

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



715-373-6160
715-373-6161
FAX 715-373-6148

NOTICE OF FINANCE COMMITTEE MEETING Monday, March 14, 2022 City Hall 4:30PM

- Committee Review-Monthly Expenditures

NOTICE OF CITY COUNCIL MEETING

Monday, March 14, 2022 Washburn City Hall 5:30 PM

This meeting may have members participating via tele or web conferencing. Public participants can listen to the proceedings by utilizing a computer or smart phone and using the link

<https://us02web.zoom.us/j/84284384021?pwd=eDEyaG5nbVBqakMwSFZqc3pmWHR0Zz09> by calling 1-888-788-0099 (Toll Free) and entering Webinar ID: 842 8438 4021 with passcode 031422 as opposed to being present for the meeting. Limited seating will be available at the meeting and guests are asked to keep a six-foot distance from one another.

The Council may elect to go into Closed Session for a portion of the meeting pursuant to Wisconsin State Statutes 19.85(1) (e) for deliberating or negotiating the purchasing of public property and for competitive reasons following which the Council may reconvene back into Open Session to take any action necessary on the closed session items.

AGENDA

- Call to Order/Roll Call/Pledge of Allegiance
- Approval of Minutes – City Council Meeting – February 7, 2022
- Approval of Monthly Expenditures via Roll Call Vote
- Public Comment
- Mayoral Announcements, Proclamations, Appointments
 - Park Board Vacancy
- Presentation & Discussion on Room Tax Collections and Expenditures for 2021 – Room Tax Commission, Presenter **TAB 1**
- Discussion & Action on Contract for Private Redevelopment with The Brewing Badger LLC – Review of Financing **TAB 2**
- Discussion & Action on Terrace Type Selection for Bayfield Street Project and Possible Reconsideration of Decorative Street Light Locations **TAB 3**
- Discussion & Action on Recurring Special Event Request to Temporarily Close Central Avenue from Bayfield Street to the Alley on Wednesdays from 1:00PM until 7:00PM Starting June 8 until October 19 for the Washburn Farmers Market – Aaron Irmiter, Petitioner **TAB 4**
- Discussion & Action on Renewal of Agreement with Anich, Wickman & Lindsey for Municipal Attorney Services **TAB 5**
- Discussion & Action on Ordinance 2022-01 to Update the Regulation and Licensing of Dogs **TAB 6**
- Discussion & Action on Ordinance 2022-02 to Update the ATV/Snowmobile Routes Within the City of Washburn **TAB 7**
- Alcohol Licensing Matters - **TAB 8**
 - Authorization of Notice for Class “B” (Beer) and “Class B” (Liquor) licenses to Superior Shores Eats, Inc dba Patsy’s Bar & Grill; at 328 W. Bayfield Street, Robert Stadler – Agent
- Discussion & Action on Consideration of Sale of Property (Portion of Lot 2 – Tax IDs 36422 and 32477) to James Ledin **TAB 9**
- Closed Session
 - Consideration of Sale of Property (Portion of Lot 2 – Tax IDs 36422 and 32477) to James Ledin
- Adjourn

The City of Washburn is an equal opportunity provider, employer, and lender.

February 7, 2022

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM

Washburn City Hall & Remote Call-In

City Council Members:

Present, in-person:

Karen Spears-Novachek, Laura Tulowitzky, Tom Neimes, Carl Broberg, Mary McGrath, Dave Anderson

Present, remote:

Jennifer Maziasz

Municipal Personnel:

Present in-person:

Mayor Mary D. Motiff, City Administrator Scott J. Kluver, Assistant City Administrator Tony Janisch

Present, remote:

none

Absent:

none

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

Approval of Minutes – City Council Meeting of January 10, 2022 - A motion was made by Novachek to approve the January 10, 2022 minutes of the City Council, second by Neimes. Motion carried unanimously.

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

Public Comment – Bill Luckenbill, 1305 Grandview Blvd., owner of Bill’s Collision Center on Bayfield St., spoke to express his displeasure with Council decision to end decorative street lighting at 6th Ave. W, which is across from his business. Mr. Luckenbill further stated that this short-changes the businesses and residents west of the 6th Ave., and visitors will think that this is where the city starts. He ended by asking Council to reconsider the ending location of decorative street lighting.

Mayoral Announcements, Proclamations, Appointments- The Mayor announced that information on the upcoming referendum for expanded EMS services will be on the City’s website in a few weeks. She gave a reminder that the primary election for school board is next Tuesday (2/15) and early voting is occurring now. The Mayor concluded with an appeal to residents that live near fire hydrants to dig them out and keep them clear for the safety of homes, citizens, and the City.

Discussion & Action on Authorization to Bid and Approval of Plans for Washburn Iron Works Sewer Relocation Project – Kluver stated this is a relocation of a main sewer line to allow for the Iron Works expansion. He further stated that this line serves a majority of the east side of the City and that it is an old clay-tile line that would need to be replaced at some point anyway. Kluver then explained the location/route of the new line. Broberg moved to approve the plans and authorize the bidding process for the Washburn Iron Works Sewer Relocation Project, second by Novachek. McGrath commented that as a property owner in this area, Omaha St. was vacated, and the property owners own the northern portion of the right-of-way. While the City retained the lakeside portion of the right-of-way. Discussion occurred regarding the relocation route. Mike Stoffel, Ayres Associates, stated that a release for bids will occur shortly, with Council potentially awarding a contract in April. Motion carried; McGrath abstained.

Presentation & Discussion on Chequamegon Bay Regional Housing Study Report – Kellie Pederson, Presenter – Kellie Pederson, Community Development Educator for UW-Madison Extension-Bayfield Co., presented the findings of the recent housing survey conducted by the Chequamegon Bay Regional Housing Coalition. Key points for Bayfield Co.: The County has had an 8% population growth in the past 10 years, and it is on track to be the eldest county in the Wisconsin by 2040. The County is not losing young people; however, it is gaining older residents at a faster rate. 38% of owner-occupied households are 65 and older. Also, 41.5% of residents pay more than 30% of their incomes on housing. The County has a lower percentage

(16.8%) of rental units than the national average (36%). With 43.7% of rental households having incomes less than \$25,000. Specific to the Washburn: 61% of city residents could not afford a rent/mortgage payment of more than \$800 a month. Pederson added that Chequamegon Bay has been selected as a pilot community by the Wisconsin Housing & Economic Development Authority (WHEDA) for a Rural Affordable Workforce Housing Initiative (RAHWI) to support and develop new housing solutions. Novachek, chair of the Washburn Housing Authority, added that most often housing authorities are assumed to only manage low-income housing, but that development of workforce housing can also be done.

Discussion & Action on Section of Detour Route and Staging Preference for Phase 1 Bayfield Street Reconstruction Project – The Mayor recapped discussion of the January 26th public meeting that presented the Option 3 detour route, noting favorable support by most of the attendees. Broberg moved to choose Detour Route Option 3 with the preference of one stage of construction for Phase 1 Bayfield St. Reconstruction Project, seconded by Broberg. Kluver stated that the Option 3 Detour could still have multiple staging construction, if desired. Novachek concurred with public meeting support for the Option 3 detour with one stage of construction: citing less cost, one year construction, better detour route, and the paving of Holman Lakeview Dr. Discussion continued. Motion carried unanimously.

Discussion & Action on Disposal of Surplus Equipment – McGrath moved to approve the disposal of surplus equipment through auction, seconded by Novachek. The Mayor identified these items as snowmobile & snowmobile trailer. Kluver stated that the Ambulance Service has newer equipment and the proceeds from the sale of these items will be used to help fund the purchase of a new Gator. Tulowitzky asked if a local non-profit could be given first dibs of these items before going to public auction. Anderson asked if there would be any benefit to the City donating the items or selling at the minimum set price. Kluver responded that the three options Council has, according to the ordinance, are donate to a non-profit located within the City, sell to another governmental body, or place on auction. Discussion continued. Motion carried unanimously.

Discussion & Action on 2022 Administration Goals and Objectives; Review of 2021 Goals – Kluver reviewed progress in the 2021 goals and presented the 2022 goals; noting the carry-overs like Bayfield St. Reconstruction, Comprehensive Planning, Ambulance Staff. The Mayor stated that the list of goals seems more like a list of projects. Discussion continued, including the need for additional assessment of current sidewalk conditions. McGrath left meeting at 7:37PM. Council further discussed if there was a need for additional meetings. Tulowitzky moved to approve the 2022 Administrative Goals and Review of 2021 Goals, seconded by Anderson. Motion carried unanimously.

Closed Session –

- **Personnel Matters – Evaluation of the City Administrator** – A motion was made by Novachek to go into closed session at 7:47PM pursuant to Wisconsin State Statute §19.85(1) (c), for evaluation of the City Administrator, following which the Council may reconvene in open session to take any action that may be necessary on the closed session items, second by Neimes. Motion carried unanimously via roll call vote.

An annual review of the City Administrator was conducted. No motion was made.

Adjourn – Mayor Motiff adjourned the meeting at 8:32PM.

Tony Janisch
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30pm

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

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To: Honorable Mayor and City Council Members

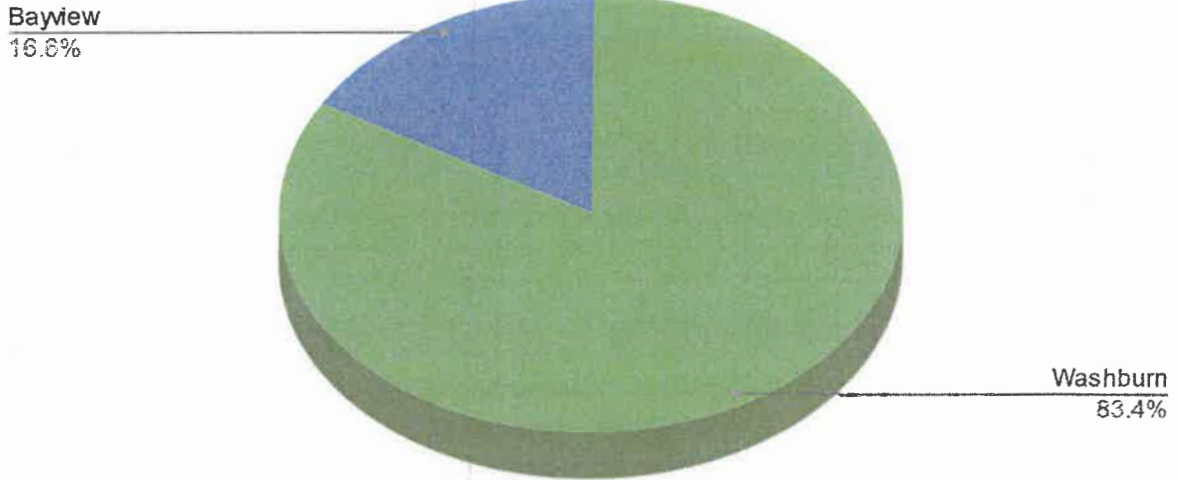
From: Scott J. Kluver, ^{SK}Administrator

