

CITY OF WASHBURN
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Washburn, WI 54891



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NOTICE OF FINANCE COMMITTEE MEETING Monday, February 10, 2020 City Hall 4:30PM

- Committee Review-Monthly Expenditures

NOTICE OF CITY COUNCIL MEETING

Monday, February 10, 2020 Washburn City Hall 5:30 PM

The Council may elect to go into closed session pursuant to Wisconsin State Statute §19.85(1) (c), for personnel matters; 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 Meetings – January 13, 2020
- Approval of Monthly Expenditures via Roll Call Vote
- Public Comment
- Mayoral Announcements, Proclamations, Appointments
 - Vacancy on Harbor Commission
- Discussion & Action on Amendment to City’s Naming Policy **TAB 1**
- Discussion & Action on Ordinance 2020-01 Establishing Sex Offender Residency Restrictions **TAB 2**
- Discussion & Action on Administration Goals and Objectives for 2020, Review of 2019 Goals **TAB 3**
- Discussion & Action on Chamber of Commerce Use of Thompson’s West End Park, Memorial Park, Wikdal Park, City Garage lot, City Hall Plaza, and the Coal Dock; N. 5th Avenue West, N. 1st Avenue West, S. 2nd Avenue West, and S. 4th Avenue West; and Relaxation of Open Container and Noise Ordinances all at Certain Times during Homecoming Activities July 24 through July 26, 2020 **TAB 4**
- Alcohol Licensing Matters – **TAB 5**
 - Approval of Class B Beer and Class C Wine Alcohol License Application – Ronald Piercy, Karlyn’s/Yellowbird Gallery, Petitioner
 - New Bartender License Applications - #21-46 Through #21-47; Denial of Application
- Closed Session Items
 - Personnel Matters – Evaluation of the City Administrator
- Adjourn

January 13, 2020

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM Washburn City Hall

Present: City Council Members: Karen Spears-Novachek, Laura Tulowitzky, Jennifer Maziasz, Mary McGrath, Tom Neimes, Carl Broberg, Aaron Austin

Municipal Personnel: Mayor Richard Avol, City Administrator Scott J. Kluver, Assistant City Administrator Tony Janisch, City Attorney Max Lindsey, Director of Public Works Bob Anderson, Operator Ron Leino, Operator Joel Weber, Police Chief Ken Johnson, Officer Nick Suminski

Excused Absence: None

Call to Order - Meeting called to order at 5:30PM by Mayor Avol. 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 of December 9, 2019 & Historic Preservation Commission Meeting of December 9, 2019 - A motion was made by Novachek to approve the December 9, 2019– minutes of the City Council & Historic Preservation Commission, second by Broberg. Motion carried unanimously.

Approval of Expenditures- A motion was made by Novachek to approve the monthly expenditures as reviewed, second by McGrath. Motion carried unanimously via roll call vote of all seven (7) councilors in attendance.

Public Comment – There was no public comment.

Mayoral Announcements, Proclamations, Appointments- The Mayor noted that Dave Bell, on the agenda with interest in the Brokedown Building, was not able to attend the Council meeting and no presentation will be made. Avol further stated a vacancy on the Harbor Commission. The Mayor next recognized two employees for their longevity with the City. Ron Leino, 30 years of service in the Public Works Department. And Nick Suminski, 15 years of service with the Police Department. Lastly, the Mayor noted the passing of Washburn resident James “Marley” Ledin Sr.

Public Hearing & Action on Designating a Portion of the Lakefront Walking Trail as a Historic Site – Moved by McGrath to open the public hearing, second by Neimes. Motion carried unanimously. No comments were received from the public. Moved by McGrath to close the public hearing, second by Novachek. Motion carried unanimously. Moved by McGrath to designate portions of the Lakefront Walking Trail as a Historic Site with the criteria and provisions as recommended by the Historical Preservation Commission, second by Neimes. Motion carried unanimously.

Presentation by Dave Bell on Interest in the Brokedown Building at 204 W. Bayfield St. – It was noted that Bell was unable to attend. No presentation or discussion occurred.

Discussion & Action on Approval of Certified Survey Map for Lots 2, 3, 4 and 5 of Block 3 of Church’s Subdivision – Mick Malcheski, Petitioner – No discussion. Moved by Broberg to approve the certified survey map for Lots 2, 3, 4, 5 of Block 3 of the Church’s Subdivision, second by Novachek. Motion carried unanimously.

Presentation, Discussion & Action on Request to Place Informational Kiosks on Public Rights-of-Way and Locations – Washburn Heritage Association, Petitioner – Ginny Pederson presented for the Washburn Heritage Association (WHA). Pederson stated that the WHA is organized to enrich the experience of living in Washburn by telling the compelling stories of the unique architectural and cultural heritage of the area. Pederson explained some the past and current projects of the WHA, and then introduced the kiosk project. The kiosk will work to share information about Washburn to visitors, as well as remind citizens of the city’s heritage. The kiosk look will model the DuPont bungalows along historic 3rd St, a proposed design has been

provided. WHA seeks approval of the concept before moving forward with the project; with the goal of having a completed and installed kiosk by Homecoming 2020. Council engaged Ms. Pederson with questions regarding kiosk look, location, display and maintenance. The kiosk would be about 10 ft. tall, made of wood and possible brownstone. Displays would include three informational panels; two permanent and one with current events. The Washburn Chamber has agreed to update the current events panel. Anderson included that it wouldn't take much to maintain the kiosk and would like to meet the construction person to help pick out building materials. Borberg noted the identified cost of \$10,000. Avol stated that funding would come from the Eric Novachek Memorial Fund which is designated for tourism related items. McGrath questioned why they chose Wikdal Park for the location and specifically at the intersection of Bayfield St. & N 3rd Ave E. Pederson stated that they would like kiosks in several locations throughout the city, but Wikdal Park is a central location with business across the street. Maziasz noted that the Park Committee has identified the need to be intentional with how and where structures are placed and that they are complimentary to other structures and routine maintenance. Maziasz then suggested that final location selection go to the Parks Committee and the Public Works Director. Moved by Novachek to approve the concept of the informational kiosk placed on city property and to approve the financing as outlined. WHA will work with the Public Works Director and Parks Committee to find a final location, second by McGrath. Discussion continued regarding final design the kiosk and a site plan. Tulowitzky suggested working cooperatively on the final site plan as well. Novachek amended her original motion to approve the concept of an informational kiosk on public property in Wikdal Park, to approve the finance plan as outlined, and that WHA work with the Public Works and Parks Committee on the final site plan. McGrath agreed with the amendment to the motion. Motion carried unanimously.

Discussion & Action to Place a Tribute to Niles Eilertsen at the Washburn Athletic Fields – Kluver stated that being proposed is a tribute to Niles; a plaque of some sorts. This is not a proposal to name the ball fields as current policy does not allow this, but it does set up this possibility in the future. Neimes stated that he would like to change the naming policy and asked that it be discussed at the meeting. McGrath stated that changing this policy could open a Pandora's Box and that Council worked hard to establish the current policy in place. Moved by Tulowitzky to approve a tribute to Niles Eilertsen at the ball fields, second by Maziasz. Motion carried unanimously.

Discussion & Action on Ordinance 2020-01 Establishing Sex Offender Residency Restrictions – Kluver provided background that the City did not have a sex offender ordinance in place. One was crafted and brought to Council, who directed to “clean up” the draft and bring back. This draft includes an intent to buffer residency from specific locations. Kluver continued that this now created the questions of working or shopping or traveling through these buffer zones. Attorney Lindsey stated that the ordinance has two sections, one regulating residency and loitering in buffer zones, the other regulating sex offenders presents in safety zones. The person could travel or go shopping in the buffer zone but could not be in the safety zone. Lindsey noted that there are exceptions where the person could be in a safety zone, Section E2. Lindsey continued that the type of offenses includes 1st, 2nd & 3rd degree sexual assault, those that would require registering with the Sex Offender Registry in Wisconsin. Avol questioned the “sexually violent offender” Chapter 980 mentioned in the ordinance. Lindsey answered that these offenders are monitored differently by the State. Moved by McGrath to open the floor, second by Tulowitzky. Motion carried unanimously. Kyle Baskus, Corrections Field Supervisor for Bayfield, Ashland & Iron Counties, Mason, stated that Chapter 980 offenders upon release are monitored by DHS and Dept. of Corrections, and placement is done by the DHS. Austin is interested in the effective of these policies and his brief investigation found there was limited positive effect but can also have a negative consequence concentrating sex offenders in certain locations of the city. Maziasz noted that some of the concentrated rental areas are in the zone. Lindsey added that this includes temporary residences, example being a individual living on a houseboat at the marina for the summer would fall into the scope of the ordinance. Broberg pointed to Kluver's memo questioning if Snowmobile/ATV/Bicycle trails be included in safety zones; and then questioned usage of Cty Rd C, which does go through an exclusion zone. Kluver stated that these are policy decisions that will need to be made. Novachek raised her concern that areas in safety zones that are part of life, i.e. parks, golf courses, beaches, the ability to launch a boat. Novachek further stated that rehabilitation doesn't always work, but some aspects that assist with rehabilitation include housing, employment, positive social support and physical activity. These zones restrict the types of physical activity that a person could be engaged in. Amanda Cook, 228 W 4th St, stated that she is a homeschooling parent with four children and has a sex offender

