

Minutes of the Regular Meeting of the City Council Held on January 18th, 2022, Pursuant to Notice Duly Given:

1. Meeting called to order by President John Reed at 6:00 p.m.
2. Roll Call: Roger Reed, Kim Bronikowski, Dean Reed, Jean Feldt, John Reed, Attorney Calvert
Excused: Al Schreiber and Mayor Heier
Also Present: Building Inspector Joe Last, Firefighter Cody Henry, Administrator Brittney Bickel and as recording secretary, and other interested parties
3. Invocation and Pledge of Allegiance by Alderperson Kim Bronikowski.
4. Approval of Agenda
Motion by Feldt, second by R. Reed to approve the agenda.
Motion carried upon verbal voice vote. 5 ayes

5. Correspondence/Public Input:

- Riley Sowle, 1240 McDonald St, stated they have been working with the City since the beginning to make this a reality, apologized for and corrected mistakes that were made at the September 25th trial wedding. The original Conditional Use Permit that was submitted was off target, but they since made changes to the Conditional Use Permit after learning the additional concerns. He believes he has a 3-part solution. A new ordinance would need to be created, but that wouldn't and shouldn't give permission on its own, a Conditional Use Permit would also have to be created for final approval. He also pointed out that the concerned neighbors are in an R1 district, while the venue is in an R2 district, and there are some differences between the two. Sowle asked a rhetorical question "Is a tavern considered a commercial business? Or a restaurant? Or café? Is it possible for these businesses to work in an R2 district in Oconto? And the answer is yes. Thru a Conditional Use Permit. Are any of those allowed in R1? No. There is differences between the two." He went on to say we would need to amend section 8 to include an outdoor event first. Then, adopt a fair ordinance. And finally, revising his Conditional Use Permit Application for the proposed Outdoor Event Venue. He understands that it will not be created and approved today but wants to keep moving towards finding a solution.
- Steven Sowle, 522 Main St, stated Anita Jensen is a local 4H leader. He would love to see her and her students plant pumpkins and sunflowers on the property, which would act as an additional buffer zone between the neighbors and sell the pumpkins in the Fall to donate the proceeds to a local charity.
- Judy Sowle, 522 Main St, stated she is the mother of Riley Sowle and a retired schoolteacher of 38 years. She first thanked the City for putting out good information on Facebook regarding Public Input procedures and making information more accessible to ensure everyone is able to be heard and educated on what is going on, thanked the Council for listening and making this possible, thanked the newspaper for the article and pictures, and thanked the community for attending the meetings and voicing their support for one side or the other. She believes the outdoor event is important for our community for the obvious reason of the other local businesses that will receive additional business, but also for the citizens of Oconto. In a time of COVID, they have an outdoor venue that

they can feel safe in. COVID caused us all to miss events and cancel plans. This outdoor event with open air and plenty of space will allow group events to begin again safely.

- Debbie Crivello, 818 Main St, stated she and her husband own Crivello's restaurant. They are in support of the outdoor venue. They were able to cater the wedding that was held at the venue in September. People who attended also went to Oconolodge, Thompson's, and gas stations. Good for businesses and residents of the City.
- Casey Sowle, 616 Washington St, stated the venue provides part-time work for people. He also stated that Riley and Anita moved away, came back, and fixed up the falling down barn that is visible from the highway. It is now beautiful. "It is the American Dream supporting your family and helping the community." The venue allows residents to make memories in their community.
- Dale Thompson, 106 Robin Lane, stated a quote from Dr. Martin Luther King, Jr "the means we use must be as pure as the ends we seek." He stated there were some mistruths told at last week's Council meeting. "Riley was asked about allowing people in the barn. He told us they rent the living room and the bathroom so the wedding party can change and get ready, nobody else is allowed in the barn. The photographer from the wedding recently posted a picture showing about 40 people inside the barn, and you can see the buffet set up along the side, which means the approximate 100 people at the wedding were inside the barn. Anita stated that none of the neighbors responded to her former texts, well, that's because we never received anything from her, and I can provide cellphone records to prove that." He also quoted Alderperson Feldt in saying "this property is out in the country". It is in the City limits. He feels the Council is not considering the neighbors, because there is not a lot of neighbors out there, and he doesn't feel that their opinions matter or are valid in the eyes of the Council. "It was also stated that there is a Commercial business across the highway and that is also incorrect." He believes it is a disregard for the Code of Ethics. "The Council has the ability to create a new ordinance, but if you do what are you going to do about the 25 existing ordinances that are in contradiction to this one ordinance? 25 Ordinances protecting the citizens of Oconto, protecting the integrity of the zoning districts, for one ordinance, for one family. And once you set that precedent you might as well throw the entire book of ordinances out the door."
- Steve Stock, 1703 Park Ave, stated he's been living here for 31 years. He is not for or against the venue. But wants to provide information to help make the decision. He lives next to the Bond Center. It was previously a quiet area. Now there is more traffic and the frequent helicopter flying overhead is loud and at all hours of the day and night, but it is still a wonderful thing that the residents and City have. When the Bond Center was being planned, the neighbors did not come to the Council to try and have it shut down, because it is a positive thing for our community. There is a lot of opportunity here. The Council and the venue need to abide by the rules and regulations. This venue will help the entire City. Both parties need to work together.
- Rob Rogall, 104 Robin Ln, asked is this venue a need or a want? He believes people are focusing on the fairytale side and not seeing the ugly side. There will be a DJ, band, tent, porta potties in his backyard. "Please try to imagine this in your backyard... it will get very old very quickly." This proposal is too open ended. Not just for weddings. It can be for any event, circus or rock concerts included. Barn is just the background and shouldn't even be in the equation. Copperfest is just a one time a year event and the baseball field is only a few weekends a year, and he knew they were there when he moved here. The

