

March 8, 2021

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM

Washburn City Hall & Remote Call-In

City Council Members:

Present, in-person:

Karen Spears-Novachek, Tom Neimes, Carl Broberg, Dave Anderson, Mary McGrath

Present, remote:

Jennifer Maziasz, Laura Tulowitzky

Municipal Personnel:

Present in-person:

Mayor Mary D. Motiff, City Administrator Scott J. Kluver, Assistant City Administrator Tony Janisch

Present, remote:

City Attorney Max Lindsey, Director of Public Works Gerry Schuette

Absent:

none

Call to Order - Meeting called to order at 5:35PM 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 February 8, 2021 - A motion was made by Novachek to approve the February 8, 2021 minutes of the City Council with the corrections noted, second by Broberg. Motion carried unanimously.

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

Public Comment – Linda Barnes, 5 W 3rd St., asked that the floor be open when discussing the rooming house at 1 W 3rd St. Barb Nuutinen, Marengo, Blue Water Realty, spoke in support of Albert Eitsert, Mand Properties, and his vision to open a rooming house at 1 W 3rd St. She questioned if crime rates were higher in short-term rentals vs. single-family housing, has anybody looked into this. She included the benefits to tourism, but also increases rent value of single-family housing, less wear & tear on the structure because of continual cleaning and it increases the value of surrounding houses. Brian Fleig, 210 Woodland Dr. asked to consider changing the ordinance to allow two garages on bigger lots.

Mayoral Announcements, Proclamations, Appointments- The Mayor shared that the Wisconsin Lake Superior Scenic Byway has received designation as a National Scenic Byway. The Mayor wished Isabelle Moe a happy birthday, on March 16th she will turn 102. The Mayor will proclaim this day as Isabelle Moe Day. She stated that the Coronavirus Food Distribution Program has distributed to 425 families in Washburn. The next distribution day will be on March 30th and the Mayor thanked all the partners involved in making these happen. The Mayor concluded by announced that today was International Women’s Day, celebrating the economic, political and social achievements of women in the past, present and future.

Presentation by Vincent Kurta, Candidate for Bayfield County Judge – Mr. Kurta introduced himself to Council including his experience as a lawyer, now serving at Assistant District Attorney of Sawyer County. Kurta stated that he is a member of the Red Cliff Tribe. Kurta stated that the current judge of Bayfield County has been in the position for a long time, and he is running for Judge to bring change to the County, bringing fresh blood and a fresh face to the position. He served in Governor Evers transition team, advising on criminal justice reform.

Presentation by Jim Whittinghill, Representative of Eagle Waste & Recycling/Republic Services – Mr. Whittinghill introduced himself to Council and stated that he really appreciates working with the City and that staff have shared only positive comments with him. Whittinghill offered Council an open invitation to tour the Eagle River Recycling Facility any time. This facility processes 150 tons of single stream recycling each day. The Mayor asked if the recycling actually got recycled. Whittinghill stated that recently buyers for #3 - #7 plastics have dried up. These plastics (#3-7) now unfortunately go to the landfill. But everything else does get recycled. Whittinghill asked if we could notice the community of this.

Presentation & Discussion on the Washburn Library Annual Report – D. Pendergrass, Presenting – Library Director Pendergrass shared the 2020 Annual Report with Council. Pendergrass stated that the number of checkouts along with the costs determined for each checkout, help determine the funding that will be received that following year. Pendergrass continued, that despite the Library being closed for most of last year, and the number of checkouts being down, they expect to receive that same amount of funding as the year prior. The number of physical checkouts in 2020 was 15,701, less than half from the previous year. The Library offered “sidewalk delivery”, pick-up outside, and offered more hours for this than any other library in Wisconsin. Pendergrass noted checking out ice skates for the first time. In the summer, the WiFi was boosted for better connection outside the building, with more picnic tables being placed outside for people to log-in. Pendergrass provided an update on the Tuckpoint Project. To date, the Library has raised \$187,000, with \$58,000 coming through a mail-in campaign. Along with other approved County and foundational support, the Library has \$330,000 secured for the project. Pendergrass concluded that the Library Board recently voted to open the library after all of the staff have received Covid-19 vaccinations, which should occur by mid-April.

