

**CITY OF WASHBURN**  
**119 Washington Avenue**  
**P.O. Box 638**  
**Washburn, WI 54891**



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## **NOTICE OF PARKS COMMITTEE MEETING**

**DATE:** July 21, 2020

**TIME:** 5:30 p.m.

**PLACE:** Washburn City Hall

This meeting may have members participating via tele or web conferencing. Public participants can listen to the proceedings on-line at this link: <https://us02web.zoom.us/j/84113823245> or by calling 888-788-0099 (Toll-free) and entering Meeting ID: 841 1382 3245. Limited seating will be available at the meeting and guests are asked to keep a six-foot distance from one another.

### **Agenda:**

- Call to Order
- Approval of the June 16, 2020 Meeting Minutes
- Updates from Public Works Department
- Update on Implementation of the Walking Trail Land Management Plan
- Discussion regarding Ordinance 20-009, Non-Motorized Vessel Commercial Use Permit
- Discussion & Action regarding Dog Park
- Discussion & Action of Inventorying City Parks
- Future Topics
- Adjournment

It is possible that members of, and possibly a quorum of, other governmental bodies including the Common Council of the City of Washburn are in attendance at the above meeting. No action will be taken by any governmental body other than the Parks Committee.

June 16, 2020

## CITY OF WASHBURN PARKS COMMITTEE MEETING

5:30 PM

In-person and Video Conference Call due to Covid-19 pandemic

Members Present:

Jennifer Maziasz (council rep), Jamie Cook, Erika Lang, Kyleleen Bartnick, Wendy Reese

Municipal Personnel:

City Administrator Scott Kluver, Assistant City Administrator Tony Janisch

### **Call to Order**

Meeting was called to order at 5:31 pm by Maziasz. 4 members present; Bartnick joined meeting at 6:05 pm.

### **Approval of the May 19, 2020 Parks Committee Meeting Minutes**

One edit is needed - ADA friendly signs along the lakeshore parkway's walking trail need to be clarified as to the length of trail that is ADA accessible. In the future, City needs to clarify bike use of the walking trail, dog use rules, etc. and to identify what signage is needed. Motion made to approve minutes with correction by Cook, second by Reese. Motion carried unanimously and minutes were approved.

### **Updates from Public Works Department**

Janisch gave update.

- It has been a busy time and the City does not have a new public works director and may need to re-advertise for the position.
- Campgrounds have been open for 3 weeks and use has been increasing. There have been problems with the ladies restroom at Thompson's West End Park. The City has received positive comments regarding clean facilities.
- De-construction of the docks has begun. The contracted firm will soon begin building it and construction will take at least a month.
- Playgrounds are now open and getting use
- Summer employees have started work
- Interpretive kiosk update - City staff and Maziasz met with the Washburn Heritage Association to look at locations for the kiosk and have identified the NW corner of 3<sup>rd</sup> and W. Bayfield Street as the best location just in front of existing flower bed. They looked at several potential locations. When Highway 13 is redone, there will be bump out and people will slow down and be able to see the kiosk.
- Pavilions are closed to reservations and picnic tables have been removed. The picnic tables have been put in new locations. People are using Wikdal Park quite a bit more.

### **Update on Implementation of the Walking Trail Land Management Plan**

Lang gave an update that garden valerian is starting to bloom on both sides of the trail and in Areas 2 and 4 where the City cleared vegetation a couple of years ago. Mowing should occur before the plant sets seed. Lang will plan to meet Janisch to walk site and come up with a timeline and approach for mowing. Janisch confirmed that the City was awarded a grant from Wisconsin

Coastal Management Program but hasn't received a contract yet. Once the City receives it, contracted work on invasive plant removal can begin.

### **Discussion & Comments for Plan Commission on City's Land Sale List**

The City regularly reviews City-owned parcels that could be sold. The NE corner of Lot 19 was recently reviewed by the Plan Commission to be listed for sale. The L-shaped section of Lot 19 would be sub-divided from the rest of Lot 19 and would be sold for residential purposes - either one lot or two lots depending on what the land could support. Parks Committee members agreed that there may be a future use such as recreation for the remaining part of Lot 19 and that this part of Lot 19 should remain in City ownership.

