

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, August 1, 2022 City Hall 4:30PM
▪ Committee Review-Monthly Expenditures

NOTICE OF CITY COUNCIL MEETING

Monday, August 1, 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/88538816028?pwd=NVY3QlY4VVpnaW1kdDNTdkltWG9Odz09> by calling 1-888-788-0099 (Toll Free) and entering Webinar ID: 885 3881 6028 with passcode 080122 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 Meetings – July 11, 2022
- Approval of Monthly Expenditures via Roll Call Vote
- Public Comment
- Mayoral Announcements, Proclamations, Appointments
- Discussion & Action on Resolution #22-004 to Modify the Lake Superior Scenic Byway Location **TAB 1**
in the City Washburn
- Discussion & Action on Unattended Public Display Policy on City Property **TAB 2**
- Discussion & Action on Goose Control Efforts at West End Park/Treatment Plan Area **TAB 3**
- Discussion & Action Proposed Agreement with Bowmar Appraisal Inc. for Assessing Services and Revaluation for 2023 and 2024 **TAB 4**
- Discussion & Action on Ordinance 2022-007 Amending the Conditions Relating to Non-Use of an Alcohol License **TAB 5**
- Discussion & Action on Authorizing Notice for Karlyn/Yellowbird Gallery, at 318 W. Bayfield Street, for Issuance of a Class “B” Fermented Malt Beverage License **TAB 6**
- Discussion & Action on Consideration of Sale and Land Swap of Property (Tax IDs 35809 and 32800) to Mark Bultmann and Jean Underwood **TAB 7**
- Closed Session
 - Consideration of Sale and Land Swap of Property (Tax IDs 35809 and 32800) to Mark Bultmann and Jean Underwood
- Adjourn

July 11, 2022

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM

Washburn City Hall & Remote Call-In

City Council Members:

Present, in-person:

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

Present, remote:

none

Municipal Personnel:

Present in-person:

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

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 June 13, 2022 - A motion was made by Novachek to approve the June 13, 2022 minutes of the City Council, second by Neimes. Motion carried, Broberg abstaining.

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 – Jeremy Oswald, 401 W. 5th St., expressed that if camping is expanded at West End Park Campgrounds, it should be in the area where there is already camping. He then asked Council to hold off with action until more public comment can be received. Oswald concluded with thanking Council for their service.

Mayoral Announcements, Proclamations, Appointments - The Mayor had no announcements or proclamations. She concluded with the nomination of Chris Gaber to the Washburn Library Board. A motion was made by Novachek to appoint Chris Gaber to the Library Board for the term expiring April 2025, second by Tulowitzky. Motion carried unanimously.

Discussion & Action on Ordinance #22-004 to Amend the Zoning Code for Various Density Provisions for Multi-Family Structures in the Dimensional Standards Appendix – The Mayor stated that with need for affordable housing, the changes are more in line with what the State requires. Novachek moved to approve Ordinance #22-004, seconded by Anderson. Maziasz questioned the change in impervious surface coverage. The Mayor answered that with a smaller lot, there would be more surface coverage from the structure. Discussion ensued. Broberg questioned the smaller size of the units, and the difficulty EMS may have entering and evacuating. Discussion continued. Motion passes 6-1, Broberg opposed.

Discussion & Action on Certified Survey Map Approval Request for Property at 111 S. 3rd Ave E. – Mary McGrath, Petitioner – The Mayor stated this solves a nonconformity in zoning. Novachek moved to approve the Certified Survey Map for property at 111 S. 3rd Ave. E. dividing into Two Lots, seconded by Neimes. Motion passes 6-0-1, McGrath abstained.

Discussion & Action on Request for Second Driveway Access at 515 W. 6th St - Karen Grieve, Petitioner – Anderson moved to approve the second driveway access at 515 W. 6th St., second by Neimes. Discussion occurred. Director of Public Works Schuette explained specifics with this request. Motion carried unanimously.

Review, Discussion & Action on West End Park Campground Expansion Plan Provided by Cooper Engineering – The Mayor began discussion stating that the campgrounds are one of the few revenue sources of the City and that there is a demand for camping. The Mayor further stated that the previous plan for West End Park appeared to have a lot of dissatisfaction and Council directed to look for new options in campground expansion. Nicole Hodkiewicz, Cooper Engineering, presented the process for planning and design for campsite layout at the two locations. Maziasz moved to solicit public comment of the proposed expanded camping at West End Park, seconded by Novachek. Kluver asked if this would be separate meeting or part of Council meeting. Maziasz responded that the Park Committee could organize a public meeting. Discussion ensued. McGrath disagrees, stating that the West End Plan did propose development in these two areas, just maybe not RV. She added how many times do we go back to the public and then do nothing. Discussion continued, including the potential need for more bathrooms depending on the type of camping developed. Maziasz expressed the need to balance between tourism needs and needs of the citizens. Maziasz moved to open the floor, seconded by Tulowitzky. Motion carried unanimously. Jeremy Oswald expressed opposition to RV camping in these two locations because it's giving up more park space and lakefront to visitors. Novachek moved to close the floor, seconded by Maziasz. Motion carried unanimously. Discussion continued regarding original West End Expansion Plan. Motion to solicit public comment for proposed camping expansion passed 4-3 via roll-call vote; Broberg, Maziasz, Novachek, Tulowitzky voting in favor; Anderson, McGrath, Neimes voting against.

Discussion & Action on Proposed Improvements to Bayfield Street in Phase 2 of STH 13 Reconstruction Project – Kluver stated the City has begun the planning for Phase 2 of Bayfield St. reconstruction with WisDOT. He continued that five decisions will need to be made in the next few months. These include the detour route, decorative lighting, terraces, sidewalks, and bump outs. Kluver added that the right-of-way is wider, 80 ft, in the second phase. Novachek moved to approve the detour route for Phase 2 of Washington Ave. and Maki Rd., seconded by Broberg. Motion carried unanimously. Novachek moved to approve decorative lighting in Phase 2 to 1st Ave. E., seconded by Anderson. Motion carried unanimously. Discussion occurred regarding concrete terraces and location/extent of sidewalks. Neimes moved to approve concrete terraces in Phase 2 on both sides up to 2nd Ave. E., seconded by McGrath. Motion passes 6-1, Maziasz voting against. Discussion continued regarding pedestrian enhancements and continuity of sidewalks, including potential bump outs at 3rd Ave. E. and Central Ave. and flashing crosswalks. The Mayor ended discussion.

Discussion & Action on Job Description for Full-Time Emergency Medical Technician Basic – Novachek moved to approve the job description of the EMT Basic Position and authorize to hire, seconded by McGrath. Motion carried unanimously.

Discussion & Action on Authorization to Fill Equipment Operator/Laborer Position – McGrath moved to authorize to hire the Equipment Operator/Laborer position, seconded by Maziasz. Motion carried unanimously.

Discussion & Action on Hiring Process Policy – McGrath moved to amend the hiring process and authorize Staff to approve the hire of open positions, seconded by Broberg. Motion carried unanimously. Attorney Lindsey stated that department heads would still need Council authorization.

Discussion on Scenic Byway and Off-Premise Sign Ordinance Requirements and Provisions – Kluver explained the process that if a change is desired, an approved resolution that eliminates or changes the Scenic Byway designation followed by a public hearing. Then an ordinance amendment would be needed for signage. He concluded that if no change was desired with the Scenic Byway, the question of a sign ordinance is moot. The Mayor stated that Scenic Byway grant funding can go to projects not directly on the Scenic Byway, but they must have some type of association and proximity to the Scenic Byway. She added that downtowns are typically exempt from the Byway, because of signage issues, unless the municipality requests the downtown be included. The Mayor concluded that if the City chose to exempt the downtown from the Byway, it would not change Washburn's status of being on the Byway. Discussion ensued. Maziasz moved to open the floor, seconded by Neimes. Motion carried unanimously. Emily Sytsma, owner of Merry Mermaid, stated that she would love signage for her store, but that the Scenic Byway does not allow it. Kluver stated that existing signs along the Byway can change, the message can change just not the shape of the sign. Anderson requested a resolution to exempt the downtown from the Scenic Byway. Maziasz asked for further details of what will change if the City exempts from the Byway. Maziasz moved to close the floor, seconded by Anderson. Motion carried unanimously. The Mayor ended discussion.

