

October 14, 2019

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM Washburn City Hall

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

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

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 September 9, 2019 - A motion was made by Novachek to approve the September 9, 2019– minutes, second by Broberg. Motion carried unanimously.

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

Public Comment – Connie Wroblewski, 716 W. 8th St., stated that she spoke recently to council, via video, regarding sidewalk obstructions. She held up a flyer regarding sidewalk obstructions that the City had mailed with utility bills. Wroblewski further stated that she wanted to verify the intent of the City to take a passive action with obstruction to sidewalks. Kluver responded that as was discussed at the council meeting, the City would be taking efforts to notify the public of this issue. And that the City would consider enforcement actions next year. Wroblewski further stated that she is being told the City is taking a passive action even though Wisconsin statute 66.097 is clear that no sidewalk shall be obstructed, and that the City has three ordinances that people are given 24-hr notice for trees and vehicles to be removed. She further clarified that this passive action does not qualify all people who use pedestrian ways including those with disabilities, aged people, people with gait problems. Avol asked what she means by passive action. Wroblewski answered that passive action means the City is not taking an active role in upholding the ordinances that have already been established. Avol stated that he believes they are to the best of the City's ability with its limited resources. Wroblewski further stated that at the last meeting it was stated that there were no grant moneys available for sidewalk repair and a letter on social media regarding the amount of time it takes to write grants. Wroblewski stated that she spoke with Joanna Storm, Wisconsin Dept. of Administration and Bill Zimmerman, Wisconsin Dept. of Transportation regarding what grants and funding that are available to the City. She provided information on five resources the City may be eligible for.

Mayoral Announcements, Proclamations, Appointments- The Mayor noted a vacancy on the Harbor Commission. He further stated that he, and several others, attended a Zoning Fundamentals Workshop with very valuable information and offered to share the information with council members. The Mayor then recommended adjusting the agenda to discuss two later items first. Moved by Broberg and second by Novachek to move up discussion on Ordinance 19-012 Chronic Nuisance Properties and Thompson's West End Dock Replacement Project Bid Acceptance. Motion carried unanimously.

Discussion & Action on Ordinance 19-012 to Allow the Regulation of Chronic Nuisance Properties – City Attorney Lindsey stated that this ordinance was presented by Police Chief Ken Johnson. There are a few properties in town that historically have a high number of police calls. The ordinance is a method of recouping the costs from chronic nuisance properties and put an onus on the owner of the property to better manage their conduct or that of their tenant. Citations can be issued to individuals, in the case of tenants, this is an incentive for owners to address chronic nuisance tenants. These types of ordinances are being used by other municipalities. Novachek questioned that there is not an amount listed for cost recovery. Lindsey responded that if this were a citation; a specific amount would be identified. And police have the discretion to issue citations. In this case, cost would vary depending on the number of officers called and

amount of time at the incident. Austin asked about the case of a neighbor calling in a complaint that was unfound. Lindsey answered in that case the person/property making call would have the chronic nuisance regulation. Mayor Avol noted the list of nuisance activities identified, then stated at the time of the call these would be accusations not convictions. Lindsey stated that the ordinance defines a veritable event where the police witness the behavior or it was observed by a creditable person, and it is up to the discretion of the officer. Avol recommended to include Assistant Chief of Police along where Chief of Police is listed in the ordinance. Moved by McGrath to adopt Ordinance 19-012, second by Broberg. Kluver stated that there was a citizen request to discuss whether the homeowner or the renter would be subject to citation. Lindsey responded that the tenant would receive the citation for the nuisance activity, but the homeowner would be charged for the call for allowing these nuisance activities to continue. Motion carried unanimously.

Discussion & Action on Acceptance of Bids and Award of Contract for the Thompson's West End Launch/Dock Replacement Project – Kluver stated that bids were opened this past Thur. for the Thompson's West End Dock Project. He further stated that this was a re-bid from the initial one a few months earlier with the attempt to modify the project and reduce overall costs. Kluver further stated that 6 bids were received this time, as compared to the 2 received prior. All six bids were valid with the lowest being from Pearl Beach Construction in the amount of \$560,461. While this is still higher than anticipated, Kluver believes the City can still proceed with construction. Kluver stated that to make costs and its contingency, up to \$120K of additional funds would be needed from the Park Designated Fund. Maziasz asked for more information about the Park Designated Fund. Kluver answered that there was currently \$175K in the fund, it gets replenished through camping fees (\$4 per site use) at a rate of \$25K-\$30K per year. Its intent is for park capital improvements. Moved by McGrath to accept the bid and award contract to Pearl Beach Construction, second by Neimes. Motion carried unanimously.

