

August 12, 2019

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM Washburn City Hall

Present: City Council Members: Mary McGrath, Karen Spears-Novachek, Tom Neimes, Jennifer Maziasz (5:34), Laura Tulowitzky Carl Broberg

Municipal Personnel: Mayor Richard Avol, City Administrator Scott J. Kluver, Assistant City Administrator Tony Janisch, City Attorney Max Lindsey

Excused Absence: Aaron Austin

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 July 8, 2019 - A motion was made by Novachek to approve the August 12, 2019– minutes, second by Broberg. Motion carried unanimously.

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

Public Comment – Diane Posner, 119 N. 9th Ave. W, gave an update of events for the Friends of the Washburn Library. They will be holding a benefit concert at the Harbor View Event Center on Aug. 15th and a Gala at the Library on Sept. 21st. She expressed sympathy regarding the sidewalk issues and sees pros and cons on both sides. Todd Swanson, 101 E 3rd St., asked the Council to be careful with how the community proceeds with sidewalks. He stated that his home has a sidewalk built in the CCC era and sidewalk changes in the historic district may change the character of the homes. He further stated that the early architecture and variety is one thing that draws people to Washburn. Teena Racheli, 111 W. 3rd St., stated that sidewalks would have a huge financial burden for many, but she does cringe to see walking in the street but appreciates the value of the architecture. She encouraged to look at sidewalks is a community resource and what can the community do build rather than the individual homeowner. She is also concerned about the compromise to trees. Scott Posner, 119 N. 9th Ave. W, stated that he walks around the City and encourages Council not to take too high of a standard regarding sidewalks, financially it will affect many residents and businesses. He also stated that many sidewalks are blocked by untrimmed trees/bushes, boats and cars, and snow in the winter. He wants the City to get a handle on the current sidewalks before installing new ones. Mr. Posner further stated that the lakeside path is well maintained by the City. Maziasz entered the meeting.

Mayoral Announcements, Proclamations, Appointments- The Mayor recognized the life and passing of former mayor J.C. Burke. Mr. Burke served as mayor from 1986-1992. The Mayor nominated Maryann Edholm to the Harbor Commission. A motion was made by Novachek to appoint Maryann Edholm to the Harbor Commission term expiring 2022, second by McGrath. Motion carried unanimously. The Mayor nominated Tara Janisch to the Library Board. A motion was made by McGrath to appoint Tara Janisch to the Library Board term expiring 2022, second by Tulowitzky. Motion passed unanimously.

Discussion & Action on Draft Certified Survey Map of Lots in Blocks 18 and 23 of the DuPont Park Addition to the City of Washburn – James Bratley, Petitioner – No Discussion. Moved by Broberg to approve the Certified Survey Map of Lots 1 and 2 in Block 18 and 23, second by Novachek. Motion carried unanimously.

Presentation, Discussion & Action Sidewalk Repairs – Linda Coleman and Connie Wroblewski, Petitioners – Linda Coleman acknowledged the girls scouts speaking to Council previously regarding

sidewalks on Washington Ave. She and Ms. Wroblewski are asking Council to look at broadscale problem and not isolated a particular street or avenue. They presented a photo booklet demonstrating the problems. She noted two problems: sidewalks that are blocked and inaccessible, and sidewalks that are crumbling or grown over with grass. Ms. Coleman stated that blocking sidewalks is unlawful, there is a state statute and city ordinance regarding this. She asked that the City take action with this. Regarding the condition of existing sidewalks, referencing state statute and case law, Ms. Coleman stated that financially sidewalks are the responsibility of the property owner. However, in terms of liability, this is the responsibility of the municipality. Ms. Coleman stated that yes there would be a cost, but if the work was done city wide as one bid this would reduce costs on each parcel, and the City could assess the cost over multiple years. She also stated that while the cost would be a burden it would increase the value of the property and a benefit to the community. Ms. Coleman and Ms. Wroblewski recommend that all sidewalks in the City in need of repair be repaired in entirety, and to seek out grants to help fund the work. Ms. Wroblewski further stated that the condition of sidewalks in the city are known and the City has ordinances in place to correct these issues.