Adjourn – Mayor Motiff adjourned the meeting at 7:52PM.

Tony Janisch
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30pm

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


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To: Honorable Mayor and City Council Members

From: Scott J. Kluver, Administrator 

Re: Resolution to Exempt Certain Areas of the City from the Scenic Byway Program

Date: July 22, 2022

Enclosed you will find a resolution to exempt a portion of the City from the Scenic By-way Program. The motion made at the last meeting was not clear as to which portions of the City should be exempt. This resolution exempts the C-2 General Commercial, C-3 Downtown Commercial, and I-1 Industrial areas from the By-way, which is the area between 8th Avenue West to just shy of 2nd Avenue East. Any of the commercial areas and the industrial areas can be exempt, so the area could be expanded to include the entrance of the City, or more restricted to just include the downtown area. It is a matter of your preference. A copy of the zoning map is included to help you determine this.

Please let me know if you have any further questions regarding this matter.

**COMMON COUNCIL FOR THE
CITY OF WASHBURN, WISCONSIN**

Resolution No. 2022-004

**RESOLUTION TO MODIFY THE SCENIC BYWAY DESIGNATION WITHIN THE CITY OF
WASHBURN, WISCONSIN TO EXCLUDE CERTAIN DOWNTOWN BUSINESS AREAS**

WHEREAS, the Wisconsin Legislature in section 84.106, Wis. Stats. created a statewide scenic byways program in an effort to identify, promote, and preserve Wisconsin's scenic roads;

WHEREAS, the City of Washburn passed Resolution 012-002 designating as a scenic byway all of State Highway 13, including all businesses and manufacturing zoned districts within the City;

WHEREAS, the City of Washburn received notification of its designation in the Scenic Byway in August of 2012;

WHEREAS, Trans 202.13(1) authorizes a municipality to re-evaluate its participation and the designated route for the scenic byway ten years after receiving official notification of its scenic byway designation;

WHEREAS, the City of Washburn continues to support the designation State Highway 13 as a Wisconsin State Scenic Byway, however, the City desires to now remove certain downtown commercial and industrial areas from such designation.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Washburn agrees to change the designated scenic byway route along Highway 13 within the City of Washburn to remove those portions of property along such route zoned General Commercial, Downtown Commercial, and Light Industrial as included the City of Washburn zoning map, being the area located between Eighth Avenue West and Second Avenue East.

NOW, BE IT FURTHER RESOLVED that this resolution shall be forwarded to the Department of Transportation along with a map indicating the proposed change of the designated scenic byway route.

Adopted by the Common Council for the City of Washburn, Wisconsin this first day of August 2022.

Mary D. Motiff, Mayor

STATE OF WISCONSIN)
)
COUNTY OF BAYFIELD)

I hereby certify that the foregoing resolution is a true, correct and complete copy of a Resolution #2022-004 duly and regularly adopted by the Common Council for the City of Washburn on the 1st day of August 2022 and that said resolution has not been repealed or amended, and is now in full force and effect.

Scott J. Kluver, City Clerk

City of Washburn Zoning Map

Base Zoning Districts

- Residential**
- R-1 Rural Residential
 - R-2 Single-Family Residential
 - R-6 Mixed Residential
 - R-7 Waterfront Residential
- Commercial**
- C-1 Cottage Commercial
 - C-2 General Commercial
 - C-3 Downtown Commercial
 - MUW Mixed-use Waterfront
- Industrial**
- I-1 Light Industrial
- Special Purpose**
- L-1 Lakefront Corridor
 - M Marina

Planned Development Districts

- PDD-01 Brevak

Overlay Zoning Districts

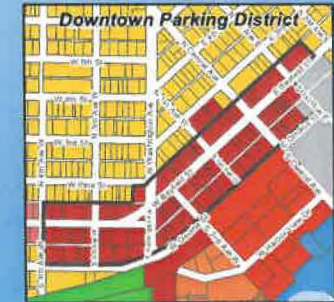
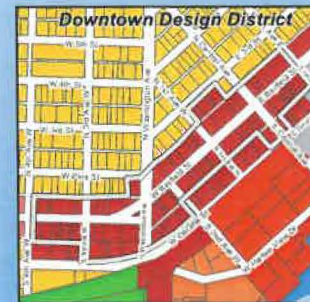
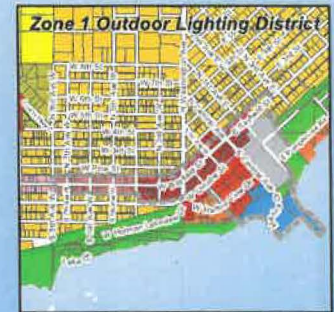
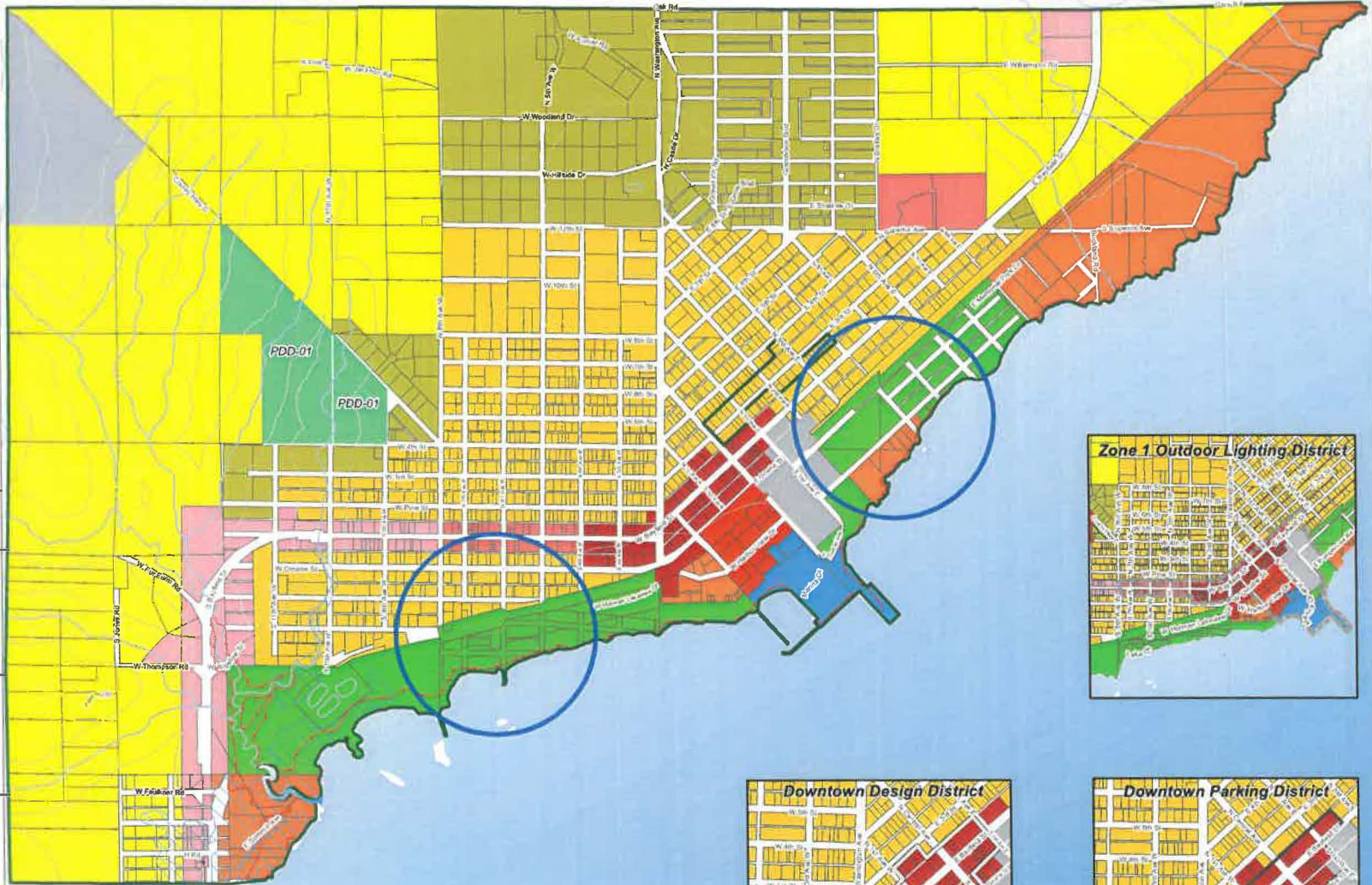
- Floodplain
- Shoreland-Wetland
- Shoreland
- Wellhead Protection

