

April 10, 2017

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM Washburn City Hall

Present: City Council Members:

Mary McGrath, Kristy M. Jensch, Jeremy Oswald, Linda S. Barnes, Robert Arquette, Mary Nowakowski, Jennifer Maziasz

Municipal Personnel:

Mayor Scott A. Griffiths, City Administrator Scott J. Kluver, City Attorney Siegler, Assistant City Administrator Dan Stoltman

Excused Absence:

None

**Call to Order** - Meeting called to order at 5:30PM by Mayor Griffiths. Roll call attendance depicted six (6) of seven (7) members of the Common Council in attendance (Oswald arrived late). Quorum of the Council recognized.

**Approval of Minutes – City Council Meeting March 13, 2017 – A motion was made by McGrath to approve the March 13, 2017 minutes second by Barnes. Motion carried unanimously.**

**Approval of Expenditures- A motion to approve the monthly expenditure vouchers made by Nowakowski, second by Maziasz. Motion carried unanimously on roll call vote of all six (6) councilors in attendance.**

**Public Comment** – *Sharon Stewart 810 North Washington Ave.*, spoke on housing needs in the city. She stated that the housing stock is in poor condition, there is a lack of move in ready homes, there is a need for affordable homes, a need for rentals, and a lack of advertisement of rentals. *Carla Bremner 204 Pumphouse Rd.*, spoke on housing needs in Washburn and encouraged Council to continue forward working with the developers on Omaha St. to see what they can offer. *Dalton Collins 501 W. 5<sup>th</sup> St.*, spoke on the negatives of the Omaha Street property being used for a music festival, and stated he would like to see housing there instead. Mayor Griffiths stated that the Omaha Street property was no longer being considered as a spot for Big Top Chautauqua. *Hilary Jewell* of North Coast Community Sailing (NCCS) spoke. She wanted to thank the city for their participation with NCCS. *Theresa Kennedy* representing Northland College summer program spoke. She gave an overview of the programs plan at Memorial Park, for which they have a special event application on the agenda.

**Mayoral Announcements, Proclamations, Appointments** – Mayor Griffiths presented Council Members Barnes and Jensch with recognition of service plaques for their service as Council members. Both Barnes and Jensch did not run for re-election.

**Public Hearing, Discussion, and Action on Ordinances 17-004 and 17-005 Adopting Construction Site Erosion Controls and Storm Water Management Regulations** – Attorney Siegler gave an overview of the ordinances, and stated they follow the DNR model that ensures we meet the state standards. Kluver discussed areas in the new ordinance that need to be changed; Pg. 3 number 7 – definition of “division of land” can be removed. Pg. 16 number 10 – definition of “division of land” can be removed. Pg. 31 number 3 – two numbers need to be added in that section that represent number of business days to notify the Public Works Director before work commences, and after work is complete. Kluver recommended those numbers be 10 each. Pg. 20 letter c – the average annual rainfall number needs to be updated. Kluver stated that he is getting the definition of average annual rainfall from the National Weather Service, and recommends using the Ashland figure if we can, or keep it with the Duluth number. Mayor Griffiths requested that the city consult with Professor *Randy Lehr* from Northland College to get the average annual rainfall number. Siegler stated that if Council was to approve the ordinances, they could do so and authorize city staff to insert the numbers at a later date. Pg. 11 (f), the word “its” in the second line should be changed to “Public Works Director’s”. A motion was made by McGrath to open the public hearing, second by Nowakowski, motion carried unanimously. No public comment was made. A motion was made by McGrath to close the public hearing, second by Barnes. Motion carried unanimously. A motion was made by McGrath to approve with stated amendments, Ordinances 17-004 and 17-

005 Adopting Construction Site Erosion Controls and Storm Water Management Regulations, second by Barnes. Motion carried unanimously.

