

November 13, 2023

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM

Washburn City Hall & Remote Video Conferencing

City Council Members:

Present, in-person:

Tom Neimes, Jared Trimbo, John Hopkins, Tracey Snyder,
Dave Anderson, Mary McGrath, Jennifer Maziasz

Present, remote:

none

Municipal Personnel:

Present, in-person:

Mayor Mary D. Motiff, City Administrator Scott J. Kluver,
Asst. City Administrator Tony Janisch, City Attorney Max Lindsey,
Public Works Director Gerry Schuette, Fire Chief Mark Guenther

Present, remote:

none

Absent:

none

Call to Order - Meeting called to order at 5:30pm 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 of October 9, 2023; Board of Review – October 16, 2023 - A motion was made by Neimes to approve the October 9, 2023 minutes of the City Council and the October 16, 2023 minutes of the Board of Review, second by Trimbo. Motion carried unanimously.

Approval of Expenditures – A motion was made by Neimes to approve the monthly expenditures, second by Maziasz. Motion carried unanimously via a roll-call vote.

Public Comment – Karen Novachek, 610 E 4th St., chair of the ad-hoc Beautification Committee, gave an update on the committee stating that they are in the process of developing a survey for citizens to weigh in about beautification on Bayfield Street. They are finalizing the survey with Northland College, who will compile the information. She anticipates that the survey will be ready in 10 days and will be available for a 30-day comment period, with the results being available in January. She concluded that the committee will host a community meeting in March to share results of the survey and gather further input for beautification.

Bo Bélanger, Ashland, owner South Shore Brewery Taphouse, informed Council that legislation has been proposed to State Liquor Laws to allow breweries to hold a liquor license (“Class B”) which is currently not in the law. It has passed the Assembly, and the Senate is hearing it now. Anticipating a change, it would allow his brewery to hold a liquor license. He continued that since the Brewing Badger project has been put off for a few years, he would be interested in obtaining the available license. He has an established business with a clientele and the financial means to upgrade. He concluded, not knowing the good cause reasons for an extension, that there are a lot of businesses in Washburn that have suffered financial hardships and prosperities that would benefit with the license.

Jewel Pickert, 17 E 3rd St., began by commending City Council and administrators for thoughts and thoughtfulness working on the Bayfield St. Reconstruction Project. She continued that she was not in favor of the Indigenous People Day proclamation last month and erasing Columbus Day, it should be on a different day and not erase our history. She did not like the terms used, systemic racism and racial equity. These are contrary to the Constitution which says we are all created equally.

Jacob Kaiser, 74510 Lakeshore Dr., executive director Bayfield Recreation Center, which operated the North Coast Community Sailing program, expressed concerned with the direct legislation proposed ordinance and the language is very vague as it relates to programs they operate. He continued that depending on how you read the ordinance it would prohibit the program from being a part of Washburn.

North Coast Community Sailing has been a part of the community for 25 years, promoting silent sports and bringing up the next generation of sailors. He concluded to look at everything being affected by the ordinance, not just the intended purpose.

Roth Edwards, 221 W 6th St., read from a handout that he provided to Council regarding the proposed camping development on the Lakefront Property and the petition for direct legislation. Stating that in a truly representative democracy, the elected representatives are responsible to the electorate.

Mayoral Announcements, Proclamations, Appointments – The Mayor made no announcements, proclamations, or appointments.

Discussion & Action on Recommendation to Approve Conditional Use Permit Application for Chequamegon Bay Boat LLC for Heavy Vehicle Sales and Service at 706 W. Bayfield Street – Robert B. Hartzell II, Petitioner – Anderson moved to approve the Conditional Use Permit for Chequamegon Bay Boat LLC; seconded by Neimes. Discussion occurred regarding process for issuing a conditional use permit and when one was needed. Motion carried unanimously.

Discussion & Referral of Request to Vacate the Unopened Triton Avenue Between Grandview Boulevard and Sunrise Avenue – Darren & Tera Miller, Petitioners – Neimes moved to refer the request of vacating unopened Triton Ave between Grandview Blvd and Sunrise Ave to the Plan Commission; seconded by Snyder. Kluver gave some background that the DuPont Park Subdivision was platted in 1918 in the style of land development at the time with small lots and alleys. However, the City didn't allow development until the 1960's and property styles changed but the subdivision was not replatted. He continued that a handful of streets have never been opened, but that also have not been vacated, and at some point, a DuPont Linear Park/Trail was planned but never developed. And with the potential housing development on Bayfield Co. property, there is a possibility of creating and linking trails together. Discussion ensued. The Mayor asked if a recreation easement could be created or if the trail could be relocated to a lower street. Maziasz commented that we continue to make changes for the present, but do not look at the future or unforeseen things until they happen. Motion carried six (6) to one (1), Maziasz voting against.

