

**October 10, 2022**

**CITY OF WASHBURN COMMON COUNCIL MEETING**

5:30PM

Washburn City Hall & Remote Call-In

City Council Members:

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

Present, remote: none

Municipal Personnel:

Present in-person: Mayor Mary D. Motiff, City Administrator Scott J. Kluver, Assistant City Administrator Tony Janisch, City Attorney Max Lindsey

Present, remote: none

Absent: none

**Call to Order** - Meeting called to order at 5:41PM 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 September 12, 2022** - A motion was made by Neimes to approve the September 12, 2022 minutes of the City Council, second by Novachek. Motion carried.

**Approval of Expenditures** – A motion was made by Novachek to approve the monthly expenditures as reviewed, second by McGrath. Motion carried unanimously via a roll-call vote.

**Public Comment** – No public comment was made.

**Mayoral Announcements, Proclamations, Appointments** - The Mayor proclaimed October 10, 2022 to be Indigenous People Day and read the proclamation.

**Discussion & Action on Creation of Utility/Recreational Easement West of Baseball Field, East of County Forestry, Pipgras, and Iron Works Properties – Washburn Iron Works, Petitioner – Novachek** moved to approve the creation of a Utility/Recreational Easement, seconded by Neimes. Maziasz asked if trees were needed to be removed and if a buffer would be installed between the industrial park; she also noted the wetness of the area for the reroute. Kluver responded that some clearing may be needed but that landscaping, and trail building could occur. Tulowitzky asked about the cost of relocating the powerline. Kluver responded that the cost would fall to Washburn Iron Works and Xcel. Discussion ensued. Motion carried, McGrath abstaining.

**Discussion & Action on Amendment to Development Agreement with The Brewing Badger, LLC** – Broberg moved to amend the agreement with The Brewing Badger, LLC for demolition completion to June 30, 2023, seconded by Novachek. Badger Colish provided an update on the progress of development. He stated there were some delays with the Site Assessment Grant to assist with the cost of asbestos removal, which has now been awarded. Colish further stated that asbestos removal is scheduled for the week of October 24<sup>th</sup>. Novachek asked if opening by December 31, 2023 is still possible. Colish responded that this should still be on target. Motion carried unanimously.

**Discussion & Action on Special Event Request for Book Across the Bay on February 17 and 18, 2023 - Benjamin Thoen, Petitioner** – The Mayor noted an additional email/letter that was received over the weekend from the Book Across the Bay (BATB) Board. She further noted past discussions and the City expressing the desire of payment for services. Tulowitzky asked if there have been issues with damages in the past or with seeking costs for repairs. Kluver responded that the City has not seen reimbursement for past damages. Tulowitzky moved to approve the request as presented for Book Across the Bay in 2023, seconded by Maziasz. Neimes stated that he has observed the damage and trash left behind at West End Park, after this event, and that the City should do the plowing and be paid for this service. Maziasz added that this event is a benefit to the community and that the organizers and the City should be able to sit down, negotiate and discuss

the needs of the event and any repairs and clean-up if needed. Maziasz further expressed that garbage is unacceptable and that she does not want the event to be anywhere other than this community.

The Mayor asked if there is any liability with allowing someone else to plow city property. Kluver responded that if the Council allows something to be on City property, the City is responsible. If you allow someone else to do plowing, the City is responsible for workers comp or any damages that may occur. Attorney Lindsey added the City cannot agree or contract away its responsibilities, but that an agreement can be made that the City is paid back for its liabilities. This could be part of a memorandum of understanding (MOU). Ben Thoen, BATB board member, responding to comments made, that BATB would provide compensation for damages and can be noted in an MOU. Regarding clean-up, Mr. Thoen stated that BATB is 100% volunteer run and that several work groups earn percentages of the proceeds for given tasks, like clean-up from the event, but that the Board is ultimately responsible. He added that BATB does have an insurance policy that covers the participants, the board, volunteer operators and equipment; and a copy is provided to the City.

Novachek asked of the registration fee and when it was last increased. Thoen responded \$30 and last increased in 2004. He added the historically there was a tiered pricing, early registration at \$25, there is a student fee of \$20. The Mayor referenced last year's discussion at Council, and other events paying for services, noting the Birkebeiner charges a surcharge to pay for needed services. Discussion ensued. Thoen added that BATB has had a tremendous relationship with the cities of Ashland & Washburn and Washburn has been a wonderful host, BATB has no intention of pulling out the City.

