

## MAY 10, 2010 CITY OF WASHBURN CITY COUNCIL MEETING

Present: City Council Members: Kristy M. Jensch, Carrie L. Wartman, John F. Baregi, Robert D. Fiegler, Richard M. Avol

Municipal Personnel: Mayor Ralph C. Brzezinski, City Administrator Scott J. Kluver, City Clerk-Treasurer Vicki E. Swanson

Excused Absence: Councilors Mary McGrath(family matters) and Ruth F. Amraen(family matters); City Attorney David J. Siegler(illness)

**Call to Order** - Mayor Brzezinski called the meeting to order. Roll call attendance depicted five of the seven members of the Common Council in attendance. Quorum recognized. **Pledge of Allegiance.**

**Approval of Minutes** - City Council Meetings - April 12, 2010 and April 20, 2010 - a motion to approve Record of Official Proceedings made by Baregi, and seconded by Wartman, unanimously carried.

**Approval of Expenditures** - a motion to approve monthly expenditure vouchers by Finance Committee Member, Avol, and seconded by Finance Committee Member, Baregi, unanimously carried on roll call vote of the five Councilors in attendance.

**Public Comment** - individuals addressing the Council with concerns over an item on the meeting agenda relative to a proposed 2-step project in Memorial Park Campground. The Plan proposed a re-configuration of selected sites based on statistics of usage to promote better usage; relocation of the Host site for purposes of camper access and convenience; re-location of the playground area to a more central location away from the bluff; and removal of two storage buildings adjacent the restrooms, and creation of 3-4 sites to accommodate camping vehicles. Appearing on the subject were Carol Avol, 2 East Bayfield Street; Jeremy Oswald, 401 West 5th Street; Beverly Jensch, 410 5th Avenue East; Bob Mackreth, 500 Woodland Drive; Jeff Silbert, 502 East 4th Street; David Bratley, 402 2nd Avenue East; and Carla Bremner, 204 Pumphouse Road. Appearing on behalf of the proposed plan was Donald Swedberg, 111 East 7th Street. Separate from that particular topic, Yvonne Liu addressed the Council on proposed beer garden adjacent her business establishment.

**Mayoral Announcements, Proclamations, and Appointments - National Police Week and EMS Week** - Mayor Brzezinski declares the Week of May 9th - May 15th as National Police Week and May 16th - 22nd as EMS Week. Mayor and Council express appreciation to both services.

**Presentation of Annual Municipal Library Report** - Library Director, Darrell Pendergrass, expounded on the written Annual Summary of Report presented to the Councilors, and the more statistical actual Wisconsin Department of Public Instruction Annual Public Library Report. Motion to place the Report on file made by Baregi and seconded by Jensch. The motion unanimously carried.

**Alcohol Licensing Matters - Bartender License Applications - New & Renewal** - no new applications pending. Renewal applications #16-12 through #39-12 approved for licensing on motion of Baregi, seconded by Wartman, which unanimously carried.