Discussion & Action on Proposed Certified Survey Map in NE Corner of STH 13 and Williamson Road – Mark Stinton, Petitioner – McGrath moved to approve the Certified Survey Map for the NE corner of STH 13 and Williamson Rd, seconded by Neimes. Motion carried unanimously.

Discussion & Action on Proposed Certified Survey Map in Block 3 of L.N. Clausen's Addition, 1101 N. Washington Ave – Kristen Bobb, Petitioner – Kluver stated that one of the issues with dividing this property is that any development on the new parcel would require connection to sewer and water utilities, and this could be quite expensive. Maziasz asked if there were any other options. Kluver responded no, because federal funding was accepted for the original utility extension, it was stipulated that all new development must connect. He continued that if all open lots in the area were to develop and connect to utilities, it would be more affordable to share the costs. McGrath moved to approve the Certified Survey Map in Block 3 of LN Clausen Addition at 1101 N Washington Ave, seconded by Snyder. Motion carried unanimously.

Discussion & Action on Good Cause Extension to Development Agreement with The Brewing Badger LLC – Badger Colish spoke to Council, stating one of the delays was waiting for construction cost estimates which he did not receive until Oct. 16th, and which was needed for discussions with the general contractor. He continued that he is planning for construction during the winter and will soon be laying down frost blankets over the construction site to stop frost from entering the ground. The Mayor added that she was speaking with Mr. Colish regarding progress and that the bank was requiring additional information but could not get until the cost estimates had come in. Colish concurred. Matt Crowell, Chippewa Valley Bank, stated that this is a viable project and funding sources are coming together, and they have received the information needed to move forward. He added that the bank is

supportive of the project. Discussion continued. Maziasz asked of the intent for winter construction if he doesn't have a signed contract. Colish responded that the project is currently out to bid, to 5 places, and it is specifically for winter construction. Anderson moved to approve an extension of the Development Agreement with The Brewing Badger LLC, seconded by McGrath. Lindsey commented that in Sept. 2022 Mr. Colish came before council for approval of demolition. It was asked at that time if an extension was needed, and it was not. Lindsey asked the need for an extension now. Colish responded that it was because design plans and costs did not come back in time. Lindsey continued that a 12-month extension was built into the original agreement, which would then push the opening date back to Dec. 31, 2024; and if not, the property would revert back to the City. Motion carried unanimously.

Discussion & Action on Direct Legislation Petition for Ordinance 23-008 to Require Referendum for the Sale or Commercial Use of Certain City-Owned Lakefront Property – Anderson moved to deny the approval of Direct Legislation Petition for Ordinance 23-008 to Require Referendum for Sale or Commercial Use of Certain City-Owned Lakefront Property, seconded by Neimes. Kluver noted that if denied, this would push the matter to a referendum at the April election. Discussion ensued. The Mayor commented that this could affect other groups/activities like North Coast Community Sailing. Maziasz stated that unintended consequences can be a problem, but it is the community bringing the process forward. Lindsey noted that other current city ordinances could be affected if the direct legislation passes. Motion carried unanimously.

Discussion & Action on Approval of Thompson's West End Park Campground Expansion Plans and Authorization to Bid – McGrath moved to approve Thompson's West End Campground Expansion Plans, seconded by Neimes. Nicole Hodkiewicz, Cooper Engineering, discussed construction design plans and costs with Council, as well as next steps if plans are approved. Snyder asked about the public community space and native planting that were discussed for the open field area between the yurts. Kluver responded that this was not identified on the construction plans. Maziasz asked how the design would be impacted by the upcoming referendum. Kluver responded that the yurt portion would be impacted. Lindsey added that if a signed contract was in place before the April vote, the project could move forward. Discussion continued regarding costs and financing. Maziasz moved to Open the Floor, seconded by Snyder. Motion failed three (3) to four (4), Maziasz, Snyder & Trimbo voting in favor; McGrath, Neimes, Anderson, Hopkins voting against. Discussion continued. Lindsey suggested adding alternatives to the bidding, like separating costs for yurt and RV construction. Maziasz expressed concern of not allocating costs/funding for the community space area. McGrath moved to amend her motion to include a community area and native gardens on the Plans, Neimes agreed to this amendment. Motion carried six (6) to one (1), Maziasz voting against. McGrath moved to approve authorization to Bid for Thompson's West End Campground Expansion including Alternates, seconded by Neimes. Motion carried six (6) to one (1), Maziasz voting against.

