

February 10, 2014

CITY OF WASHBURN COMMON COUNCIL MEETING

Present: City Council Members: Richard M. Avol; Linda S. Barnes; Kristy M. Jensch; Christine M. Kelly; Mary C. Nowakowski; and Jeremy P. Oswald

Municipal Personnel: Mayor Scott A. Griffiths; City Administrator Scott J. Kluver, Assistant City Administrator Kenneth Cammilleri, City Treasurer Tammy DeMars, City Attorney David Siegler, Police Chief Ken Johnson, and Public Works Director Mike Decur.

Excused Absence: Councilor Mary McGrath

Call to Order - Meeting called to order at 5:30PM by Mayor Griffiths. Roll call attendance depicted six-members of the Common Council in attendance. Quorum of the Council recognized. **Pledge of Allegiance.**

Approval of Minutes – City Council Meeting – January 13, 2014 - Motion to approve Record of Official Proceedings of the January 13th City Council Meeting made by Avol, and seconded by Kelly. Motion was unanimously carried.

Approval of Expenditures – a motion to approve the monthly expenditure vouchers made by Finance Committee Member Avol, and seconded by Finance Committee Member Nowakowski. Motion unanimously carried on roll call vote of all six Councilors in attendance.

Public Comment – None

Mayoral Announcements, Appointments, or Proclamations – The Mayor offered the appointment of Carol Bushman to replace Mary Skerik, Trustee for the Library Board. Barnes Motioned, Seconded by Kelly, to approve Appointment of Carol Bushman to the Library Board of Trustees. Motion carried unanimously.

Mayor Griffiths also reminded the Council and audience of his State of the City Address will be held on February 17th at 6:00p.m at Stagenorth. He noted that a non-profit board has been formed to acquire Stagenorth. They will be seeking members of the public to participate on the board in the future.

Councilor Oswald also noted that the Marek Landscaping, L.L.C. will be hosting a project launch meeting for the conceptual redesign of West End Park on February 18, 2014 at 4:00pm until 6:00pm. The meeting will be open to the public.

Discussion & Action on Ordinance #2014-01 For the Purpose of Eliminating Potential Conflicts Between State Public Records Law and City Ordinances –Based on the recommendations of the City Attorney and City Administrator, Council considered the repeal of Section 3-3-6 of the City of Washburn Municipal Code, “Limitations on Rights to Access”, in order to eliminate conflicts with state law. Nowakowski moves to approve the Adopt Ordinance No. 14-001 for the repeal of Section 3.3.6 of the Washburn Municipal Code, second by Oswald. Motion carried unanimously.

Discussion & Action on Ordinance #2014-02 Creating a New Section Relating to Increasing Protection from Potentially Dangerous Dogs– Moved by Jensch, second by Barnes to adopt Ordinance #2014-002. Motion carries unanimously.

Discussion and Action on Ordinance #2014-03 Licensing Synthetic Drug Establishments –This ordinance provides for the regulation and Licensing of the sale of synthetic drugs by potential retailers. Council discussed altering the licensing fee from \$100. Motion by Jensch to adopt Ordinance 2014-03 with the inclusion of a \$500 fee rather than the proposed \$100 and to include the result of “death” to the 7-10-1 (b), second by Barnes. Motion carried unanimously.

Discussion and Action on Ordinance #2014-04, Protecting the Public from the Sale of Substances that have Negative Health Effects–Motion by Avol to adopt Ordinance 2014-04 with inclusion of “death” to Section 11-6-6 (2) as a consequence of substance use, second by Jensch. Motion carried unanimously.

Discussion & Action on Amendments and Additions to the Police Department Operating Policies - Chief Johnson introduced new policies for adoption by the Police Department pertaining to Body Armor, Use of Cellular Phones, Use of Pepper Aerosol Restrain Spray (to replace the existing “Use of Mace” Policy), Use of Electronic Control Weapons, Juvenile Interviews, Eyewitness Identification, and Off-Duty Arrests. Motion by Avol to approve and adopt proposed new policies for the Police Department including adding to the “Procedures” section in the “Pepper Aerosol Restraint Spray”, section (B) (6) “OC spray may not be used in cases of passive resistance” with the inclusion the definition of passive resistance from the “Electronic Control Weapons” Policy; and to also include corrections to the word use of “contract” to “contact”, in the “Electronic Control Weapons” policy; and to also include in the “Electronic Control Weapons” Policy “Procedures” (C) (1) (c) to add “not to include passive resistance.” and to add procedure

of “Interviewing and Interrogating Juveniles” “Procedures Section (C) to state “Prior to any non-custodial interview, he or she should be notified that they are not in custody and are free to leave at any time.” second by Nowakowski. Motion carried unanimously.