### **Discussion & Action of Inventorying City Parks**

Parks Committee members agreed that it would be good to do an inventory to have a starting point. Activities can then be chosen based on capacity and budgets. It would be best to look at a few parks to help create an evaluation form, although this won't be one-size-fits-all. The goal would be to get a snapshot of conditions and needs at each park. Parks to start with perhaps could include Wikdal Park, the baseball fields, and Hillside Park. Maziasz and Cook volunteered to visit a couple of parks together using some example evaluation/inventory forms from other small towns. They will report their findings and suggestions at the next Parks Committee meeting, and the committee can then revise an evaluation form.

### **Future Topics**

- Parks Inventory - evaluation form and list of parks to evaluate first and who will evaluate each one
- Update on potential dog park
- Walking Trail Land Management Plan Update (ADA usage, dog use, bike use)

### **Adjournment**

Motion to adjourn meeting at 6:30 pm by Cook, second by Reese. Motion approved unanimously.

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**CITY OF WASHBURN**  
**Ordinance No. 20-009**

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of July \_\_, 2020, for the purpose of adding Title 7, Chapter 11, of the City's Code of Ordinances to regulate the operation, rental, and use of nonmotorized vessels.

1. Add Title 7, Chapter 11 as follows:

**Non-Motorized Vessels**

**Sec. 7-11-1 Purpose**

- (a) The purpose of this chapter is to regulate:
- (1) Unattended nonmotorized vessels situated on City of Washburn property;
  - (2) Persons renting nonmotorized vessels which are situated on City of Washburn property;
  - (3) Commercial use of nonmotorized vessels on City property.

**Sec. 7-11-2 Definitions.**

For purposes of this Chapter, the following words and phrases shall have the following meanings:

- (a) Accessories – means or refers to the accessories associated with a NMV including, but not limited to, such items as paddles, oars, life preservers, sails and anchors.
- (b) Commercial Use – any use, including but not limited to rental or operation of a nonmotorized vessel for which money is received.
- (c) Nonmotorized Vessel (NMV) – A canoe, kayak, rubber raft, boat or other watercraft or vessel used or capable of being used as a means of transportation on water which does not contain a motor. A reference to NMV also refers to related accessories of such NMV.
- (d) Person – A natural individual person or corporation, limited liability company, partnership, association, or other legal entity.
- (e) City – the City of Washburn
- (f) City Property – Real property situated in the City of Washburn, which is owned by the City of Washburn.

**Sec. 7-11-2 Nonmotorized vessels on City property**

- (a) No NMV shall be left overnight on City property.
- (b) Assumption of Risks.
  - (1) The City hereby notifies persons who decide to leave their NMVs unattended on City property that such vessels are very exposed to harm and are at substantial risk of being

stolen, damaged or destroyed by persons, animals, or other perils or forces of nature, some of which are foreseeable and some of which are not foreseeable.

(2) Unattended NMVs, although situated on City property, are not within the possession, custody or control of the City nor are they under the City's supervision, so the City does not accept or assume any responsibility, obligation or liability in respect to the protection of such NMVs.

(3) A person who makes a voluntary decision to leave their NMV unattended on City property shall be deemed:

(i) To have assumed and accepted all risks associated therewith including, but not limited to those involving theft, damage, destruction and loss of such NMV; and

(ii) To have covenanted not to sue or assert any claim or cause of action, of any nature or kind against the City or any of its supervisors, officers, employees, agents or representatives associated with, related to or arising from any such loss, damage or destruction.

#### **Sec. 7-11-3 Persons Liable**

(a) If an NMV is discovered unattended on City property in violation of this Chapter, a citation for such violation may be issued to:

(1) A person who had been using or possessing such NMV;

(2) A person who is using or possessing the NMV at the time the citation is issued; or

(3) an owner of such NMV at the time of the violation.

