2022: Bickel stated that being brand new to the City Administrator position and all the work that needs to be done currently in her role, she requested looking at other possible groups or person that would organize Waterfest. The Council agreed that her time should be spent in other areas. Schreiber recommend Tourism or Chamber as a possibility. Wusterbarth recommended that Waterfest stay within the City and stated if there were files or information from previous years, he would take a look. Bickel stated there were binders from the previous three years and she would share those with him.

**Recommendation from Board of Public Works:**

- f. Approve invoice from Morton Salt for road salt in the amount of \$14,895.88

**Motion by D. Reed, second by Bronikowski to approve invoice the invoice as presented.**

**Motion carried upon verbal voice recorded roll call vote.**

**6 ayes**

- g. Approve invoice from Oconto County Highway Department in the amount of \$4,399.08 for blacktop patch, road stripping, and blacktop repairs.

**Motion by D. Reed, second by R. Reed to approve the invoice as presented.**

**Motion carried upon verbal voice recorded roll call vote.**

**6 ayes**

**Recommendation from Oconto Utility Commission:**

- h. Approve invoice from Crane Engineering in the amount of 12,580.70 for repairs to the trickling filter pump #2 at the WWTP.

**Motion by D. Reed, second by Schreiber to approve the invoice as presented.**

**Motion carried upon verbal voice recorded roll call vote.**

**6 ayes**

- i. Approve quote from Crane Engineering in the amount of \$17,564.00 for lift station pump replacement at the Main/Chicago lift station.

**Motion by Bronikowski, second by D. Reed to approve the invoice as presented.**

**Motion carried upon verbal voice recorded roll call vote.**

**6 ayes**

8. Council may vote at approximately 6:45 p.m. to convene into Closed Session pursuant to notice duly given and as allowed by Wis. Stats. 19.85(1) (c) for discussion on personal matters and as allowed by Wis. Stats. 19.85(1) (e) for the purpose of 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 for the following items:

- a. Fire Union Agreement
- b. Board of Public Works Mechanic Position

**Motion by Schreiber, second by R. Reed to move into Closed Session at 7:30 pm.**

**Also present in Closed Session: Attorney Calvert, Administrator Brittney Bickel, #2739 President Cody Henry and Board of Public Works Director Jeremy Wusterbarth**

**Motion carried upon verbal voice recorded roll call vote. 6 ayes**

9. Council may vote to reconvene into Open Session at approximately 7:15 p.m. pursuant to notice duly given and as allowed by Wis. Stat. 19.85 (2) for discussion/recommendation from Closed Session.

**Motion by Schreiber, second by Bronikowski to move into Open Session at 7:50 pm.**

**Motion carried upon verbal voice recorded roll call vote. 6 ayes**

10. Action/Discussion on Matters from Closed Session

**Motion by D. Reed, second by Bronikowski to forward the Fire Union Agreement to the Special Council meeting on Tuesday, January 18<sup>th</sup> after the Council has time to review the Agreement.**

**Motion carried upon verbal voice recorded roll call vote. 6 ayes**

**Motion by Bronikowski, second by D. Reed to increase the Mechanic wage to \$27.00/hour, starting at 2 weeks vacation time with stipulation that a max of 1 week taken in the first month of employment and a max of 1 week in the second month of employment, and to approve the hire of the chosen candidate after interviews are completed.**

**Motion carried upon verbal voice recorded roll call vote. 6 ayes**

11. Adjournment.

**Motion by Bronikowski, second by Schreiber to adjourn at 8:00 pm.**

**Motion carried upon verbal voice vote. 6 ayes**

Respectfully Submitted:  
Brittney M. Bickel, City Administrator