

June 14, 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, Jennifer Maziasz, Laura Tulowitzky, Mary McGrath

Present, remote:

none

Municipal Personnel:

Present in-person:

Mayor Mary D. Motiff, City Administrator Scott J. Kluver, City Attorney Max Lindsey, Assistant City Administrator Tony Janisch, Director of Public Works Gerry Schuette

Present, remote:

none

Absent:

none

Call to Order - Meeting called to order at 5:30PM by Mayor Motiff. Roll call attendance depicted six (6) of seven (7) members of the Common Council in attendance. Quorum of the Council recognized. Broberg arriving at 6:07PM.

Approval of Minutes – City Council Meeting of May 10, 2021 & May 26, 2021 - A motion was made by Novachek to approve the May 10 & 26, 2021 minutes of the City Council with the corrections noted, second by Tulowitzky. Motion carried unanimously.

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

Public Comment – Melissa Martinez, Washburn Chamber of Commerce Director, spoke in support of the Washburn Iron Works sewer line relocation, as well as Farmers Market move to Central Ave. Ms. Martinez stated concern over the Short-Term Rental Ordinance and asked that no action be taken until those affected by the change have had a chance to review and comment. She further stated that the Chamber had not been contacted about this proposed ordinance and there was a difference on fee amount, \$300 vs \$500, in the information. Jeff Silbert, 410 5th Ave. E, stated that as a citizen he supports the use of the American Rescue Plan Act funds for the relocation of the sewer line at Washburn Iron Works for their expansion. As a County Board Member, Mr. Silbert stated that while no decision has been made, discussions have been favorable for support of this project, and he would like to see a County/City/Private partnership moving forward.

Mayoral Announcements, Proclamations, Appointments- The Mayor stated that with Covid restrictions relaxing, she may start up mayor get-togethers again. The Mayor also made the following proclamations: World Elder Abuse Awareness Day and A Community for All.

Discussion & Action on Potential American Rescue Plan Act Funds; Action on Negotiation of Development Agreement with Washburn Iron Works for Relocation of Sewer Main/Iron Works Expansion – The Mayor stated that the City should soon be receiving the first year of American Rescue Plan Act funding with about the same amount coming next year. Kluver stated this year's funding should be \$106,052.59 specifically. The Mayor continued that one such project for this funding could be the relocation of the sewer main at the Washburn Iron Works, to allow for their expansion. Taylor Pearson, owner Washburn Iron Works, shared with Council that they primarily produce casting for several products including electric buses. Pearson also stated that the Iron Works offer full-time, year-round jobs and supply \$2 million to the local economy in wages. With the removal of the existing sewer line, the company and facilities would be able to expand to increase production and jobs. Discussion continued of other potential projects for this funding, including support for EMS services and expansion of broadband. The Mayor further stated that she would like to forgive or partially forgive the Covid business loans from last year. Novachek moved to direct staff to develop an agreement for the Sewer Main relocation, seconded by Anderson. Motion carried unanimously. Anderson moved to use up to \$97,000 in ARPA funds for the Sewer Relocation, seconded by Neimes. Motion carried with six (6) voting in favor, McGrath abstained. Maziasz moved to use remaining ARPA funds to forgive and reimburse Covid Business Loans, seconded by Novachek. Kluver asked if this is to forgive a portion or all of the loan amounts. Maziasz amended her motion to use ARPA funds to forgive

and reimburse the total amounts of the Covid Business Loans, Novachek agreed with the amended motion. Motion carried five (5) to two (2), Broberg voting Nay, McGrath abstaining.

Discussion & Action on Ordinance 21-004 to Regulate the Operation of Short-Term Rentals – The Mayor began by stating that short-term rentals have become a hot-button issue. The city has an economy that relies on tourism, however its important that there are places for people to live. The Mayor reiterated that the City is very limited in how it can regulate short-term rental. She stated that the proposed ordinance removes permitting from the zoning process, to be regulated by the city as part of the licensure code. Attorney Lindsey stated that moving to a licensure it streamlines the process of permitting and allows for easier enforcement when violations occur, it can also regulate the number of nights for rental. Maziasz stated agreement with a licensing fee to offset administrative costs, as well as the ability to better enforce violations. Maziasz moved to open the floor, seconded by Tulowitzky. Motion carried unanimously. Novachek asked if a provision regarding off-street parking could be added. Lindsey answered yes, because parking requirements would be consistent with every other homeowner and not create an additional burden. The Mayor asked if the fee was per unit, per owner, per property. Lindsey answered that this should be clarified, and it should be each rooming house or address. Jack Bratley, 313 4th Ave. W, stated that you should ask the citizens what they want, and most residents don't want Air BNB's. He has five (5) around him and doesn't believe they belong in residential area. Mr. Bratley is also concerned about the school, with having less kids in the school district because of fewer places for families to live. John Carlson of Spears, Carlson & Coleman, S.C., Washburn, stated he felt the City was on the right path but that it should really identify and address what the real issues are. Mr. Carlson encouraged Council to table the decision and identify the issues. He further agreed with the moving the permitting from zoning as a conditional use to licensing. Bridget Kelly, Ashland, but lived at 715 3rd Ave W in Washburn, asked if there was a cap to the licensing fee. Lindsey answered that there is no cap, but that restrictions, including fees could not be unduly prohibitive. Kelly further asked if it was a conflict of interest for council members to have Air BNB rentals, but then be able to vote on this. The Mayor responded that it would depend on what specifically is being voted on. Melissa Martinez, Washburn Chamber of Commerce Director, stated no opposition to an ordinance, but concerned to what might be in the ordinance like minimum night's stay. If there was a minimum night, this would significantly affect the number of people that could stay in Washburn during large events. If tourist cannot stay in Washburn, they are unlikely to spend money on Washburn. Ms. Martinez further added that an appeal process should be included for non-renewals or declines, as well as documentation for room tax collection. Jeff Moberg, 125 Harborview Dr, asked Council to try not to legislate what might happen, but put in safeguards for when there is a need. He noted that 2nd homeownership in Washburn is 17%, versus 13% for the State average, and the 12 short-term rentals may not be the cause for lack of housing. Mr. Moberg further noted that the average rent if Washburn is lower than the State average. He included that tourism is the largest industry in Bayfield Co., at \$54 million annually. And the challenge is balancing the needs of the community versus the largest industry in the area. Maybe the solution is to incentivize long-term rentals rather than hinder short-term rentals. Kevin Porter, Ashland, representing the Wisconsin Realtors Association, expressed concern with the requirement for a property manager, stating that there are not enough realtors/agents in this area that do property management. Discussion continued. Tulowitzky move to close the floor, seconded by Novachek. Motion carried unanimously. Lindsey stated he will incorporate the comments provided and revise into a new draft.

