

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

NOTICE OF FINANCE COMMITTEE MEETING Monday, August 20, 2018 City Hall 4:30PM

- Committee Review-Monthly Expenditures

NOTICE OF CITY COUNCIL MEETING

Monday, August 20, 2018 Washburn City Hall 5:30 PM

The Council may elect to go into closed session pursuant to Wisconsin State Statute §19.85(1)(e) for the purpose of potentially selling public property, for which competitive and bargaining reasons require a closed session, following which the Council may reconvene in open session to take any action that may be necessary on the closed session items.

AGENDA

- Call to Order/Roll Call
- Pledge of Allegiance
- Approval of Minutes – City Council Meeting – July 9, 2018
- Approval of Monthly Expenditures via Roll Call Vote
- Public Comment
- Mayoral Announcements, Proclamations, Appointments
 - Lake Superior By-Way Committee Representatives
- Public Hearing, Discussion, & Action on Resolution 18-009 to Vacate the Unopened Alley in Block 23 of the Original Hillside Addition to Washburn Along with the Portion Adjacent to the Vacated North Fourth Avenue East – James Bodin, Petitioner **TAB 1**
- Discussion & Action on Plan Commission Recommendation to Approve a Conditional Use Permit to Operate a Tourist Rooming House at 505 West 3rd Street – Timothy Hay, Petitioner **TAB 2**
- Discussion & Action on Resolution #18-007 Authorizing the Renewal of a \$50,000 Line of Credit for the Washburn Marina Operations **TAB 3**
- Discussion & Action on Resolution #18-008 Authorizing the Borrowing up to \$750,000 for the Coal Dock Rehabilitation Project **TAB 4**
- Discussion & Action on Offer by Pearl Beach Construction, Inc. to Purchase City Lot #48 for the Construction of an Office and Residential Mixed-Use Structure at that Location – Karl Dornburg, Petitioner **TAB 5**
- Discussion & Action on Offer by American Hotel Association, LLC to Purchase City Lots #47 and #48 for the Construction of Residential Duplexes at that Location – John Carlson, Representing Petitioner
- Discussion & Action on Concept to Rename Bayfield Street – Washburn Heritage Association, Petitioner **TAB 6**
- Discussion & Action on Concept for Ordinance Change to Clarify Locations where Residential Chickens are Allowed **TAB 7**
- Discussion & Action on Adding A No Fault Water/Sewer Enhancement Endorsement to the City's Insurance Coverage **TAB 8**
- Discussion & Action on Concept for Ordinance Change to Provide for an Extension of Premises for Alcohol Licensees During Special Events **TAB 9**
- Alcohol Licensing Matters **TAB 10**
 - Bartender License Renewals - #20 -35 through 41
- Closed Session Items
 - Negotiation on Offer by Pearl Beach Construction, Inc. to Purchase City Lot # 48 for the Construction of an Office and Residential Mixed-Use Structure at that Location
 - Negotiation on Offer by American Hotel Association, LLC to Purchase City Lots#47 and #48 for the Construction of Residential Duplexes at that Location
- Adjourn

July 9, 2018

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM Washburn City Hall

Present: City Council Members:

Jeremy Oswald, John Gary, Jennifer Maziasz, Karen Spears Novachek, Linda Barnes, Mary McGrath

Municipal Personnel:

Mayor Richard Avol, City Administrator Scott J. Kluver, Assistant City Administrator Dan Stoltman, 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 six (6) of seven (7) members of the Common Council in attendance. Quorum of the Council recognized.

Approval of Minutes – City Council Meetings of June 11, 2018– A motion was made by Novachek to approve the June 11, 2018– minutes, second by Barnes. Motion carried unanimously.

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

Public Comment – Thomas Neimes, 605 West 4th Street, spoke in favor of having a Family Dollar in the city, and stated he feels some members of the Plan commission had a conflict of interest and should have recused themselves. Mr. Neimes also stated that West End Park needs to be cleaned up and that the city should put seasonal campsites in the West End overflow camping area. Rodger Reiswig, 423 West Pine Street, spoke on the park committee and the background on the nominated members. Mr. Reiswig asked if the new Park Committee would take input from the community on agenda topics. Mr. Weiswig spoke on the potential sale of city owned property lots #47 and 48 and the possibility of putting Pearl Beach on County owned land instead. Jamie Cook 419 West 6th Street spoke on the baseball fields and stated she would like to see the land next to the softball field reserved for a possible new little league field. As a nominee for the Parks Committee, Ms. Cook discussed her background being involved in the community parks and recreation. Adam Stauffer 29 W. 3rd St. spoke in favor of the proposed development by Pearl Beach.

Mayoral Announcements, Proclamations, Appointments- The Mayor discussed the need for more EMT volunteers. The Mayor gave recognition to members of the ambulance service who have served for many years. The Mayor nominated Aaron Austin to replace Maziasz on the Personnel and Finance Committee. A motion was made by McGrath to appoint Aaron Austin to the Personnel and Finance Committee, second by Maziasz. Motion carried unanimously.

Discussion & Action on Draft Certified Survey Map for Reconfiguration of Atherton Properties in Vicinity of N. 3rd Avenue E. and E. 8th Street – Heather Atherton, Petitioner – No discussion took place. A motion was made by McGrath to approve draft certified survey map for reconfiguration of Atherton properties in vicinity of N. 3rd Avenue E. and E. 8th Street, with the additional recommendations by City Administrator Kluver that it be recorded after the final taxes instalment, second by Barnes. Motion carried unanimously.

Discussion & Action on Ordinance 18-003 for the Establishment of a Park Committee; Scope of Authority and Structure for Said Committee; Mayoral Appointments for Said Committee – The Mayor gave an overview of the proposed committee and stated that he and Council President McGrath worked together crafting the ordinance. The Mayor stated he hopes Council will approve the ordinance and the members he has nominated. The Mayor stated the nominated member profiles are in the Council and those members are Kyleleen Cullen Bartnick, Jamie Cook, Erika Lang and Wendy Reese as the committee members, and Jennifer Maziasz as Council representative. A motion was made by Novachek to approve Ordinance 18-003 for the establishment of a Park Committee and appoint Kyleleen Cullen Bartnick, Jamie Cook, Erika Lang and Wendy Reese as the committee members, and Jennifer Maziasz as Council representative, second by McGrath. Novachek stated she hopes the committee will be open to public input. Motion carried unanimously.

Discussion & Action on Maintenance Items at West End Park –An overview of the item was given on a dead tree to be removed, overgrown limbs to be removed, and fixing a jetty. A discussion took place on the request to fix the jetty at West End Park and the method proposed and possible vegetation that would be removed. Public Works Director Salmi stated that permits from the DNR would be needed for the project. A motion was made by McGrath to remove the dead tree at campsite 5 and the overgrown limbs at the beach, second by Novachek. Motion carried unanimously. More discussion took place on fixing the

jetty and removing vegetation. A motion was made by McGrath to allow the city to apply for the necessary DNR permits, second by Barnes. Motion carried unanimously.

Discussion and Action on Acceptance of Bid and Award of Contract to Fahrner Asphalt Sealers for Polymer Scrub Seal Project on 8th Avenue West, Hillside Drive, and Woodland Drive – An overview was given. It was stated that the city received one bid for the project and the bidder was Fahrner Asphalt Sealers, LLC. It was stated that the project comes in under budget. Of the budgeted ninety five thousand, seventy four thousand six hundred and twenty two will be used for the contracted services and eleven thousand for road prep performed by the DPW. A motion was made by Novachek to approve the contract as presented with Fahrner Asphalt Sealers, LLC for seventy four thousand six hundred and twenty two dollars, second by McGrath. Motion carried unanimously.

Discussion & Action on Offer by Pearl Beach Construction, Inc. to Purchase City Lot #48 for the Construction of an Office and Contractors Yard at that Location – Karl Dornburg – City Administrator Kluver gave an overview. Kluver discussed the background of how Pearl Beach Construction became interested in locating within the city. Kluver stated that lot 48 is not currently zoned for this type of business, but because the city no longer has industrial land available, and feels this business would be an asset to the community and is appropriate for the area, it is worthy to consider changing the zoning and comprehensive plan. Kluver discussed the idea of nearby Bayfield County property. It was stated that the County property would require the relocation of two buildings (VFW & Lions Club) and was further stated that the required utility lines and lift station are not available at that location of the property. Mayor Avol stated that the property where the VFW and Lions Club are located is currently not large enough for the Pearl Beach project. Karl Dornburg of Pearl Beach Construction spoke. Mr. Dornburg gave an overview of his plans for the project. He stated that he is open to discussing changes to the project plans, and willing to work with Harbor View on screening. Mr. Dornburg stated that he does not believe the noise will be any more than what is currently in the area and they would not have late hours of operation. He stated that any outside storage material wouldn't exceed the height of the vegetation screening, and most work would be done inside the building. The Mayor stated that not a lot is known about Pearl Beach Construction, and would like more background and financial information. Mr. Dornburg discussed his background and stated he can provide the city with more financial information. It was stated that Council prefers to discuss further in closed session. No motion was made.

Discussion & Action on Offer by American Hotel Association, LLC to Purchase City Lots #47 and #48 for the Construction of Residential Duplexes at that Location – John Carlson, Representing Petitioner – Attorney for American Hotel Association, John Carlson, spoke. Mr. Carlson gave an overview. He discussed lot #47 and #48, he stated that the view of the lake will be obstructed if the building presented by Pearl Beach construction is constructed. Mr. Carlson discussed the level of investment made in the city by American Hotel Association, LLC. He stated the main issue American Hotel Association, LLC has with the Pearl Beach proposed project is the potential noise, and believes if the Pearl Beach project moves forward, the rest of the undeveloped property in that area will become undesirable. Mr. Carlson stated that the American Hotel Association, LLC is proposing to construct duplexes on both lot #47 & #48. Mr. Carlson stated that before American Hotel Association, LLC invests money into a site plan and other pre development activities, the Council needs to decide what their plan for that property will be. A discussion took place on the possible type of housing on lot #47 and #48. A motion was made by Maziasz to open the floor, second by McGrath. Motion carried unanimously. Greg, the owner of the two storage buildings behind lot #48, spoke. He stated that he has concerns with water runoff and whatever development happens on lot #48, water runoff needs to be considered. Carl Broberg 11915 hwy County C, spoke. He discussed the coal dock grant and the potential amount of additional dollars the Harbor Commission will have to spend to complete the project. He stated that Pearl Beach would be a customer of the coal dock, and that revenue would help offset the cost of repairing the dock. Jeff Moberg, a part owner of American Hotel Association, LLC, spoke on lot #47 and #48. He stated that he feels the proposed project by Pearl Beach Construction will negatively impact their business because of the potential noise. Adam Stauffer spoke. He stated that he does not think the noise will be an issue because they spend most of the time working away from the shop. He stated the snowmobile trail that runs through that area produces more noise than the operations of Pearl Beach. Karl Dornburg spoke. He stated that he understands the noise concern of American Hotel Association, LLC, and will work with them on that issue. He stated that ninety percent of what they do is away from the shop, and noise will be minimal. A motion was made by McGrath to close the floor, second by Novachek. Motion carried unanimously. It was stated to further discuss in closed session. No motion was made.

Alcohol Licensing Matters -

New Bartender License Applications - #19-15 – No discussion was had. A motion was made by Novachek to approve

new bartender license applications - #19-15, second by Barnes. Motion carried unanimously. **Bartender License Renewals - #20 -15 through #20-34** --A motion was made by Barnes to approve bartender license renewals - #20 -15 through #20-34, second by Novachek. Motion carried unanimously.

Closed Session Items – A motion was made by Barnes to go into closed session at 7:41 pm pursuant to Wisconsin State Statute §19.85(1)(e) for the purpose of potentially selling public property, for which competitive and bargaining reasons require a closed session, following which the Council may reconvene in open session to take any action that may be necessary on the closed session items, second by McGrath. Motion carried unanimously via roll call vote.

- o Negotiation on Offer by Pearl Beach Construction, Inc. to Purchase City Lot # 48 for the Construction of an Office and Contractors Yard at that Location
- o Negotiation on Offer by American Hotel Association, LLC to Purchase City Lots#47 and #48 for the Construction of Residential Duplexes at that Location

Adjourn – A motion was made by Barnes to adjourn at 8:57 pm, second by McGrath. Motion carried unanimously.

Dan Stoltman
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30PM

Committee Member Karen Novackek and Mary McGrath reviewed monthly expenditure vouchers.

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City of Washburn
Notice of Public Hearing on Petition to Vacate Alley

A Public Hearing will be held at the City Council Meeting, Monday, August 20, 2018, 5:30 P.M., City Hall Building at 119 North Washington Avenue, for public comment on the following issue:

Consider a Petition by James Bodin, 320 Castle Drive, Washburn WI, to vacate the unopened alley in Block 23 of the Original Hillside Addition to Washburn along with the portion adjacent to the vacated North Fourth Avenue East.

Council action may be taken on this issue following the public hearing. A copy of the petition is available for public inspection at the Washburn City Hall, 119 Washington Ave, during normal business hours.

Scott J. Kluver
Zoning Administrator

Class 3 Notice – Daily Press Block Ad – July 21, 28, and August 4, 2018
City Hall
Library
Website
Cable TV Channel

CITY OF WASHBURN
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To: Honorable Mayor and City Council Members
From: Scott J. Kluver, ^{SK}Administrator
Re: Vacating of Alley in Block 23 of the Original Hillside Addition
Date: August 7, 2018

After the public hearing, the Council can take action on the resolution and Plan Commission recommendation to vacate the alley in Block 23 of the Original Hillside Addition to Washburn. This would include the portion adjacent to the vacated North Fourth Avenue East.

For this resolution, the City does not need to maintain utility rights for municipal utilities and any other utilities.

It is my understanding that Mr. Bodin will desire to obtain the entire portion of the alley.

Please let me know if you have further questions on this request.

**City of Washburn
Common Council
Vacating Resolution**

VACATING RESOLUTION 18-009

WHEREAS, the City Council of the City of Washburn had been petitioned by James Bodin, Washburn, WI for the vacation of:

Return to: City of Washburn
P.O. Box 638
Washburn, WI 54891

the unopened alley in Block 23 of the Original Hillside Addition to Washburn along with the area adjacent to the vacated North 4th Avenue East to tax parcels 04-291-2-49-04-32-1 00-194-31000 and 04-291-2-49-04-32-1 00-194-40000;

AND WHEREAS, pursuant to Section 6-2-14 of the Municipal Code of Ordinances, a Public Hearing has been held on said vacation petition; and

WHEREAS, the Common Council of the City of Washburn has determined it to be in the best interest to abandon, discontinue, and vacate, the unopened alley in Block 23 of the Original Hillside Addition to Washburn along with the area adjacent to the vacated North 4th Avenue East; and

NOW, THEREFORE, BE IT RESOLVED, the unopened alley in Block 23 of the Original Hillside Addition to Washburn along with the area adjacent to the vacated North 4th Avenue East be hereby vacated and discontinued; and,

BE IT FURTHER RESOLVED, the vacated portions of the alley be allocated to lots to lots 1 through 8 and the portion of North 4th Avenue East on the north side of the alley (04-291-2-49-04-32-1 00-194-31000; 04-291-2-49-04-32-1 00-194-40000); and,

BE IT FURTHER RESOLVED, that the City of Washburn does **not** retain rights for the operation, maintenance, repair, replacement or extension of municipal utilities, along with other utilities, within the vacated property including the right of ingress and egress for its employees, agents, and contractors.