(b) Each of the above persons is liable and responsible for such violation.

#### **Sec. 7-11-4 Commercial use of nonmotorized vessels on City property**

(a) Any person wishing to utilize a NMV for commercial use on City property, including at the Coal Dock, Memorial Park, or West End Park, shall each year obtain a commercial use permit for each vessel.

(b) Commercial users shall obtain a permit from the City and abide by all terms indicated in the permit. The permit shall include indemnification of the City and require an insurance certificate.

(c) No commercial use of a NMV on City property is allowed without first obtaining the permit.

(d) Commercial users obtaining the permit accept responsibility related to all terms and conditions of its use.

(e) Applicable fees are required as provided by the City of Washburn Fee Schedule.

(f) The City is held harmless against theft, loss, or damage to properties of the commercial user.

(g) Activities within the City Parks are subject to all rules, regulations, and ordinances of the City of Washburn.

#### **Sec. 7-11-5 Commercial Use Permit Process**

(a) Permit. A commercial use permit shall be obtained from the City Clerk or designee to utilize nonmotorized vessels for commercial use on City property, including the Coal Dock, Memorial Park, and West End Park. A commercial use permit is valid from May 15 through October 15 of the year issued.

(1) Application. A person seeking issuance of a permit hereunder shall file an application with the City Clerk. The application shall include:

- (i) The name, address, phone number, and email of the applicant.
- (ii) Federal and state tax identification number, if applicable.
- (iii) The applicant's general liability insurance information;
- (iv) The number of NMVs and description of such vessels that the applicant intends to use on City property; and
- (v) Any other information required to aid in the permit process.

(2) Fees. Each application shall be submitted with the required fees prior to consideration of the permit process.

(3) Standards for issuance. The City Clerk or designee shall issue a permit in consideration of the following:

- (i) The commercial use will not interfere with or unreasonably detract from the general public enjoyment of the park or promotion of public health, welfare, safety and recreation;
- (ii) The commercial use is not reasonably anticipated to incite disorderly conduct; and
- (iii) The application is complete with all required information, including insurance information on file.

(4) Issuance. The City Clerk or designee shall issue or deny the permit within five business days of receiving the application. Denials shall be clarified in writing and state the reasons for such.

(5) Appeal. The applicant may appeal the denial of a permit pursuant to § 4-1-1 of the City of Washburn Ordinances.

(6) Financial Qualifications. To apply to the City for the issuance of a commercial use permit, the applicant shall not at the time of such application, owe the City:

- (i) Any delinquent real estate taxes, delinquent personal property taxes, or any interest or penalty due thereon; or
- (ii) Any unpaid forfeiture or fee which has been unpaid for 60 days or more; or
- (iii) Money on a judgment in favor of the City and against the applicant or a corporation, limited liability company, partnership, joint venture, trust estate or any other entity in which that person is a shareholder, director, officer, owner, member, agent, trustee, representative manager, employee, consultant, advisor or the holder of any other right, title or interest, which has been unpaid for 60 days or more.

(7) The City may revoke a commercial use permit issued under this Chapter from the holder who, after 60 days' notice, fails to pay any of the financial obligations listed in § 7-11-5(6) of this ordinance.

#### **Sec. 7-11-6 Limitations**

- (a) **Commercial Use Permit Holders.** No person holding a current commercial use permit issued by the City shall leave unattended more than eight (8) nonmotorized vessels on any City property at any one time.
- (b) **Non-commercial users.** No person who does not hold a current commercial use permit issued by the City shall leave unattended more than four (4) nonmotorized vessels on any City property.
- (c) No person or group of persons shall utilize, block access to, store nonmotorized vessels on, or otherwise encumber more than thirty (30) feet of shoreline on City Property at any time.
- (d) When calculating the total number of nonmotorized vessels a person has at a given location at once under this ordinance, there shall be added together:
  - (1) Each NMV at that location such person owns, possesses, uses, controls, rents, leases, has custody of or holds an interest in, plus;
  - (2) Each NMV at that location which is owned, possessed, used, controlled, rented, leased or within the custody of a corporation, limited liability company, partnership, joint venture, trust, estate or any other entity in which that person is a shareholder, director, officer, owner, member, agent, trustee, representative, manager, employee, consultant or advisor or the holder of any other right, title or interest.
- (e) **Hours of Operation.** Commercial use permit holders shall operate such commercial uses on City property between the hours of 6:00 am and one-half hour after sunset.

