

July 13, 2020

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM

Washburn City Hall & Remote Call-In

City Council Members:

Present, in-person:

Karen Spears-Novachek, Laura Tulowitzky, Tom Neimes,
Carl Broberg, Mary McGrath

Present, remote:

Jennifer Maziasz

Municipal Personnel:

In-person:

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

Present, remote:

None

Absent:

Dave Anderson

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.

Approval of Minutes – City Council Meeting of June 8, 2020 - A motion was made by Novachek to approve the June 8, 2020 minutes of the City Council, second by Neimes. 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.

Public Comment – Tom Mager, Harbormaster-Washburn Marina, stated that with the increased use of the City Dock beach, particularly from the kayak outfitter, there has been an increased use of the facilities at the Marina. He further stated that the amount of supplies for the bathroom have tripled yet the use of the Marina is down. Mager continued that the bathrooms are being used as changing stations, batteries are being charged, garbage has increased and that the fish cleaning station is being used to wash off sand. Jeremy Oswald, 401 W. 5th St. Bayfield Co. Board Supervisor for District 5, member of the County Health Board, stated that Bayfield & Ashland Counties Public Health Departments jointly issued a new health advisory requiring face coverings effecting July 17, 2020.

Mayoral Announcements, Proclamations, Appointments- The Mayor noted the new advisory from Bayfield County requiring face coverings and stated that research is occurring of other municipalities with the potential of a local ordinance requiring as such. The Mayor then nominated Britt Serrine to the Plan Commission. A motion was made by Tulowitzky to appoint Britt Serrine to the Plan Commission term ending 2021, second by Neimes. Motion Carried unanimously. The Mayor then nominated Karen Novachek to the CDHC Housing Review Committee. A motion was made by McGrath to appoint Karen Novachek to the CDHC Housing Review Committee, second by Neimes. Motion carried unanimously.

Discussion & Action on Request for Second Driveway Access at 405 W. 6th Street – David Wilkins, Petitioner – No discussion occurred. Novachek moved to approve the Request for a Second Driveway Access at 405 W. 6th Street, seconded by Broberg. Motion carried unanimously.

Discussion & Action on Request for Second Driveway Access at 905 10th Avenue W. – Carrie Linder, Petitioner – Linder presented that given the size of her property, the location of this second access will have adequate road frontage. Broberg moved to approve the Request for a Second Driveway Access at 905 10th Ave. W, seconded by Neimes. Motion carried unanimously.

Discussion & Action on Recommendation from the Parks Committee to Recommend area along Holman Lakeview Drive Between Washington Avenue and 4th Avenue West, North of the Walking Trail as the Location to Pursue Establishment of a Dog Park – The Mayor noted the efforts and process of the Parks Committee in choosing a location, but questioned why they are making a decision when the City will begin comprehensive planning soon. The Mayor further questioned if it was feasible for Public Works

to maintain a dog park. Maziasz stated that the Park Committee was tasked with determining the location of a dog park and this location was chosen based on three criteria: away from resident housing, an accessible & central location, and that a survey of the community be conducted. Maziasz continued that at the time the committee was charged with this task comprehensive planning wasn't even being discussed. She stated that there was to be no expense to the City in construction and that the volunteer dog park group conducted the survey and would raise the funding needed to build & maintain the park. Maziasz added that for the group needed support from Council and a confirmed location in order to move forward with fundraising. Maziasz further added, regarding to a location, that the dog park essentially is fencing and mowed area. If the location doesn't work, remove the fence and stop mowing, its not large footprint. Neimes stated of opposition, in general, to a dog park. Tulowitzky moved to approve the Establishment of a Dog Park at the noted Location, seconded by Novachek. Novachek stated the importance to pursue establishment and that finer details can be worked out later. The Mayor asked why landowners were asked before of the first proposed location and not at this time. Maziasz answered that a survey was performed to reach the entire community. A motion was made by Maziasz open the floor, second by Novachek, Motion carried unanimously. Wendy Reese, member of the Parks Committee and Volunteer Dog Park Group, stated that a location was needed before they could begin seeking funding. Reese added that the proposed location is next to the walking trail and many people walk their dogs on the trail. A motion was made by Broberg to close the floor, second by Novachek. Motion carried unanimously. Broberg stated that consent of adjacent landowners should be pursued. Novachek suggested amending the motion to include approval of location pending discussion with adjacent property owners. Tulowitzky declined the suggestion keeping the motion as is. Tulowitzky, Novachek & McGrath voted in favor to approve the Establishment of a Dog Park along Holman Lakeview Drive Between Washington Avenue and 4th Avenue West, North of the Walking Trail. Broberg voted against. Neimes & Maziasz abstained. Mayor Motiff voted against, the motion failed. Novachek requests that the Parks Committee contact adjacent landowners and bring the topic back to Council. Broberg moved to table discussion, seconded by Novachek. Motion carried unanimously.

Discussion & Action on Establishment of an Early Retirement Program for Certain City Staff – Novachek stated that the Personnel & Finance Committee have discussed options regarding the potential/probably financial challenges faced this year. An early retirement program is a good opportunity compared to the alternative of layoffs. Moved by Novachek to approve the Establishment of an Early Retirement Program, seconded by Neimes. Broberg questioned the process for implementation. Kluver stated that if approved, eligible employees would be presented the offer and have 45 days to consider. If the offer is accepted, retirement would be effective September 18th. Motion carried unanimously.