Public Works Director Schutte expressed the concern that if BATB is allowed to do the plowing, this sets a precedence, and what happens with the next vendor and the next, and at some point, there is a loss of control. Maziasz agreed with the concern of setting precedence but suggested being open-minded and having the mechanisms and structure in place, realizing the need to back out if problems do occur. Discussion continued. Tulowitzky asked why BATB feels it's important that they do the plowing. Thoen responded that the intent for plowing is the area where they place their two large tents. He continued, if the ground is plowed too early, frost sets in and it is harder to drive the stakes for the tents.

Anderson stated that this was a similar conversation to last year and the Council urged BATB to consider raising fees to offset the expenses incurred by the City. The Mayor added that aside of plowing, which is a large part of the costs, there are other expenses involved. She then asked when registration would be opened. Thoen responded that registration was already open. The Mayor questioned why registration was open, before an agreement was made with the City, and the City has been trying to resolve reimbursement of expenses for a long time. Thoen responded that BATB initially began as a fundraiser for the Washburn Public Library, then it evolved into a partnership with the Tri-County Medical Society, and then evolved into a work-group program. The overall purpose is for community wellbeing and youth engagement regardless of socioeconomic status so that local families can participate in the event. He continued that BATB feels that increasing the fee would be counterintuitive to its purpose. McGrath stated that the City has been asking for cost reimbursements for many, many years. And every year, BATB does not plan for this, so the City allows it one more time, and the next year and again and again, it's the same thing. McGrath concluded that to state in your email about moving BATB out of Washburn is not a worthy statement of your group. Melissa Martinez, Washburn Chamber Director, stated that everyone is supportive of this event and that she has been to these meetings where promises have been made, but have not come to fruition. She shared examples specific to the Chamber and the concern of things always being pushed off. Ms. Martinez concluded that if, in the future, the City is requesting payment for services for Chamber events, the Chamber would be happy to do so.

Maziasz added that BATB states they've dispersed \$248,000 over the region, at some level surely there could be something worked out for some type of compensation. She ended noting the comment made in BATB letter about if Washburn received payment would set the precedent for Ashland. Thoen responded to the items identified by Ms. Martinez. He further stated that several hundred thousand dollars over the course of twenty-five years is relatively impressive; but year-to-year, bad turn-out or cancellation, the costs for BATB do not go away. Thoen added that the volunteer workgroup project makes the event more sustainable, and the board does not want funding to go away from these groups and reallocate it to city administration. Funding goes back to the community that makes the event happen. Discussion continued. Kluver noted an

incompatible goal that has been identified. BATB would like the plowing late, so the ground does not freeze as deep; and the City would like the plowing early so the ground freezes deeper and protects it from damage. Thoen added with the heaters in the tent, on for several hours, the ground does thaw which can lead to turf damage.

Anderson stated the only way moving forward is to raise fees. He added that BATB could institute a local's fee or scholarship if they are concerned about the local community. The City of Bayfield charges for Applefest, and the taxpayers of Washburn should not continue to offset the costs to do business. Anderson concluded that as a business owner, this a nice boost to the economy, and there has to be a way that BATB and the City can work this out. Broberg moved to amend the motion to include that the City does the plowing and to charge for the direct costs, seconded by Neimes. Motion to amend the original motion fails; McGrath, Neimes, Broberg voting in favor; Maziasz, Tulowitzky, Anderson, Novachek voting against. Lindsey added that according to Ordinance 12-1-5(l), the City has the ability to charge for cleanup costs, which is agreed upon by the user when they sign an application for and receive a permit for exclusive use from the City. It is also required that the user provide proof of insurance and indemnification. Discussion continued about an MOU and what should be included. The Mayor further suggested an optional donation to be included on registration to help cover the burden of operational costs. McGrath moved to amend the motion to exclude snow plowing (Item 1.b.i. of the request) and allow for further discussion, seconded by Novachek. Motion to amend the original motion carried unanimously. Motion to approve the amended motion for the Request as presented for Book Across the Bay in 2023 excluding snow plowing carried unanimously.