direct neighbors will be labeled “the bad guys” if they report loud noise or rule breaking. Commercial business belongs in commercial zones.

- Todd Hearley, 1341 McDonald St, stated he and his wife own The Shop on Main. The more business that comes to this town, the better everyone will be. When the trial wedding was held in September, the Shop on Main’s business doubled. Many other businesses will benefit from this venue. Restaurants, gas stations, and hotels. And will attract more businesses and make Oconto a destination place for people, residents and businesses alike. It will draw people in.
- Tere Hochmuth, 424 Seventh St, stated she is hearing the projected notions of what could happen. “This isn’t a high school Wapatuli party, it is a professional venue... We need to give the people in this community the opportunity to grow” We need flexibility, not a focus on the problems that have not occurred. “If you don’t give them a chance, then shame on you.”
- Olivia Monette, 2202 Superior Ave, stated she was there representing many Dockside employees that could not be present. They are in support of the venue and the business it brings to our small community.
- Zak Weigelt, 326 First St, stated he was there is representation on his parents that could not be present who live close to the venue. They support the venue 100%. They do not believe traffic is an issue. On Holtwood, there is Winter Wonderland, baseball fields, at the Airport the Fly-In. It’s a beautiful location, especially being close to the river. They are helping to clean-up Oconto.
- Anita Jensen, 1240 McDonald Street, stated she understands not all the decisions will be made tonight, but it is a step forward and allow them to continue down the Conditional Use Permit route. They have multiple businesses, and she wants to see the community succeed. The local caterers, coffee shops, restaurants, hotels will prosper. Investments have been made and they will continue to be made. They want to compromise and see the community thrive. “I have horses across the street. In the City limits. We made that work. And I have not offended anyone. And I will continue to adapt and find a path to make it work. But we need a successful business to make that work. Everyone can win.”

J. Reed called three times for additional public input, hearing none.

6. Discussion/Action/Recommendation on the Following:
 - a. Fire Union Agreement for 2022

**Motion by Feldt, second by Bronikowski to approve the Fire Union Agreement for 2022.
Motion carried upon verbal voice recorded roll call vote. 4 ayes, 1 nay (R. Reed)**

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

J. Reed commented “we need to do right before the new Council gets here in April. It needs to get corrected. We need to get this City pulled together and move forward so we don’t have issues like this because we bend ordinances or we make deals or we try to make something. As I said in the last meeting, I was voted in to protect those ordinances. I was voted in under oath to follow the ordinances and I will. I will follow the ordinances. It’s as simple as that. Because that is the right way to do it. When they come to you and say hey they want to do this and the ordinance says you can’t, you can’t. If it says you can, you can. Citizens in this Oconto in Residential have

a right to live in Residential the way anyone else does. To follow the parameters of a Residential area. R1, R2, or Commercial. It's that simple. It really is. We need to follow ordinances. When I go home tonight, I am going to make the right decision, I'll be able to sleep tonight because I am doing what I was voted in to do. And that's to follow the ordinances and protect them, as we all took that oath." J. Reed continued, "We want to create a new ordinance, as it stands today, they cannot do what they are doing per the ordinances in the City of Oconto."

Feldt asked that someone explain why, so everyone can have a better understanding. "What is prohibiting them to do this in an R2 zone?"

J. Last explained it started off as a home occupation, and we were looking at that ordinance, and there are around 5 things that cause it to be illegible to be classified under this ordinance. Bickel stated that she handed out the ordinance and highlighted those items. J. last continued, because of these items, the Sowles created a Condition Use, which was submitted at the Plan Commission meeting in November. But when the venue evolved into strictly outdoors, it ended up requiring much more than a Conditional Use. It would require taking a lot away from the ordinance that is already in place, which would require us to create a new ordinance. At this point, it was forward to the Council at the December meeting. We need to look hard at what we can, must, and should do to create this new ordinance.

