

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

NOTICE OF FINANCE COMMITTEE MEETING 4:30PM

- Committee Review-Monthly Expenditures

NOTICE OF CITY COUNCIL MEETING

Monday, May 14, 2018 Washburn City Hall 5:30 PM

AGENDA

- Call to Order/Roll Call
- Pledge of Allegiance
- Approval of Minutes – City Council Meetings – April 9 and 17, 2018
- Approval of Monthly Expenditures via Roll Call Vote
- Public Comment
- Mayoral Announcements, Proclamations, Appointments
 - Potential Appointments to Housing Authority., Harbor Commission, Zoning Board of Appeals **TAB 1**
 - Proclamations for National Skilled Nursing Care Week, National Police Week, Week of the Young Child, Emergency Medical Services Week, and Arbor Day **TAB 2**
- Appointment for District 2 Council Seat/Swear In New Member **TAB 3**
- Public Hearing, Discussion, & Action on 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 **TAB 4**
- Discussion & Referral to Plan Commission for 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 **TAB 5**
- 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 **TAB 6**
- 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 **TAB 7**
- Discussion & Action on Consideration of Formula Business Ordinance **TAB 8**
- Discussion and Action on Disposal of Surplus Property **TAB 9**
- 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 **TAB 10**
- Discussion & Action on Concept Ordinance for the Creation of a Park and Recreation Commission **TAB 11**
- Discussion & Action on Placing Proceeds from Recent Property Sales into Park Designated Fund **TAB 12**
- 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 Morrisette, Petitioner **TAB 13**
- Alcohol Licensing Matters **TAB 14**
 - Introduction of Annual Alcohol and Beer Garden License Renewal Applications
 - Bartender License Renewal Applications - #20-01 Through 20-07
 - New Bartender License Applications - #19-53 Through 19-55

April 17, 2018 CITY OF WASHBURN RE-ORGANIZATIONAL COMMON COUNCIL MEETING

5:30PM Washburn City Hall

Present: City Council Members: Jeremy Oswald, John Gary, Robert Arquette, Karen Spears Novachek, Jennifer Maziasz, Mary McGrath

Municipal Personnel: Mayor Richard Avol, City Administrator Scott J. Kluver, Assistant City Administrator Dan Stoltman, City Attorney Siegler

Excused Absence: None (vacant Council Seat)

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

Public Comment – None

Mayoral Announcements, Proclamations, Appointments- Randy S. and Warren Nelson sang a song. Mayor Avol gave his inaugural speech as Mayor.

Election of Council President – No discussion took place. A motion was made by Maziasz to elect McGrath to Council President, second by Oswald. Motion carried unanimously.

Election of Plan Commission Member (2/3 Vote Required) – No discussion took place. A motion was made by McGrath to elect Oswald to Plan Commission, second by Novachek. Motion carried unanimously.

Confirmation of Council Member Appointments to Boards, Commissions, Committees & Confirmation of Citizen Appointments to Boards, Commissions, Committees – Mayor Avol stated that the city has Harbor Commission, Housing Authority, and Zoning Board of Appeals positions open, and applications should be submitted to the Mayor by May 11th, 2018. Mayor Avol stated that all current Council and citizens serving on a board or committee that are up for re appointment would like to be re-appointed with the exception of Steven Schram from Harbor Commission. The Mayor stated he would like to nominate Karen Novachek to the Personnel and Finance Committee. The Mayor stated he would be willing to be on the joint review board. A motion was made by McGrath to approve all Council and citizen re appointments, Novachek to Personnel and Finance, and Mayor Avol to the Joint Review Board, second by Maziasz. Motion carried unanimously.

Discussion and Action on Approval of Contract with Dallenbach, Anich & Wickman, S.C. for Municipal Attorney Services with Max Lindsey as Primary Counsel – No discussion took place. A motion was made by Novachek to approve the contract with Dallenbach, Anich & Wickman, S.C. for municipal attorney services with Max Lindsey as primary counsel, second by Gary. Motion carried unanimously.

Designation of Public Depository (s) – No discussion took place. A motion was made by McGrath to approve all listed below as the public depository(s), second by Novachek. Motion carried unanimously.

- o Bremer Bank
- o Chippewa Valley Bank
- o Northern State Bank

Designation of Official Newspaper- Oswald asked if the city had another option. Kluver stated the Bayfield County Journal is an option, but wouldn't recommend it due to it only being a once weekly insert in the Ashland Daily Press. It was stated that the city would like to see more coverage from the Ashland Daily Press. A motion was made by McGrath to designate the Ashland daily Press as the official paper, second by Novachek. Motion carried unanimously.

Discussion and Action on Appointment Process for Vacant 2nd District Alderperson Seat – A discussion took place on the ways the seat can be filled. Avol stated his preference would be to announce the open seat and accept applications for the seat to be filled by appointment at the May 14th, 2018 Council meeting. A motion was made by McGrath to fill the vacant seat by appointment as outlined in Administrator Kluver's memo, second by Novachek. Motion carried unanimously.

Adjourn – A motion was made by Novachek to adjourn at 6:00pm, second by McGrath. Motion carried unanimously.

Dan Stoltman
Assistant City Administrator

April 9, 2018

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM Washburn City Hall

Present: City Council Members:

Richard Avol, Jeremy Oswald, John Gary, Robert Arquette, Karen Spears Novachek, Jennifer Maziasz, Mary McGrath

Municipal Personnel:

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

Excused Absence:

None

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

Approval of Minutes – City Council Meeting March 12, 2018– A motion was made by Avol to approve the March 12, 2018 minutes, second by McGrath. Motion carried unanimously.

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

Public Comment – Loraine Norrgard 28505 South Maple Hill Rd., spoke against the cedar tree cutting at Thompson’s West End Park. Sue Lendin, from Odanah, spoke against the cutting of the cedar trees at Thompson’s West End Park. Lonnie Prekop 606 Wisconsin Street spoke in favor of the tree cutting at Thompson’s West End Park. Niles Eilertsen spoke on camping of the overflow area at Thompson’s West End Park and in favor of the tree cutting at Thompson’s West End Park. Denise Bosauk 29975 Wedal Road spoke about trees. Scott Posner 119 North 9th Ave. West spoke against the way tree cutting was done at Thompson’s West End Park. Michelle Reisinger spoke against how the trees were cut at Thompson’s West End Park. Suzy Neiman spoke against the tree cutting at Thompson’s West End Park. Colene Lee 229 East 4th Street spoke against the tree cutting at Thompson’s West End Park. Jan Wise 530 West 3rd Street spoke against the tree cutting at Thompson’s West End Park. Ryan Brady Town of Washburn spoke against the tree cutting at Thompson’s West End Park. Wendy Young 319 West 6th Street spoke against the cutting of trees at Thompson’s West End Park. Hilary Jewell of North Cost Community Sailing spoke about the group’s activities. David Bratley 402 2nd Ave. East spoke against the tree cutting at Thompson’s West End Park.

Mayoral Announcements, Proclamations, Appointments- Mayor Griffiths spoke on this being his last meeting. The Mayor thanked staff for their hard work over the years. The Mayor congratulated newly elected Mayor Avol. Council President Maziasz presented David Siegler, Robert Arquette, and Mayor Griffiths with certificates of appreciation.

Presentation & Discussion on the Washburn Library Annual Report – D. Pendergrass, Presenting – Library Director Darrell Pendergrass gave on presentation on the library’s annual report. Pendergrass discussed the budget and circulation. Arquette asked about the formula for county funding and if audio books and other non-physical checkouts counted in that formula. Pendergrass stated that only physical checkouts counted. A discussion took place on tuck pointing maintenance and the need to plan for that expense. A motion was made by Novachek to approve the Washburn Annual Report, second by Gary. Motion carried unanimously.

Presentation & Discussion on Public Works Bi-Monthly Report – G. Salmi, Presenting – Gayla Salmi spoke on the bi-monthly report. Oswald asked about a vehicle incident. Ms. Salmi stated that it was a minor incident with a vehicle in the garage but no damage was done. No other discussion took place. A motion was made by McGrath to accept the Public Works Bi-Monthly report as presented, second by Oswald. Motion carried unanimously.

Discussion & Action on West End Park Planning and Improvements – Administrator Kluver gave an overview of the topic and discussed the tree cutting at West End Park. It was stated that there was a lack of communication regarding what Council envisioned and what was done regarding the cutting of the cedar trees and brush. Gayla Salmi discussed potential plans for the area where the trees were cut at West End Park. A discussion took place. Arquette stated that he feels all work at the park should be put on hold until Council can decide what should be done at the parks. He stated perhaps a committee needs to be formed. Discussion took place on the walking trail and maintenance plans. Avol stated to have people contact him who wish to serve on the ad hoc committee or have input as to what the area should look like. It was stated to allow the

Mayor (elect) to determine the number of ad hoc members. A motion was made by Novackek to create an ad hoc committee to determine what to do with the three areas where trees and brush were cut at West End Park (flowing well, overflow area, and the cedar tree area), using the West End Park plan as a reference point, second by Arquette. Motion carried unanimously.

Discussion & Action on Jackie's Field Site Plan for Improvements – A discussion was had on off road parking at the park. Off road parking was shown on the site plan. A discussion took place on using volunteers to install the playground equipment and the liability of doing so. It was started to ask the city insurer about covering volunteers or temporary coverage during the project. A discussion was had on having park grills or other extras outside of the playground equipment. Kluver stated that funds for extras should come from the park designated fund. A discussion was had on the material used for the ground cover, how often it will need to be replaced, what the cost would be, and who is responsible for that. It was stated by a member of the playground moms that the material is an engineered wood fiber and it that the material would need to be replaced periodically for around \$1,750 each time. It was stated that maintenance cost will need to be considered in the years to come. A motion was made by Novachek to approve the site plan for Jackie's Field as presented, second by Avol. Motion carried unanimously. A motion was made by Maziasz to have two picnic tables and two grills be added to Jackie's Field using funds from the park designated fund, second by Novackek. Motion carried unanimously.

Discussion & Action on Renewal of Lease Agreement of Thompson's West End Park Boat Ramp Area for North Coast Community Sailing- Hillary Jewell, Petitioner – Hilary Jewel spoke on North Coast Community Sailing activities. A discussion took place on the minor changes to be made in the agreement as presented. A motion was made by McGrath to approve the agreement as presented, and ad to the agreement two sheds can be left year round and the use of the park garbage and recycling is permitted, second by Avol. Motion carried unanimously.

Discussion & Action on Adjustment of Fee Schedule for Refuse/Clean-Up Days – No discussion took place. A motion was made by McGrath to approve the adjustment of fee schedule for refuse/clean-up days, second by Avol. Motion carried unanimously.

Discussion & Action on Plan Commission Recommendation to Approve Ordinance 2018-001 Bringing the City's Zoning Code into Conformity with 2017 Wisconsin Act 67 by Amending Chapter 13 of Washburn City Ordinances – No discussion took place. A motion was made by Oswald to approve Ordinance 2018-001, second by Novachek. Motion carried unanimously.

Discussion & Action on Grant Agreement with the Wisconsin DOT on the Harbor Assistance Program for the Coal Dock Rehabilitation Project – Kluver gave an overview of the topic and discussed the updates to the DOT contract. A discussion took place. Novacheck asked about the provision of daily engineering oversite. Kluver stated that the project would not require daily engineering oversite. Oswald asked about the audit and pollution insurance requirement. Kluver stated that the city audit would cover it and that any contractor would need to carry pollution coverage. A motion was made by McGrath to approve the grant agreement with the Wisconsin DOT on the Harbor Assistance Program for the Coal Dock Rehabilitation Project as presented, second by Avol. Motion carried unanimously.

Discussion & Action on Agreement with Washburn Marina Inc. for Use of City Logo for Marketing Purposes – Attorney Siegler stated that perhaps the city should have a short memo of understanding (MOU) regarding the use of the logo. It was stated to have Attorney Siegler draft a short MOU. A motion was made by McGrath to approve an agreement with Washburn Marina Inc. for use of city logo for marketing purposes and have Siegler draft an MOU about the usage of the logo, second by Novachek. Motion carried unanimously.

Discussion & Action on Request to Close East 6th Street from Mid-Block to the Intersection of 2nd Avenue East and 2nd Avenue East from E. 5th Street to E. 6th Street for a Bicycle Rodeo – Bayfield County Sheriff's Department and Washburn Police Department, Petitioners – Gary asked if he should abstain from voting due to his employment with the Bayfield County Sheriff's Department. Attorney Siegler stated that he did not feel it was necessary. A motion was made by McGrath to approve the request to close East 6th Street from mid-block to the intersection of 2nd Avenue East and 2nd Avenue East from E. 5th Street to E. 6th Street for a Bicycle Rodeo – Bayfield County Sheriff's Department and Washburn Police Department, Petitioners, second by Maziasz. Motion carried unanimously.

Discussion & Action on Special Event Campground Reservation/Community Service Request, Top-O-Wisconsin Good Sam Chapter, May 20 – 24, 2018 – A discussion took place on what type of community service the group would perform. It was stated they would be doing maintenance work such as painting the bridge at Memorial Park. It was stated that the group

send the city a liability certificate. A motion was made by McGrath to approve the special event campground reservation/community service request, Top-O-Wisconsin Good Sam Chapter, May 20 – 24, 2018 contingent on receiving their liability insurance certificate, second by Gary. Motion carried unanimously.

Alcohol Licensing Matters -

Issuance of a Class “A” License (Beer) to Midland Services, Inc.; at 137 W. Bayfield Street, Blake Nelson – Agent – No discussion took place. A motion was made by Avol to approve the issuance of a Class “A” License (Beer) to Midland Services, Inc.; at 137 W. Bayfield Street, Blake Nelson – Agent, second by Novachek. Motion carried unanimously. Bartender License Applications – #19 – 49 through 52 – No discussion took place. A motion was made by Novachek to approve bartender license applications – #19 – 49 through 52, second by Maziasz. Motion carried unanimously.

Adjourn – A motion was made by Avol to adjourn at 8:09pm, second by McGrath. Motion carried unanimously.

Dan Stoltman
Assistant City Administrator

FINANCE COMMITTEE MEETING 4:30PM

Committee Member Richard Avol, Jennifer Maziasz, Mary McGrath reviewed monthly expenditure vouchers.

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CITIZEN PROFILE

APPLICATION FOR CITY OF WASHBURN COMMITTEE/COMMISSION APPOINTMENT

Please use this form to express your interest in serving on a committee or commission of the City of Washburn. Return to the City Clerk at City Hall, 119 Washington Ave., P.O. Box 638, Washburn, WI 54891. You may submit any additional material to support your application if you desire. Information on vacancies can be obtained by calling City Hall at 715-373-6160.

Committee or Commission Desired: Harbor Commission

Name of Applicant: Nicholas J Suminski

Home Address: 845 County Highway C

Home Phone: 715-373-0414 Business or Cell Phone: 715-292-2133

E-mail washburnsports@yahoo.com

Occupation: Police Officer, Owner of Washburn Sports.