Mayor Avol stated that he researched grants that were provided to him and none were applicable to the City and speculated that it would be difficult to find grants for sidewalk repair. Novachek commented that in a conversation with WI League on Municipalities, they knew of no grants that have been received for sidewalk repairs. Kluver recommends that if we do improvements to sidewalks they be done incrementally, the City is not set up to handle all the sidewalks at once. Novachek asked if the ordinance of obstruction of sidewalks is being enforced. Kluver stated that there have been occasions for enforcement, but not at great efforts. Novachek commented that of the two issues, the easiest thing would be to begin enforcement of obstructions. Kluver further stated that if this became a priority of the Council it could be undertaken. Maziasz included that obstruction can include limbs and shrubs and basketball hoops blocking sidewalks and alleyways. Tulowitzky questioned if there was a process to abandon sidewalks to limit the liability of the City and developing a committee or a plan. She also sees focusing on Washington Ave. because of the connectivity with downtown, public buildings, the schools. Kluver stated the City currently does not have a sidewalk plan, and that abandonment of sidewalks has not been discussed. Coleman stated that where sidewalks are now the City has liability for them. McGrath stated that we can begin educating the public.

Novachek made a motion that the Public Works Dept. look at obstruction on sidewalks and report in September a plan to alert community of violations and process to issue citations, Broberg seconded. Kluver recommends removing Public Works from the motion and direct staff in general, and that the plan gets carried out and not go back to Council. McGrath stated that 30 days was a tight turnaround and that there was already an ordinance in place. Novachek will amend her motion that staff develop a plan to communicate the issue the residences of Washburn and a process to enforce the ordinance. Broberg agreed to the change in motion. The Mayor stated that the City has a small staff with many priorities and at some point, something has to give. Broberg stated agreement with the mayor as to the workload of staff and recommend that it not be a priority and is worked on over time. Maziasz stated with we start with communication and ask for compliance of the community. McGrath would like to see education of the community first and start enforcement next year.

A motion was made Novachek to open the floor, seconded by Neimes. Motion carried unanimously. John Carlson asked the Public Work Director how long it would take to inventory the city. Director Anderson stated probably about three days. McGrath further stated that education would be the better approach. Novachek withdrew her motion. McGrath makes a motion to educate and communicate with the community of the ordinance with enforcement beginning April 1, 2020. Broberg seconds. Tulowitzky recommends a mechanism of reporting obstructions by the community or staff to assist with enforcement. McGrath amends her motion to include reporting of incidental observations by staff or community. Broberg agrees with the amendment. Motion carries unanimously. McGrath made a motion to close the floor, Broberg seconds. Motion carries unanimously.

Novachek stated that the second phase of this discussion is sidewalk repair. Tulowitzky questioned if a committee should be formed. Kluver stated that seeking information and answers from staff is more

productive than forming a committee. Maziasz stated that sidewalk committees have been formed twice, once specifically for Safe Routes to Schools. The committee developed a plan but had no money to carry it out. Tulowitzky further stated concern for the City's liability. City Attorney Max Lindsey stated that generally the City is liable for any injuries caused on a sidewalk. He further stated that he is looking at ways that the city may abandon sidewalks that are deemed not needed. Maziasz stated that she is a proponent of safe routes but will need to look at the incrementally. Council further discussed prior sidewalk priorities and new priorities including Washington Ave. Kluver recommended that Council decide which is the great priority the route to schools or Washington Ave.; and then determine how to fund repairs either through the use of special assessment and/or partial or full contribution. Novachek made a motion to continue priority of addressing sidewalks near the schools when funding is available, and then looking at repairs to Washington Ave., seconded by Maziasz. Novachek, Maziasz, Neimes voted in favor; McGrath, Tulowitzky, Broberg voted against; Mayor voted against. The motion fails.

Discussion & Action on Offer by Bayfield Properties, LLC to Purchase City Lot #47 – John Carlson, Representing Petitioner- John Carlson stated that the petitioner, Bayfield Properties LLC, withdraws their offer to purchase Lot #47. No further discussion or action ensued.

Discussion & Action on Special Event Request for Book Across the Bay on February 14 and 15, 2020 – Benjamin Thoen, Petitioner– The Mayor stated that this is a good event for the City and agreed with no alcohol outside of designated areas and that event clean-up should occur the next day. McGrath stated that with an event this large a few days for clean-up would be good. Kluver stated that we should aim for a cost neutral event for the City. In past years, the City has spent thousands of dollars in personnel costs for ambulance, police and event prep. by the public work department. Broberg agreed, having worked the event as part of the ambulance crew, the event has two ambulance crews with snowmobile and sled. Maziasz stated that cost neutral would be good to work towards. Novachek moved to approve the request of Book Across the Bay including the use of wristbands, no alcohol outside of designated areas and that event clean-up will occur as quickly as possible, second by Broberg. Motion carried unanimously.

