

APRIL 11, 2011 CITY OF WASHBURN CITY COUNCIL MEETING

Present: City Council Members: Kristy M. Jensch, Mary McGrath, Carrie L. Wartman, John F. Baregi, Adeline T. Swiston, Robert D. Fiegle, Richard M. Avol

Municipal Personnel: City Administrator Scott J. Kluver, City Clerk-Treasurer Vicki E. Swanson, City Attorney David J. Siegler

Excused Absence: Mayor Ralph C. Brzezinski

Call to Order – Meeting called to order at 5:30PM by Council President Baregi in the absence of Mayor Brzezinski. Roll call attendance depicted all members of the seven-member Common Council in attendance. Quorum recognized. **Pledge of Allegiance.**

Approval of Minutes – City Council Meetings – March 14, 2011 - a motion to approve Record of Official Proceedings made by Swiston and seconded by McGrath, unanimously carried.

Approval of Expenditures - a motion to approve monthly expenditure vouchers by Finance Committee Member, Avol, and seconded by Finance Committee Member, McGrath, carried unanimously on roll call vote of the Council.

Public Comment – no comments from those citizens in attendance.

Public Hearings – two issues to be addressed: (1) a rezoning and (2) a vision triangle ordinance amendment.

A Re-zoning & Municipal Zoning Map Change of Lot #10, CSM #1636 - a 2.05 acre portion of City-owned land lying south of West Omaha Street, and east of & abutting 2nd Avenue West, from Waterfront Residential to Waterfront Commercial, City of Washburn & John T. Weinel, Petitioners – a motion by Fiegle, seconded by Avol, to open the floor to Public Hearing, unanimously carried. No one desiring to address the Council on the matter under hearing. Floor closed to Public Hearing on motion of Avol, seconded by Jensch, which unanimously carried. With the Council previously having addressed the issue, and with a favorable recommendation from the Planning Commission, motion to approve the rezoning by Avol, seconded by Jensch, unanimously carried.

An Amendment Ordinance #11-002 addressing the elimination of vision triangles in the C-1 and C-2 Districts – floor opened to Public Hearing on motion of Avol, seconded by Swiston, which unanimously carried. With the Council previously having addressed the issue which would eliminate requirements for a vision triangle in the C-1 and C-2 Districts, and with a favorable recommendation from the Planning Commission, a motion to approve the amendment by Avol, seconded by Jensch, unanimously carried.

Presentation of Washburn Public Library Annual Report – Library Director, Darrell Pendergrass, presented the report to the Council and elaborated on the statistics contained therein. Query on initiation of a fine system as a method to generate revenue and ensure timely return of checked-out items. Pendergrass, remaining open-minded on the topic, explaining research indicated no libraries locally presently have an overdue book fine/penalty system in place. Councilor McGrath compliments the Library Board members following her former service for several terms as Council Liaison.

Presentation on North Coast Community Sailing – Beth Palma – a slide show pictorial presentation of area participants in the program which teaches sailing instructions to area residents by Beth Palma presented to the Council and those in the audience. The non-profit group to continue the program in the summer of 2011 at Washburn's West End Park. Palma extending appreciation to the Council and Community for use of facility.

Presentation on Washburn Marina – Michelle Shrider – Shrider, the Operator since 2008, reported to the Council on the operations and financial success of the facility.

Discussion & Action on Proposed Contract with Waste Management for Refuse & Recycling Services - Introduction of Jennefer Klennert, Manager, Community & Municipal Relations – Council having provided a copy of the contract following City Attorney legal analysis and review prior to the evening's session. Jennefer Klennert and Jeff Wolf, local representatives of Waste Management, in attendance to address any questions or concerns of the Council. The contract carried an annual escalator of 4% or annual CPI, whichever is less. The five-year contract with 4% escalator increase in the first year approved on motion of Avol, seconded by Wartman; the motion unanimously carried.