**Discussion & Action on Proposed 2023 Stormwater Utility Budget** – Novachek moved to tentatively approve the proposed 2023 Stormwater Utility Budget, seconded by Neimes. Motion carried unanimously.

**Discussion & Action on Updates to/Recommendations on Proposed 2023 General Fund, Capital, and Debt Service Budgets** – Novachek stated that the Finance Committee has reviewed these budgets, including cost increases and determined it is a solid budget to address the needs of the City. The Mayor added that the tennis courts and sidewalks should be added to the unfunded category. Novachek added appreciation that windows for City Hall is on the list for capital projects. She then reviewed the other projects identified for capital funding. Novachek moved to tentatively approve the 2023 General Fund, Capital & Debt Services Budgets, seconded by Anderson. Kluver stated that the City received notification of Highway Aid will be \$6,000 less next year. Discussion continued. Maziasz asked about the cable franchise fee. Kluver explained this is a revenue source from the State and cable providers. Motion carried unanimously. Kluver further requested that \$5,000 of streets funding be moved to Ambulance Service to assist in funding a new ambulance UTV. Their current UTV will then be transferred to Public Works. Anderson moved to approve the request to move \$5,000 from Streets to the Ambulance budget, seconded by Neimes. Motion carried unanimously. Discussion continued regarding the Parks Designated Fund.

**Discussion & Action on Proposed 2023 Fee Schedule** – The Mayor began discussion by stating that if the Flea Market License fee was to be eliminated, it would require an ordinance change. Anderson moved to approve the 2023 Fee Schedule as presented with changes, seconded by Novachek. Anderson asked about the Alarm Permit, which is recommended to be eliminated. Kluver responded that if a building has a fire alarm, with a fire alarm service connecting to 911, there is supposed to be a permit issued. Kluver continued that these have not been issued in more than 30 years, and that there are only two in the City. Anderson then asked about the Flea Market License. The Mayor responded that the recommendation is to raise the fee. Anderson further asked about the recommendation to eliminate the Electrical Permit fees, but not Plumbing. Kluver responded that it was considered to remove the Plumbing Permit fees as they are rarely issued, but that it wasn't recommended at this time. He further added that there are separate issues regarding Electrical, the State guidelines are strict, and it is hard to enforce. Discussion continued, including the thought to eliminate Plumbing & HVAC Permitting as well. Kluver added that the main purpose for permitting is to have a record of improvements on the property and to track property values. Anderson suggests keeping the Electrical Permit fees. Discussion continued including the Monuments Permit fee at the Cemetery and the Boat Mooring fees. Discussion then occurred regarding Camping fees. Maziasz asked about Seasonal Camping fees. Kluver responded that the Seasonal Camping rate is based on 55% of the maximum daily rate for a campsite. He continued that seasonal sites are limited at each campground and that they have been moved over the year to not be considered prime campsite locations. Anderson moved to amend the motion to keep Electrical Fees

and eliminate the Monuments Fee, seconded McGrath. Motion to amend the original motion carried unanimously. Kluver added that the fee schedule states sand provided for the Sidewalk Replacement Permit, this will be changed to topsoil provided. Motion to approve the amended motion for approval of the 2023 Fee Schedule keeping Electrical Permits & eliminating Monuments Permit carried unanimously.

**Discussion & Action on Resolution 22-006 Endorsing the Bayfield County EMS Study Committee Final Report** – McGrath moved to approve Resolution #22-006, seconded by Neimes. Motion carried unanimously.

**Discussion & Action on Street Use Permit for Halloween Parade on Washington Avenue and W. 8th Street on October 29 from 1:00 until 2:30 – Washburn Chamber of Commerce, Petitioner** – McGrath moved to approve the Street Permit for the Halloween Parade, seconded by Tulowitzky. Motion carried unanimously.

**Adjourn** – Mayor Motiff adjourned the meeting at 8:18PM.

Tony Janisch  
Assistant City Administrator

**FINANCE COMMITTEE MEETING 4:30pm**

Committee Members Karen Spears-Novachek, Laura Tulowitzky & Mary McGrath reviewed monthly expenditure vouchers.