**Introduction of Annual Alcohol License Renewal & Beer Garden Applications-New & Renewal** - Establishments applying being Schicky's Saloon, LLC, Daniel Schick, Agent, Schicky's Saloon, Corporation Combination Class B Fermented Malt Beverage & Intoxicating Liquor, 532 West Bayfield Street; Uncle Walleye's, LLC, Barbara Engelhard, Agent, Patsy's Bar, Corporation Combination Class B Fermented Malt Beverage & Intoxicating Liquor, and new application for Beer Garden, 328 West Bayfield Street; Dauson, Inc., Harlan Guske, Agent, Firehouse, Corporation Combination Class B Fermented Malt Beverage & Intoxicating Liquor, and new application for Beer Garden, 10 West Bayfield Street; John's Prime Steak Pit, Inc., Edith M. Deutsch, Agent, The Steak Pit, Corporation Combination Class B Fermented Malt Beverage & Intoxicating Liquor and Beer Garden permit, 125 Harbor View Drive; Washburn IGA Bitzer's Inc., Robert J. Bitzer, Agent, Washburn IGA, Corporation Class A Fermented Malt Beverage and Intoxicating Liquor, 226 West Bayfield Street; David P. Nickels, A Nickel's Worth, Individual Combination Class B Fermented Malt Beverage & Intoxicating Liquor, and new application for Beer Garden, 800 West Bayfield Street; Lyndale Terminal Co., dba Holiday Station store #227, Eugene Rich, Agent, Corporation Class A Fermented Malt Beverage, 606 West Bayfield Street; Leino's Gas & Goods, Inc., Susan M. Tibbits, Agent, Corporation Class A Fermented Malt Beverage, 137 West Bayfield Street; Timothy F. Ledin, dba Hugo's Log Cabin, Individual Class B Fermented Malt Beverage License, 905 W. Bayfield Street; StageNorth LTD, Noah D. Siegler, Agent, Stage Door Bar, Corporation Combination Class B Fermented Malt and Intoxicating Liquor, and Beer Garden, 123 West Omaha Street; and DaLou Bistro, Inc, Dale Hanson, Agent, DaLou's Bistro, Corporation Class B Fermented Malt Beverage and Class C Wine, and Beer Garden, 310 West Bayfield Street. Memo from City Clerk outlined the process of annual application and denoted initial application for Beer Garden by three establishments. The attached documents as presented by the City Clerk also included report by Deputy Zoning Administrator on plot plans presented by the three establishments with initial application for Beer Garden. Motion by Avol, seconded by Baregi, authorized the City Clerk to commence the Public Notice and application process (Alcohol and Planning Commission site plan review); motion unanimously carried.

**Request for Special Event Fermented Malt Beverage Permit-Bay Bash & Request for Use of Municipal Facilities-West End Park** - application as filed was by a group not formally registered as non-profit and lacked definitive information on insurance coverage. Motion by Avol, seconded by Fiegler, granted permission for use of the West End Park area as requested for dates of July 23rd, 9:00 AM - 10:00 PM, and July 24th, 9:00 AM - 11:00 PM, with setup scheduled for July 20th - 22nd and Cleanup July 25th; and authorized the City Clerk to issue the Special Event Permit only on clarification of the application and compliance with regulations; motion unanimously carried.

**Discussion & Action on Request for Easement to Allow Continuance of Existing Infringement/Encroachment on Public Thoroughfare Right of Way, Neill & Wing's Addition, Block 14, Lots W 20' Lot 13 and Lots 14 & 15, 1048 West Bigelow Street** - memo from the City Clerk explained the situation surrounding a granted but un-recorded variance, and minuscule encroachment of attached garage structure/eaves; survey of the property depicted the dimensions of the encroachment. Documents included drafted easement drafted by City Attorney. Applicants requesting assistance by the City to facilitate a sale of the property. Applicants in attendance. Motion by Baregi, seconded by Fiegler, approved the easement; the motion unanimously carried.

**A Revisit-Water & Sewer Utility Financial Status & Revenue Increase Proposals and Action on Resolution #10-007** - the Finance/Personnel Committee met on April 26th and as a result of that session, forwarded the following recommendations to the Council. (1) Starting in 2011, the General Fund will no longer accept the annual \$27,484 payment from the utilities in lieu of personal property taxes. This is the amount that the utilities pay the general fund each year as if they were a taxable entity. In actuality, the amount should really be about \$150,000, but the figure has not been adjusted in many years due to financial stability of the Utility. The recommendation is that in 2011 the General Fund will more permanently forgive and no long budget for the payment in lieu of taxes; this will, however, reduce the anticipated revenues in the City's General Fund. (2) Request to the Public Service Commission (PSC) that the utilities convert from a monthly billing cycle to a quarterly billing cycle. Projected measure would save the utilities approximately \$15,000 in staff and postage expenses. (3) The third recommendation is to seek ways to have the Fire Hydrant Rental Fee allocated to all City residents as all residents benefit from the fire protection system. Presently, only those with a water connection pay this fee. The inquiry is to see if the existing fee can be allocated to all households. In addition, inquiry to address possibility to discontinue the separate meter for lawn use. The current system in place is another labor intensive process. As an alternative, the City/Utility would be able to require that all lawn meters be permanently plumbed into an individual's home.