Map Features

- Navigable Stream
- Minor Arterial
- Major Collector
- Property Boundary Line

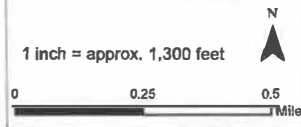
Other Zoning Districts

- Outdoor Lighting Zone 1
- East Third Street Residential Historic District
- Downtown Parking District
- Downtown Design District



Recent Amendments		
Date	Ordinance Number	Description
March 13, 2017	17-003	Repeal and recreate entire zoning code
July 8, 2019	19-005	Changed zoning for two parcels
August 17, 2020	20-007	Changed zoning for three parcels

Certification	
Mayor _____	Date _____
City Clerk _____	Date _____



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715-373-6160
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To: Honorable Mayor and City Council Members
From: Scott J. Kluver, ^{SK} Administrator
Re: Unattended Public Display Policy
Date: July 1, 2022

On occasion, I am asked for permission (and sometimes not) to allow for displays related to various causes to be placed on City property. This can be a tricky issue, and we have treaded cautiously to this point only allowing displays from other governmental entities to do it. In light of a recent Supreme Court decision (article enclosed), it was decided that it would be good to have a formalized policy on this matter.

Included is a draft policy that reflects current practice. This would allow other governmental entities to request temporary displays to be placed on City property with permission. It would not allow private entities, unless there was a formal event permit/reservation, to set up displays on City property.

Please let me know if you have any questions regarding this matter. I recommend approval of the draft policy.

DRAFT

City of Washburn

Unattended Public Display Policy

- I. **SCOPE:** This unattended display policy defines the location, time period, and terms under which private, unattended displays are permitted on City Property, as defined herein. This policy does not apply when a special event is subject to a special event permit.
- II. **DEFINITIONS:**
- A. An Unattended Display is any display, symbol, structure, or exhibit which the owner or sponsor seeks to either leave overnight or unattended for any period of time.
 - B. City Property is any parcel of land owned by, leased by, and/or deeded to the City of Washburn. City Property does not include land owned by the City that is leased to a third party.
 - C. Private Property is any parcel of land owned by, leased by, and/or deeded to a private individual, company or organization.
- III. **PURPOSE:** The City declares its intent that all City Property shall not function as a designated or limited public forum for unattended displays, unless some specific portion of City Property is identified as a public forum of one particular type by some formal action of the Common Council; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period. By adopting this policy, the Common Council intends to balance the rights of free speech, protected by the First Amendment to the U.S. Constitution and corollary provisions of the Wisconsin Constitution, against the City's own speech rights, its own property rights, and the public interests in reducing the visual clutter and safety risks that can result from excessive or inappropriate unattended displays.
- IV. **OBJECTIVES:** The objectives of this policy include, but are not limited to:
- A. To accommodate the need for orderly expression in traditional public forum areas, such as parks and City Hall.
 - B. To preserve and enhance the aesthetic appearance and natural beauty of the City.
 - C. To serve the public interest in safety, both pedestrian and traffic.
 - D. To safeguard and protect the public health, safety, and welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of unattended displays on City Property.
 - E. To enhance the visual attractiveness of the City for residents and visitors.
 - F. To advance the goals, policies and programs of the Comprehensive Plan.

DRAFT

V. **PROCEDURES:**

- A. The City of Washburn, including any commission, board or committee created by the Common Council, may erect Unattended Displays on City Property. Such displays must be erected and maintained by City personnel. Nothing in this policy limits in any way the City's ability to use City Property for the expression of its own messages.
- B. With permission of City Administrator, other public entities may erect Unattended Displays on City Property. The requesting public entity bears all costs of installation, upkeep, and removal. The Unattended Display must be maintained in good repair at all times.
- C. The City of Washburn does not permit private Unattended Displays on any City Property.
- D. If a private, Unattended Display is erected on City Property, the City will remove the display at the expense of the person or organization erecting the display.

VI. **PRIVATE PROPERTY:** Nothing in this policy is intended to limit Unattended Displays on Private Property which are erected in compliance with applicable local, state and federal laws.



Unanimous Supreme Court rules Boston violated free speech rights in Christian flag case

Politics May 2, 2022 12:15 PM EDT

WASHINGTON (AP) — A unanimous Supreme Court ruled Monday that Boston violated the free speech rights of a conservative activist when it refused his request to fly a Christian flag on a flagpole outside City Hall.

Justice Stephen Breyer wrote for the court that the city discriminated against the activist, Harold Shurtleff, because of his “religious viewpoint,” even though it had routinely approved applications for the use of one of the three flagpoles outside City Hall that fly the U.S., Massachusetts and Boston flags.

LISTEN: The Supreme Court hears cases on religious expression and a Picasso stolen by the Nazis

Occasionally, the city takes down its own pennant and temporarily hoists another flag.

Shurtleff and his Camp Constitution wanted to fly a white banner with a red cross on a blue background in the upper left corner, called the Christian flag.

Breyer said the case hinged on whether the flag-flying is an act of the government, in which case Boston can do whatever it wants, or private parties like Shurtleff.

Breyer wrote that “the city’s lack of meaningful involvement in the selection of flags or the crafting of their messages leads us to classify the flag raisings as private, not government, speech—though nothing prevents Boston from changing its policies going forward.”

The city has said that in the event of a loss at the Supreme Court it probably will change its policy to take more control of what flags can fly.

The case is *Shurtleff v. Boston*, 20-1800.

By — Associated Press

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To: Honorable Mayor and City Council Members
From: Scott J. Kluver, Administrator ^{SK}
Re: Goose Control at West End Park/Treatment Plant Area
Date: July 20, 2022

As many of you are all aware, goose control in the City has been a perennial issue. This is an issue that has been debated at length, and I know there are strong feelings on this topic. The bottom line is there is not a single solution to the problem, and they are a problem because of the amount of poop left behind.

No other plans or cost-effective solutions have been brought forward to reasonable and effectively address this issue. At a League of Municipalities conference six years ago, Professor David Drake, an expert in urban wildlife, discussed non-lethal and lethal pest control. Unfortunately, no new ideas were presented at this session as to how to deal with the geese issue, and there are no new ideas today. We have looked at decoys, lights, sprays, border collies, USDA netting, lasers, other forms of harassment. These methods have been found to either be ineffective or cost prohibitive.