Re: Presentation on Room Tax Collections

Date: March 2, 2022

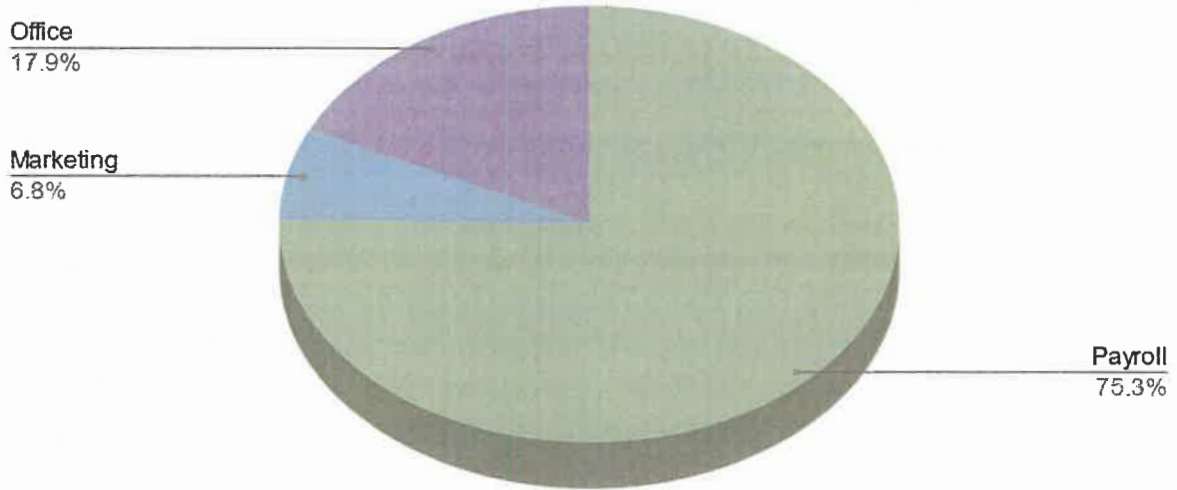
Per state law, the Room Tax Commission is supposed to report annually to the jurisdiction, from which the room tax was collected, how the room tax was actually spent. Mary McGrath, on behalf of the Commission, will be presenting this report at the Council meeting.

2021 Room Tax Paid to Washburn Chamber



Washburn	\$81,227.82
Bayview	\$16,183.76
<hr/>	
<i>Total to Chamber</i>	– \$97,411.58

2021 Room Tax Spend



Payroll	\$64,296.77	*\$10,820 Subsidized by the PPP
Marketing	\$5,844.62	*\$2,130.71 additional spend from discretionary account
Office	\$15,289.91	*\$2,250 Subsidized by the Main St. Bounceback Grant
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<i>Total Spend</i>	- \$85,431.30	*\$15,200.71 total from other sources

HOW CAN ROOM TAX BE SPENT?

Up to **30%** can go to municipality, unless municipality has been grandfathered in at a different rate.

At least **70%** must be spent on Tourism Promotion and Tourism Development.



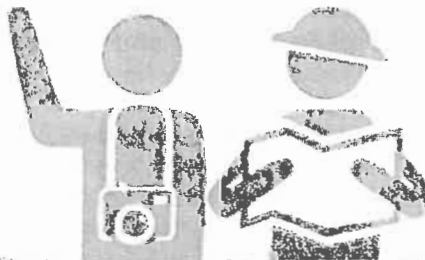
What expenditures are eligible?
(Answer "yes" to all three)



Is it reasonably likely to generate paid overnight stays in multiple lodging properties?

- If municipality only has one property, is it likely to generate stays there?
- If you aren't sure, ask a lodging property operator!

Will it be significantly used by transient tourists?



Will it be for a Marketing Project, Tourist Information, or Tangible Municipal Development?

- Ad buys/marketing of tourist materials
- Tourist services creating overnight guests
- Funding a convention center



Make sure it complies — public reports are required to be filed by May 1 every year!



How Can Room Tax Be Spent?

The portion of Room Tax revenue that is NOT retained by the municipality, in accordance with WI Statute 66.0615, must be spent on "tourism promotion and tourism development" ("TP&TD" for short). This guide was developed to assist Tourism Commissions, Tourism Entities, and any interested parties in determining if a proposed expenditure qualifies as TP&TD, in accordance with the Statute. A report on Room Tax expenditures by municipalities with a room tax must now be filed by May 1st each year with the State Department of Revenue. This report is available online to the public, making it more important than ever for decision makers to interpret the requirements correctly.

SIMPLIFIED METHOD TO DETERMINE ELIGIBILITY

Asking the questions noted below, in sequence, will simplify your determination if a proposed expenditure will qualify as tourism promotion and tourism development in compliance with the law. All three must be answered in the affirmative to be eligible, as it is all packaged together in the statutory definition, which is shown below.

1. Is this expenditure reasonably likely to generate paid overnight stays in multiple lodging properties, with different owners, collecting and remitting the room tax in this municipality?

- If there is only one lodging property, then it must still be reasonably likely to generate paid overnight stays in the one property.
- To determine if it is "reasonably likely", most lodging properties would be a good resource to check as they track what generates overnight stays at their property.

2. Is this expenditure on something that is significantly used by transient tourists?

- The state statute defines "transient" for this purpose as "any person residing for a continuous period of less than one month in a hotel, motel, or other furnished accommodations available to the public". Thus, this basically means it must be significantly used by paid overnight guests at lodging properties.

3. Is the expenditure on a: Marketing project, Transient tourist informational service, or Tangible municipal development?

- "Marketing projects" are noted in the statute to include "advertising, media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motor coach groups"
- "Transient tourist informational service" again refers to the definition of "transient" noted above – which is paid overnight guests at lodging properties.
- "Tangible municipal development" provides the example of a convention center.

Definition from WI Statute 66.0615:

"Tourism promotion and tourism development" means any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which a tax under sub. (1m) (a) may be imposed, that are owned by different persons and located within a municipality in which a tax under this section is in effect; or, if the municipality has only one such establishment, reasonably likely to generate paid overnight stays in that establishment: 1) Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups. 2) Transient tourist informational services. 3) Tangible municipal development, including a convention center.

Provided as a service of the Wisconsin Hotel & Lodging Association. This is not intended to replace qualified legal counsel.

For Wisconsin Room Tax resources visit www.WisconsinLodging.org/roomtax

Contact: Trisha Pugal, CAE, President, CEO ~ Phone: 262/782-2851 ~ pugal@wisconsinlodging.org May 2018



ROOM TAX REVENUE

~ Examples of Proper & Improper Use ~

The use of Room Tax Revenue is governed primarily by state Statute, with the municipality authorized to make certain refinements in their local ordinance. In general, a minimum of 70% of the revenue must be spent on "tourism promotion and development" as outlined in the statute, however, the municipality may designate a higher percentage to this use if they choose. The remaining amount (up to 30%) may be used by the municipality for whatever use they designate, including the uses noted on the second page.

This reference piece is focusing on the 70% or more allocation for 'tourism promotion and development', in order to provide general guidance, through examples, of what expenditures may be considered properly in compliance with the statute and what may be considered "improper" use that would not be aligned with the language or intent of the statute.

PROPER USE OF ROOM TAX REVENUE

~ EXAMPLES ~

Reminder Note: *Each of the Following* must be focused on transient tourists and must be reasonably likely to **generate paid overnight stays** in *multiple* lodging properties in the community (room tax area)

- Marketing to attract meeting & convention business to the area
- Marketing to attract large sports tournaments with participants from beyond nearby communities
- Publishing and distributing a Travel Guide that promotes local lodging options, local attractions, and local restaurants, and is mailed and distributed more than 50 miles
- Development and upkeep of a website promoting local tourism, including local lodging options
- Advertising, media contacts & public relations efforts to promote local tourism in out-of-area markets
- Renting, leasing, or operating a facility that has as its primary purpose providing information to attract and service out-of-area travelers
- Development of a public convention center that services primarily out-of-area meetings, conventions, and events
- Purchasing targeted electronic or direct mail lists for marketing to attract out-of-area travelers
- Electronic or mailed communications promoting tourism and paid overnight stays
- Booth fees and direct expenses for participating in travel shows designed to attract out-of-area travelers to the municipality
- Wages and salaries of the official tourism entity (usually a CVB or Chamber) staff who have, as their primary focus, tourism marketing of the area and/or the provision of services to attract tourists who will stay overnight in local public lodging properties

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The Wisconsin Hotel & Lodging Association

1025 S. Moorland Road, Suite 200, Brookfield, WI 53005, 262/782-2851
Contact: Trisha Pugal, CAE, President, CEO • pugal@wisconsinlodging.org

In Consultation With

The Wisconsin Association of Convention & Visitor Bureaus
608/837-6993 • jhertel@escapetowisconsin.com

IMPROPER USE OF ROOM TAX REVENUE

~ EXAMPLES ~

Reminder Note: This list refers to the portion of room tax that is by state statute to go to "tourism promotion and development". Municipalities have the authority to use their own allocated percentage of room tax revenue for any of the following examples, if they wish.

- Local holiday parade, local fireworks, local festivals, local concerts or events, and local decorations, etc. that are not significantly utilized by transient tourists and are not likely to directly generate multiple local paid overnight stays
- Funding of an Economic Development Organization, or an Economic Development Fund that primarily promotes or services local industrial and corporate development
- Development, furnishings & fixtures, maintenance, operations, or paying off debt for public, municipal or county grounds, facilities, waters, wetlands, land, or transportation primarily used by residents
- Assessing a Room Tax in a community with minimal lodging & attractions to promote
- Funding local arts or other non-profit group's projects or programs that are not significantly used by transient tourists nor are designed to generate paid overnight guests at multiple local lodging properties
- Charitable contributions or funding scholarships
- Funding Main Street or Historic Preservation Programs that primarily service local businesses and residents
- Subsidizing a municipality's General Fund, Property Taxes, or studies or activities primarily servicing residents
- School or University building projects, amenities, or equipment
- Community Water Parks, local parks, local trails, or local museums not significantly used by transient tourists and not likely to generate multiple paid overnight stays
- Construction or operation of Sports Facilities or Fields not intended for significant use by transient tourists and that would not generate paid overnight stays at multiple local lodging properties on a regular basis
- Area Guides that do not primarily promote tourism and lodging options
- Funding of Local Business Events
- Funding road repairs
- Funding travel expenses for government officials to attend functions not directly related to tourism marketing nor generating local paid overnight stays
- Separate funds set up for the municipality or for its leadership's discretion without requiring compliance with the state room tax statute

Disclaimer: The examples noted have not been tested in court as of February, 2009, but are based on experienced and prudent interpretation along with general lodging industry knowledge relating to the potential for generating paid overnight stays at lodging properties. What appears to be proper use in one community may not be in another due to factors such as size, whether the community is considered a tourism destination, if there are sufficient area attractions to support overnight stays, etc.