Discussion & Action on Resolution #20-011 Combining Ward to Single Polling Place for the Upcoming Elections – No discussion occurred. Moved by Novachek to approve Resolution #20-011, second by Broberg. Motion carried unanimously.

Discussion & Action on Ordinance #20-008 Allowing Temporary Extension of Premises for Licensed Establishments Because of Covid-19 – The Mayor stated that in light Covid-19 restrictions, it would very helpful to business if they could serve outside. Moved by Broberg to approve Ordinance #20-008, second by Novachek. Motion carried unanimously.

Discussion & Action on Rescinding Previous Approvals for Homecoming and Establishing New Open Container, Noise Ordinance, and Grounds Usage Approvals for Car Show on July 25, 2020 – The Mayor stated that the Car Show has since been cancelled. Moved by Broberg to Rescind previously approvals for Homecoming 2020, second by Novachek. Motion carried unanimously.

Discussion & Action on Ordinance #20-009 Establishing Regulations on Commercial Usage of City Property – The Mayor stated that this item was added to the agenda because of the many comments, questions & complaints of the currently usage of the Coal Dock Beach by a kayaking outfitter. Attorney Lindsey added that the draft ordinance was modeled after the Town of LaPointe which addressed overcrowded issues at public spaces regarding commercial kayaking businesses. The Mayor noted that ordinance does not address the previous public comment regarding the usage of bathroom facilities at the Marina. Lindsey stated that an option would be to restrict use of public facilities by the outfitters, another option being damaged cause by usage could be grounds for revocation of the permit. McGrath questioned if the Council could instead outright

deny commercial usage at all parks in the City, could it do so mid-summer. Lindsey answered yes to restricting commercial operations on the beaches, but not at the Coal Dock as the funding received for its upgrade are specific for commercial usage. Broberg added that the funding for the Coal Dock does not allow for commercial recreational usage. Maziasz commented that the ordinance stipulates no more than 30 ft of beach front, and suggests language be changes to state 1/3 of the beach front. She also suggested that vehicles not be allowed to drive onto the beach. The Mayor added that there has been an issue of blocking/parking in front of the beach access. McGrath commented that all commercial use of public property should be restricted until all issues can be properly addressed and encompassing year-round usage. Novachek stated that she is hesitant to out-right ban everything because exceptions can always be found. She added that this ordinance may help with the immediate problems right now, but that the bigger issues can be addressed in comprehensive planning. The Mayor included that there are some good things about the commercial usage of the beach, it draws people to Washburn and a business is now making money and renting a once vacant building; however because the City did not have guidelines in place, we don't know anything about the business in operation. discussion occurred. A motion was made by Tulowitzky to open the floor, second by Neimes. Motion carried unanimously. Mike Montano, owner Poseidon Adventure, stated that kayaking is a sustainable economy and runs his business to respect the people, the water and the land. Montano stated that he is fully for any regulations that impose upon how he conducts business. He further stated that he's done his best not to overcrowd the beach or overcrowd the bathrooms. They do not use the bathrooms as changing station and tells clients to park at far end of the beach. Montano further stated that he does not control the other individuals that use the beach. Jack Bishore, employee of Poseidon Adventures, stated that they recognize the beach is a public place and do not store the boats on the beach, and they send customers to local businesses. Bishore continued that they do not encourage customers to wash feet off in the sink, and if needed they would be willing to rent a porta-potty to alleviate issues. A motion was made by Novachek to close the floor, second by Neimes. Motion carried unanimously. Maziasz commented that across the county there has been a big increase in outdoor recreation, and permit system must be made flexible because circumstances can change over time. She is in favor of a commercial ordinance and that it can change if needed. Discussion continued regarding designating a specific area for commercial use. Neimes stated that he's been observing usage of the area and has noticed that parking occurs everywhere, even blocking the entrance of the beach. The Mayor questioned and Attorney Lindsey answered that the City can currently designate parking and no parking areas. Tulowitzky asked if there are other ways to manage public use verse commercial use of the beach. The Mayor answered that there is currently a lot of commercial use being conducted without any regulation. Tulowitzky moved to approve the ordinance but withdrew her motion after further discussion. Lindsey stated that regarding usage there could be an outright exclusion of facilities in the ordinance or to include guidelines for conduct with the permit approval. Discussion continued regarding a permit fee. Neimes suggested \$700 for the remainder of the year. Maziasz mentioned the idea of an application fee and also a commercial fee based on a percentage of revenue but felt that a flat fee would be easier for the City to manage. McGrath added that there have already been written complaints regard this operation and within a permit there needs to be a sense of trust. McGrath continued we additionally need to know proof of insurance, a tax ID number, certifications of tour guides. The Mayor stated that City staff can finalize the required information needed for the permitting process. A motion was made by Broberg to adopt Ordinance #20-009 and establish a permit fee of \$750 for the remainder of the calendar year, second by Neimes. Broberg, Maziasz, Neimes, Novachek, Tulowitzky voted in favor. McGarth voted against. Motion carried.

Adjourn – Novachek moved to adjourn at 8:15pm, second by Neimes. Motion carried unanimously.

Tony Janisch
Assistant City Administrator