Attorney Calvert elaborated, "The short answer, when you look at R2 Zoning District, it is not an allowed use and it is not a conditional use that is listed within that. (The venue) doesn't fall within either of those things in an R2 District." Feldt stated she was still not understanding why it doesn't fit. Calvert read down the list of items that are permitted in an R2 District. J. Reed interjected "as I said, as it stands today, with the ordinances, this can't be, we can't do it. It's that simple."

Bronikowski inquired, "for the R2 zoning, they rezoned to R2 because it is what the City told them to do..."

Attorney Calvert quickly corrected the statement, "No. No it's not. The Sowles had filed an application when they were still R1 for a liquor license. Calvert told them they could not receive a liquor license in an R1 District and without a premise on which to have a tavern, it's not allowed. Riley and Anita stated there were taverns in other residential areas around the City. Calvert explained it is possible to have tavern in R2 zoning with a Condition Use. The Sowles then asked to be rezoned R2, which anyone is the City can ask to be rezoned to whatever they want. It goes to Plan Commission, and they chose to approve or not approve the rezoning request. Since that communication, the Sowles withdrew their request for a liquor license, and filed to rezone for R2. You can have a liquor license in a variety of zoning districts, R2.. commercial.. but you cannot in R1. You have to be correctly zoned, and also have a premises. You can't just have a liquor license for your backyard."

Building Inspector, Joe Last, went over the entire timeline of the property starting at September 2018 and ending at the current time.

J. Reed asked, "Where do we go from here?"

Bronikowski provided the Council with a printed example of an ordinance that could be altered and adopted by the City to fit this situation. It is from the Village of Bristol, in Kenosha County, and for a Special Outdoor Events Venue with Conditional Use Permit. She urged the Council to look at it and think of items we would need to include and alter to fit the City of Oconto and our needs.

Calvert stated there are a lot of hoops to jump through. A lot to think about.

Calvert also provided the Council with a draft of a Condition Use that would allow for Wedding Ceremonies during the day, which would still allow for people to utilize the beauty of the barn and the river, but compromise the amount of people attending, number of events each year, music, food, and liquor for the neighbors.

J. Reed asked how we go about creating an ordinance. "Do we send it to Plan Commission?"

Calvert explained it is the responsibility of the Council to create the ordinance. The Plan Commission would simply review applications and grant permission for the Conditional Use Permits that would be submitted. If they are denied, the appeal can be submitted to the Council. Bronikowski felt the Conditional Use drafted by Calvert was far too restrictive. "If you have that beautiful area, why would you not want a reception there. The City offers so many accommodations for people to do between the ceremony and the reception. It's an opportunity that I don't want to see the city pass on."

D. Reed questioned "Are we creating a Conditional Use for the Ordinances we have now, or on the Ordinance we create?"

Calvert replied, it would have to be an ordinance we create.

Feldt and Bronikowski stated that they do not want to create an ordinance for strictly a wedding venue. D. Reed reminded them that it is important to compromise for both sides, for and against the venue. And also to be aware that there will need to be restrictions on what can happen at the venue. It is going to take a lot of time.

Calvert agreed that there are many events that you would not want to see in a Residential District. It will be difficult to say what you can and can't allow, but it will need to be specified.

Motion by Feldt, second by Bronikowski to move forward in creating an ordinance and conditional use for an outdoor wedding venue.

Motion carried upon verbal voice recorded roll call vote. 4 ayes, 1 nay (R. Reed)

7. Council may vote at approximately 7:00 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 personnel matters for the following items:

- a. Fire Department Personnel

Motion by Feldt, second by D. Reed to move into Closed Session at 7:33 pm.

Also present in Closed Session: Attorney Calvert and Administrator Brittney Bickel

Motion carried upon verbal voice recorded roll call vote. 5 ayes

8. 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 D. Reed, second by Bronikowski to move into Open Session at 7:50 pm.

Motion carried upon verbal voice recorded roll call vote. 5 ayes

9. Action/Discussion on Matters from Closed Session

Motion by D. Reed, second by Feldt to bring in the chosen candidate, as needed, as part-time fill in Firefighter at \$25.00 per hour.

Motion carried upon verbal voice recorded roll call vote. 5 ayes

10. Adjournment.

Motion by D. Reed, second by Bronikowski to adjourn at 8:00 pm.

Motion carried upon verbal voice vote. 5 ayes

Respectfully Submitted:
Brittney M. Bickel, City Administrator