Are you currently serving on a City Committee, Board or Commission? Yes No

If yes, which one: _____

Please describe any background and experience you feel qualifies you for the seat you seek:

For past few years I have used both Washburn boat launch's at West End Marina. During summer months I use launch several times a week. I also use my fathers boat several times a year which is kept at Washburn Marina. I use fish cleaning station on regular basis. Due to my heavy use I would like to be involved in serving

Are you able to attend meetings regularly? Yes NO

Signature:  Date: 3/28/18

washburnadmin@cityofwashburn.org

From: Chequamegon Book and Coffee Company <peruse@chequamegonbooks.com>
Sent: Thursday, May 3, 2018 8:37 PM
To: scott klaver
Subject: Housing authority

Karen Novachek wants to be on the Housing Authority Board. I hereby nominate her. I hope this can still be on the upcoming agenda. Richard

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Chequamegon Books & Coffee
2 E Bayfield St
Washburn, WI 54891
(715) 373-2899
peruse@chequamegonbooks.com
www.chequamegonbooks.com

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National Skilled Nursing Care Week 2018

WHEREAS the citizens of Washburn and area communities, now residing in nursing homes have contributed immeasurably to the heritage, success and growth of our community; and

WHEREAS nursing home residents of any age or ability are themselves living history and a precious resource; and

WHEREAS Nursing Homes across the Nation are holding events in observance of National Skilled Nursing Care Week guided by this year's national theme of "Celebrating Life's Stories" and

WHEREAS National Skilled Nursing Care Week begins on Mother's Day, May 13th and ends on May 19th, 2018;

THEREFORE do I, Richard Avol, as Mayor of Washburn, declare May 13th - May 19th 2018 "National Skilled Nursing Care Week"

Signed

Richard Avol, Mayor

City of Washburn

on the ____ day of May, 2018.

Proclamation National Police Week

Whereas, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 13th falls dedicated as "National Police Week" and

Whereas, the Members of the Law Enforcement Agency of the City of Washburn play an essential role in safeguarding the rights and freedoms of the City of Washburn; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law Enforcement Agency, and that members of our Law Enforcement Agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the men and women of the Police Department of the City of Washburn unceasingly provide a vital public service;

Now, therefore, I, Richard Avol, Mayor of the City of Washburn, call upon all citizens of the City of Washburn and upon all patriotic, civic, and educational organizations to observe the week of **May 13th – May 19th, 2018**, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating Law Enforcement Officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. I further call upon all citizens of the City of Washburn to observe **Monday, May 15, 2018**, as Peace Officers Memorial Day in honor of those Law Enforcement Officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

Signed at the City of Washburn, County of Bayfield, State of Wisconsin, in the witness thereof the seal and signature of the City of Washburn affixed.

Mayor Richard Avol
City of Washburn

The Week of the Young Child

Proclamation by

Mayor Richard Avol

Whereas, the National Association for the Education of Young Children, celebrated the Week of the Young Child, **April 16 - April 20, 2018**; and

Whereas, the **School District of Washburn, and the Washburn Community** are working to improve early learning opportunities, which are crucial to the growth and development of young children, and to building better futures for everyone in **the Washburn community**; and

Whereas, all young children and their families across the country and in **Washburn** deserve access to high-quality early education and care; and

Whereas, our citizens are demonstrating their commitment to a more sustainable Earth, stronger communities and healthier, more productive learning environments for all young children and their families; and

Whereas, in recognizing and supporting the people, programs and policies that are committed to high-quality early childhood education as the right choice for kids;

I, Richard Avol, Mayor of the City of Washburn, do hereby proclaim May 7 through May 11, 2018 as The Week of the Young Child in Washburn and encourage all citizens to work to make a good investment in early childhood in the Washburn Community.

EMS Week Proclamation

To designate the Week of May 20-26, 2018, as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

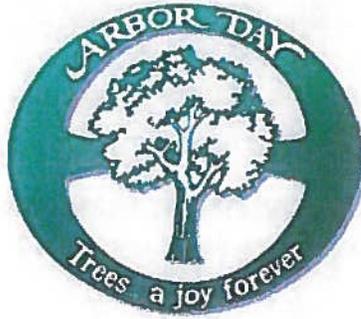
WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, I, Richard Avol, Mayor of the City of Washburn, in recognition of this event do hereby proclaim the week of May 20-26, 2018, as

EMERGENCY MEDICAL SERVICES WEEK

Richard Avol, Mayor



Whereas, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, 2018 is the 146th anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, healthy perennial foods while beautifying our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Richard Avol, Mayor of the

City of Washburn, do hereby proclaim

Thursday, May 10, 2018 as the 146th anniversary celebration of



Arbor Day

*in the City of Washburn, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and
Further, I urge all citizens to plant trees to gladden the heart and promote the well being of this and future generations.*

Dated this 10th day of May, 2018

Richard Avol
MAYOR

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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, Administrator
Re: Applicants for District 2 Council Seat
Date: May 3, 2018

One applicant has applied for the appointment to the District 2 Council seat. Linda Barnes is a registered voter in the City of Washburn and has been on the Council in the past. I see no eligibility issues.

Appointment would be made by a simple motion and second, followed by a majority approval. Unfortunately, Linda indicated to me that she would not be present for the May meeting as she made travel plans prior to the announcement for the position. The Council could make the appointment or could delay the appointment until next month if it so chooses.

**City of Washburn
Notice of District 2 Council Vacancy**

Notice is hereby given that the City of Washburn has a vacancy for District 2 City Council member. The Washburn Common Council is hereby soliciting for eligible applicants to apply for appointment to fill the remaining portion of the term for the District 2 City Council seat which expires in April of 2019.

Eligible applicants must be a U.S. Citizen, be 18 years of age or older, have resided in District 2 (Wards 2 and 3) for at least 10 days as of the date of appointment, and must not have been convicted of a felony or of a misdemeanor violating the public trust. Interested applicants should complete an appointment application form and submit a letter explaining why they should be considered for appointment to the City Council. Applicants should discuss their interest, experience, and vision. The completed letter and application form must be submitted to the City Clerk by Noon on Thursday, May 3, 2018. The Common Council will review the applications and consider making an appointment at the May 14, 2018 Council meeting.

The appointment application form and map showing the boundaries of District 2 are available at City Hall located at 119 Washington Avenue, P.O. Box 638, Washburn, WI 54891. Questions on the duties and responsibilities of a City Council member should be directed to the City Clerk by calling 715-373-6160 Ext. 4.

Respectfully Submitted,
Scott J. Kluver
Administrator/Clerk

Daily Press – April 21, 28 Box Ad
Website, TV, City Hall, Library, DPW Garage

May 2, 2018

Dear Washburn City Council Members and Mayor Avol,

I am very interested in serving on the Common Council, representing District 2, wards 2 and 3. Representative government is very important, especially when it truly incorporates the ideas and needs of citizens, thus creating a strong community. If appointed to fulfill the current Council term, I will strive to be a prepared, informed member, who listens objectively to the City's staff, other Council members, and the residents of Washburn.

From two previous terms on the Council and many years in non-profit administration, I have an understanding of both the possibilities and limitations of councils and boards. In terms of my vision for Washburn, there are many changes and developments I feel are important. These include the successful sale and redevelopment of the former Broke Down Palace, development of much needed new apartments and single family homes in the acreage on Omaha Street, and careful maintenance of the lake shore. However, I'm aware that development is not completely in the hands of government; we can encourage and guide but we can't make all things happen. And, at times, there is no way to make all citizens happy. Yet, as the Council makes decisions both large and small, it provides important oversight of the local government and serves as a voice for community members.

As mentioned above, my experience includes four years on the Council and the Washburn Library Board. I am now semi-retired after a career in administering non-profits, grant writing, and teaching at the high school and college level. For over thirty years, I have also served on the Boards and committees of various organizations, most recently the League of Women Voters, the Ashland Chamber Music Society, and Northlakes Advisory Council. Due to varied life and work experiences, I have a broad context for understanding the many diverse issues that come before the Council and its Boards and Commissions.

Thank you for considering my application. While I hope very much to rejoin you at the Council table, I respect and honor your decision.

Sincerely,

A handwritten signature in cursive script that reads "Linda S. Barnes". The signature is written in black ink and is positioned above the printed name.

Linda S. Barnes

CITIZEN PROFILE

APPLICATION FOR CITY OF WASHBURN CITY COUNCIL SEAT

Please use this form to express your interest in serving on the Common Council of the City of Washburn. Return to the City Clerk's office at City Hall, 119 Washington Ave., P.O. Box 638, Washburn, WI 54891. You may submit any additional material to support your application if you desire. Information on vacancies can be obtained by calling the Clerk's office.

The vacated seat of a City Councilor is filled by election of the members of the Common Council.

City Council District & Ward: District 2, Wards 2 + 3

Name of Applicant: Linda S. Barnes

Home Address: 5 West Third St.

Home Phone: 715-209-0816 Business or Cell Phone: _____

E-mail: lbarnes6@gmail.com

Occupation: Adjunct instructor, Northland College (semi-retired)

Are you currently serving on a City Committee, Board or Commission? Yes _____ No

If yes, which one: _____

Please describe any background and experience you feel qualifies you for the seat you seek:

- Four years on the Washburn City Council + the Library Board, 2013-17, with a solid understanding of the possibilities and limitations of Council Service
- Professional experience managing non-profits and working effectively with Boards and committees
- Service on numerous Boards & committees for 30 years
- Strong belief in the value of the democratic process, citizen participation, and responsible representative government

Signature: Linda S. Barnes Date: May 1, 2018

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To: Honorable Mayor and City Council Members
From: *SK* Scott J. Kluver, Administrator
Re: Vacating of East 418 Feet of East Memorial Park Drive from the Intersection of 1st Avenue East
Date: May 2, 2018

After the public hearing, the Council can take action on the resolution and Plan Commission recommendation to vacate the east 418 feet of East Memorial Park Drive from the intersection of 1st Avenue East.

For this resolution, the City does want to maintain utility rights for municipal utilities and any other utilities.

If this resolution is approved by the Council, I will delay the recording of this resolution until such time as the Washburn Iron Work has completed the purchase of the adjacent lot from the City. This will help in preventing a whole pile of confusion as to what happens to the half of the street that is currently adjacent to City property. That purchase is being delayed in part to allow the ball diamond to be utilized by the City for this spring/summer.

Please let me know if you have further questions on this request.

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
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715-373-6100
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FAX 715-373-6144

City of Washburn
Notice of Public Hearing on Petition to Vacate Street

A Public Hearing will be held at the City Council Meeting, Monday, May 14, 2018, 5:30 P.M., City Hall Building at 119 Washington Avenue, for public comment on the following issue:

Consider a Petition by Washburn Iron Works, Inc, 112 E. Bayfield St. Washburn, WI 54891, to vacate the east 418 feet of East Memorial Park Drive from the intersection of 1st Avenue East.

Council action may be taken on this issue following the public hearing. A copy of the petition is available for public inspection at the Washburn City Hall, 119 Washington Ave, during normal business hours.

Scott J. Kluver
Zoning Administrator

Class 3 Notice – Daily Press Block Ad – April 16, 23, and 30, 2018
City Hall
Library
Website
Cable TV Channel

**City of Washburn
Common Council
Vacating Resolution**

VACATING RESOLUTION 18-003

WHEREAS, the City Council of the City of Washburn had been petitioned by Washburn Iron Works, Inc., Washburn, WI for the vacation of:

Return to: City of Washburn
P.O. Box 638
Washburn, WI 54891

The first 418 feet of East Memorial Park Drive running east from the intersection of 1st Avenue East

AND WHEREAS, pursuant to Section 6-2-14 of the Municipal Code of Ordinances, a Public Hearing has been held on said vacation petition; and

WHEREAS, the Common Council of the City of Washburn has determined it to be in the best interest to abandon, discontinue, and vacate, the east 418 feet of East Memorial Park Drive from the intersection of 1st Avenue East; and

NOW, THEREFORE, BE IT RESOLVED, that all alleys in Block 3 of the Residence Park Addition Subdivision be hereby vacated and discontinued; and,

BE IT FURTHER RESOLVED, that the City of Washburn does NOT retain rights for the operation, maintenance, repair, replacement or extension of municipal utilities, along with other utilities, within the vacated property including the right of ingress and egress for its employees, agents, and contractors.

Resolved this 14th day of May, 2018, by the Common Council of the City of Washburn,

Richard Avol, Mayor

Attest: _____
Scott J. Kluver, City Clerk

Personally came before me this ____ day of _____, 2018, the above-named Richard Avol and Scott J. Kluver, known to be the persons who executed for the foregoing instrument and acknowledge the same.

Notary Public, Bayfield County, Wisconsin
My Commission expires: _____

Drafted: Scott J. Kluver
Washburn City Administrator/Clerk

LIS PENDENS AND NOTICE
PUSUANT TO 840.11 WIS STAT

Document Number

Document Title



2018R-572019

DENISE TARASEWICZ
BAYFIELD COUNTY, WI
REGISTER OF DEEDS
02/26/2018 01:05PM
TF EXEMPT #:
RECORDING FEE: 30.00
PAGES: 5

TO ALL WHOM THIS MAY CONCERN NOTICE IS HEREBY GIVEN THAT:

- 1) Washburn Iron Works has petitioned the City of Washburn for the vacation of a street within the city.
- 2) The object of the petition is to vacate a portion of East Memorial Park Drive between their existing land and land that is in process of being purchased from the City of Washburn
- 3) Lot 1 of exhibit A (CSM2030) indicates the property that is being acquired from the city of Washburn
- 4) The street requesting vacation is highlighted on exhibit A and lies between Washburn Iron Works existing land identified as PAR IN GOVT LOT 1 & PART OF SE SE IN SEC 32 IN V.408 P.72 2482G. and lot 1 of exhibit A (CSM 2030)

Recording Area

Name and Return Address

Washburn Iron Works
112 E. Bayfield St.
Washburn, WI 54891

04-291-2-48-04-05-1 05-001-04000

Parcel Identification Number (PIN)

RECEIVED
MAR 01 REC'D

Dated this 26th day of February, 2018

Drafted By:

Taylor Pearson

Secretary Washburn Iron Works

112 E. Bayfield St. Washburn, WI 54891

715.373.2661

Kay M. Tuttle
Kay M. Tuttle
Notary Public, Bayfield Co. WI.
9-7-18

THIS PAGE IS PART OF THIS LEGAL DOCUMENT - DO NOT REMOVE.

This info the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.
WRDA Rev. 12/22/2010

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Plan Commission Members
From: Scott J. Kluver, ^{SK} Administrator
Re: Vacating Request for Memorial Park Drive
Date: April 5, 2018

Enclosed you will find the request from Washburn Iron Works to vacate the east 418 feet of Memorial Park Drive from the intersection of 1st Avenue East. The entire portion of the street would be deeded to the Washburn Iron Works, Inc. as they are proposed to purchase property on the other side of the street as well.

The 418 feet would take them up to the easement for the tree boundary.

In this case, I recommend that the City keep all utility easements. We know that for this project to happen, the City will need to have a sewer main relocated through this property. Other utility easements may also exist.

Please let me know if you have any questions on this matter.