#### **Sec. 7-11-7 Prohibited Conduct by Commercial Use Permit Holders.**

- (a) A person does not become an employee, agent or representative of the City by being issued a commercial use permit by the City by virtue of their status as a commercial use permit holder, such person's conduct unavoidably reflects on the City of Washburn.
- (b) The holder of a commercial use permit issued by the City shall not, in a public or noncommercial place, engage in rude, abusive, indecent, profane, violent, untruthful, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.
- (c) Whoever does any of the following has violated this chapter:
  - (1) Intentionally damages, hides, conceals, interferes with or, without the owner's consent, uses a NMV which is legally situated on City property.
  - (2) Intentionally commits an act which is reasonably calculated to hamper, obstruct or interfere with the operation of a NMV rental business or a NMV rental operation on City property.
  - (3) Takes down, removes, damages, interferes with or tampers with any lock, chain or other device owned by or installed by the City or its employee, agent or representative on City property.
  - (4) Drinks or consumes alcohol and/or illicit drugs while on City Property and while under the employ of a permit holder engaging in the commercial use of NMVs.
- (d) **Penalty.** The penalty for citations issued for violations of this ordinance shall be assessed pursuant to Section 1-1-7 of the City of Washburn Ordinances.



**Sec. 7-11-8 Enforcement of Ordinance.**

- (a) Issuance of citation to violator. Any law enforcement officer or any other officer or employee of City may, on behalf of the City, issue a citation to any person who is believed to have violated a provision of this ordinance.
- (b) Each day a violation occurs constitutes a separate offense for which a separate penalty may be imposed.
- (c) Revocation of Commercial Use Permit. In addition to or in lieu of the issuance of a citation to a person who is believed to have violated a provision of this ordinance, the City Clerk may provide the holder of a commercial use permit issued by the City with a written notice stating that the City intends to revoke the commercial use permit issued to such person on a date certain, not less than 15 days in the future. Such written notice of intent to revoke a commercial use permit shall be served on the commercial use permit holder by personal service or sent to them by certified mail, return receipt request, at least 15 days before the intended date of revocation of the commercial use permit. A certified mail letter properly addressed and sent to a commercial use permit holder shall be deemed to have been served on the addressee when mailed. Such written notice shall:
  - (1) Inform the commercial use permit holder of the City's intention to revoke the commercial use permit issued to them, the date of such intended revocation and the specific grounds for such intended revocation; and
  - (2) Inform the commercial use permit holder that they have a right, prior to the stated date of intended revocation, to file with the City Clerk a written request for a hearing before the Common Council on the issue of such revocation.
    - (i) If the City Clerk receives a written request for a hearing prior to the intended date of revocation of a commercial use permit, the commercial use permit issued to such person shall not be revoked until the hearing is conducted by the Common Council on such issue.
    - (ii) A hearing before the Common Council on the issue of whether to revoke a commercial use permit will be conducted, to the extent possible, similar to a hearing before the City Board of Review.
    - (iii) In the event the Common Council determines that a commercial use permit should be revoked, the Common Council can then also determine at such time whether to bar such person from being issued a commercial use permit in the future for a stated period of time.
    - (iv) An appeal from the determination of the Common Council under this section shall be by an action for certiorari commenced within 30 days after that party receives the written notice of the Common Council's decision.

2. Effective Date of Ordinance. This ordinance shall take effect upon passage and publication.

Attest:

\_\_\_\_\_  
Mary D. Motiff  
Mayor

\_\_\_\_\_  
Scott J. Kluver  
City Clerk

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

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# City of Washburn Park & Campground Condition/Quality Inspection Checklist



Park Facility:

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Inspected by:

General Comments:

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Date & time

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## Turf and Grounds

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Absence of weeds in turf and surrounding grounds (mulch beds, playground, courts, etc.)