living next door. She further stated that this person is not registered at the address, but rather an address on Pine St, but pretty much lives next door. Cook further stated that she understands that people who have had offenses have the right go to different places in the town, but the child also have the right to feel safe in their own backyard, so feel safe at their school. Austin stated that he would like to hear the police stance of the ordinance. Masiasz further asked if adjacent communities have similar ordinances. Chief Johnson stated that Iron River does have a sex offender ordinance, and possibly Ashland. He further stated that a sex offender has committed a crime, and many are prone to repeating that crime. He does not have issue with restricting where they live or how long they are in a certain place. Johnson's concern is protecting people and preventing crimes and believes this ordinance will help. Lindsey added that the ordinance also puts onus in the property owner if they rent to a sex offender in a buffer zone, and that it would be a penalty. Masiasz asked for further explanation of safety zone exceptions. Lindsey gave the example of an individual with child in a play at Stage North, the individual could request, and be allowed, to attend the production but not any other play. Masiasz further questioned if an offender would be allowed to take their child to the park. Lindsey stated that the individual could not, but that they could appeal to have the allowance. Lindsey further stated that the Plan Commission would be the determining body. Avol stated that he believes it should be the Council making these decisions. Kluver stated that regardless of being the Plan Commission or Council, there would need to be advanced notification and planning to have it on an agenda. Chief Johnson added that this ordinance would give an avenue to police to enforce known offenders and that they would receive a citation for violations. Kluver added that the current citation is \$100. Chief Johnson questioned if homeschools would be included as a Safety Zone. Lindsey answered that homeschools would not, but that they could be included. Kluver added that currently they do not know where the homeschools are and that it would change the map. Avol stated a concern of the public library, understanding that children are there, but if a person wanted to better themselves, they would be restricted from use. Several councilors identified the need to receive further feedback from the citizenry before making a decision. Masiasz stated that she would like further information if other community's ordinances include homeschools. Tulowitzky would like the library to be considered a buffer zone instead of a restricted safety zone. Avol stated that questions or comments can be directed to Administrator Kluver. Moved by McGrath to table discussion until next month, second by Broberg. Motion carried unanimously. Moved by Broberg to close the floor, second by Neimes. Motion carried unanimously.

Discussion & Action on Police Policy for Less Than Lethal Force (Bean Bag Rounds) – Police Chief Johnson explained how bean bag rounds would be used and that they provide more distance for an officer to use than that of a taser. Johnson further stated that several communities in the area are using these. Officer Suminski displayed a bean bag shotgun and explained that the rounds are kept on the side of the gun, not loaded. Suminski further explained the policy of use. Moved by Novachek to approve the policy for use of bean bag rounds, seconded by Broberg. Motion carried unanimously.

Discussion & Action on the Purchase of New Water Meters for All Utility Customers, Requesting PSC Authorization for a 20-Year Inspection Schedule, and Approval of Contract for Installation of New Meters – Kluver stated that water meters will need to be replaced. He recommends meters with a 20-year replacement schedule, and that installation is done with a contractor. Kluver further stated that new meters will be more efficient with reading. Anderson presented that several scenarios for installation have been looked at. Using a contractor for installation will cost an additional \$86,000. This cost would include cross connection checks which are required by the State and sump pump checks, which may be required from the State in the future. Additionally, the installation time would be 4 – 6 weeks. The last time meters were replaced it was done in-house and took 6 months. Anderson further stated that the fixed based system would read usage and update every 15 min. to a computer system. This will make it easier to track leaks and breaks. Weber included that the currently used mechanical water meters is technology from the 1970's, and that it takes the four days to read meters across the city. The new system will help residents as well as Public Works. Austin asked if a cost savings was calculated. Weber responded that the biggest saving would be in staff time from meter reading, and that mechanical meters fail which would then need replacing. Anderson added that with the new system, we could show the customers daily water usage and notify them of any problems. Moved by Broberg to approve the purchase of the Fixed System New Water Meters with Contractor Installation, second by Maziasz. Neimes questioned the length of payoff. Kluver stated this would be paid for by refinancing existing debt and will be speaking with the financial advisor shortly. Kluver included

that the new meters will be more efficient, and the City should capture additional revenue in utility bills. Motion carried unanimously.

Discussion & Action on Resolution 2020-01 Combining Wards for Spring Primary, Spring Election and May Special Election – Moved by McGrath to approve Resolution 2020-01, second by Novachek. Motion carried unanimously.

Discussion & Action on Special Event Request to Close Streets Temporarily for Bike Across the Bay Event on February 16, 2020 – North Coast Cycling Association, Petitioner – Joe Groshek, member of the North Coast Cycling Association, presented that the Bike Across the Bay race event is again staging at the Harbor View Event Center, and this years would be using the Book Across the Bay course as part of their route. As such, NCCA is requesting temporary street closures in order to access the Book ski route. Streets requested for closure include W, Harborview Dr, W Holman Lakeview Dr, and S 6th Ave. Groshek stated that crossroads would be barricaded from approximately 9:00 am to 12:00 pm. Moved by Tulowitzky to approve the request from NCCA for street closures for the Bike Across the Bay Event, seconded by Maziasz. Motion carried unanimously. *Note: The time was changed from 12:00 pm to 3:00 pm after the meeting.*

Alcohol Licensing Matters – Approval of Class B Beer and Class C Wine Alcohol License Application – Ronald Piercy, Karlyn’s/Yellowbird Gallery, Petitioner – A motion was made by Novachek to approve the alcohol license application for Karlyn Yellowbird Gallery and to issue public notification and begin the administrative process, second by McGrath. Motion carried unanimously.

New Bartender License Applications - #21-44 Through #21-45 – A motion was made by McGrath to approve New Bartender License Applications – #21-41 through #21-43, second by Novachek. Motion carried unanimously.

Adjourn – Motion to adjourn by Novachek, seconded by McGrath. Motion carried unanimously. Meeting adjourned at 8:30 pm.

Tony Janisch
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30PM

Committee Member Karen Spears Novachek & Aaron Austin reviewed monthly expenditure vouchers.

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715-373-6160
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To: Honorable Mayor and City Council Members
From: ^{SK} Scott J. Kluver, Administrator
Re: Amendment to Naming Policy
Date: January 24, 2020

At the request of Council member Neimes, I have drafted a proposed amendment to the City's naming policy which would allow the naming of facilities for living individuals. The amendment retains a five-year waiting period for someone who is deceased as that can be an emotionally charged time for such decisions.

There are few examples of policies out there that allow naming for living individuals, but I picked some wording to craft language that would fit within our current policy. Please let me know if you have questions or suggestions for any changes.

Memorials / Tributes / Naming – (Note: 082018 – benches and trees exempt from five year rule)

- The City of Washburn respects the desire of individuals to commemorate special events or the lives of loved ones, living and deceased. However, the City also recognizes that other community members who visit public places may desire not to be burdened with a constant reminder of mortality, death or traumatic events. The City also recognizes the important contributions of many individuals to community life and that it is simply impossible to recognize all of those contributions. To that end, if the proposed gift/donation is a Memorial or Tribute or a non-commercial request to name a public space or other item, the City of Washburn shall consider the following criteria, as may be appropriate to the particular donation, in addition to those criteria identified above.
- In the case of naming for a living person, it should be one who has performed an outstanding service to the community, and/or a local citizen who has become national famous for his or her contributions and/or accomplishments .
- ~~A~~The person memorialized must have been deceased for a minimum of five (5) years; or an event must have occurred at least five (5) years ago.
- The proposed donation must have timeless qualities and make a statement of significance for future generations
- The proposed donation must represent a person or event deemed significant to the City of Washburn's history; names of individuals who have made a significant contribution directly and locally to the City of Washburn shall be preferred over the names of national figures
- The proposed donation must meet the general criteria enumerated in this policy
- Whether any increased use of the park or public area resulting from the placement of the memorial or tribute is appropriate to the surrounding context and uses
- Whether the design of the particular donation is solely representative of the particular person or event being commemorated or is of a broader community appeal
- Whether the proposed donation has a functional component
- Whether the individual or group is associated with the particular building, park or other public facility at issue
- When possible, the family should be contacted and allowed an opportunity to comment upon the naming of a building, park or facility after an individual
- In and of themselves, contributions of land or money for public facilities shall not be considered sufficient justification for naming or renaming facilities after individuals, in tribute or memoriam

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715-373-6160
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To: Honorable Mayor and City Council Members
From: Scott J. Kluver, ^{SSK} Administrator
Re: Sex Offender Residency Restriction Ordinance Part 2
Date: January 31, 2020

Enclosed you will find a slightly revised draft of the Sex Offender Residency Restriction Ordinance and an e-mail outlining the change made and a couple other discussion points from Attorney Lindsey. In addition, you will find, for discussion purposed, a version of the Safe Zone map that only includes school properties and locations of actual playgrounds. This was requested by Council member Austin to see what properties would be affected if only those locations were included.

To this point, I have not had other questions posed to me about this draft ordinance.

Also included in the packet is the memo from last month, and the original Safe Zone map that was included last month as well.

As usual, please let me know what questions you have about this draft ordinance or potential implications of implementing it, or if you wish to discuss possible actions that could be taken related to this ordinance.

washburnadmin@cityofwashburn.org

From: Max Lindsey <mlindsey@ncis.net>
Sent: Friday, January 31, 2020 6:28 AM
To: washburnadmin@cityofwashburn.org
Subject: Sex offender registry
Attachments: Ordinance 2019-015 - Sexual Offender Registry.docx

Scott,

Attached is an updated sex offender registry ordinance draft.

The only addition that I made was to add an exception for a public boat launch, § (3)(2)f.

I looked in to adding a home school as a safety zone parcel. I would have to advise against this given that the location of such properties would be fluid from year to year. Further, there is a possibility that the number and location of home schools could significantly limit the allowable residency areas and get the City in trouble for not having enough allowable residence locations.

I did not add a categorical exemption for the public library. I discussed this issue with Kyle Bosquez, who spoke at the last meeting and is from Ashland and Bayfield County Probation. He advised that they sit down with individuals and describe the necessary process for complying with any municipality's sex offender ordinances. This would include advising him or her on the process to get an exemption for any specific interests or desires, i.e. library access. I would recommend going this route for library access, which would provide a case-by-case evaluation and plan for each individual's presence at the library.

I did not receive any other specific questions or concerns since our last meeting.

Let me know if you want more on this.

Thanks,

Max

Max T. Lindsey
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CITY OF WASHBURN
Ordinance No. 20-001

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of October 14, 2019, for the purpose of amending Title 11, Chapter 5, Section 9 of the City's Code of Ordinances to amend the enforcement procedure and penalties for juvenile ordinances. Ordinance § 11-5-9 shall be amended to read as follows:

1. Amend Title 11, Chapter 5, Section 9 as follows:

Sec. 11-5-9 Sexual Offender Residency Restrictions.