I am therefore asking for your approval to shoot geese this fall. This would occur with the protocols that were established three years ago that I have included. This year the operation would be conducted by members of the Washburn Police Department. There have been a number of resident geese that have been observed in the West End/treatment plant area.

In conjunction with egg addling, we have been effective in most years in keeping the population under control. It is an annual problem because not all of the nests with eggs are on City property.

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

Goose Population Control Protocols

Approved January 14, 2019

The purpose of this document is to provide and outline of the expectations of when a Canadian Goose population control activity are approved and conducted in the City of Washburn. Firearm shooting activities would typically occur during the month of September and may extend into October.

Early Canadian Goose firearm season takes place September 1 through September 15th of any given year. During this time period, five birds per day per person can be taken. After September 15th, only three birds per day per person can be taken. Because of the time of the hunting season, the decision on whether or not to conduct goose population control activities should be discussed at the August Council meeting or earlier.

- Notice shall be put on the city website, specifically on the camping page, by August, of a potential of a goose population control activities.
- Public notice shall be posted in the campground registration kiosk and in the park restrooms if goose control activities are approved and remain in place until all activity has ceased for the season.
- The campground host and seasonal campers shall be notified if goose control activities are approved.
- Campers in the immediate vicinity (first row) of goose control activities shall be notified before the activities begin.
- Signs/cones shall be provided to for those involved that say "Goose Population Control in Progress." Signs should be placed on the intersection leading down to the West End Park Pavilion or on any other road or area that leads to where the hunt will actually occur.
- During firearm population control activities, the intention is to target resident mating pairs of geese. Migrating geese are not the intended target.
- Dispatch will be called immediately prior to firearm population control activities commencing. Caller will request that the City of Washburn officer on duty be informed of activities so officer could observe if available.
- It is preferred, but not required due to circumstances, to avoid weekends for firearm population control activities to reduce the number of people in the vicinity. No goose control activities will be allowed during the entire Labor Day weekend.
- Geese taken during the population control activities shall be donated to local individuals that request them for food. This is coordinated by those involved in the activities.
- In the spring, addling of goose eggs will take place. The permit paperwork for this needs to commence in January.

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715-373-6160
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To: Honorable Mayor and City Council Members
From: Scott J. Kluver, ^{SK}Administrator
Re: Contract for Assessing Services 2023 and 2024 with Revaluation
Date: July 14, 2022

Enclosed you will find a proposed agreement with Bowmar Appraisal, Inc. for assessing services for 2023 and 2024. Do note that the City will be required to do a revaluation as the assessment ratio (the difference between the assessed value and equalized value) is out of compliance with state standards due to the value of property rising over the last several years. As such, there is proposed to be a significant increase in the assessment cost for 2023 to conduct the revaluation. While Bowmar Appraisal has indicated that they are willing to have the cost spread over two years, at this point I prefer to work with it as initially proposed.

The revaluation process as proposed would include drive-by visits of properties, but would not include interior inspections. It is felt that drive-by visits would be adequate and the most efficient process. Interior inspections may be more detailed and accurate, but it would add approximately \$20,000 to the cost and work would need to begin this fall.

Please let me know if you have any questions regarding this proposed agreement or the required revaluation. I recommend approval of the agreement.



Kitt Koski 715-577-1875

PO Box 170 Minocqua, WI 54548

CITY OF WASHBURN – BAYFIELD COUNTY

Maintenance & Market Revaluation Contract

For the years 2023 & 2024

CITY OF WASHBURN

ASSESSMENT MAINTENANCE & MARKET REVALUATION CONTRACT FOR THE YEAR 2023-2024

THIS AGREEMENT by and between BOWMAR APPRAISAL, INC., a company hereinafter called the *Appraiser* and the City of Washburn, Bayfield County, hereinafter called the *City*.

WITNESSETH: The Appraiser and City for the consideration stated herein agree as follows:

ARTICLE I

SCOPE OF WORK: The Appraiser shall act as the Assessor for the City for the years 2023-2024. The appraiser hereby agrees to perform everything to be performed under this contract, and to complete in a professional manner all the work required under this agreement. All work shall be performed in accordance with applicable Wisconsin Statutes, court cases, and Department of Revenue administrative rules.

The following numbered paragraphs describe the work covered by this agreement:

1. The Appraiser shall answer all correspondence concerning the assessed values and related inquiries;
2. The appraiser will obtain building permits in order to observe and value new construction, remodeling, and other alterations. Partially completed improvements, properties in which buildings have been destroyed or moved, and properties in which the original parcel has been split into two or more parcels will be reviewed. All property record cards will be updated and property record cards created for new parcels;
3. The Appraiser will field check properties in which there appears to be a question concerning the assessed value of the property;
4. The Appraiser will send out self-reporting Personal Property Forms to all personal property accounts in the City and analyze all returns. Doornage Assessments (estimated) will be made on any personal property account that has not sent in a return;
5. All forms to be completed for the Department of Revenue or County by the Assessor, including TIF reports, will be completed by the Appraiser for the City in a timely manner on or before the specified due dates;
6. Prior to the scheduled Board of Review, the Appraiser will send change of value notices to property owners in which any valuation change to their assessment has been made;

7. The Appraiser will aid the County Real Property Lister in completing Real Estate and Personal Property Assessment Rolls in a timely manner;
8. The Appraiser shall arrange for scheduling of the Open Book and Board of Review with the Municipal Clerk;
9. The Appraiser and/or his staff will be present for at least two (2) days in the municipal building while the Assessment Roll is open for inspection, commonly referred to as "Open Book" to explain the assessed values for the revaluation year 2023 and two (2) hours for the maintenance year 2024
10. The Appraiser and/or his staff will attend all meetings of the Board of Review to explain and defend the assessed values and be prepared to testify under oath concerning such values. In the event of appeal to the Department of Revenue or to the courts, the Appraiser and/or his staff shall be available to furnish testimony in defense of the assessed values.
 - a. If the Department of Revenue, City or County should place additional requirements on the Appraiser after the initial date of the signing of this document, which requirements are not set forth in this contract, the Appraiser and the City shall negotiate and determine if additional fees are required to complete each additional requirement. Any such additional fees are to be paid at the final installment of this contract.
11. All office supplies, stamps, and telephone calls made by the Appraiser or his staff shall be paid by the Appraiser;
12. The Appraiser shall maintain Worker's Compensation and Public Liability Insurance on himself and his staff;
13. The City shall furnish adequate office space as necessary at no cost to the Appraiser;
14. Additional components are set forth in addenda;

ARTICLE II

COMPENSATION: The City shall pay to the Appraiser for the performance of this contract \$67,950 as outlined in Addenda. The method of payment shall be quarterly invoices for services and expenses incurred during the previous quarter. The City shall make these payments no later than 30 days after receiving an invoice.

IN WITNESS WHEREOF

The parties hereto have set their hands this _____ day of _____

APPROVED BY:

City of Washburn

By: _____ date: _____

Appraiser

By: _____ date: _____

Witness

By: _____ date: _____

ADDENDUM #1

1. All building permit and sales information will be posted to appropriate assessment records;
2. Sales information will be posted on appropriate assessment record(s) and reviewed as necessary;
 - a. Sale information will be supplied to the Department of Revenue;
3. This contract provides for two (2) days of Open Book hearings¹ and at least 2 hours Board of Review (revaluation year of 2023); This contract provides for two (2) hours of Open Book hearings¹ and at least 2 hours Board of Review (maintenance year of 2024).
4. Assessments will be maintained utilizing appropriate computer programs;
5. Digital pictures of new and altered improvements will be taken as necessary;
6. Sketches of dwellings will be updated as necessary;
7. Sale book(s) or file(s) will be maintained using photographs and appropriate information;
8. Compensation:
 - a. The method of payment shall be quarterly invoices for services and expenses incurred during the previous quarter. The City shall make these payments no later than 30 days after receiving an invoice.
 - i. For the year 2023 \$53,450 Revaluation Year
 - ii. For the year 2024 \$14,500 Maintenance Year
 - b. The following work shall be completed for the 2023 Market Update Revaluation:
 - i. Complete sales analysis
 - ii. Data Entry, reprinting, and calculations of property records using a CAMA program
 - iii. Perform a complete final review of all new values

¹ These hearings give a property owner a chance to discuss the assessment informally with the Appraiser before going to the Board of Review.

