

January 13, 2020

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM Washburn City Hall

Present: City Council Members: Karen Spears-Novachek, Laura Tulowitzky, Jennifer Maziasz, Mary McGrath, Tom Neimes, Carl Broberg, Aaron Austin

Municipal Personnel: Mayor Richard Avol, City Administrator Scott J. Kluver, Assistant City Administrator Tony Janisch, City Attorney Max Lindsey, Director of Public Works Bob Anderson, Operator Ron Leino, Operator Joel Weber, Police Chief Ken Johnson, Officer Nick Suminski

Excused Absence: None

Call to Order - Meeting called to order at 5:30PM by Mayor Avol. 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 December 9, 2019 & Historic Preservation Commission Meeting of December 9, 2019 - A motion was made by Novachek to approve the December 9, 2019– minutes of the City Council & Historic Preservation Commission, second by Broberg. Motion carried unanimously.

Approval of Expenditures- A motion was made by Novachek to approve the monthly expenditures as reviewed, second by McGrath. Motion carried unanimously via roll call vote of all seven (7) councilors in attendance.

Public Comment – There was no public comment.

Mayoral Announcements, Proclamations, Appointments- The Mayor noted that Dave Bell, on the agenda with interest in the Brokedown Building, was not able to attend the Council meeting and no presentation will be made. Avol further stated a vacancy on the Harbor Commission. The Mayor next recognized two employees for their longevity with the City. Ron Leino, 30 years of service in the Public Works Department. And Nick Suminski, 15 years of service with the Police Department. Lastly, the Mayor noted the passing of Washburn resident James “Marley” Ledin Sr.

Public Hearing & Action on Designating a Portion of the Lakefront Walking Trail as a Historic Site – Moved by McGrath to open the public hearing, second by Neimes. Motion carried unanimously. No comments were received from the public. Moved by McGrath to close the public hearing, second by Novachek. Motion carried unanimously. Moved by McGrath to designate portions of the Lakefront Walking Trail as a Historic Site with the criteria and provisions as recommended by the Historical Preservation Commission, second by Neimes. Motion carried unanimously.

Presentation by Dave Bell on Interest in the Brokedown Building at 204 W. Bayfield St. – It was noted that Bell was unable to attend. No presentation or discussion occurred.

Discussion & Action on Approval of Certified Survey Map for Lots 2, 3, 4 and 5 of Block 3 of Church’s Subdivision – Mick Malcheski, Petitioner – No discussion. Moved by Broberg to approve the certified survey map for Lots 2, 3, 4, 5 of Block 3 of the Church’s Subdivision, second by Novachek. Motion carried unanimously.

Presentation, Discussion & Action on Request to Place Informational Kiosks on Public Rights-of-Way and Locations – Washburn Heritage Association, Petitioner – Ginny Pederson presented for the Washburn Heritage Association (WHA). Pederson stated that the WHA is organized to enrich the experience of living in Washburn by telling the compelling stories of the unique architectural and cultural heritage of the area. Pederson explained some the past and current projects of the WHA, and then introduced the kiosk project. The kiosk will work to share information about Washburn to visitors, as well as remind citizens of the city’s heritage. The kiosk look will model the DuPont bungalows along historic 3rd St, a proposed design has been

provided. WHA seeks approval of the concept before moving forward with the project; with the goal of having a completed and installed kiosk by Homecoming 2020. Council engaged Ms. Pederson with questions regarding kiosk look, location, display and maintenance. The kiosk would be about 10 ft. tall, made of wood and possible brownstone. Displays would include three informational panels; two permanent and one with current events. The Washburn Chamber has agreed to update the current events panel. Anderson included that it wouldn't take much to maintain the kiosk and would like to meet the construction person to help pick out building materials. Borberg noted the identified cost of \$10,000. Avol stated that funding would come from the Eric Novachek Memorial Fund which is designated for tourism related items. McGrath questioned why they chose Wikdal Park for the location and specifically at the intersection of Bayfield St. & N 3rd Ave E. Pederson stated that they would like kiosks in several locations throughout the city, but Wikdal Park is a central location with business across the street. Maziasz noted that the Park Committee has identified the need to be intentional with how and where structures are placed and that they are complimentary to other structures and routine maintenance. Maziasz then suggested that final location selection go to the Parks Committee and the Public Works Director. Moved by Novachek to approve the concept of the informational kiosk placed on city property and to approve the financing as outlined. WHA will work with the Public Works Director and Parks Committee to find a final location, second by McGrath. Discussion continued regarding final design the kiosk and a site plan. Tulowitzky suggested working cooperatively on the final site plan as well. Novachek amended her original motion to approve the concept of an informational kiosk on public property in Wikdal Park, to approve the finance plan as outlined, and that WHA work with the Public Works and Parks Committee on the final site plan. McGrath agreed with the amendment to the motion. Motion carried unanimously.