The Wisconsin Hotel & Lodging Association

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6/30/10

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To: Honorable Mayor and City Council Members
From: ^{SSK} Scott J. Kluver, Administrator
Re: Review of Financial Information from The Brewing Badger LLC
Date: March 1, 2022

Per the enclosed agreement (Section 3.2a), The Brewing Badger LLC is to provide evidence of financing that is, in the City's reasonable opinion, adequate to finance demolition of the existing structure on the Development Property and construction of the Brewpub. As such, you will find the enclosed documentation to date. Please expect Badger Colish to be present at the meeting to present additional information along with Matt Crowell of Chippewa Valley Bank. The Council will need to make a determination if the materials presented are acceptable to move onto the next step.

If you believe the documentation presented here and at the meeting is acceptable, you should instruct staff to proceed with the transfer of the property prior to March 31, 2022.

If you do not believe that the documentation is acceptable, you should state what additional material would make it acceptable. If the requested material can not be provided prior to March 31, 2022, the agreement will need to be amended to provide more time, or the agreement will become void and the City will no longer pursue this endeavor. That would put the City in the position of needing to re-market the property and it would release the "Class B" alcohol license we have been holding.

In my opinion, progress is being made and I would like to see this through. Please let me know if you have further questions related to this matter. A copy of the agreement is also included in the packet.

Feb 25th 2022

To: City of Washburn, City Council
Mary Motiff, Mayor
Scott Kluver, City Administrator

From: Badger Colish, The Brewing Badger LLC
Lost Apostle Brewing LLC

Re: Project Status Lost Apostle Brewing

Dear Washburn City Council, Mayor Motiff, Administrator Kluver,

We would like to acknowledge the cities concern with regard to time as well as it's need for assurance that Lost Apostle Brewing has the ability to move forward from both a financial and functional perspective. It is our feeling that we have adequately demonstrated both. As outlined in the attached letter from Matt Crowell, VP at Chippewa Valley Bank, there are many moving parts here and we are off to a very good start. While we have not yet reached loan approval stage, we believe there is little to no risk to the city in moving forward with the conveyance of the development property. To date we have invested a vast amount of time along with substantial personal funds to cover legal, architectural and marketing design costs as well as acquire the adjacent lot necessary for the project. We have completed an extensive business plan and proactively engaged in vetting our plan with Chippewa Valley Bank prior to approaching our investors. At the time of this writing, we are in the process of working out the terms of our operational agreement and bringing investors on board. All of these actions are indicative of our ability, sincerity and intent and without question speak to our level of commitment to bringing Lost Apostle Brewing to fruition.

A project of this level and scope takes time. We have acted and continue to act in good faith to move forward to the best of our ability on all fronts and have done so during a time impacted by countless pandemic related issues. We feel we are on course to bring our project to fruition within the timelines laid out in our development agreement.

In light of all of our efforts, extensive private and public interest and support, along with the potential benefits to the city and community combined with a lack of substantial risk, we ask that the city continue to allow us to move forward. As laid out in the development agreement, should our project fail to move forward in a timely manner the property would be returned to the city. Considering our positive efforts and progress on all fronts relative to the utter lack of risk to the city, we request the city allow us to move forward through the conveyance of the development property.

Please find attached for your consideration, a letter from Matt Crowell of Chippewa Valley Bank outlining his assessment and perspective.

Thank you for your time and energy.
Be Well.

Respectfully,
Badger Colish, The Brewing Badger, Lost Apostle Brewing

A handwritten signature in black ink that reads "Badger Colish". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.



CHIPPEWA VALLEY BANK

March 1, 2022

To : City of Washburn City Council
Mary Motiff, Mayor
Scott Kluver, City Administrator

From: Matt Crowell, Chippewa Valley Bank

Re: Status of Financing for Lost Apostle Brewing (Badger Colish) Project

Dear Washburn City Council, Mayor Motiff and City Administrator Kluver:

The purpose of this letter is to update the City of Washburn on the status of financing, and the "financial wherewithal" of Badger Colish and Lost Apostle Brewing, for the project that is to be located at 204 W. Bayfield St., on the site of the former Brokedown Palace.

Badger has been in close contact with me over the past several weeks, and much progress has been made towards the goal of obtaining a financing package that is suitable for Chippewa Valley Bank (CVB) and Lost Apostle Brewing. While we are not yet in a position to approve a loan at this writing, I feel as though we are off to a very good start. A firm loan commitment will come once we have fully underwritten the loan request, including satisfactory appraisal, and we have received a Conditional Commitment from the SBA.

Below I will highlight some of the positive things that have taken place, and then I will summarize next steps.

1. Badger has substantially completed a comprehensive 65-page business plan that conveys the vision that Badger and his team have for this project. This business plan is extremely well-written and covers all the bases in terms of positives, negatives, and mitigating factors to any of the negatives. His experience in completing several similar projects over the past several years shines through the entire plan.
2. The business plan includes projections of sales, cost of goods, operating expenses and net profit/loss. I have thoroughly reviewed these projections and I find them to be reasonable and realistic. Additionally, I had one of Chippewa Valley Bank's credit analysts review and "spread" the numbers in order to come up with leverage, liquidity and profitability ratios. All of the ratios appear to be in line with the peer group for this industry.
3. The structure of the proposed loan(s) is currently being laid out. There is a strong possibility that the loan structure will include a Small Business Administration (SBA) guaranty and/or financing under its 504 program. Under this program, 85% of the total project cost would be funded by CVB and SBA, and the remaining 15% would be owner equity. I have had several

conversations with my contact at Wisconsin Business Development (SBA loan packaging company) regarding this project, and I forwarded the business plan and cash flow projections to him. He was quite impressed with the quality and thoroughness of the plan. His comment was "...the Business Plan is probably the best/most thorough plan I've seen in quite a while...very nice!" He mentioned a couple of potential issues that they (and CVB) would need to be resolved (e.g., receipt of satisfactory appraisal and investor/guarantor liquidity), but overall he is impressed with this project and looking forward to working with us. With regard to the potential issues, they come up essentially every time with SBA, so they are not unique to the Lost Apostle project. These items will be addressed in due time, as part of the normal underwriting process.

Next steps:

1. Final sources & uses of funds, including final construction budget, detail of investor involvement, and loan structuring. Loan structure will depend on the type of SBA loan programs we will use (e.g. 504 program for real estate component, 7(a) program for non-real estate assets), and owner equity injection. Regarding the construction budget, Badger and his team have made substantial progress in this area, but it is not possible yet to nail down a budget at this stage of the game given how volatile the cost of materials and supplies is. Regarding the investor detail, Badger has made substantial progress in this area as well. This remains fluid but he is getting closer to finalizing this process.
2. Once the items in #1 are complete, CVB will underwrite the loan, determine the best loan structure, order an appraisal and, upon receipt of satisfactory appraisal, issue an approval (will be subject to WBD/SBA approval). At that point, a formal financing request package will be sent to Wisconsin Business Development for their approval.

As I understand it, the City is looking for assurance that Badger and his team have the capacity – both financially and functionally – to complete this project within a reasonable amount of time. From my perspective, Badger is on the right track to accomplish this. He has been working diligently pulling together the many moving parts that exist in a project like this. His personal investment of time and his own money into this project is impressive. I feel good about progress that has been made to date and I look forward to working with Badger and his team through to completion of this approximately \$4 million investment in the City of Washburn.

Please feel free to reach out to me with any questions you might have (please keep in mind that I cannot share personal financial information or share specific details of the project with you). My direct line is (715) 631-7246 and my email address is mattc@chippewavalleybank.com.

Sincerely,



Matt Crowell
Vice President

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To: Honorable Mayor and City Council Members

From: Scott J. Kluver, ^{SK} Administrator

Re: Terrace Type Selection for Bayfield Street Project

Date: February 21, 2022

The question at hand is how does the City want to have the terraces (space between the curb and the sidewalk) finished during the Bayfield Street Project. Currently, there are locations that are all concrete and there are locations that have a two and a half to three-foot grass area. The locations of these vary, but generally, most of the downtown core is concrete and the areas further out have grass. What we need to determine is does the City want to have it replaced the same as is at no charge, or does the City want to replace the terrace areas (or some of the terrace areas) with concrete or colored concrete?

At the meeting, we can view a map to show exactly where there is grass where there is concrete as it is a little difficult to tell this time of year. When I say grass, I really mean weeds as it is very difficult for grass to grow in the terraces given the climate and harsh conditions.

So, what would this cost? The attached spreadsheet will provide some estimates. For Phase 1 (I don't have measurements for Phase 2) it would cost \$24,604.77 for plain concrete from 2nd Avenue West to 6th Avenue West (same location as the decorative street lights). For colored concrete, it is estimated to be \$29,604.77 in this same area.

If you did all of the sidewalk locations in the first phase, it is estimate to be \$79,965.50 for plain concrete and \$96,215.50 for colored concrete. If you went to 8th Avenue, the cost would be \$45,764.87 for plain concrete and \$55,064.87 if you went with colored concrete. Remember, there would be an additional \$30,000 if you wanted to extend decorative lights to 8th Avenue West. Keep in mind that these figures are estimates and may adjust a few hundred or thousand dollars one way or the other.

Please let me know your questions related to this. This is a decision that the DOT is requesting be made as soon as possible so that the detailed plans can be put together.

Terrace Area Estimate

Item	Unit	Price	10th - 2nd		QTY	6th-2nd		8th - 2nd	
			QTY	Total		Total	QTY	Total	
Concrete	SF	\$ 5.00	16250	\$ 81,250.00	5000	\$ 25,000.00	9300	\$ 46,500.00	
Base Course	CY	\$ 29.50	301	\$ 8,879.50	93	\$ 2,743.50	172	\$ 5,074.00	
Subtotal for White Sidewalk	SF	\$ 5.55	16250	\$ 90,129.50	5000	\$ 27,732.15	9300	\$ 51,581.81	
Coloring Concrete	SF	\$ 1.00	16250	\$ 16,250.00	5000	\$ 5,000.00	9300	\$ 9,300.00	
Subtotal for Colored Sidewalk	SF	\$ 6.55	16250	\$ 106,379.50	5000	\$ 32,732.15	9300	\$ 60,881.81	
Credits									
Topsoil	SF	\$ 0.44	16250	\$ 7,222.22	5000	\$ 2,222.22	9300	\$ 4,133.33	
Mulching	SF	\$ 0.06	16250	\$ 902.78	5000	\$ 277.78	9300	\$ 516.67	
Seed & Fertilizer	SF	\$ 0.13	16250	\$ 2,039.00	5000	\$ 627.38	9300	\$ 1,166.94	
Net Total for White Sidewalk	SF	\$ 4.92	16250	\$ 79,965.50	5000	\$ 24,604.77	9300	\$ 45,764.87	
Net Total for Colored Sidewalk	SF	\$ 5.92	16250	\$ 96,215.50	5000	\$ 29,604.77	9300	\$ 55,064.87	

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



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members

From: Scott J. Kluver, Administrator ^{SK}

Re: Request to Close Central Avenue for Farmers Market

Date: February 28, 2022

Enclosed you will find a request to close Central Avenue from Bayfield Street north to the alley to accommodate the Washburn Farmers Market activities during the summer. The request will be every Wednesday from June 8 until October 19 from 1:00 pm until 7:00 pm. Both the Police Chief and DPW Director have reviewed this. It is the same arrangement as last year.

