

February 10, 2020

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM Washburn City Hall

Present: City Council Members: Karen Spears-Novachek, Laura Tulowitzky, 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

Excused Absence: Jennifer Maziasz, Mary McGrath

Call to Order - Meeting called to order at 5:30PM by Mayor Avol. Roll call attendance depicted five (5) of seven (7) members of the Common Council in attendance. Quorum of the Council recognized.

Approval of Minutes – City Council Meeting of January 13, 2020 - A motion was made by Novachek to approve the January 13, 2020 minutes of the City Council as corrected, second by Broberg. Motion carried unanimously.

Approval of Expenditures- A motion was made by Novachek to approve the monthly expenditures as reviewed, second by Austin. Motion carried unanimously via roll call vote of five (5) councilors in attendance.

Public Comment – Mary Motiff, 302 W. Omaha St, invited the Mayor, City Council & City Staff to attend an upcoming presentation sponsored by the Business Alliance. The presentation will feature Kellie Pederson of UW-Madison Extension, to discuss four programs offered regarding community decision making and planning, on March 12th, 6:00 pm at Harbor View Event Center.

Mayoral Announcements, Proclamations, Appointments- The Mayor nominated Rick Gruebele to the Harbor Commission. Moved by Novachek to appoint Rick Gruebele to the Harbor Commission, second by Broberg. Motion carried unanimously. Avol noted the passing of Rose Hovey, community resident, wife of former fire chief & mayor, and past co-owner of the Firehouse Bar with her husband. Avol also noted that the group that presented to Council regarding conducting an area housing study had received their \$50,000 grant for a housing survey.

Discussion & Action on Amendment to City’s Naming Policy – Neimes stated that Niles Eilertsen has a long-time involvement with the community, starting and coaching the little league, working with a lot of kids including troubled youth, and currently working at the ice rink. Instead of a plaque, the right thing to do is to name the ball fields after Niles. Kluver stated that he respects the contributions that Niles Eilertsen has made to the city. Kluver further stated his concern with changing the naming policy is that there will be future request, and some may be awkward to reproach. The standards and criteria are in place to help manage these requests. Avol stated that he is not in favor of the change, because he feels it is not good policy to adopt a change for one person. The criteria are in place to take out the emotion and spur of the moment decisions. Moved by Neimes to amend the City’s Naming Policy, second by Austin. Austin stated that it seems like a slam-dunk in this particular case but is concerned of the precedent it might set and that others have been denied requests citing this policy. Novachek stated that we need to look at policy without personalizing it. Neimes votes yes. Tulowitzky, Novachek, Austin, Broberg vote no. Motion failed.

Discussion & Action on Ordinance 2020-01 Establishing Sex Offender Residency Restrictions – Avol stated that he posted this ordinance on the Mayor’s Facebook page and only received some general comments. Tulowitzky stated that she received no feedback from her constituents, but in the end the goal is for a safer community. Tulowitzky noted an email (from Michael Malcheski) that was received and forwarded to Council. Attorney Lindsey answered, in reference to this email, that when the individual is on supervised release, bond, probation or parole, the State does have oversight and protections are in place. However, once the sentence has been served, the only restriction is to register where they live. Austin stated that, in researching sex offender ordinances, he found zero evidence that these are effective if the intent is to stop second offenses. On the contrary, it actually creates conditions that make it more likely a second offense will