Mayor Avol further requested to move up discussion action of the Regional Housing Collaboration Efforts. Moved by Broberg to begin discussion of Participation in the Regional Housing Collaboration Efforts, second by Maziasz. Motion carried.

Discussion & Action on Participation in Regional Housing Collaboration Efforts – Kellie Pederson, UW Extension Bayfield Co., gave an update of the progress of the regional housing study efforts since she last spoke with Council. Bayfield Co. and Ashland Co. both approved participation in the study, as well as several towns and cities. The Town of Washburn approved participation on the contingency that the City of Washburn join the effort. The Town of Bayview did not approve participation in the study. Avol asked about the Town of Barksdale's participation. Pederson responded that she has not seen it on their agenda. Avol then requested the Council approach in two parts. First to discuss the City of Washburn's portion of the study costs, and second the costs of the townships. Novachek moved to allocate \$3,082.20 to cover Washburn's participation in the housing study, second by Austin. Austin stated that he felt this was a good opportunity to get actual data to assist with any conversation moving forward regarding development. Maziasz stated agreement to Austin's statement and the need for comprehensive planning to move forward with development. Her question is if its valuable to have other townships included, with cost of \$3,000 vs \$5,000 when they just discussed a \$560K repair to a dock she feels that the City should be able to afford these costs. Kluver stated that he would like the motion to clarify what fund these costs would be coming from. Novachek moved to amend her motion to allocated \$3,082.20 from the TID 3 budget. Austin agrees his second. Maziasz asked to explain how this could be funded with TID 3. Kluver responded that the purpose of a TID is to encourage development at certain locations within the city. If the City was to take funds out of the TID budget, the intention would be that development occur within that district. Avol stated that he was not in favor of using TID funding because the study could identify housing development outside the TID district or even on non-City owned land. He further stated that loading the TID with debt that is not associated with the TID is not a good idea. Pederson clarified that because the Town of Washburn has already pledged support, the total costs with towns would be \$4,755.30. McGrath questioned the longevity of the study; how useful will it be into the future. Avol added that in order for a developer to receive WHEDA funding they would also have to do a study. Pederson responded that this housing study would look at the broader needs of the area, while a developer would be looking at a specific site. The housing study would of essence be a needs assessment, while developer would be conducting a feasibility study. Novachek asked of the balance in the Bayfield St. Façade Renovation Loan Fund. Kluver answered that he believes there is \$60K in the

fund. Maziasz the TID budget and façade loan fund were the best options to find funding. Kluver stated that these were the only options without taking funds from the General Fund. Neimes commented that these funds might be better spent attracting lake-based industry. Maziasz responded that she felt this was occurring with the sale of city owned properties and that the information from this study would be very valuable. Avol included the sale to Pearl Beach Construction is a lake-based industry. Discussion continued. Maziasz proposed to amend the motion on the floor and to allocate \$4,755.30 from the Bayfield St. Façade Renovation Loan Fund. Novachek accepted the amendment, Austin agrees with his second. Motion carried unanimously.

Discussion & Action on Conditional Use Permit Amendment for Elevated Vision Tattoo at 331 W. Bayfield Street to Extend Hours of Operation – Keith Peterson, Petitioner – Tulowitzky stated that Peterson would like to extend his closing time. Avol added that at the current closing time, Peterson can get one tattoo completed. By extending the hours, he could do more in one evening and take in more revenue. Moved by McGrath to amend the conditional use permit for Elevated Vision Tattoo on Bayfield St. to extend hours of operation, second by Tulowitzky. Motion carried unanimously.

Discussion & Action on Resolution #19-009 2019 Harbor Commission Budget Amendment #1 – Broberg stated that this resolution brings the budget in alignment with actual expenses. No discussion. Moved by Broberg to approve Resolution No. 19-009, second by McGrath. Motion carried unanimously.

Discussion & Action on Resolution #19-010 2019 Capital Budget Amendment #1 for the Purchase of Fire Department Brush Truck and Other Capital Budget Changes – Kluver stated that a request for a new Fire Department Brush Truck came after the 2020 Budget was drafted. He further stated that if this vehicle is to be purchased, it would have to occur this year. Kluver stated that the City could afford \$40K, however the cost of the vehicle is higher but that the difference would come from the Friends of the Fire Department fundraising funds. Kluver presented that the City's portion would come from \$20K of frozen Capital Budget and \$20K from the income of property sale to Pearl Beach. Moved by Novachek to approve Resolution No. 19-010, seconded by Austin. Motion carried unanimously.