From: joe casey <morelandtone@yahoo.com>
Sent: Sunday, February 27, 2022 8:34 PM
To: washburnadmin@cityofwashburn.org
Subject: farmers market 2022

To Washburn City Council,

I am requesting on behalf of the vendors and myself, hereafter referred to as "Washburn Farmers Market", the temporary closure of Central Avenue, from Bayfield Street to the adjacent alley. The dates and times I'm requesting are June 8, 2022 to October 19, 2022, every Wednesday from 2 P.M. to 7 P.M.. I am also requesting a similar arrangement to last year, having the city public works set up barricades at approximately 1 P.M. each Wednesday. The Washburn Farmers market will be responsible for removing the barricades after each market. As with last year, the barricades can be stored behind the "Club" or WCC. Thank you for the consideration.

Aaron Irmiter
Market Manager
715-292-3249

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



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members

From: Scott J. Kluver, ^{SK} Administrator

Re: Attorney Contract Renewal

Date: February 17, 2022

Enclosed you will find the proposed attorney contract for another 2-year period. There are no proposed changes to the contract otherwise, including the fees.

I recommend approval of the contract. If the Council would disagree, the provisions that are disagreeable would need to be negotiated, or we would need to begin a solicitation process for a new attorney.

Please let me know if you have any questions related to this contract.

CITY ATTORNEY AGREEMENT

This Agreement is made and entered into by the City of Washburn, a Wisconsin municipal corporation, 119 Washington Avenue, P.O. Box 638, Washburn, WI 54891, and Anich, Wickman & Lindsey S.C., 220 Sixth Avenue West, P.O. Box 677, Ashland, WI 54806, at the City of Washburn on the date of the last signature set forth below.

WHEREAS, the Mayor of the City of Washburn has appointed the Attorney to serve as the City Attorney for the City of Washburn for a two-year term, and the Common Council of the City of Washburn has confirmed the appointment;

NOW, THEREFORE the parties agree as follows:

1. Definitions. In this Agreement, “City” means the City of Washburn, acting by and through its Common Council. “Attorney” means Anich, Wickman & Lindsey S.C. “City Attorney” has the meaning set forth in sec. 62.09, Wisconsin Statutes with Max T. Lindsey acting as primary counsel to the City.

2. Appointment. The City appoints the Attorney to serve as its City Attorney pursuant to Section 2-3-4, Code of Ordinances, City of Washburn, Wisconsin, and the Attorney agrees to serve as the City’s City Attorney.

3. Term. The term of the Attorney’s appointment as City Attorney shall be from April 19, 2022 through April 15, 2024.

4. Duties.

(a) **General duties.** The Attorney shall have the duties of the City Attorney as set forth in sec. 62.09(12), Wisconsin Statutes, and Section 2-3-4, Code of Ordinances, City of Washburn, Wisconsin, except for those legal duties assigned by the City to special counsel pursuant to sec. 62.09(12)(g). Sec. 62.09(12), Wisconsin Statutes, provides as follows:

(12) Attorney.

(a) The attorney shall conduct all the law business in which the city is interested.

(c) The attorney shall when requested by city officers give written legal opinions, which shall be filed with the clerk.

(d) The attorney shall draft ordinances, bonds and other instruments as may be required by city officers.

(e) The attorney shall examine the tax and assessment rolls and other tax proceedings, and advise the proper city officers in regard thereto.

(f) The attorney may appoint an assistant, who shall have power to perform the attorney's duties and for whose acts the attorney shall be responsible to the city. Such assistant shall receive no compensation from the city, unless previously provided by ordinance.

(g) The council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.

(b) **Direction.** The parties understand and agree that the City Attorney's client is the City of Washburn, acting by and through its Common Council as a whole. The City may direct the work of the City Attorney through the Common Council acting as a whole, and also delegates its authority to direct the work of the City Attorney to the Mayor, the City Administrator/Clerk, Treasurer, and the Police Chief.

5. Compensation.

(a) **Ordinary fee.** The City shall pay the City Attorney a fee of \$2,500 for each month. Payment shall be made in advance no later than the second Tuesday of each month. The City understands and agrees that the Attorney is setting aside and reserving time for City business and is billing the City at a significant discount from the Attorney's regular rate, and therefore the City will pay the fee set out in this paragraph each month even if the City does not require the Attorney's services for the entire 20 hours allowed pursuant to Par. 5(b), below.

(b) **Ordinary time.** The Attorney shall provide up to 20 hours of legal services each month for the fee stated in Paragraph 5(a), above. Time is charged to the next tenth of the hour. All time spent on legal matters for the City shall be charged against this time allocation, including but not limited to meeting times; time for consultations, whether by phone or in person, with the Mayor, Council members, Clerk, City Administrator, department heads, and other employees; time spent reading and replying to mail and email; research and drafting of ordinances, policies, contracts, and other business or litigation documents; time spent investigating matters and preparing for hearings, trials, and other

proceedings and time spent attending such proceedings; and time spent meeting, talking to, or negotiating with other parties with whom the City has business. Time spent in travel to and from Washburn shall not be counted against the 20 hour allocation. The City Attorney shall charge only for time reasonably related to matters properly referred to him under Par. 4(b).

(c) Time statements. The Attorney shall submit to the City a statement of time spent each month no later than the tenth day of the following month.

(d) Extra services. Time spent by the Attorney in excess of 20 hours per month shall be paid by the City as follows: \$125 per hour for the next thirteen hours worked; \$150 per hour thereafter. The Attorney will include billings for extra services with the time statements submitted pursuant to Paragraph 5(c), above, and the City will pay for such extra services within 30 days of billing.

(e) Costs. In addition to fees, the City shall reimburse the Attorney for all costs incurred in providing services to the City, including but not limited to postage and delivery services (except for anything sent by standard mail), long distance phone calls and long distance faxes, photocopies over 100 pages, fees charged by courts and other public agencies, witness fees, service costs, other costs associated with litigation, and mileage at the current federal rate, provided that mileage will never be charged between Washburn and Ashland. The City will also pay the registration fee not to exceed \$300 of the League of Wisconsin Municipalities annual Legal Institute, or at the Attorney's request, the same amount for other continuing legal education related to municipal issues. In the event the Attorney represents other municipal clients, this fee will be distributed accordingly. Photocopies made in-house at the Attorney's office are charged at 10 cents per page after the first 100 pages. On occasional large copy jobs the Attorney will determine if the City wishes to do the copying in-house, or will job out the copying if it can be done at a lower rate. The Attorney will include billings for costs with the time statements submitted pursuant to Paragraph 5(c), above, and the City will pay for such costs within 30 days of billing.

6. Independent contractor status. The Attorney shall at all times be an independent contractor of the City and not an employee.

7. Declination of service. The Attorney reserves the right to decline to perform a particular service if in his opinion to do so would require a violation of any law or any rule of professional responsibility.

8. Termination. This Agreement may be terminated by either party upon 60 days written notice to the other, provided that notice of termination by the City shall follow compliance with the requirements of sec. 17.12, Wis. Stats., and upon such termination, the Attorney shall be compensated as provided herein, and

provided that upon termination by the Attorney, the Attorney shall not jeopardize any on-going legal action.

CITY OF WASHBURN

By:

Anich, Wickman & Lindsey S.C.

By:

Mary D. Motiff
Mayor

Date

Max T. Lindsey
Attorney at Law
State Bar No: 1112865

Date

Scott J. Kluver
Clerk

Date

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



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members
From: Scott J. Kluver, Administrator
Re: Ordinance to Amend Prohibition Rules on Certain Animals
Date: February 18, 2022

Enclosed you will find a draft ordinance requirement to amend the rules on the prohibition of certain animals in the City. I have included the current ordinance language of the breeds that are prohibited.

This issue is coming up because of the continual issues with the prohibition ordinance and new residents being unfamiliar with City rules. It has/is putting some residents in a position to give up their pets or to find housing outside of the City. On the other hand, there has been a strong desire to maintain a safe environment for neighbors and all residents and visitors to the City.

This issue has been highly controversial over the years, and this is not the first time the Council has addressed this. After discussions with the Police Chief and our Attorney, it is believed that this ordinance amendment, which would allow for a process for some the prohibited breeds to stay in the City, would withstand court challenges and address concerns on both sides.

Please let me know if you have any questions on this ordinance amendment.

CITY OF WASHBURN
Ordinance No. 22-001

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of March 14, 2022, for the purpose of amending the City's Zoning Code to update the regulation and licensing of dogs in Title 7, Chapter 11 of the City's Ordinances. Additions are in *red italics*, deletions are in ~~strikeout~~.

1. Amend Title 7, Chapter 1, Section 6(b), to add subparagraph (3) as follows:

Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

* * *

(b) Prohibitions Against Certain Dogs and Animals

* * *

(3) Any individual who desires to own, harbor, keep, or care for a dog classified as a service animal, as defined by Wis. Stats. § 106.52(fm), that is a breed identified in subparagraph (2), above, may petition the Common Council for a determination that said dog should not be prohibited from being kept within the City. Upon receipt of such petition, the Common Council shall permit said service animal to be kept in the City unless the Council determines that said dog poses a direct threat to the health and safety of others within the City. The determination of whether said dog poses a direct threat shall be based upon evidence of the specific dog's behavior and history, and shall not be based upon generalizations or fears about how a particular animal may behave. Any petition under this section shall be submitted to the Common Council pursuant to the procedures contained in Title 4, Chapter 1 of these Ordinances.

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: _____

TITLE 4

Administrative Determinations Review

Chapter 1 Review of Administrative Determinations

CHAPTER 1

Review of Administrative Determinations

- 4-1-1 Review of Administrative Determinations
- 4-1-2 Determinations Reviewable
- 4-1-3 Determinations Not Subject to Review
- 4-1-4 Municipal Authority Defined
- 4-1-5 Persons Aggrieved
- 4-1-6 Reducing Determination to Writing
- 4-1-7 Request for Review of Determination
- 4-1-8 Review of Determination
- 4-1-9 Administrative Appeal
- 4-1-10 Hearing on Administrative Appeal
- 4-1-11 Final Determination
- 4-1-12 Judicial Review
- 4-1-13 Legislative Review

SEC. 4-1-1 REVIEW OF ADMINISTRATIVE DETERMINATIONS.

Any person aggrieved by an administrative determination of the Common Council or a board, commission, committee, agency, officer or employee of the City or agent acting on its behalf may have such determination reviewed as provided in this Chapter. The remedies under this Chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

State Law Reference: Section 68.01, Wis. Stats.

SEC. 4-1-2 DETERMINATIONS REVIEWABLE.

The following determinations are reviewable under this Chapter:

- (a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- (b) The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in Section 4-1-3(d).
- (c) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (d) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.

- (e) The suspension or removal of a City officer except as provided in Sections 4-1-3(b) and (g).

State Law Reference: Section 68.02, Wis. Stats.