Public Hearing, Discussion & Action – 2023 (payable 2024) Municipal Tax Levy

- o **General Fund, Debt Service & Capital 2024 Budget Matters & Line-Item Adjustments**
- o **Action on Resolution #23-016 - Adopting the 2023 Tax Levy**
- o **Action on Resolution #23-017 - County Library Levy Exemption**
- o **Discussion on Borrowing for Capital Projects/Equipment**

– Anderson moved to open Public Hearing, seconded by Snyder. Motion carried unanimously. No comments were received. Neimes moved to close Public Hearing, seconded by Trimbo. Motion carried unanimously. Discussion occurred regarding any changes or adjustments to the proposed General Fund, Debt Service & Capital 2024 Budgets. McGrath moved to approve Resolution 23-016 the 2023 Municipal Tax Levy, seconded by Neimes. Motion carried unanimously. Snyder moved to approve Resolution 23-017 the County Library Levy Exemption, seconded by Maziasz. Motion carried unanimously.

Discussion occurred regarding a borrowing for capital projects & equipment. Kluver stated that with the cost of the Bayfield Street Project next year, a borrowing was necessary. He continued that this would

also be the opportunity to borrow for needed equipment or priority projects that would otherwise be difficult to find funding for. Kluver directed attention to the priority list identified by the Personnel & Finance Committee, noting the top priority of replacement of a fire truck. Fire Chief Guenther addressed Council with reasons for fire truck replacement, stating that Engine 1 has nearly 20 years of service and Engine 2 has 30 years of service and it is difficult to find parts when needing repairs. His recommendation to move Engine 1 to the back-up fire truck and replace Engine 2 with a new fire truck; the estimated cost being around \$1 million. Council continued discussion of the priority project list, including West End Park Campground expansion. Hopkins moved to Open the Floor. Motion failed for lack of a second. Kluver proposed inviting Town representatives to the next council meeting, to be part of the discussion for purchasing a new fire truck as the cost would be shared among them. He continued that the timeframe to complete projects/purchases would be 2 to 3 years, and that the identified usage for the bonds must be noted. Lindsey recommended code codification, adding that if online it would be easier for the public to use. Noting consensus of the priority list, Kluver concluded discussion stating that it will be important to keep the debt amount stable.

Discussion & Action on Council/Committee Per-Diem Rates – Kluver stated that the purpose of the increase to catch up and be more inline with the County’s per-diem rates. He gave the example of the Washburn Housing Authority serving together with the Bayfield Co. Housing Authority; however, the county members receive a higher per-diem. Neimes moved to approve the Council & Committee Per-Diem Rates, seconded by Trimbo. Discussion continued regarding rate increases, which committees do (Plan, Zoning, Housing, Personnel & Finance) and do not (Harbor, Parks, Library Board) receive per-diems, and when new per-diems would go into effect (Council would go into effect after their next election, committees would go into effect at the new budget year). Maziasz advocated that the Parks Committee receive a per-diem. Trimbo questioned the need for Council per-diems to increase. Vote on the current motion failed unanimously. Trimbo moved to maintain Council Per-Diem Rate at \$80, add the Parks Committee to receive Per-Diem, & increase Committee Per-Diem Rates to \$75, seconded by Maziasz. Motion carried unanimously.

Discussion & Action on Approval of 2024 Water and Sewer Utility Budgets

o Action on Sewer Rate Increase

– McGrath moved to approve the 2024 Water & Sewer Utility Budgets, increase the Sewer Rate, and apply for a Water Rate increase, seconded by Neimes. Motion carried unanimously.

Discussion & Action on Ordinance 23-009 Modifying ATV/UTV Regulations – Lindsey stated that some of the other items discussed at last month’s meeting on this topic, like helmets, do have state regulations and can be enforced by the Police Dept. and the changes in the proposed ordinance are to the route. Discussion ensued. Lindsey provided further clarification regarding State codes and allowable routes. He continued that if only residential access to current routes is allowed, it would be difficult to enforce. Snyder expressed concern about opening all roads in the City. Anderson moved to approve Ordinance 23-009 modifying ATV/UTV Regulations with the replacement of (f) designating all roadways under City jurisdiction as routes, seconded by Trimbo. Motion carried five (5) to two (2), Maziasz and Snyder voting against. Lindsey brought up an inconsistency now with Ordinance 22-002 that identifies snowmobile routes in the City, which also include ATVs. McGrath moved to amend Ordinance 22-002 and remove ATV wordage, seconded by Trimbo. Motion carried five (5) to two (2), Maziasz and Snyder voting against.

Adjourn – Mayor Motiff adjourned the meeting at 8:57pm.

Tony Janisch
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30pm

Committee Members Tracey Snyder, Tom Neimes, and Mary McGrath reviewed monthly expenditure vouchers.