

**TOWN OF OCONOMOWOC
PLAN COMMISSION MEETING MINUTES**

**Monday May 20, 2024
5:00 pm**

Chairman Robert Peregrine called the meeting to order at 5:00 p.m. Commissioner's present included James Navin, Linda Bergman, Dione Funk, Jim Roche, Wayne Euclide, and Pat Agnew. Also in attendance was Jason Fruth from Waukesha County Park and Planning, Attorney Tracy Murn, Administrator/Planner Jeffrey Herrmann, and Clerk/Treasurer Lori Opitz. For additional attendees please see the sign in sheet.

Adjourned Public Hearing will be held by the Town of Oconomowoc Plan Commission and a Staff Representative of Waukesha County Department of Parks and Land Use to consider the Conditional Use request (CU100) of The Home City Ice Company, 6045 Bridgetown Road, Cincinnati, OH 45248, to allow after the fact operational changes to an existing ice productions business. The subject property is located in part of the NW ¼ of the NW ¼ of Section 18, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N80 W39901 McMahon Road (Tax Key No. OCOT 0502.999).

Chairman Robert Peregrine opened the public hearing at 5:01 p.m.

Joe Michaelchuck from SET Engineering stated he has 30 years of experience. SET Engineering performed a site reconnaissance and initiated an acoustical analysis of Home City Ice on Monday March 18, 2024. They received a facility tour, overview of the operation and to assist in recording sound levels from various operations. The monitoring commenced on March 18, 2024, and was concluded on March 21, 2024, around 5:15 p.m. Continuous monitoring on Home City Ice eastern property line was performed using an EM2010 noise monitor. The EM2010 measures sound waves in A-weighting, which is the weighting scale most used for worker safety by OSHA when assessing sound. The EM2010 consists of a microphone, a real-time acoustic processing unit that transmits to a remote web-based server and a power supply. The meter was placed 50 feet west of Home City's Eastern property line and it continuously measured sound levels in one-minute increments for the entire three-day period. He stated the distance between Home City Ice property and surrounding receptors is the most significant contributing factor to the study and the McMahon residence is located approximately 1,540 feet east of Home City Ice building whereas the EM2010 Type I sound level monitor was only 500 feet from the Home City Ice building. He also stated the average value of recorded sound 500' east of the Home City Ice building was 47.66 dBA and by CDC comparison, this value is slightly greater than a refrigerator hum, but well below that of a normal conversation.

Attorney Tracy Murn asked for comments from the petitioners.

A representative from Home City Ice stated they did not hire the firm to do the study that Administrator/Planner Herrmann hired the company. He is confident with the study, and they made it loud the days of the test and was happy with the readings.

Attorney Tracy Murn stated before Chairman Robert Peregrine opened it up to the public, she stated that we have to remember people have 3 minutes to talk, please do not repeat what someone else has already said, no cross talk or rebuttal, no questioning the applicant or engineer and we are here for each testimony and that is it.

Attorney Tim Andringa for the McMahons stated he would like to go on record to object to the three-minute limit and it's not in writing and it's a made-up limitation and there have not been any limitations before. He also stated that the sound study shows the readings, but is questioning if out of every minute does it not read 59 seconds of that one minute, it was stated that there were 22 hand held readings but only 17 were in the report and was wondering what happened with the other 5, the original PUD had a condition in there stating no noise complaints, however, there is now one, there should be no noise at

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night, the McMahons pay twice as much in taxes as they do and is asking the Commissioner's to deny the petitioners request for an amendment.

Michele Hollatz, N79W39375 McMahan Road, stated the example she gave at the previous meeting was ISO3477 which is used in all industries to read the noise levels. She also stated it's a theory or calculation used to measure the noise levels.

Chris McMahan, N79W39625 McMahan Road, stated that the previous owners of the company did not create noise at all hours of the day and in closing, he has done his best to work with the current owners about the noise concerns but have not been able to come up with a solution.