(a) **Findings, Recitals and Intent.**

(1) ***Recitals.***

The Common Council of the City of Washburn promulgates this ordinance enactment to protect and improve the health, safety and welfare of the citizens of the City and particularly its children.

(2) ***Findings and Intent.***

- a. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public health, welfare and safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims that are never reported and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- b. According to a 1997 report by the United States Department of Justice, sex offenders have high rates of recidivism which are much higher than recidivism rates for other types of violent crimes. Sex offenders are the least likely to be cured and the most likely to re-offend and prey on the most vulnerable members of the community.
- c. While Federal and State Fair Housing Statutes prohibit unlawful discrimination, they do not extend the same protections to a sex offender (as herein defined) with respect to a place of residency (as herein defined) where a Safety Zone (as herein defined) has been established.
- d. The City of Washburn finds and declares that repeat sexual offenders who use physical violence and sexual offenders who prey on children are sexual offenders who present an extreme threat to the public safety and health of children. Sexual offenders are very likely to use physical

violence and to repeat their offenses. Most sexual offenders commit numerous offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large and the community where they reside, while incalculable, clearly exorbitant. Such persons present a significantly high risk of re-offending once released. As such, the City hereby establishes regulations which restrict certain offenders from residing or congregating in areas which are at or near where there is a high concentration of children in order to provide better protection for children in the City by minimizing immediate access and proximity to children and thereby reducing the opportunity and temptation for recidivism.

- (3). **Intent.** It is the intent of this Section not to impose a criminal penalty or punish sex offenders, but rather to serve the City of Washburn's compelling interest to promote, protect, and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers, wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

(b) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning.:

- (1) **Child/Children.** A person under the age of eighteen (18).
- (2) **Designated Offender (Sex Offender).** Any person who is required to register under Sec. 301.45, Wis. Stats., or any person who is required to register under Sec. 301.45, Wis. Stats., and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Sec. 301.46(2) and (2m), Wis. Stats. Included in this definition is a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a "sexually violent offense" and/or a "crime against children". This definition does not include a person who is released under Sec 980.04, Wis. Stats., so long as the person is subject to supervised release under Chapter 980, Wis. Stats., the person is residing where he or she is ordered to reside under §980.08, Wis. Stats., and the individual is in compliance with all court orders issued under Chapter 980, Wis. Stats.
- (3) **Loitering.** Whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.

- (4) **Minor.** A person under the age of eighteen (18).
- (5) **Residence, Permanent.** A place where the person abides, lodges or resides for fourteen (14) or more consecutive days.
- (6) **Residence, Temporary.** A place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent address. Such Temporary Residence may be mobile or transitory and includes, but is not limited to, recreational vehicles and boats.
- (7) **Safety Zones.** Any real property that supports or upon which there exists any facility used for children, including, but not limited to:
- a. A public park, parkway, park facility, recreation area, beach, marina, theater, conservancy area or similar area or facility held open for use by the public for active or passive leisure purposes. Also included are any privately-owned neighborhood parks and open spaces where children congregate such as those owned by a homeowner's association of a subdivision and privately owned theaters that offer children's programming.
 - b. A swimming pool or splash pad where children swim, wade or splash in a pool or other aquatic facility held open by the public or where no lifeguard is on duty and children are known to congregate.
 - c. A library which is open for use by the public where such library includes a collection of material specifically intended for children.
 - d. A public recreational trail or path where children regularly walk, ride bicycles, or ride horses, and that is dedicated to the public for recreation purposes or intended for public use.
 - e. A playground which is any public outdoor area set aside for recreation and play and includes any area with playground equipment including, but not limited to, swings, slides, play structures, sandboxes, and seesaws.
 - f. A school property serving children. Included are any public school as defined by Sec. 115.01(1), Wis. Stats.; a private school as defined by Sec. 115.001(3); a charter school as defined by Sec. 115.001(1) Wis. Stats.; a specialty school, including but not limited to, a Montessori school, gymnastics academy, dance academy, or music school.
 - g. Athletic fields and facilities used by children for organized and/or informal athletic activities. This includes public athletic fields and private athletic fields if open to the public.
 - h. A licensed day care center that has been licensed under Sec 48.65, Wis. Stats., to provide care and supervision of children, and includes before and

after school daycare, which has the meaning as defined by Sec. 120.125(1), Wis. Stats.

- i. A ski hill or sledding hill open to the public.
 - j. A public or private golf course or range.
 - k. A place of worship, church, synagogue, mosque, temple or other house of religious worship (“church”), not including cemeteries.
 - l. Any facility for children (which means a public or private school, a group home, as defined in Section 48.02(7), Wis. Stats.; a residential care center for children and youth, as defined in Section 48.02(15d), Wis. Stats.; a shelter care facility, as defined in Section 48.02(17), Wis. Stats.; a foster home, as defined in Section 48.02(6), Wis. Stats.; a treatment foster home, as defined in Section 48.02(17g), Wis. Stats.; a day care center licensed under Section 48.65, Wis. Stats.; a day care program established under Section 120.13(14), Wis. Stats.; a day care provider certified under Section 48.651, Wis. Stats.; a youth center, as defined in Section 961.02(22), Wis. Stats.
- (8) ***Sexually Violent Offense.*** Shall have the meaning as set forth in Sec. 980.01(6), Wis. Stats., as amended from time to time.
- (9) ***Crimes Against Children.*** Shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or federal government, having like elements necessary for conviction, respectively:

- 940.225(1) First Degree Sexual Assault
- 940.225(2) Second Degree Sexual Assault
- 940.225(3) Third Degree Sexual Assault
- 940.22(2) Sexual Exploitation by Therapist
- 940.30 False Imprisonment- Victim was Minor and not the Offender’s Child
- 940.31 Kidnapping-Victim was Minor and not the Offender’s Child
- 944.02 Rape (prior statute, see now 940.225)
- 944.06 Incest
- 944.10 Sexual Intercourse With a Child (prior statute, see now 948.02)
- 944.11 Indecent Behavior With a Child (prior statute, see now 948.02)
- 944.12 Enticing Child for Immoral Purposes (prior statute, see now 948.07)
- 948.02(1) First Degree Sexual Assault of a Child
- 948.02(2) Second Degree Sexual Assault of a Child
- 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child
- 948.05 Sexual Exploitation of a Child
- 948.055 Causing a Child to View or Listen to Sexual Activity
- 948.06 Incest With a Child
- 948.07 Child Enticement
- 948.075 Use of a Computer to Facilitate a Child Sex Crime
- 948.08 Soliciting a Child for Prostitution

948.095	Sexual Assault of a Student by School Instructional staff
948.11(2)(a) or (am)	Exposing a Child to Harmful Material (felony sections)
948.12	Possession of Child Pornography
948.13	Convicted Child Sex Offender Working With Children
948.30	Abduction of another's Child
971.17	Not Guilty By Reason of Mental Disease or an Included Offense
975.06	Sex Crime Law Commitment

- (c) **Sexual Offender and Sexual Predator Residency; Prohibitions; Penalties; Exceptions.**
- (1) ***Prohibited Location of Residence.*** It is unlawful for any designated offender to establish a permanent residence or temporary residence on any parcel of which any portion of said parcel is located within Five Hundred (500) feet of any Safety Zone property/use enumerated in Subsection (b)(7), or any other place designated by the City of Washburn as a place where children are known to congregate.
 - (2) ***Prohibited Activity.***
 - a. ***Loitering.*** It is unlawful for any designated offender to loiter within Five Hundred (500) feet of any Safety Zone property/use enumerated in Subsection (b)(7) or any other place designated by the City of Washburn as a place where children are known to congregate.
 - b. ***Holiday Events/Parties.*** It is unlawful for any designated offender to participate in a holiday event involving children under eighteen (18) years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Clause costume, or wearing an Easter Bunny costume or any costume resembling a character known to be popular among children. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familiar children are present, are exempt from this Subsection. "Participation" is to be defined as actively taking part in the event.
 - (3) ***Measurement of Distance.***
 - a. For purposes of determining the minimum distance separation under this Section, the distance requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outside property line of the protected location designated by the City of Washburn as a Safety Zone property/use per Subsection (b)(7) above where children are known to congregate.
 - b. The City Administrator-Clerk shall maintain an official map showing prohibited locations and Safety Zones as defined by this Section. The City Administrator-Clerk shall update the map at least annually to reflect any changes in the location of the prohibited zones. These shall be designated on the map as child safety zones. The map is to be displayed in the Office of the City Administrator-Clerk
 - (4) ***Violations; Penalties.*** A person who violates this Section shall be punished by forfeiture per Section 1-1-7, Each day a person maintains residence in violation of this Section constitutes a separate violation. The City of Washburn may also seek equitable relief.

(5) **Exceptions.** A designated offender residing within a prohibited area as described in Subsection (c)(1) does not commit a violation of this Section if any of the following applies:

- a. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Section 301.45, Wis. Stats., before the original effective date of this Section.
- b. The person is a minor or ward under guardianship and is not required to register under Sections 301.45 or 301.46, Wis. Stats.
- c. The protected location within Five Hundred (500) feet of the person's permanent residence was opened after the person established the permanent residence and reported and registered the residence pursuant to Section 301.45, Wis. Stats.
- d. The residence is also the primary residence of the person's parents, grandparents, spouse, domestic partner, or children provided that such party established the residence at least one (1) year before the designated offender established the residence at the location.
- e. In such case involving a juvenile placed in accordance with the exception, when the juvenile turns eighteen (18) years of age, the juvenile would be allowed to continue to reside at the already established residence.
- f. The person is a designated offender that has been adjudicated a sexually violent person pursuant to Chapter 980, Wis. Stats., if the designated offender is subject to supervised release under Chapter 980, Wis. Stats, the designated offender is residing where he or she is ordered to reside under Sec. 980.08, Wis. Stats., and the offender is in compliance with all court orders issued under Ch. 980, Wis. Stats.