Resolved this 20th day of August, 2018, by the Common Council of the City of Washburn,

Richard Avol, Mayor

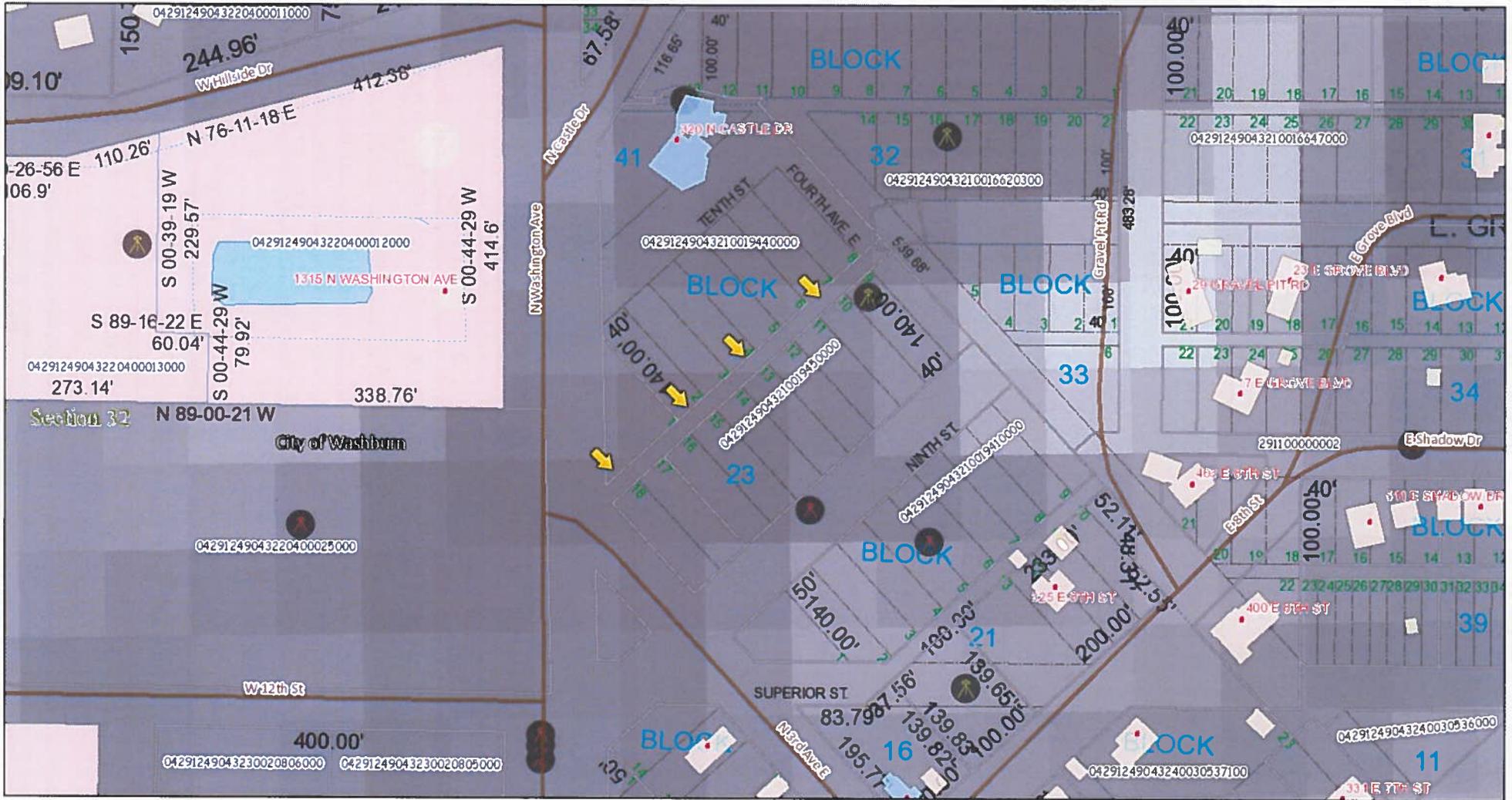
Attest: _____
Scott J. Kluver, City Clerk

Personally came before me this ____ day of _____, 2018, the above-named Richard Avol and Scott J. Kluver, known to be the persons who executed for the foregoing instrument and acknowledge the same.

Notary Public, Bayfield County, Wisconsin
My Commission expires: _____

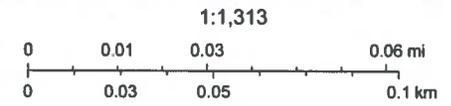
Drafted: Scott J. Kluver
Washburn City Administrator/Clerk

Bayfield County Web AppBuilder



5/30/2018, 8:29:08 AM

- | | | | |
|--------------------|------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------|
| Override 1 | County Other | Combined Managed Forest Land - MFL Open Before 2005 and MFL Closed Before 2005 | Meander Lines |
| Ashland Co Parcels | County Forest | Private Forest Crop Entered After 1971 - Open | |
| Douglas Co Parcels | Municipal | Private Forest Crop Entered Before 1972 - Open | |
| Public Land | Managed Forest Land Entered After 2004 - Open | Rivers | |
| Federal | Managed Forest Land Entered Before 2005 - Open | Lakes | |
| State | Combined Managed Forest Land - MFL Open After 2004 and MFL Closed After 2004 | Tie Lines | |



Bayfield County Land Records

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To: Honorable Mayor and City Council Members
From: Scott J. Kluver, Administrator ^{SK}
Re: Approval of Hay/Tourist Rooming House CUP
Date: August 7, 2018

For your approval you will find a copy of the draft Conditional Use Permit as recommended by the Plan Commission. The public hearing was held at the Plan Commission meeting and no comments were received on this application. Please note the criteria in the ordinance by which the Council should either approve or deny the permit.

The parking questions were resolved by the Plan Commission on this request. A copy of the health permit is needed for the permit to be valid. Please let me know if you have any questions on this permit request.

July 19, 2018
MEETING
5:30pm Washburn City Hall

CITY OF WASHBURN PLAN COMMISSION

COMMISSION MEMBERS: Dave Anderson, Richard Avol, John Baregi, John Gray,
Leo Ketchum-Fish, Jeremy Oswald (late).

ABSENT Adeline Swiston

MUNICIPAL PERSONNEL: Scott Kluver-City Administrator, Tammy DeMars-City
Treasurer/Deputy Clerk, City Attorney Max Lindsey

Meeting called to order at 5:34PM by Avol attendance as recorded above.

Approval of Minutes – June 21, 2018 – Moved by Avol to approve minutes as presented, second by Gray. Motion carried unanimously.

Public Hearing Moved by Baregi to open floor to public hearing, second by Anderson. Motion carried unanimously. No comments. Moved by Avol to close floor, second by Gray. Motion carried unanimously.

Discussion and Recommendation on Conditional Use Request for Tourist Rooming House to Operate a tourist Rooming House out of the Property Located at 505 West 3rd Street. Timothy Hay, Petitioner, property is zoned R-6, Mixed Residential – Petitioner was present. Discussion. Kluver points out that the code requires one parking space for each room, the petitioner only has three off street parking spaces so it doesn't meet code. The only two options would be to approve the conditional use permit contingent on removing one room or to amend the code to be more flexible. If he has to have the four spaces, Mr. Hay would like to use the space in front of the garage for the fourth but doesn't feel that at any given time there would be more than two cars. His intention is to rent the whole house to a family, not individual rooms. He currently has two parking spots in the garage and one on the west side of the garage and could have one in front of the garage, the pad is about 7' wide with 1' of gravel on each side. Gray moves to recommend the approval of conditional use permit to Timothy Hay at 505 W. 3rd Street to operate a Tourist Rooming House, with the draft conditions, second by Avol. Motion carried 6 to 0.

Discussion on Site Plan, Architectural Review, and Downtown Design Overlay District Standards of the City's Zoning Code for Potential Ordinance Changes – City Attorney Lindsey recently attended the Municipal Attorneys conference and one of the main topics of discussion was revising sections of zoning codes to remove subjective conditions for zoning permit application. Mr. Lindsey is recommending that the Plan Commission consider amendments to the zoning code to eliminate or revise several sections that could lead to potential legal battles in the future. Kluver, the intent of these changes is to remove the subjective conditions to make the code easier to understand and eliminate potential legal conflicts. He also stated that if corrections are not made, the recent Plan Commission interpretations of the code will block the Iron Works Project, and make the Brokedown

Property more difficult to market and utilize. Kluver also suggested that the parking requirement mentioned above also be revisited. Mr. Lindsey did draft a few code provisions that he is recommending to revise. Discussion. The Commission's recommendations would than be sent to the City Council for final approval.

Article 8, Section 9-66 (e) Setback averaging for front-yard setback change. The Commission agreed to recommend this change but should only apply in residential districts, excluding rural residential.

Article 8, Section 8-163 (4) Commission agreed to recommend this change with the removal of "from view".

Article 8, Section 8-183 (1) Commission did not agree on this item. Anderson, Ketchum-Fish and Oswald were opposed to this change, they felt restrictions should apply to the commercial district as well. Avol, Baregi and Gray were in favor of striking it all together, they felt the size of the lot(s) should dictate the size of the buildings.

Article 8, Section 8-183 (2) Agreed by all to recommend striking this entirely.

Article 8, Section 8-183 (3) and (7) need more discussion and Article 14, Section 14-7 was not discussed.

Commission members felt we need to go over the rest of the zoning code to remove or revise other unquantifiable sections, by doing a selected few each meeting.

Adjourn - Moved by Baregi to adjourn @ 7:18pm, second by Gray. Motion carried unanimously.

Respectfully Submitted,
Tammy L. DeMars
Treasurer/Deputy Clerk

CITY OF WASHBURN CONDITIONAL USE PERMIT

A Conditional Use Permit is hereby granted, pursuant to Title 13, Chapter 1, Article 7, Division 3 of the City of Washburn Zoning Ordinance to Timothy Hay (hereinafter User), in respect to property currently zoned R-6 Mixed Residential District, herein referred to as Subject Property, described as:

Street Address: 505 West 3rd Street

Legal Description: ORIG TOWNSITE OF WASHBURN LOT 10 BLOCK 24 IN DOC 2018R-572394 247

Tax ID: 33058 **PIN:** 04-291-2-48-04-05-2 00-312-14100

This Conditional Use Permit is granted for the purpose of permitting the User, and only the User, to engage in the permitted use set forth immediately below:

1. To operate a tourist rooming house in accordance with Section 13-1-8-294 of the City of Washburn Zoning Code.

This Conditional Use Permit is subject to the following special conditions:

1. This Conditional Use Permit is issued exclusively to the User, does not run with the land for which it is issued, and may not be sold, conveyed, assigned or otherwise transferred to any other person or entity. This permit will be effective once all conditions are complied with as specified in ordinance.
2. Issuance of a Conditional Use Permit does not indicate that the City of Washburn has certified the above referenced dwelling nor has it inspected the building, nor does it ensure that it meets local, state, federal, or professional requirements or standards related to the subject use.
3. All waste container facilities on the Subject Property shall be screened from view (from adjacent streets).
4. User shall construct a sign upon the property; identifying the User's business and the property address. A sign permit is required prior to constructing the sign, and the sign must conform to the City's Sign Ordinance.
5. User shall provide onsite parking for employees and all other visitors to the Subject Property and concrete, bituminous concrete pavement, or gravel shall be required for all driveways and parking areas in accordance with 13-1-17-5.04 of the City of Washburn Zoning Code. At the time of issuance of this permit, four spaces are required.



6. All conditional uses referred to above may be carried out upon the Subject Property twenty-four (24) hours per day, seven (7) days a week.
7. The Common Council for the City of Washburn may at some future date require regular review and renewal of Conditional Use Permits or otherwise change the Conditional Use Permit Ordinances. The holder of the permit may be subject to permit termination and/or renewal at the discretion of the Common Council or its designee. Holder of the permit may be subject to additional ordinance requirements and expense in that event.
8. Nona DeMars shall be listed as the agent for this tourist rooming house.

Statement on the nature of the approval:

In approving this Conditional Use Permit, the Plan Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem, it is a suitable additional use, there are no negative impacts on the environment known of, concerns with impacts on the neighbors were discussed and guest rules will be posted to help address these concerns, and it would not impede the normal development. The Common Council adopts these findings.

Appeal rights for applicant and other aggrieved persons:

Within 30 days of the decision date, a written appeal, including the reasons for the appeal, must be received by the City Clerk. The appeal process will follow the procedure outlined in 13-1-7-23 of the zoning ordinance.

Timothy Hay

Date

Personally came before me this ____ day of _____, 2018, the above-named Timothy Hay, to me known to be the person who executed for the foregoing instrument and acknowledge the same.

Notary Public, Bayfield County, Wisconsin

My commission expires: _____

Richard Avol, Mayor
City of Washburn

Date



Personally came before me this ____ day of _____, 2018, the above-named Richard Avol, known to be the person who executed for the foregoing instrument and acknowledge the same.

Notary Public, Bayfield County, Wisconsin

My commission expires: _____

Scott J. Kluver, Zoning Administrator
City of Washburn

Date

Personally came before me this ____ day of _____, 2018, the above-named Scott J. Kluver, known to be the person who executed for the foregoing instrument and acknowledge the same.

Notary Public, Bayfield County, Wisconsin

My commission expires: _____



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APPLICATION FOR CONDITIONAL USE PERMIT

(Zoning Code 13-7-51 through 62)

Name: Tim Hay Initial Application Amendment/Renewal

Physical and Mailing Address of Applicant: 1308 Rust St Eau Claire, WI 5470

Telephone Number: 715-271-3146 E-mail: timhay67@hotmail.com

Address/Description of Permit Property: 505 W. 3RD St Washburn, WI 548

Requested Conditional Use: VACATION RENTAL HOME Zoning District: R-6

Applicant shall submit a letter detailing the desired use, along with a scaled site plan of the property if new construction is involved.

It is the responsibility of the applicant to provide the name and address (both physical and mailing) of property owners within a 150 foot radius the permit property. Please use attachments for longer lists.

1. 503 1/2 W. 3RD Emily Martha Evanson
503 W. 3RD Neil Jackson
2. 504 W. 3RD Brenda Sue Dagsgard
3. 515 W. 3RD Dee E. Kittleson
4. 524 W. 3RD Heidi Hegstrom
5. 520 W. 3RD Kevin Karaba

APPLICATION FOR CONDITIONAL USE PERMIT --- Page 2

I have read municipal code 13-7-52 through 62 as presented to me upon application and understand the process related to the issuance of a Conditional Use Permit. I also understand that I may be required to submit supplemental information as may be required elsewhere in the zoning code for my particular request.

