

December 8, 2014 CITY OF WASHBURN COMMON COUNCIL MEETING

Present: City Council Members: Richard M. Avol, Kristy M. Jensch, Christine M. Kelly, Mary McGrath, Mary C. Nowakowski, and Jeremy P. Oswald.

Municipal Personnel: City Administrator Scott J. Kluver, Assistant City Administrator Kenneth Cammilleri, and City Attorney David Siegler.

Absent: Mayor Scott A. Griffiths and Councilor Linda S. Barnes

Call to Order - Meeting called to order at 5:30PM by Council President and Acting Mayor Jeremy Oswald. Oswald noted that Mayor Griffiths is out of town to participate in EMT Basic training so that he can serve on the City's Ambulance Service and offered his thanks to the Mayor for doing so. As Acting Mayor, Oswald elected to officiate the meeting but to retain his normal voting privileges as a Council Member. 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 – November 10, 2014 – Motion by McGrath, seconded by Jensch, to approve Records of Official Proceedings for the November 10, 2014 City Council Meeting. Motion was unanimously carried.

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

Public Comment – There was no public comment.

Mayoral Announcements, Appointments, or Proclamations –

Acting Mayor Oswald announced Mayor Griffiths' reappointment of Dan Clark to continue on his set with the Washburn housing Authority Board of Trustees. Motion by Jensch, seconded by Nowakowski, to approve reappointment of Dan Clark to the Washburn Housing Authority Board of Trustees. Motion carried.

Acting Mayor Oswald requested Administrator/Clerk Kluver summarize the opening available on City Council for the next spring election. Kluver indicated that the Alderperson for the 1st District, 1st Ward; the Alderperson-2nd District, 2nd & 3rd Wards, the Alderperson-3rd District, 4th Ward; and the Councilor-at-Large are up for election this spring.

Councilor Avol announced he has officially filed with the City Clerk's Office that he will

not be running for reelection as Councilor-at-Large.

Oswald also noted that Diane Brander, President of the Washburn Area Chamber of Commerce, has recently passed away. He offered the City's condolences to her family.

- **Public Hearing, Discussion, and Action on Vacation of Certain Alley and/or Thoroughfares in DuPont Park Addition, Melanie & Stephen Dvorak, Petitioners**
 - Terrace Drive b/w Castle Drive and Sunset Avenue, abutting Lots 12-23, Block 25 and Lots 1-13, Block 32
 - Alley in Block 32 b/w 4th Avenue and Sunset Avenue, abutting Lots 1-10 and 14-21
 - Grove Blvd between 4th Avenue and Sunset Avenue, abutting Lots 15-21, Block 32 and 1-5, Block 33
 - Alley in Block 33 b/w 4th Avenue and Sunset Avenue, abutting Lots 1-4 and Lot 6
 - 4th Avenue East b/w 10th St., and just northwest of Sunset Ave., so that the actual location of Gravel Pit Road at the south end of Block 33 is unaffected, abutting Lots 8, 9, 14, and 15 in Block 23

Motion by Avol, seconded by Jensch, to open floor for public hearing. Motion carried.

Mike Fauerbach, attorney for the petitioners, Melanie and Stephen Devorak, spoke a little on the history of vacation requests in this area and the Devoraks' efforts to sort out issues with Gravel Pit Road. He also summarized previous exhibits presented at prior Council and Plan Commission meetings. Mr. Fauerbach, in response to the Plan Commission's recommendation that Council deny this part of the Devoraks' request for vacating Terrace Drive between Castle Drive and Sunset Avenue by calling into question the City's legal right to use this right-of-way as a trail and its ownership of the right-of-way.

No one else wished to comment on this issue.

Motion by Nowakowski, seconded by Avol to close the public hearing. Motion carried.

Avol motioned, McGrath seconded, to let the 1987 Vacation of 4th Avenue East speak for itself; to approve the vacation of Alley in Block 32 between 4th Avenue East and Sunset Avenue, Grove Blvd between 4th Avenue East and Sunset Avenue; and the Alley in Block 33 b/w 4th Avenue and Sunset Avenue. Motion carried.

Attorney Siegler indicated that he had no concerns regarding the legality of the City exercising its right to deny a vacation request or with regards its right to use Terrace Drive as recreational trail in the future.

Motion by Avol, seconded by McGrath, to approval the vacation request for Terrace Drive. Avol, Jensch, and McGrath voted in favor of the motion and Kelly, Nowakowski and Oswald voted against the motion. Motion failed due to lack of a majority.

Public Hearing, Discussion and Action on Conditional Use Permit Application for Additional Accessory Structure at 415 E. 3rd Street, Randy Lund- Petitioner – Motion by Jensch, seconded by Kelly, to open the floor for public hearing. Motion carried. Mr. Randy Lund, the petitioner, asked the Council to support approval of his request. Peggy Hagstrom of 414 E 4th Street also expressed her support of Mr. Lund's request. There were no further public comments related to this issue. Motion by Avol, seconded by McGrath, to close the floor. Motion carried. Motion by Jensch, seconded by McGrath to approve the application for an additional accessory structure at 415 E. 3rd Street. Motion carried.