Discussion & Action on Zoning Ordinance Amendment to Allow Up to Two Garages in the R-2 District – Brian and Josie Fleig, Petitioners – Broberg moved to approve Ordinance 21-003 to amend the zoning to allow up to two garages in the R-2 District, seconded by Anderson. City Administrator Kluver stated there was an initial concern of large structures dwarfing the housing around them. He then noted a need to cover/protect RVs, boats or additional vehicles. Kluver added that R-2 are larger lots, and he did not see a problem with an additional structure at these. Motion carried unanimously.

Discussion & Action on Conditional Use Permit Request for a Tourist Rooming House at 1W. 3rd Street – Mand Properties LLC, Petitioner – The Mayor began by stating that while we may be sympathetic to a neighbor being hesitant about a rooming house happening next door, there are very specific statues that must be followed and barring any actual evidence we are obligated to allow the permit. Novachek moved to open the floor, seconded by McGrath. Motion carried unanimously. Broberg moved to approve the conditional permit request for a Tourist Rooming House at 1 W 3rd St., seconded by Neimes. Neimes stated that a concern with the BnB’s is they do raise property taxes, rentals are too expensive and in the long run they may affect the schools with less of a student population. Albert Eitsert, Mand Properties, spoke of his intent to bring people to the area to visit the recreation opportunities here. He continued that yes prices of housing have gone up and yes rentals are expensive, but this is occurring across the State. Novachek asked if Eitsert has received tourist room permit from Bayfield County, and what is the number of occupants that the permit indicates. Eitsert answered that yes, he has received the permit and it did not identify the number occupants. The Mayor added, after clarifying with Bayfield County, that the occupancy is up to the municipality and what the zoning code identifies; and giving the features of the house, it does meet an occupancy for 12. Linda Barnes, 5 W 3rd St., stated that her house is 10 feet from this house. She further stated that the parcel size is not big enough, the size of the house is not big enough, and that the Fire Department does not have a code of occupancy. Barnes further stated that Mr. Eilsert has said that he would only rent to families but questioned how he would verify that only families would be the renters. Barnes continued that she would have to prove that a disruption occurred before action can be taken, but the Eilsert doesn’t have to prove that disruptions will not occur before being permitted. She commented that a continual rotation of large sized groups will be a disruption to the community. Barnes concluded by asking if you would want to live next door to this. Kellyiann Clapero, 9 W 3rd St., lives next to Barnes and has two small children and has a concern of who and what might be coming to the community with this rental like drugs, noise, and disruptions when her children are trying to sleep. Patrick Hoefling, 3 E 3rd St., stated that at first, he was not concerned by this idea, but has since become worried by not knowing who was coming in and what they would be doing. Hoefling concluded that he bought his house to living in a residential neighborhood not to live next to a motel.

Maziasz stated that the zoning codes doesn’t appear to give any flexibility and questioned exactly what decisions the Council can make. Attorney answered that the standard that Council can consider is whether the application meets the standards in Zoning and Ordinances. He included that the State Legislature has taken away a lot of discretion that municipalities have in granting conditional use permits, and more recently discretions with short-term rental. Lindsey continued that any conditions imposed on the permit must be rooted in the ordinances and must have substantial evidence as to why. Councils’ authority is whether or not this application meets the conditions of the codes, and if it does it should be approved. The Mayor added that a conditional use permit can be taken away if issues do arise. Discussion continued regarding any conditions

that could be imposed on the permit. Maziasz stated a need to review the zoning codes specific to this type of activity and maybe to identify locations in the City where these rooming houses are better accommodated to the community. Lindsey added that State legislation does not allow prohibit sort-term rental is zoning districts. Kluver added that if Council chose not to act of this request, there is a time frame imposed and will be approved anyway.

Novachek moved to close the floor, seconded by Neimes. Motion failed. Melissa Hoefling, 3 E 3rd St., questioned that if short-term rentals are considered 7 to 29 days, what is it considered when its less than 7 days. Lindsey added that this does not have a definition, the code indicates that these are tourist rooming houses. The 7 to 29 days is the time frame that rentals that cannot be prohibited. Council can limit or ban rental of less than 7 days, but not at this time. Barnes asked if there was a way to reduce the number of occupants in the conditional use permit. Lindsey answered that as long as this complies with current housing requirements, the housing code allows for 12 occupants and there is no additional evidence or code provisions to allow for stricter requirements on a tourist rooming house, at this time. Novachek moved to close the floor, seconded by Neimes. Motion carried unanimously.