Following details of the Finance & Personnel Committee recommendations, motion was made by Avol, seconded by Baregi, to approve Resolution #10-007 forgiving the in-lieu of tax payment commencing in 2011. Under discussion, Baregi and Fiegler express concern over prematurely forgiving the in-lieu-of tax payment. The motion carried unanimously on roll call vote. Motion by Avol, seconded by Jensch, to approve the 2nd & 3rd options as presented. (1) Application to be made to the Public Service Com-

mission that the Utilities convert from a monthly billing cycle to a quarterly; and (2) to investigate methods that may be allowable to have the Fire Hydrant Rental Fee allocated to all City residents to more equitably spread the costs of water utilized in fire control of all residential, commercial, and other lands in the City area. Also being investigated with the Public Service Commission is discontinuance of lawn meters. The motion carried 4 to 1 with Fiegle in opposition.

**Discussion & Action on Request for TID Assistance for Installation of Utility Services & Other Items–Brevak Golf Course Property** - petitioners in attendance. Motion to open the floor to allow Dale Brevak as spokesperson for Lake Superior View Golf & Range, to address the

**MAY 10, 2010 CITY OF WASHBURN CITY COUNCIL MEETING**

Council and address queries; by Avol, seconded by Baregi, which unanimously carried. Provided the Councilors for consideration prior to appearance, was a request for assistance for land acquisition, plumbing & septic, and parking lot expansion. The Brevaks originally having intended to hook into a municipal utility system not as yet available presenting an alternative plan until such time as those utility services were available. Presented were related costs in amount of \$72,970.00; eligible and appropriate under statutory and public rationale for Tax Incremental Financing. Avol opines hesitation for a borrowing that a portion, thereof, would be used for land purchase. Floor closed on motion of Baregi, seconded by Fiegle, which unanimously carried. Motion by Baregi to authorize a negotiation team to discuss and explore a potential development agreement for the Phase 1 request and the financing capabilities of the TIF District. The motion, seconded by Fiegle, carried 4 to 1 with Avol in opposition.

**Discussion & Action on Memorial Park Campground Campsite Modifications** – based on factors such as terrain, usage statistics, and the planned/budgeted purchase of safer playground equipment, recommended improvements to Memorial Park proposed to the Council. Phase 1 of the Plan consisting of site selection for the Campground Host; elimination of Site #12; relocation of site #28 to the north between current sites #24 and #27; relocation of site #31 to between sites #36 and #38; relocation of site #39 to area near #34; removal of dilapidated bathhouse which would in turn improve site #43; and addition of 2 permanent sites where 2 of the current 3 over-flow sites are located. Phase #2 consisted of removal of existing storage and service buildings from main circle area to bathroom area; relocation of some of the existing playground equipment and installation of new playground equipment to main circle area; addition of 3 to 4 campsites on the location of the current playground equipment. Motion to open the floor to allow Campground Host, Donald Swedberg, to elaborate on the proposed Plan, by Baregi, seconded by Avol, unanimously carried. Also addressing the Council was Leo Ketchum, 612 West 4<sup>th</sup> Street. Motion to close the floor by Fiegle, seconded by Baregi, unanimously carried. Motion to approve Phase #1 by Baregi, seconded by Jensch. Council discussion centered on leaving site #31 at its current location; Baregi offering explanation as to why he chose not to amend the original motion based on minor usage of the site due to small size in its current area. The original motion carried unanimously. Motion to approve Phase 2 of the Plan by Baregi, seconded by Wartman, carried 3 to 2 with Jensch and Avol in opposition.

**Discussion & Action on Condition of / Maintenance to West End Park Boat Landing** - realizing that the boat landing requires maintenance repairs, contact has been made with the Department of Natural Resources for required permits. Motion by Fiegle, seconded by Wartman, to table; the motion unanimously carried.