PROCEDURES FOR VACATING STREETS AND ALLEYS (by petition)

CITY OF WASHBURN

(Petitions Available from City Clerk)

(Reference WSS §66.1003)

1. Inquiry is made through the City Clerk to City Council and the City Plan Commission and Public Works Department to determine if vacation is possible or if other options are available, and what uses may be allowed on the vacated right-of-way.
2. When a street or alley vacation is granted, the right-of-way becomes private property. The owner(s) on one side of the street/alley obtain ownership of one-half (1/2) of the right-of-way, and owner(s) on the other side obtain ownership of the other half (1/2). If one party wishes to obtain all of the right-of-way, this is strictly a private transaction between the property owners after the vacation occurs. If the petitioner does not own all of the property abutting on both sides of the requested vacation the petitioner must contact the other owners and all must join in signing the petition. If they are also interested in getting the street or alley vacated they may be willing to share the costs of the petition but they are not obligated to do so. If the petition is to vacate a street or a paved alley (that is, any "public way" other than an unpaved alley), the petitioner must also get the owners of one-third of the frontage of the remainder of the public way that lies within 2,650 feet of the ends of the portion to be discontinued to join the petition. **IT IS THE RESPONSIBILITY OF THE PETITIONER TO PROVIDE THE NAMES AND ADDRESSES OF THE ADJACENT PROPERTY OWNERS.**
3. If a vacation petition is submitted **IT MUST BE RECEIVED BY THE CITY CLERK NO LATER THAN THE 4th MONDAY OF THE MONTH PRECEDING THE COUNCIL MEETING AT WHICH IT WILL BE INTRODUCED. THE COMMON COUNCIL MEETS MONTHLY ON THE 2ND MONDAY.** It is strongly suggested that the petition be submitted prior to this deadline. **Fees for vacations are \$250 minimum for an alley and \$400 minimum for a street. A fee of twenty-five cents (\$.25) per square foot is due and payable should the vacation be approved. The vacation documents will not be duly recorded and effective until all fees are paid in full. The minimum fee must be submitted with the petition and is not refundable.**
4. The City Clerk places the petition on the City Council agenda for the Council meeting held on the second (2nd) Monday of the month. Council refers the matter to the City Plan Commission if the petition meets statutory requirements. The City Clerk verifies abutting ownership as provided by the petitioner. The Plan Commission consists of the Mayor, one Council representative, and five citizens chosen to serve three-year terms.
5. A notice that an application to vacate a street or alley has been filed is prepared by the petitioner and is recorded at the Bayfield County Register of Deeds. A copy of the recorded Notice should be provided to the City Clerk. The Register of Deeds will charge \$30 to record the Notice. State law provides that all proceedings to vacate a street or alley are void if this Notice is not recorded.
6. If the street to be discontinued is within ¼ mile of a state trunk or connecting highway, a copy of the petition must be sent by the City to the Secretary of the Wis. DOT.
7. The City Clerk requests comments on the proposed vacation from the City Public Works Department; the petitioner is required to provide written location of utility lines in the area. The City Public Works Department returns comments and recommendations regarding any impact the vacation may have in the area on such things as traffic flow, garbage collection, and snow removal. (If the requested vacation is adjacent to schools, the Board of Education is also notified.)
8. The agenda for the Plan Commission meeting is prepared by the Mayor (as Chair of the Plan Commission) and the City Clerk with copy to City Council members, local news media, and various other City Departments and interested parties as requested or as determined by the Mayor and City Clerk.
9. Several days before the Plan Commission meeting, the Plan Commission Chairman (Mayor) and City Clerk provides the Plan Commission members with background information about the request, any comments received, etc.

10. The City Plan Commission meets in the Council Chambers of the City Hall Building at a prescribed time. Meetings are open to the public. At the meeting, Plan Commission members review the request and receive comments. A recommendation is made, which is then forwarded to the City Council. A Class 3 Notice (that is, a notice published once a week for three weeks) is published for a public hearing regarding the petition for an upcoming Council meeting.
11. The City Council receives the minutes of the Plan Commission meeting with its recommendation prior to the Council meeting. A public hearing is held at the appropriate Council meeting, and action on the petition can be taken afterwards. Included in all resolutions is a statement that the vacation is subject to all utility easements, future construction and maintenance rights and access, including access rights incidental to those easements.
12. The City does not prepare a deed to transfer the vacated street or alley. Instead, a certified copy of the final resolution is sent by the City Clerk to the Register of Deeds in the Bayfield County Courthouse within several days of its adoption by the City Council. The resolution is recorded in the same manner as a land transaction. The Register of Deeds returns the recorded document to the City Clerk's Office, showing the Document Number, Volume Number, Page Number, and date of the recording. This transaction is later noted by the City Assessor's Office and the Data Processing Department for tax purposes. The City does not prepare a deed for the property owners. After recording, the legal description of all parcels of property abutting the vacation will be shown with the words "and alley vacated" or "and (street name) vacated". Copies of the recorded resolution, if needed by the property owners, can be obtained from the City Clerk's Offices for the normal copy service fee.

Adopted as Policy October 11, 1993

Updated December 10, 2014

Separate procedures exist, as required by statutes, for discontinuances initiated by the City.

CITY OF WASHBURN

PETITION FOR VACATION OF ALLEY(S) OR STREET(S)
CITY OF WASHBURN, WISCONSIN

To: Mayor, Common Council and City Plan Commission of the City of Washburn, WI 54891

I (We), the undersigned, do hereby petition the City of Washburn to vacate (give street name or general location of street/alley):

EAST MEMORIAL PARK DRIVE FROM FIRST AVENUE

GOING EAST ~433' (ALONG ENTIRE DISTANCE OF LOT 1 BEING ACQUIRED)

EXCEPT FOR BASEMENT FOR TREE LINE

IN SUPPORT THEREOF, the following facts are hereby presented:

1. **THERE IS ATTACHED** a sketch or copy of the plat of the area which depicts the requested vacation. (Map showing the vacation must agree with legal description of property listed in #2 below).

2. The property abutting the proposed vacation is legally described as:

PIN: 04-291-248-04-05-1 05-001-04000 TAX ID: 33931

AND

LOT 1 - LEGAL DESCRIPTION TBD - NEWLY ACQUIRED PROPERTY

3. Abutting property owner(s) and mailing addresses (see #2 Procedures for Vacation):

1. CITY OF WASHBURN

2.

3.

4.

5.

4. For all vacations other than unpaved alleys: Property owner(s) and mailing addresses for at least 1/3 of the 2650 feet from each end of the section of road to be vacated (see #2 Procedures for Vacation):

1. N/A - CITY OF WASHBURN

2. _____

3. _____

4. _____

6. _____

5. The undersigned petitioner(s) hereby agree to accept said property described above and shown on the attached sketch or plat, subject to conditions set forth by the City Council and City zoning regulations and including, but not limited to, the right of the City of Washburn and/or utility companies to retain any easement, drainageway, or floodplain land for the purpose of maintaining, conducting or constructing any required existing or future services or facilities on said easement which would serve or protect the public.

6. That the facts presented herein and attached hereto are true and correct to the best of my (our) knowledge.

Submitted this 31 day of JANUARY, 2018.

CIRCULATOR OF THIS PETITION:



(Signature)

Please Print Below:

TAYLOR PEARSON ON BEHALF OF WASHBURN IRON WORKS

Name of Petitioner

112 E. BAYFIELD ST.

Address

715-373-2661

Telephone

STATUS (Check Below):

Property Owner
 Contract Purchaser

Option Holder

Owner's Authorized Agent

CO-PETITIONER (If Any):

Signature

Please Print Below:

Name

Address

Telephone

.....
FEES:

\$250 minimum for an alley; \$400 minimum for a street - due on filing; non-refundable.

SUBMIT MINIMUM FEE WITH PETITION. (Details regarding fees and the balance due, if any, are found in "Procedures for Vacation" which is given to the applicant with the petition).

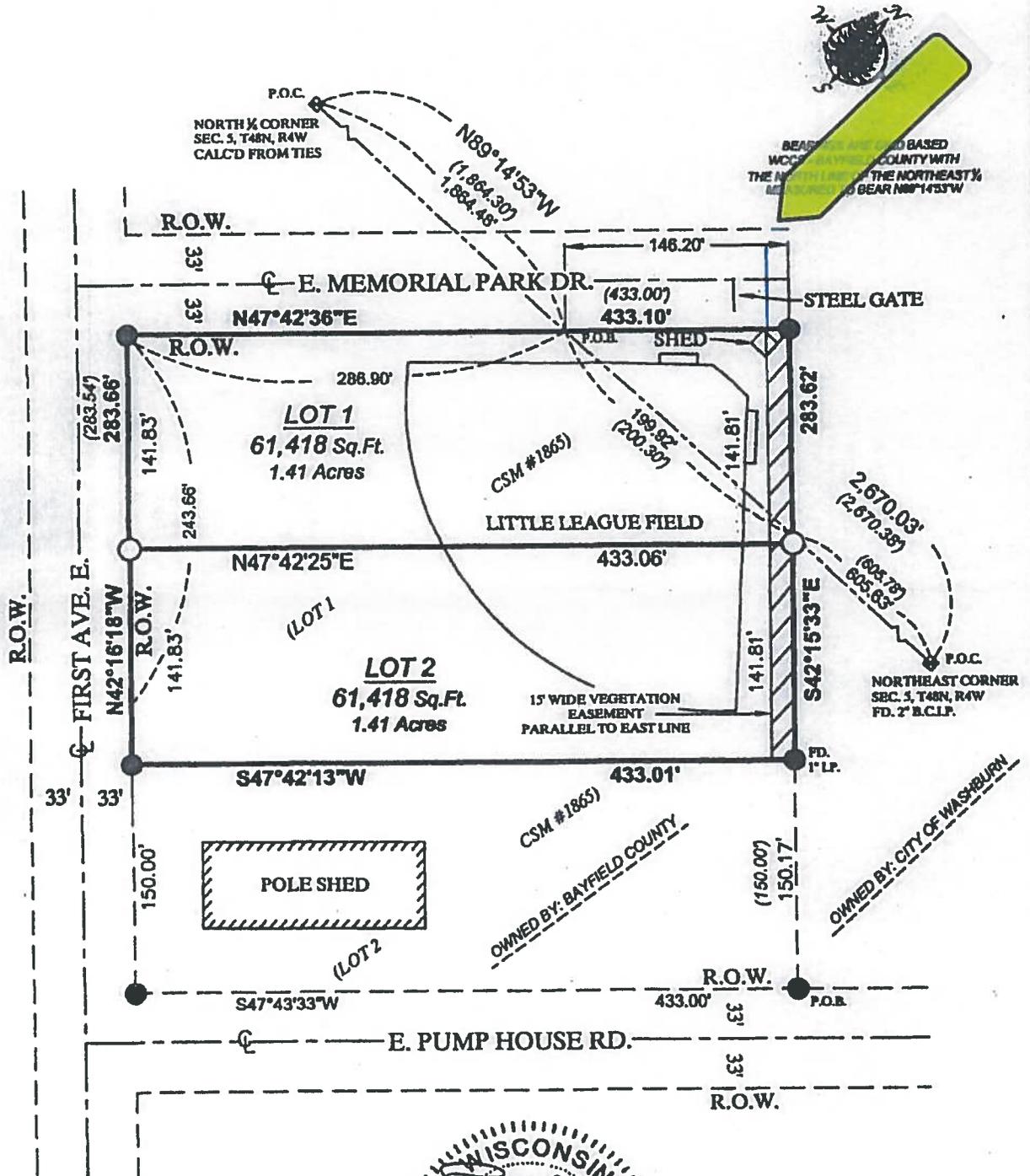
SUBMIT ALL ATTACHMENTS. FAILURE TO DO SO MAY RESULT IN THE PETITION BEING DELAYED OR RETURNED. COMPLETED PETITIONS SHOULD BE RETURNED TO THE CITY CLERK, CITY HALL, 119 WASHINGTON AVENUE, WASHBURN, WI 54891. TELEPHONE #715-373-6160 Ext. 4 WITH QUESTIONS.

2018R-571975
 DENISE TARASEWICZ
 BAYFIELD COUNTY, WI
 REGISTER OF DEEDS
 02/21/2018 11:18AM
 TF EXEMPT #: _____
 RECORDING FEE: 30.00
 PAGES: 2

Vol. 12 CSM Pg 60-61

BAYFIELD COUNTY CERTIFIED SURVEY MAP NO. 2030

A DIVISION OF LOT 1 OF CSM #1865 AS RECORDED WITH THE BAYFIELD COUNTY REGISTER OF DEEDS AS DOCUMENT # 2013R-552743 IN VOL. 11 OF CSM'S ON PG'S 82-83, LOCATED IN GOVT LOT 1 OF SECTION 5, TOWNSHIP 48 NORTH, RANGE 4 WEST AND IN THE SE 1/4 OF THE SE 1/4, SECTION 32, TOWNSHIP 49 NORTH, RANGE 4 WEST, ALL IN THE CITY OF WASHBURN, BAYFIELD COUNTY, WI.



- LEGEND**
- -SET 1 1/4" IRON PIPE WEIGHING 1.68 LBS PER LIN. FOOT
 - -FD. 1 1/4" I.P. (UNLESS OTHERWISE NOTED)
 - (283.54) -RECORDED AS DIMENSION



Pine Ridge Land Surveying, LLC.
 Professional Land Surveying Services
Value & Quality in a Timely Manner...
 PATRICK A. MCKUEN, PLS
 29390 Woodland Rd.
 Ashland, Wisconsin
 Phone (715) 682-2969
 Cell (715) 292-5601
 WWW.PINERIDGESURVEYING.COM
 PROJECT NO. C.O.W.18-WASHBURN
 SHEET 1 OF 2 SHEETS

60

CITY OF WASHBURN

PO BOX 638

WASHBURN, WI 54891

Receipt Nbr: 25877

Date: 2/06/2018

Check

RECEIVED
FROM

WASHBURN IRON WORKS, INC

\$400.00

Type of Payment

Accounting

Description

VACATING FEES

IRON WORKS MEMORIAL PARK DR VACATING APP

Amount

400.00

TOTAL RECEIVED

400.00

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: Scott J. Kluver, ^{SK} Administrator
Re: Atherton Vacating Request 9th Street East
Date: May 2, 2018

Enclosed you will find a request to vacate 9th Street East from 3rd Avenue East to the previously vacated 4th Avenue East. At this time, the only portion of 9th Street East not included in this request is the portion adjacent to lots 17 and 18 of Block 23. It is my understanding that the petitioner has approached that adjacent property owner regarding this request, but no positive response to be included has been received.

At this time, a copy of the recorded petition of the intent to vacate is outstanding; however, I am aware that it is in process. We are not aware of any utility rights-of-way in this area, and that is being verified.

Ms. Atherton owns most of the property on both sides of this unopened street, as well as a home and another lot just south of the subject area. My understanding is that she is seeking to consolidate portions of the property to make it more viable to sell. The area was apparently at one point a gravel pit, and there are significant variations in topography which make development difficult. As far as the unopened 9th Street East, I have no objection to the consideration of this street being vacated. It is basically an unopened dead-end right of way that can not connect to another street. If it were to be opened, a cul-de-sac would need to be platted, and again the topography of the area is not conducive to easily constructing a road in that area as there is a steep hole near the middle of the right-of-way.

If the Council is receptive to this vacating request, the matter should be referred to the Plan Commission and authorization to publish the public hearing notice should be given. Further consideration should be given to whether or not there is any logical reason to maintain any potential utility rights of way for this area, and consideration should be given as to the options involved in including the portion of 9th Street East adjacent to Lots 17 and 18 in order to avoid having the City hold on to a very small and essentially useless piece of property in this area.

Please let me know if you have any questions on this request.

PETITION FOR VACATION OF ALLEY(S) OR STREET(S)
CITY OF WASHBURN, WISCONSIN

To: Mayor, Common Council and City Plan Commission of the City of Washburn, WI 54891

I (We), the undersigned, do hereby petition the City of Washburn to vacate (give street name or general location of street/alley):

That portion of Ninth Street East bordered by Lots 9 through 16, Block 23, and by Lots 2 through 9, Block 21, in Hillside Addition to City of Washburn, and by vacated Fourth Avenue North.

IN SUPPORT THEREOF, the following facts are hereby presented:

1. **THERE IS ATTACHED** a sketch or copy of the plat of the area which depicts the requested vacation. (Map showing the vacation must agree with legal description of property listed in #2 below).

2. The property abutting the proposed vacation is legally described as:

Tax ID 32911: Lots 1-9, Block 21 Together with vacated portion of 4th Ave. E. Adj. to Lot 9 in V. 1094 p. 69
+ Tax ID 32915: Lots 9-16, Block 23 and vacated 4th Ave. E. Adjacent to Lot 9 in V. 1094 p. 69.