Discussion & Action on Resolution #19-011 2019 General Fund Budget Amendment #1 to Use General Fund Savings for the Purchase of a Fire Department Brush Truck – Kluver stated that this is the second part of the Brush Truck purchase, transferring funds from the General Fund to the Capital Budget. Moved by Novachek to approve Resolution No. 19-011, second by McGrath. Neimes questioned if the cost share from Towns would not occur until 2021. Kluver answered that per the contract, any purchases occurring after Sept. 1st would be paid back in the next budget cycle, in 2021. Motion carried unanimously.

Sandra Raspotnik, Chairperson Town of Washburn, asked what the full cost of the new truck would be and if the towns would be expected to pay their portion of the cost all at once. Kluver answered that the estimated cost is \$58K. Avol stated that under the current contract, yes payment is in full. Kluver added that costs would not occur until 2021, and that a new contract with towns will need to be negotiated next year. Raspotnik further asked if the total purchased cost of the truck would be passed on or if it would only be the City's portion of the purchase. Discussion ensued. Broberg moved to reconsider the previous motion, second by Novachek. Motion carried unanimously. Novachek moved to approve Resolution No. 19-010 for \$40,000 to purchase a brush truck and this amount be used to determine the cost share percentage to the Towns, second by McGrath. It was then determined that only the city's portion of the cost would be passed on to the towns. Motion carried unanimously.

Discussion & Action on Recommendations/Updates Related to the 2020 General Fund Operating, Capital, and Debt Service Budgets – Novachek stated that as chair of the Finance Committee, she believes the committee due diligence going through the budget category by category to best proceed with continuing services and meeting some of the new requests. Kluver stated that this revised budget includes the now known costs for health insurance and highway aid. He stated that the finance committee did not make changes to the operating budget, however the City would have to anticipate up to six elections next year and will need to add \$3,600 for the special elections and find the funds from another budget line. The bulk of discussion was over capital expenses, these being \$50K for West End boat ramp, \$69K for Central Ave. reconstruction, \$40K for City Hall, and \$220K for a new ambulance. Kluver then stated that the actual estimate cost for the ambulance was \$228,290; \$8,290 over what was budgeted. Kluver stated that the difference could be made up through

savings from the City Hall expenses or if a grant was received to assist with Central Ave. Discussion ensued. Raspotnik, Town of Washburn, asked if this was the total cost for the ambulance or just the City's portion after the costs to towns have been factored out. Kluver stated that this was the total cost for the ambulance. Maziasz asked for further information about the Central Ave. project. Public Works Director Anderson explained how the street reconstruction would be done. Maziasz further commented that a lot of the traffic on Central Ave. comes from the County, because of the location of the garage, and asked if the County were contributing to the costs. Anderson stated that the highway dept. has been informed about the project, and further stated that the greatest toil on the streets is from garbage trucks, but that Central Ave. does receive a lot of traffic from the County and also boat trailers. Novachek asked about the water meter replacement project. Kluver answered that that project was not included in this budget and that it best be completed through a short-term loan. Kluver noted that the finance committee made a recommendation regarding the water meter project but that it was not ready for action at this time. Novachek moved to approve the 2020 General Fund Operating, Capital, and Debt Service Budgets as presented. Motion failed due to lack of a second. Kluver cautioned approving the budget without reflecting the shortfall for election costs and the ambulance. Discussion continued. McGrath moved to remove \$5,000 from the Homecoming budget, second by Neimes. Broberg, Tulowitzky, Austin, Maziasz, Neimes, McGrath voted in favor, Novachek voted against. Motion passed. Novachek moved to tentatively approve the 2020 General Fund Operating, Capital, and Debt Service Budgets as modified, second by Broberg. Motion carried unanimously. Kluver added that the next meeting will include a public hearing on the tax levy and that it will be a week later, Nov. 18th.

Discussion & Action on 2020 Fee Schedule - A motion was made by McGrath to accept the 2020 Fee Schedule, second by Broberg. Neimes questioned the premium camping site fee not being used this year and if it will be used next year. Kluver stated that it still needs to be determined how best to implement and manage fee collection for premium sites. Motion carried unanimously.

Discussion & Action on 2020 Stormwater Utility Budget – No discussion. A motion was made by McGrath to approve the 2020 Stormwater Utility Budget, second by Novachek. Motion carried unanimously.

Alcohol Licensing Matters – New Bartender License Applications - #21-36 Through #21-37 – A motion was made by McGrath to approve New Bartender License Applications – #21-36 through #21-37, second by Austin. Motion carried unanimously.

Adjourn – Motion to adjourn by McGrath, seconded by Neimes. Motion carried unanimously. Meeting adjourned at 7:30 pm.

Tony Janisch
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30PM

Committee Member Karen Spears Novachek, and Mary McGrath reviewed monthly expenditure vouchers.