

September 12, 2016

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM Washburn City Hall

Present: City Council Members:

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

Municipal Personnel:

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

Excused Absence:

None

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

Approval of Minutes – City Council Meeting August 15 & 22, 2016 - Barnes moves to approve the minutes of City Council Meeting August 15 & 22, 2016, second by Jensch. Motion carried unanimously.

Approval of Expenditures- A motion to approve the monthly expenditure vouchers made by Nowakowski, second by Maziasz. Motion carried unanimously on roll call vote of all seven (7) councilors in attendance.

Public Comment – No public comment was made.

Mayoral Announcements, Proclamations, Appointments – None

Open Floor - A motion was made by Nowakowski to open the floor, second by Jensch. Motion carried unanimously.

Discussion & Action, Ordinance 16-015 Amending Title 13 of the City of Washburn Municipal Zoning Code and Making Other Revisions to Other Part of the Municipal Code in Conflict or Related to Title 13 as Herein Amended – Mayor Griffiths addressed to the audience stating that while some current businesses become non-conforming, the intention with the new zoning code was not to eliminate the current business, but rather limit having more particular businesses in the future, and that under the new code all the current business would not be impacted.

Mr. Carlson spoke on article 21 of the zoning code and disputed the intent and stated he interprets the language of the code differently than Council does. Mr. Carlson stated that if the City's intent is to allow all current business to operate and expand, the language needs to be amended. Attorney Siegler stated that a language change to better clarify the intent can be done.

Tom Tibits spoke on the zoning change. Mr. Tibits stated that he interprets the language in the zoning code to intend to eliminate all non-conforming businesses. He stated that even if there is other language in the zoning code protecting current businesses, he is still concerned why language stating the elimination of non-conforming businesses is in the code in the first place. He stated that anything that detracts from his ability to market the sale of his business in the future, has detrimental consequences to his and his family's livelihoods.

Jennifer Murphy spoke on the zoning code. She stated that it is unfortunate that so many important businesses would face a non-conformity. She stated that non conformities are supposed to be phased out. She stated that if you put the businesses into a conditional use, it's not a use by right, and is still a permit that can be taken away. She stated that a conditional use permit could impact the future sale of a business because it's possible for a conditional use permit to be only permitted to the current owner with no guarantee for a future owner.

Mr. Brately spoke on the zoning code. He stated that he didn't know about the zoning code rewrite was never informed during the four years of the zoning code writing process. He stated that the city should take an

initiative to inform everyone in the city individually about the changes being made that impact them. He spoke on conditional uses and the process. He stated that if he wants to expand, he doesn't want to have to go through a process.

Mr. Jenciek spoke on the zoning code, and his objection to his business being re-zoned from light industrial to commercial non-conforming.

A motion was made by Nowakowski to table the Ordinance 16-015 Amending Title 13 of the City of Washburn Municipal Zoning Code and Making Other Revisions to Other Part of the Municipal Code in Conflict or Related to Title 13 until the city can address the concerns raised, second by Jensch. Motion carried unanimously.

Discussion and Action on Permit for the Washburn School District on the Use of Goats and Sheep for an Invasive Plant Removal – No discussion took place. A motion was made by Jensch to approve the Permit for the Washburn School District on the Use of Goats and Sheep for an Invasive Plant Removal, second by Barnes. Motion carried unanimously.

Discussion and Action on Ordinance #16-013 Establishing a One-Way Street on W. 8th Street between Washington Avenue and Fifth Avenue West – Oswald asked if the change would impact snow removal, Public Works Director stated that it would not. A discussion took place about getting the word out to the community about the change. It was suggested by Maziasz to give some kind of notice to the students for their parents. Nowakowski suggested flyers go in the paper. A motion was made by McGrath to approve Ordinance #16-013 establishing a One-Way Street on W. 8th Street between Washington Avenue and Fifth Avenue West, second by Maziasz. Motion carried unanimously.

Discussion and Action on Ordinance #16-014 Allowing for Case-by-Case Basis to Allocate Special Assessment Costs for Sidewalk Placement and Replacement – School Board President Christina Sauer spoke on the need for sidewalks and the dangers to the children by not having them. School District Administrator Tom Wiatr spoke on needing sidewalks from the school to the neighborhoods. City Administrator stated the City does not currently have sidewalks budgeted for. Rick Geisen spoke on needing sidewalks for the school, and stated the need is real. Pat Cook spoke, he stated that he is not opposed to sidewalks, but doesn't think they should go in where they are being suggested. Nowakowski stated that she would like to see a definition that give criteria for a special assessment. A motion was made by Oswald to table Ordinance #16-014, second by Arquette. Motion carried unanimously. A motion was made by Barnes to reconsider the tabling of Ordinance #16-014, second by Jensch. Motion carried 6-1 Arquette opposed. The original motion to table Ordinance #16-014 now failed unanimously. A motion was made by Nowakowski to table Ordinance #16-014 until the November Council Meeting, second by Oswald, motion failed 1-6 McGrath, Jensch, Maziasz, Oswald, Barnes, Arquette opposed. A motion was made by Oswald to postpone Ordinance #16-014 until the October Council Meeting, second by Jensch. Motion carried 5-2 Maziasz and Barnes opposed.