3. Abutting property owner(s) and mailing addresses (see #2 Procedures for Vacation):

1. See attached map + List of labels.

2. _____

3. _____

4. _____

5. _____

Dimensions of area to be vacated:

9th St. 8 of 40-ft Lots + 33 feet of vacated 3rd Ave.

$$\underbrace{320'} + 33' = 353 \text{ ft.} \quad \begin{array}{l} \text{TOTAL Length} \\ \text{(1) } \times 66 \text{ ft.} \quad \text{TOTAL width} \end{array}$$

23,298 sq. ft. Area

4. For all vacations other than unpaved alleys: Property owner(s) and mailing addresses for at least 1/3 of the 2650 feet from each end of the section of road to be vacated (see #2 Procedures for Vacation):
* $\frac{1}{3} = 883$ ft.

1. See attached List and shaded area map.

2. _____

3. _____

4. _____

6. _____

5. The undersigned petitioner(s) hereby agree to accept said property described above and shown on the attached sketch or plat, subject to conditions set forth by the City Council and City zoning regulations and including, but not limited to, the right of the City of Washburn and/or utility companies to retain any easement, drainageway, or floodplain land for the purpose of maintaining, conducting or constructing any required existing or future services or facilities on said easement which would serve or protect the public.

6. That the facts presented herein and attached hereto are true and correct to the best of my (our) knowledge.

Submitted this 3rd day of April, 2018.

CIRCULATOR OF THIS PETITION:

Heather L. Atherton
(Signature)

Please Print Below:

Heather L. Atherton

Name of Petitioner

PO Box 924, Bayfield WI 54814

Address

715-292-8202

Telephone

STATUS (Check Below):

Property Owner _____ Option Holder _____ Owner's Authorized Agent
_____ Contract Purchaser

CO-PETITIONER (If Any):

Signature _____

Please Print Below:

Name _____

Address _____

Telephone _____

.....

FEES:

\$250 minimum for an alley; \$400 minimum for a street - due on filing; non-refundable.

SUBMIT MINIMUM FEE WITH PETITION. (Details regarding fees and the balance due, if any, are found in "Procedures for Vacation" which is given to the applicant with the petition).

SUBMIT ALL ATTACHMENTS. FAILURE TO DO SO MAY RESULT IN THE PETITION BEING DELAYED OR RETURNED. COMPLETED PETITIONS SHOULD BE RETURNED TO THE CITY CLERK, CITY HALL, 119 WASHINGTON AVENUE, WASHBURN, WI 54891. TELEPHONE #715-373-6160 Ext. 4 WITH QUESTIONS.

CITY OF WASHBURN

PO BOX 638

WASHBURN, WI 54891

Receipt Nbr: 26156

Date: 4/06/2018

Check

RECEIVED
FROM

HEATHER ATHERTON

\$400.00

Type of Payment

Accounting

Description

VACATING FEES

H. ATHERTON VACATING APP. FEE

Amount

400.00

TOTAL RECEIVED

400.00

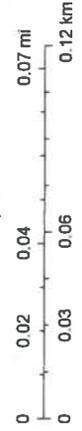
Bayfield County Web AppBuilder



March 5, 2018

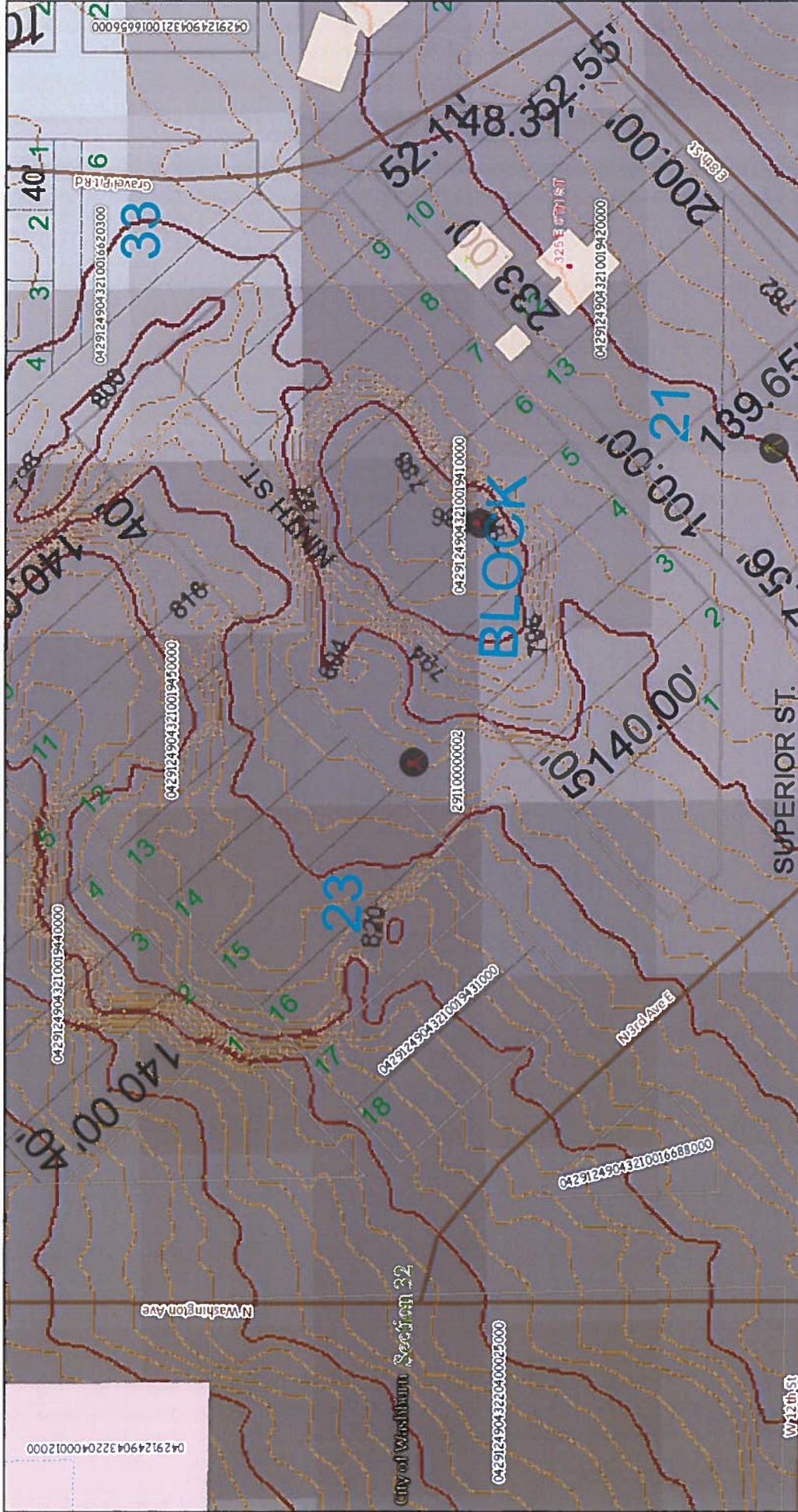
- Buildings
- Recorded Map
- Section Lines
- Tie Lines
- UnRecorded Map
- Town
- Municipal Boundary
- Meander Lines
- All Roads
- Override 1

1:1,566

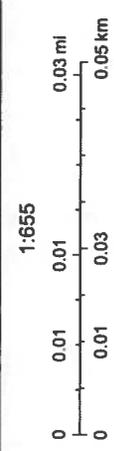


Bayfield County

Bayfield County Web AppBuilder



5/2/2018, 9:16:08 AM



- Ashland Co Parcels
 - Douglas Co Parcels
 - Public Land
 - Federal
 - State
 - County Other
 - County Forest
 - Municipal
 - Managed Forest Land Entered After 2004 - Open
 - Managed Forest Land Entered Before 2005 - Open
 - Combined Managed Forest Land - MFL Open After 2004 and MFL Closed After 2004
 - Combined Managed Forest Land - MFL Open Before 2005 and MFL Closed Before 2005
 - Private Forest Crop Entered After 1971 - Open
 - Private Forest Crop Entered Before 1972 - Open
 - Rivers
 - Lakes
 - Tie Lines
 - Meander Lines
 - Approximate Parcel Boundary
 - Section Lines
 - Government Lot
 - Municipal Boundary
 - Red Cliff Reservation Boundary
 - All Roads
 - Federal
 - State
- Bayfield County Land Records
- Web AppBuilder for ArcGIS
Bayfield County Land Records |

6

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 ^{SK}
Re: Approval of CUP for Fishnote Properties Contractor Yard/Fitness Center/Ancillary Industrial Use
Date: May 2, 2018

For your approval you will find a copy of the draft Conditional Use Permit as recommended by the Plan Commission. Per the zoning ordinance, the public hearing was held at the Plan Commission meeting. Some questions were asked regarding the details of this application.

Please note the revisions that were made during the Plan Commission meeting most notably the accessory industrial use, and the approval of two driveway approaches. A lighting plan was submitted that is well within the lighting requirements. If a fitness center is pursued, either the parking lot will need to be modified or an alternate parking location will need to be pursued.

Please let me know if you have any questions on this permit request. Please see and use the basis of decision provisions in your review and final motion.

CITY OF WASHBURN CONDITIONAL USE PERMIT

A Conditional Use Permit is hereby granted, pursuant to Title 13, Chapter 1, Article 7, Division 3 of the City of Washburn Zoning Ordinance to Fishnote Properties, LLC, Leo Ketchum-Fish and Dana Noteboom, Members (hereinafter User), in respect to property currently zoned I-1 Light Industrial, herein referred to as Subject Property, described as:

Street Address: Not Assigned

Legal Description: Lot 1 of CSM 2029

Tax ID: 37077 **PIN:** 04-291-2-48-04-05-1 05-001-05100

This Conditional Use Permit is granted for the purpose of permitting the User, and only the User, to engage in the permitted use set forth immediately below:

1. To construct and operate a contractor yard as defined in Section 13-1-3-15.05 in accordance with Section 13-1-8-475 of the City of Washburn Zoning Code.
2. For light industrial use incidental to sales/service as defined in Section 13-1-3-17.20 in accordance with 13-1-8-540 of the City of Washburn Zoning Code.
3. To operate an exercise and fitness center classified as Instructional Services as defined in Section 13-1-3-9.13 in accordance with Section 13-1-8-343 of the City of Washburn Zoning Code.

This Conditional Use Permit is subject to the following special conditions:

1. This Conditional Use Permit is issued exclusively to the User, does not run with the land for which it is issued, and may not be sold, conveyed, assigned or otherwise transferred to any other person or entity. This permit will be effective once all conditions are complied with as specified in ordinance.
2. Issuance of a Conditional Use Permit does not indicate that the City of Washburn has certified the above referenced structure nor has it inspected the building, nor does it ensure that it meets local, state, federal, or professional requirements or standards related to the subject use.
3. All waste container facilities on the Subject Property shall be screened from view (from adjacent streets).
4. User shall construct a sign upon the property; identifying the User's business and the property address. A sign must conform to the City's Sign Ordinance.

5. User shall comply with downtown lighting standards.
6. Parking spaces would need to be addressed per the zoning code prior to the use for a fitness center becoming effective.
7. Driveway accesses off of Omaha Street and Memorial Park Drive are allowed with permit.
8. All conditional uses referred to above may be carried out upon the Subject Property between the hours of 5:00 a.m. and 10:00 p.m. seven (7) days a week.
9. The Common Council for the City of Washburn may at some future date require regular review and renewal of Conditional Use Permits or otherwise change the Conditional Use Permit Ordinances. The holder of the permit may be subject to permit termination and/or renewal at the discretion of the Common Council or its designee. Holder of the permit may be subject to additional ordinance requirements and expense in that event.

Statement on the nature of the approval:

In approving this Conditional Use Permit, the Plan Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem, it is a suitable use, there are no negative impacts on the environment known of, and it would not impede the normal development of the neighborhood. The Common Council adopts these findings.

Appeal rights for applicant and other aggrieved persons:

Within 30 days of the decision date, a written appeal, including the reasons for the appeal, must be received by the City Clerk. The appeal process will follow the procedure outlined in 13-1-7-23 of the zoning ordinance.

Fishnote Properties LLC, Leo Ketchum-Fish, Member

Date

Fishnote Properties LLC, Dana Noteboom, Member

Date

Personally came before me this ____ day of _____, 2018, the above-named Leo Ketchum-Fish and Dana Noteboom, to me known to be the person who executed for the foregoing instrument and acknowledge the same.

Notary Public, Bayfield County, Wisconsin



My commission expires: _____

Richard Avol, Mayor
City of Washburn

Date

Personally came before me this ____ day of _____, 2018, the above-named Richard Avol, known to be the person who executed for the foregoing instrument and acknowledge the same.

Notary Public, Bayfield County, Wisconsin

My commission expires: _____

Scott J. Kluver, Zoning Administrator
City of Washburn

Date

Personally came before me this ____ day of _____, 2018, the above-named Scott J. Kluver, known to be the person who executed for the foregoing instrument and acknowledge the same.

Notary Public, Bayfield County, Wisconsin

My commission expires: _____



Question and Answers

1. Please see Article 16 on the bufferyard/landscaping code which will be a requirement. I expect there may be a desire to add landscaping on the west side of your property to buffer against the existing house.

We will not add specific landscaping but will maintain trees and red osier dogwood as indicated on the attached pans. I will have a 50' set back from Residential neighbor, this will be part lawn –near the building and part left wild, were trees and shrubs exist. Between lawn and neighbor. As long as I am granted the trough drive, I do not plan to park anything on that side (west) of the building.

2. Also, please see Article 19 on the exterior lighting requirements. I do not know what exterior lighting you are proposing, and this property does fall in the downtown lighting area.

I plan to have downward Facing floods at center of the over head door and the two east corners, Sconce wall mounted down lights at the doors

3. Article 17 contains the parking and loading requirements. The parking lot is to be hard surfaced if six or more spaces are required, gravel will not be acceptable. Two driveways are allowed if the Plan Commission and Council agree, typically we only allow one. Please note that Memorial Park Drive is a very narrow street (could almost be considered an alley), so do not expect on-street parking on that side.

4.

We will have off street parking on Blue quarry Gravel drive, the drive is wide enough for parking on one side and in front of over head door. We will not pave at this time. We have less than 6 employees. As we need more parking, we can develop parking on the east side of the building

4. Hopefully your entire disturbed area is less than 10,000 square feet otherwise you will need to comply with the storm water requirements too.

The entire disturbed area is approximately 8900 Square feet

- We have not assigned an address yet, and we will get a more thorough legal description.
- On which street are you proposing the front of your building to be? That will also make a difference in the addresses assigned, I also need it to deal with your setbacks on the site plan. The main Entrance will be on on East Omaha Street, So I guess that would be the best address, If one building can have two addresses, and East Omaha Address would also be nice – otherwise we could have Suites within the building, Either is fine.

- What are you proposing as your hours of operation?

5am – 10pm

- We will need more detail on your driveways – are they going to be connected, or are they going to be two separate entrances? We will need to know the number of parking spaces so we can calculate the number of spaces needed per use versus the lot area requirements.

Parking will be 5 off site spaces along side drive and in front of Overhead door

- Will the driveway be gravel or asphalt?

Gravel

- Do you have any proposed screening at this time?