Discussion & Action on Acceptance of Bid and Award of Contract for Thompson's West End Park Boat Launch Dock Replacement Project– Mayor stated that the city administrator recommends rejecting these bids and re-bidding the project looking for a better price. Moved by McGrath to reject the bids for Thompson's West End Park Boat Dock Project and re-bid the project, second by Broberg. Motion carried unanimously.

Discussion & Action on Acceptance of Bid and Award of Contract for 2019 Street Chip Seal Projects– Maziasz questioned that if the bid came in lower than budgeted, why not use the saving elsewhere rather than expand the original project. Kluver recommends proceeding with the project and taking advantage of the price. The Mayor stated that he supports this decision because the work will have to get done and it may come in higher next year. Moved by McGrath to accept the bid and award the contract to Scott Construction for \$85,546.07 for the street chip seal project, second by Broberg. Motion carried unanimously.

Discussion & Action on Process/Consultants for a Revised or New Comprehensive Plan– Kluver stated that the City could do a simple, less expensive modification of the existing plan or an all-inclusive new plan. He is asking for feedback on the information needed to help with a future discussion. The Mayor further stated that Council could have presentations by potential consultants to assist with a future decision of the leave of work. Kluver stated the comprehensive planning creates a new vision for the city, then we revise the ordinances to carry out that vision. The Mayor commented that in state statutes a comprehensive plan is advisory only and not binding on local governments. Attorney Lindsey included that yes, the plan is advisory in nature, but actions must be consistent. McGrath stated that we look at what's still of value and not rewrite the whole plan. Kluver commented that there are components that would be similar, but the biggest discussion will be on land use. The Mayor relayed information and costs from discussions with municipalities that recently conducted comprehensive planning with a specific consultant listed in packet memo. Maziasz stated

that she would like to hear from the consultants to see what they have to offer. Novachek stated that the land use will need to be updated and the vision, and that the plan should have benchmarks, so we know when there is success. Neimes stated the economic development should be looked at as well. Kluevers stated we can refine the proposal and have further discussions. Maziasz moved to open the floor, second by Neimes. Motion carried unanimously. Roth Edwards, 221 W 6th St., agrees that economic development is correlated with land use, specifically with development on the waterfront. He further stated that branding an image of the town was a good thing. He's seen a compromise with preservation of land but cutting to open a lake view. Tulowitzky questioned and Kluever answered that there is a risk in grant applications by not having an updated plan. Masiasz suggested that we include Bayfield St. upgrades into the planning. The Mayor stated about moving forward with having two or three groups present to Council regarding planning. Discussion ended.

Discussion & Action on Recommendation to Allocate \$7,500 from 2019 Capital Budget Savings or from the Park Designated Fund for Campground Pad Improvements– Janisch stated that at the July Parks Committee meeting, the committee approved a recommendation to allocate \$7,500 for camping pad improvements in the campgrounds for the 2020 budget. He further stated that given the length of winters, this desired time for these improvements is this Fall. Kluever recommended using capital funds that were previously frozen in anticipation of higher costs from water line breakage. Motion by Novachek to allocate \$7,500 from the capital budget for park camping pad improvements, second by Broberg. Motion carried unanimously. McGrath moved to close the floor, second Neimes. Motion carried unanimously.

Discussion & Action on Goose Control Activities in the West End Park/Treatment Plant Area– Maziasz questioned if a bow & arrow could be used, instead of a gun. Broberg moved to open the floor, second by Maziasz. Motion carried unanimously. Roth Edwards stated that he is not opposed to hunting but would also volunteer to pick up goose poop. John Baregi stated that this is not a hunt, it's a removal of resident pairs of geese that are causing the issues. He further stated that using a bow & arrow could be done, but that it was ineffective. Motion by McGrath to approve proceeding with goose elimination following the good control measures and protocols at West End Park and the Treatment Plant, second by Neimes. Motion carried unanimously. McGrath moved to close the floor, second by Tulowitzky. Motion carried unanimously.

Discussion & Action on Establishment of Council Member E-mail Addresses– Motion by Novachek to set up email accounts for Council members for City related business, second by Broberg. Motion carried unanimously.

Alcohol Licensing Matters – New Bartender License Applications - #21-32 Through #21-35 – A motion was made by McGrath to approve New Bartender License Applications – #21-32 through #21-35, second by Maziasz. Motion carried unanimously.

Adjourn – Motion to adjourn by Novachek, seconded by McGrath. Motion carried unanimously. Meeting adjourned at 8:12 pm.

Tony Janisch
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30PM

Committee Member Karen Spears Novachek, and Mary McGrath reviewed monthly expenditure vouchers.