Yes     No     N/A

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Turf is in good condition (no excessive wear, brown spots, wet spots, no scalping, no ruts, etc.)

Yes     No     N/A

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Turf is properly maintained (grass is cut, has been edged recently, and is trimmed along fence lines, curbs and trees)

Yes     No     N/A

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Turf is clean and free of debris (no trash, pine needles, leaves, or other debris)

Yes     No     N/A

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Mulch/Planter beds are properly maintained and in good condition (bed is mulched, no excessive pruning needs, no dead plant material, washout, or excessive weeds, etc.)

Yes     No     N/A

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### **Concrete and Pathways**

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Concrete pathways and curbs are in good condition (no excessive cracking or heaving, no significant damage or wear and tear)

Yes     No     N/A

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Trails and Pathways are properly maintained (pathways are clean - no trash or debris, no washout, no graffiti along walkway, etc.)

Yes     No     N/A

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### **Playground and Playground Surfacing**

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Surface type

Wood Chips     PIP     Gravel     Non-Fiber wood chips     Sand     N/A

---

Surface is properly maintained and in good condition

Yes     No     N/A

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Surface is sufficiently raked and filled in

Yes     No     N/A

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Playground is properly maintained and in good condition (no obvious damage, wear & tear, or hazards; equipment & surface are clean and free of debris)

Yes     No     N/A

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## **Park Facilities**

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Shelter is clean and free of debris (no trash or graffiti, no tape or streamers)

Yes     No     N/A

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Shelter is properly maintained and in good condition (no excessive wear and tear, paint is in good condition, no obvious damage)

Yes     No     N/A

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Benches and Tables are properly maintained and in good condition

Yes     No     N/A

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Restrooms are clean and stocked

Yes     No     N/A

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Restrooms are properly maintained and in good condition (no excessive vandalism, graffiti, or damage to the vault or toilet)

Yes     No     N/A

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Courts are clean and free of debris (no pine needles or leaves, no trash)

Yes     No     N/A

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Courts are properly maintained and in good condition (nets and straps are in good condition, court surface has no excessive cracks or wear, etc.)

Yes     No     N/A

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Other park amenities are properly maintained and in good condition (drinking fountains, fences, signs, trash cans, BBQs, etc.)

Yes     No     N/A

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## **Trees and Plant Material**

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Trees are properly maintained and healthy (no excessive damage, brown or brittle leaves, no signs obvious signs of disease or poor health, no suckers)

Yes     No     N/A

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Shrubs and other plant material is properly maintained and healthy (no excessive damage, brown or brittle leaves, no signs obvious signs of disease or poor health)

Yes     No     N/A

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No excessive need for pruning, clearing, or removal of dead plant material

Yes     No     N/A

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## **Irrigation**

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Absence of obvious damage or leaking throughout the park (No flooding, pooling, or excessive water accumulation in the turf or surrounding grounds)

Yes     No     N/A

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Irrigation system is properly maintained and is providing good coverage (No dry spots, rings around heads, signs of "slow turn" or "no turn" irrigation heads, or excessively wet sidewalks or streets)