Jerry Hazard, N79W39551 McMahan Road, stated the last few months the noise level has been a lot quieter than it has been and he doesn't know if the compressor got fixed, but before he could hear it and it would make things rattle in his house, but now it's better.

Commissioner Dione Funk questioned the petitioner if the compressor has been fixed; the representative for Home City Ice stated there had been no major repairs.

Commissioner Linda Bergman questioned the petitioner on what the current hours of operation are; the petitioner said currently it is 8:00 a.m. to 8:00 p.m.

Administrator/Planner Jeffrey Herrmann asked if the current request of operating would be 24/7 and the petitioner responded with yes.

The petitioner stated they are not running any differently than the previous owners and their electric bill has been the same for the last nine years; he also stated that 22 handheld tests were done, 17 were on the property and the other 5 were remote sites.

Commissioner Wayne Euclide questioned the representative from SET regarding the reading that Attorney Andringa questioned; Joe from SET stated it gives a reading every minute however it still reads continuously.

Commissioner Linda Bergman asked Attorney Tim Andringa if that gave him clarity with the readings. He stated he was not sure and would have to go back and look at the data because if doors are slamming that the dBA would be higher.

Joe Michaelchuch from SET stated that the machines are reading every second of every minute, but it records the highest reading that is produced for that one given minute.

Commissioner Jim Roche questioned the height of the tripod; Joe for SET stated it can't be placed close to reflective surfaces such as a tree because that will generate a higher sound reading so it's placed strategically and it's 5 feet above grade.

Administrator/Planner Jeffrey Herrmann stated no decision will be made tonight and he will have to prepare a report with the Town Attorney and this will appear most likely on the June 17th agenda for a decision and people are encouraged to either check the Town's website for the agenda or call the Town Clerk for verification if it is on the agenda or not.

Chairman Robert Peregrine closed the public hearing at 5:41 p.m.

1. **Approve Minutes for meeting from May 6, 2024.** – Commissioner Navin made the motion to approve the May 6th, 2024, meeting minutes as presented. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.

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2. Public Comments. –

Tommie Coppinger, N52W35147 W Lake Drive, questioned line item #6 of the agenda and the times the “garage doors” on the lake side are allowed to be open when music is playing. Chairman Robert Peregrine stated that question can be brought up when the Commissioner’s get to that line item.

3. Consider and Act on the Conditional Use request of (CU114) St. Catherine’s Congregation, W359 N8512 Brown Street, Oconomowoc, WI 53066, to allow the addition of two patio areas with columbaria to the existing cemetery. The subject property is described as part of the W ½ of the NW ¼ of Section 11, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at the Brown Street address listed above (Tax Key No. OCOT 0474.995). –

Commissioner Navin made the motion to approve the conditional use request of (CU114) St. Catherine’s Congregation W359N8512 Brown Street to allow the addition of two patio areas with columbaria to the existing cemetery per the recommendation of Administrator/Planner Herrmann’s memo dated May 14, 2024. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.

4. Consider and Act on the request of Lake Country 2014 LLC & 5273 Elm LLC c/o Steve Bielik, 4 Earling Court, Oconomowoc, Wisconsin 53066 for the construction of a 4.0’ high fence and security gate. The fence and gate are to be located near Elm Avenue. The proposed construction does not meet the Town of Oconomowoc Code of Ordinance Section 144-5. The properties are described as Lot 1 CSM 12213 as well as Lot 54 and Lot 55 Townsite of Okauchee, being part of the NW ¼ of Section 36, T8N, R17E, Town of Oconomowoc, Wisconsin. More specifically, the property is located on the north side of Elm Avenue at W346 N5277 Elm Avenue and W346 N5273 Elm Avenue, Okauchee, WI 53069 (Tax Key No. OCOT 574.168 and OCOT 574.170.002). –

After a brief discussion, Commissioner Euclide made the motion to approve the request of Lake Country 2014 LLC & 5273 Elm LLC c/o Steve Bielik for the construction of a fence gate located on the north side of Elm Avenue at W346N5277 Elm Avenue and W346N5273 Elm Avenue with the understanding the gates will remain unlocked and one side needs to be 8 feet wide for motor vehicles to enter and the other side being 4 feet wide for pedestrian’s. Commissioner Bergman seconded the motion. Motion carried by unanimous voice vote.

