

May 9, 2022

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM

Washburn City Hall & Remote Call-In

City Council Members:

Present, in-person:

Karen Spears-Novachek, Tom Neimes, Carl Broberg, Mary McGrath, Dave Anderson, Jennifer Maziasz

Present, remote:

Laura Tulowitzky

Municipal Personnel:

Present in-person:

Mayor Mary D. Motiff, City Administrator Scott J. Kluver, Assistant City Administrator Tony Janisch, Director of Public Works Gerry Schuette, City Attorney Max Lindsey, Chief of Police Ken Johnson

Present, remote:

Absent:

none

**Call to Order** - Meeting called to order at 5:30PM by Mayor Motiff. Roll call attendance depicted six (6) of seven (7) members of the Common Council in attendance. Quorum of the Council recognized. Tulowitzky zooming in after roll call.

**Approval of Minutes – City Council Meeting of April 11 & 19, 2022** - A motion was made by Neimes to approve the April 11 & 19, 2022 minutes of the City Council, second by Novachek. Motion carried unanimously.

**Approval of Expenditures** - A motion was made by Novachek to approve the monthly expenditures as reviewed, second by McGrath. Motion carried unanimously via a roll-call vote.

**Public Comment** – None

**Mayoral Announcements, Proclamations, Appointments** - The Mayor noted the following proclamations: National Skilled Nursing Care Week, National Police Week, Emergency, Medical Services Week, Week of the Young Child, Historic Preservation Month, and Arbor Day. She further noted that, for Arbor Day, a tree planting will occur at the ballfields on May 17<sup>th</sup>. The Mayor stated that the City will not be enforcing lawn ordinances this month as part of the No Mow May initiative, to allow for bees and other pollinators. The Mayor next mentioned the need for recreation coordination within the City. While the City no longer supplies recreational programming and staff; recreational programming is still occurring and there is a need in the community for some type of recreational coordination. A meeting was held with community stakeholders and this discussion will need to continue to find ways to fill this gap. No appointments were made.

**Discussion & Action on Conditional Use Permit for Manufacturing in a Commercial District at 101 W. Bayfield Street – AdventureUs, LLC, Petitioner** - Anderson moved to approve the Conditional Use Permit for AdventureUs at 101 W. Bayfield St., seconded by Novachek. Motion carried unanimously.

**Discussion & Action on Ordinance #22-005 to Change the Special Standards for Resort Uses - Eric & Rachel Gordon, Petitioners** – The Mayor explained this action is to change the Zoning Code. The code currently identifies the minimum size for Resorts is 5 Acres, and the Gordon’s parcel is just under at 4.74 Acres. The Mayor stated that another factor is the connection of sewer and water. Novachek moved to approve Ordinance #22-005 to change the Special Standards for Resort uses, seconded by Anderson. McGrath asked if the resort would still need to connect to water. Kluver clarified that the requirement to connect to water is because of the Utility Code, not the Zoning Code. The Mayor added that removing the requirement to connect to sewer & water in the Zoning Code did not take the requirement away. Neimes asked about the property being in the floodplain. Kluver answered that they would still need to follow appropriate requirements for building in a floodplain. Maziasz questioned that the property would need to connect with water, but not sewer. Kluver answered that this ordinance would eliminate the requirement for

Resorts to connect to sewer & water, within the Zoning Code. However, there are other provisions that would require them to connect to City services. Kluver further explained that in this case, a water main is in front of the parcel and would require connection. However, there is no sewer main in the area and it would be cost prohibitive to do so. Motion carried unanimously.

**Discussion & Action on Revised Resolution #22-002 for the Extension of TID #2 for One Year to Fund a Future Affordable Housing Project** – The Mayor stated that this resolution was approved last month, but because of the timeframe for TID extensions it didn't count and needs Council approval again. Broberg moved to resend last month's approval to extend TID #2 for one more year and to re-approve Resolution 22-002 for this extension, seconded by Novachek. Motion carried unanimously.