**Discussion & Action on Ordinance #10-006 - Mooring Fees, West End Park & Amendment to 2010 Fee Schedule** – need to address current municipal ordinance to allow for mooring and initiating a corresponding fee. Draft ordinance by Legal Counsel addressed both as well as permitted and prohibitive practices and guidelines. Motion to adopt Ordinance #10-006 by Avol, seconded by Baregi. Discussion held on ordinance only addressing West End Park. Original motion to adopt carried unanimously.

**Approval of Contract for Municipal Garage Building – Angelo Luppino Construction, Inc.** – documents were presented Councilors for perusal. Motion by Avol, seconded by Baregi, to authorize the Mayor to sign documents at such time as Legal Counsel indicated comfort level; motion unanimously carried.

**Discussion & Action on Dog Pound Building Removal – Angelo Luppino Construction, Inc.** – motion by Baregi, seconded by Fiegle, to award the to the low bidder, Angelo Luppino Construction, Inc., in amount of \$1,190.00; motion unanimously carried.

**Discussion & Action on Resolution #10-008 – Capital Projects Budget Amendment #2 – Municipal Garage** – resolution reflected figures as affected by the recent Municipal Bond Issue borrowing and updated the 2010 Capital Improvement Budget. Motion to approve by Avol, seconded by Baregi, unanimously carried on roll call vote.

**Award of Bid and Approval of Contract-Washington Avenue Resurfacing Project** – reported to the Council were results of the bid opening. Bids as received from Northwoods Paving, Inc., (\$157,339.41) and Angelo Luppino, Inc., (\$155,984.08) exceeded the budgeted project amount of \$155,000.00. Recommendation presented to remain within the budget depicted a reduction in the limits of asphalt at various intersections of the Washington Avenue Project. Should modifications be acceptable, Angelo Luppino, Inc., would be the low bidder. Motion by Wartman to authorize the Mayor to sign the proposed contract with Angelo Luppino, Inc. provided all details and bonds are submitted and meet the City Attorney's satisfaction; motion seconded by Baregi. The motion carried with Wartman, Baregi, and Fiegle voting aye, Avol voting nay, and Jensch abstaining.

**Discussion & Action on Disposal of Municipal Assets – Civic Center Building Miscellaneous Items** –with the majority of items removed from the building by proper owner(s); permission sought for disposal of those items belonging to the City pursuant to Municipal Code addressing disposal of municipal assets. Motion by Avol directed the City Administrator to seek non-profit organizations interested in donation of the municipal assets, in conjunction with adhering to policy guidelines for disposal of all items; Baregi seconded. Motion unanimously carried.

**Discussion on Offer(s) Received for Purchase of Pump House Property** – Councilors, having been made aware of two received proposals, moved the issue to closed session on motion of Avol, seconded by Baregi, which unanimously carried.

**Discussion and Action on City Administrator Position Goals & Objectives** – Councilors having been provided a report of Status of Goals from Previous Period, accepted the report on motion of Avol, seconded by Baregi, which unanimously carried.

**Closed Session Items - Discussion on Received Offers of Purchase - Parcel #35 Municipal Property Sale Listing–Former Pump House Property - Report on Performance Evaluation – City Administrator** – Avol moved the Council go into a closed session pursuant to Wisconsin State Statute §19.85(1)(c),(e) for the purpose of considering performance evaluation data for City Administrator, deliberating or negotiating the purchasing of public property, the investing of public funds, or the conducting other specified public business whenever competitive or bargaining reasons require a closed session; following which the Council may reconvene in open session to take any action that may be necessary on the closed session items. The motion was seconded by Wartman and carried unanimously on roll call vote. Attendance in the closed session depicted the five Councilors remaining present, along with the Mayor, City Administrator, and City Clerk. The City Administrator and City Clerk remaining in the closed session for Council deliberation/consideration of offers received on the Pump House Property, and departing just prior to Evaluation of the City Administrator.

**Adjournment** – with it not necessary for open session action, Council adjourned in the closed session at 8:20PM.

Vicki E. Swanson  
City Clerk-Treasurer

FINANCE COMMITTEE MEETING 4:30PM

Committee Members Avol and Baregi reviewed monthly expenditure vouchers for favorable recommendation to City. Noted absent,

|