(d) **Property Owners Prohibited From Renting Real Property to Certain Sexual Predators and Sexual Offenders; Penalties.**

- (1) **Prohibition.** It is unlawful to let or rent any space, structure, or part thereof, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Section, if such place, structure, or part thereof, trailer, or other conveyance is located within Five Hundred (500) feet of a protected location zone described in Subsection (c)(1). A person letting or renting a place or structure shall be deemed to have such knowledge if, at least ten (10) days prior to letting or renting the place or structure, the sex offender's name appears on the Wisconsin Department of Correction's sex offender registry and the person letting or renting the place knew the sex offender would be residing at the subject place or structure.
- (2) **Violations; Penalties.** A property owner's failure to comply with the provisions of this Subsection shall constitute a violation of this Section, and shall subject the property owner to the Code enforcement provisions in Subsection (c)(4) as provided in this Section. Each day a violation continues shall constitute a separate offense.

(e) **Safety Zones.**

- (1) ***Presence Regulated.*** A sex offender shall not enter upon or be present upon a property within a Safety Zone under this Section.
- (2) ***Safety Zone Exceptions.*** A sex offender who enters upon or who is present upon or within a safety zone does not commit a violation of this Subsection if any of the following apply:
 - a. The property also supports a church, synagogue, mosque, temple or other house of religious worship, subject to all of the following conditions:
 1. The sex offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
 2. The sex offender shall not participate in any religious education programs that include individuals under the age of eighteen (18).
 - b. The property also supports a use lawfully attended by a sex offender's natural or adopted children, which a child's use reasonably requires the attendance of the sex offender as the child's parent upon the property, subject to the following condition:
 1. The sex offender's entrance and presence upon the property occurs only during the hours of activity related to the use as posted to the public.
 2. Written advance notice is made from the person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the sex offender.
 - c. The property also supports a polling location in a local, state or federal election, subject to all of the following conditions:
 1. The sex offender is eligible to vote;
 2. The property is the designated polling place for the sex offender, and
 3. The sex offender enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is to any member of the electorate, and vacates the property immediately after voting.
 - d. The property also supports a school lawfully attended by a sex offender as a student under which circumstances the sex offender may enter upon the property supporting the school at which the sex offender is enrolled, for such purposes and at such times are as reasonably required for the educational purposes of the school.
 - e. The property also supports a court, government office or room for public governmental meetings, subject to all of the following conditions:
 1. The sex offender is on the property only to transact business at the government office or place of business, other than a public library, or attend an official meeting of a governmental body; and
 2. The sex offender leaves the property immediately upon completion of the business or meeting.

f. The property also supports a public boat launch or boat ramp, subject to all of the following conditions:

1. The sex offender's presence and entrance upon the property occurs solely for the purpose of launching a boat or taking a boat out of the water.
2. The sex offender avoids all contact with all minors on the property, not including the sex offender's natural or adopted children.

(3) **Violations; Penalties.** A person who violates this Subsection shall be punished by a forfeiture per Section 1-1-7. Each day a violation continues shall constitute a separate offense.

(f) **Injunctions and Other Penalties for Violations.** Neither the issuance of a citation nor the imposition of forfeiture hereunder shall preclude the City of Washburn from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this Chapter. If an offender establishes a residence in violation of Subsections (c) or (d) above, or enters or is present upon or within a Safety Zone in violation of Subsection (e) above, the City Attorney may bring an action in the name of the City of Washburn in circuit court to permanently enjoin any such violation as a public nuisance.

(g) **Appeals.**

- (1) **Appeals Body.** A designated offender may seek an exemption, waiver or modification from this Section by appealing to the Plan Commissioner. The above requirements may be waived or modified upon approval of the City of Washburn Plan Commission through appeal by the affected party. Such appeal request shall be made to the City Administrator-Clerk, who shall forward the request to the Plan Commission.
- (2) **Hearing Notice.** The Plan Commission shall hold a public hearing on the appeal. Notice in the form of an agenda shall be published/posted as required by state law and be provided to the members of the Plan Commission, the applicant, and the property owner if not the applicant. Such agenda notice shall be provided a minimum of seven (7) days prior to the hearing date.
- (3) **Hearing: Considerations.** The Plan Commission shall hold a hearing on each appeal to conduct a risk assessment in each case, during which the Plan Commission may review any pertinent information and may accept oral or written statements from any person. The Plan Commission shall request and receive reports from law enforcement authorities serving the City on such appeal. The Plan Commission shall consider the public interest as well as the applicant's presentation and concerns, giving the applicant a reasonable opportunity to be heard. The Plan Commission shall also consider any written, e-mailed or oral statements from any person at the hearing or received in advance of the hearing in the case of written or emailed comments. The Plan Commission shall consider the specific circumstances and facts of each applicant and determine whether the applicant poses a threat to public safety if he or she resides at that proposed location. The Plan Commission shall consider factors which may include, but are not limited to, the following:
 - a. Circumstances surrounding the offense.

- b. Relationship of the offender and the victim.
 - c. Presence or use of force with the offense.
 - d. Presence of enticement.
 - e. Need to protect the victim or similarly situation individuals.
 - f. Current dangerousness of the offender.
 - g. Proximity in time from the original offense.
 - h. Duration of incarceration and subsequent time out.
 - i. Current supervision status by the Wisconsin Department of Corrections.
 - j. Counseling and treatment history.
 - k. Any criminal offense or regulatory violations committed since the original offense.
 - l. Credibility of the offender/applicant.
 - m. Remorse.
 - n. Proximity of proposed residence to a Safety Zone.
 - o. Support network of offender near proposed residence.
 - p. Alternative options for housing.
- (4) **Determination.** The Plan Commission shall decide by majority vote whether to grant or deny an exemption or modification. An exemption decision may be unconditional or be conditional to a specific address or period of time. After deliberation and determination, the Plan Commission shall forward its written decision to the applicant, City Administrator-Clerk, and to the law enforcement authorities serving the City of Washburn for their information and action. The decision of the Plan Commission may be appealed to the circuit court by any aggrieved party within thirty (30) days of the final receipt of the final decision. The review shall by certiorari and the circuit court may affirm or reverse the final decision, or remand the decision to the decision maker for further proceedings consistent with the court's decision.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

Attest:

Richard Avol

Scott J. Kluver

Mayor

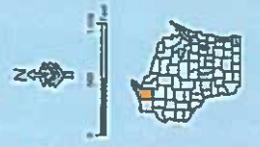
City Clerk

Adopted: _____

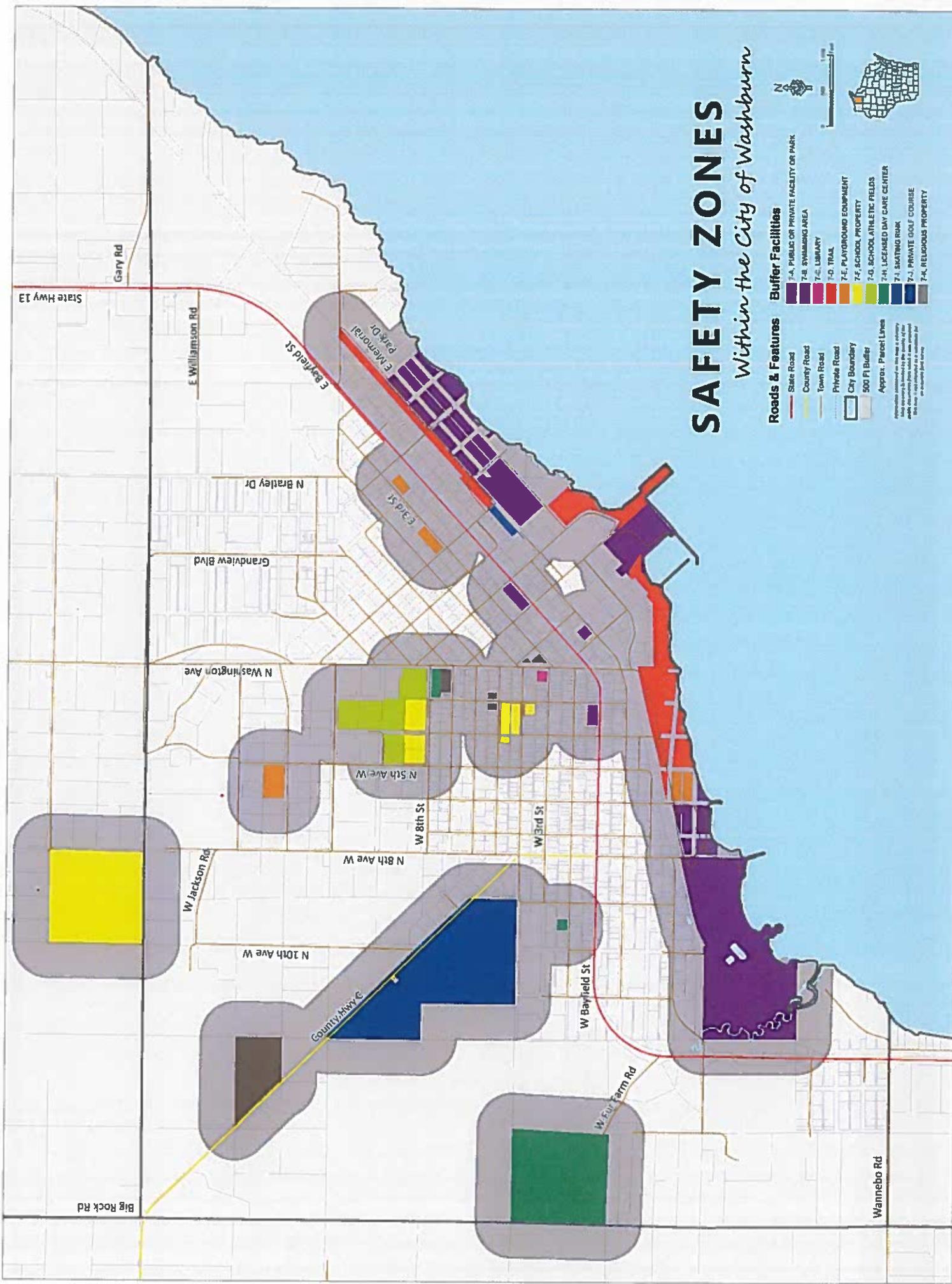
Published: _____

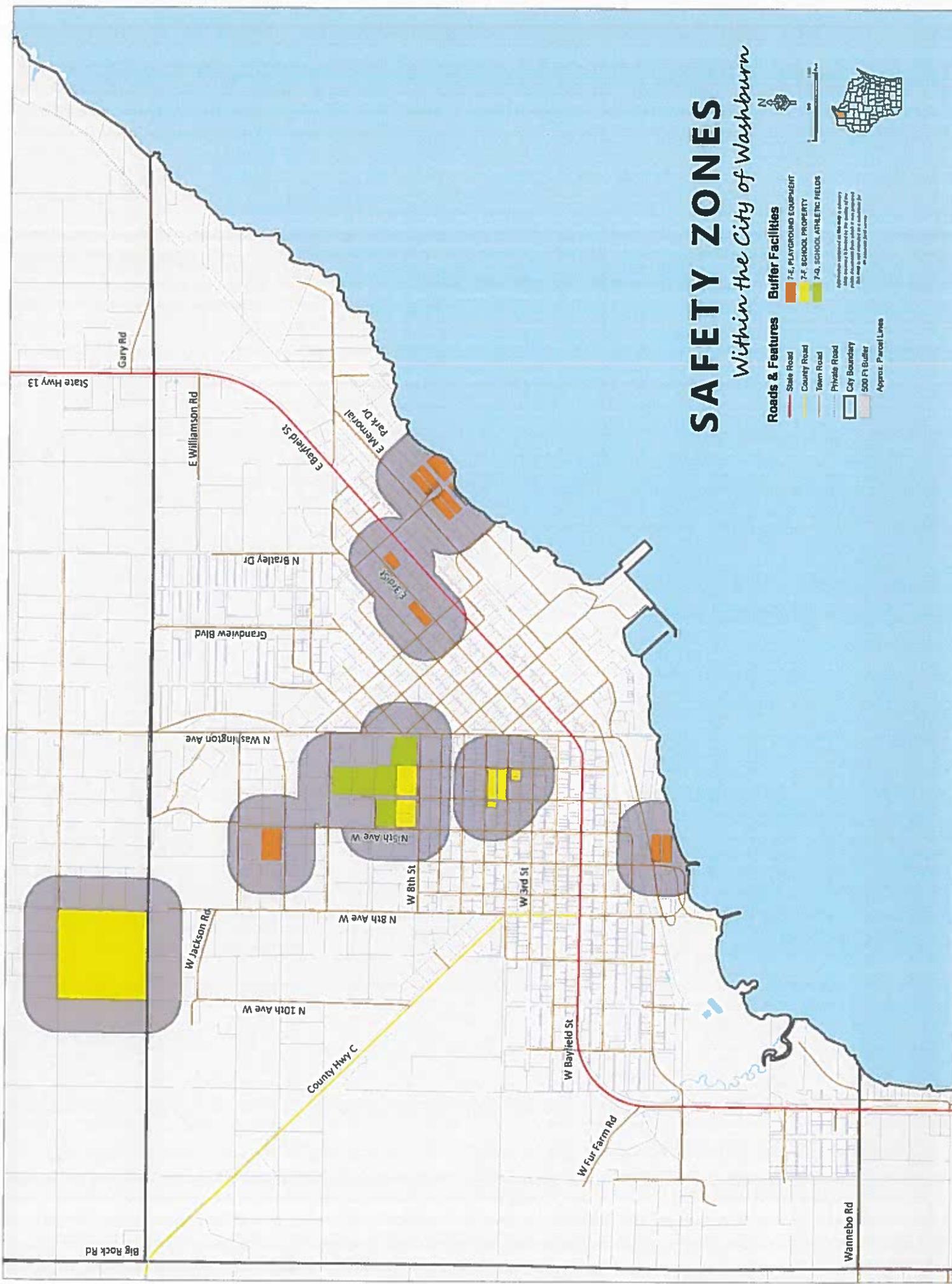
SAFETY ZONES

Within the City of Washburn



- | | |
|---|---|
| Roads & Features | Buffer Facilities |
| State Road | 7-A. PUBLIC OR PRIVATE FACILITY OR PARK |
| County Road | 7-B. SWIMMING AREA |
| Town Road | 7-C. LIBRARY |
| Private Road | 7-D. TRAIL |
| City Boundary | 7-E. PLAYGROUND EQUIPMENT |
| 500 Ft Buffer | 7-F. SCHOOL PROPERTY |
| Approx. Parcel Lines | 7-G. SCHOOL ATHLETIC FIELDS |
| <small>Approximate boundaries on this map are arbitrary and do not represent actual boundaries. Actual boundaries are shown on the ground. This map is not intended as a substitute for an actual field survey.</small> | 7-H. LICENSED DAY CARE CENTER |
| | 7-I. SKATING RINK |
| | 7-J. PRIVATE GOLF COURSE |
| | 7-K. RELIGIOUS PROPERTY |





SAFETY ZONES

Within the City of Washburn

Roads & Features

- State Road
- County Road
- Town Road
- Private Road
- City Boundary
- 500 Ft Buffer
- Approx. Parcel Lines

Buffer Facilities

- 1-6, PLAYGROUND EQUIPMENT
- 7-F, SCHOOL PROPERTY
- 7-Q, SCHOOL ATHLETIC FIELDS

Applicable equipment on the map is primary. Other equipment is located in the vicinity of the primary equipment. The map is not intended to be used for an insurance policy review.

North arrow and scale bar (0 to 100 feet).

Big Rock Rd

Wannebo Rd

Gary Rd

W Fur Farm Rd

E Williamson Rd

W Jackson Rd

Barfield St

N 10th Ave W

Memorial Park Dr

N 8th Ave W

N Bralley Dr

W 8th St

Grandview Blvd

W 3rd St

N Washington Ave

W Bayfield St

W 15th Ave W

County Hwy C

State Hwy 13

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: Sex Offender Residency Restriction Ordinance
Date: December 31, 2019

For your consideration and approval is a proposed ordinance related to residency restrictions for sex offenders. This proposed ordinance has been redrafted and tweaked over the past year, and there are several policy considerations for the Council to consider related to this ordinance.

Those policy considerations are focused in two areas: 1) the types of sex offences that are covered by this ordinance, and 2) the locations where the 500-foot buffer applies. The types of offences covered defined in section (b)(9) of the ordinance, and I will let our Attorney and/or Police Chief answer questions related to those offences. The other major area that needs to be considered is the locations where the 500-foot buffer applies. Now, for this ordinance to be Constitutional, there must be locations within the City where a sex offender can live. Staff believes that with the locations that are currently listed and shown on the map, there are adequate locations within the City that would hold up to a Constitutional challenge.

Any of the locations that are defined in section (b)(7) are up for discussion, and it is very important that this be reviewed carefully. Since this ordinance has been drafted and staff have reviewed it several times, there have been a couple locations that have come up that we need direction on. Those questions are 1) should privately owned trails be included? Example – former railroad grade that runs proximate to Memorial Park is privately owned but has been allowed by the owner for some public use. 2) Should the Snowmobile/ATV/Bicycle trail that runs through the City be included? 3) Should parcels that contain parsonage houses next to religious facilities be included? They are currently included on the draft map, and are next to and within the buffer of their respective churches; however, should the parsonages themselves be considered a safe zone facility which in turn extends the buffer slightly?

Please review the map carefully and consider if there are any other facilities that we may be missing. Know that the way this ordinance is drafted, if there is any portion of a parcel that falls within a safety zone, it would not be allowed to be used as a residence for a sex offender. Without this provision, administration of this ordinance would be very difficult. Also note that the Plan Commission is the body that is proposed to hear appeals on matters related to this ordinance.

This proposed ordinance is complex and there is the potential for a lot of consequences for this ordinance, both intended and unintended. Please ask me questions as you have them so I can get answers in time for the meeting. Chief Johnson and Attorney Lindsey are planning to be in attendance at the upcoming Council meeting.

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CITY OF WASHBURN
119 Washington Avenue
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Washburn, WI 54891



715-373-6160
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FAX 715-373-6148

To: Honorable Mayor and City Council Members
From: ^{SSK} Scott J. Kluver, Administrator
Re: Review of Goals and Objectives for 2019 and Establishment of Goals and Objectives for 2020
Date: January 30, 2020

Related to the administrator's evaluation is the establishment of specific goals and objectives that should be accomplished within a given timeframe. Please keep in mind that goals approved here are not just for me, but will be providing general direction to all of the staff. It is understood that there is always a need to adapt to changing priorities, but expectations should be set. If too many conflicts occur, or the priorities of the Council change, then the goals need to be reviewed and modified as well.

Below is a list of the 2019 goals/projects that were established, and my response to them. Unfortunately, not all of them were achieved. It was not for a lack of desire of trying, but staffing matters did cause significant delays in implementation. The City was short staff for over half the year for a couple different reasons, and with two new department heads, and a backload of issues, it was difficult to get all of the goals addressed. The Council also had some membership changes, but overall, I believe the Council has been helpful and supportive in helping staff to achieve goals. We are all well aware of the funding challenges and limitations that the City has, yet I believe that it takes more than money to have the City move forward successfully.