Application Signature:  Date: 6/10/18

Filing Fee: *A \$150 filing fee is due at the time of submitting the application. A receipt of the fee payment shall be attached to this application form and shall serve as the application submission date.*

OFFICE USE ONLY

Date of Review Completed by Zoning Administrator: _____

Date of Public Hearing: July 19, 2018

Dates of Publication/Mailing: _____

Recommendation of Plan Commission: _____

Approval by Council: _____

CITY OF WASHBURN

PO BOX 638

WASHBURN, WI 54891

Receipt Nbr: 26554

Date: 6/15/2018

Check

RECEIVED
FROM

TIMOTHY HAY

\$150.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	Account Nbr: 100-00-44400-000-000 ZONING PERMITS T HAY - CONDITIONAL USE PERMIT	150.00
<hr/> TOTAL RECEIVED		150.00

Receipt Memo: CONDITIONAL USE PERMIT

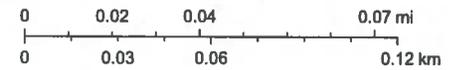
Bayfield County Web AppBuilder



8/7/2018 2:11:36 PM

- | | | |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
|  | — Tie Lines | --- Red Cliff Reservation Boundary |
| Override 1 | --- Meander Lines | All Roads |
|  Ashland Co Parcels |  Approximate Parcel Boundary |  Federal |
|  Douglas Co Parcels |  Section Lines |  State |
|  Rivers |  Government Lot |  County |
|  Lakes |  Municipal Boundary |  Town |

1:1,566



Bayfield County, Bayfield County Land Records

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715-373-6160
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To: Honorable Mayor and City Council Members
From: Scott J. Kluver, ^{SK} Administrator
Re: Resolution 18-007 Marina Line of Credit
Date: August 3, 2018

Enclosed you will find a resolution for a line of credit for the Washburn Marina in the amount of \$50,000. This line of credit has existed for the past 11 years and needs to be renewed with the bank. Per the agreement with Marina Management, Inc., a line of credit must be provided in this amount. There are no principle or interest charges on this line of credit unless it is used, and if it were used, those costs would be paid by Marina Management, Inc. Please let me know if you have any questions on this resolution, and I recommend its approval.

**COMMON COUNCIL FOR THE
CITY OF WASHBURN, WISCONSIN**

Resolution No. 018-007

Authorizing the Renewal of a \$50,000 Line of Credit for the Washburn Marina Operations

WHEREAS, the City of Washburn Common Council has an Agreement with Marina Management Inc.; and

WHEREAS, within that agreement is a requirement for the Harbor Commission to provide a \$50,000 line of credit to the Management Company to purchase special order goods for resale such as large engines or paint; and

WHEREAS, the existing note for the line of credit expires on September 1, 2018;

WHEREAS, the new terms would be a \$50,000, 2- year revolving line of credit with interest based on Wall Street Journal Prime adjusting daily and a floor of 4.5 percent. Interest payments will be due monthly and principal due at maturity. The line will be secured by a first lien on all business assets of the marina; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Washburn assembled this 20th day of August, 2018, hereby resolves to renew the \$50,000 Line of Credit with Bremer Bank.

BE IT FURTHER RESOLVED, that the Common Council authorizes the Mayor and Clerk to complete and sign the necessary documents to complete said transaction to maintain the Line of Credit on behalf of the City and Harbor Commission.

Adopted by the Common Council for the City of Washburn, Wisconsin this 20th Day of August, 2018.

Richard Avol, Mayor

STATE OF WISCONSIN)
)
COUNTY OF BAYFIELD)

I hereby certify that the foregoing resolution is a true, correct and complete copy of a Resolution #18-007 duly and regularly adopted by the Common Council for the City of Washburn on the 20th day of August, 2018 and that said resolution has not been repealed or amended, and is now in full force and effect.

Scott J. Kluver, City Clerk

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CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members
From: Scott J. Kluver, Administrator
Re: Coal Dock Rehabilitation Project Borrowing
Date: August 8, 2018

Enclosed you will find the borrowing resolution for the Coal Dock Rehabilitation Project. I am recommending that up to \$750,000 be borrowed for this project. It is impossible to know for sure what the total cost of the project will be until bids are received; however, based on the current engineer's estimate and costs of similar projects in the area, we can expect to see at least a 25 percent increase in the cost of the project from what was originally estimated. This is being attributed to an increase in stone and gravel costs due to a high number of projects and needed repairs in the area as well as fluctuation in the price of steel due to recent tariffs. I am hopeful that the dollar amount being requested will be adequate to cover the anticipated increase in costs.

You will note that the Harbor Commission did vote to utilize Bremer bank for the borrowing as they offered the lowest interest rate, and that the Harbor Commission can contribute up to \$350,000 of the principal costs of the project. It was originally anticipated that the Harbor Commission contribution would cover the balance of the project; however, that is no longer the case.

Please know that principal and interest rates on \$750,000 would total approximately \$90,000 for each of the next 10 years. The principal and interest on \$400,000 would total just under \$50,000 per year. If the general fund was required to add this to the tax base, it would currently require about a five (5) percent increase on the City portion of the property tax bill to cover this additional cost assuming no other changes. The amount could be lowered with income coming off the dock for its usage.

I request that the Council approve the enclosed resolution so that I may continue to work with the bank in order to finance the proposed project. Details of the total costs will be known after bids are received. If there would be an over-borrowing, the excess funds could pay down the loan without penalty.

Please let me know if you have any questions on the proposed borrowing at this time.

**COMMON COUNCIL FOR THE
CITY OF WASHBURN, WISCONSIN**

Resolution No. 018-008

Authorizing the Borrowing for the Coal Dock Rehabilitation Project and Providing for the
Issuance, Sale, and Delivery of up to a \$750,000 General Obligation Non-Taxable
Promissory Note of 2018

WHEREAS, the City of Washburn Common Council has determined that it has capital needs that can not be satisfied with the annual capital budget; and

WHEREAS, the Coal Dock Rehabilitation Project has been a priority project for the City of Washburn; and

WHEREAS, the City of Washburn needs to commit funds to the Coal Dock Rehabilitation Project above and beyond the nearly \$1.3 million in grant dollars received;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Washburn assembled this 20th day of August, 2018, hereby resolves to allow an amount not to exceed \$750,000 to be borrowed in the form of promissory notes from Bremer Bank. Furthermore, the term for such a borrowing be no more than 10 years, and that this be a tax-exempt borrowing at an interest rate of 3.99 percent. Furthermore, these funds shall be authorized to be utilized by the Common Council and Harbor Commission for the Coal Dock Rehabilitation Project.

BE IT FURTHER RESOLVED, that the Common Council of the City of Washburn hereby accepts the proposal received from Bremer Bank for a non-taxable promissory note in the amount not to exceed \$750,000 for the above listed projects and refinancing. Furthermore, the Common Council authorizes the Mayor and Clerk to complete and sign the necessary documents to complete said sale and receive the funds on behalf of the City.

Adopted by the Common Council for the City of Washburn, Wisconsin this 20th Day of August, 2018.

Richard Avol, Mayor

STATE OF WISCONSIN)
)
COUNTY OF BAYFIELD)

I hereby certify that the foregoing resolution is a true, correct and complete copy of a Resolution #18-008 duly and regularly adopted by the Common Council for the City of Washburn on the 20th day of August, 2018 and that said resolution has not been repealed or amended, and is now in full force and effect.

Scott J. Kluver, City Clerk

City of Washburn

Resolution to Borrow

At a duly-convened meeting, held in open session at city hall at 7:00 pm on the 20th day of August, 2018 at which ____ of the members-elect were present in person, there is hereby adopted a formal borrowing resolution which shall be in a form acceptable to the lending institution and approved by the Clerk. The resolution authorizes borrowing the sum of _____ (\$_____)

from Bremer Bank and was duly adopted by the affirmative vote of ____ of the members present at the meeting. That said resolution has been duly recorded in the minutes and proceedings of said meeting. This will be a general obligation, tax exempt borrowing and Bremer Bank has agreed to set the interest rate at 3.99% fixed for ten years. Principal and interest payments will be due annually based upon a ten year amortization.

Scott J. Kluver, City Clerk

JULY 28, 2018 HARBOR COMMISSION MEETING

8:00 A.M. WASHBURN MARINA – 1 MARINA DRIVE

Commission Members Present: President Carl Broberg, V.P. John Baregi, Rodger Reiswig, Nicholas Suminski, and Don Swedberg.

Commission Member Absent: Bradley Lemire and Mary McGrath.

Municipal Personnel Present: Kay Bratley, Deputy Clerk/Treasurer.

Municipal Personnel Absent: Scott Kluver, City Administrator/Clerk.

Call to Order – President Carl Broberg called the meeting to order at 8:05 a.m.

Approval of Minutes of the July 3, 2018 Meeting – Swedberg moved to approve and place on file the July 3, 2018 Meeting Minutes and Suminski seconded. Motion carried 5 -0.

Public Comment – None.

Treasurer's Report – Reiswig made a motion to approve and place on file the Marina Operating Account and the Harbor Passbook reports and Baregi seconded. Motion carried 5-0

1. **Payment of Invoices** – Baregi moved to approve C & W Trucking invoice #18911 for \$2,900.00 and Suminski seconded. Motion carried 5-0. Broberg stated the next invoice is the Wisconsin Commercial Ports Association annual dues of \$200.00 and he will be attending the meeting in Superior, WI on August 17th and 18th to represent the marina. Swedberg moved to approve Wisconsin Commercial Ports Association invoice dated June 26, 2018 for \$200.00 and Baregi seconded. Motion carried 5-0.

Slip Transfers – Broberg confirmed the completion of slip #8 transfer from Cegielski/Pittman to Walker.

Marina Manager's Report – Shrider stated June was slow due to weather but were very busy in July and have a 100% occupancy with a waiting list for this year; the service department had been very busy and is starting to slow down so they can work on maintenance items before the haul out packets go out in two weeks, however last week 6 boats were launched, so launch and haul out may be overlapping.

1. **June Financial Reports** – Shrider stated we have a 6.67% budget surplus, all departments are running close to being on target; we have quite a bit of trailer boat activity in terms of people calling, stopping by for service, parts, and stopping in the Ship's Store which we are tracking back to the radio advertising being done in our region. Swedberg moved to accept and place on file the June Financial Reports and Reiswig seconded. Motion carried 5-0.

Discussion and Action on Property Insurance Coverage – Broberg stated notice was received from the marina's insurance carrier that handles the existing comprehensive policy with a premium of \$788.00 per year for the loss of our docks, is being cancelled and are offering two options: 1) same coverage with a premium of \$10,609.00 per year or 2) a policy with an annual premium of \$6,062.00 with only \$250,000.00 of coverage per occurrence; that is a significant impact to our operation budget in the coming years. Broberg stated this coverage was taken out a few years ago when looking into the replacement cost of the piers if something were to happen; believes the increase in premiums may have been a result of the Saxon Harbor disaster and we will need to explore what our options will be. Shrider stated she is currently shopping for insurance as it renews in November; will shop for private property insurance, however many private companies will no longer cover warps and piers due to past years of hurricane damage on the coast and Great Lakes damage due to low and high waters, they will do catastrophic or very limited property insurance instead.

Discussion and Action on Replacement of Electrical Pedestals on South Breakwall – Broberg stated there are three remaining pedestals on the south breakwall that are approximately 40 years and reviewed them with an electrical contractor which determined they need replacing; a quote for 3 EPD electrical interrupters will cost \$4,174.23; replacing them will bring the marina up to date. Baregi made a motion to accept the bid from International Dock Products, Inc. dated July 22, 2018 in the amount of \$4,174.23 and issue a purchase order to obtain the three pedestals and Suminski seconded the motion. Motion carried 5-0.

Update on Boat Ramp Project Electrical Fix/Action on Ground Fault Tripping Recommendation – Broberg reviewed the electrical issue and the cost for the guests in attendance and what needs to be done to bring the piers up to date. Strider stated there will be a huge educational opportunity for marina operators and boaters on electrical safety aboard their boats concerning ground fault tripping.

Update on Coal Dock Sheetpile Project – Broberg stated the permitting process is going forward however the DNR stated we need a new underwater lease for the coal dock; the DNR recognized that the coal dock has been there a 100 years and will not stop the progress on the work that will be done this fall; but will need to have an underwater survey of the dock referencing back to the original lake survey done in 1856; surveyors were out there this week and did the survey of the dock and shoreline needed to satisfy the DNR for the new lease; the bore sampling was completed this week that was required before the final specifications can be put together to issue the bid. Broberg stated the bid will be issued in August with a September bid opening/awarding and the work will begin in October to hopefully be completed by the end of the year; the cost of 1.6 million which was used on the grant application was an estimate based on a survey done approximately 2 years ago so there will be many unknown to deal with; the Harbor Commission received 1.3 million from the grant and Harbor Commission believes they can handle the \$350,000.00 additional needed, barring any unknowns such as the price of steel. Broberg stated Bremer Bank has the lowest rate of 3.99% for a 10 year loan with a balloon offered among the financial institutions in the local area. Broberg stated a stipulation with the WI DOT grant is the coal dock must be used commercially for 25 years and it cannot be leased out, however we can sign non-exclusive use agreements for use of the dock. Broberg stated currently we have signed agreements with Nelson Construction and Pearl Beach Construction to use the coal dock this year and the Core of Engineers are interested in using the coal dock next year; Pearl Beach Construction, a Michigan based company, would like to set up a marine construction operation in Washburn and would use the coal dock on a long-term basis plus discussion is occurring to building a maintenance facility and office building near the marina which is an issue for the zoning and city council to resolve. Suminski made a motion to recommend to City Council to initiate discussion with Bremer Bank for a loan in the amount of approximately \$350,000.00 and Reiswig seconded. Motion carried 5-0.

Discussion and Action on Recommendation for Financing of Coal Dock Project – Discussion occurred in Update on Coal Dock Sheetpile Project.

Open Discussion with Boaters on Various Topics – No Action To Be Taken on This Discussion At This Meeting – Baregi made a motion to open the floor and Suminski seconded. Motion carried 5-0. Greg and Robin Gynnild, new owners of the two storage buildings at the marina, introduced themselves; they have been a slip owner for 13 years at the marina. Baregi moved to close the floor and Swedberg seconded. Motion carried 5-0.

Adjourn – Reiswig moved and Baregi seconded motion to adjourn. Motion carried 5-0 at 9:53 a.m.

Respectfully Submitted,
Kay Bratley, Deputy Clerk/Treasurer

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CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members

From: *SK* Scott J. Kluver, Administrator

Re: Update on Property Sale Requests

Date: August 10, 2018

The direction I received from the Council after the last meeting was to explore any viable alternatives besides Lot 48 for the Pearl Beach proposal. Those alternatives were limited to two choices: (1) seek usable land from the County, and (2) seek an arrangement with other private land owners.

Several discussions were held with the County, and the Mayor and I appeared at a Bayfield County Executive Committee meeting. There was great interest in the Pearl Beach proposal, and an understanding of how it would benefit the entire area. Unfortunately, I was later informed that the only area that the County would be willing and able to work with the City on for a land deal was with the southeast corner of the Highway Garage property, and with the American Legion and Lions Club park area. This area would require the relocation of the American Legion and Lions Club buildings, would require a great amount of earth moving to make the property of a size that was usable and level, and would require the extension of utility mains, most likely with a lift station. All of these issues negate this area as a viable option. At the end of the day, we are in the same position with the County about relocating the Highway Department yard as we were when discussions occurred about a year ago.