Re-address of Vacating Request As Revised Eliminating Prior Request #6 – Melanie and Stephen Dvorak –

- (1) Alley in Block 25 b/w Castle Drive and Sunset Avenue, abutting lots 1-11 and 12-23
- (2) Terrace Drive b/w Castle Drive and Sunset Avenue, abutting Lots 12-23, Block 25 and Lots 1-13, Block 32
- (3) Alley in Block 32 b/w 4th Avenue and Sunset Avenue, abutting Lots 1-10 and 14-21
- (4) Grove Blvd between 4th Avenue and Sunset Avenue, abutting Lots 15-21, Block 32 and 1-5, Block 33
- (5) Alley in Block 33 b/w 4th Avenue and Sunset Avenue, abutting Lots 1-4 and Lot 6
- (6) Alley in Block 17, b/w Castle Drive and Sunset Avenue, abutting Lots 1-10 and 11-20

The requests, again before the Council, prompted lengthy discussion. Research and any potential City concerns addressed in Memo of City Administrator included in the meeting packet of materials. Concern had also been previously expressed during the meeting of March 14th over utility rights and any future expansion, any possible thoroughfares that could be opened in the future in and about a large portion of the DuPont Park Addition, and concerns previously voiced by the neighboring property owner. In addition, a clarification of the Gravel Pit Road issue remained a pending issue. Also noted was the Council desire for any specific undertaking that prompted the requests such as a pending development project. The petitioners in attendance and allowed to address the Council under motion of Avol to Open the Floor which was seconded by McGrath and unanimously carried. Also again addressing the Council was neighboring property owner, James Bodin. Following the address to Council, and considerable deliberation of the Council membership, a motion by Avol to approve the vacation requested in Block 17 (request #6) was seconded by McGrath. The motion carried 5 to 2 with Fiegle and Swiston in opposition. A motion by McGrath to approve the vacation in Block 25 (request #1) was seconded by Wartman. The motion carried 4 to 3 with Swiston, Fiegle, and Avol in opposition.

Discussion and Action and/or Referral Items: Request from Dennis & Georgann Kilbane to undertake Shoreland Restoration/Erosion Control Project on Municipal Property-South 4th Avenue East- request for permission from the City to put various plantings and erosion control efforts on the un-vacated 4th Avenue East adjacent to the Kilbane structure (former pump house). The plantings and erosion control effort to be in compliance with best practices for shore-land erosion control with specific location of these efforts being from the very end of the road/bluff area to the driveway entrance to the property. No financial assistance requested. In addition to plantings, petitioners/property owner would like to post signs discouraging foot traffic in the restoration area. Considerations of public access prompted discussion with the Council acknowledging recent action to decline a vacating of the Avenue. As area is public right-of-way, Council approval would need to be given to any modifications to City land and for the posting of any signs. Floor opened by Council consensus to allow Richard Olson Jr. and Suzanne VanGilder to address the Council. Olson pointing out to the Council that the safest route down the bank to the lake was now on the private property of the Kilbanes. VanGilder advising that during her recent campaign visits with residents, concern had been expressed over the elimination of access in the long-time local area of enjoyment. Floor closed on motion of Avol,

seconded by Wartman, which unanimously carried. Motion by Avol to approve implementation of the Plan for erosion control and to deny the posting of any additional signage on public property in the area while acknowledging the present private signage seemed sufficient. Motion seconded by Wartman and unanimously carried.

Discussion & Referral of Building Addition Request in Waterfront Residential District- Dennis & Georgann Kilbane, 324 Pumphouse Road - memo from Deputy Zoning Administrator, Burkman, regarding the addition of cupolas to the former Pumphouse Building. Per Ordinance, site plan review required by both the Council and the Plan Commission for the change. Motion to approve and refer to the Planning Commission for final approval by Avol, seconded by McGrath. The motion unanimously carried.

Referral of Conditional Use Permit Application for Residential Use in a Commercial District - Brad Dryer, Petitioner – application in order. Property located at 1100 East Bayfield Street contains a greenhouse/landscaping business. Request to convert an existing structure into an residence. Motion to refer to the Planning Commission with the Public Hearing Notice process to commence by Avol, seconded by Swiston. The motion unanimously carried.

Introduction & Referral of Request for Vacation of a Portion of Alley in Block 34, DuPont Park Addition, Robert Follis, Petitioner – application and supporting documents in order. Suggested intent being construction of a garage on the property. Motion to refer to the Planning Commission with the Public Hearing Notice process to commence by Avol, seconded by McGrath. The motion unanimously carried.