- 1. Continue to pursue development opportunities in the City related to projects currently under way (e.g. Pearl Beach, Iron Works, Lake Effect Builders, etc.) and specific projects where the City would like to see action (e.g. Omaha Street). This is a top priority of the Mayor as well. Pearl Beach has indicated that they intend to follow through on their construction project. Iron Works still intends to expand, but has invested in their furnaces at this time. We continue to look at funding options for the relocation of the sewer main that must occur first. Lake Effect Builders has not moved forward on their proposed building. The Omaha Property was debated significantly this past year with no clear direction as to how to move forward. I am hopeful, that if the City is successful with a grant application, further planning for this area will help to unify the City in the direction that it would like to go with this property.**
- 2. Have significant discussions with Ambulance Service and Personnel/Finance Committee to develop recommendations to maintain and sustain adequate staffing levels for the Ambulance Service. This was identified as a top priority in the budget for 2019. This project was not completed**

3. in 2019 largely because of staffing. It is not an easy project either because there are a plethora of issues in potential policy changes, many of which are very expensive. This review must go forward and discussions will need to continue as to how to sustain the service. Community education will also be needed to share that our paid-on-call system is being seriously strained. It will likely take a significant culture shift to preserve the service otherwise the City is going to be looking at potentially expensive alternatives to maintain adequate response to calls.
4. **Finance, Bid, and Award contracts for the West End Boat Ramp Improvement Project and provide the construction oversight for the project.** This project was bid out and a contract was approved. The only hold-up at this point is the archeological review which must be completed prior to work starting. I have two proposals at this time, and am about ready to approve one of them. It will require open water before the archaeological review can take place which will delay the start of the contractor. This review is a grant requirement that cannot be avoided. It is expected this project should be completed by mid-summer.
5. **Continue to pursue marketing of the Bayfield Street Development Property with the hopes of selling it as soon as reasonably possible. This is a top priority of the Mayor as well.** This is known to many as the Brokedown Palace. A couple parties have been reviewing the property. It is important that we do not get over-excited when someone wants to look at the property. It is a significant project for most to consider undertaking. I prefer to have well-thought proposals come to Council as opposed to having any party come to Council just because they have an interest in the property. Too many bright lights too early can scare off potential developers. We will continue to promote this property with the desire to get the property in the hands of someone who can turn it into an asset for Washburn.
6. **Complete review of Treatment Plant capital needs and complete bid process for solar electrical system. Develop recommendation as to how to proceed based on the information obtained from both processes.** A capital plan for the water and sewer utility was completed. In addition, the Solar Project, after significant review and debate, was approved and completed as well. We will be monitoring the electrical generation of the solar array going forward.
7. **Continue the implementation of the new zoning code which will require reconciliation with some other codes, a review of forms, fees, processes, records, and a renewed effort on code enforcement.** Several policy changes were approved in 2019, and there are a few more policies and zoning matters that will be addressed in 2020. The property records were updated in 2019. It is now easier for staff to maintain the records, find the records, and to keep track of historical information on properties. Nonetheless, there is more that can be done here.
8. **Provide support to Park Committee initiatives and projects such as the ballfield/athletic field improvements, dog park, and walking trail policies.** The Parks Committee is currently working on the walking trail plan, and has been following the desires for a dog park in the City. I anticipate that recommendations on both of these matters will be coming to the Council in the coming months. Public Works coordinated and worked on replacing the Little League field. This project moved along faster than anticipated with the support of the community.

- 9. Complete all budgeted projects for 2019 (with emphasis on City Hall windows and doors), and prepare budget for 2020 with a more detailed capital plan particularly in Public Works including an updated vision for operations and priorities for staff. Planning needs to take place with capital expenditures in relation to debt that will be retired over the next several years. The capital budget for 2019 was completely disrupted with unexpected repairs and costs. It caused several mid-year shifts in priorities.**

Below is a list of the proposed 2020 goals. Know that I alone will not accomplish these goals single handedly, these would be the goals of the senior staff of the City. It would however be my responsibility to see these goals through to fruition. Please keep in mind that this does not include all annual/routine matters that must also be addressed. This list also does not include all departmental level goals, rather the larger “big picture” goals.

- 1. Bayfield Street Project – After the multiple water breaks along Bayfield Street last year, which also caused damage to several private properties, the Council approved requesting WisDOT to reconstruct STH 13 in Washburn. Scheduled to begin in 2024, the planning process has already begun for this project. During 2020, there will be more planning to occur that will require input from the City. As part of the detailed water and sewer portion of this project, it will be necessary for the City to select an engineer that will not only be able to effectively plan and assist in the construction of water, sewer, and storm sewer lines, but also assist in obtaining funding to help offset the costs of this every expensive undertaking.**
- 2. The current three-year contract with the Washburn Police Association expires at the end of 2020. I would like to have negotiations for a successor agreement commence this summer and be complete prior to the end of the year.**
- 3. The current five-year emergency service contracts with the three surrounding Towns expire at the end of 2020. I would like to have negotiations for successor agreements commence late spring/early summer and be complete prior to the end of the year.**
- 4. The goal of reviewing possible policy initiatives to recruit and retain emergency service personnel, especially for the ambulance service was not completed. I would like to have this goal completed prior to the beginning of negotiations of contracts with the Towns.**
- 5. Continue to nurture leads for the Bayfield Street Redevelopment Property for the eventual sale and redevelopment of this property in the core of Washburn.**

- 6. Apply for, receive approval, finance, and implement the Utility Meter Replacement Project. This was approved at the last Council meeting, and once implemented should be significantly beneficial not only to the City and staff, but to the customers as well. A much more efficient system should be in place with the ability to detect problems early on. It is the hope to complete this project this year.**
- 7. Complete all projects budgeted for 2020, with key projects underway including the Thompson's West End Park Boat Landing Project, approval of and implementation of a Lakeshore Walking Trail Plan, conduct five elections throughout the year, completion of new Marina Management contract, addressing several zoning policy matters, and possibly start Comprehensive Planning if funding is approved.**
- 8. I would like the Council to provide direction on the sidewalk issue. As you know, staff have been implementing the ordinance related to sidewalk maintenance on Bayfield Street. There have been several requests to address obstructions on other sidewalks within the City. However, the sidewalks within the city are disjointed and in severe disrepair. We can work on removing obstructions; however, I do not believe it will be effective in addressing the overall usefulness of the current sidewalks. Does the City desire sidewalks in the entire City, or only in certain areas? Should we remove sidewalks from some areas and focus on improvements in others? This is an issue that is larger than just me, and I would like more direction as to where the community would like to go with this before we begin a piecemeal approach to this issue. This winter certainly shows the challenges of winter maintenance. New sidewalks will be expensive, and funding them will be a challenge no matter how they are funded. On the other hand, they can promote safety, walkability, and improve the appearance of the City. I would like some discussion on this topic to help set a direction.**

It would be good for the Council to come to agreement as to what they believe the priorities should be so that I, and the rest of the staff, have a clear direction and focus. Once a final list is established, the Council should deflect additional wants and desires until the tasks at hand have been completed unless there is a desire to change priorities.

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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, ^{SSK} Administrator
Re: Special Event Request – Homecoming Events July 24-26, 2020
Date: January 30, 2020

Enclosed you will find various requests from the Washburn Chamber related to the Homecoming events this summer. These requests have been reviewed by Chief Johnson. There are no significant deviations from the typical Brownstone Block Party requests which have been approved every year.

At this time, this request does not include the closure of Bayfield Street. That request will come later when some of the details of the various events have been ironed out.

Staff has no objections to this event and the requests. If approved, emergency services will be notified of the street closures.

City of Washburn

119 Washington Avenue P.O. Box 638
 Washburn, Wisconsin 54891
 715-373-6160 www.cityofwashburn.org



Application must be submitted a minimum of 30 days prior to date of use.
 Special Event Permits must be approved by the Common Council.

Reservations are not deemed valid until the fee of \$25.00-usage and \$25.00-security deposit has been paid at City Hall. The security deposit is refundable upon inspection. The applicant must pick up the security deposit or indicate to staff to destroy.

Pickup____ Destroy____

Special Event Application / Permit

■ **Copy of Permit Must Be In Possession During Use** ■

Name of Event: Washburn's Homecoming
 Event Sponsor/Promoter: Washburn Chamber
 Nature of applicant: (i.e. charitable organization, corporation, association, individual, etc.) _____
 If charitable organization, tax exempt number: _____ Is the public invited to this event? yes
 Description of Event: summer festival all about town

Facility Use Requested: (Check all that apply)

Memorial Park		Thompson's West End Park	
<input type="checkbox"/> Waterfront	<input type="checkbox"/> Playground	<input checked="" type="checkbox"/> Beach	<input type="checkbox"/> Boat Landing
<input type="checkbox"/> East Campground*	<input type="checkbox"/> West campground *	<input type="checkbox"/> Campground *	<input type="checkbox"/> Fishing Pier
<input checked="" type="checkbox"/> Open area within circle	<input checked="" type="checkbox"/> Pavilion # <u>Fri July 24 5-7pm</u>	<input checked="" type="checkbox"/> Open area south of campground	<input type="checkbox"/> Overflow area behind boat landing
		<input type="checkbox"/> Fishing Pier	<input checked="" type="checkbox"/> Pavilion #
		<input checked="" type="checkbox"/> Playground	<input checked="" type="checkbox"/> <u>S.W. beach WBAB</u>

*Sat July 25
5am-3p
Sun July 26
10-5*

* Campground use will not include seasonal sites

Athletic Fields		Jackie's Field	
<input type="checkbox"/> Baseball Field	<input type="checkbox"/> Little League Field		
<input type="checkbox"/> Softball Field	<input type="checkbox"/> Skate Park	Hillside Park	
<input type="checkbox"/> East Ice Rink	<input type="checkbox"/> West Ice Rink	Wikdahl Park	
<input type="checkbox"/> Pavilion			
<input type="checkbox"/> (Other)			

If City streets or trails are to be used, describe the streets & trails:

see attached

Dates of Use:

Date(s) of Use: see attached
 Time of Use: From: _____ AM/PM To: _____ AM/PM
 Set Up Date: _____ Clean Up Date: _____

Will there be an admission charge, sale, solicitation, donation, or collection involved with your use? yes
 What will the money raised be used for? to put on the event