Discussion & Action to Place a Tribute to Niles Eilertsen at the Washburn Athletic Fields – Kluver stated that being proposed is a tribute to Niles; a plaque of some sorts. This is not a proposal to name the ball fields as current policy does not allow this, but it does set up this possibility in the future. Neimes stated that he would like to change the naming policy and asked that it be discussed at the meeting. McGrath stated that changing this policy could open a Pandora's Box and that Council worked hard to establish the current policy in place. Moved by Tulowitzky to approve a tribute to Niles Eilertsen at the ball fields, second by Maziasz. Motion carried unanimously.

Discussion & Action on Ordinance 2020-01 Establishing Sex Offender Residency Restrictions – Kluver provided background that the City did not have a sex offender ordinance in place. One was crafted and brought to Council, who directed to “clean up” the draft and bring back. This draft includes an intent to buffer residency from specific locations. Kluver continued that this now created the questions of working or shopping or traveling through these buffer zones. Attorney Lindsey stated that the ordinance has two sections, one regulating residency and loitering in buffer zones, the other regulating sex offenders presents in safety zones. The person could travel or go shopping in the buffer zone but could not be in the safety zone. Lindsey noted that there are exceptions where the person could be in a safety zone, Section E2. Lindsey continued that the type of offenses includes 1st, 2nd & 3rd degree sexual assault, those that would require registering with the Sex Offender Registry in Wisconsin. Avol questioned the “sexually violent offender” Chapter 980 mentioned in the ordinance. Lindsey answered that these offenders are monitored differently by the State. Moved by McGrath to open the floor, second by Tulowitzky. Motion carried unanimously. Kyle Bosquez, Corrections Field Supervisor for Bayfield, Ashland & Iron Counties, Mason, stated that Chapter 980 offenders upon release are monitored by DHS and Dept. of Corrections, and placement is done by the DHS. Austin is interested in the effective of these policies and his brief investigation found there was limited positive effect but can also have a negative consequence concentrating sex offenders in certain locations of the city. Maziasz noted that some of the concentrated rental areas are in the zone. Lindsey added that this includes temporary residences, example being a individual living on a houseboat at the marina for the summer would fall into the scope of the ordinance. Broberg pointed to Kluver's memo questioning if Snowmobile/ATV/Bicycle trails be included in safety zones; and then questioned usage of Cty Rd C, which does go through an exclusion zone. Kluver stated that these are policy decisions that will need to be made. Novachek raised her concern that areas in safety zones that are part of life, i.e. parks, golf courses, beaches, the ability to launch a boat. Novachek further stated that rehabilitation doesn't always work, but some aspects that assist with rehabilitation include housing, employment, positive social support and physical activity. These zones restrict the types of physical activity that a person could be engaged in. Amanda Cook, 228 W 4th St, stated that she is a homeschooling parent with four children and has a sex offender

living next door. She further stated that this person is not registered at the address, but rather an address on Pine St, but pretty much lives next door. Cook further stated that she understands that people who have had offenses have the right go to different places in the town, but the child also have the right to feel safe in their own backyard, so feel safe at their school. Austin stated that he would like to hear the police stance of the ordinance. Masiasz further asked if adjacent communities have similar ordinances. Chief Johnson stated that Iron River does have a sex offender ordinance, and possibly Ashland. He further stated that a sex offender has committed a crime, and many are prone to repeating that crime. He does not have issue with restricting where they live or how long they are in a certain place. Johnson's concern is protecting people and preventing crimes and believes this ordinance will help. Lindsey added that the ordinance also puts onus in the property owner if they rent to a sex offender in a buffer zone, and that it would be a penalty. Masiasz asked for further explanation of safety zone exceptions. Lindsey gave the example of an individual with child in a play at Stage North, the individual could request, and be allowed, to attend the production but not any other play. Masiasz further questioned if an offender would be allowed to take their child to the park. Lindsey stated that the individual could not, but that they could appeal to have the allowance. Lindsey further stated that the Plan Commission would be the determining body. Avol stated that he believes it should be the Council making these decisions. Kluver stated that regardless of being the Plan Commission or Council, there would need to be advanced notification and planning to have it on an agenda. Chief Johnson added that this ordinance would give an avenue to police to enforce known offenders and that they would receive a citation for violations. Kluver added that the current citation is \$100. Chief Johnson questioned if homeschools would be included as a Safety Zone. Lindsey answered that homeschools would not, but that they could be included. Kluver added that currently they do not know where the homeschools are and that it would change the map. Avol stated a concern of the public library, understanding that children are there, but if a person wanted to better themselves, they would be restricted from use. Several councilors identified the need to receive further feedback from the citizenry before making a decision. Masiasz stated that she would like further information if other community's ordinances include homeschools. Tulowitzky would like the library to be considered a buffer zone instead of a restricted safety zone. Avol stated that questions or comments can be directed to Administrator Kluver. Moved by McGrath to table discussion until next month, second by Broberg. Motion carried unanimously. Moved by Broberg to close the floor, second by Neimes. Motion carried unanimously.