Several discussions were held with Mr. Jeff Pipgras on the property that was recently sold to him so he could relocate his business. This included a potential outright purchase of the Pipgras property by Mr. Dornburg. The City's role, and my role, in these discussions was to play matchmaker and to outline the issues and possibilities to all sides. As it stands today, there is a verbal agreement between the two parties that Mr. Dornburg would lease space from Mr. Pipgras for his outside contractor's yard activities. This would include the storage of heavy equipment and materials, and any construction activities of docks and cribs would occur on this site as opposed to Lot 48. This plan is predicated on Mr. Dornburg still being able to construct his office on Lot 48, a residential unit(s) would be on the upper floor of the office, and the garage would remain for the inside maintenance of boats and equipment. These revisions would eliminate the need for a re-zoning of the property or a comprehensive plan change.

In the middle of all this, a meeting was also held with the American Hotel Association. They reiterated their concerns of how industrial activities, including noise and the beeping of trucks and equipment, would be

detrimental to their plans. They also expressed a desire to work with the City to prepare a more detailed residential plan that included property not expressed in their current offer. The ideas and plans conceived by Mr. Dornburg and Mr. Pipgras still have not been embraced by the American Hotel Association even though the concerns they expressed were addressed and all but eliminated.

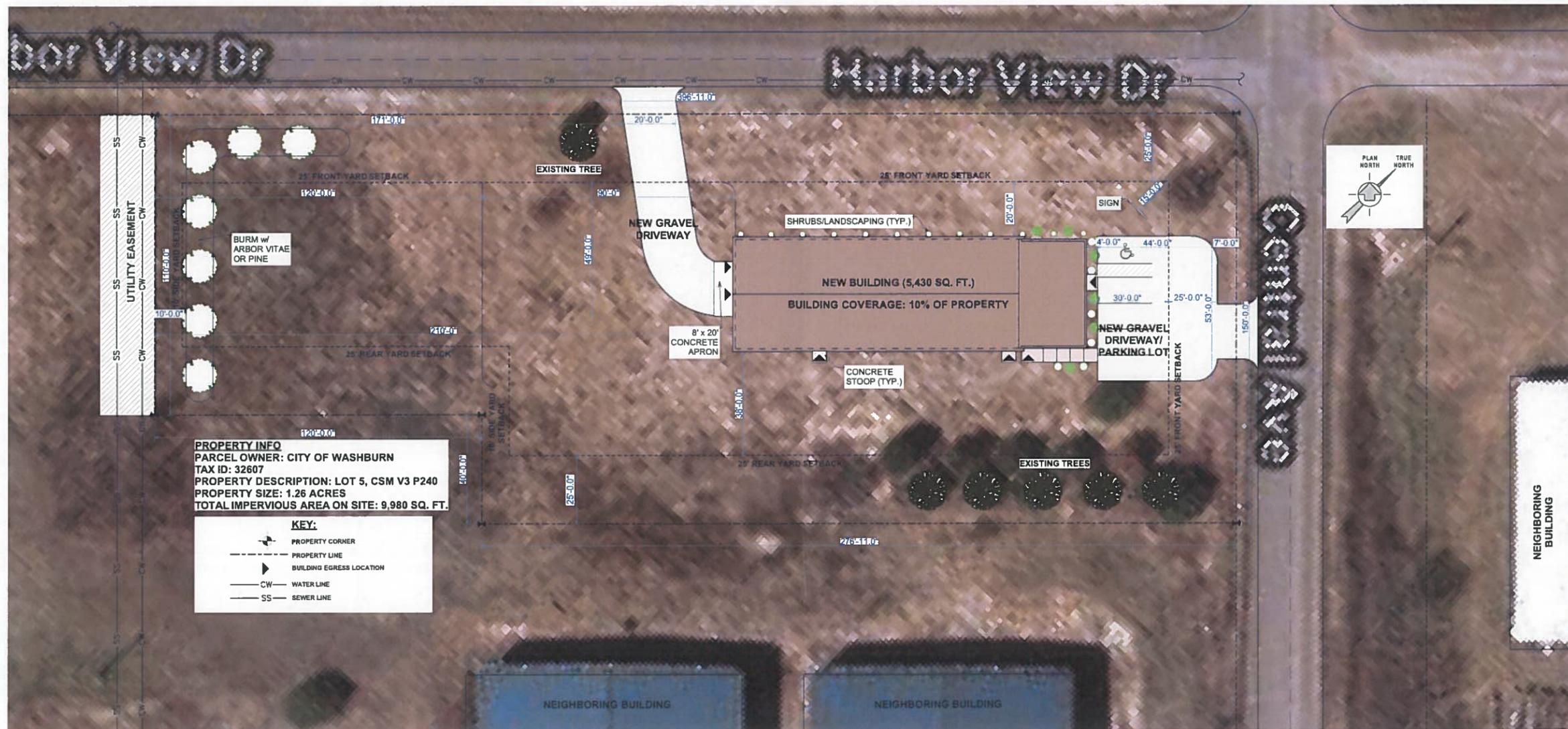
I recommend that the Council approve the sale of lot 48 to Mr. Dornburg contingent upon final site plan approval, agreement to commence development within a given timeframe, and that the City be provided a copy of the arrangements between Mr. Pipgras and Mr. Dornburg.

Enclosed you will find an updated site plan from Pearl Beach Construction, although it is not the final site plan for formal approval. I have enclosed the same materials from American Hotel Association as last month. Please let me know if you have any questions on this matter.



VIEW FROM STREET CORNER

SCALE: 1:100



PROPERTY INFO
 PARCEL OWNER: CITY OF WASHBURN
 TAX ID: 32607
 PROPERTY DESCRIPTION: LOT 5, CSM V3 P240
 PROPERTY SIZE: 1.26 ACRES
 TOTAL IMPERVIOUS AREA ON SITE: 9,980 SQ. FT.

KEY:
 -+ - PROPERTY CORNER
 - - - PROPERTY LINE
 ► BUILDING EGRESS LOCATION
 — CW — WATER LINE
 — SS — SEWER LINE

SITE PLAN

SCALE: 1" = 20'

PROPOSED NEW BUILDING FOR:
PEARL BEACH CONSTRUCTION
 SOUTH CENTRAL AVE, WASHBURN, WI 54881
SITE PLAN

DESIGN & ENGINEERING
 with framework design inc
 803 Lake Sherard Drive West, Ashland, WI 54806
 Telephone (715) 622-0330 www.cedesignengineering.com

APPROVED

REVISIONS

DESIGNED L.D.

DRAWN B.L.W.

SCALE: AS NOTED

DATE: AUGUST 2018

PROJECT NO:
18-3239

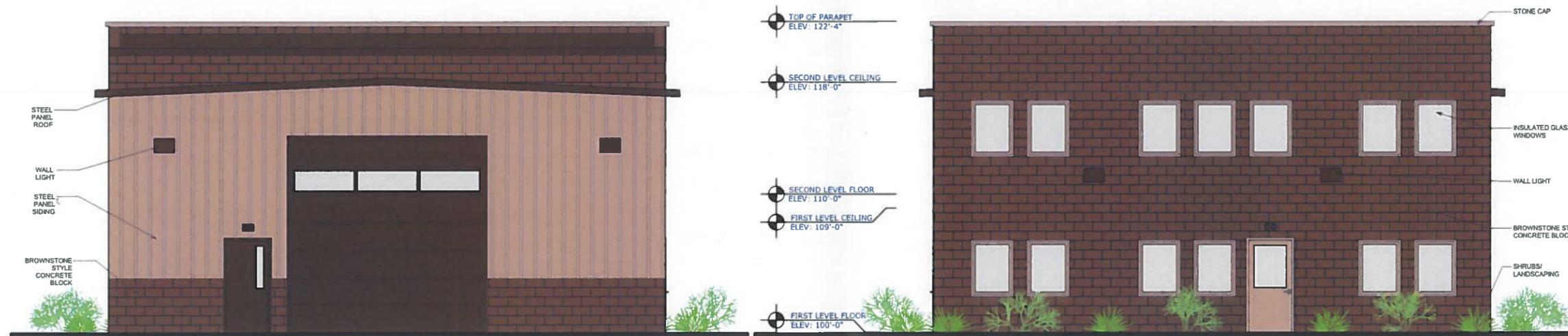
SHEET NO.
A-2

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NORTH ELEVATION (VIEW FROM WEST HARBOR VIEW DRIVE)

SCALE: 3/16" = 1'-0"



WEST ELEVATION

SCALE: 1/4" = 1'-0"

EAST ELEVATION (VIEW FROM SOUTH CENTRAL AVENUE)

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

PROPOSED NEW BUILDING FOR:
PEARL BEACH CONSTRUCTION
SOUTH CENTRAL AVE, WASHBURN, WI 54981

ELEVATIONS

DESIGN & ENGINEERING
with framework design inc
CS
803 Lake Shore Drive West, Ashland, WI 54806
Telephone (715) 682-0330 www.csdesignengineering.com

APPROVED

REVISIONS

DESIGNED: L.D.
DRAWN: B.L.W.
SCALE: AS NOTED
DATE: JUNE 2018

PROJECT NO:
18-3239

SHEET NO:
A-3

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PRINTED 6/22/2018

washburnadmin@cityofwashburn.org

From: Pearl Beach Disaster <pbdisaster@hotmail.com>
Sent: Friday, June 22, 2018 11:16 AM
To: City of Washburn Administrator
Subject: Re: Council Meeting Results

Scott,

I accept your counter offer of \$25,000.00 and look forward to moving ahead with the purchase of lot #48 in the city of Washburn. The coal dock lease has been signed and C&S has been hired to complete the site plan and drawings. If you need to prepare a formal formal memo of understanding or offer to purchase please advise. I will be returning to town next Monday and will be available to sign the agreement at your convenience. Thank you in advance.....Karl.

Karl Dornburg - President
Always Ready Restoration
50551 Chesterfield Road
Chesterfield, MI 48051
586-206-4674 Ph.
866-470-5954 Fax

From: City of Washburn Administrator <washburnadmin@cityofwashburn.org>
Sent: Tuesday, February 13, 2018 4:30 PM
To: pbdisaster@hotmail.com
Subject: Council Meeting Results

Karl,

Thank you for the presentation last night. I think that went very well, and it answered a lot of questions that people have. The matter was discussed in closed session, and here is what I can tell you at this point:

1. No formal action was taken last night. Nonetheless, the conversation from the Council members present was positive in that they wish to discuss moving forward. They would like to have the City Attorney and me prepare a formal memo of understanding, or offer to purchase, (which would include contingencies for zoning and site plan approval) to be voted on at the next meeting. In addition, they need to bring our two remaining Council members up to speed.
2. At this point, we are only considering parcel 48, directly behind the boat storage buildings.

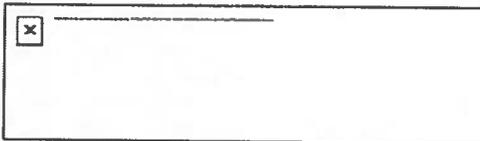
3. They want to propose the price of the property as \$25,000. The reason for this is that it is the comparable price of the property that was sold last month, which is right next door, to the individuals who had their attorney write that letter. In addition, it is the comparable price the City sold this property for several years ago, and then purchased it back for lack of action on it.

4. They would like you to prepare a site plan , which would be exhibit A, in any offer to purchase. They realize that this is a commitment on your part to begin spending dollars, but wanted me to relay the interest in moving forward. The site plan will need to show not only the basic dimensions of the building, but setbacks, building materials, exterior aesthetics, and screening. Ideally, they would like to consider and approve a site plan before the Council turns over in April. This is why I am telling you this now as opposed to waiting for formal action from them next month. We understand this will take some time.

5. They would like a lease for the dock, which would be exhibit B, in any offer to purchase. This would require moving on this front immediately as well.

Ideally, the Council members who were at the meeting would like to have a binding offer to purchase prior to the turnover in April, contingent upon zoning. Once all these details would be worked out, the zoning process could then move forward. Please let me know your thoughts and questions on these items. There are many details to work out, and we plan to better formalize a path forward. The intention of this message is to inform you of the Council's good faith effort to move forward.

Scott J. Kluver, Administrator
City of Washburn
P.O. Box 638
119 Washington Ave.
Washburn, WI 54891
Phone – 715-373-6160 Ext. 4
Fax – 715-373-6148
<http://www.cityofwashburn.org/>



City of Washburn - Home

www.cityofwashburn.org

City of Washburn in Wisconsin on the shore of Lake Superior
and surrounded by the Chequamegon-Nicolet National
Forest.

The City of Washburn is an equal opportunity provider, employer, and lender.

February 12, 2018

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM Washburn City Hall

Present: City Council Members:

Richard Avol, Jeremy Oswald, John Gary, Robert Arquette, Karen Spears Novachek

Municipal Personnel:

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

Excused Absence:

Jennifer Maziasz, Mary McGrath

Closed Session: in at 6:59pm out at 8:20pm

Negotiation on Offer by Pearl Beach Construction to Purchase City Lots #47 and #48 for the Construction of an Office and Contractors Yard at that Location – A discussion took place on selling lots 47 & 48 to Pearl Beach Construction. It was stated that Council prefers to only sell lot 48 and the lot should be sold at twenty five thousand dollars, similar to what the city sold the neighboring lot for. It was stated that a site plan and lease agreement for the Coal Dock would need to be approved in order to get a binding offer with Pearl Beach Construction. This would need to be done before a zoning requests would move forward. No motion was made.

Personnel Matters – Evaluation of the City Administrator – An annual review of the City Administrator was conducted. No motion was made.

Adjourn – A motion was made by Avol to adjourn at 8:20pm, second by Novachek. Motion carried unanimously.

Dan Stoltman
Assistant City Administrator

SPEARS CARLSON & COLEMAN S.C.

JOHN R. CARLSON*
LINDA I COLEMAN

JACK A. CARLSON
of Counsel

ROBERT M. SPEARS
(1913-2000)

ATTORNEYS AT LAW
122 WEST BAYFIELD STREET
PO BOX 547

WASHBURN, WISCONSIN 54891

TELEPHONE: 715-373-2628

FAX NO.: 715-373-5716

HAYWARD OFFICE
15886 HWY 63
HAYWARD, WI
TELEPHONE:
715-934-3236

*ALSO LICENSED IN MINNESOTA

June 1, 2018

City of Washburn
P.O. Box 638
Washburn, WI 54891

Re: Offer to Purchase

Greetings:

The purpose of this letter is to extend an offer to purchase by American Hotel Association, LLC Parcels 47 and 48 along Harborview Drive for \$45,000. A map depicting the location of Parcels 47 and 48 is enclosed. The plan for this property is to construct a series of duplexes from Lot 3 of CSM 2024 to Central Avenue.

The drawings of the duplexes can be provided for the committee and council to consider. Generally speaking, they will be single level along the lake side of Harborview Drive and include two living units separated by attached garages. This design is what was recommended in 2017 analysis written by The Windward Group.