SEC. 4-1-3 DETERMINATIONS NOT SUBJECT TO REVIEW.

The following determinations are not reviewable under this Chapter:

- (a) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Common Council.
- (b) Any action subject to administrative or judicial review procedures under state statute or other provisions of this Code.
- (c) The denial of a tort or contract claim for money required to be filed with the City under Sec. 62.25, Wis. Stats.
- (d) The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating liquor license under Chapter 125, Wis. Stats.
- (e) Judgments and orders of a court.
- (f) Determinations made during municipal labor negotiations.
- (g) Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements or the City's personnel rules and regulations.

State Law Reference: Section 68.03, Wis. Stats.

SEC. 4-1-4 MUNICIPAL AUTHORITY DEFINED.

"Municipal authority" includes the Common Council, commission, committee, agency, office, employee, or agent of the City making a determination under Section 4-1-1 and every person, committee, or agency of the City to make an independent review under Section 4-1-8(b).

State Law Reference: Section 68.05, Wis. Stats.

SEC. 4-1-5 PERSONS AGGRIEVED.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the City whose rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the City who is aggrieved may initiate review under this Chapter of a determination of any other department, board, commission, agency, officer or employee of the City but may respond or intervene in a review proceeding under this Chapter initiated by another.

State Law Reference: Sections 68.01 and 68.06, Wis. Stats.

SEC. 4-1-6 REDUCING DETERMINATION TO WRITING.

If a determination subject to this Chapter is made orally or, if in writing, does not state the reasons therefor, the municipal authority making such determination shall,

upon written request of any person aggrieved by such determination made within ten (10) days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated and shall advise such person of his right to have such determination reviewed, that such review may be obtained within thirty (30) days, and the office or person to whom a request for review shall be addressed.

State Law Reference: Section 68.07, Wis. Stats.

SEC. 4-1-7 REQUEST FOR REVIEW OF DETERMINATION.

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within thirty (30) days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

State Law Reference: Section 68.08, Wis. Stats.

SEC. 4-1-8 REVIEW OF DETERMINATION.

- (a) **Initial Determination.** If a request for review is made under Section 4-1-7, the determination to be reviewed shall be termed an initial determination.
- (b) **Who Shall Make Review.** A review under this Section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the City, appointed by the Mayor without confirmation, shall be provided if practicable.
- (c) **When to Make Review.** The municipal authority shall review the initial determination within fifteen (15) days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- (d) **Right to Present Evidence and Argument.** The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- (e) **Decision on Review.** The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within thirty (30) days, and the office or person with whom notice of appeal shall be filed.

State Law Reference: Section 68.09, Wis. Stats.

SEC. 4-1-9 ADMINISTRATIVE APPEAL.

- (a) **From Initial Determination or Decision on Review.**
- (1) If the person aggrieved had a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he may elect to follow Sections 4-1-6 through 4-1-8, but is not entitled to a further hearing under Section 4-1-10 unless granted by the municipal authority. He may, however, seek judicial review under Section 4-1-12.
 - (2) If the person aggrieved did not have a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he shall follow Sections 4-1-6 through 4-1-8 and may appeal under this Section from the decision made under Section 4-1-8.
- (b) **Time Within Which Appeal May be Taken Under This Section.** Appeal from a decision on review under Section 4-1-8 may be taken within thirty (30) days of notice of such decision.
- (c) **How Appeal May Be Taken.** An appeal under this Section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review written notice of appeal.

State Law Reference: Section 68.10, Wis. Stats.

SEC. 4-1-10 HEARING ON ADMINISTRATIVE APPEAL.

- (a) **Time of Hearing.** The City shall provide the appellant a hearing on an appeal under Section 4-1-9 within fifteen (15) days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least ten (10) days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the City Attorney and Clerk-Treasurer who shall forthwith advise the Mayor of such appeal.
- (b) **Conduct of Hearing.** At the hearing the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Mayor shall appoint an impartial decision maker who may be an officer, committee, board or commission of the City or the Common Council who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Mayor to conduct the hearing and report to the decision maker.
- (c) **Record of Hearing.** The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the City.
- (d) **Hearing on Initial Determination.** Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this Section before making such determination.

State Law Reference: Section 68.11, Wis. Stats.

SEC. 4-1-11 FINAL DETERMINATION.

- (a) Within twenty (20) days of completion of the hearing conducted under Section 4-1-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- (b) A determination following a hearing substantially meeting the requirements of Section 4-1-10 or a decision on review under Section 4-1-8 following such hearing shall be a final determination, judicial review of which may be obtained under Section 4-1-12.

State Law Reference: Section 68.12, Wis. Stats.

SEC. 4-1-12 JUDICIAL REVIEW

- (a) Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within thirty (30) days of receipt of the final determination.
- (b) The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review established impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the City and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

State Law Reference: Section 68.13, Wis. Stats.

SEC. 4-1-13 LEGISLATIVE REVIEW.

- (a) Seeking review pursuant to this Chapter does not preclude a person aggrieved from seeking relief from the Common Council or any of its boards, commissions, committees or agencies which may have jurisdiction.
- (b) If in the course of legislative review under this Section a determination is modified, such modification and any evidence adduced before the Common Council, board, commission, committee or agency shall be made part of the record on review under Section 4-1-12.
- (c) The Common Council, board, commission, committee or agency conducting a legislative review under this Section need not conduct the type of hearing required under Section 4-1-10.

State Law Reference: Section 68.14, Wis. Stats.

- hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
- b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) **Sacrifice of a dog or cat exhibiting symptoms of rabies.** If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (f) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the City, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- (g) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the City, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (h) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

Cross-Reference: Section 7-1-9.

Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

- (a) **Restrictions and Prohibitions.** No person, corporate or other business entity, church, school, hospital or any other legal entity, within the limits of the City of Washburn shall own, harbor, keep, possess, care for any dog, cat or other animal which:

7-1-6

- (1) Habitually pursues any vehicle upon any public street, alley, right-of-way or highway within the City limits of Washburn.
 - (2) Habitually barks, howls, cries, or makes other noises which tend to annoy or disturb the public peace in violation of Section 7-1-12.
 - (3) Kills, wounds, or worries any domestic animal, subject to Section 7-1-6(e)(2)e and f.
 - (4) Is infected with rabies or has been bitten by an animal known to have been infected with rabies.
 - (5) In the case of a dog or other canine, which has not obtained a valid license from the City of Washburn.
- (b) **Prohibitions Against Certain Dogs and Animals.**
- (1) The City of Washburn has determined that certain breeds of dogs and other animals shall not be allowed to be owned, harbored, kept or cared for within the City of Washburn corporate limits, by any person, corporate or other business entity, church, school, hospital or any other legal entity. This prohibition does not apply to professional veterinary care whether outpatient or inpatient. There shall be a presumption that any dog which substantially conforms or exhibits the distinguishing characteristics or substantially conforms to the standards describing the physical characteristics as recognized by the American Kennel Club, the United Kennel Club, or Continental Kennel Club for a particular breed which is prohibited by this Section, shall be deemed a dog of the breed so prohibited.
 - (2) The following breeds of dogs shall be prohibited from being owned, harbored, kept, maintained or cared for within the City of Washburn corporate limits:
 - a. A Staffordshire Bull Terrier breed of dog.
 - b. An American Pit Bull Terrier breed of dog.
 - c. An American Staffordshire breed of dog.
 - d. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, or any combination of these breeds.
 - e. The Perro de Presa Canario breed of dog, otherwise known as Presa Canario, also known as Canary Dog or Presa Dog.
 - f. Any dog which has the appearance and characteristic of being predominately of the breed or breeds of Perro de Presa Canario, also known as Presa Canario, also known as Canary Dog or Presa Dog.
- (c) **Vicious Dogs and Animals.**
- (1) A "vicious dog or other animal" shall be defined as follows: Any dog or other animal shall be deemed and be presumed to be vicious if, at any time, it bites and inflicts a serious injury to any person or persons two (2) or more times during the dog's or animal's life under unprovoked circumstances and while off the dog's or animal owner's, keeper's or caretaker's premises or property. If the dog or other animal inflicts serious injury in a manner other than biting, said dog or other animal shall also be deemed and presumed to be vicious under this Section.

- (2) A "serious injury" shall be defined as any abrasions, bruising, cuts, broken bones, lacerations, internal injuries, torn or pulled ligaments or muscles, head injuries, or any other such similar condition.
 - (3) No vicious dog or other animal as defined herein shall be allowed to be owned, kept, harbored, maintained, or cared for within the City of Washburn corporate limits, by any person or legal entity.
- (d) **Penalty for Keeping Prohibited or Vicious Dogs or Animals.**
- (1) Any person convicted of violating Sections 7-1-6(a) through 7-1-6(c) shall pay a forfeiture of Five Hundred Dollars (\$500.00) together with all costs and assessments. Each day that a person owns, harbors, keeps, maintains or cares for any prohibited dog or other animal or vicious dog or other animal in violation of this Section may be deemed a separate and distinct violation, subject to separate citations and convictions. Furthermore, any violation of Sections 7-1-6(a) through 7-1-6(c) shall result in a further penalty of having the subject animal or dog impounded by any law enforcement or animal control officer of the City of Washburn, or any law enforcement or animal control officer of any jurisdiction authorized by the City of Washburn to enforce or effectuate the City of Washburn's ordinances.
 - (2) In the event that any prohibited dog or other animal or other vicious dog or animal has been impounded, the owner of said dog or animal shall be required to make arrangements to have said animal removed from the corporate limits of the City of Washburn within seven (7) days of impoundment. In the event any impounded animal has not had arrangements made to remove said animal from the corporate limits of the City of Washburn within said seven (7) day period, any law enforcement officer or animal control officer for the City of Washburn shall be authorized to destroy said animal.
- (e) **Potentially Dangerous Dog or Other Animal.**
- (1) **Definitions.** "Potentially dangerous dog or other animal" means the following:
 - a. Any dog or other animal which, when unprovoked, on two (2) separate occasions within the immediate prior thirty-six (36) month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.
 - b. Any dog or other animal which, when unprovoked, bites a person, causing a less severe injury than is defined in Section 7-1-6(c)(2) above.
 - c. Any dog or other animal which, when unprovoked, on two (2) separate occasions within the immediate prior thirty-six (36) month period, has killed, seriously bitten, inflicted injury or otherwise caused injury to a domestic animal off the property of the owner or keeper of the dog.
 - d. Any dog or other animal which, when unprovoked, on two (2) separate occasions within the immediate prior thirty-six (36) month period, engages in any behavior described in either Subsection (e)(1)(a) or (e)(1)(c).
 - (2) **Restrictions and Rules Regarding Potentially Dangerous Dogs or Animals.**
 - a. If a law enforcement or animal control officer for the City of Washburn or any other law enforcement agency having jurisdiction and authority to enforce this Section, has investigated and determined that there exists probable cause to

7-1-6

believe that a dog or other animal which is owned, harbored, kept or cared for within the City of Washburn corporate limits is potentially dangerous as that term is defined herein, the chief law enforcement officer or animal control officer for the City of Washburn or his/her designee, shall petition the Common Council for the City of Washburn, for a hearing for the purpose of determining whether or not the dog or other animal in question, should be declared potentially dangerous. Whenever possible, any complaint received from a member of the public which serves as part of the evidentiary basis for the animal control officer or law enforcement officer to find probable cause, shall be sworn to and verified by the complainant and shall be attached to the aforementioned petition. Notice of the hearing before the Common Council shall be given to the owner, caretaker or keeper of the dog or animal in question no less than seven (7) days prior to said hearing, with said notice, together with a copy of the petition, and all sworn complaints to be either served personally, or by first class mail with return receipt requested. All hearings under this Section shall be open to the public. The hearing body, which shall be the Common Council for the City of Washburn, may admit all relevant documents and testimony into evidence including incident reports and affidavits of witnesses, photographs, and personal testimony. The Common Council for the City of Washburn shall be the exclusive trier of the issue of whether a dog or other animal is determined to be potentially dangerous. For the Common Council of the City of Washburn to determine that a dog or other animal is potentially dangerous, there must be a preponderance of the evidence to establish the same.