5. Consider and Act on the Site Plan/Plan of Operation for Edward Jones. The property is described as part of the SW ¼ of Section 35, T8N, R17E, Town of Oconomowoc. More specifically the property is located at W359 N5002 Brown Street Suite 220B Oconomowoc, WI 53066 (Tak Key No. 571.960.001). –

Chairman Robert Peregrine asked the petitioner if she had received a copy of Administrator/Planner Herrmann’s report; after receiving a copy of the report at the meeting, the petitioner stated she would like to change the hours of operation from Monday through Friday with the hours of 7:00 a.m. to 6:00 p.m. Commissioner Navin made the motion to approve the site plan/plan of operation for Edward Jones located at W359N5002 Brown Street Suite 220B per the recommendation of Administrator/Planner Herrmann’s report dated May 8th, 2024, with the changed hours be reflected into a new revised report. Commissioner Funk seconded the motion. Motion carried by unanimous voice vote.

6. Consider and Act on the Site Plan/Plan of Operation amendment for Smoke on the Water. The subject property is described as part of the E ½ of Section 35 and the SW ¼ of Section 36, T8N, R17E, Town of Oconomowoc. More specifically the property is located at N50 W35016 Wisconsin Avenue, Okauchee, WI 53069 (Tax Key No. OCOT 569.145). –

Chairman Robert Peregrine asked the petitioner if he had received a copy of Administrator/Planner Herrmann’s report; after receiving a copy of the report at the meeting, the petitioner asked if there could be approval for the” garage doors” be opened to a certain time during the week and certain times on the weekend because the next few months with the better weather and boats being docked creates more business. After a brief discussion, Commissioner Euclide made the motion to approve the Site Plan/Plan of Operation amendment for Smoke on the Water located at N50W35016 Wisconsin Avenue per the

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recommendations of Administrator/Planner Herrmann's report dated May 8, 2024, for the expansion of the deck and the hours the "garage doors" have to be closed as follows; Monday through Thursday at 9:00 p.m. and Friday through Sunday at 10:00 p.m. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.

7. **Consider and Act on the Site Plan/Plan of Operation for Mikaela Ressman d/b/a Homegrown Provisions LLC. The property is described as part of the SW ¼ of Section 36, T8N, R17E, Town of Oconomowoc. More specifically the property is located at N50 W34959 Wisconsin Avenue, Okauchee, WI 53069 (Tax Key No. OCOT 575.976).** – Commissioner Bergman made the motion to approve the site plan/plan of operation for Mikaela Ressman d/b/a Homegrown Provisions LLC located at N50W34959 Wisconsin Avenue per the recommendations of Administrator/Planner Herrmann's report dated May 14, 2024. Commissioner Navin seconded the motion. Motion carried by unanimous voice vote.
8. **Consider and Act on the Certified Survey Map (CSM) for Steven Wiedenfeld. The property is described as part of the SW ¼ of Section 24, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N64 W34895 Road J, Oconomowoc (Tax Key No. OCOT 527.013).** – Commissioner Navin made the motion to approve and recommend to the Town Board the certified survey map for Steven Wiedenfeld for the property located at N64W34895 Road J per the recommendation of Administrator/Planner Herrmann's report dated May 10, 2024. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.
9. **Adjourn.** – Commissioner Bergman made the motion to adjourn at 6:24 p.m. Commissioner Navin seconded the motion. Motion carried by unanimous voice vote.

Respectfully submitted –
Lori Opitz, WCMC
Clerk/Treasurer