Discussion & Action on Decorative Streetlight Design for Bayfield Street Reconstruction – The Mayor began discussion stating that results of the branding survey were shared, but that the study and report are not yet completed. The goal being to identify the three main brand pillars of the community. Two strong themes are the importance of natural amenities and outdoor recreation, and creativity with arts & culture in the area. The Mayor then emphasized the opportunity with this decision of making Washburn unique from other communities, but also realizing that costs are a factor as well. Novachek stated that she had reached out to the business community and passed along information and encouraged taking the survey. The Mayor called for a roll call vote of the motion made by Broberg at the last meeting. Broberg moved to approve Option 2b with a GlassWerks light fixture, Candy Cane style arm without the scrolling, and North Yorkshire base, seconded by Neimes. Motion failed four (4) to three (3); Broberg, Neimes & Novachek voting in favor; Anderson, Maziasz, McGrath, & Tulowitzky voting against. Council next proceeded through the Decision Matrix, discussing each choice, and taking a straw poll. #1 Select fixture orientation, pendant vs. post top. The consensus was the pendant style fixture. #2 Select light fixture, Marina vs. Glasswerks. Glasswerks was chosen in a straw poll four (4) to (3). #3 Select style of arm, round horizontal vs. flat rectangular vs. candy cane. In a straw poll between a horizontal-type style arm vs. candy cane, a horizontal-type arm was chosen five (5) to two (2). Between the two styles of horizontal-type arms, the round horizontal arm was chosen by consensus. #4 Select type of bracing, cable vs. rigid. The consensus was rigid bracing. #5 Select style of

decorative brace, Charleston vs. Hamilton vs. North Yorkshire. The consensus was the North Yorkshire base. McGrath moved to approve a streetlight design with a GlassWerks light fixture, round horizontal arm, rigid brace and North Yorkshire base, seconded by Novachek. Tulowitzky stated apprehension on voting without seeing an example of this design. Motion carried five (5) to one (1), Anderson voting nay, Tulowitzky abstaining.

Discussion & Action on Harbor Commission Recommendation to Restrict Sale Possibilities for Lot 48 on City's Property For Sale List – Broberg stated disappointment with Pearl Beach project failure to develop Lot 48. It was anticipated that revenue generated from that development would help pay for the \$2.4 million bond used for the repairs to the Coal Dock for commercial use. Broberg continued that the Harbor Commission's preference would be for some type of development that supported marina operations. Discussion ensued regarding type of development and size of buildings. Lindsey stated that storage buildings are not zoned in that area and maximum building height is 45 ft. However, a boat yard or outdoor storage is zoned for that area. Broberg added that this is the last vacant lot adjoining the marina where equipment or boats can be moved without having to use the roads. The Harbor Commission is requesting this lot to be used/sold for something that supports the operation of the marina. Broberg moved that Lot 48 support marina operation and be developed as such, seconded by Novachek. Discussion continued. Motion failed two (2) to five (5), Novachek & Broberg voting in favor.

Discussion & Action on Resolution #21-005 Approving the 2020 Compliance Maintenance Annual Report for the Sewer Utility – No discussion occurred. Novachek moved to approve Resolution #21-005, seconded by McGrath. Motion carried unanimously.

Discussion & Action on Amending Fee Structure for Use of Non-Motorized Vessels on City Property – No discussion occurred. McGrath moved to approve the amended fee structure for Non-Motorized Use on City Property, seconded by Neimes. Motion carried unanimously.

Discussion & Action on Special Event Request to have Temporary Intermittent Closures along W. 4th St. from 8th Avenue West to 5th Avenue West on June 27, 2021 for Washburn Challenge Road Race– Dave Wilcox, Petitioner – No discussion occurred. McGrath moved to approval the Special Event Request to temporary closure along W 4th St. from 8th Ave. W to 5th Ave. W on June 27, 2021, seconded by Novachek. Motion carried unanimously.

Discussion & Action on Recurring Special Event Request to Temporarily Close Central Avenue from Bayfield Street to the Alley on Wednesdays from 2:00 until 7:00 Starting June 16 until October 20 for Washburn Farmers Market – Aaron Irmiter, Petitioner – McGrath moved to approve the Special Event Request to temporarily close Central Avenue from Bayfield Street to the alley on Wednesdays from 2:00p until 7:00p, from June 16 to Oct. 20 for the Washburn Farmers Market, seconded by Maziasz. Maziasz stated that she spoke with area residents, and they were supportive of the event and location. Motion carried unanimously.

Discussion & Action on Approval of Annual Alcohol License Renewals – McGrath moved to approve the Alcohol License Renewals, seconded by Novachek. Motion carried unanimously.

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

Tony Janisch, Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30pm

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