McGrath suggested that a quiet time of 8pm to 8am be imposed. Tulowitzky questioned the expectation of a quiet time for residences. Kluver answered that currently in the code for the residential district, outside of 7am-10pm, noise is based on decibels of sound; the nighttime rating is 60 decibels of sound. Lindsey added that substantial evidence is needed to impose stricter restrictions. Discussion continued, including on-street parking of trailers and sex-offender ordinances currently in place. Motion carried 6-1, McGrath abstained.

Discussion & Action on Conditional Use Permit Request for Seasonal Residential Use of a Portion of Structure in the C-2 District at 406 W. Bayfield St. – Susan Lince and John Hopkins, Petitioners – McGrath moved to approve the Conditional Use Permit for seasonal residential use of a portion of of structure at 406 W Bayfield St, seconded by Novachek. Motion carried unanimously.

Discussion & Action on Resolution 21-002 Adopting the Bayfield County Hazard Mitigation Plan – McGrath moved to approve Resolution 21-002 adopting the Bayfield County Hazzard Mitigation Plan, seconded by Novachek. Jan Victorson, Bayfield County Emergency Management Director, stated that by adopting this plan, this would allow the City to be able the to apply for mitigation funding should this be designated by the State. Victorson also introduced Meagan Quaderer, the new emergency management director, as Jan will be retiring later in the month. Motion carried unanimously.

The Mayor requested moving up discussion of alcohol licensing. A motion was made by Novachek to amend the agenda and move up discussion of authorizing notice for a “Class B” alcohol license, second by McGrath. Motion carried unanimously.

Discussion & Action on Authorizing Notice for 211 Martini LLC, at 211 W. Bayfield Street, for Issuance of a “Class B” Alcohol License – Novachek moved to authorize notice for 211 Martini LLC for issuance of a “Class B” Alcohol License, seconded by McGrath. The Mayor thanked Assistant Administrator Janisch for his diligence in identifying the number of alcohol licenses the City can permit. Janisch supplied clarification of the difference between quota licenses and Reserve licenses. He included that the City can permit 8 total “Class B” licenses but have no Reserve licenses available. Motion carried unanimously.

Discussion & Action on Ordinance 21-002 Amending the City’s Code of Ordinances to Regulate Commercial Activity on City Property – Novachek moved to approve Ordinance 21-002 regulating commercial activity on City property, seconded by Broberg. McGrath commented her opposition to 7-4-3(7) allowing exemptions to groups, 8 individuals per day/20 individuals per month, questioning the ability to monitor and regulate. She further requested this provision be removed. The Mayor suggested removing the per month limit but staying with per day limit. Discussion continued regarding this exemption, potential loopholes, defining lake access locations, hours of operation and the fee structure. The Mayor further suggested removing the terms religious or educational organizations from 7-4-3(12) Exemptions and keeping with the broader term 501(c)3 non-profit. Discussion occurred as to why further defining the types of non-profit group might be a good to do. Discussion further occurred regarding connection/applicability of the ordinance and the operation of the Marina. Motion failed.

Discussion & Action on Job Description and Authorization to Hire Administrative Assistant Position

– Novachek moved to approve the job description and authorization to hire an Administrative Assistant Position, seconded by Broberg. Motion carried unanimously.

Closed Session –

- **To Negotiate and Confer with Legal Council on Request for Relief on an Existing Agreement with Pearl Beach Construction Related to the Previously Purchased Lot 47 at the SW Corner of the Intersection of Harbor View Drive and Central Avenue**

- **Personnel Matters – Evaluation of the City Administrator**

– A motion was made by Novachek to go into closed session at 8:44PM pursuant to Wisconsin State Statute §19.85(1) (c), to negotiate and confer with legal counsel on request for relief on an existing agreement with Pearl Beach Construction related to the previously purchased Lot 47 at the SW corner of the intersection of Harbor View Drive and Central Avenue, and to discuss personnel matters – evaluation of the City Administrator, following which the Council may reconvene in open session to take any action that may be necessary on the closed session items, second by Anderson. Motion carried unanimously via roll call vote.

Adjourn – Mayor Motiff adjourned the meeting at 9:27PM.

Tony Janisch, Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30pm

Committee Members Karen Spears Novachek & Laura Tulowitzky reviewed monthly expenditure vouchers.