No screening

April 12, 2018
5:30pm Washburn City Hall

CITY OF WASHBURN PLAN COMMISSION MEETING

COMMISSION MEMBERS: Dave Anderson, John Baregi, Leo Ketchum-Fish, Scott Griffiths, Jeremy Oswald, Adeline Swiston, Jon Wheeler

ABSENT:

MUNICIPAL PERSONNEL: Tammy DeMars-City Treasurer/Deputy Clerk, City Attorney David Siegler

Meeting called to order at 5:30PM by Griffiths attendance as recorded above.

Approval of Minutes – March 15, 2018 – Moved by Baregi to approve minutes as presented, second by Swiston. Motion carried unanimously.

Public Hearing(s) – Swiston moves to open the floor for the public hearing, second by Ketchum-Fish. Motion carried unanimously.

Leo Ketchum-Fish recuses himself from the Public Hearings stating conflict of interest, he moved to the audience.

Discussion and Recommendation on Conditional Use Request to Construct and Operate a Contractor Yard and to Operate at Fitness Center. The property is located in 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- William Platt of 101 Memorial Park Drive, is a neighboring property and ask if Ketchum-Fish could explain what is meant by Contractor yard. Ketchum-Fish explains he is requesting to put a building that would have office space, possible fitness center and contractor equipment such as bob cat, pick-up, trailers and possibly outside storage of lumber. No other comments made. Site plan discussion; Ketchum-Fish explains he is requesting two entrances the main being on Omaha Street and the other on Memorial Park Drive, this would allow him a safer exit with trailers as they could just pull through instead of backing out. He is not intending adding anything further for landscaping he will leave and maintain the trees that are currently on the property as shown on his plan, the driveway will be gravel and the west of the building will be left natural. There will be room for 5 off street parking spaces along the drive and in front of overhead door. Concerns on parking; code requires one parking space for each student during the largest period of attendance plus 1 space for each employee working that shift. Ketchum-Fish; this would require black top and would require changing his plans to accommodate, he feels there is ample off-street parking. Siegler suggest he could apply for an exception, provided sufficient evidence is provided that shows off-street parking is less than the standard, or he could draw up an agreement with the Iron Works to use their property if they are in agreement. Discussion continued. The Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem and allowing two entrances would be beneficial for the safety, it is a suitable use, there are no negative impacts on the environment known of, concerns with impacts on the neighbors were discussed and hours of operations were agreed on, and it would not impede the normal development. Moved by Griffiths to recommend approval of the Conditional Use Permit of Fishnote Properties, LLC property as described above to allow for a Contractor Yard per 13-1-3-15.05, and Light Industrial use incidental to sales/service per 13-1-3-17.20 contingent on proper lighting fixtures as required by code and with the conditions as laid out in the draft permit and allow for two driveways to better serve the property as there is substantial evidence this would improve traffic flow and safety. Conditional approval of the fitness center per 13-1-3-9.13 with the conditions as laid out in the draft permit, and parking issues will have to be addressed prior to the fitness center, second by Baregi. Motion carried 6 to 0.

Discussion and Recommendation on Conditional Use Request to Construct and Operate a Contractor Yard and to Operate a Personal Storage Facility for Personal Units and for Vehicles and Watercraft. The property is located on 1st Avenue East, South of Memorial Park Drive. Lot 2 of CSM 2030. Jeff Pipgras, Petitioner – No public comment. Pipgras has given two alternate lay outs for the building, the location he chooses will be the one with least amount of work to excavate as there appears to be broken up concrete buried through out the property. Discussion. Driveway will come off 1st Ave East, the only lighting he will have is a motion light facing down at the entrance of the building he has a lot of room for parking but based on the use he is only required to have 2 off street parking spaces. Screening is a requirement, Pipgras doesn't feel that he could do any planting because of the blacktop that is about 16" deep, after further discussion it was decided he would look at it closer and present something to Council on the screening. Pipgras explained he is not looking for something like mini-storage, he just wants to be able to store some of his personal units such as boat and truck along with a shop and storage area for deliveries and shop for making his vents and bending pipe. Siegler, feels he needs to adjust what he is asking for and eliminate 13-1-3-14.03 as he doesn't need that for his own property and add 13-1-3-17.20 Light Industrial use incidental to sales/service, this would allow him to do the work he talked about in the shop, this should also be added to Leo Ketchum-Fish. Further review; the Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem, it is a suitable use, there are no negative impacts on the environment known of, concerns with impacts on the neighbors were discussed and hours of operations were agreed on, and it would not impede the normal development. Moved by Griffiths to approve the Conditional Use Permit of Jeff Pipgras for a Contractor Yard per 13-1-3-15.05 for Alltemp Heating and Cooling and Light Industrial use incidental to sales/service per 13-1-3-17.20, with conditions laid out in draft permit and contingent on lighting plan and meeting screening requirements be approved by Council, second by Oswald Motion carried 6 to 0

Moved by Oswald to close the floor, second by Baregi. Motion carried 6 to 0

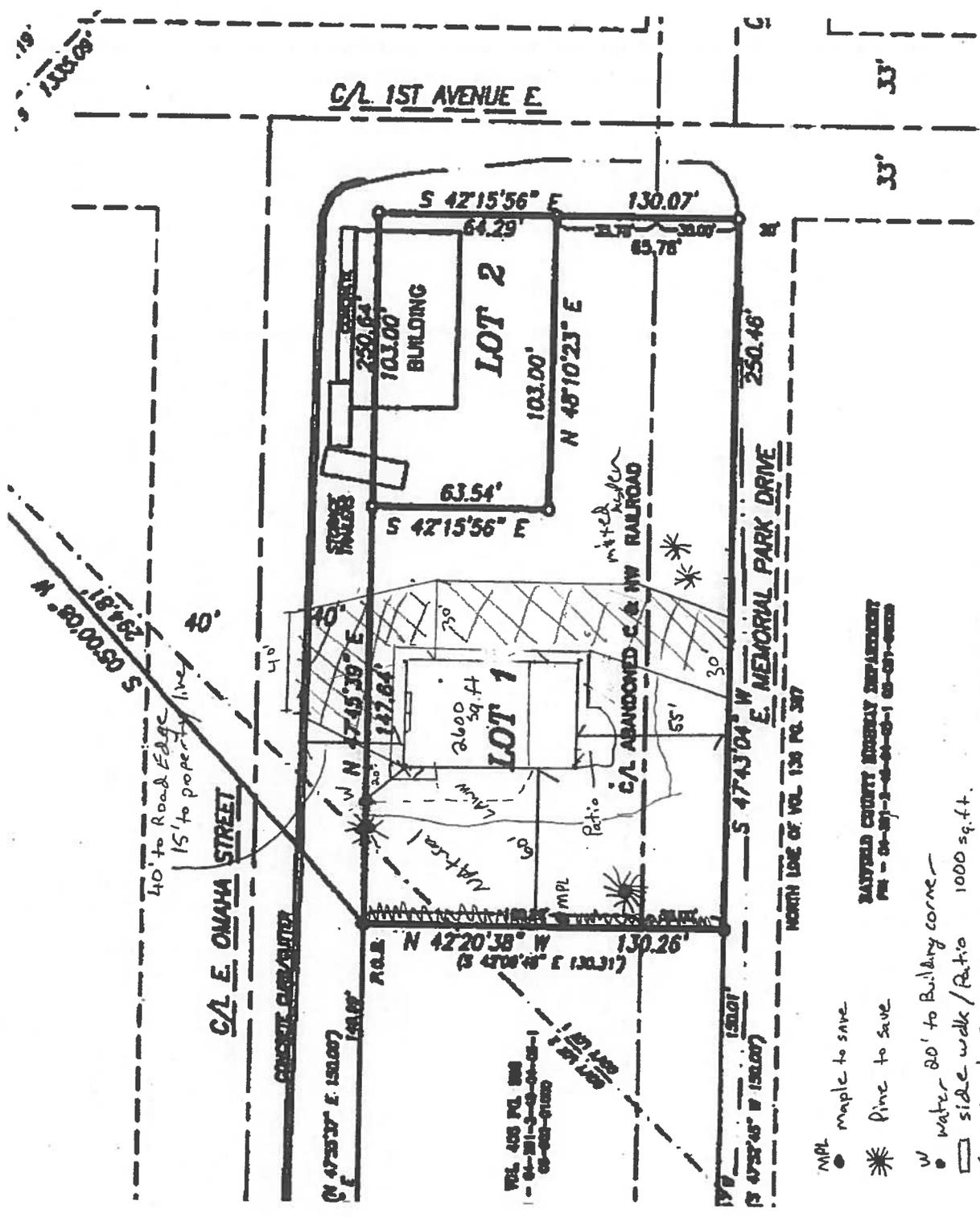
Ketchum-Fish returns to the table as a voting member.

Discussion and Recommendation on Request for Vacation of the East 418 Feet of East Memorial Park Drive from the Intersection of 1st Avenue East – Washburn Iron Works, Inc., Petitioner – Taylor Person present. Baregi moves to recommend approval for the Vacation of the east 418 Feet of East Memorial Park Drive as depicted in the map with the City retaining utility easements, second by Swiston. Motion carried 7 to 0

Review of the Previously Proposed Formula Business Ordinance; Discussion on Legal Obligations and Consequences of Zoning Processes such as Site Plan Reviews, Conditional Use Permits, and Other Zoning Procedures; and Discussion of Application of the Code Specifically Related to a Proposed Family Dollar Store – Griffiths explains this was requested to be discussed by Plan Commission Member David Anderson, Griffiths had discussed this proposed Formula Business Ordinance back in 2014 and was met with strong resistance by the residents and many of the business community so he never pushed it any further. Lengthy discussion held with many of the Commission feeling this type of business would hurt the community and should be stopped by any means available. Siegler cautions making any decision based purely on personal desires, the Commission must act reasonably and follow the standards in the code, if not followed we will end up in court. Ketchum-Fish moves to open floor, second by Baregi. Motion carried. Soon to be Mayor Richard Avol was in attendance, he was asked what his feelings are on this subject; he isn't real fond of the Family Dollar idea but is not sure that anything we do now. The last time he spoke with Mr. Kluver, he was told that we have not received anything in the way of permit applications. He is willing to discuss it further at the Council level if one Councilor would like to add it to the agenda and since both Jeremy Oswald and Karen Novacheck were present he didn't think that would be a problem. Oswald felt we could put a moratorium on Formula Base Business so that we can get an ordinance in place. Again, Siegler reminded them that what ever they decide to do they need to make sure it's for a legitimate reason and then we may still end up in court.

Adjourn - Moved by Oswald to adjourn @ 8:15pm, second by Baregi. Motion carried unanimously.

Respectfully Submitted,
Tammy L. DeMars
Treasurer/Deputy Clerk



SCALE: 1 INCH = 80 FEET



- maple to save
- * pine to save
- water 20' to Building corner
- side walk / Patio 1000 sq. ft.
- ≡ Red osier Dog wood to save + Prune
- ## Brute Blue Quarry Gravel 5300 sq ft
- water line sewer

RAIFIELD COUNTY SURVEY DEPARTMENT
 PM - 04-07-2-04-04-01 03-07-0000

VOL. 400 PG. 008
 04-07-2-04-04-01
 03-07-0000

19'
 1405.08'

S 05°00'08" W 80.00'00"
 294.91'

40' to Road Edge
 15' to property line

C/L E. OMAHA STREET

C/L 1ST AVENUE E

CONCRETE CURB/WALKER

(N 47°53'37" E 150.00')
 150.00'

R.O.B.

N 42°20'38" W

130.26'

(S 47°43'04" E 130.26')

130.26'

S 47°43'04" W

E. MEMORIAL PARK DRIVE

250.48'

NORTH LINE OF VOL. 136 PG. 387

STAIRS

CONCRETE

250.64'

103.00'

BUILDING

LOT 2

103.00'

N 48°10'23" E

130.07'

S 42°15'56" E

64.29'

65.78'

38.00'

33'

33'

33'

33'

40°

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

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30'

30'

30'

30'

30'

30'

30'

30'

30'



REAR ELEVATION

40'

30'

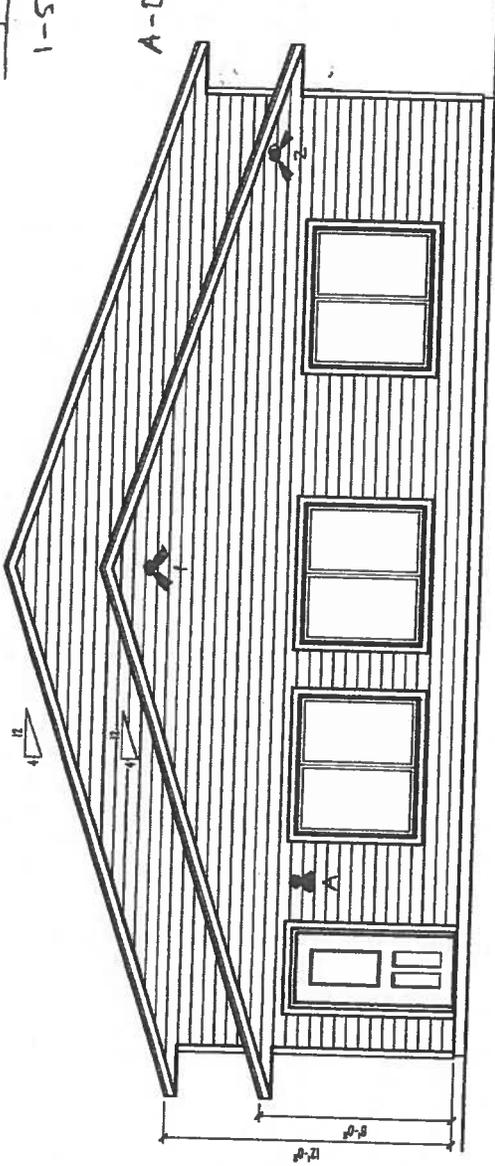
Lighting

1-5 Dbl fixture flood s
13.5 W 900 lumens per
10x 900 = 9000 lumen

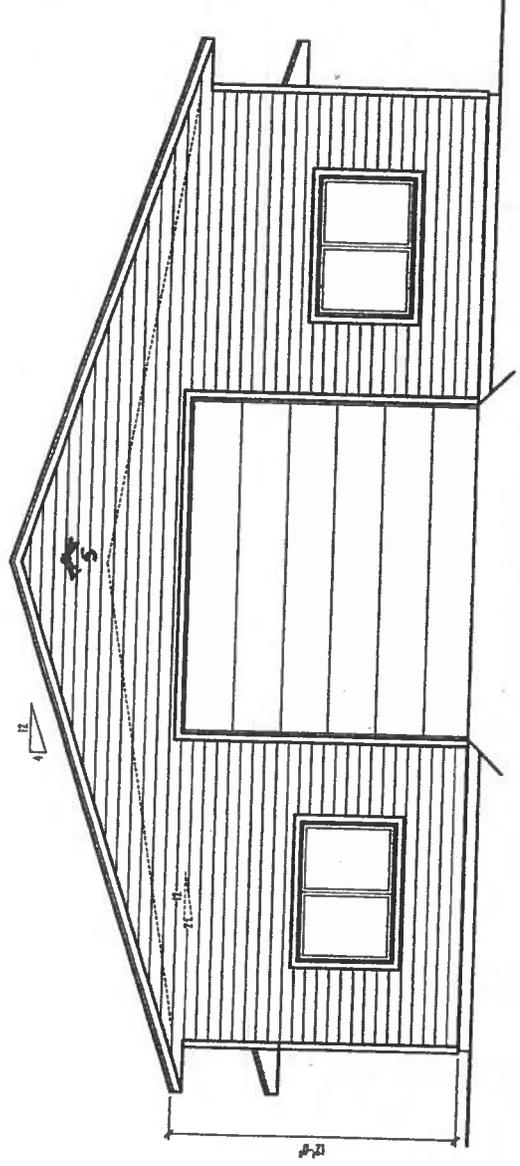
A-D

single fixture
Wall sconce Down
Light 9.5 W LED
800 lumens per
4x 800 = 3200 lumens