Yes     No     N/A

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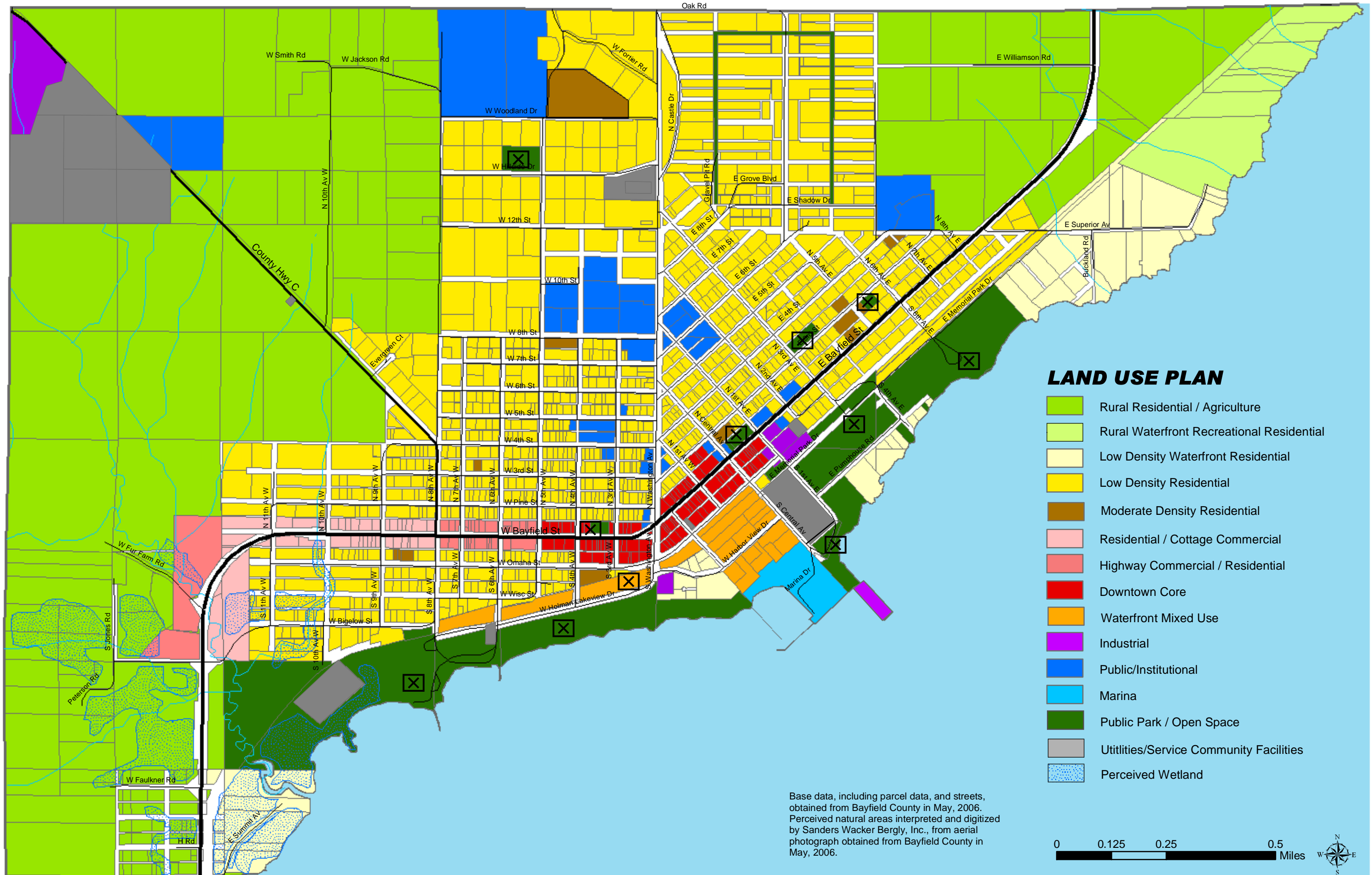
## **Any other relevant comments**

Yes     No

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Signature:

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- LAND USE PLAN**
- Rural Residential / Agriculture
  - Rural Waterfront Recreational Residential
  - Low Density Waterfront Residential
  - Low Density Residential
  - Moderate Density Residential
  - Residential / Cottage Commercial
  - Highway Commercial / Residential
  - Downtown Core
  - Waterfront Mixed Use
  - Industrial
  - Public/Institutional
  - Marina
  - Public Park / Open Space
  - Utilities/Service Community Facilities
  - Perceived Wetland

Base data, including parcel data, and streets, obtained from Bayfield County in May, 2006. Perceived natural areas interpreted and digitized by Sanders Wacker Bergly, Inc., from aerial photograph obtained from Bayfield County in May, 2006.