- b. Any owner, harborer, keeper, caretaker, or other interested party who is aggrieved by any decision of the Common Council under this Section shall have the right to appeal the same by filing an action for certiorari with the Circuit Court no more than thirty (30) days from the date that said aggrieved person had received written notice of the Common Council's decision on whether a dog or other animal is potentially dangerous.
- c. After the hearing conducted pursuant to Sec. 7-1-6(e)(2)a above, the owner, keeper, harborer or caretaker of the dog or other animal shall be notified in writing of the determination and orders issued, either personally or by first class mail return receipt requested. If a determination is made that a dog or other animal is potentially dangerous as herein provided, the owner, keeper, harborer or caretaker shall comply with Section 7-1-6(e)(2)g and h in accordance with the time schedule established by the chief law enforcement officer or animal control officer of the City of Washburn, but in no case more than thirty (30) days after the date of the determination, or thirty-five (35) days if the notice of the determination is mailed to the owner, keeper, harborer or caretaker of the dog or other animal.

- d. No dog or other animal may be declared potentially dangerous if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner, keeper, harbinger or caretaker of the dog or other animal, or was teasing, tormenting, abusing, or assaulting the dog or other animal, or was committing or attempting to commit a crime. No dog or other animal may be declared potentially dangerous if the dog or other animal was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog or other animal may be declared potentially dangerous if an injury or damage was sustained by a domestic animal which, at the time of the injury, or damage was sustained, was teasing, tormenting, abusing or assaulting the dog or other animal.
- e. No dog or other animal may be declared potentially dangerous if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, keeper, harbinger or caretaker, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.
- f. No dog or other animal may be declared potentially dangerous if the injury or damage to another domestic animal was sustained while on the property or premises of the owner, harbinger, keeper or caretaker of the dog or other animal, and the injured domestic dog or animal was upon the property not owned or maintained by the owner of the injured or damaged domestic animal.
- g. All potentially dangerous dogs or other animals shall be properly licensed and vaccinated. The licensing authority for the City of Washburn shall include the potentially dangerous designation in the registration records of the dog, either after the owner or keeper of the dog has agreed to the designation or the Common Council, after hearing, has determined the designation applies to the dog. The City of Washburn may charge a potentially dangerous dog fee in addition to the regular licensing fee as to provide for the increased cost of maintaining the records of the dog.
- h. A potentially dangerous dog or other animal, while on the owner's property, shall, at all times, be kept indoors or in a securely fenced yard from which the dog cannot escape and into which children cannot trespass. A potentially dangerous dog or other animal may be off the owner's premises only if it is restrained by a substantial leash, of appropriate length, and muzzled, and if it is under the control and supervision of a responsible adult while being restrained by said leash and muzzle.
- i. If a potentially dangerous dog or other animal dies, or is sold, transferred or permanently removed from the City of Washburn where the owner, harbinger, keeper or caretaker so resides, said person who owns, keeps, harbors, or caretakes a potentially dangerous dog or other animal shall notify the chief law enforcement

officer for the City of Washburn or the animal control officer of the change in condition or new location of the potentially dangerous dog or other animal in writing within forty-eight (48) hours of said dog or other animal's remove.

- (f) **Penalty for Violations of Subsection (e)(2).** Any person or entity convicted of violating Section 7-1-6(e)(2) shall pay a forfeiture of Two Hundred Fifty Dollars (\$250.00), together with all costs and assessments. Each day that a person owns, harbors, keeps, maintains or cares for any potentially dangerous dog or other animal in violation of Section 7-1-6(e)(2), may be deemed separate and distinct violations, subject to separate citations and convictions. Furthermore, any violation of Section 7-1-6(e)(2) shall result in a further penalty of having the subject animal or dog impounded by any law enforcement or animal control officer of the City of Washburn, or any law enforcement or animal control officer of any jurisdiction authorized by the City of Washburn to enforce or effectuate the City of Washburn's ordinances, may impound any dog or other animal which is subject to Section 7-1-6(e)(2). In the event that any restricted or prohibited animal or other vicious or potentially vicious animal or dog has been impounded, said dog's or animal's lawful owner shall be required to make arrangements to have said animal removed from the corporate City of Washburn limits within seven (7) days of impoundment. In the event any impounded animal has not had arrangements made to lawfully remove said animal from the corporate City limits of Washburn within said seven (7) day period, any law enforcement officer or animal warden for the City of Washburn shall be authorized to destroy said animal.
- (g) **Unleashed Dogs or Other Animals Running at Large.**
- (1) No owner, keeper, harbinger or caretaker of any dog, cat or other animal shall permit the same to be unleashed or unrestrained at any time said dog, cat or other animal is not on the owner's, keeper's, harbinger's, or caretaker's property or premises and which is upon any public street, alley, right-of-way or any school ground, public park, cemetery or other public or private property without the permission of the owner or occupier of the property.
 - (2) A dog, cat or other animal is in compliance with this Section when it is leashed or otherwise restrained by any device that is less than ten (10) feet in length, which is of sufficient strength to restrain and control said dog, cat or other animal, and is held by a person competent to govern and control said animal, who has obtained the age of ten (10) years or more, and is able to prevent said dog, cat or other animal from annoying or worrying pedestrians or from trespassing on private or public property. Furthermore, a dog, cat or other animal is not unleashed or uncontrolled and at large if it is properly restrained within a motor vehicle.
 - (3) Any person or entity who violates this Subsection (g) shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00), together with any impoundment under Section 7-1-7 of this Section.
- (h) **Feeding of Cats.** No person who is not the owner of a cat, or an agent of the owner, shall feed the cat or make food available to the cat.

- (i) **Owner's Liability for Damage Caused by Dogs or Other Animals; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs and other animals together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

Sec. 7-1-7 Impoundment of Animals.

- (a) **Animal Control Agency.**
- (1) The City of Washburn may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
 - (2) The City of Washburn does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.
- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, any police or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the City, assaults or attacks any person, is at large within the City, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his/her possession a written statement of a complaining witness alleging the facts regarding the violation and containing an agreement to reimburse the City for any damages it sustains for improper or illegal seizure.
- (c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Common Council. In the alternative, animal control or humane agencies serving the City may provide notice pursuant to their operating procedures and state law. No animal shall be released from the pound without being properly licensed if so required by state law or City Ordinance.
- (d) **Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.
- (e) **City Not Liable for Impounding Animals.** The City and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

Sec. 7-1-8 Dogs and Cats Restricted on Cemeteries and Other Grounds.

No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind persons shall be exempt from this Section. No person shall walk a dog or permit any dog to be on public or private school grounds unless express permission from those in control of the school grounds have been secured.

Sec. 7-1-9 Duty of Owner in Case of Dog or Cat Bite.

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the Police Department or Health Officer and shall keep such dog or cat confined pursuant to the requirements of Section 7-1-5. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

Sec. 7-1-10 Animal Feces.

- (a) **Dog Litter Nuisance.** It shall be unlawful for any person in immediate control of any dog to permit fecal matter which is deposited by such dog while off of its own premises to remain on any street, alley, sidewalk, lawn, field or any public property, and it shall be solely the responsibility of the person in control of said dog to immediately, after deposit, remove all fecal matter and dispose of the same. Any person owning or having control of a dog on any property, public or private, which is not owned or occupied by such person shall promptly remove excrement left by such dog and place it in a proper receptacle, bury it or flush it in a toilet on property owned or occupied by such person. This Section shall not apply to a person who is visually or physically handicapped.
- (b) **Cat Litter Nuisance.** No owner of any cat shall permit the cat to deposit fecal matter while off of the owner's own premises on any street, alley, sidewalk, lawn, field or any public property without removing the fecal matter immediately after deposit and disposing of the same by placing it in a proper receptacle, burying it, or flushing it in a toilet on property owned or occupied by the owner. This Section shall not apply to a person who is visually or physically handicapped.
- (c) **Complaints.** Any adult person alone or together with other adults may seek relief from dog or cat fecal matter deposits as described in Subsections (a) and (b) above by a complaint to the Police Department.

Sec. 7-1-11 Injury to Property by Animals.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission

of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon.

Sec. 7-1-12 Barking Dogs or Crying Cats.

It shall be unlawful for any person to own, keep, possess, or harbor any dog or cat which, by howling, barking, screaming, or otherwise, causes annoyance or disturbance to any person or persons.

Sec. 7-1-13 Prohibited and Protected Animals, Fowl, Reptiles and Insects.

(a) **Protected Animals.**

(1) **Possession and Sale of Protected Animals.** It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the City any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonina mydas*), Mexican ridley turtle (*lepidochelys kempi*).

(2) **Compliance with Federal Regulations.** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).

(3) **Regulating the Importation of Certain Birds.** No person, firm or corporation shall import or cause to be imported into this City any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

(b) **Exceptions.** The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.

(c) **Wild Animals; Prohibition on Keeping.** It shall be unlawful for any person to keep, maintain or have in his/her possession or under his/her control within the City any

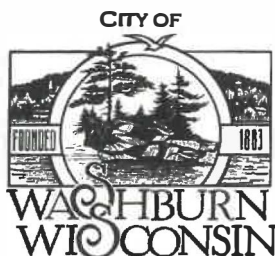
7-1-13

poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his/her possession or under his/her control within the City any of the following animals, reptiles or insects:

- (1) All poisonous animals and reptiles including rear-fang snakes.
 - (2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
 - (3) Baboons (Papoi, Mandrillus).
 - (4) Bears (Ursidae).
 - (5) Bison (Bison).
 - (6) Cheetahs (Acinonyx jubatus).
 - (7) Crocodilians (Crocodylia), including alligators, caymans and gavials.
 - (8) Constrictor snakes.
 - (9) Coyotes (Canis latrans).
 - (10) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
 - (11) Elephants (Elephas and Loxodonta).
 - (12) Foxes.
 - (13) Game cocks and other fighting birds.
 - (14) Hippopotami (Hippopotamidae).
 - (15) Hyenas (Hyaenidae).
 - (16) Jaguars (Panthera onca).
 - (17) Leopards (Panthera pardus).
 - (18) Lions (Panthera leo).
 - (19) Lynxes (Lynx).
 - (20) Monkeys, old world (Cercopithecidae).
 - (21) Ostriches (Struthio).
 - (22) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
 - (23) Raccoons.
 - (24) Rhinoceroses (Rhinocero tidae).
 - (25) Skunks.
 - (26) Snow leopards (Panthera uncia).
 - (27) Tigers (Panthera tigris).
 - (28) Wolves (Canis lupus).
 - (29) Poisonous insects, including tarantulas.
 - (30) Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.
- (d) **Exceptions; Pet Shops.**
- (1) The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient

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



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members
From: Scott J. Kluver, ^{SK}Administrator
Re: Ordinance to Update Snowmobile/ATV Routes
Date: February 18, 2022

Enclosed you will find a draft ordinance to update snowmobile and ATV routes. The main issues are because a portion of Memorial Park Drive has been vacated for the Iron Works expansion and there is an update on the west side of the City to add a logical path along the route. You will see the memo from the Police Chief for this request. You can ask him or me if you have any questions.