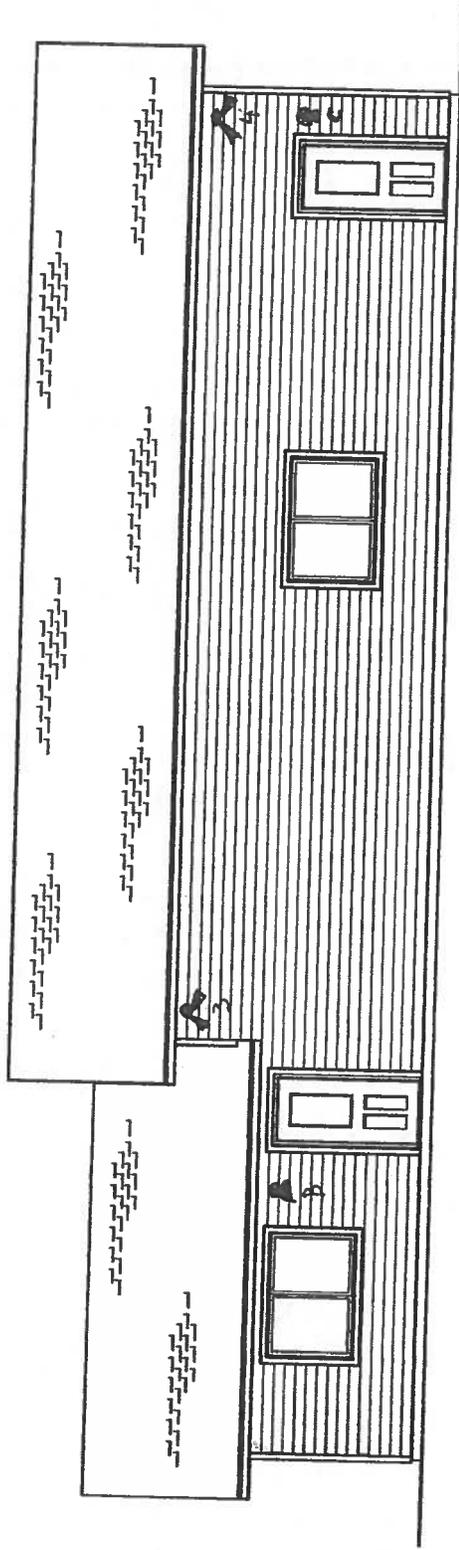
12,200 lumens
total Exterior
lighting on
property



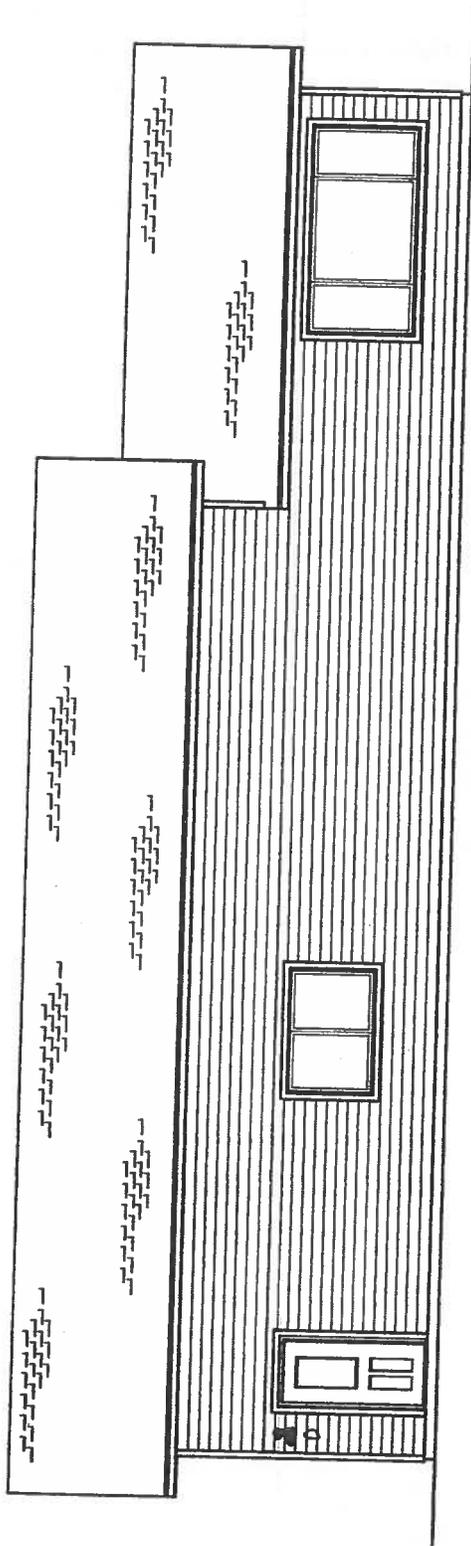
FRONT ELEVATION



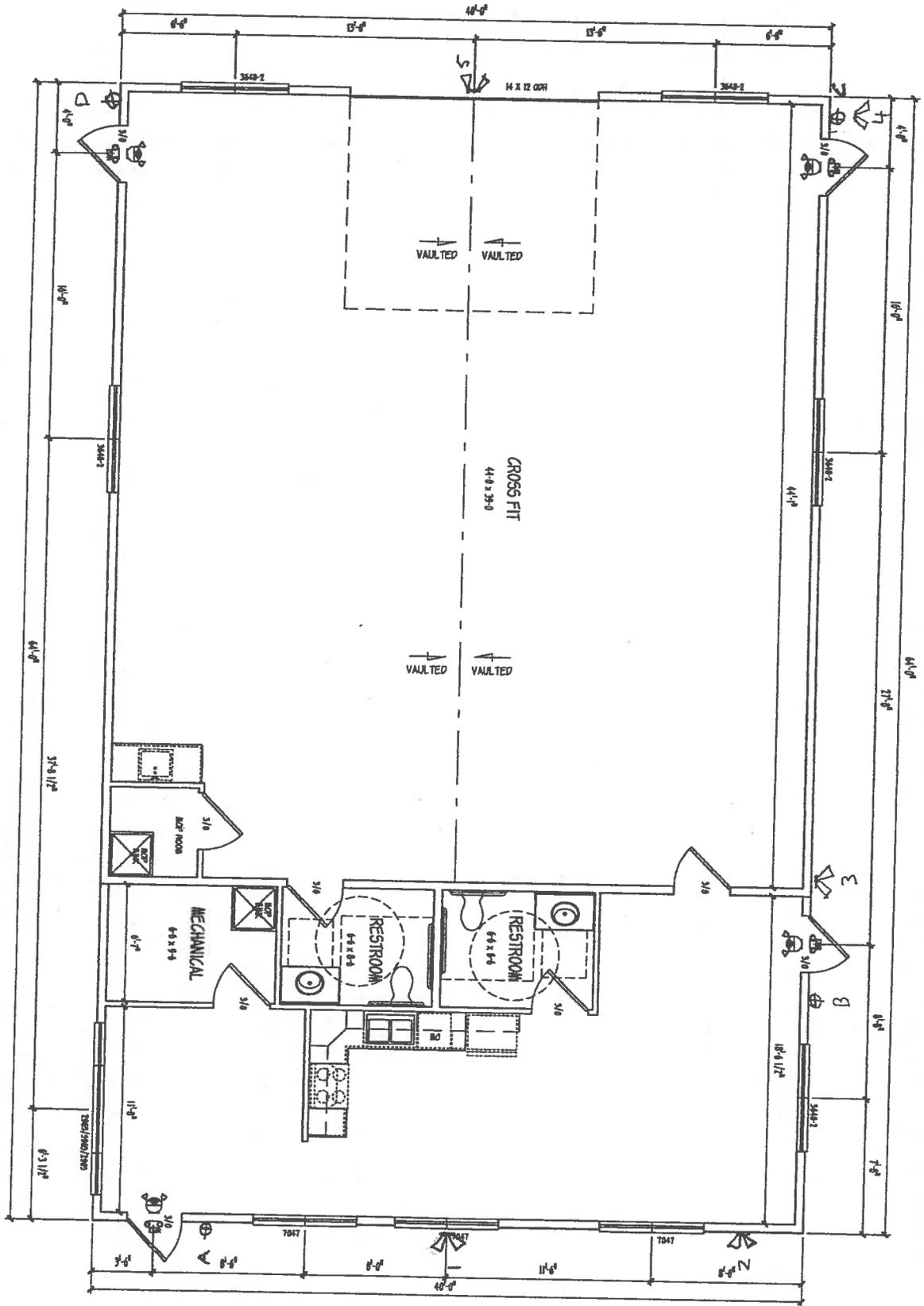
REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION





Home > Lighting & Fans > Outdoor Lighting > Outdoor Wall Sconces >
Murray Feiss Industries Darby 7-1/2 In. 100W 1-Light Medium E-26 Incandescent Wall Bracket

Murray Feiss Industries Darby 7-1/2 in. 100W 1-Light Medium E-26 Incandescent Wall Bracket in Oil Rubbed Bronze

MOL8701ORB



COLOR FINISH



\$44.10 EACH
(Pricing is for Oil Rubbed Bronze)

QUANTITY

1

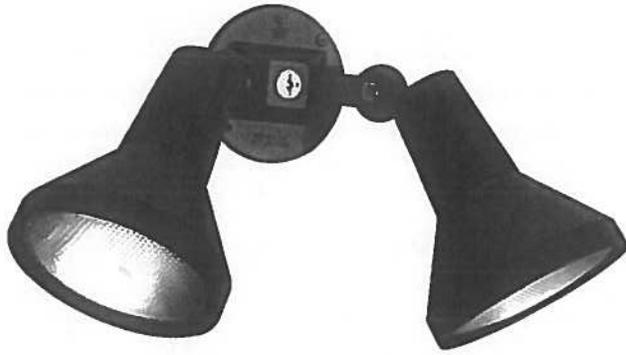
SPECIFICATIONS

Bulb Type	Incandescent
Collection	Darby
Color Finish	Oil Rubbed Bronze
Height	9-1/4 in
Installation Type	Wall Mount
Length	8-7/8 in
Number Of Lights	1
Width	7-1/2 in

DESCRIPTION

www.ferguson.com

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Buyer is solely responsible for product selection.



NUVO 77-701

2-Lights 15" Outdoor Flood Lights with Exterior
PAR38 and Adjustable Swivel

Fixture Type Outdoor Security Light	Collection No
Style Utility	Finish Black
Width 15"	Shade Material Aluminum
Extension 8"	Number of Lights 2-Lights
Max Wattage 150 Watts	Lamp Type Halogen
Bulb Type PAR38 Bulb	Bulb Base Medium Base
Bulb Included No	Replaceable Light Source Yes
Certification UL Listed	Safety Rated Wet Location
Energy Saver No	Energy Star No
UPC 045923777011	Warranty 1-Year Warranty

NUVO[®]
LIGHTING



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Find a Store Customer Service Account Cart



Search All



Shop by Department

Electrical › Light Bulbs & Accessories › LED Light Bulbs › LED Floodlight Light Bulb

Philips PAR38 Medium Dimmable LED Floodlight Light Bulb - 468017



Contact your [local store](#) for pricing and availability.

0 Reviews [Write Review](#)

Item #: 501968
Model #: 468017
Base Type: Medium
Bulb Finish: Clear
Bulb Shape: PAR38
Color Temperature: 3000K
Description:
2PK 13.5W PAR38 30K BULB
Dimmable: Yes
Energy Star Rated: Yes
Equivalent Incandescent Wattage:
90W Equivalent
Life in Hours: 25,000 Hrs.
Light Color: Bright White
Lumens: 900 Lm.
Maximum Overall Length (MOL):
5.28 In.
Package Quantity: 2
Use: Indoor/Outdoor
Voltage: 120V
Wattage: 13.5W

Other Options:



LED PAR38 120W 30K BULB

Model #: 467738
Base Type: **Medium**
Bulb Finish: **Clear**
Bulb Shape: **PAR38**
Color Temperature: **3000K**



2PK 13.5W PAR38 50K BULB

Model #: 468025
Base Type: **Medium**
Bulb Finish: **Clear**
Bulb Shape: **PAR38**
Color Temperature: **5000K**



16W PAR38 LED NL BULB

Model #: 468181
Dimmable?: **Yes**

Description

Dimmable PAR38 LED (light emitting diode) light bulb with medium base. Ideal for indoor or outdoor applications such as recessed can fixtures, track lighting fixtures, and security lighting.

Specifications

Brand	Philips
Manufacturer Part Number	468017
Manufacturer Description	2PK 13.5W PAR38 30K BULB
Country of Origin Code	China

Package Quantity	2
Use	Indoor/Outdoor
Maximum Overall Length (MOL)	5.28 In.
Light Color	Bright White
Dimmable	Yes
Energy Star Rated	Yes
Base Type	Medium
Bulb Finish	Clear
Color Temperature	3000K
Bulb Shape	PAR38
Wattage	13.5W
Voltage	120V
Equivalent Incandescent Wattage	90W Equivalent
Lumens	900 Lm.
Life in Hours	25,000 Hrs.
UPC	00046677475321

More Information

[!\[\]\(f751fb5266fcde85b8e494ae0908d01e_img.jpg\) Contact Customer Service](#)

[!\[\]\(5a2cc4eb4ea5950e5b686a7bc2081e37_img.jpg\) Request Safety Data Sheet \(SDS\)](#)

Similar Products

- (19) **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator shall record the decision document against the subject property in the office of the Bayfield County register of deeds.
- (20) **Administrative steps.** If the conditional use is approved and the zoning administrator has created a map showing conditional uses, the zoning administrator shall add the conditional use to that map.

7-55 Basis of decision

(a) **Generally.** When reviewing conditional uses other than nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;
- (2) the presence of and compatibility with other uses on the subject property, if any;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

(b) **Nonconforming conditional uses.** When reviewing nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall make the following determinations:

- (1) The nonconforming use will not be adverse to the public health, safety, or welfare.
- (2) The nonconforming use is in keeping with the spirit and intent of this chapter.
- (3) The nonconforming use would not be otherwise detrimental to the area and in particular the surrounding properties.

The Common Council shall grant approval for a nonconforming conditional use only if the council can make an affirmative finding for all of the criteria listed in this subsection.

7-56 Imposition of conditions

(a) **Generally.** The Plan Commission may recommend and the Common Council may impose one or more conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare.

(b) **Condition may not lessen any requirement.** A condition of approval shall not lessen a development standard or other requirement contained in this chapter.

(c) **Special consideration for solar panels.** In those instances where a solar panel is classified as a conditional use, the reviewing authority may impose one or more conditions of approval, provided the condition satisfies one of the following:

- (1) The condition serves to preserve or protect the public health or safety.
- (2) The condition does not significantly increase the cost of the system or significantly decrease its efficiency.

7

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: Approval of CUP for Jeff Pipgras Contractor Yard/Ancillary Industrial Use
Date: May 4, 2018

For your approval you will find a copy of the draft Conditional Use Permit as recommended by the Plan Commission. Per the zoning ordinance, the public hearing was held at the Plan Commission meeting, no comments were made.

Please note the revisions that were made during the Plan Commission meeting most notably the accessory industrial use. Mr. Pipgras is proposing one motion light, of the same style of Fishnote Properties, that would be located on the front of the building. This would be well within the lighting guidelines for the area. A screening plan, with the required number of points per the code, has been included.