**Presentation, Discussion, and Action on Resolution 17-002 Authorizing Chequamegon Bay Renewables, Inc. (CBR) to pursue the Department of Energy's Solar in Your Community Challenge Grant and to Study and Potentially Construct Solar PV on City Property- William Bailey, Presenting** – Bill Bailey gave a presentation, and discussed how the project and grant work, and said no upfront money from the city is needed. Mr. Bailey stated that at this time, what his organization needs from the city, is to approve resolution 17-002 which gives city support for what they are attempting to achieve, to have the city attorney begin the legal process between the city, CBR attorney, attorney of the investors of the project, and Xcel Energy, and have the city work together with the School District and Bayfield County on the project. A motion was made by Jensch to approve Resolution 17-002 Authorizing Chequamegon Bay Renewables, Inc. (CBR) to pursue the Department of Energy's Solar in Your Community Challenge Grant and to study and potentially construct Solar PV on city property, second by Arquette. Motion carried unanimously.

**Presentation and Discussion on the Washburn Library Annual Report – D. Pendergrass, Presenting** – Washburn Library Director Darrell Pendergrass gave a presentation of the library's annual report. He discussed how the library did in check outs and visitors. He discussed building projects, and he discussed Library programs. No motion or discussion took place.

**Discussion & Action on Contract with North Coast Community Sailing for Use of Thompson's West End Park and Boat Ramp for the 2017 Season** – No discussion took place. A motion was made by Arquette to approve the agreement between the city and North Coast Community Sailing for use of Thompson's West End Park and Boat Ramp for the 2017 season, second by Jensch. Motion carried unanimously.

**Discussion & Action on Use of Thompson's West End Park for a Wedding Ceremony on Friday, July 14, 2017 – Phillip Soulier and Jade Newago Petitioners** – No discussion took place. A motion was made by Barnes to approve the Use of Thompson's West End Park for a Wedding Ceremony on Friday, July 14, 2017 – Phillip Soulier and Jade Newago Petitioners, second by Jensch. Motion carried unanimously.

**Discussion & Action on Request by Apostle Islands Kayakers Summer Program to Reserve Campsites at Thompson's West End Park for the Evening of June 12, 2017 – Northland College Petitioner** – It was stated that the agenda was incorrect, and that the application is for Memorial Park. It was stated that if the group upon arrival finds more suitable sites that are available, they are free to take those instead of the ones reserved ahead of time. It was stated that Assistant Administrator Stoltman will work out the details of the three sites to be reserved with petitioner Theresa Kennedy. A motion was made by Nowakowski to approve the request by Apostle Islands Kayakers Summer Program to reserve campsites at Memorial Park for the evening of June 12, 2017, second by Barnes. Motion carried unanimously.

**Discussion and Action on Accepting Redevelopment Resources LLC., and Movin' Out, Inc. as a Joint Development Proposal and Authorizing Negotiation of a Contract for the Proposed Development of the Omaha Street Property** – Mayor Griffiths gave an overview of the topic. He stated that Redevelopment Resources had requested a market study be done by the city in order for them to move forward with the project. Redevelopment Resources and Movin' Out decided that they could do a joint development, and that would eliminate the need for the city to conduct the market study itself. The Mayor stated that if the Council says no to them tonight, they are going to move on to other projects. Kluver stated that a motion would be in order to work with and move forward with Movin' Out and Redevelopment Resources. If that happens, the city would close the RFQ and make a good faith effort in perusing a potential development with both Movin' Out and Redevelopment Resources. A motion was made by Jensch to begin the process of working with Redevelopment Resources and Movin' Out to create a development agreement on the Omaha Street property, second by Oswald. Discussion took place. McGrath stated that the city had a referendum on condos being built on the