As the Plan Commission and City Council are aware, there has been much debate, including two outside studies by Cedar Corp and The Windward Group to determine how the city can best utilize the property that includes Parcels 47 and 48. In addition, the city completed a comprehensive plan. Both of the studies and the comprehensive plan took into consideration comments from the community and other relevant information regarding the economics and the demand for housing in the city.

Specifically, the most recent study preformed by The Windward Group noted the following:

- There is clear desire for the development of new housing in the downtown area.
- As new construction activity (commercial or residential) has been very modest over the past seven years, any new development will benefit from entering a market without any true source of direct competition.
- It is recommended the Omaha Street Property be developed as a mixed-use residential community including 18-24 maintenance free, small lot single family homes. It is also recommended that no commercial development occur until the residential development is completed.

The 2016 report from Cedar Corp asked a number of questions to local realtors. Some of the responses and findings are as follows:

- People are looking for, quality built new homes under \$200,000 that are move-in ready. They are also looking for maintenance free homes with main floor living, at least two baths and an attached garage.
- The existing housing stock is generally comprised of older, outdated homes.
- There is a demand for newer affordable homes and quality rentals. There is a lack of rental in the area, and those that do exist are of lower quality.

The Comprehensive Plan also supports this development with the following comments:

- The Plan envisions mixed-use development south of West Harbor View Drive.
- Promote mixed use development on the south side of West Harbor View Drive, similar to the proposed mixed use on the north side.
- Similar to the Windward Group and Cedar Corp studies, the conceptual sketches in the comprehensive plan show residential development on both parcels 47 and 48.

Both parcel 47 and 48 are needed for this development, otherwise it will not be feasible. The committee and council members should personally view the lay of the land. If parcel 48 is used for purposes that are akin to industrial or similar operations, the view from parcel 47, and most of the other parcels on the undeveloped block, would become obstructed. The city has worked over the years to remove as much industrial activities as possible from the Central Avenue corridor because it hinders the development of the other adjacent property owned by the city. The industrial appearance and the hinderance it causes in the Central Avenue area is noted in the studies and the comprehensive plan.

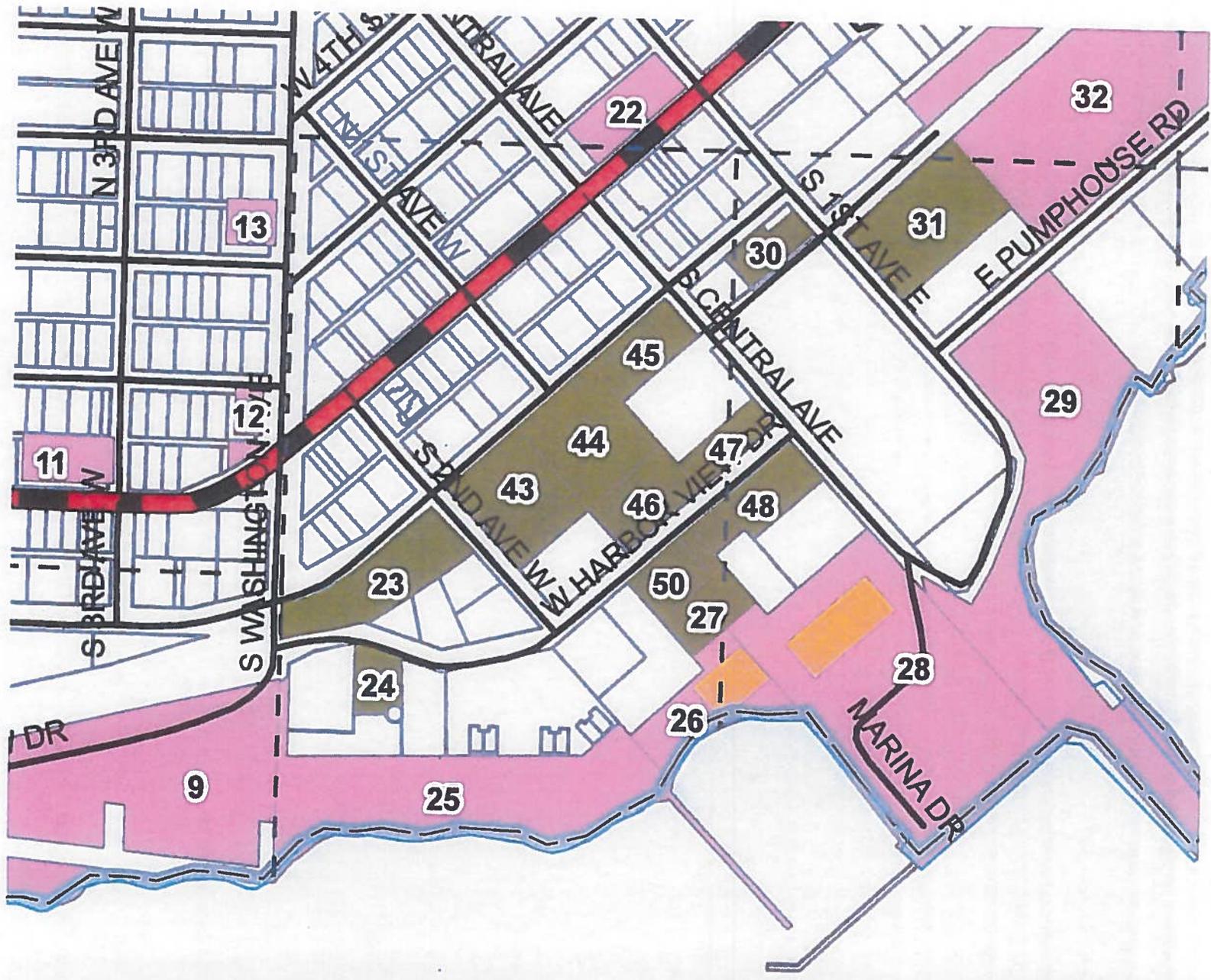
This offer and proposal is in line with the years of studies and planning undertaken by the city. It would also increase the tax base that is a part of a TIF district. For a long time, the city has sought developers for this property. This offer is made by individuals who have a vested long-term interest in the City of Washburn and a proven track record of success.

If you should have any questions, please advise.

Cordially,

1/5/ John R. Carlson 1/25/8

John R Carlson



6

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members
From: Scott J. Kluver, Administrator
Re: Bayfield Street Renaming
Date: August 3, 2018

Enclosed you will find a request from the Washburn Heritage Association to consider renaming Bayfield Street and to get approval to set down a path to that goal. A representative from the Washburn Heritage Association will be present at the meeting to answer questions.

To start with, I will declare my bias as this would affect me personally, but not as bad as others because I use a post office box. Nonetheless, I do know how this could affect many of the other businesses and residents along Bayfield Street.

Although two options are presented, I believe the first option would cause confusion since we would still need to use "Bayfield Street" for our daily activities, but we are expected to call it something else. I am not sure what the purpose of this is other than some sort of symbolic gesture.

The legal name change which will require amending the plat(s), would take some time, and I am not certain it would provide any fruitful results for the City. It will also require that all of the residents and businesses along the street change their address which would include all of their mail, all of their advertising, and in many cases their signage.

The City has been going through the process of correcting addresses in the City in various chunks at a time. I can tell you that it is not a popular process with the businesses and residents that are affected. We do not do this just because we want to, we are doing to correct logic errors with previously listed addresses so the dispatch of emergency services is not affected and so that properties can be found easily. Needless to say, we have dealt with a number of angry residents because of it.

This action would affect the City too as we need to update our databases for utility billing, voter registration, and property records. It was pointed out that the City would need to replace street signs, and I must add that some of our signage would need to be brought up to current code as it is not currently. This will add to that expense as well.

In summary, I am not in favor of this proposal. I believe it is as lot of hassle, and I am doubtful it would accomplish anything beneficial.

August 2018

The Washburn Heritage Association is supportive of a proposition to rename the current Bayfield Street. Recognizing the historical background of the name "Bayfield," we are also cognizant that the name recognition of the city of Bayfield is the perception carried by the same named street in Washburn. We are suggesting a name by which Washburn might have a stand-alone reputation and by which the city might be able to build upon its own identity. We are committed, as an organization, to preserving and promoting the heritage of Washburn, the history and the events which are a part of the community today. A name which has its roots in that history would be more fitting.

We are seeking the approval and encouragement of this Council to proceed with a plan to solicit the community for name suggestions and to enroll the merchants along the street in the plan.

There are two methods of changing the name besides doing nothing. Method #1 is a local name which would not carry a legal status but would be the main name on the street sign blades with Bayfield Street in a sub-text position on the blades, perhaps a large font vs a small font. In time, the new name will hopefully become the standard and replace Bayfield Street entirely.

Method #2 is a legal name change which would hasten the use and recognition of the new name. This will affect city records, plat maps and other legal documents and is the preferred choice of WHA. It would avoid confusion.

In both cases, as in other cities which have made changes, we would not ask for merchants to take on unnecessary expenses such as forms and stationery which all can be phased in as reorders are made. That would be an option to make an immediate switch or switch over time. The Post Office will have both names for the time being. As the location of businesses does not change, deliveries would continue as before.

Exact costs can be determined pending approval. There are 26 large blade signs with the Washburn logo, 6 small blue street signs and three white street signs, the small signs not being large enough for a double name and probably requiring a larger pole to carry the larger blades. Such blades are estimated to be around \$1500 plus installation by Washburn Public Works who will be invited to provide purchasing power and estimates of labor. Replacing the 9 small poles, if necessary, is an unknown cost at this point.

7

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members

From: Dan Stoltman, Assistant City Administrator

DRS

Re: Chicken Ordinance

Date: August 6, 2018

Enclosed you find our current chicken ordinance (Sec. 7-1-26) which has been out of date ever since we adopted our new zoning code. Our zoning code does not contain information as to where chickens are allowed, that information is in our licensing and regulations ordinance. But the new zoning code changed/renamed the zoning districts, and therefore the chicken ordinance does not match up with the new districts in the zoning code.

During the creation of the new zoning code, the consensus of the Council at that time was to allow chickens in all residential zones as long as they follow the regulations and get the proper permits as stated in the ordinance. This is how city staff has been going about permitting chickens post new zoning code.

We do have many residential homes in non-residential zoning districts. Therefore, if we limit chickens to residential zones only, non-residential zones would obviously not be allowable. If residents in those non-residential areas wanted chickens, I would expect them to argue that their homes are just as conducive to having chickens as those in residential zoned areas. In some cases I would agree, for example, homes on Bayfield Street at as you head out of town towards Ashland are in the C-1 Cottage Commercial district and chickens would not be allowed regardless if the property in that particular area is conducive to having chickens or not. On the other hand, it is then possible to also have chickens next to the hotel or a restaurant depending on what zones are permitted.

The question for Council is, where do we want to allow the keeping of Chickens? If Council is agreeable to residential zones only, the updated ordinance would allow chickens in all residential zones (R-1, R-2, R-6, and R-7). Or we can open it up to other areas, keeping in mind regardless of zone, all must meet current regulations and permitting processes of the current ordinance, such as getting the neighbors to sign off on it and site plan. I do not have a strong opinion either way, and regardless of where we allow chickens, I don't expect it will create any more or less work for staff. I have included a zoning map as well.

- (b) **Presumption.** There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:
- (1) The placement of salts, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers in an aggregate quantity of greater than one-half (1/2) gallon at the height of less than six (6) feet off the ground.
 - (2) The placement of salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers in an aggregate quantity of greater than one-half (1/2) gallon in a drop feeder, automatic feeder, or similar device regardless of the height of the salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers.
- (c) **Exceptions.** This Section shall not apply to the following situations:
- (1) The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.
 - (2) Naturally growing grain, fruit or vegetable material, including gardens and residue from lawns, gardens and other vegetable materials maintained as a mulch or compost pile.
 - (3) Unmodified commercially purchased bird feeders or their equivalent.
 - (4) Deer feeding may be authorized on a temporary basis by the Common Council for specific public purposes determined by the Common Council.
- (d) **Violations.** Any person who violates any provision of this Section and is found guilty shall be subject to a penalty as outlined in the provisions of Section 1-1-7(a) through (c) of the Washburn Code of Ordinances.

Sec. 7-1-26 Keeping of Chickens.

- (a) **Where Permitted.** Chickens, excluding roosters, may be raised in Districts R-1 through R-4, as defined in the City Zoning Code, in accordance with the regulations prescribed in this Section.
- (b) **Number.** No more than six (6) mature female chickens may be kept at any one time at any residential district, except as allowed by a conditional use permit granted for a parcel in the R-1 District pursuant to Section 13-1-22(d)(4).
- (c) **Permit.** No chickens may be kept except pursuant to a permit obtained from the Zoning Administrator pursuant to this Section, except that additional chickens may be kept in the R-1 District under a conditional use permit granted pursuant to Section 13-1-22(d)(4). A permit may be issued upon the applicant's meeting of the following conditions:
- (1) **Consent From Adult Residents.** The applicant must furnish the written consent from all adult residents of the parcel for which the permit is sought.

- (2) **Neighbor Notification; Objection.** The applicant must furnish the name and mailing address of the owner of each parcel of real property that abuts the parcel for which the permit is sought and that contains an occupied principal structure, as that term is defined in Section 13-1-170(a)(74), any part of which is within one hundred (100) feet of the applicant's parcel. The City shall mail the notice to the owner of any abutting property meeting this criteria. The applicant and the City may presume that the owner and mailing address to which property tax bills for the parcel are sent is the correct owner and mailing address, unless the property owner has provided an alternative name and/or address to the City. The owner of any abutting property meeting the criteria stated above and who objects to the issuance of a permit must file a written and signed objection, stating the reasons for the objection, with the City Clerk no later than fifteen (15) days from the mailing date of the notice. Whenever an objection is filed, the Common Council shall decide whether or not a permit may be issued. The City Clerk shall send a copy of the objection to the applicant. The applicant and the objecting party shall be given no less than ten (10) days' notice of the Common Council meeting at which the Common Council shall determine whether or not a permit may be issued. The Common Council shall not deny the issuance of a permit on the basis of the objection unless there are circumstances particular to the parcel, the applicant, or the objector that indicate that the public health, safety, or welfare requires the denial of the permit. If the Common Council determines that a permit may be issued despite the objection, the applicant shall still meet all other conditions for the issuance of a permit, which shall be determined by the Zoning Administrator pursuant to Section 7-1-26(c)(6).
 - (3) **Site Plan.** The applicant must furnish a site plan showing the location and dimensions of the proposed chicken coop and run, and the distance of the coop and run from all lot lines and buildings located on the adjacent lots.
 - (4) **Fee.** The applicant shall make payment of the permit fee prescribed in Sec. 1-3-1.
 - (5) **Inspection Consent.** Application for a permit under this Section constitutes consent by the applicant to the City of Washburn and any of its employees or agents to enter upon the applicant's property to ascertain compliance with this Section and with the terms of the permit, for as long as the permit is in effect.
 - (6) **Permit Issuance.** Permits will be issued by the Zoning Administrator upon the Zoning Administrator's finding that all conditions for the permit have been met. Written notice of the grant or denial shall be provided to the applicant and to any person who has filed an objection to the granting of the permit. Any person aggrieved by the grant or denial of a permit may have such grant or denial reviewed by the Common Council by filing a written request for review with the City Clerk-Treasurer no later than ten (10) days after the mailing date of the notice of grant or denial.
- (d) **Permit Revocation.** A permit issued under this Section may be revoked by the Zoning Administrator upon a finding that the permittee has committed a serious violation of this

Section, or upon a finding that the permittee has committed multiple or repeated violations of this Section. A revocation may be initiated by the Zoning Administrator or by any citizen filing a written and signed complaint. The Zoning Administrator shall provide written notice to the permittee upon the revocation of a permit, and shall include in the notice a listing of the reason for the revocation and a notice of the permittee's appeal rights as provided in this Subsection. The Zoning Administrator shall provide a copy of the notice to any person who has filed a written and signed complaint regarding the permittee, and shall also provide to any such person notice of a non-revocation on the basis of such complaint. Any person aggrieved by the revocation or non-revocation of a permit may have such action reviewed by the Common Council, by filing a written request for review with the City Clerk-Treasurer no later than ten (10) days after the mailing date of the notice of action.