Will there be vendors and/or concession booths at event provided by individuals not associated with sponsor?
 Yes No Will there be a charge to vendors/concession booths? yes If yes, amount of charge: \$ 15-50
 Will paid performers, speakers, etc., be used during the event? yes
 Will there be a separate charge to attend the speakers program? NO If yes, the amount of the charge \$ X

Planned Activities:			Estimated Attendance:		
Yes	No	Check all Planned Activities	Yes	No	Check All Planned Activities
	<input checked="" type="checkbox"/>	Is food to be served by applicant?		<input checked="" type="checkbox"/>	Will caterer be used?
<input checked="" type="checkbox"/>		Will alcohol be served? Sold? _____	Alcohol Beverage License: _____		
<input checked="" type="checkbox"/>		Will Fireworks be displayed?	Fireworks Display Permit: _____		
<input checked="" type="checkbox"/>		Will Porta-Toilets be provided?	Number of Porta-Toilets Planned: _____		
<input checked="" type="checkbox"/>		Will a dance be held/		<input checked="" type="checkbox"/>	Bonfire?
<input checked="" type="checkbox"/>		Tents, canopies to be placed?	<input checked="" type="checkbox"/>		Amplified sound equipment to be used?
<input checked="" type="checkbox"/>		Stages to be placed? <u>at Wikdal</u>	<input checked="" type="checkbox"/>		Generators to be used?
<input checked="" type="checkbox"/>		Electricity to be used? <u>at Wikdal</u>			
<input checked="" type="checkbox"/>		On-site signs/banners to be placed?	<input checked="" type="checkbox"/>		Off site signs/banners to be placed?

If off site signs/banners are to be placed, note types and dimensions: rectangle 3' to 4' x 10' to 12'

Provide locations for off-site signs & banners: on the south west entry to the city
is the side streets

Applicant's Certificate of Insurance Must Be Received By the City at Least 10 Days Prior to the Event			
Who is providing Insurance Coverage? Applicant? _____ Chamber? <input checked="" type="checkbox"/> Other: _____			
Type of Insurance	Name of Insurance Co.	Per Occurrence Limit	Aggregate Limit
General Liability	<u>West Bend</u>	\$	\$
Alcohol Liability		\$	\$
Spectator Liability	<u>West Bend Outdoor Insur</u>	\$	\$

APPLICANT'S RESPONSIBLE PARTY WHO IS TO BE ON-SITE ON THE DAY OF THE EVENT.

Name: Mary M'Grath

Cell Phone: 715 208 4098 Home Phone: 715 373 5428

Any change, alteration or modification of intended use must be approved by the Common Council. Change of intended use, change in charges and fees, or change in disposition of funds raised may result in cancellation of this permit or a change in municipal fees. Any misrepresentation of your group or use, or failure to comply with municipal rules may result in expulsion from the park, forfeiture of future use and/or forfeiture of all fees & deposits.

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT APPLICANT/ORGANIZATION SHALL HOLD THE CITY OF WASHBURN, ITS OFFICERS, AGENTS, EMPLOYEES AND VOLUNTEERS HARMLESS FROM ALL DAMAGES, COSTS, OR EXPENSES IN LAW OR EQUITY THAT MAY AT ANY TIME ARISE OR BE SET UP BECAUSE OF DAMAGES TO PROPERTY OR PERSONAL INJURY RECEIVED BY REASON OF OR IN THE COURSE OF USING OR OCCUPYING THE FACILITY.

I and/or my organization, further expressly certify that I and/or my organization will be responsible for any damage or loss sustained to the grounds, building furnishings or equipment occurring, or clean-up required as the result of my and/or my organization's occupancy of the municipal facility.

Print Name Mary M'Grath

WI Driver's License: M263-5815-8599-08

Title or Position: Program Director

Home Phone: 715 373 5428

Address: 111 So. 3rd Ave E

Work Phone: 715 373 5017

City & Zip: Washburn 54891

Fax: —

Signature: [Handwritten Signature]

e-mail: info@washburnchamber.com

Date: 1.28.20

FOR OFFICIAL USE ONLY

PERMIT NO: _____

Application Reviewed by Common Council (Date): _____ Approved _____ Denied _____

Authorized Signature: _____ Date: _____

Fee	Amount	Date Paid	Receipt No.	Waived By Council?	YES	NO
Facility Deposit	\$			Waived By Council?		
Cleanup Deposit	\$			Waived By Council?		
Pavilion Fee	\$			Waived By Council?		
Campsite Fee Charged	\$			Waived By Council?		
Park Use Fee	\$			Waived By Council?		
	\$					



January 28, 2020

Mayor Avol and Councilors,

Please accept this communication as our official request for the following items to be considered at the next available council meeting in regards to this year's Homecoming.

- 1.) Relaxation of the open container and noise ordinance (see attached).
- 2.) Exclusive Chamber use of Wikdal Park beginning at 7AM on July 24 and ending at 5PM on July 26.
- 3.) Use of Thompson's West End Park and pavilion beginning at 6AM on July 25 and ending at 3PM the same day. Also Sunday, July 26th 10AM-5PM
- 4.) Use of the city garage parking areas to accommodate parking for the car show on Saturday, July 25th starting at 5AM.
- 5.) Use of City Hall Fountain/Patio Friday, July 24 and Saturday, July 25th for music and a pet contest.
- 6.) Request of the closure of the following streets:
 - a. 5th Ave. W. From Bayfield St. to Pine St. on July 25th from 5AM-5PM (North side) for the Car Show.
 - b. North 1st Ave. W. from between Bayfield St. and alley on July 25th from 11AM-6PM.
 - c. South 4th Ave. W. between Bayfield St. and the alley starting at 3PM on Friday, July 24th through Sunday, July 26th at 5PM (Staying within Patsy's regular bar hours).
- 7.) Use of the Coal Dock for fireworks on the 25th.
- 8.) Close S. 2nd Ave. W. Bayfield St. to Alley Saturday July 25th AM until 8PM.

Closure of Bayfield Street request March Meeting

WASHBURN AREA CHAMBER OF COMMERCE

P.O. Box 74 - 126 W. Bayfield St Washburn, WI 54891 715-373-5017 info@washburnchamber.com www.washburnchamber.com

Homecoming July 24, 2020 to July 26, 2020

Open Container/Noise Ordinance

Relaxation of open container is from:

7AM on Friday 24, 2020 to 4AM Saturday, July 25

July 25, 2020 from 7AM to 4AM Sunday, July 26

July 26, 2020 from 7AM to 5PM Sunday July 26

Definition of open container is along Bayfield Street with 1st Avenue East as the easterly boundary to 8th Avenue West including A Nickel's Worth Bar as the westerly boundary, to the alleyway north of Bayfield Street as the northern boundary and to the alleyway south of Bayfield Street as the southern boundary.

Relaxation of Noise Ordinance is from:

Between the hours of 7AM Friday, July 24th until 2AM Saturday, July 25th

Saturday, July 25th from 7AM through Sunday July 26th at 2AM

For Fire and Ambulance EMS 500 dance, open container only allowed for the immediate area of the complex.

No glass containers allowed.

5

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: Tony Janisch, Assistant City Administrator
Re: Alcohol & Operator Licensing *12/24*
Date: January 31, 2020

- 1) At the January City Council meeting, Council approved staff to issue public notification and begin the administrative process for the application of alcohol beverage retail license of Class B beer & Class C wine for Ronald Piercy to be sold on premise at Karlyn/Yellowbird Gallery, 318 Bayfield St. Public notice of this application has been published in the Ashland Daily Press on January 22, 25 & 29, 2020. Chief of Police Johnson has meet with Mr. Piercy and inspected the gallery. At the time of inspection, Mr. Piercy was in the process of installing needed serving and alcohol storage areas. Chief Johnson is not concerned that the needed premises modifications will not be completed. I recommend that Council approve the Alcohol Beverage Retail License of Class B beer & Class C wine for Ronald Piercy at the Karlyn/Yellowbird Gallery on the contingency that needed premises modifications are completed and upon final inspection of the Washburn Police Department.
- 2) I seek approval of new bartender license applications #21-46 thru #21-47.
- 3) Please find the included letter from Chief of Police Johnson, bartender license application from Jami Pierre, and Operator's License Ordinance for the City of Washburn. It is the recommendation of City staff that the bartender license application for Jami Pierre be denied.

52024: 2156 0404

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 01/01/20 ending: _____
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } WASHBURN
 Village of }
 City of }

County of BAYFIELD Aldermanic Dist. No. _____
(if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number <u>456-1029822727-02</u>	
FEIN Number <u>56242-7001</u>	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input checked="" type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

Name (Individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
PIERCY RONALD V.

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name KARLYN/Yellowbirds FINE ART Business Phone Number 218 370 8343
2. Address of Premises 318 BAYFIELD ST. Post Office & Zip Code WASHBURN 54891

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
STREET LEVEL GALLERY W/ BASEMENT
2ND FLOORST STUDIO/STORAGE

4. Legal description (omit if street address is given above): _____
5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? _____

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain Yes No
NEW APPLICANT

7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
 If yes, explain.

8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain Yes No

9. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? If yes, explain Yes No

(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? If yes, explain. Yes No

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No

11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No

12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M I) RON PIERCY	Title/Member OWNER	Date 12/03/19
Signature 	Phone Number 218-370-8343	Email Address Ron.Piercy@gmail.com

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk

Individual's Full Name (please print) (last name) PIERCY		(first name) RON		(middle name) ✓	
Home Address (street/route) 410N. 2ND AVE EAST		Post Office WASHBURN	City WASHBURN	State WI	Zip Code 54891
Home Phone Number 218-370-8343		Age 66	Date of Birth 12/10/52	Place of Birth WHITTIER CA	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- _____ of _____

(Officer / Director / Member / Manager / Agent) (Name of Corporation Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

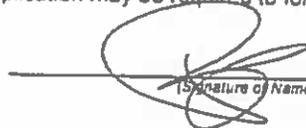
The above named individual provides the following information to the licensing authority

- How long have you continuously resided in Wisconsin prior to this date? 1 yr.
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee)

6. Named individual must list in chronological order last two employers.

Employer's Name SELF EMPLOYED FOR:	Employer's Address	Employed From 1995	To 2019
Employer's Name PENNER PARTITIONS	Employer's Address ANAHUEN CA	Employed From 1993	To 1995

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.