occur. Novachek concurred that she found little evidence of effectiveness but does agree for the need to provide safety for our children. Novachek further noted the revised map including only schools & playgrounds as safety zones as a good place to start. Neimes added that he has spoken with constituents and been asked why some offenders can live where they are. Austin asked about creating restricted zones instead of residency requirements, thus limiting use or loitering in places like parks. Lindsey answered that this was possible but may be difficult to enforce if someone was visiting from out of town and the individual was not known by police. Broberg prefers the revised safety zone map if proceeding with restrictions because it isolates where children are specifically. Kluver added that prior discussion included the appeal process, being with the Plan Commission. Austin stated that it seemed odd to have the Plan Commission decide appeals. Lindsey stated that the rationale of the Plan Commission is that they are in charge of the placement of things, not the conduct, but where things like housing should or shouldn't be located. Novachek stated that she believes that appeals should be a matter for Council. Tulowitzky stated that she was fine with the Plan Commission making decisions in reference to placement, she then asked if exceptions of residency could be made. Lindsey answered yes, the ordinance allows for exceptions to residency after a hearing open to the public. Avol stated that he is not in favor of the Plan Commission making these decisions. Plan Commission members are appointed to the position, but not elected like that of Council, and not directly responsible to the public. Avol further brought attention to Section D of the draft ordinance in the matter of prohibiting rentals and stated that the burden should be on the individual and not the property owner. Council discussed revising and even eliminating the 500 ft residency restriction buffer zone around the safety zones. Kluver added that if any portion of a property touches the buffer zone, the entire property would be restricted for residency. Lindsey answered a question from Neimes that residency restrictions can not be enforced retroactively. Moved by Novachek to modify and approve Ordinance 2020-01 Establishing Sex Offender Residency Restrictions reflective of the safety zones in the revised map and continuing residency restrictions in the buffer zones around the safety zones and that the appeal body move from the Plan Commission to the City Council, second by Neimes. Motion carried unanimously.

Discussion & Action on Administration Goals and Objectives for 2020, Review of 2019 Goals - Administrator Kluver presented 2019 goals for review and 2020 goals for question. Kluver further stated that he would like direction from Council regarding sidewalks. Discussion commenced around sidewalks in the City, including strategic placement of vs abandonment and how to finance. Kluver's synopsis of discussion is that Council would like a plan that identifies areas for good & well-maintained sidewalks and a mechanism to finance the plan. Kluver further explained some of the aspects involved with the goal for the Bayfield Street project. Moved by Broberg to approve Administrative Goals & Objectives for 2020, second by Neimes. Motion carried unanimously.

Discussion & Action on Chamber of Commerce Use of Thompson's West End Park, Memorial Park, Wikdal Park, City Garage lot, City Hall Plaza, and the Coal Dock; N. 5th Avenue West, N. 1st Avenue West, S. 2nd Avenue West, and S. 4th Avenue West; and Relaxation of Open Container and Noise Ordinances all at Certain Times during Homecoming Activities July 24 through July 26, 2020 – No Discussion. Moved by Broberg to approve the request from Chamber of Commerce for Homecoming 2020, seconded by Novachek. Motion carried unanimously.

Alcohol Licensing Matters

Approval of Class B Beer and Class C Wine Alcohol License Application – Ronald Piercy, Karlyn's/Yellowbird Gallery, Petitioner – Moved by Broberg to approve the alcohol license application for Karlyn's Yellowbird Gallery contingent upon needed premises modifications and final inspection of the Washburn Police Department, second by Tulowitzky. Motion carried unanimously.

New Bartender License Applications - #21-46 Through #21-47 – A motion was made by Broberg to approve New Bartender License Applications – #21-46 through #21-47, second by Novachek. Motion carried unanimously.

Denial of Bartender License Application – As a matter of reference, #21-48 was assigned to the Bartender License Application of Jami Lynn Pierre. A motion was made by Broberg to deny the Bartender License Application #21-48, second by Neimes. Motion carried unanimously.

Closed Session Items

Personnel Matters – Evaluation of the City Administrator – A motion was made by Novachek to go into closed session at 7:15 pm pursuant to Wisconsin State Statute §19.85(1) (c), for personnel matters; following which the Council may reconvene in open session to take any action that may be necessary on the closed session items, second by Tulowitzky. Motion carried unanimously via roll call vote.

Adjourn – Motion to adjourn by Broberg, seconded by Neimes. Motion carried unanimously. Meeting adjourned at 7:45 pm.

Tony Janisch
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30PM

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