- iv. Notification of all changes to taxpayers
- v. Provide additional Open Book – 2 days (if needed) and Board of Review - 1 day
- vi. Appraiser will make sure the City is within required full value assessments to meet statutory mandates.
- vii. Drive-by reviews on properties. Update pictures if needed.

5

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: Non-use of Alcohol License

Date: July 21, 2022

Enclosed you will find a proposed ordinance change at the request of Councilor Anderson. This ordinance would lessen the requirements under which the alcohol license could be revoked for a lack of use. Under the current ordinance, a business that is closed for 180 consecutive days shall have their license revoked unless after a hearing good cause is shown. The new ordinance would allow the business to be closed for 320 days and the Council may revoke the license. This same change would occur within any 12 months withing a licensing year or overlapping two (2) licensing years.

The result of this is that it would become far more difficult for the City to revoke a liquor license for lack of use. A business would only need to be open for very little time during the licensing year. I fail to see what the benefit to the City and community as a whole would be by enacting this ordinance. State law makes it quite clear that alcohol licenses issues by a municipality are a privilege, and individual communities should make the best use of their available licenses to benefit the community. The existing ordinance is long-standing and was used approximately 20 years ago to revoke a license. A provision of good cause still exists should an unusual circumstance arise.

Most communities in Wisconsin have ordinances similar to our existing ordinance, or that are even more restrictive than our current ordinance. No arguments have been presented to me that would indicate that the current ordinance would be a hinderance to businesses in a post-Covid environment. I therefore question the necessity of this change and recommend against approval.

Attorney Lindsey has asked me to note that there has been a question of what constitutes "open for business." Several statutory provisions in Chapter 125 include the term "open for business" without providing an exact definition (see, e.g., Wis. Stats. § 125.68, 125.32, 125.10). The term "open for business" has a body of caselaw analyzing its definition and the City does not need to create a separate definition or explanation and can rely on the attorney general and caselaw interpretation of the common meaning of this phrase. If, however, Council desires a more concrete definition, he can draft a proposed ordinance change to set more clear standards for what constitutes being "open for business" under this section.

CITY OF WASHBURN
Ordinance No. 22-007

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of August 1, 2022, for the purpose of amending the City's Code to update the conditions relating to non-use of an alcohol license in Title 7, Chapter 2, Section 17 of the City's Ordinances. Additions are in *red italics*, deletions are in ~~strikeout~~.

1. Amend Title 7, Chapter 2, Section 17(b) as follows:

Sec. 7-2-17 Revocation and Suspension of Licenses; Non-Renewal.

* * *

(b) Cancellation of Premised Licenses

(1) ***Grounds for Cancellation for Nonuse of License.*** Any Class A or Class B Fermented Malt and/or Intoxicating Liquor Licenses granted under this Chapter for which the subject premises ~~is not open for business at least forty-five (45) days within any twelve (12) month period, either within a licensing year or overlapping two (2) licensing years,~~

a. ~~Is not open for business for a period of one hundred eighty (180) consecutive days or more; or~~

b. ~~Is not open for business at least fifty percent (50%) of the days within any twelve (12) month period, either within a licensing year or overlapping two (2) licensing years.~~

~~shall~~ **may** be cancelled unless after notice and hearing as provided in Subsection (b)(2) hereof, the Common Council shall determine that good cause exists for the failure of the licensee to be open for business for periods in excess of the minimums set forth in this Subsection. If such cause is found to exist, the Common Council may set such terms as it deems appropriate to the continuation of the license with respect to minimum days of operation or a time frame within which the subject premises must be open for business to avoid cancellation of the subject license(s).

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: _____

6

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: July 22, 2022

Karlyn Yellowbird Gallery LLC (Erik Gruber) has applied for an alcohol beverage retail license of Class "B" Fermented Malt Beverage (beer) to be sold on premise at 318 W. Bayfield St. Karlyn Yellowbird Gallery is under new ownership as of this spring. In order to comply with Wis. Stat. sec. 125.32(3m)-Limitation on Other Business; the gallery will need to install a secondary doorway to serve as the primary entrance for the licensed premises for alcohol consumption. See included map. Karlyn Yellowbird is in the process of installing this secondary entrance.

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.

Click mouse in 'For the license period beginning' field to begin and tab throughout. Use mouse to check appropriate boxes, spacebar or enter.

Save Print Clear

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 08/01/2022 ending: _____
(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. 3
(if required by ordinance)

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

Applicant's Wisconsin Seller's Permit Number 456103105886504	
FEIN Number 84-4578755	
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 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)
Karlynn Yellowbird Gallery LLC

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 <u>Lundberg</u>	(First) <u>Kelsey</u>	(Middle Name) <u>Lynn</u>	Home Address (Street, City or Post Office, & Zip Code) <u>104 S 4th St, Bayfield WI 54814</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
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 <u>Gruber</u>	(First) <u>Erik</u>	(Middle Name) <u>Richard</u>	Home Address (Street, City or Post Office, & Zip Code) <u>104 S 4th St Bayfield WI 54814</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Karlynn Yellowbird Gallery Business Phone Number 715-373-2922

2. Address of Premises 318 W Bayfield St, Washburn WI Post Office & Zip Code PO Box 265, 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.)

see attached layout/plan
visitors will enter the bar area through the new
entrance. Beer will be sold in the bar area on
the mezzanine. Beer will be consumed in the
mezzanine & attached lounge area.


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? Karlynn Yellowbird Gallery, Agent-Ron Piercy