- (c) **Chicken Coop Standards.** Chickens shall be provided with a building structure that meets the criteria set forth below:
- (1) **Location.** The coop must be no closer than ten (10) feet to a lot line, and no closer than twenty (20) feet to any house or other occupied structure other than that of the owner, and may not be located in the street yard, as that term is defined in Section 13-1-170(a)(88), except as allowed by a conditional use permit granted for a parcel in the R-1 District pursuant to Section 13-1-22(d)(4).
 - (2) **Space Per Chicken.** Each mature chicken shall have a minimum of three (3) square feet of floor space.
 - (3) **Nesting Boxes.** There shall be at least one (1) nesting box per mature chicken.
 - (4) **Elevated Perches.** The coop shall include elevated perches.
 - (5) **Soundness of Construction.** The coop must be structurally sound, moisture-proof, and kept in good repair.
 - (6) **Ventilation.** The coop shall have vents to provide for proper ventilation.
 - (7) **Windows.** The coop must have at least one (1) window.
 - (8) **Sanitary Standards; Manure.** The coop shall be cleaned daily and the waste must be properly disposed of.
 - (9) **Chicken Run Access.** The coop must provide access to the chicken run.
 - (10) **Temperature.** The coop must be maintained at an internal temperature of not less than 15° F.
- (f) **Chicken Runs.** Chickens shall be provided with an outdoor fenced structure that meets the criteria set forth below:
- (1) **Location.** The run must be no closer than ten (10) feet to a lot line, and no closer than twenty (20) feet to any house or other occupied structure other than that of the owner, and may not be located in the street yard, as that term is defined at Section 13-1-170(a)(88), except as allowed by a conditional use permit granted for a parcel in the R-1 District pursuant to Section 13-1-22(d)(4).
 - (2) **Space Per Chicken.** Each mature chicken shall have a minimum of six (6) square feet of floor space.

- (3) **Minimum Dimensions.** The chicken run must have minimum dimensions of two (2) feet wide by two (2) feet long by three (3) feet tall (2' x 2' x 3').
- (4) **Fencing; Mesh Side.** The chicken run must be enclosed with fencing of a mesh size of not more than one (1") inch square.
- (5) **Chicken Run Roof Fencing.** The run must be covered with fencing with a mesh size of not more than one (1") inch square.
- (6) **Fencing Burial.** If the chicken run is not mobile, fencing must be buried at least one (1) foot underground around the entire periphery of the run.
- (g) **Food and Water.**
 - (1) **Water.** Adequate water shall be provided at least once a day.
 - (2) **Food.** Adequate food must be provided at least once a day.
- (h) **Sale of Eggs.** A permittee or family member of a permittee may sell eggs laid by the chickens permitted under this Section from the residence where the permit is located, provided the permittee complies with all other applicable law. The *de minimis* sale of eggs is not considered a commercial use or a customary home occupation.
- (i) **Penalties.**
 - (1) A forfeiture shall be assessed for any violation of this Section in an amount no less than Twenty-Five Dollars (\$25.00) and no more than Two Hundred Dollars (\$200.00), unless the individual cited shall have been previously found to have violated any part of this Section, in which case the forfeiture shall be no less than Fifty Dollars (\$50.00) and no more than Four Hundred Dollars (\$400.00). Each day that a violation of this Section continues shall be deemed a separate violation.
 - (2) Any violation of Subsection (c); (c)(2), (3), (4), (5), (6), (7), (8), (9) or (10); (f)(2) or (3); or (g)(1) or (2) shall be deemed a separate violation for each chicken kept in violation of the Subsection.

Sec. 7-1-27 Penalties.

- (a) Any person violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21, 7-1-22, 7-1-23 or 7-1-24 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Chapter.
- (b)
 - (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
 - (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with

City of Washburn Zoning Map

Base Zoning Districts

Residential

- R-1 Rural Residential
- R-2 Single-Family Residential
- R-6 Mixed Residential
- R-7 Waterfront Residential

Commercial

- C-1 Cottage Commercial
- C-2 General Commercial
- C-3 Downtown Commercial
- MUW Mixed-use Waterfront

Industrial

- I-1 Light Industrial

Special Purpose

- L-1 Lakefront Corridor
- M Marina

Planned Development Districts

- PDD-01 Brevak

Overlay Zoning Districts

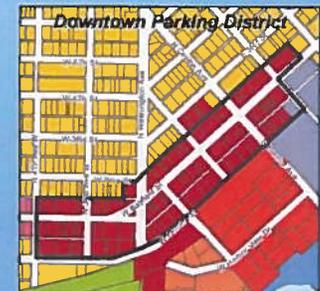
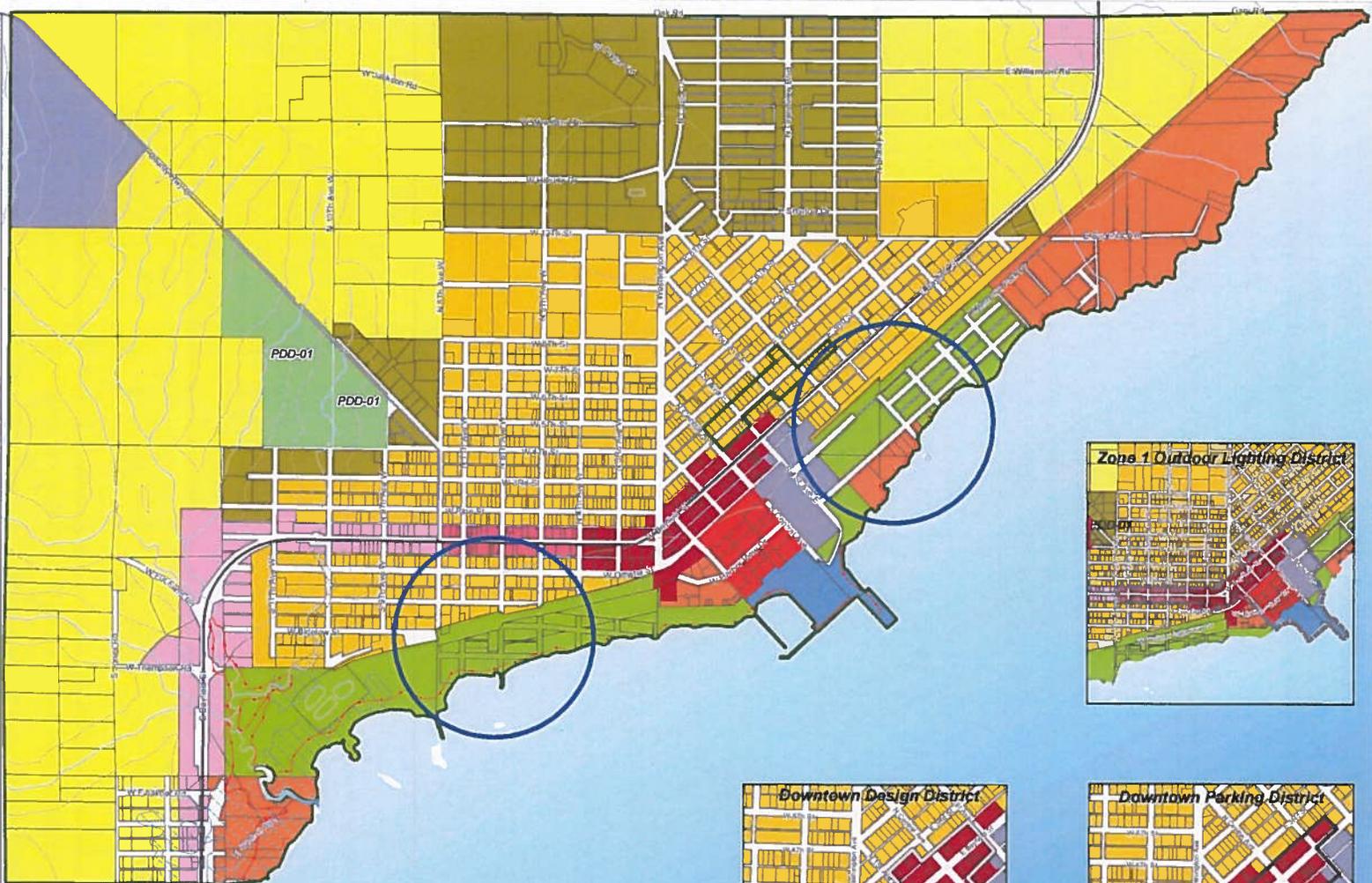
- Floodplain
- Shoreland-Wetland
- Shoreland
- Wellhead Protection

Map Features

- Navigable Stream
- Minor Arterial
- Major Collector
- Property Boundary Line

Other Zoning Districts

- Outdoor Lighting Zone 1
- East Third Street Residential Historic District
- Downtown Parking District
- Downtown Design District



Recent Amendments

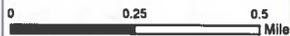
Date	Ordinance Number	Description
March 13, 2017	17-003	Repeat and recreate entire zoning code

Certification

Mayor _____ Date _____

City Clerk _____ Date _____

1 inch = approx. 1,300 feet



N



Discussions: 10/20/16

8

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members
From: Dan Stoltman, Assistant City Administrator
Re: No Fault Water / Sewer Enhancement Endorsement
Date: August 9, 2018

Our insurance agent has asked the city if we are interested in adding a no Fault Water / Sewer Enhancement Endorsement. This endorsement will help homeowners cover the cost of property damage in the event of a sewer and or water backup. The city currently has coverage for situations when the damaged caused by a sewer and or water backup is the fault of the city. This extra endorsement is for those situations when the city is not at fault. This is a goodwill policy to help cover the costs beyond what a homeowners insurance will cover. The cost of this is \$3,682. I believe this is a worthy expense and would recommend adding it to our policy. Below is the explanation from our agent, and attached is the endorsement.

“Currently, the city has coverage for water / sewer backup if the city is negligent or legally liable. The State of Wisconsin does provide immunity which can provide an excellent defense. The LWMMI provides defense coverage. In most cases, the LWMMI would be successful in defending a claim”.

“This can leave the city council in an awkward or uncomfortable position, thus the No Fault Water / Sewer Enhancement Endorsement. This provides coverage after the homeowner’s coverage has been exhausted. The limit is \$100,000 per occurrence and \$300,000 annual aggregate. The annual premium is \$3,682 based on the population at 2,104”.

League of Wisconsin Municipalities Mutual Insurance

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

SEWER AND WATER BACK-UP EXTENDED COVERAGE

This endorsement modifies insurance provided under the following:

SPECIAL COVERAGE FORM – LEAGUE OF WISCONSIN MUNICIPALITIES INSURANCE PLAN

COVERAGE A - BODILY INJURY AND PROPERTY DAMAGE is amended as follows:

1. We will pay for damages and reasonable clean-up and removal expenses under this endorsement because of "property damage" to property of others served by "your sewer system" or "your water system." The "property damage" and clean-up and removal expense must result from a covered "sewer back up incident" or a covered "water system incident."
2. The insurance afforded by this endorsement does not apply to:
 - a. "Property damage" which is otherwise payable under COVERAGE A - BODILY INJURY AND PROPERTY DAMAGE;
 - b. Overflow of inland or tidal waters;
 - c. "Property damage" resulting from blockage occurring anywhere other than "your sewer system";
 - d. "Property damage" to or clean up and removal expenses in connection with damage to foundations of buildings or structures caused by a "sewer back up incident;" or
 - e. "Property damage" to any property which you own or occupy or which is in your care, custody or control.
3. The following Limits of Insurance apply to the coverage provided by this endorsement:
 - a. The Each Occurrence Limit shown in the Policy Declarations is the most we will pay for all damages because of "property damage" and clean-up and reasonable expenses arising out of a single "sewer back-up incident" or "water system incident."
 - b. The Aggregate Limit shown in the Policy Declarations is the most we will pay for the sum of all damages covered by this endorsement during the "policy period".
4. The insurance provided under this endorsement is excess over and will not contribute with any other valid and collectible property or liability insurance that covers a "sewer back-up incident" or "water system incident."
5. The following definitions are added:

"Sewer back up incident" means a backflow of materials from "your sewer system" which occurs as a direct result of a blockage or back-up other than through your negligence.

"Water system incident" means the accidental flow of water from "your water system" as a result of something other than through your negligence.

"Your sewer system" means sewer lines which you own or which you have responsibility to maintain.

"Your water system" means water lines which you own or which you have responsibility to maintain.

If this box is checked, coverage applies only to "water system incident." No coverage applies to "sewer back up incident."

9

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members

From: Dan Stoltman, Assistant City Administrator

DKS

Re: Extension of Premise Ordinance Concept

Date: August 7, 2018

It is becoming more common for establishments whom hold an alcohol license to inquire about having special events that include the sale and consumption of alcohol, which take place on their property, but are outside of the building which is licensed to sell and consume alcohol. This is especially true with the Harbor View event center. They would like to have events on their property such as weddings, but outside of their licensed premise, and therefore cannot serve or consume alcohol. A method of solving this is to have a special event extension of premise application/license. This license would allow for establishments that currently hold an alcohol license to use that license on their property but outside of the licensed premise for special events. All state and local regulations regarding alcohol licensing such as bartenders on site, underage drinking, hours of operation, and so forth would apply to the extension of premise license.

Our current ordinance doesn't allow for the sale or consumption outside of the licensed premise as described on each individual license, and our ordinance states that we are limited to licensing the enclosed structure and enclosed beer garden. I wouldn't recommend changing that in the ordinance, I think it would be best to add an extension of premise section to the current ordinance. I don't think we should start to license an entire property including the grounds. What should be included is a requirement that defines the area that is to be used during the event that requires the extension of premise license, such as a roped off area or tent.

I have included a few extension of premise ordinances and applications from other municipalities for you to review. I think some important aspects for Council to think about are; who will be the granting authority (staff or Council, Police), requirements on a defined area (written on application or via site plan), cost of application, notifying the neighbors in a certain radius, and how many times per year a single applicant can be granted a license. I think you will find the examples provided covers anything we might want in our ordinance, and would therefore pick out areas you would like to see in ours.

If Council is open to this concept, we will present an ordinance change at the next Council meeting.

Temporary extension of licensed premises for special events.