Please let me know if you have any questions on this permit request. Please see and use the basis of decision provisions in your review and final motion.

CITY OF WASHBURN CONDITIONAL USE PERMIT

A Conditional Use Permit is hereby granted, pursuant to Title 13, Chapter 1, Article 7, Division 3 of the City of Washburn Zoning Ordinance to Jeff Pipgras (hereinafter User), in respect to property currently zoned I-1 Light Industrial, herein referred to as Subject Property, described as:

Street Address: Not Assigned

Legal Description: Lot 2 of CSM 2030

Tax ID: Not Assigned **PIN:** 04-291-2-48-04-05-105-001-03320

This Conditional Use Permit is granted for the purpose of permitting the User, and only the User, to engage in the permitted use set forth immediately below:

1. To construct and operate a contractor yard as defined in Section 13-1-3-15.05 in accordance with Section 13-1-8-475 of the City of Washburn Zoning Code.
2. For light industrial use incidental to sales/service as defined in Section 13-1-3-17.20 in accordance with 13-1-8-540 of the City of Washburn Zoning Code.

This Conditional Use Permit is subject to the following special conditions:

1. This Conditional Use Permit is issued exclusively to the User, does not run with the land for which it is issued, and may not be sold, conveyed, assigned or otherwise transferred to any other person or entity. This permit will be effective once all conditions are complied with as specified in ordinance.
2. Issuance of a Conditional Use Permit does not indicate that the City of Washburn has certified the above referenced structure nor has it inspected the building, nor does it ensure that it meets local, state, federal, or professional requirements or standards related to the subject use.
3. All waste container facilities on the Subject Property shall be screened from view (from adjacent streets).
4. User shall construct a sign upon the property; identifying the User's business and the property address. A sign must conform to the City's Sign Ordinance.
5. All conditional uses referred to above may be carried out upon the Subject Property 24 hours per day, seven days a week.



6. A screening plan that meets the zoning code requirements must be submitted and approved by the zoning administrator prior to this permit becoming valid.

7. The Common Council for the City of Washburn may at some future date require regular review and renewal of Conditional Use Permits or otherwise change the Conditional Use Permit Ordinances. The holder of the permit may be subject to permit termination and/or renewal at the discretion of the Common Council or its designee. Holder of the permit may be subject to additional ordinance requirements and expense in that event.

Statement on the nature of the approval:

In approving this Conditional Use Permit, the Plan Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem, it is a suitable use, there are no negative impacts on the environment known of, and it would not impede the normal development of the neighborhood. The Common Council adopts these findings.

Appeal rights for applicant and other aggrieved persons:

Within 30 days of the decision date, a written appeal, including the reasons for the appeal, must be received by the City Clerk. The appeal process will follow the procedure outlined in 13-1-7-23 of the zoning ordinance.

Jeff Pipgras

Date

Personally came before me this ____ day of _____, 2018, the above-named Jeff Pipgras, to me known to be the person who executed for the foregoing instrument and acknowledge the same.

Notary Public, Bayfield County, Wisconsin

My commission expires: _____

Richard Avol, Mayor
City of Washburn

Date

Personally came before me this ____ day of _____, 2018, the above-named Richard Avol, known to be the person who executed for the foregoing instrument and acknowledge the same.



Notary Public, Bayfield County, Wisconsin

My commission expires: _____

Scott J. Kluver, Zoning Administrator
City of Washburn

Date

Personally came before me this ____ day of _____, 2018, the above-named Scott J. Kluver, known to be the person who executed for the foregoing instrument and acknowledge the same.

Notary Public, Bayfield County, Wisconsin

My commission expires: _____



April 12, 2018
5:30pm Washburn City Hall

CITY OF WASHBURN PLAN COMMISSION MEETING

COMMISSION MEMBERS: Dave Anderson, John Baregi, Leo Ketchum-Fish, Scott Griffiths, Jeremy Oswald, Adeline Swiston, Jon Wheeler

ABSENT:

MUNICIPAL PERSONNEL: Tammy DeMars-City Treasurer/Deputy Clerk, City Attorney David Siegler

Meeting called to order at 5:30PM by Griffiths attendance as recorded above.

Approval of Minutes – March 15, 2018 – Moved by Baregi to approve minutes as presented, second by Swiston. Motion carried unanimously.

Public Hearing(s) – Swiston moves to open the floor for the public hearing, second by Ketchum-Fish. Motion carried unanimously.

Leo Ketchum-Fish recuses himself from the Public Hearings stating conflict of interest, he moved to the audience.

Discussion and Recommendation on Conditional Use Request to Construct and Operate a Contractor Yard and to Operate at Fitness Center. The property is located in 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- William Platt of 101 Memorial Park Drive, is a neighboring property and ask if Ketchum-Fish could explain what is meant by Contractor yard. Ketchum-Fish explains he is requesting to put a building that would have office space, possible fitness center and contractor equipment such as bob cat, pick-up, trailers and possibly outside storage of lumber. No other comments made. Site plan discussion; Ketchum-Fish explains he is requesting two entrances the main being on Omaha Street and the other on Memorial Park Drive, this would allow him a safer exit with trailers as they could just pull through instead of backing out. He is not intending adding anything further for landscaping he will leave and maintain the trees that are currently on the property as shown on his plan, the driveway will be gravel and the west of the building will be left natural. There will be room for 5 off street parking spaces along the drive and in front of overhead door. Concerns on parking; code requires one parking space for each student during the largest period of attendance plus 1 space for each employee working that shift. Ketchum-Fish; this would require black top and would require changing his plans to accommodate, he feels there is ample off-street parking. Siegler suggest he could apply for an exception, provided sufficient evidence is provided that shows off-street parking is less than the standard, or he could draw up an agreement with the Iron Works to use their property if they are in agreement. Discussion continued. The Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem and allowing two entrances would be beneficial for the safety, it is a suitable use, there are no negative impacts on the environment known of, concerns with impacts on the neighbors were discussed and hours of operations were agreed on, and it would not impede the normal development. Moved by Griffiths to recommend approval of the Conditional Use Permit of Fishnote Properties, LLC property as described above to allow for a Contractor Yard per 13-1-3-15.05, and Light Industrial use incidental to sales/service per 13-1-3-17.20 contingent on proper lighting fixtures as required by code and with the conditions as laid out in the draft permit and allow for two driveways to better serve the property as there is substantial evidence this would improve traffic flow and safety. Conditional approval of the fitness center per 13-1-3-9.13 with the conditions as laid out in the draft permit, and parking issues will have to be addressed prior to the fitness center, second by Baregi. Motion carried 6 to 0.

Discussion and Recommendation on Conditional Use Request to Construct and Operate a Contractor Yard and to Operate a Personal Storage Facility for Personal Units and for Vehicles and Watercraft. The property is located on 1st Avenue East, South of Memorial Park Drive. Lot 2 of CSM 2030. Jeff Pipgras, Petitioner – No public comment. Pipgras has given two alternate lay outs for the building, the location he chooses will be the one with least amount of work to excavate as there appears to be broken up concrete buried through out the property. Discussion. Driveway will come off 1st Ave East, the only lighting he will have is a motion light facing down at the entrance of the building he has a lot of room for parking but based on the use he is only required to have 2 off street parking spaces. Screening is a requirement, Pipgras doesn't feel that he could do any planting because of the blacktop that is about 16" deep, after further discussion it was decided he would look at it closer and present something to Council on the screening. Pipgras explained he is not looking for something like mini-storage, he just wants to be able to store some of his personal units such as boat and truck along with a shop and storage area for deliveries and shop for making his vents and bending pipe. Siegler, feels he needs to adjust what he is asking for and eliminate 13-1-3-14.03 as he doesn't need that for his own property and add 13-1-3-17.20 Light Industrial use incidental to sales/service, this would allow him to do the work he talked about in the shop, this should also be added to Leo Ketchum-Fish. Further review; the Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem, it is a suitable use, there are no negative impacts on the environment known of, concerns with impacts on the neighbors were discussed and hours of operations were agreed on, and it would not impede the normal development. Moved by Griffiths to approve the Conditional Use Permit of Jeff Pipgras for a Contractor Yard per 13-1-3-15.05 for Alltemp Heating and Cooling and Light Industrial use incidental to sales/service per 13-1-3-17.20, with conditions laid out in draft permit and contingent on lighting plan and meeting screening requirements be approved by Council, second by Oswald Motion carried 6 to 0

Moved by Oswald to close the floor, second by Baregi. Motion carried 6 to 0

Ketchum-Fish returns to the table as a voting member.

Discussion and Recommendation on Request for Vacation of the East 418 Feet of East Memorial Park Drive from the Intersection of 1st Avenue East – Washburn Iron Works, Inc., Petitioner – Taylor Person present. Baregi moves to recommend approval for the Vacation of the east 418 Feet of East Memorial Park Drive as depicted in the map with the City retaining utility easements, second by Swiston. Motion carried 7 to 0

Review of the Previously Proposed Formula Business Ordinance; Discussion on Legal Obligations and Consequences of Zoning Processes such as Site Plan Reviews, Conditional Use Permits, and Other Zoning Procedures; and Discussion of Application of the Code Specifically Related to a Proposed Family Dollar Store – Griffiths explains this was requested to be discussed by Plan Commission Member David Anderson, Griffiths had discussed this proposed Formula Business Ordinance back in 2014 and was met with strong resistance by the residents and many of the business community so he never pushed it any further. Lengthy discussion held with many of the Commission feeling this type of business would hurt the community and should be stopped by any means available. Siegler cautions making any decision based purely on personal desires, the Commission must act reasonably and follow the standards in the code, if not followed we will end up in court. Ketchum-Fish moves to open floor, second by Baregi. Motion carried. Soon to be Mayor Richard Avol was in attendance, he was asked what his feelings are on this subject; he isn't real fond of the Family Dollar idea but is not sure that anything we do now. The last time he spoke with Mr. Kluver, he was told that we have not received anything in the way of permit applications. He is willing to discuss it further at the Council level if one Councilor would like to add it to the agenda and since both Jeremy Oswald and Karen Novacheck were present he didn't think that would be a problem. Oswald felt we could put a moratorium on Formula Base Business so that we can get an ordinance in place. Again, Siegler reminded them that whatever they decide to do they need to make sure it's for a legitimate reason and then we may still end up in court.

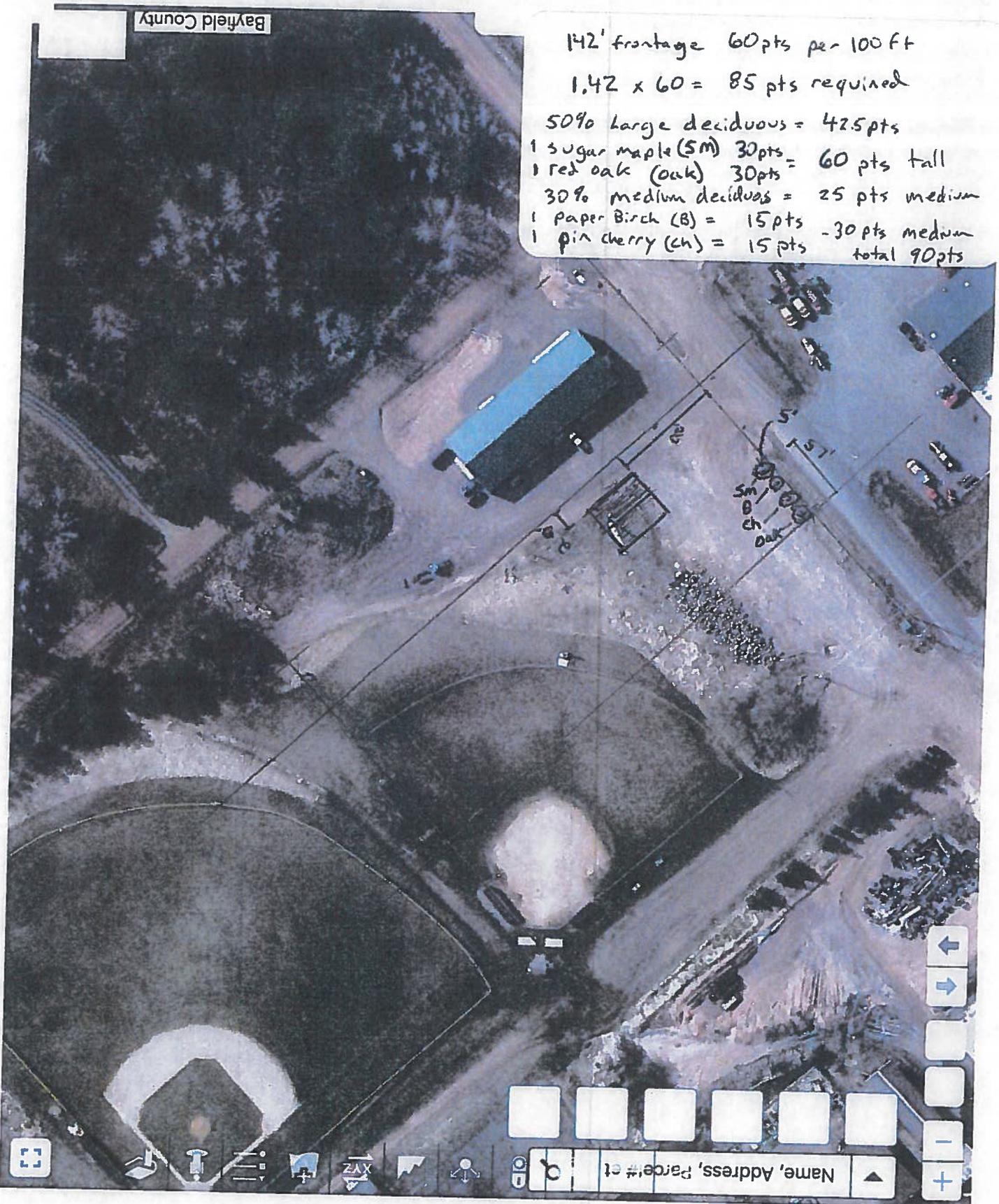
Adjourn - Moved by Oswald to adjourn @ 8:15pm, second by Baregi. Motion carried unanimously.