Discussion and Action on Resolution #16-009 – A Preliminary Resolution Declaring Intent to Levy Special Assessment Under Municipal Police Power Pursuance to Statutes 66.0703 for Sidewalks in the East Side of Fifth Avenue West from West Sixth Street to West Eighth Street – Nowakowski asked why the city couldn't have the repayment interest rate be prime plus 1% over ten years rather than a fixed rate? Attorney Siegler stated that the interest rates by statute have to stay the same over the term, but can be set to whatever the city wants. Barnes stated she would like to see a 1% interest rate. A motion was made by Barnes to approve Resolution #16-009 with an amendment of 1% annual interest rate, second by Arquette. Motion carried unanimously.

Discussion and Action on Amending Policy for Length of Service Award (LOSA) for Ambulance Service Membership – Ambulance Director Clark gave an overview of the LOSA program and the issue with the current language of an "active" member. A motion was made by McGrath to approve the language change of an "active" member in the ambulance LOSA policy to state that an "active" member is anyone who is "credentialed as an

EMT affiliated with the Washburn Area Ambulance Service by the State of Wisconsin”, and to be retroactive to this past year, second by Jensch. Motion carried unanimously.

Discussion and Action on Amending Contract with Northwoods Paving, Inc. for Omaha Street Project – Public Works Director Gayla Salmi gave an overview of the project and additional costs. A motion was made by McGrath to approve Amending Contract proposed cost with Northwoods Paving, Inc. for Omaha Street Project, to \$33,506.53, second by Nowakowski. Motion carried unanimously.

Discussion and Action on Disposal of Surplus Property - Public Works Director Gayla Salmi gave an overview of the surplus property. She stated that the old dump truck and generator would be the items to be sold. A motion was made by McGrath to approve the disposal of surplus property (dump truck & generator) on Wisconsin Surplus, and to have reserve amount set, second by Jensch. Motion carried unanimously.

Presentation and Referral of 2017 General Fund, Capital, and Debt Service Budget – Administrator Kluver gave an overview of the proposed budget. Kluver stated that the idea in the capital budget was to find ways to invest in capital projects that can add to the city’s tax base. A motion was made by Oswald to refer the proposed 2017 General Fund, Capital, and Debt Service Budget to the Finance Committee. Second by Barnes. Motion carried unanimously.

***Discussion and Action on Historic Preservation Commission Recommendation on Approval of Design and Placement of Way-Finding Signage** – Jensch gave an overview of Historical Committee’s process in the sign development. Jensch stated that they aren’t looking for funding at this time, but approval from Council to send the final design to the state for approval. A list of changes was discussed and Jensch is going to handle those changes. No motion was had.

Close Floor – A motion was made by Oswald to close the floor, second by Nowakowski. Motion carried unanimously.

Discussion and Action on Contract for 2016 Audit Services – Administrator Kluver gave an overview. No discussion was had. A motion was made by Jensch to approve the contract for 2016 Audit Services with Eagle Audit & Accounting, LLC, with the possibility of also contracting with Maitland, Singler & Van Vlack S.C. for management services, second by Arquette. Motion carried unanimously.

Discussion and Action on Resolution #16-014 on the Selection on the Health Insurance Program for 2017 – Administrator Kluver gave an overview. It was stated that the employee can choose whether or not to go with the dental option if Council approves the dental option. A motion was made by Oswald to approve Resolution #16-014 on the Selection on the Health Insurance Program for 2017, second by Maziasz. Motion carried unanimously.

Discussion and Action on Transfer of Development Agreement from Washburn Development LLC, Thomas D. Trudeau, and Warren Peterson to new owner(s) regarding property located at 126 West Bayfield Street – Administrator Kluver gave an overview. A motion was made by Barnes to allow Administrator Kluver and City Attorney Siegler to continue negotiating the Transfer of Development Agreement from Washburn Development LLC, Thomas D. Trudeau, and Warren Peterson to new owner(s) regarding property located at 126 West Bayfield Street, second by Arquette. Motion carried unanimously.

Alcohol Licensing Matters

Bartender License Applications – #50 through 51-18 – A motion was made by McGrath to approve Bartender License Applications – #50 through 51-18, second by Barnes. Motion carried unanimously.

Issuance of a Class A Beer License to Outdoor Allure, LLC, Heidi Hegstrom Agent – It was stated that Outdoor Allure had hooked up to city water, and had a holding tank installed for sewer. A motion was made by Oswald to approve the Issuance of a Class A Beer License to Outdoor Allure, LLC, Heidi Hegstrom Agent, second

by Barnes. Motion carried unanimously.

Closed Session Items - Deliberating and Negotiating Property Purchase - ORIG TOWNSITE OF WASHBURN LOTS 8-10 & 2' ON SW SIDE OF LOT 11 BLOCK 45 IN V.1138 P.618 534, Tax ID 33221, Old Brokedown Palace LLC. – A motion was made by Nowakowski to go into closed session pursuant to Wisconsin State Statute §19.85(1) (e) deliberating or negotiating the purchasing of public property and for competitive reasons; following which the Council may reconvene in open session to take any action that may be necessary on the closed session items, second by Oswald. Motion carried unanimously by roll call vote.

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

Dan Stoltman
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30PM

Committee Members Mary McGrath and Mary Nowakowski reviewed monthly expenditure vouchers