[Added 4-2-2012 by Ord. No. 2003]

(1)

Authority. The granting of a temporary extension of licensed premises for special events shall authorize the licensee to sell or serve intoxicating liquors or fermented malt beverages, as permitted by the specific license held, during the period of time and in the area described in the application for such temporary extension, as expressly approved by the Village Board. Such authority, however, shall be contingent upon the licensee also obtaining any and all other special privileges or permits required for the conduct of the special event for which the temporary extension of the licensed premises is sought.

(2)

Eligibility. Any person holding a valid "Class B" retail liquor license, Class "B" fermented malt beverage retailer's license or "Class C" retail wine license may apply for temporary extension of such licensed premises for a special event. The area which the licensee wishes to include in any temporary extension of the licensed premises must be owned by or under the control of the licensee. If the applicant seeks a temporary extension of the licensed premises, such that the extended licensed premises would extend into or encroach upon public property or public thoroughfares, then the applicant shall also be required to obtain the applicable special privilege or street festival permit before the document authorizing the temporary extension of the licensed premises is issued by the Village Clerk. The applicant shall also comply with all other applicable statutes, ordinances and resolutions.

[Amended 8-13-2012 by Ord. No. 2010]

(3)

Applicant's responsibility. Application for the temporary extension of licensed premises for special events shall be made by an individual, or authorized agent in the case of a corporation, a limited liability company or other entity or association, who shall be personally responsible for compliance with all of the terms and provisions of this chapter.

(4)

Application. An application for the temporary extension of licensed premises shall be filed on or before the deadline established by the Village Clerk on forms provided by the Village Clerk. The application shall be signed and sworn to by the applicant, if an individual; by one partner, if a partnership; or by a duly authorized agent, officer or member, if a corporation or limited liability company or other entity. The application shall include:

(a)

The name, business address and telephone number of the applicant.

(b)

The address of the existing licensed premises and a specific description of the site for which the temporary extension is sought.

(c)

The name of the particular event or function for which the temporary extension of the licensed premises is sought.

(d)

The date and period of time for which the particular event or function will be operated.

(e)

Such other reasonable and pertinent information as the Village Board or Village Clerk may require.

(5)

Approval by Village Board. The completed application shall be referred to the Village Board, which shall determine whether to approve the permit. The Village Board may take into consideration the following:

(a)

The appropriateness of the location and site for which the permit is sought and whether the event for which the permit is sought will create problems.

(b)

The hours during which the event would be operated on the site and the likely effect of the event on the surrounding area.

(c)

Whether previous permits granted to the same applicant or to other applicants for the same site have resulted in neighborhood problems, including, but not limited to, complaints of loud music, noise, litter, conduct that would be considered to be disorderly conduct.

(d)

Any other factors which reasonably relate to the public health, safety and welfare.

(6)

Issuance. In the event the Village Board grants the application for a temporary extension of licensed premises for special events, the Village Clerk shall issue an appropriate document to the applicant confirming that fact and specifying the date, period of time and specific location for which the extended licensed premises shall be in effect. Such document shall also contain any restrictions or conditions which the Village Board may place on such approvals. The Village Clerk shall inform the Chief of Police of the date, place and event for which the temporary extension of licensed premises was issued.

(7)

On-premises sale.

(a)

A licensee granted a temporary extension of licensed premises for special events may not sell any alcohol or nonalcohol beverages for consumption in bottles, cans and glass containers in the location of the temporary extension of the licensed premises. Beverages may only be sold in single service cups for on-premises consumption in the location of the temporary extension of the licensed premises.

(b)

An exception to the limitation on sale of alcohol beverages to single-service cups in Subsection C(7)(a) above may be permitted by the Chief of Police upon application of an event sponsor or the licensee of the extended premises made at least 60 days prior to the special event. No exception shall be permitted allowing glass containers upon extended premises. The applicant shall include a copy of the application and permit, if issued, and information identifying the sponsor or sponsors of the special event, if any, the reason or reasons for which an exception is sought, including a specific description of the procedures and policies for assuring the safety of the public, a description of the entertainment or amusement to be provided during the special event, the type and estimated quantity of single-service beverage containers proposed for sale or possession upon the extended premises, and any other information the Chief of Police may require. The Chief of Police may permit beverage containers other than single-service cups when, in his or her discretion, considering information in the application and other factors consistent with the health, safety and welfare of the public and of police officers, it is determined

that the exception poses no appreciable risk. These factors may include, but are not limited to, past experience with the same or similar special events, the estimated number of participants in the special event, and neighborhood circumstances. The Chief of Police may, upon cause clearly shown in the application, waive the requirement that an application be made at least 60 days prior to the event.



AT THE EDGE OF THE CITY AND
THE HEART OF EVERYTHING

Village of Shorewood
3930 N Murray Ave.
Shorewood WI 53211
Telephone (414) 847-2601

APPLICATION FOR TEMPORARY EXTENSION REQUEST CLASS "B" OR "C" PREMISES

**Issued only to current Class "B" or Class "C" license holders
Requested area(s) must be contiguous with current licensed premises**

Please answer the following questions fully and completely:

Date(s) of Event (consecutive dates only):	Start time of event (if multiple days, list times for each day):	End time of event (if multiple days, list times for each day):
Name and Description of Event:		
Applicant First Name:	Applicant Last Name:	Applicant Middle Initial:
Business Name:	Business Address:	
Business Telephone Number:	Business E-mail Address:	
Describe specific area(s) for which extension is requested:- Also attach site plan/map		
Do you own/lease the area(s)? Yes <input type="checkbox"/> No <input type="checkbox"/> Please note that sidewalks and streets are owned by the Village of Shorewood.	If no: <input type="checkbox"/> I will obtain a street festival permit to use the area(s) <input type="checkbox"/> I have obtained permission of the property owner to use the area(s) - Attach written proof of permission <input type="checkbox"/> I have permission from a special event organization to use the area(s) - Attach written proof of permission	
Will you be erecting a temporary structure/tent/stage? Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, please describe:	
Have you ever been convicted of any felony or of violating any Federal Law, State Law, or Local Ordinance? Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, provide the date and the nature of the offense:	

To the Village Board of the Village of Shorewood, Wisconsin: I hereby make application for a Temporary Extension of Premises in the Village of Shorewood, Wisconsin, subject to the provisions and limitations of Wisconsin Statutes and Section 335-9C of the Village of Shorewood Municipal Code, and hereby agree to comply with all laws, resolutions, ordinances and regulations, affecting said activity, if a license be granted me.

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, I certify that the aforementioned information is correct to the best of my knowledge and I agree to operate this business according to law and that the rights and responsibilities conferred by the license, if granted, will not be assigned to another.

Applicant's Signature

Date

Subscribed and Sworn before me this _____ day of _____, 20____.

Notary Public, State of Wisconsin
My Commission Expires _____

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original, unopened containers for off-premise consumption shall not be permitted during the Outdoor Open Container Entertainment Event.

9. Consumption of alcohol within an Outdoor Open Container Entertainment Event from a can, bottle or a container which is not authorized pursuant to this Ordinance is prohibited.

10. Licensees shall not permit patrons to enter Licensed Premises with Fermented Malt Beverages and/or Wine acquired at another Licensed Premise or outside the Outdoor Open Container Entertainment Event boundaries.

11. Any Licensee permitting patrons to remove a Fermented Malt Beverage and/or Wine from the Licensed Premises for consumption during the Outdoor Open Container Entertainment Event shall employ a person to monitor all exits of the Licensed Premises to ensure that all beverages are removed in accordance with this Ordinance.

12. Neither Licensees nor patrons shall refill an Open Container with alcoholic beverages not purchased from the Licensed Premises from which the Open Container originated.

13. No person shall exit a designated Outdoor Open Container Entertainment Event boundary with Fermented Malt Beverages and/or Wine purchased in an Open Container for consumption within the Outdoor Open Container Entertainment Event boundary.

14. Special events and areas temporarily licensed pursuant to Wisconsin Statutes Chapter 125, occurring within an Outdoor Open Container Entertainment District shall be subject to the provisions of this Ordinance.

15. Event specific operational requirements upon which approval of the application was conditional when approved by Common Council.

16. A Commercial Retail establishment which is not licensed to permit consumption of alcoholic beverages on premises shall not permit patrons to enter the establishment with an open container containing an alcoholic beverage at any time.

G. Penalty. Any person, party, firm, corporation or licensee who violates any provision of this Ordinance shall, upon conviction, forfeit not less than Two Hundred Dollars (\$200.00) and not more than Five Hundred Dollars (\$500.00), plus the cost of prosecution, in addition to all applicable surcharges and assessments. A person may be incarcerated in the County Jail for not more than ninety (90) days for the nonpayment of their forfeiture.

10.075 OUTDOOR EXTENSION OF A "CLASS B", CLASS "B" AND/OR "CLASS C" LICENSED PREMISES

A. Permission Required. No holder of a "Class B", Class "B" and/or "Class C" License may operate under said license(s) in any outdoor area, whether or not said outdoor area was included in a description of the licensed premises prior to the effective date of this Ordinance, without first having obtained the permission of the Common Council therefor in accordance with the terms and conditions of this Ordinance. Any "Class B", Class "B" and/or "Class C" License Holder whose license contained an outdoor area within the description of the licensed premises on the effective date of this Ordinance shall have ninety (90) days after the effective date of this Ordinance in which to obtain permission hereunder as a prerequisite to the continued utilization of said outdoor area. However, should such permission be applied for and denied during said ninety (90) day period of time, the utilization of said outdoor area as part of the licensed premises shall, upon denial, cease forthwith. The granting of permission hereunder

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shall result in the outdoor area becoming a part of the description of the licensed premises, with said outdoor area also being subject to all State and City laws, rules, regulations, and lawful orders governing "Class B", Class "B" and/or "Class C" licensed premises.

B. Application. Application for an outdoor extension of a "Class B", Class "B" and/or "Class C" License shall be made to the City Clerk on forms furnished by the City Clerk. The application shall include a map describing the outdoor area sought to be included within the description of the licensed premises. In the event that such map is omitted and the "Class B", Class "B" and/or "Class C" License is granted and issued, said license shall not be deemed to include an outdoor area within the description of the licensed premises.

C. Definition Of "Outdoor Area" As Used Herein. "Outdoor Area" shall mean an area, whether or not enclosed by a roof, which is open to the elements, and which is not constructed for year round use.

D. Requirements.

1. The outdoor area sought to be included within the description of the Retail Class "B", "Class B" and/or "Class C" licensed premises shall not:

- a. Lie within a single family residentially zoned area of the City;
- b. Have boundaries within twenty-five (25') feet of any single family dwelling, unless the single family dwelling is zoned B-1 Neighborhood Business District, B-2 Community Business District, B-3 Central Business District or B-4 Mixed-Use District, or unless the only single family dwelling within twenty-five (25') feet of said boundary is occupied by the applicant and/or his or her immediate family and no others. Said boundary shall be measured from the nearest edge of the outdoor area boundary line to the nearest edge of the building foundation of the habitable area of the single family dwelling. The building foundation area shall not include porches, decks, gazebos or other accessory-like structures.

2. Any or all of the prohibitions set forth in §10.075 D.1. and D.3. of the Code of General Ordinances may be waived by the Common Council if the area sought to be included within the description of the Class "B", "Class B" and/or "Class C" licensed premises is located wholly within an area in the City zoned institutional, if the applicant is operating as a restaurant as defined by Section 5.046 A.9. of the Code of General Ordinances, or if it is an Outdoor Dining Area authorized and subject to a permit under Section 5.046 of the Code of General Ordinances. Any applicant for a waiver pursuant to this paragraph must file with his or her application a list of names and addresses of all property owners residing within twenty-five (25') feet of the boundaries of the outdoor area sought to be included within the description of the Class "B", "Class B" or "Class C" licensed premises. The application, along with the list of names, shall be filed with the Office of the City Clerk/Treasurer no later than fourteen (14) days before final action of the Common Council. Upon receipt of the Outdoor Extension Application and list of property owners within prescribed twenty-five (25') foot radius of subject licensed premises, the City Clerk/Treasurer shall forward said information to the Building Inspector for verification. Upon verification, the Building Inspector shall return said information to the City Clerk/Treasurer who will notify all property owners named on subject list. Said notice shall inform the addressee of dates, times and locations of the License/Permit Committee meeting and Common Council meeting where the matter of the application shall be discussed.

3. There shall be a fence surrounding the outdoor area sought to be within the description of the Class "B", "Class B" and/or "Class C" licensed premises. The fence shall not be less than forty-eight (48") inches high and not more than six (6') feet high. Any fence installed more than forty-eight (48) inches high shall be non-obscuring to permit a view of the outdoor area from the exterior. The Common Council, upon request, may waive that requirement where the licensed premises is operated as a restaurant within the meaning of Section 5.046 A.10 of the Code of General Ordinances.

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4. The Director of Community Development and Inspections, or his or her designee shall investigate each application under this Section for compliance of this Section.

E. Restrictions Governing the Use of the Outdoor Area Included within the Description of a "Class B", Class "B" and/or "Class C" Licensed Premises.

1. Cabaret Licenses shall be extended to the licensed Outdoor Area subject to the following operational hours:

- a. 10:00 A.M. to 10:00 P.M. where the Outdoor Area has a boundary within seven hundred and fifty feet (750') of any residentially zoned property.
- b. 10:00 A.M. to 1:00 A.M. where the Outdoor Area's boundaries are greater than seven hundred fifty feet (750') of any residentially zoned property.
- c. Cabaret Licenses shall not be extended to an Outdoor Dining Area as defined by Section 5.046 of the Code of General Ordinances.

2. Amplified music or sound may be permitted in the licensed Outdoor Area only subject to strict compliance with Chapter XXIII of the Code of General Ordinances entitled "Noise Control" and the following operational hours:

- a. 10:00 A.M. to 10:00 P.M. where the Outdoor Area has a boundary within seven hundred fifty feet (750') of any residentially zoned property.
- b. 10:00 A.M. to 1:00 A.M. where the Outdoor Area's boundaries are greater than seven hundred fifty feet (750') of any residentially zoned property.
- c. Amplified music and sound shall be permitted in an Outdoor Dining Area as defined by Section 5.046 of the Code of General Ordinances and an Outdoor Cafe Area as defined by Section 10.076 of the Code of General Ordinances, subject to the distance limitations described in Subsections a. and b.

3. Any lighting of the outdoor area must be shielded so as not to shine directly onto adjoining property or create glare which is distracting to adjoining property owners or occupiers.

4. There shall be strict compliance with Chapter XXIII of the Code of General Ordinances, Noise Control. The "Class B", Class "B" and/or "Class C" licensee shall be responsible for any violation of Chapter XXIII, whether or not present upon the premises at the time of violation.

5. The "Class B", Class "B" and/or "Class C" Licensee shall be responsible for cleaning litter from abutting properties which was deposited by patrons.

6. Any separate bar operating within the outdoor area shall be operated in conformity with Chapter 125, Wisconsin Statutes, and Chapter X of the City of Kenosha Code of General Ordinances.

7. The accumulation of more than fifty (50) demerit tracking points pursuant to Section 10.063 shall be a basis for denial, revocation or suspension of the Outdoor Area.