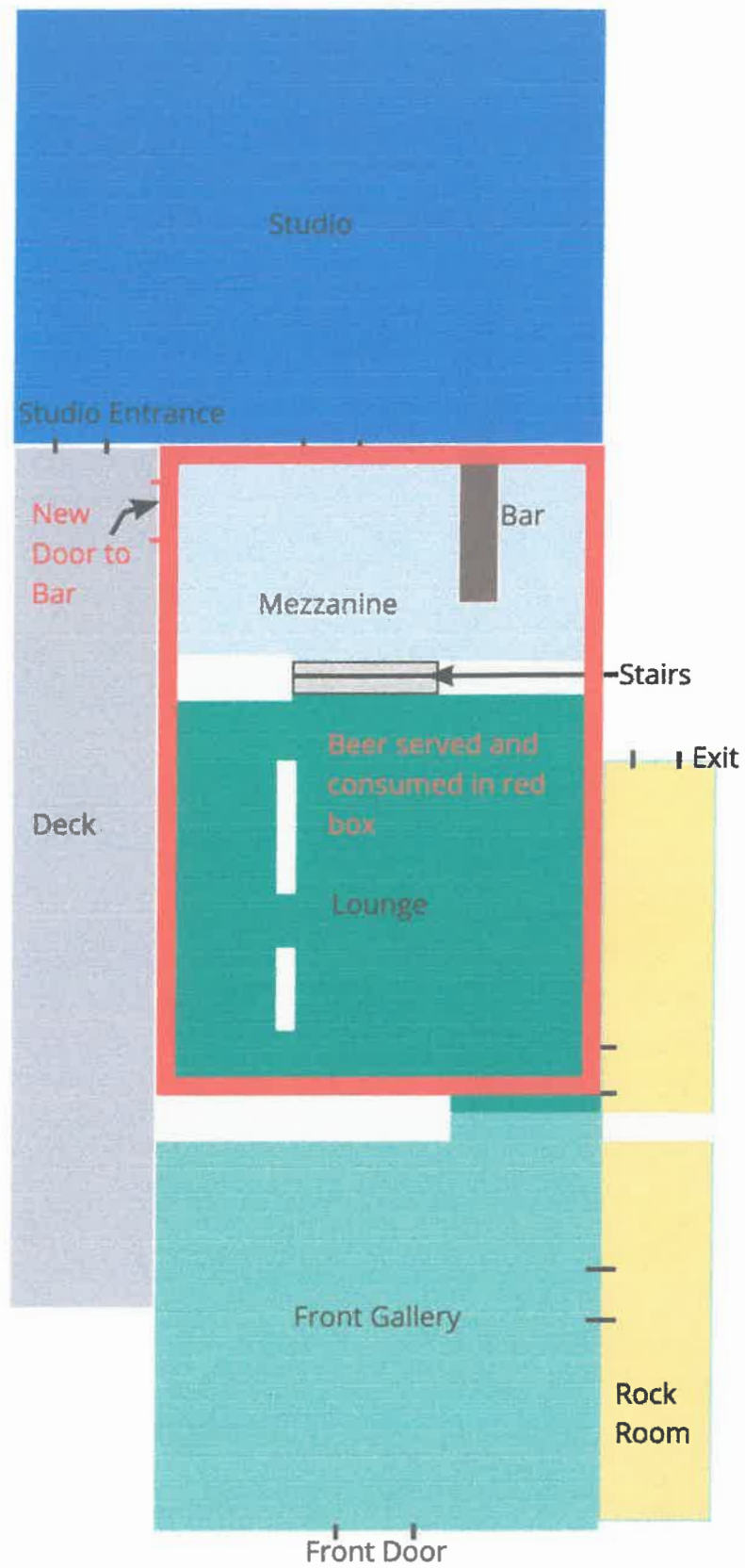
6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
Need to complete training
-
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
-
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 _____ 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.) Gruber, Erik R	Title/Member Member	Date 07/13/22
Signature 	Phone Number 763-639-2093	Email Address erik.r.gruber@gmail.com

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 7/13/2022	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



Highway 13



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 the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

Town

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

City

The undersigned duly authorized officer(s)/members/managers of Karlyn Yellowbird Gallery LLC
(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 Karlyn Yellowbird Gallery
(trade name)

located at 318 W Bayfield St

appoints Erik Gruber
(name of appointed agent)

104 S 4th St, Bayfield WI 54814
(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? 2 years

Place of residence last year 104 S 4th St Bayfield WI 54814

For: _____
(name of corporation/organization/limited liability company)

By: _____
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Erik Gruber, 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.

 7/13/22 Agent's age 38
(signature of agent) (date)

104 S 4th St, Bayfield WI 54814 Date of birth 02/18/1984
(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)
		Gruber	Erik	Richard
Home Address (street/route)		Post Office	City	State
104 S 4th St		216	Bayfield	WI
Home Phone Number		Age	Date of Birth	Place of Birth
763-639-2093		38	2/18/84	Minneapolis, MN

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 Karlyn Yellowbird Gallery LLC
(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:

1. How long have you continuously resided in Wisconsin prior to this date? 2 years
2. 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.)
3. 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.
4. 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)
5. 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
H&A Resources LLC	4279 Roswell Rd. NE, Suite 102-141, Atlanta, Georgia 30342	May 2022	Present
Rightpoint	29 N. Upper Wacker Dr., Chicago, IL 60606	June 2020	May 2022

The undersigned, being first duly sworn on oath, deposes and says 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.

Subscribed and sworn to before me

this 13 day of July, 20 22

Tony Samisch
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires 7/17/2023



Printed on Recycled Paper

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print)		(last name)	(first name)	(middle name)	
		Lundberg	Kelsey	Lynn	
Home Address (street/route)		Post Office	City	State	Zip Code
104 S 4th St		216	Bayfield	WI	54814
Home Phone Number			Age	Date of Birth	Place of Birth
651-442-5279			37	08/03/1984	Minneapolis, MN

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 Karlynn Yellowbird Gallery LLC
(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:

1. How long have you continuously resided in Wisconsin prior to this date? 2 years
2. 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.)
3. 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.
4. 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)
5. 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
Rightpoint	29 N. Upper Wacker Dr. Chicago, IL 60606	January 2022	Present
Employer's Name	Employer's Address	Employed From	To
Windseeker Realty	215 Rittenhouse Ave, Bayfield, WI 54814	April 2021	April 2022

The undersigned, being first duly sworn on oath, deposes and says 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.

Subscribed and sworn to before me

this 14 day of July, 2022

[Signature]
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires May 13, 2023



Printed on Recycled Paper

7

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: Proposed Property Swap/Sale with Mark Bultmann and Jean Underwood
Date: July 18, 2022

Enclosed you will find a proposed land swap and sale proposal with Mark Bultmann and Jean Underwood. The backstory is, for many years, the City used to access a lift station just on the lake side of Bultmann/Underwood property by crossing over the property. At the time, the property was owned by a former mayor, and they were ok with that even though there was not a legal easement. When the former mayor and his wife sold the property, the City needed a permanent solution to access the lift station. A few years ago, it was felt that the best solution was to create a pathway off the Washington Avenue walking trail access, to get to the lift station. It was thought that this path was entirely on City property, but unfortunately, when Mr. Bultmann and Ms. Underwood had a recent survey completed, it was discovered that the City path was encroaching. A copy of that survey map is enclosed to show this.

When this was discovered, staff, including myself, engaged in a conversation with Mr. Bultmann and Ms. Underwood related to options as to how to correct this. Our combined recommended solution to this is that a portion of the "panhandle" owned by Bultmann/Underwood would be swapped for an equal portion of the lot that the City has for sale immediately to the north of their residence (estimated to be a little over 12,000 square feet). In addition, Mr. Bultmann and Ms. Underwood would like to purchase the remaining portion of that parcel (approximately 11,000 square feet) for an additional \$5,000. They do not have any intentions of developing the land.

As you may recall, the property that the City has for sale, currently referred to as Lot 24, has been for sale for almost 20 years, but has not sold largely due to the sewer connection requirement. This parcel would be required to connect to the City's sewer system if it were built upon, but this would require a sewer main extension from Washington Avenue last estimated to cost \$60,000. As such, the City has had the property for sale for a \$1 if anyone would be interested in doing this.

While it would still be possible to have a legally buildable lot with only the land swap (8,700 sq. ft. is the minimum lot size), it would in my opinion be less likely to sell the lot to someone who wanted to develop it if it were smaller. As the City would like to have the cooperation of Mr. Bultmann and Ms. Underwood in this matter, I recommend accepting the proposal presented. In addition, the City would be responsible to paying for the required survey work in order to make the necessary changes to accomplish the desired outcome. The City would also complete the required paperwork in preparing the deed for recording and the real estate transfer.

Please let me know if you have any questions related to this matter. There is a closed session on the agenda should the Council choose to discuss this offer in more detail before responding or taking action.

Scott Kluver

From: Mark Bultmann <bultm001@umn.edu>
Sent: Wednesday, June 22, 2022 2:14 PM
To: Scott Kluver
Subject: Following up: Land proposal for 220 Harbor View Dr
Attachments: Bultmann_Underwood Plat of Survey Copy.pdf; Lot proposal II.pdf

Scott,

On behalf of Jean and myself, I am sending you an updated proposal to resolve the encroachment of the service road on our property here at 220 Harbor View Drive. I have also attached a Copy of the key portion of our Plat of Survey provided by Pine Ridge Land Surveying. Our numbers have changed some since we talked as we realized our interpretation of the "panhandle" of our property was in fact smaller than yours. The proposal doesn't include the full "panhandle"

We will welcome any follow up, feedback or questions.