CITY OF WASHBURN
Ordinance No. 22-002

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of March 14, 2022, for the purpose of amending the City's Zoning Code to update the approved routes and trails for snowmobiles and ATVs contained in Title 10, Chapter 3, Section 8 of the City's Ordinances. Additions are in *red italics*, deletions are in ~~strikeout~~.

1. Amend Title 10, Chapter 3, Section 8, as follows:

Sec. 10-3-8 Snowmobile and ATV Routes and Trails Designated.

* * *

(b) Routes and Trails for Both Snowmobiles and ATVs.

- (1) Fifth Avenue West from Wisconsin Street to Oak Road.
- (2) Oak Road from Fifth Avenue West to Grandview Boulevard.
- (3) Washington Avenue from Oak Road north to City limits.
- (4) Grandview Boulevard from Oak Road to Sixth Street East.
- (5) Shadow Drive from Grandview Boulevard to Bratley Drive.
- (6) Bradley Drive from Shadow Drive to East Fourth Street.
- (7) East Fourth Street from Bratley Drive to Central Avenue.
- (8) West Fourth Street from Central Avenue to ~~Eighth~~ *Ninth* Avenue West.
- (9) Sixth Avenue East from East Fourth Street to Memorial Park.
- (10) Woodland Drive from Fifth Avenue West to Eighth Avenue West.
- (11) Eighth Avenue West from Woodland Drive to Jackson Road.
- (12) Jackson Road from Eighth Avenue West to end at Tenth Avenue West.
- (13) Wisconsin Street from Sixth Avenue West to Fifth Avenue West.
- (14) Sixth Avenue West from Railroad Grade to Coal Dock.
- (15) First Avenue East from Railroad Grade to Coal Dock.
- (16) Railroad Grade from Sixth Avenue East to Fourth Avenue East.
- (17) Railroad Grade from First Avenue East to Bigelow Street.
- (18) Sixth Avenue West from Railroad Grade to Thompson West End Park (park access).
- (19) Eight Avenue West from Railroad Grade to Thompson West End Park (park access).
- (20) Extending across public lands from the existing trail within the former C&NW Railroad grade in the vicinity of extended and unopened 1st Avenue East across Harborview Drive to lands owned by the ~~Super 8 Motel and Steak Pit.~~ *Washburn Inn and Harbor View Event Center.*
- (21) Extending across public lands from the existing trail within the former C&NW Railroad grade to West Omaha Street midway between South Central Avenue and South 1st Avenue East to West Omaha Street.
- (22) Alley lying south of West Bayfield Street between South Central Avenue and 1st Avenue West (all within Block 50, Original Plat of Washburn).
- (23) Memorial Drive from Central Avenue to First Avenue East.*

- (24) First Avenue East from Memorial Drive to Pumphouse Road.
- (25) Pumphouse Road from First Avenue East to Fourth Avenue East.
- (26) Fourth Avenue East from Pumphouse Road to the Railroad grade.
- (27) Ninth Avenue West from Fourth Street West to Pine Street.
- (28) Pine Street from Ninth Avenue West to Eleventh Avenue West.

- 2. Delete Sections 10-3-8(c) and 10-3-8(d) in their entirety.
- 3. 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: _____

Memorandum

To: Scott Kluver

From: Ken Johnson

Re: ATV/Snowmobile Routes

Date: 02/11/2022

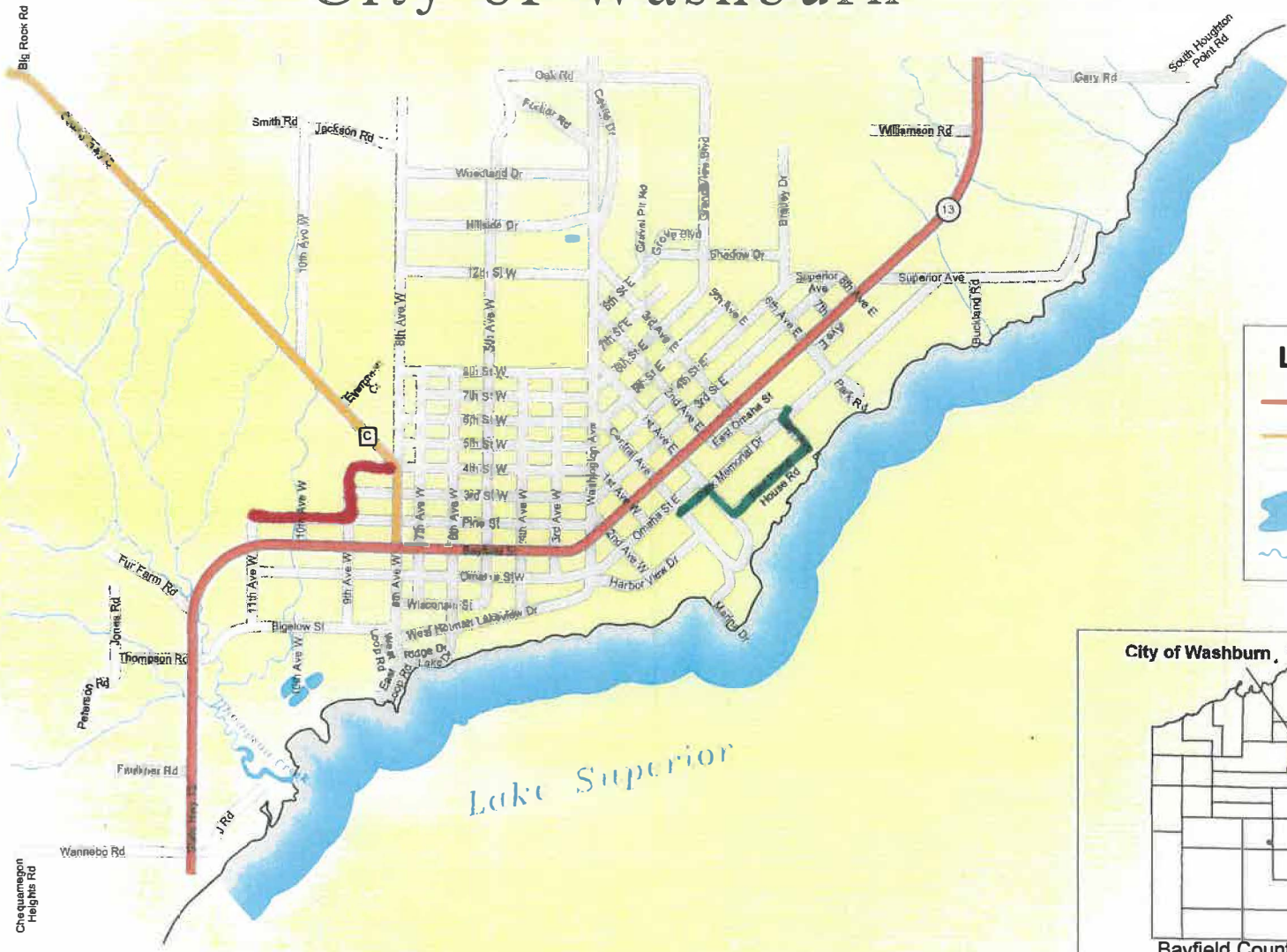
Due to the recent sale of land to the Washburn Foundry, which includes a portion of Memorial Drive, it is necessary to alter the snowmobile route under 10-3-8(b). I would recommend the route be the same as the ATV route, which is Memorial Drive from Central Avenue to 1st Avenue East, 1st Avenue East to Pumphouse Road. Pumphouse road from 1st Avenue East to 4th Avenue East. 4th Avenue East to the railroad grade. We would also need to delete 10-3-8(d) and 10-3-8(c)(2). This proposed route has been indicated in green on the attached map.

I also think we should consider possibly extending the ATV/Snowmobile route on the West side of town. Currently, our snowmobile/ATV route ends at 4th Street and 8th Avenue West. Extending that across 4th Street to 9th Avenue West, down to West Pine Street and down Pine Street to 11th Avenue West would allow better access to the trail on 11th Avenue West. Just something to consider. I have indicated that proposed route in red on the attached map.

If any changes are made, I believe we would have to notify the snowmobile club so they can place signs to indicate the new routes.

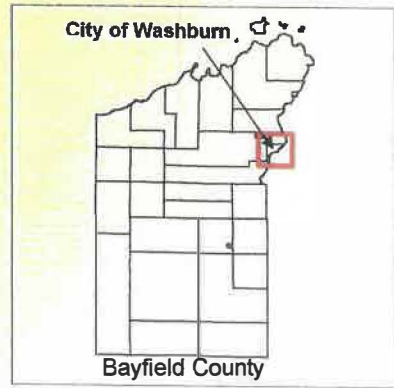
If you have any questions, let me know.

City of Washburn



Legend

- State
- County
- Town
- Lakes
- ~ Streams



October 2001

8

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



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members

From: Tony Janisch, Assistant City Administrator *Tony*

Re: Alcohol Licensing

Date: March 1, 2022

Superior Shores Eats, INC (Robert Stadler) has applied for an alcohol beverage retail license of Class "B" Fermented Malt Beverage (beer) and "Class B" Intoxicating Liquor to be sold on premise at 328 W. Bayfield St.; Patsy's Bar & Grill. Mr. Stadler is in the process of buying Patsy's from the current owners, Barb & George Engelhard.

While alcohol licenses are for retail sales at specific locations/premises; they are issued/granted to a specific licensee. As such, alcohol licenses are not transferable upon the sale of a premises. The new owner must also apply for an alcohol beverage retail license.

If Council determines that the application has been filed without any major concern or issue, Council is requested to instruct the city staff to issue public notification and to begin the administrative process.

Following this meeting, if instructed, a public notice of this application will be sent to the Ashland Daily Press and alerts will be issued to any interested parties.

Final approval for these licenses would occur at the April meeting based on the condition of sale.