Omaha property, and the community voted to not allow such a development. McGrath stated that if the city wants to move forward with housing on the property it needs to be a city wide decision. Kluver stated that if anyone has specific questions for either Movin' Out or Redevelopment Resources, that both are on standby via phone to take questions. A discussion took place on what it meant if the Council approved to move forward with the Movin' Out and Redevelopment Resources. Attorney Siegler stated that per an email from Movin' Out, for Movin' Out to conduct the market analysis, they would need an agreement from the city to be the developer on the portion of the Omaha Street property they need. The Mayor stated that it is possible that once the market analysis is complete, Redevelopment Resources could decide that based on that report, that, it doesn't financial sense for them to be a part of the development. Nowakowski stated that she is concerned that if we could agree to work with with Movin' Out and Redevelopment Resources, there by having Movin' Out conduct the market analysis, that if the report comes back unfavorable to Redevelopment Resources, they could leave the deal, and city would still have to continue with Movin' Out, which does little for the tax base. Jensch moved to call the question, second by Barnes. Mayor Griffiths stated that there are people in attendance that may want to speak on the topic. Jensch withdrew her calling the question motion, Barnes agreed. A motion was made by Jensch to open the floor, second by Maziasz. Motion carried unanimously. *John Carlson* spoke. Mr. Carlson asked what the actual commitment of the city would be if the original motion passed? Mr. Carlson discussed the tax value of Movin' Out, TIF dollars, the city comp plan, the very low income limits required for the Movin' Out development, and the lack of job creation with the proposed development. *Peter Bremner* spoke. Mr. Bremner stated he would like the motion to be that the city gives Movin' Out an option for one year to give them time to conduct a study, and then bring back to the city a more developed plan. He stated that he too would like to see a development that increases the tax base, but developers have told him for years that deep pocket investors won't come to Washburn to develop what the public dreams about. He sees Movin' Out as an opportunity to help the city. *Dave Anderson* spoke. He stated that he fears the city is making a hasty decision, and that the city needs more people to stop in Washburn and spend money, and therefore would prefer something more commercial to be developed on the property, and does not feel that a commercial development would hurt the businesses on Main Street. *Dave Porterfield of Movin' Out and Kristen Fish of Redevelopment Resources spoke to Council via speaker phone.* Mr. Porterfield stated that they are looking for a motion that instructs city staff and the city attorney to enter into negotiations with Movin' Out that would spell out the terms of the transaction that would give Movin' Out site control with an option or offer to purchase the property, and an outline of a development agreement that would spell out the expectations of all parties involved, which then would to Council for approval. Ms. Fish stated that they are open to developing anything that market analysis says the City has a need and the market can support. Ms. Fish stated that if the market analysis came back indicating the market can only support the Movin' Out development, then they wouldn't have anything else to develop, and would no longer be part of the deal. A discussion took place on the city paying for the market analysis so to have options for development on the city's terms. *Jeff Moberg* spoke. He stated that he agrees with the city paying for the study, that commercial on Omaha won't hurt main street businesses, and residential on that site wasn't part of the city's comprehensive plan. *Beth Hazelton* spoke. She stated the community is uninformed and unaware of the project being considered for that property, and feels that the city can handle commercial development. The Mayor stated that he feels the city should move forward with paying for the market study that includes housing, commercial, and anything else the city needs. Jensch withdrew her motion to begin the process of working with Redevelopment Resources and Movin' Out to create a development agreement on the Omaha Street property, Oswald agrees. A motion was made by Nowakowski for the city to pay for its own market analysis study with a \$10,000 do not exceed limit. No second was made. *Richard Avol* spoke. He stated the he feels the city should hold off on a motion for a market analysis until its clear what should be included in the study, and what the cost is, then take that to Council. It was stated to that city should move forward with investigating the components wanted in the market study and cost of the city paying for it. No final motion was made.

**Discussion & Action on Potential Amendments to Ordinance 5-2-9 Open Burning and Campfires** – Jensch gave an overview as to why she requested the topic be placed on the agenda, and stated that she wants more “teeth” to current ordinance for enforcement. Jensch stated smoldering is the biggest issue, and wants to include noxious odors and air pollution into the Open Burning and Campfires. A discussion took place on adding no burning of evergreens and pine, as well as no smoldering. It was decided to allow Attorney Siegler to draft an ordinance to address the concerns. No motion was made.

**Discussion and Action on Request from Washburn Beautification Foundation to Donate and Replace Bayfield Street Banners** – Nowakowski gave an overview and described the banners going to be used. A motion was made by Oswald to accept the donation from Washburn Beautification Foundation and replace Bayfield Street banners, second by Barnes. Motion carried unanimously.

**Alcohol Licensing Matters - Bartender License Applications - #18 – 64 through 67** – No discussion took place. A motion was made by Barnes to approve Bartender License Applications - #18 – 64 through 67, second by Jensch. Motion carried unanimously.

**Adjourn** – A motion was made by Jensch to adjourn at 9:15pm, second by Barnes. Motion carried unanimously.

Dan Stoltman  
Assistant City Administrator

#### **FINANCE COMMITTEE MEETING 4:30PM**

Committee Members Mary McGrath, and Jennifer Maziasz, and Mary Nowakowski reviewed monthly expenditure vouchers