

August 18, 2022

CITY OF WASHBURN JOINT PLAN COMMISSION AND CITY COUNCIL MEETING

5:30PM Washburn City Hall & Remote Video Conferencing

COMMISSION MEMBERS: Dave Anderson, Felix Kalinowski, Leo Ketchum-Fish, Michael Malcheski, Mary Motiff, Nicolas Suminski

COUNCIL MEMBERS: Karen Novachek, Dave Anderson, Jennifer Maziasz, Tom Neimes, Mary McGrath, Carl Broberg

ABSENT: Council-Laura Tulowitzky, Plan Commission -Matt Simoneau

MUNICIPAL PERSONNEL: Scott Kluver, City Administrator, Tammy DeMars, Treasurer/Deputy Clerk, City Attorney Max Lindsey,

Meeting called to order at 5:32 pm by Motiff, attendance as recorded above.

Approval of Minutes – July 21, 2022, Minutes – Motion by Ketchum-Fish to approve the minutes of July 21, 2022, second by Anderson. Motion carried 6-0.

Public Hearing, Discussion & Plan Commission Recommendation and Council Action on Conditional Use Permit for Non-Conforming Conditional Use -To Allow the Current Non-conforming residential use of the property at 1500 CTH C (Tax ID 32476) to continue as a legal non-conforming use without non-conforming restrictions, Timothy and Jody Compton, Petitioners –Tim & Jody Compton present. Anderson moves to open floor for public hearing, second by Malcheski. Motion carried 6-0. No Public Comment. Malcheski moves to close floor, second by Anderson. Motion carried 6-0. City Attorney Max Lindsey gave brief explanation of this type of conditional use, also noting there are three factors that need to be met to approve. Motion by Ketchum-Fish to recommend approval of the Condition Use Permit to continue as a legal non-conforming use without non-conforming restrictions, second by Suminski. The factors outlined in Section 7-55(b) were reviewed; 1) The nonconforming use will not be adverse to the public health, safety, or welfare. 2) The nonconforming use is in keeping with the spirit of this chapter. 3) The nonconforming use would not be otherwise detrimental to the area and in particular the surrounding properties. The Commission discussed and found these factors have been meet. Vote on original motion. Motion carried 6-0.

Motion by Neimes to approve the Conditional Use Permit for non-conforming residential use of the property located at 1500 CTY C (Tax ID 32467) to continue as a legal non-conforming use without non-conforming restrictions as recommended by Plan Commission, seconded by Novachek. Discussion. Motion carries 6 to 0.

Public Hearing, Discussion & Plan Commission Recommendation and Council Action on Zoning Code Amendment – For the purpose of amending the City’s Zoning Code (Title 13) Chapter 1, Article 8 to update the regulation of licenses for outdoor consumption of alcoholic beverages – Anderson moves to open floor for public hearing, seconded by Suminski. Motion carries 6 to 0. Bo Belanger, South Shore Brewery, 532 W. Bayfield St., unhappy with the purposed amendment as it is too restrictive and costly for businesses owners to put up a permanent fence. City Attorney Lindsey responded that this is less restrictive than what is in place now, this allows for a larger outdoor service area and would eliminate the beer garden provisions that required the enclosed space. Jeremy Clapero, Assistant Police Chief, Washburn Police Department stated they have requested the city to require a fenced in area or permanent barrier to prevent people coming in the service area without the bartender seeing them or leaving the service area with open containers. This would be beneficial to both the patrons and the police to have the area defined to know where they should or should not be. Badger Colish, Lost Apostle Brewing, also feels the fencing requirements and limitations on outdoor service area is unreasonable. A fence is not inviting and are very costly, a natural barrier would be more appealing, he also questions why he should not be able to use all his property for outdoor service and the requirement that bathrooms would need to be of sufficient capacity to service both the indoor and outdoor patrons. City Attorney Lindsey, feels that the restroom requirement, is just stating the outdoor patrons will have access to the restrooms and no porta potties would be allowed. Council member Broberg leaves meeting for an Ambulance call. Moved by Anderson to close floor of public hearing, second by Ketchum-Fish. Motion carried 6 to 0. Suminski moves to recommend approval of amended Ordinance 22-006 as presented, second by Malcheski. Discussion. Motion fails 0 to 6 all members opposed. Ketchum-Fish moves to eliminate Article 8, Section 8-541, seconded by Anderson. Motion fails 1-5 with Anderson in favor. Moved by Suminski to recommend approval of amendment to Ordinance #22-006 with the following changes to Article 8, Section 8-541 remove (a) entirely, (b) add “unless special exception approved by Plan Commission”, (d) a - change to “The outdoor service area shall be visually demarcated” Traffic Control and construction barriers are not allowed, b – change to “Outdoor exterior shall be visible from interior bar and/or service area”, (e) change to restroom facilities shall be available to the outdoor service area. Temporary toilet facilities are not permitted, second by Anderson. Motion carried 6-0.

Anderson moves to approve Ordinance Amendment 22-006 with changes as recommended by Plan Commission, seconded by Neimes, Maziasz ask if we could open floor. Motion by Anderson to open floor, seconded Novachek. Motion carried 5-0. Bo Belanger, stated all of them want their business to look good, so there was really no need for this. Badger Colish thanked the Commission and Council for listening to their concerns. Novachek moved to close floor, second by Anderson. Motion carried 5 to 0. Novachek ask that this be evaluated in one year to see how it is working for the city and the business. Original motion carried 5-0.

8:05pm Council Adjourns. 8:10pm Plan Commission reconvene.

Discussion and Action on Special exception Request to Enlarge a Non-Conforming Structure, 905 N. 10th Avenue West, Carrie Linder Petitioner – Moved by Suminski to approve the special exception request to enlarge a non-conforming garage at 905 N. 10th Avenue West, second by Malcheski. Section 7-154 reviewed: 1) The size of the property in comparison to other properties in the area; *Property is comparable to adjoining properties.* 2) The extent to which the issuance of the special exception permit would be in keeping with the overall intent of this chapter; *This exception has been approved by Plan Commission in the past.* 3) Whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception; *No different than others that have been approved in the past.* 4) The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception were granted, *No known impact.* 5) The nature and extent of anticipated positive and negative effects on properties in the area; *no negative affects known.* 6) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception, *No negative effects.* 7) A factor specifically listed under a section of this chapter authorizing the issuance of a special exception; *Article 8, Section 8-75* and 8) Any other factor that relates to the purposes of this chapter set forth

in s. 1-5 or as allowed by state law. *None Known.* Motion carried 6 to 0.

Discussion on Conceptual Ordinance for Off-Premises Signs in certain Areas of the City- Discussion on number of signs allowed distance from the premise, size, location and banning billboards was discussed. Further discussion will occur at future meeting.

Continued Discussion and Action Comprehensive Plan Re-Write Project – Review of Land Use Maps and Policies – Special meeting scheduled for August 31, 2022.

Meeting adjourned at 9:02pm.

Respectfully Submitted,
Tammy DeMars
City Treasurer/Deputy Clerk