

May 14, 2018

**CITY OF WASHBURN COMMON COUNCIL MEETING**

5:30PM Washburn City Hall

Present: City Council Members:

Jeremy Oswald, John Gary, Robert Aron Austin, Karen Spears  
Novackek, Jennifer Maziasz, Mary McGrath

Municipal Personnel:

Mayor Richard Avol, City Administrator Scott J. Kluver, Assistant City  
Administrator Dan Stoltman, City Attorney Siegler, new City Attorney  
Max Lindsey

Excused Absence:

None

**Call to Order** - Meeting called to order at 5:30PM by Mayor Avol. Roll call attendance depicted six (6) of six (6) (one vacant spot) members of the Common Council in attendance. Quorum of the Council recognized.

**Approval of Minutes** – City Council Meetings of April 9 & April 17, 2018– A motion was made by McGrath to approve the April 9 & April 17, 2018– minutes, second by Novackek. Motion carried unanimously.

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

**Public Comment** – Diane Posner 119 North 9<sup>th</sup> Ave. West spoke against the way tree cutting was done at Thompson’s West End Park. Tom Neimes 605 W. 4<sup>th</sup> St. discussed the need for new business and a need to improve the city’s commercial tax base. Loraine Norrgard 28505 South Maple Hill Rd., spoke on the tree cutting at Thompson’s West End Park. Leo Ketchem-Fish 800 Superior Ave. Spoke in favor of passing the formula business ordinance. Dave Anderson 617 7<sup>th</sup> St. W. spoke in favor of the formula business ordinance. Roth Edwards 221 W. 6<sup>th</sup> St. spoke on the tree cutting activities at Thompson’s West End Park. Gail Syvervd 24270 Cherryville Rd. spoke in favor of a Parks and Recreation Commission. Erica Lang 30 Oak Rd. spoke in favor of a Parks and Recreation Commission.

**Mayoral Announcements, Proclamations, Appointments-** Potential Appointments to Housing Authority., Harbor Commission, Zoning Board of Appeals – Mayor Avol nominated Nick Suminski to the Harbor Commission. No discussion took place. A motion was made by McGrath to appoint Nick Suminski to the Harbor Commission, second by Maziasz. Motion carried unanimously. Mayor Avol nominated Karen Novackek to the Washburn Housing Authority. No discussion took place. A motion was made by McGrath to appoint Karen Novackek to the Housing Authority, second by Maziasz. Motion carried unanimously. Proclamations for National Skilled Nursing Care Week, National Police Week, Week of the Young Child, Emergency Medical Services Week, and Arbor Day – Mayor Avol read aloud each proclamation but stated due to time constraints, won’t read in full each proclamation. No motion was made.

**Appointment for District 2 Council Seat/Swear In New Member** – Mayor Avol discussed the processes of filling the open Council seat. The Mayor stated that he received one (1) application and was from Linda Barnes. He stated Council could appoint Linda Barnes or wait until the next month. A motion was made by McGrath to appoint Linda Barnes to the open Council seat, second by Novackek. Motion carried unanimously.

**Open Floor** – A motion was made by McGrath to open the floor, second by Oswald. Motion carried unanimously.

**Public Hearing, Discussion, & Action on Resolution 18-003 to Vacate the East 418 Feet of East Memorial Park Drive from the Intersection of 1<sup>st</sup> Avenue East – Washburn Ironworks Inc., Petitioner** – An overview was given. No discussion took place. A motion was made Maziasz to approve Resolution 18-003 to vacate the East 418 Feet of East Memorial Park Drive from the intersection of 1st Avenue East – Washburn Ironworks Inc., Petitioner, second by Austin. Motion carried 5-1 McGrath no.

**Close Floor** – A motion was made by Novackek to close the floor, second by McGrath. Motion carried unanimously.

**Discussion & Referral to Plan Commission for Request for Vacation of a Portion of 9<sup>th</sup> Street East Adjacent to Lots 9 Through 16 of Block 23 and Lots 2 through 9 of Block 21 in the Hillside Addition to the City of Washburn along with the area adjacent to the Vacated North Fourth Avenue East – Heather Atherton, Petitioner** – Maziasz asked about the response of neighboring properties response via the required petition. Ms. Atherton stated that she received no response

from neighbors. A motion was made by McGrath to refer to Plan Commission the request for vacation of a portion of 9th Street East adjacent to Lots 9 through 16 of Block 23 and Lots 2 through 9 of Block 21 in the Hillside addition to the City of Washburn along with the area adjacent to the vacated north Fourth Avenue East – Heather Atherton, Petitioner, second by Gary. Motion carried unanimously.

**Discussion & Action on Plan Commission Recommendation to Approve a Conditional Use Permit to Construct and Operate a Contractor Yard and Fitness Center, and Conduct Light Industrial Business Incidental to Sales and Service in the Block Bounded by Omaha Street and East Memorial Park Drive and Central Avenue and 1st Avenue East, Lot 1 of CSM 2029 - Fishnote Properties, Petitioner** – Kluver gave an overview. Kluver stated that an oversight was discovered and the facade material in the site plan would need to be altered. Leo Ketchem-fish stated the he would come up with the change for the Plan Commission. A motion was made by Oswald to approve the CUP based on the standards also approved by the Plan Commission, and on the condition that the façade material be in line with the zoning code, second by Novachek. Motion carried unanimously.