Discussion & Action on Historic Preservation Commission Request to Apply for Grant for Possible Establishment of Historic District in Area of East 3rd Street – during discussion of the issue, City Attorney Siegler pointing out that current ordinance lacks address of a “District”, and recommendation offered that draft ordinance language be prepared for inclusion into existing ordinance. Motion by Avol to place as soon as possible on subsequent agenda . Floor opened on motion of Avol, seconded by McGrath, to allow comment from Commission Member Carla Bremner. Motion unanimously carried. Bremner clarifying topic for the Council. Floor closed on motion of Jensch, seconded by McGrath, which unanimously carried. Motion to approve the grant application by Avol, seconded by Jensch, unanimously carried. City Attorney to prepare ordinance amendment language for subsequent agenda.

Discussion & Action on Resolution #11-004 Amending the Capital Budget - Public Works Garage - amendment addressing allocation of unexpended Garage Capital Project 2010 funds to the 2011 Capital Improvement Budget approved on motion of Avol, seconded by Jensch. The motion unanimously carried.

Discussion & Action on Contract with SEH for Services Addressing Ammonia Amounts – Wastewater Treatment Plant - a proposed contract with SEH, Inc. to evaluate ammonia amounts in the wastewater system presented. The treatment plant having issues with its BOD (Biochemical Oxygen Demand) levels, and in violation of DNR standards. This situation also related to the high fecal coli form amounts as well. As a result of these violations, the City is not allowed to extend its treatment system. Initial testing identifying one of the potential causes being an ammonia based compound that is fatal to the organisms in the treatment process. Further detailed analysis and testing needed to identify the source of the ammonia and to correct the situation. The contract in amount of \$4,700 for testing and analysis and an additional \$1,700 for each site visit; expenses to be borne by the Sewer Utility. With the Sewer Utility lacking revenue sufficient to cover these expenses, need for the General Fund to loan any necessary dollars to balance the Sewer budget. A motion to approve the contract by Avol, seconded by Swiston, unanimously carried.

Discussion & Action on Request for Temporary Hiring(s) in the Department of Public Works – a motion by McGrath, seconded by Wartman, approved the temporary hirings for summer seasonal labor, and a LTE temporary position under arrangements as presented. The motion unanimously carried.

Discussion & Action on Quit Claim Deed – American Legion (former VFW) Building & Property- the issue of ownership of the current American Legion/Former VFW and Lions Club buildings and lands following additional considerable research and title search prompted by a need to determine responsibility for matters such as repairs, maintenance, insurance, and various utility expenses, indicated that the property was owned by Bayfield County, however, the building the responsibility of the City. County willing to accept the responsibility of ownership for both the land and the buildings. Recommendation that the City Council approve authorizing the City Attorney to draft and the Mayor to execute the appropriate Quit Claim Deed documents for both the buildings and the property to relinquish any claim the City may or may not have and to settle this issue once and for all. Motion to so approve by McGrath, seconded by Swiston, unanimously carried.

Discussion & Action on Potential Sign Ordinance Amendment(s) – following discussion, Avol moved and Fiegler seconded, a referral to the Planning Commission with inclusion that the Task Committee consist, in part, of citizens and business owners. The motion unanimously carried.

Discussion & Action on 2011 Retirement Contributions for Current Non-represented Employees – Councilor Avol elaborating on his request for the agenda item in light of the proposed Budget Repair Bill containing an item requiring that non-represented employees pay a portion of their retirement costs in advance of employees covered by bargaining unit contract(s), or under exemption. Avol recommending that should the issue be settled and adopted, record to indicate that arrangement was authorized at the Council level for parity purposes to reimburse in such fashion as legally allowed those costs back to the non-represented employees until such time as bargaining unit contract for those employees not exempted expired. Such an endorsement falling within the adopted 2010 previously-approved / allocated position budgets. Council full consensus and such intent of the current Council to be so recorded in the Official Proceedings of Council Meeting Minutes.

Adjourn – following the Council President extension of appreciation with full Council support of gratitude to departing Councilors Swiston and Fiegler; a motion to adjourn made by Avol, seconded by Jensch, unanimously carried. The evening’s session concluded at 7:23 PM.

Vicki E. Swanson
City Clerk-Treasurer

FINANCE COMMITTEE MEETING April 11, 2011 4:30PM

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