(Signature of Named Individual)

Approved on 5/13/19 #21-01 thru #21-12.	Approved 6/10/19 #21-13 thru #21-26	Provisional Approved 6/6/19 #21-27 expires 8/5/19.	Provisional Approved 6/18/19 #21-28 expires 8/17/19		Provisional Approved 6/20/19 #21-30 expires 8/19/19	Approved 7/8/19 #21-27 thru #21-31	P I C K E D
Provisional Approved 7/2/19 #21-32 thru #21-33 expires 8/31/19	Provisional Approved 7/11/19 #21-34 expires 9/9/19	Provisional Approved 7/23/19 #21-35 expires 9/19/19	Approved on 8/12/19 #21-32 thru #21-35		Provisional Approved 9/5/19 #21-36 expires 11/4/19	Provisional Approved 9/11/19 #21-37 expires 11/10/19	
Approved 10/14/19 #21-36 thru #21-37	Provisionals Approved 10/3/19 #21-38 & #21-39 expire 12/2/19	Provisional Approved 10/4/19 #21-40 expires 12/3/19	Approved 11/18/19 #21-38 thru #21-40		Provisional Approved 11/5/19 #21-41 expires 1/4/20	Provisional Approved 11/6/19 #21-42 expires 1/5/20	
Provisional Approved #21-43 11/25/19 expires 1/24/20	Approved 12/9/19 #21-41 thru #21-43	Provisional Approved 12/5/19 #21-44 expires 2/3/20	Provisional Approved 12/6/19 #21-45 expires 2/4/20		Approved 1/13/20 #21-44 & #21-45	Provisional Approved 1/29/20 #21-46	
Provisional Approved 1/30/20 #21-47							
LAST NAME	FIRST NAME	MIDDLE NAME	MAIDEN OR PREVIOUS NAME	P A I D	PLACE OF BUSINESS	RENEWAL OR NEW LICENSE	U P
Reese	Wendy	Carolyn	Deerly	X	Roaming	Renewal #21-01	X
Stensvad	Lois	Janet		X	DaLou's Bistro	Renewal #21-02	X
Gray	Teresa	Ann		X	Roaming	Renewal #21-03	X
Vernon	Louise	Annette	Faulkner	X	LkSupView Golf	Renewal #21-04	X
Brevak	Donnalee	Marie	Faulkner	X	LkSupView Golf	Renewal #21-05	X
Brevak	Dale	Arden		X	LkSupView Golf	Renewal #21-06	X
Larson	Kristy	Anne	Roy	X	Hansen's IGA	Renewal #21-07	X
Wilcox	Cameron	Ross		X	Hansen's IGA	Renewal #21-08	X
Currier	Lynn	Marie		X	Hansen's IGA	Renewal #21-09	X
Burton	Magenta	Ivy		X	Hansen's IGA	Renewal #21-10	X
Stadler	Robert	Lee		X	Patsy's Bar & Grill	Renewal #21-11	X
Doman	Daniel	Todd		X	The Snug	Renewal #21-12	X
Sundquist	Roberta	Lee		X	Midland Services	Renewal #21-13	X
Defoe	Kelsey	Jaqueline		X	Holiday	Renewal #21-14	X
Ochsenbauer	James	Edward		X	Holiday	Renewal #21-15	X
Lawyer	Rose	Marie		X	Harbor View	Renewal #21-16	X
Wolf	Colette	Suzanne		X	Harbor View	New #21-17	X
Ainsworth	Terri	Lea		X	Holiday	Renewal #21-18	X
Eder	Kenneth	George		X	Roaming	Renewal #21-19	X
Weaver	Mary	Johanna		X	LkSupView Golf	Renewal #21-20	X
Johnson	Jamie	Lynne		X	Patsy's Bar & Grill	Renewal #21-21	X
Carcoba-Defoe	Irene			X	Patsy's Bar & Grill	Renewal #21.22	X
Beagan	John	David		X	Stagenorth	Renewal #21-23	X
Jack	Millie	Deactivated		X	Checkerz	Renewal #21-24	
Woodworth	Elizabeth	Loring		X	Stagenorth	Renewal #21-25	X
Jacobson	Mavis	Jill-Marie		X	A Nickel's Worth	Renewal #21-26	X
Belanger	Francois	Joseph		X	Taphouse	Provisional #21-27	X

Washburn Police Department
119 Washington Avenue, P.O. Box 638
Washburn, WI 54891

Ken Johnson
Chief of Police
(715)373-6164 ext 106
k.johnson@washburnpd.com

Jeremy Clapero
Assistant Chief of Police
(715)373-6164, EXT 202
j.clapero@washburnpd.com

January 30, 2020

Honorable Mayor and City Council Members

I received an alcohol license application to conduct a background check on Jami Lynn Pierre for Holiday gas station. On her original application she indicated she had never been convicted of any offense in the State of Wisconsin. My background check concluded that she was convicted of two underage alcohol citations in 2016, a third underage alcohol citation in 2017 and a conviction of possession of a controlled substance in 2017. It is my recommendation that you not approve Ms. Pierre's alcohol license as she does not meet the requirements for denial in Sec 7-2-34(d). If you have any questions or concerns, please let me know.

Sincerely,



Ken Johnson
Chief of Police
Washburn Police Department

APPLICATION FOR LICENSE TO SERVE FERMENTED MALT BEVERAGES & INTOXICATING LIQUORS

DATE FILED: 1/9/2020

SERVING AT: Hol. day

LICENSE TERM: FROM DATE OF APPROVAL TO: JUNE 30, 2021

FEE: 35.00

Non-refundable Fee Due on Application

Pierre Jami Lynn
Last First Middle Maiden

All Names Must Be Printed And Completely Spelled Out Information Provided To Be Used For Background Investigation

Current Address: 77735 Church Corner Telephone: [REDACTED] Previous Address: _____

Birthplace: Duluth MN Age: 22 Birth Date: [REDACTED] Sex: F Race: NA Height: 5'7" Weight: 225 Hair: Br Eyes: Br

Please Read Questions Carefully!...All Questions Must Be Completely And Accurately Answered
Any Misrepresentations Will Delay the Processing Of Your Application

ORIGINAL APPLICATION Or RENEWAL APPLICATION
(If an original application & as required by WSS 125.17(6) the date of completion of alcohol awareness course is 12/18/19)

Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states, or ordinances of any municipality? NO YES

(If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending.)

Date of such conviction: _____

Name of Court: _____

Nature of offense: _____

Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any municipality? NO YES

(If yes, describe status of charges pending.) _____

To the Common Council of the City of Washburn:

I hereby declare I am a resident of the State of Wisconsin, and apply for a license to serve fermented malt beverages and intoxicating liquors, subject to the limitations imposed by Section 125.32(2) and 125.68(2) of the Wisconsin State Statutes and all acts amendatory thereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances, and regulations, Federal, State, and Local, affecting the sale of such beverages and liquors if a license be granted to me. I further declare that all of the above statements are true and correct.

Subscribed and sworn to before me this
Day of January 9th, 2020

Jami Pierre
Signature of Applicant

James J. Roman
Notary Public, State of Wisconsin

Result of Background Investigation Reports:

Date: _____ Chief of Police or designee _____

Provisional Approved _____, 20____

SJK-City Clerk, KRJ Police Chief

- 4-19-16 - Underage Alcohol
- 7-12-16 - Underage Alcohol
- 7-18-17 - Underage Alcohol
- 7-18-17 - Possess controlled Substance

Article B: Operator's License

Sec. 7-2-30 Operator's License Required.

- (a) **Operator's Licenses; Class "A" or Class "B" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B", or "Class C" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A", Class "B", or "Class C" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service and in a position of immediate supervision.
- (b) **Use by Another Prohibited.**
- (1) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
 - (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

State Law Reference: Secs. 125.17 and 125.32, Wis. Stats.

Sec. 7-2-31 Procedure Upon Application.

- (a) The Common Council may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the City Clerk-Treasurer only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the City.
- (b) All applications are subject to an investigation by the Chief of Police and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The Police

Department shall conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the Chief of Police shall recommend, in writing, to the Common Council approval or denial of the application. If the Chief of Police recommends denial, the Chief of Police shall provide, in writing, the reasons for such recommendation.

Sec. 7-2-32 Duration.

Licenses issued under the provisions of this Chapter shall be valid for a period of two (2) years and shall expire on the thirtieth (30th) day of June of each year succeeding the year in which it is issued.

Sec. 7-2-33 Operator's License Fee.

The fee for an operator's license shall be as provided in Section 1-3-1 of this Code of Ordinances.

Sec. 7-2-34 Issuance or Denial of Operator's License.

- (a) After the Common Council approves the granting of an operator's license, the City Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b)
 - (1) If the application is denied by the Common Council, the City Clerk-Treasurer shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Common Council in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Council's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
 - (2) If, upon reconsideration, the Board again denies the application, the City Clerk-Treasurer shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c)
 - (1) Consideration for the granting or denial of a license will be based on:
 - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;

- b. The financial responsibility of the applicant;
 - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - d. Generally, the applicant's fitness for the trust to be reposed.
- (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Common Council may act to revoke or suspend the license.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Common Council, the Common Council reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Common Council, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more. In the event the application is denied, the fee shall be refunded.

Sec. 7-2-35 Training Course.

- (a) Except as provided in Subsection (b) below, the Common Council may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or unless the applicant fulfills one of the following requirements:
- (1) The person is renewing an operator's license.
 - (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B", or "Class C" license or permit or a manager's or operator's license.
 - (3) Within the past two (2) years, the person has completed such a training course.
- (b) The City Clerk may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (c) The Common Council may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

NOTE: This Section shall take effect July 1, 1991.