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 04/20/2022 ending: 06/30/2022
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } Washburn
 Village of }
 City of }

County of Bayfield Aldermanic Dist. No. _____
 (if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number	
FEIN Number	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Superior Shores Eats, INC dba Patsy's Bar & Grill

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Stadler	Robert	L	50268 Beaser Rd Ashland, WI 54806
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Martinsen	Gregory	D	29189 US Hwy 2, Ashland, WI 54806
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Stadler	Robert	L	50268 Beaser Rd Ashland WI 54806
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Patsy's Bar & Grill Business Phone Number 715-373-5792
 2. Address of Premises 328 W Bayfield St Washburn WI Post Office & Zip Code 54891

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

Building and attached parking lot @ 328 W Bayfield St Washburn, WI 54891.
Block S35, Lots 1,2,3 entire building, covered porch, wood side porch, smoki

4. Legal description (omit if street address is given above): _____

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No

(b) If yes, under what name was license issued? Uncle Walleye LLC Agent Barbara Engelhard

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No

7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? **If yes, explain.** Yes No

8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No

9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 02/22/2022 of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No


(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No

11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No

12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) Stadler, Robert, L	Title/Member Member	Date 03/01/2022
Signature 	Phone Number 715-292-2390	Email Address stadlers2010@gmail.com

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of Washburn County of Bayfield

The undersigned duly authorized officer/member/manager of Superior Shores Eats, INC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Patsy's Bar & Grill

located at 328 W Bayfield St Washburn, WI 54891
(Trade Name)

appoints Robert L Stadler
(Name of Appointed Agent)
50268 Beaser Rd Ashland, WI 54806
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No
How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 38 Years

Place of residence last year 50268 Beaser Rd Ashland, WI 54806

For: Superior Shores Eats, INC

(Name of Corporation / Organization / Limited Liability Company)

By:

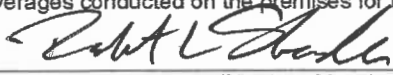
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Robert L Stadler, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

 3/1/22 Agents age 38
(Signature of Agent) (Date)
50268 Beaser Rd Ashland, WI 54806 Date of birth 07/17/1983
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Stadler		Robert		L	
Home Address (street/route)		Post Office		City	
50268 Beaser Rd				Ashland	
				State	
				WI	
				Zip Code	
				54806	
Home Phone Number		Age		Date of Birth	
715-292-2390		38		07/17/1983	
				Place of Birth	
				Ashland WI	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- Member** of Superior Shores Eats, INC
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 38 Years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Patsy's Bar & Grill	328 W Bayfield St Washburn,	2015	Present
Employer's Name	Employer's Address	Employed From	To
The Safari Bar	423 E Main St Ashland, WI 5	2008	2017

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

 3/1/22
(Signature of Named Individual)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Martinsen		Gregory		D	
Home Address (street/route)		Post Office		City	
29189 US Highway 2				Ashland	
Home Phone Number		Age		Date of Birth	
715-292-3279		38		05/12/1983	
				Place of Birth	
				Ashland	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- Member** of **Superior Shores Eats, INC**
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
- which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 38 Years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Ashland Industries	1115 Rail Drive Ashland, WI	2012	Current
Greg Martinsen Const.	29189 Us Highway 2 Ashland,	2007	2010

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

(Signature of Named Individual)

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



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members
From: Scott J. Kluver, ^{SK}Administrator
Re: Property Purchase Request – James Ledin
Date: February 28, 2022

Enclosed you will find a request to purchase a portion of City property for minor industrial purposes. The request is from James Ledin to purchase approximately two acres of the tract of City land on CTH C south of the yard waste site/capped landfill. The exact lot would need to be created and via Certified Survey Map and then approved by Council.

Mr. Ledin would like to use the land to have a home for his portable sawmill. It is a saw apparatus 16 feet in length that can be towed behind a truck. He would have log deliveries on occasion to the site and would plan to establish a shed. He has no plans for employees and would not be seeking any utility connections.

From a zoning perspective, to accomplish what he desires, Mr. Ledin would need to obtain a conditional use permit for Agriculture Support Services once the lot would be created. The property is zoned L-1 Light Industrial.

Mr. Ledin is offering \$1,000 per acre for the purchase of the property and the cost of the Certified Survey Map.

If the Council is inclined to accept this offer, the steps that would need to be taken are:

1. Authorize the creation of the lot via CSM. Back in 2009, the then Washburn Development Authority commissioned a study on the feasibility of establishing an industrial park in that area. I have enclosed a copy of a topographic map with potential lot layouts to maximize space. I have hand drawn existing lot lines in red. I would recommend that the proposed "Lot 105" is the approximate size and shape of a lot in that area that would allow the City to potentially section off other parcels of land in that area in the future. Lot 105 as depicted on that map is 1.9 acres. While about half of it is steep slope/ravine, the other half is flat enough to accommodate Mr. Ledin's needs.
2. Mr. Ledin should then apply for his conditional use permit.
3. The City would be able to then close on the property sale.

I anticipate Mr. Ledin to be present during open session to address any questions that you may have. A closed session is on the agenda if the Council would like to consider/negotiate the proposed offer. Please let me know if you have any questions on this offer or process.

February 28th, 2022

City Administrator Scott Kluver,

In regard to our recent discussion, I would be interested in purchasing a parcel of land by County Road C, which is Lot #105 according to the 2010 survey map.

The site will be used for storing lumber and the use of a portable sawmill. In the future I will construct a small storage building for the sawmill and supplies. I will not need water nor sewer at this site. I will pay for the land survey and all necessary permits.

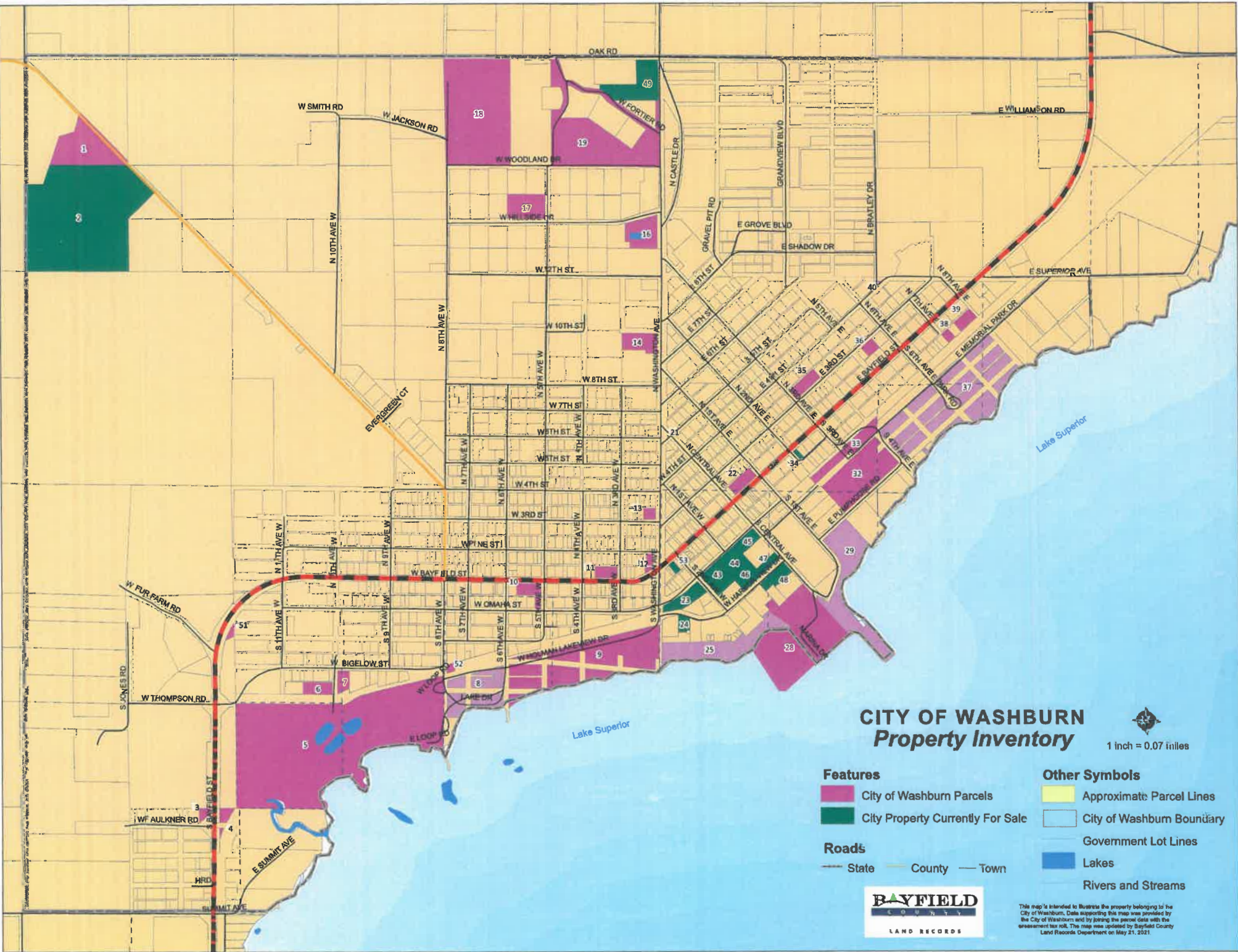
My offer for this parcel is \$1,000 per acre.

Thank you,

Jim Ledin Jr.

Washburn, Wisconsin

jledinjr@yahoo.com



CITY OF WASHBURN Property Inventory

1 inch = 0.07 miles

- | | |
|---|---|
| Features | Other Symbols |
| City of Washburn Parcels | Approximate Parcel Lines |
| City Property Currently For Sale | City of Washburn Boundary |
| Roads | Government Lot Lines |
| State | Lakes |
| County | Rivers and Streams |
| Town | |




This map is intended to illustrate the property belonging to the City of Washburn. Data supporting this map was provided by the City of Washburn and by joining the parcel data with the assessment tax roll. The map was updated by Bayfield County Land Records Department on May 21, 2021.



LOT TABLE	
LOT	AREA (AC)
100	18.5
101	2.8
102	2.5
103	4.4
104	1.7
105	1.9
106	3.5
107	3.2

STORM WATER DETENTION FOR SITE DEVELOPMENT TO BE PROVIDED WITHIN THE EXISTING TRACT WITH APPROXIMATE STORAGE VOLUMES OF 2 1/2 INCHES PER DEVELOPMENT ACRE, RELEASE RATE OF 0.18 CFS/ACRE AND WITH PROVISIONS FOR PASS-THROUGH FLOWS FROM THE DOMINANT LAND.

FIGURE 10
PHASE 1 SITE PLAN
OPTION B 07.28.2009

Date of Preparation: 7-28-2009 PROJECT ID: 09w042.00
 **Foth** Infrastructure & Environment, LLC
 1516 Broadmead Drive
 Cary, NC 27513
 Phone: 919-352-4100 Fax: 919-352-0605
 SHEET NO. **2**
 OF 3 SHEETS

REUSE OF DOCUMENTS
 THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND NOT FOR GENERAL USE. THEREFORE IT MAY NOT BE USED WITHOUT THE WRITTEN APPROVAL OF FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC. UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.

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