Discussion & Action on Police Policy for Less Than Lethal Force (Bean Bag Rounds) – Police Chief Johnson explained how bean bag rounds would be used and that they provide more distance for an officer to use than that of a taser. Johnson further stated that several communities in the area are using these. Officer Suminski displayed a bean bag shotgun and explained that the rounds are kept on the side of the gun, not loaded. Suminski further explained the policy of use. Moved by Novachek to approve the policy for use of bean bag rounds, seconded by Broberg. Motion carried unanimously.

Discussion & Action on the Purchase of New Water Meters for All Utility Customers, Requesting PSC Authorization for a 20-Year Inspection Schedule, and Approval of Contract for Installation of New Meters – Kluver stated that water meters will need to be replaced. He recommends meters with a 20-year replacement schedule, and that installation is done with a contractor. Kluver further stated that new meters will be more efficient with reading. Anderson presented that several scenarios for installation have been looked at. Using a contractor for installation will cost an additional \$86,000. This cost would include cross connection checks which are required by the State and sump pump checks, which may be required from the State in the future. Additionally, the installation time would be 4 – 6 weeks. The last time meters were replaced it was done in-house and took 6 months. Anderson further stated that the fixed based system would read usage and update every 15 min. to a computer system. This will make it easier to track leaks and breaks. Weber included that the currently used mechanical water meters is technology from the 1970's, and that it takes the four days to read meters across the city. The new system will help residents as well as Public Works. Austin asked if a cost savings was calculated. Weber responded that the biggest saving would be in staff time from meter reading, and that mechanical meters fail which would then need replacing. Anderson added that with the new system, we could show the customers daily water usage and notify them of any problems. Moved by Broberg to approve the purchase of the Fixed System New Water Meters with Contractor Installation, second by Maziasz. Neimes questioned the length of payoff. Kluver stated this would be paid for by refinancing existing debt and will be speaking with the financial advisor shortly. Kluver included

that the new meters will be more efficient, and the City should capture additional revenue in utility bills. Motion carried unanimously.

Discussion & Action on Resolution 2020-01 Combining Wards for Spring Primary, Spring Election and May Special Election – Moved by McGrath to approve Resolution 2020-01, second by Novachek. Motion carried unanimously.

Discussion & Action on Special Event Request to Close Streets Temporarily for Bike Across the Bay Event on February 16, 2020 – North Coast Cycling Association, Petitioner – Joe Groshek, member of the North Coast Cycling Association, presented that the Bike Across the Bay race event is again staging at the Harbor View Event Center, and this years would be using the Book Across the Bay course as part of their route. As such, NCCA is requesting temporary street closures in order to access the Book ski route. Streets requested for closure include W, Harborview Dr, W Holman Lakeview Dr, and S 6th Ave. Groshek stated that crossroads would be barricaded from approximately 9:00 am to 12:00 pm. Moved by Tulowitzky to approve the request from NCCA for street closures for the Bike Across the Bay Event, seconded by Maziasz. Motion carried unanimously. *Note: The time was changed from 12:00 pm to 3:00 pm after the meeting.*

Alcohol Licensing Matters – Approval of Class B Beer and Class C Wine Alcohol License Application – Ronald Piercy, Karlyn’s/Yellowbird Gallery, Petitioner – A motion was made by Novachek to approve the alcohol license application for Karlyn Yellowbird Gallery and to issue public notification and begin the administrative process, second by McGrath. Motion carried unanimously.

New Bartender License Applications - #21-44 Through #21-45 – A motion was made by McGrath to approve New Bartender License Applications – #21-44 through #21-45, second by Novachek. Motion carried unanimously.

Adjourn – Motion to adjourn by Novachek, seconded by McGrath. Motion carried unanimously. Meeting adjourned at 8:30 pm.

Tony Janisch
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30PM

Committee Member Karen Spears Novachek & Aaron Austin reviewed monthly expenditure vouchers.