Public Hearing, Discussion and Action on Conditional Use Permit Application for Home Occupation Permit for Proposed Residential Structure Located on Tax ID 32873 (1100 Block of West) Third Street, Jonathan Walburg, Petitioner - Motion by Oswald, seconded by Avol, to open the floor for public hearing. Motion carried. Mr. Walburg, the petitioner, of 24 E 3rd Street addressed the Council asked for their approval his request. Motion by Oswald, seconded by Nowakowski, to close the floor. Motion carried. Motion by Avol, seconded by Jensch, to approve the Conditional Use Permit Application for Home Occupation Permit for a proposed residential structure located on Tax ID 32873. Motion carried.

Discussion & Action on Book Across the Bay Event Plans

- Request for use of Municipal Facility – West End Park Area
- Request for Parking Restrictions
- Relaxation of Noise Ordinance-Noon, Saturday, February 14th until 1AM, Sunday, February 15th, 2014
- Municipal Contribution to Fireworks Display
- Request for a Temporary Class “B” Retailer’s License for the Sale of Beer.

Book Across the Bay is an annual ski-snowshoe event that starts in a park in Ashland and ends in Thompson’s West End Park.

Motion by Avol, seconded by McGrath, to approve requests for Book Across the Bay, including approval of a waiver of the noise ordinance for West End Park on Saturday, February 14, 2015, from noon until 1:00AM on Sunday, February 15, 2015; a City contribution of \$350 to assist with fireworks display costs; to approve requested parking and traffic control measures for the park and surrounding neighborhood; and to approve a Temporary Class “B” Retailer’s License to Book Across the Bay for this event. Motion carried.

Discussion & Action on Special Event Campground Reservation/Community Service Request, Top-O-Wisconsin Good Sam Chapter, May 13 – 17, 2015 - Motion by Avol, seconded by Jensch, to approve request by Top-O-Wisconsin Good Sam Chapter request to complete volunteer activities in West End Park in exchange for one free overnight with volunteer tasks to be approved by the City Administrator. Motion carried. Volunteer activities will be limited to such things as painting and other lighter duties.

Presentation of Water Utility Cross-Connection Control Program - Assistant Administrator Cammilleri explained that the City’s Utilities has fallen out compliance with state-mandated requirements to deliver a cross connection control inspection program for its municipal water system. Based on the direction of the Wisconsin Department of Natural Resources (WDNR), this program was prepared by staff to meet these requirements. Although there will be some minor changes to this document after this meeting, the program’s final form will largely be consistent with what is presented. Cammilleri also answered Councilor’s questions regarding the program and its impact on utility customers.

Council was not required to take action on this document. However, Cammilleri noted that if Council had any concerns or issues with the program, that it should be addressed during this meeting so that changes can be made before the program’s launch in January. The Council offered no objections or changes.

Discussion and Action on Ordinance #14-014 to Provide a Program for Protecting the Public Water System from Contamination Due to Backflow of Contaminants

Through the Water Service Connection into the Public Water System – Although Ordinance 14-014 is largely similar to the City’s existing ordinance regarding this issue, some changes were needed to align the City Code with the new Cross Connection Control Program discussed in the last agenda item. The most significant change adds a requirement for non-residential customers to have the responsibility for hiring and paying for a state-licensed plumber to complete a cross-connection inspections for their businesses or organizations. Motion by Jensch, seconded by Kelly, to approve Ordinance #14-014 to Provide a Program for Protecting the Public Water System from Contamination Due to Backflow of Contaminants Through the Water Service Connection into the Public Water System. Motion carried.

Discussion & Action on Proposed 2015 TID #2 Budget - Administrator Kluver reported that the district is in good health but it will no longer have the capacity to fund projects beyond what it has been currently committed to. The remainder of its revenue will go towards the paying of the District’s debt. Kluver further noted that there will be a period in the future where the City will need to lend a limited amount of money from the general fund, not likely to exceed \$20,000, to the district so that it meet cash flow, but the district will be able to pay this money before it expires. Motion by McGrath, seconded by Avol to approve the Tax Increment District #2 Budget. Motion carried.

Discussion & Action on Resolution #14-019 Adopting All 2015 Budgets and Expenditures - This item approves all of the City’s budgets. Motion by McGrath, Nowakowski to approve Resolution #14-019 Adopting All 2015 Budgets and Expenditures. Motion carried.

Discussion & Action on Writing-Off Certain Outstanding Ambulance Bills – Each year, the City’s Ambulance Service must write-off unpaid ambulance bills. Motion by McGrath, seconded by Avol, to approve the write-off of 2014 ambulance bills in the total of \$34,774.08. Motion carried.

Discussion & Action on Writing-Off Certain Outstanding Utility Bills Due to Bankruptcy - Motion by Avol, seconded by Nowakowski to approve 2014 utility bill write-offs in the total of \$28.45. Motion carried.

Discussion & Action on Disposal of Surplus Items - Motion by McGrath, seconded by Kelly, to approve the 2014 list of surplus items for disposal including the New Holland Brush Hog (Public Works), set of 4 Goodyear Eagle Altra Grip Ice Directional Tires (Police Dept.) and 2 Goodyear Wrangler Truck Tires (Police Dept.). Motion carried.

Discussion & Action on 2015 Holiday and Meeting Calendar
Motion by Nowakowski, seconded by Jensch to approve the 2015 Holiday and City Council Meeting Calendar. Motion carried.

Adjourn –The meeting was adjourned at 6:47PM on a motion by Avol, seconded by McGrath. Motion carried.

Kenneth J. Cammilleri
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30PM

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