8. Chapter XXIII of the Code of General Ordinances, "NOISE CONTROL", shall be strictly complied with.

F. Closing Hours. Any outdoor area included within the description of a Class "B", "Class B" and/or "Class C" licensed premises pursuant to this Section shall be closed for business during the hours of 10:00 P.M. to 8:00 A.M.

The Common Council may, upon written application by the Licensee, limit the closing hours to

CODE OF GENERAL ORDINANCES, 2018 - KENOSHA, WISCONSIN

12:00 Midnight to 8:00 A.M.

If the licensed premises in the previous licensing term had its outdoor hours extended pursuant to the preceding paragraph, the Common Council may, upon written application by the Licensee, limit the closing hours to 1:30 A.M. to 8:00 A.M.

If the closing hours are so limited, amplified music or sound otherwise permitted under Section 10.075 E.2. shall not be allowed after 10:00 P.M.

G. Fees.

1. One Time Processing Fee. At the time of initial application for permission hereunder, applicant shall pay to the City Clerk a one (1) time Processing Fee of One Hundred Fifty (\$150.00) Dollars.

H. Scope of Use. The Common Council, upon notice and hearing and following review and recommendation by the Committee on Licenses/Permits, may limit the scope of the use of the outdoor area included or sought to be included within the description of the "Class B", Class "B" and/or "Class C" licensed premises, either in the process of the original approval or after the initial approval of the application for an extension of a "Class B", Class "B" and/or "Class C" License to an outdoor area. The limitation imposed may provide for a limitation on the activities permissible within the outdoor area during part or all of the time which the outdoor area is permitted to be or remain open. After the initial granting of permission for an outdoor area being included within the description of "Class B", Class "B" and/or "Class C" licensed premises under this Ordinance, the Common Council, in order to protect the rights of abutting owners and occupiers of land, may limit the Closing Hours of outdoor areas to any hour between 8:00 P.M. and 10:00 P.M.

I. Temporary Permits. The Common Council may temporarily extend a "Class B", Class "B" and/or "Class C" License to an outdoor area for up to six (6) events, an event lasting no more than three (3) consecutive days, in any calendar year and waive the requirement of Subsection D.3. of this Ordinance. There shall be a Fifty (\$50.00) Dollar processing fee for each such application.

J. Restriction Waiver. Upon written application to the City Clerk/Treasurer, the restrictions of Subsections E.1. and/or E.2. shall be waived if the application is filed seventy-two (72) hours prior to the date for which the waiver is sought, not including weekends and holidays, commencing at 8:00 A.M. of the day following the date at which a properly completed application was filed with the City Clerk/Treasurer; if the application is co-sponsored by the Alderperson of the district in which the license is located, or in the event that the Alderperson of the district is unavailable, co-sponsored by a member of the Committee on Licenses/Permits; and, if the Licensee/Applicant has not been issued a municipal citation for a violation of Chapter 10 of the Code of General Ordinances and/or Wisconsin Statutes Section 125 within the three hundred sixty-five (365) days preceding the application date. Should the applicant not meet the preceding qualifications, the application shall be referred to the Committee on Licenses/Permits for review. Said Committee shall recommend to the Common Council either the granting or denial of the application. Upon review, the Common Council may grant or deny the waiver application. Each application shall be made on forms furnished by the City Clerk/Treasurer and requires payment of a nonrefundable processing fee of Fifty (\$50.00) Dollars per application at the time the application is filed with the City Clerk/Treasurer.

K. Violations. Violations of this Ordinance shall subject the Licensee to any combination of the following:

1. A penalty pursuant to Section 10.08.
2. A limitation in the scope of use or time pursuant to Section 10.07 H.
3. Imposition of demerit tracking points pursuant to Section 10.063.
4. Upon notice and after hearing before the Committee on Licenses/Permits, the Common

VERIFICATION BY COMMUNITY DEVELOPMENT & INSPECTIONS:

Zoning Classification: _____ If SFR, choose: Waiver 2 (Restaurant), 3 (Outdoor Dining)

The outdoor area sought is _____ ft from any single-family dwelling.

If less than 25ft from single family, choose:

Waiver 1 (Institutional), 2 (Restaurant), 3 (Outdoor Dining), or

N/A because the single family dwelling is zoned B-1, B-2, B-3, B-4, or

N/A because the dwelling within twenty-five (25') feet of the outdoor area boundary is occupied by the applicant and/or immediate family and no others (in accordance with 10.075 D.1.b.)

The outdoor area has a boundary:

within 750 ft of any residentially zoned property.

Live music/entertainment is allowed in outdoor area 10:00 AM to 10:00 PM with a cabaret license. (Amplified music is allowed without a cabaret license subject to the same time restrictions.)

greater than 750 ft of any residentially zoned property.

Live music/entertainment is allowed in outdoor area 10:00 AM to 1:00 AM (or earlier in accordance with the closing time of the outdoor extension) with a cabaret license. (Amplified music is allowed without a cabaret license subject to the same time restrictions.)

Recommendation:

Approve

Deny

(CDI Staff Member)

Date

"WAIVER A"

**FENCE WAIVER:
for RESTAURANTS only**

**OUTDOOR EXTENSION
CITY ORDINANCE 10.075**

Licensee Name

Applicant has applied for an extension of their Retail Class "B" Fermented Malt Beverage, "Class B" Liquor, and/or "Class C" Wine Licenses in accordance with §10.075 of the Code of General Ordinances and requests a waiver of the fencing requirement contained in Section D (3) thereof. In making this request, the applicant states, they are operating as a restaurant as defined in Section 5.046 A.10. "Restaurant" shall mean any building or room where, as the establishment's primary business, food and/or beverages are prepared, or served or sold to transients or the general public, and where the sale of Alcohol Beverages account for less than fifty (50%) percent of the establishment's gross receipts in the B-1, B-2, B-3, and B-4 Zoning Districts.

Individual/Partner/Member Signature

Date

Partner/Member Signature

Date

“WAIVER B”
WAIVER OF PROHIBITIONS SET FORTH IN 10.075 D.1 AND D.3 OF THE CODE OF GENERAL ORDINANCES
of the
OUTDOOR EXTENSION

Licensee Name

Trade Name

Trade Address

Applicant has applied for an extension of their Retail Class "B" Fermented Malt Beverage, "Class B" Liquor, and/or "Class C" Wine Licenses in accordance with §10.075 of the Code of General Ordinances and requests a waiver of all of the prohibitions set forth in Section D(1) and D(3) thereof because the licensed premises, including the outdoor area:

VERIFICATION BY COMMUNITY DEVELOPMENT & INSPECTIONS:

1. is located wholly within an area in the City zoned Institutional.
2. is operating as a restaurant, with the sale of alcoholic beverages accounting for less than fifty (50%) percent of the establishment's gross receipts in the B-1, B-2, B-3, or B-4 Zoning Districts (as defined by Section 5.046 A.10 Of the Code of General Ordinances).
3. is licensed by the City of Kenosha for Outdoor Dining.

* N/A because applicant is not requesting a waiver of any requirements of 10.075 D(1) or D (3)

To be completed by the applicant and verified by CDI:

Any applicant for a waiver listed above must file with their application a list of names and addresses of all owners whose property resides within 25 feet of the boundaries of the outdoor area sought to be included within the description of the Retail Class "B" Beer, "Class B" Liquor, and/or "Class C" Wine licensed premises. **This list will be forwarded to the Building Inspector for verification and the City Clerk will notify said owners of the dates, times, and locations of the meetings where the matter of the application shall be discussed.**

Individual/Partner/Member Signature Date

Partner/Member Signature Date

Received by Building Inspector: _____ **Date:** _____

City of Kenosha
Site Plan for
Outdoor Extension

Public Street

Applicant's
Property

Applicant's
Building

*Public Street / Public Alley / Private Property
(Circle One)*

*Public Street / Public Alley / Private Property
(Circle One)*

*Public Street / Public Alley / Private Property
(Circle One)*

Draw the location of all fences, tents, entrances/exits, security measures, bars, and music stages.
Also provide measurements where appropriate.

Sec. 409.11. - Transfer of license; change in service area.

- (a) *Transfer.* No on-sale license granted hereunder shall be transferable from place to place (including changes in licensed areas) without the consent of the city council, which consent shall be evidenced by resolution passed by the city council.
- (b) *Service area; temporary extensions of service area (patio).* No license granted for a specified part of any particular premises shall permit sales of such liquor on a part of such premises not specified in the license; or in an area adjacent to such licensed premises; provided, however, that the license inspector or his or her designee may waive this limitation and allow a temporary extension of the liquor service area subject to the following criteria herein established by the city council. Failure to make a waiver and/or allow such a temporary extension is not adverse action and does not require notice and hearing in the event of denial or inaction:
- (1) No such extension shall be for more than a continuous twenty-four-hour period and shall be valid only at times that liquor sales are allowed by law;
 - (2) No licensee shall receive more than twelve (12) such service extensions in any calendar year;
 - (3) The temporary extended service area can be either indoors or outdoors, but must be immediately adjacent to the licensed premises;
 - (4) All business operations on or in the temporary extended service area shall be in compliance with all other requirements of state law and of this chapter, and in particular shall comply with the requirements of Chapter 293 of this Legislative Code relating to noise;
 - (5) The temporary extended service area, if outdoors, shall be enclosed by a vertical fence or partition at least four (4) feet in height which allows control of access to and from the liquor service and consumption area;
 - (6) The licensee shall present with his or her application for permission for a temporary extension either the written consent or nonobjection of the citizens' district council whose geographical area encompasses the licensed premises, or a petition containing a statement in writing with the signatures of sixty (60) percent or more of the owners and occupants of private residences, dwellings and apartment houses located within two hundred (200) feet of such premises stating that they have no objection to the granting of such temporary extension of service area. If such consent or nonobjection is refused or if such petition fails, the city council may by resolution authorize the temporary extension of the service area; and
 - (7) The licensee shall notify, at least ten (10) days in advance of the date of the proposed temporary extension, all owners

and occupants who own property or reside within three hundred (300) feet of the property line within which the licensed establishment is located of the proposed temporary extension of liquor service. Such notice shall be typewritten and include the location, date and time of the proposed extension of liquor service. The notice shall specifically state: "If any person has comments about this proposed temporary extension of liquor service, they are encouraged to telephone the public information and complaint office."

(c) *Transfers of stock in corporate licensees; change in officers.*

- (1) The transfer of stock in any corporate license shall be deemed a transfer within the meaning of this section, and no such transfer of stock shall be made without the consent of the city council.
 - (2) It is hereby made the duty of the officers of any corporation holding a license issued under the authority of this chapter to notify the city council of any proposed sale or transfer of any stock in such corporation, and no such sale or transfer of stock shall be effective without the consent of the council given in the manner above set forth. The transfer of any stock without the knowledge and consent of the city council shall be deemed sufficient cause for revocation by the council of any license granted to such corporation under the authority of this chapter.
 - (3) Such corporate officers shall also notify the city council whenever any change is made in the officers of any such corporation, and the failure to so notify the council shall likewise be sufficient cause for revocation of any liquor license granted to such corporation.
 - (4) Notwithstanding the provisions of this section, publicly owned corporations whose stock is traded on the open market may comply with the requirements pertaining to stock ownership and stock transfer by furnishing the council with the names and addresses of all stockholders of record upon each renewal of the license.
 - (5) An application for the transfer of such a license shall be made by the transferee upon forms furnished by the department of safety and inspections. Prior to the city council's consideration of said application, the application shall be read by the city clerk at the next regular meeting of the city council.
- (d) *Hearings upon transfers or changes in service area.* The council shall schedule a date for public hearing upon said application for transfer or change in licensed area. At least forty-five (45) days before a public hearing on a transfer or change in licensed area, the department shall notify by mail all owners and occupants who own property or reside within three hundred fifty (350) feet of the establishment to which the license is to be transferred or area changed, and all community organizations that have previously registered with said department to be notified of any such application, of the time, place and the purpose of

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**CITY OF WASHBURN
BARTENDER LICENSES
July 1, 2018 thru June 30, 2020**

Approved 5/14/18 #20-01 thru #20-07	Approved 6/11/18 #20-08 thru #20-14	Provisional Approved 6/7/18 #20-15 expires 8/6/18	Provisional Approved 6/18/18 #20-16 Thru #20-31 6/18/18 expire 8/17/18.		Provisional Approved 6/20/18 #20-32 expires 8/19/18.	Provisional Approved 6/21/18 #20-33 & #20-34 expire 8/20/18.	
Approved 7/9/18 #20-15 thru #20-34.	Provisional Approved 7/4/18 #20-35 & #20-36 expire 9/2/18.	Provisional Approved 7/5/18 #20-37 & #20-38 expire 9/3/18.	Provisional Approved 7/20/18 #20-39 thru #20-41 expire 9/18/18		Pending Approval 8/20/18 #20-35 thru #20-41.		P I C K E D
LAST NAME	FIRST NAME	MIDDLE NAME	MAIDEN OR PREVIOUS NAME	P A I D	PLACE OF BUSINESS	RENEWAL OR NEW LICENSE	U P
Kelly	Bridget	Marie		X	Patsy's Bar	Renewal #20-01	X
Yonan	Steven	Michael		X	Patsy's Bar	Renewal #20-02	X
Waite	Maria	Magdalena		X	Roaming	Renewal #20-03	X
Dunham	William	Clarence		X	Midland	Renewal #20-04	X
Holman	Eric	Alan		X	Holiday	Renewal #20-05	X
Gibb	Joseph	Claus		X	A Nickel's Worth	Renewal #20-06	X
Berg	Patricia	Jeanne		X	Roaming	Renewal #20-07	X
Swiston	Jeffrey	Joseph		X	Roaming	Renewal #20-08	X
Doris	Michelle	Elizabeth		X	Roaming	Renewal #20-09	X
McCreery	Sara	Elizabeth		X	Roaming	Renewal #20-10	X
Kitzmilller	David	Michael		X	Firehouse Bar	Renewal #20-11	X
Wygonik	Rebecca	Ann		X	Roaming	Renewal #20-12	X
Krysh	Jeffrey	Peter		X	The Snug	Renewal #20-13	X
Ritter	Jason	Earl		X	South Shore Brew	Renewal #20-14	X
Kozitaz	Jill	M	Wedge	X	Midland Services	Provisional #20-15 New #20-15	X
McGee	Nicholas	Tracy		X	South Shore Brew	Provisional #20-16 New #20-16	X
Vitek	Nicholas	Alan		X	Holiday	Provisional #20-17 New #20-17	X
Hill	Ann	Marie	Huybrecht		Roaming	Provisional #20-18 New #20-18	
Ledin, Jr.	James	Marlin		X	Roaming	Provisional #20-19 New #20-19	X
Warren	Marion	Lee	Simonson	X	Roaming	Provisional #20-20 New #20-20	X
Johnson	Audra	Marie	Jack-Martin	X	Hanson IGA	Provisional #20-21 New #20-21	X
Arnao	Ethan	Errett		X	Hanson IGA	Provisional #20-22 New #20-22	X
Potter	Donna	Marie	Wallner	X	Hanson IGA	Provisional #20-23 New #20-23	X
Sorenson	Linda	Marie	Jergenson	X	Hanson IGA	Provisional #20-24 New #20-24	X
Stegemann	Graham			X	Hanson IGA	Provisional #20-25 New #20-26	X