Best,
Mark Bultmann.

--

June 20, 2022

Scott Kluver, City Manager
City of Washburn, Wisconsin
Sent via email

Dear Mr. Kluver,

A recent survey of our lot at 220 Harbor View Drive revealed that the city's construction of a service road for the sewer transfer/pumping station that sits adjacent to our property, ended up with a significant portion of the road and a turn-around at the bottom of the ravine on our property. As part of that process, several trees on our property were also removed.

We would like to see this situation addressed. We appreciate that initial conversations with you have suggested the same sentiment. We also welcome the installation of the new road and hope that it eliminates the need for work crews to cross our lawn throughout the year to access the sewer system pumping station for management and maintenance.

As a solution, we propose a combination of a land swap, and sale that includes a City-owned vacant lot that sits between our property and Harbor View Drive. On the attached partial copy of the Plat of Survey the lot is labeled Lot 1, CSM #819. This exchange would give the City full and unfettered access to the transfer station and service road using the new service road.

The survey plat, provided by Pine Ridge Surveying LLC, Ashland, shows the current boundaries and dimensions of our property. We are proposing our parcel be divided at a boundary approximately 154.40 feet east of the far NW corner of our property. The new boundary would run straight south to our southern east/west property border. At about that spot, there is a mowing line that separates the tended portion of our yard from an untended natural portion made up of trees, native grasses and plants. We estimate that parcel size would be about 154.40 feet deep by 79.70 feet wide, or 12,305 (plus or minus) square feet. That portion would become property of the City.

We propose an exchange for a parcel of equal square footage of the southern portion of the property labeled Lot 1, CSM #819 on the Plat Survey. Additionally, we are extending an offer of \$5000.00 cash to purchase the remainder of Lot 1, CSM #819 not covered in the proposed exchange. We estimate that to be about 10,957 sq ft. This offer is made with the provision that any current sale requirements for building a home, or establishing connections to City sewer and water, within specified times be permanently waived.

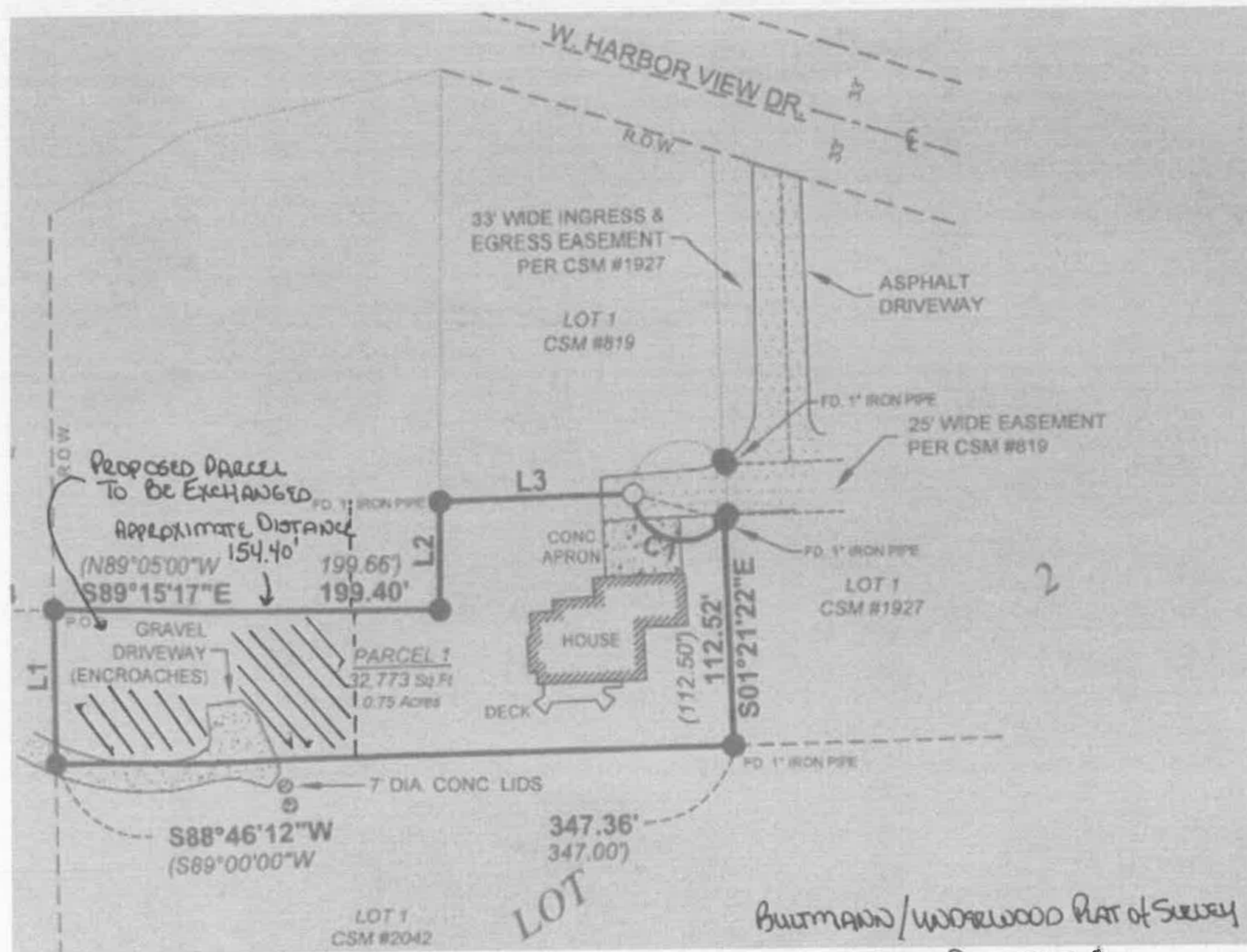
Our preference would be that the traded parcel be made a part of our current property, making one new lot as opposed to creating a second parcel adjacent to our current lot.

It is our expectation the City will cover the costs the creation of a certified survey map to be legally recorded, and the City would pay for the cost of the CSM and prepare the legal deed documents as the location of the road was the City's error.

We are willing to discuss this proposal in more detail. You can reach either of us via email or phone. You can reach Jean at < jmunder@umn.edu > or 651-777-1477. You can reach Mark at < bultm001@umn.edu > or 651-216-7238.

Respectfully,

Jean Underwood and Mark Bultmann



BUTTMANN/WOODWOOD PLAT OF SURVEY
 TAKEN FROM DOCUMENT BY
 PINE RIDGE LAND SURVEYING LLC, APRIL 2022



BEARINGS ARE GRID BASED
 WCCS - BAYFIELD COUNTY WITH THE N-S 1/4 LINE
 MEASURED TO BEAR
 S00°44'14"W

PLAT OF SURVEY

A PARCEL OF LAND LOCATED IN LOT 3 OF CSM #369 AS RECORDED IN VOL. 3 OF CSM'S ON PAGE 240 AS DOC. #410253,
 LOCATED IN GOV'T LOT 2,
 SECTION 5, TOWNSHIP 48 NORTH, RANGE 4 WEST,
 CITY OF WASHBURN, BAYFIELD COUNTY, WISCONSIN.