**Discussion & Action on Beautification Efforts Related to Bayfield Street Project in 2024/26** – The Mayor started the discussion and stated that there is an informal Beautification Committee that assists with things throughout the City. Anderson added potential items for Bayfield Street such as Christmas lights and planters. Other suggested items included benches and ground-level planters. Novachek encouraged further discussion with the Beautification Committee because they've already started looking into costs. Maziasz suggested discussions with business owners and maybe forming a sub-committee. Neimes moved to send Beautification Planning to the Plan Commission, second by Anderson. Motion carried unanimously.

**Discussion & Action on Ordinance #22-006 To Amend the Beer Garden Size Requirements** – Janisch stated that there are other items that should be addressed with this ordinance amendment. Specifically, the \$10 permit fee identified is no longer in the Fee Schedule and appears to be the predecessor of the Temporary Extension of Premises. Also, the golf course which has a licensed premise of the course is well above the size requirements listed. Attorney Lindsey added that state statutes do not require that premise be limited to indoor space, it is the City ordinance that defines what the premise is. The purpose of the beer garden ordinance would be to control the area where alcohol is being served/consumed outside, and that the area is owned by the license holder. Lindsey recommends addressing any other needed changes all together, rather than pieces at a time. Broberg moved to table this item and bring back to Council, seconded by Neimes. Lindsey continued the discussion and confirmed that the proposed change to 75% of indoor space for outdoor premise size was acceptable, as well as parking lots not being included in the outdoor premise. Motion carried unanimously.

**Discussion on Conceptual Ordinance to Relax Open Container Requirements in City** – Discussion began on conceptual ordinance changes. Kluver stated that customers are not allowed to leave licensed premises with open intoxicants unless an ordinance specifically allows it. Lindsey confirmed this and added that relaxing the ordinance would allow individuals with open intoxicants in public places and along the streets. Anderson added that he did not see an issue with walking down the street with a beer in your hand; people that are prone to doing this probably already are. Anderson continued that he would like patrons of restaurants in town, that are waiting for their table, to be able to sit outside and have a drink. McGrath questioned that this could be addressed with a beer garden and opposed people being able to drink anywhere. She expressed concern for the perception of the community. McGrath further added that maybe changes can be made at the parks, campgrounds, and ballfields. Broberg added that he used to live on Madeline Island, which does have open container, and it caused a lot of problems. Police Chief Johnson expressed his concern of open container stating that it could encourage or lead to underaged drinking. Currently with bars and outdoor beer gardens, the bartenders are regulating the customers and the premise. Johnson added that if the City moves to open intoxicants on the streets, it would be the police having to regulate; and the police department does not have the time or staff to do this. Discussion continued. The Mayor ended the discussion.

**Discussion & Action on Notice of Annual Alcohol License Renewals** – Novachek moved to authorize staff to begin the alcohol license renewals process, seconded by Broberg. Motion carried unanimously. Janisch added that there is a demand for the limited number of "Class B" liquor licenses that the City has. Council does have the ability to revoke licenses for non-use, if the establishment is not open for the minimum numbers of days outlined in the ordinance. Janisch continued that there are two business that may be out of compliance. Janisch concluded that these "Class B" licenses are a privilege not a right and the City should begin addressing this because of the current demand in the city.

**Discussion & Action on Request to Allow for Open Container on Harbor View Event Center Property and the City Owned Portions of the “Omaha Block” Immediately to the North as well as Harbor View Drive in Between for the North Coast Car Show on July 30, 2022 from 9:00 a.m. until 9:00 p.m. – McGrath moved to approve the request for Open Container for the North Coast Car Show on July 30, 2022, seconded by Novachek. Motion carried unanimously.**

**Adjourn – Novachek moved to adjourn, seconded by Neimes. Motion carried unanimously. Meeting adjourned at 6:51PM.**

Tony Janisch  
Assistant City Administrator

**FINANCE COMMITTEE MEETING 4:30pm**

Committee Member Karen Spears-Novachek & Mary McGrath reviewed monthly expenditure vouchers.