**Discussion & Action on Plan Commission Recommendation to Approve a Conditional Use Permit to Construct and Operate a Contractor Yard and Conduct Light Industrial Business Incidental to Sales and Service on Property Located on 1st Avenue East, South of Memorial Park Drive, Lot 2 of CSM 2030 – Jeff Pipgras, Petitioner** – Kluver gave an overview. Kluver stated that the same oversight on the site plan that occurred with Fishnote also applied to the Pipgras site plan and would need to be revised. A motion was made by McGrath to approve the CUP based on the standards also approved by the Plan Commission, and on the condition that façade material be in line with the zoning code, second by Gary. Motion carried unanimously.

**Discussion & Action on Consideration of Formula Business Ordinance** – Attorney Siegler discussed the topic. Siegler stated that at this point, he does believe the proposed ordinance would not impact Family Dollar, that because they already applied for a permit, that it is too late. Avol stated that if passed, all new businesses and existing business wanting to expand would need to conform to the ordinance. A motion was made by McGrath to approve the formula business ordinance, second by Maziasz. Discussion took place. Maziasz stated that she wants Washburn to be business friendly, but wants to keep a community look, but also does not know what that look is. Kluver expressed his opposition of the ordinance. Siegler stated that if the city wants to focus on the “look” of the city, then an architectural review should be the focus and not a formula business ordinance. Motion failed unanimously. A motion was made by Maziasz to open the floor, second by McGrath. Motion carried unanimously. Discussion took place. A motion was made by McGrath to forward the formula business ordinance discussion to the Plan Commission, second by Novachek. Motion carried unanimously.

**Discussion and Action on Disposal of Surplus Property** – No discussion took place. A motion was made by Novackek to approve disposal of surplus property as outlined in the memo, second by McGrath. Motion carried unanimously.

**Reconsideration of Action Taken at the Previous Meeting Regarding the Creation of An Ad-Hoc Committee to Review Tree Removal and Landscaping Plans at Thompson’s West End Park and Walking Trail and Allowing the Public Works Department to Complete Landscaping Project** – A discussion took place on rescinding the creation of an Ad-Hoc Committee. A motion was made by Novachek to rescind the creation of an Ad-Hoc Committee to review tree removal and landscaping plans at Thompson’s West End Park and Walking Trail, second by McGrath. Motion carried unanimously. A discussion took place on allowing the city move forward with finishing the Thompson’s West End Park job as discussed in the packet memo. A motion was made by Novachek to allow the city to move forward with finishing the West End project as stated in the memo provided in the packet which includes cutting some cedar tree stumps to the ground and pulling some out, second by McGrath. That motion was not voted on. Discussion took place on what to do with the cedar tree stumps. An amended motion was made by Maziasz to allow the city to move forward with finishing the West End project as stated in the memo provided in the packet, which includes cutting all the cedar tree stumps to the ground and to not pull any stumps. Motion carried 5 -1 McGrath no.

**Discussion & Action on Concept Ordinance for the Creation of a Park and Recreation Commission** – A discussion took place. It was stated that the Council is open to the concept of forming a Park and Recreation Commission. The Mayor stated that he would like to see the Commission be comprised of five citizens and one Council member. Mayor Avol asked that Council members and the public to send city administration ideas of what the scope of duties, responsibilities, authority, and general structure they would like to see from this commission. It was stated to have the material to the administration by June 20<sup>th</sup> for the July Council meeting. No motion was made.

**Close Floor** – A motion was made by Maziasz to close the floor, second by Novachek. Motion carried unanimously.

**Discussion & Action on Placing Proceeds from Recent Property Sales into Park Designated Fund** – No discussion took place. A motion was made by McGrath to approve placing proceeds from recent property sales into park designated fund, second by Maziasz. Motion carried unanimously.

**Discussion & Action on Proposal to Accept a Grant and Place Adult Exercise Equipment in and around the Walking Trail and Thompson’s West End Park – Peter Morrissette, Petitioner** – A discussion took place. Maziasz stated that she is concerned about the ability of the city to conduct maintenance. Kluver stated he feels that the city can handle the work. A motion was made by Maziasz to open the floor, second by Novachek. Motion carried 5-1 Oswald no. A discussion took place on location, maintenance, and use. A motion was made by Novachek to accept a grant and place adult exercise equipment in and around the walking trail and Thompson’s West End Park, second by Oswald. Motion carried 5 -1 Maziasz no.

**Close Floor** – A motion was made by McGrath to close the floor, second by Novachek. Motion carried unanimously.

**Alcohol Licensing Matters –**

**Introduction of Annual Alcohol and Beer Garden License Renewal Applications** – A motion was made by Novachek to publish the Annual Alcohol and Beer Garden License Renewal Applications and allow staff to begin the administrative process, second by Maziasz. Motion carried unanimously.

**Bartender License Renewal Applications - #20-01 Through 20-07** – A motion was made by McGrath to approve bartender license renewal applications - #20-01 Through 20-07, second by Gary. Motion carried unanimously.

**New Bartender License Applications - #19-53 Through 19-55** – A motion was made by McGrath to approve new bartender license applications - #19-53 Through 19-55, second by Maziasz. Motion carried unanimously.

**Adjourn** – A motion was made by McGrath to adjourn at 8:33pm, second by Novachek. Motion carried unanimously.

Dan Stoltman  
Assistant City Administrator

**FINANCE COMMITTEE MEETING 4:30PM**

Committee Member Karen Novackek and Jennifer Maziasz reviewed monthly expenditure vouchers.