Discussion & Action on Resolution #14-001 Capital Budget Amendment #2014-01 for the Purpose of Re-Allocating Funds for the Library Roof Replacement Project – The Library has received an Otto Bremer Foundation Grant for the replacement of the Library Roof for the total of \$102,675. Though, this grant covers the total cost of the roof’s replacement, it does not include a contingency for unexpected expenses. Staff recommends \$10,000 be put aside to cover any unexpected project costs. The Library Board has offered to contribute \$5,000 towards this fund. Council is asked to amend the Capital Fund to contribute \$5,000 toward the project contingency. Motion by Barnes to approve Budget Resolution #14-001 to amend the Capital Budget to provide \$5,000 in contingency for the Library Roof replacement from the Capital Fund, second by Nowakowski. Motion carried unanimously.

Discussion & Action on Contract with Marek Landscaping LLC for West End Park Conceptual Plan Design Services– The Council considered the approval of the proposed contract with Marek Landscaping, LLC for professional services for the completion of Conceptual Design Plans for future park expansion and possible redesign of West End Park based on the recommendation of the West End Park Ad Hoc Committee. The contract will include approval for a total project cost of \$65,140.00, but the total anticipated cost will be \$59,540.00 without supplemental survey services of \$5,600.00. These services are not anticipated to be needed but may be utilized if necessary with written approval from the City. Motion by Oswald to approve the Contract with Marek Landscaping, L.L.C. for \$65,140.00 to be paid for through the Park Outlay Fund, seconded by Jensch. Motion carried with one recusal pertaining to voting and discussion by Councilor Kelly. There were no nays.

Discussion & Action on Plan Commission Recommendation Regarding Requested Donation of Land to the City from Evelyn Freymiller, Petitioner – Ms. Freymiller inherited two separate parcels that she has indicated she has no intention of keeping. She has offered the parcels to the City as a donation. The Plan Commission and Staff did not recommend approval. Council directed staff to instruct Ms. Freymiller to give the property to her neighbors noting the possible cost of taxes. Motion by Nowakowski to deny the acceptance of two parcels offered for donation by Ms. Freymiller, Seconded by Barnes. Motion carried unanimously.

Discussion & Action on Landscaping Plan for Washburn Welcome Sign on Southern STH 13 Entrance to City– Council was asked to consider a proposal for landscaping near the City’s “Welcome Sign” at the Southern Gateway to the City on STH 13. Council requested that the contract be amended to clearly include the extent and detail of materials and work planned to be done as part of the process. Motion by Avol to table proposed concept plan for the welcome sign landscaping by Latitudes Landscaping until the contract receives requested clarification, Seconded by Barnes. Motion carried unanimously.

Discussion & Action for the Approval of a Temporary “Class B” Alcohol Retailers License for the Chequamegon Bay Arts Council for an event to held on March 6, 2014;a Temporary “Class B” Alcohol Retailers License for Washburn Cultural Center for an event held on March 20, 2014.; and approval of Bartender License Application – #44-15.Motion by Nowakowski to approve the two Temporary Class B Alcohol Retail Licenses for Chequamegon Bay Arts Council and the Washburn Cultural Center, and the Bartender License Application # 44-15, seconded by Kelly. Motion carried unanimously.

Closed Session Items - Discussion on Potential Litigation Relating to Claim of Storm Water Damage, Consideration of a Purchase of Private Property Previously Sold to John and Ana Weinel (Tax IDs 32612, 32603, and 32607), and Discussion and Action on Status and Potential Settlement of WERC Claim.

–Motion by Jensch, seconded by Nowakowski that the Council go into closed session pursuant to Wisconsin State Statute §19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved pertaining to a claim of stormwater damage; pursuant to Wisconsin State Statute §19.85(1)(e) for Deliberating or negotiating the purchasing of public properties previously sold to John and Ana Weinel; and pursuant to Wisconsin State Statute §19.85(1)(g) for personnel matters and for the purpose of conferring with legal counsel on matters which may lead to litigation pertaining to the potential settlement of a WERC Claim; and following which the Council may reconvene in open session to take any action that may be necessary on the closed session items. Council unanimously carried on roll call vote to go into closed session at 6:54PM. Attendance in the closed session revealed all six Councilors remaining present along with the Mayor, City Administrator, Assistant City Administrator, and City Attorney.

Adjourn – Council adjourned in closed session at 8:08PM on motion of Avol seconded by Oswald. The motion unanimously carried.

Kenneth J. Cammilleri
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30PM

Committee Members Richard Avol, and Mary Nowakowski reviewed monthly expenditure vouchers.