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN LOT 3 OF CSM #369 AS RECORDED IN VOL. 3 OF CSM'S ON PAGE 240 AS DOC. #410253, LOCATED IN GOV'T LOT 2, SECTION 5, T48N, R4W, CITY OF WASHBURN, BAYFIELD COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S00°44'14"W ALONG THE N - S 1/4 LINE A DISTANCE OF 1,787.04 FEET; THENCE S89°15'17"E A DISTANCE OF 50.49 FEET TO THE MONUMENTED EAST RIGHT OF WAY OF WASHINGTON AVE.; THENCE S89°15'17"E A DISTANCE OF 199.40 FEET; THENCE N00°51'58"E A DISTANCE OF 54.61 FEET TO THE SW CORNER OF LOT 1 OF CSM #819; THENCE N88°46'11"E ALONG THE NORTH LINE OF CSM #819 A DISTANCE OF 97.56 FEET; THENCE 62.28 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 142°38'33" AND A CHORD WHICH BEARS S73°01'40"E A DISTANCE OF 47.40 FEET TO THE WEST LINE OF CSM #1927; THENCE S01°21'22"E ALONG THE WEST LINE OF CSM #1927 A DISTANCE OF 112.52 FEET TO THE SW CORNER OF LOT 1 OF CSM #1927 AND THE NORTH LINE OF LOT 1 OF CSM #2042; THENCE S88°46'12"W ALONG SAID NORTH LINE A DISTANCE OF 347.36 FEET TO THE MONUMENTED EAST RIGHT OF WAY OF WASHINGTON AVE.; THENCE N01°04'58"E ALONG SAID RIGHT OF WAY A DISTANCE OF 79.70 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 32,773 SQUARE FEET WHICH IS 0.75 ACRES.

SURVEYOR'S CERTIFICATE:

I, PATRICK A. MCKUEN, WISCONSIN PROFESSIONAL LAND SURVEYOR S-2992, DO HEREBY CERTIFY THAT THIS MAP WAS MADE AT THE DIRECTION OF MARK BULTMANN, OWNER OF THE ABOVE DESCRIBED AND MAPPED PARCELS, AND THE INFORMATION SHOWN ON THIS MAP IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEETS THE MINIMUM STANDARD REQUIREMENTS FOR SURVEYS UNDER AE-7 OF WISCONSIN ADMINISTRATIVE CODE.

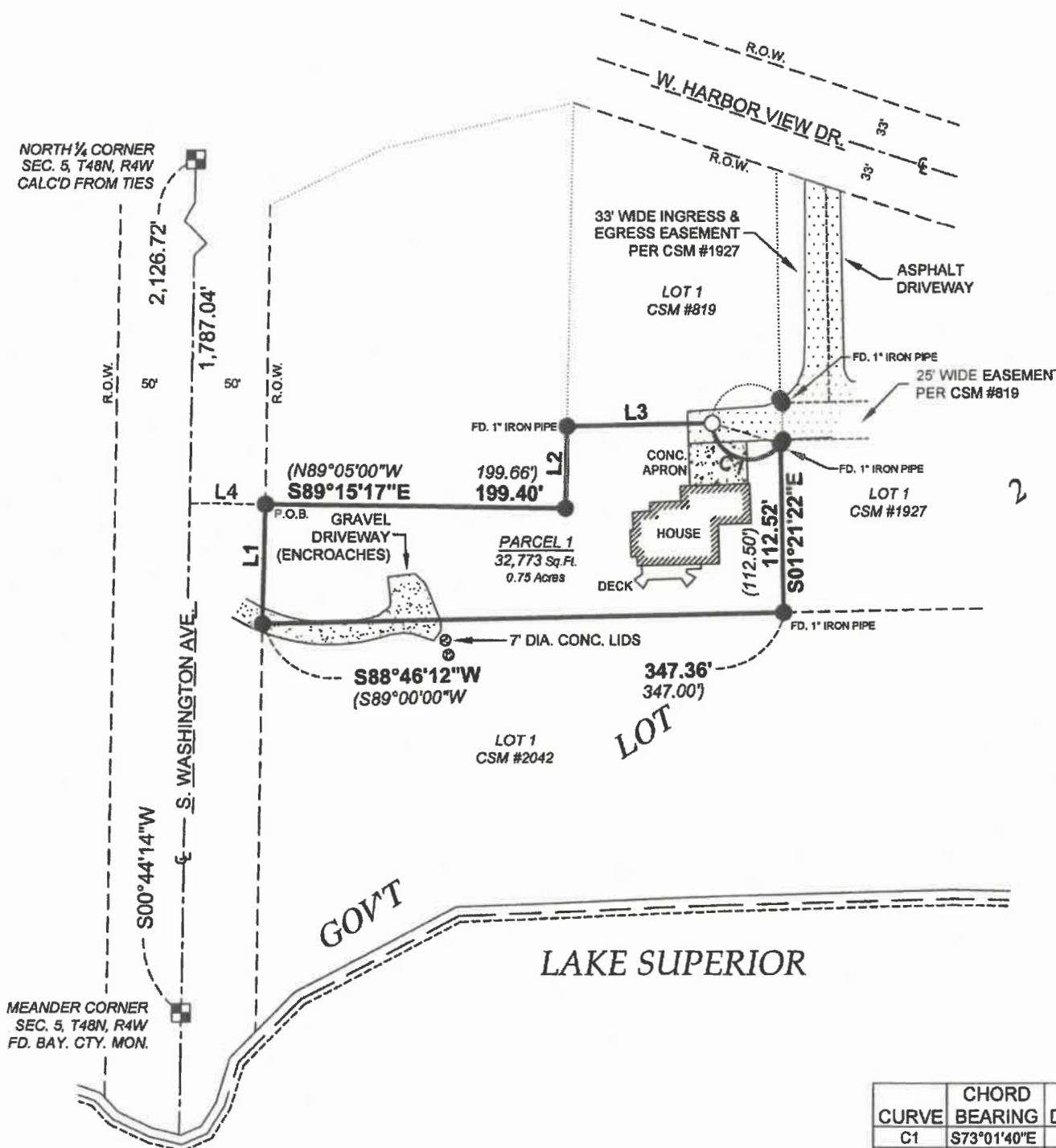
DATED THIS 20 DAY OF JULY, 2022

PATRICK A. MCKUEN
 S-2992
 ASHLAND, WI
 LAND SURVEYOR

PINE RIDGE LAND SURVEYING, LLC
 PATRICK A. MCKUEN
 WI P.L.S. S-2992

LEGEND

- - SET MAG. NAIL
- - FD. 1 1/4" O.D. IRON PIPE (UNLESS NOTED OTHERWISE)
- () - PREVIOUSLY RECORDED AS INFORMATION



LINE TABLE

LINE	BEARING	DISTANCE
L1	N01°04'58"E (S00°55'00"W)	79.70' (79.46')
L2	N00°51'58"E (N00°55'00"E)	54.61' (54.79')
L3	N88°46'11"E (S89°00'00"W)	97.56' (97.96')
L4	S89°15'17"E	50.49'

CURVE TABLE

CURVE	CHORD BEARING	CHORD DISTANCE	ARC LENGTH	RADIUS	CENTRAL ANGLE
C1	S73°01'40"E (N72°33'41"W)	47.40' (47.43')	62.28' (62.45')	25.00' (25.00')	142°38'33" (143°07'43")

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Pine Ridge
 Land Surveying, LLC.
 Professional Land Surveying Services
 Value & Quality in a Timely Manner.

DATE (REV. NO.) BY: _____
 REVISION DESCRIPTION: _____
 Drawn by: P. MCKUEN
 Approved by: P. MCKUEN
 Date Approved: 4/20/22

BULTMANN
 PLAT OF SURVEY
 PARCEL OF LAND LOCATED IN LOT 3 - CSM #369,
 LOCATED IN GOV'T LOT 2
 SEC. 5, T48N, R4W,
 CITY OF WASHBURN,
 BAYFIELD COUNTY, WISCONSIN

PROJECT NUMBER:
 BULTMANN22 - C.O.W.
 FIGURE/SHEET NO.
1 OF 1