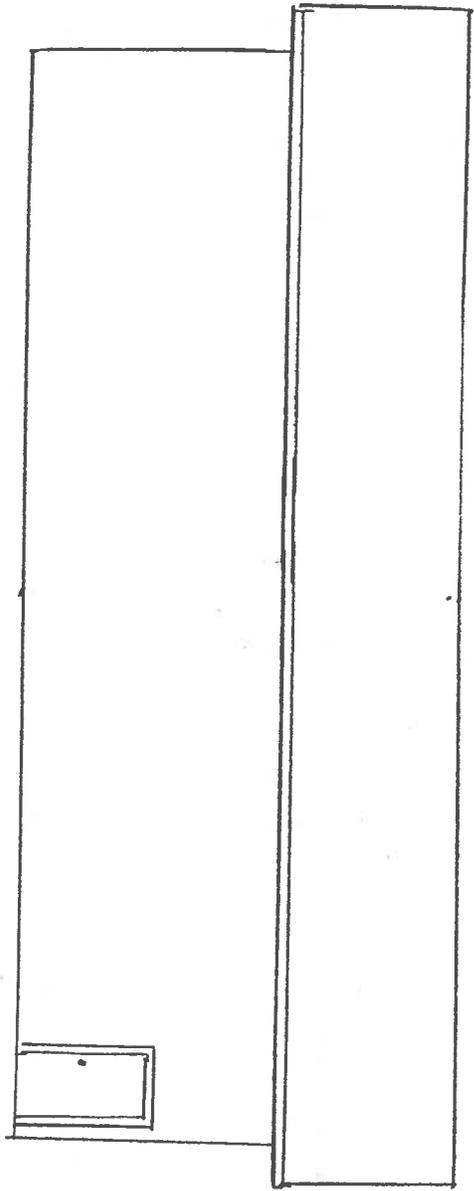
Respectfully Submitted,
Tammy L. DeMars
Treasurer/Deputy Clerk

142' frontage 60pts per 100 ft

$1.42 \times 60 = 85 \text{ pts required}$

- 50% large deciduous = 42.5pts
- 1 sugar maple (Sm) 30pts = 60 pts tall
- 1 red oak (Oak) 30pts
- 30% medium deciduous = 25 pts medium
- 1 Paper Birch (B) = 15pts - 30 pts medium
- 1 pin cherry (ch) = 15 pts
- total 90pts

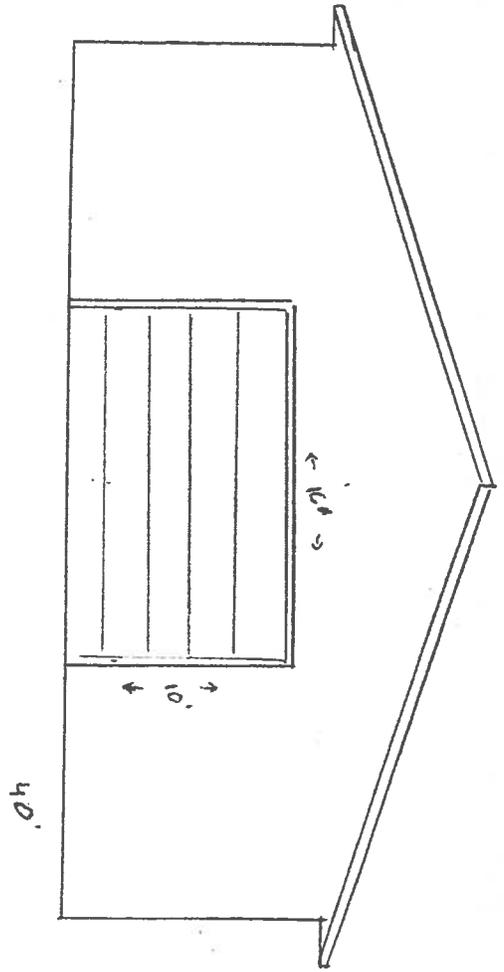




50'



19'6"



40'

10'
10'

- (19) **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator shall record the decision document against the subject property in the office of the Bayfield County register of deeds.
- (20) **Administrative steps.** If the conditional use is approved and the zoning administrator has created a map showing conditional uses, the zoning administrator shall add the conditional use to that map.

7-55 Basis of decision

(a) **Generally.** When reviewing conditional uses other than nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;
- (2) the presence of and compatibility with other uses on the subject property, if any;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

(b) **Nonconforming conditional uses.** When reviewing nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall make the following determinations:

- (1) The nonconforming use will not be adverse to the public health, safety, or welfare.
- (2) The nonconforming use is in keeping with the spirit and intent of this chapter.
- (3) The nonconforming use would not be otherwise detrimental to the area and in particular the surrounding properties.

The Common Council shall grant approval for a nonconforming conditional use only if the council can make an affirmative finding for all of the criteria listed in this subsection.

7-56 Imposition of conditions

(a) **Generally.** The Plan Commission may recommend and the Common Council may impose one or more conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare.

(b) **Condition may not lessen any requirement.** A condition of approval shall not lessen a development standard or other requirement contained in this chapter.

(c) **Special consideration for solar panels.** In those instances where a solar panel is classified as a conditional use, the reviewing authority may impose one or more conditions of approval, provided the condition satisfies one of the following:

- (1) The condition serves to preserve or protect the public health or safety.
- (2) The condition does not significantly increase the cost of the system or significantly decrease its efficiency.

8

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: ^{SK} Scott J. Kluver, Administrator
Re: Formula Business Ordinance
Date: May 3, 2018

At the last Plan Commission meeting, the formula business ordinance, which was discussed in the past, was brought up for discussion again. At the request of Council member Oswald, this discussion is now on the Council agenda for possible action.

Enclosed for your review is the draft ordinance from the past, a current memo from Attorney Siegler regarding the topic, minutes of the Plan Commission from the last meeting, and minutes from the February 2014 Plan Commission meeting as well as minutes of the March 2014 meeting, and the materials included in the packet for that meeting. It is possible to pull up a recording of these meetings as well if you want to listen to that discussion. Please contact me if you wish to do so.

The proposed ordinance basically restricts the identifying symbols and marketing features of any "chain" business. A conditional use permit would also be required for any new business, or change in business, that has these features. This means that such an ordinance would have impacted not only the proposed Family Dollar store, but also the recent transitions of the IGA, and Cenex gas station. In the past, there was concern as to how such an ordinance would affect the vitality of certain existing businesses in the City.

As for my opinion on this matter, I oppose this proposed ordinance for several reasons:

1. This ordinance was proposed during the beginning of the zoning code project. That code did not incorporate this provision because it was considered to be a bad idea at the time by those involved. Thus, we have been implementing the new code in good faith to any person or business looking to do business in Washburn. The Family Dollar organization has been exploring properties in Washburn for over four years. They recently purchased property and we have been working in good faith with their consultants to make sure their plans will meet our code. They have submitted plans for a site plan review which I anticipate will be presented at the May 17th Plan Commission meeting. That is the only zoning review that is needed prior to building permits being issued. I do not like the idea of changing direction at this point, as there was four years to do that.

2. This proposed ordinance adds additional zoning details and complications for some businesses in Washburn. Our zoning code is already very complex and takes tremendous amounts of time for staff to review and enforce. Many new provisions were added over the previous code. Ideally, the City should have a dedicated staff person for zoning and development matters (right now it is split between the Public Works Director, the Treasurer, and myself), but there is no way the City can afford additional staff until there is more development to increase the tax base.
3. I can understand that a dollar store is not an ideal development, and it can affect other businesses in the community with stiff competition. Personally, I rarely go to dollar stores and try to “shop local” as much as possible. Nonetheless, I do not believe that it is the role of the City or the Zoning Administrator to regulate competition. I view zoning as a regulation of land use. The only area where the City currently regulates competition is with alcohol, and that is prescribed by the state. In my view, those that do not like these types of stores do not need to shop there. Nonetheless, not everyone feels the same way. Washburn residents, and those in the surrounding area, currently do shop at dollar stores and other large box stores and most likely will continue to do so until there are changes in the economy that would make that less likely. I do not believe that the City of Washburn is in a position to make a significant change in the forces of human nature and the economy.
4. I believe that if such an ordinance is approved, it will be subject to legal challenge that will financially impact the City of Washburn, and the City does not have funds to spare for a fight it is picking. Such an ordinance is also likely to raise the ire of the Legislature, who could potentially in the next session, write a new law invalidating this ordinance. This ordinance is also likely to give the City a black-eye in the economic development community which would potentially discourage others from establishing businesses in the community. I have already provided information to the Council that our development rate is pathetic, and the City is forced to basically trim back services each year because it can no longer afford them. The City needs to find ways to increase the tax base if it wants to maintain services, staff, and the ability to provide amenities to residents or attract new residents to the area.
5. There is no guarantee that passage of this ordinance will prevent a dollar store from being in the City or at our doorstep. It is conceivable that such an establishment could locate just outside City limits which would not prevent any of the issues with a dollar store, but there would be absolutely zero benefit in that case.

It is for these reasons that I encourage you to once again not approve this proposed ordinance.

Ordinance No. _____

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of _____, 2014, for the purpose of protecting and promoting the unique characteristics of certain areas of the City, by creating a new Sec. 13-1-41, and a new Section 13-1-75, Washburn City Ordinances.

1. Create Sec. 13-1-41 to read as follows:

Sec. 13-1-41. F-1 Formula Business Overlay District.

(a) Findings. The City Council finds as follows:

1. The City of Washburn has unique social, cultural, historical, and scenic resources. The gateway to those resources is the Lake Superior Byway Corridor and the Lake Superior waterfront.
2. The City of Washburn Comprehensive Plan 2007-2027 ("Comprehensive Plan") states that "it is important that new and infill development relate to the historic character of the city." Page 7-30. The Comprehensive Plan also observes that "enhancing the appearance and function of the uses along Bayfield Street would have a significant, positive impact on Washburn." Page 3-11. One of the City's objectives is to "use land in a manner that promotes a strong, sustainable economy." Another objective is to "use land in a manner that is sensitive to the protection of natural, cultural, and agricultural resources." Page 3-13.
3. One policy expressed in the Comprehensive Plan is the recognition that natural, especially coastal, resources and cultural resources contribute significantly to the City's high quality of life and the economy of Washburn. Page 3-13. The Comprehensive Plan observes that Washburn's cultural identity is tied to a new era that supports creative professionals, recreation, and tourism. Numerous creative professionals, including visual and performing artists, have chosen to live and work in Washburn because of its high quality of life. They, and many others, live and work in Washburn because of its outstanding natural amenities, recreation opportunities, and cultural resources. Page 7-34.
4. Washburn became Wisconsin's first eco-municipality on July 11, 2005. As an eco-municipality Washburn sees itself, and promotes itself, as a place that endorses the principles of sustainable community development. Page 2-6.
5. Washburn's "Shared Vision" of itself for 2027 is of a place that "is a sustainable community, full of life, proud heritage, natural beauty, and economic viability." It is a community that, among other things, "builds economic and environmental viability," and "appreciates, creates, and maintains an attractive design in architecture and landscape." Page 2-10.

6. Washburn is a founding local government sponsor of Wisconsin's Lake Superior Byway, a Wisconsin Scenic Byway established under Sec. 84.106 of the Wisconsin Statutes.

7. Wisconsin's Lake Superior Byway follows the southern shoreline of Lake Superior along the Bayfield peninsula and is a snapshot of the geological, historical, cultural, ecological and recreational diversity of the region. The Byway is a unique route featuring quaint harbor towns, historic fishing villages and small farms. The beauty of the Byway is experienced through the stories and scenery that embrace the majesty of Lake Superior.

8. A Scenic Byway can only be established on a corridor that possesses "unusual, exceptional, or distinctive scenic features," and is meant to give the traveler an "exceptional travel experience," highlighting the best scenic qualities and natural, historic, archaeological, cultural, and recreational opportunities available in Wisconsin. Sec. Trans. 202.01, Wisconsin Administrative Code.

9. Wisconsin's Lake Superior Byway, is laid along the length of Bayfield Street (Wisconsin State Highway 13), Washburn's main business street. While a municipality can exempt its business district from a Scenic Byway, Washburn has chosen not to do so, and includes its business district as a proud part of the Byway. Trans 202.05(3).

10. Washburn developed and grew because of its waterfront. Today, the waterfront holds tremendous economic value. Comprehensive Plan, Page 4-11. The City has recognized the special nature of its waterfront by having, for many years, special zoning districts in its waterfront areas.

11. Washburn's economic potential rests on its ability to present itself as a unique destination for visitors, and as a unique site to locate a business or to relocate a family. Washburn is almost as far north as one can go in Wisconsin, and it is not on a major transportation artery. Washburn cannot compete on the usual terms for economic development with more centrally located, larger communities that have better road, rail, and air access. Washburn must present a face to the world that other communities cannot. Washburn must play to its strengths—its location on Lake Superior and on a Scenic Byway, its streetscape, its culture and its community—and, as a matter of survival, cannot afford to look like other towns across the nation. To have a sustainable economic future, Washburn must present a diverse and unique retailing personality identifiable with Washburn, the Bayfield Peninsula, and the Chequamegon Bay region. Businesses that are run in accordance with a standardized plan of architecture, design, décor, and other characteristics, do nothing to distinguish Washburn from any other locality, and dilute its identity and appeal. The impact of standardized, formula businesses would be negatively felt throughout the City, as the unique character of the City would be compromised, and its economic health would founder.

12. Washburn's economic interests will best be served by requiring a Conditional Use Permit for any formula business wishing to locate in the Waterfront area or Scenic

Byway corridor, so that conformance of the interests of the formula business with the interests of the City as a whole can be assured, to the mutual benefit of both.

(b) Applicability. The F-1 overlay district applies to:

1. Districts WR (Waterfront Residential), WC (Waterfront Commercial), WR-1 (Waterfront Single Family), and WR-3 (Waterfront Recreational Residential).
2. The "corridor" as defined at Sec. Trans. 202.02, Wis. Admin. Code, of Wisconsin's Lake Superior Byway, where it passes through Washburn.

(c) Definitions.

1. "Formula business" means a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized ("formula") array of services and/or merchandise, trademark, logo, service mark, symbol, decor, architecture, color scheme, layout, signage, uniform, or similar standardized features and which causes it to be substantially identical to more than five (5) other businesses regardless of ownership or location.

2. "Standardized features" means those attributes, including but not limited to an array of services and/or merchandise, trademark, logo, service mark, symbol, decor, architecture, color scheme, layout, signage, or uniform, which the formula business is required by contractual or other arrangement to maintain.

(d) Conditional use permit required. No formula business may locate in the F-1 overlay district without obtaining a Conditional Use Permit under Sec. 13-1-75.

2. Create Sec. 13-1-75 to read as follows:

Sec. 13-1-75. Formula business.

A formula business may be allowed in Overlay District F-1, subject to the requirements and procedures of this Article E, and subject to the following conditions:

(a) Standardized features. Unless specifically recommended for approval by the Plan Commission and approved by the City Council, the formula business shall not utilize or contain any standardized features, as defined in Sec. 13-1-41(c), except for the service or product, and except for a sign at each entrance and one interior sign indicating the franchise or business affiliation, each no more than two feet square, in a design as approved by the City Council.

(b) Required findings. Before issuing a Conditional Use Permit under this section, the City Council shall find that the formula business:

1. Will help promote and foster the local economic base as a whole.
2. Will be compatible with existing surrounding uses.

3. Will be operated in a non-obtrusive manner to preserve the community's character and ambiance.

4. Will be of an appropriate size and frontage in keeping with the existing characteristics of the streetscape on the block where the permit is sought, and the block across the street from where the permit is sought.

3. Effective Date of Ordinance. This ordinance shall take effect upon passage and publication.

Scott A. Griffiths
Mayor

Attest:

Scott J. Kluver
City Clerk

Adopted: _____.

Date of publication: _____.

Siegler Law Office, S.C.

David J. Siegler, Attorney at Law

404 West Main Street
Post Office Box 89
Ashland, Wisconsin 54806

TO: Mayor and Members of the Washburn City Council
FROM: David Siegler, City Attorney DS
RE: Formula Business Regulation
DATE: April 25, 2018

The Plan Commission discussed "formula business" regulation at its April 12, 2018, meeting. At the close of the discussion, the Mayor-elect asked me to prepare a report on the topic for the City Council. This memo is in response to that request.

What is a "formula business?" We've all seen and probably been inside a "formula business." The term is usually used to describe a business with a standardized product, building design, signage, décor, employee uniform, and method of operation. One can walk into a formula business in one town and be assured that it will have the same look and feel, and offer the same products and services, as the same formula business in another town.

Why are some communities attempting to regulate formula businesses? Formula businesses can transform local business districts and have negative economic effects on communities. A formula business can negatively affect the local, unique character of a community, especially if it out-competes and replaces a distinctive local business with a standardized chain business. Businesses that do not recirculate their income within the local community can lead to a net loss in community financial resources.

What can be said in favor of formula businesses? Advocates for formula businesses often point out that such businesses may offer services not already available in a particular locale, or may offer them at a cheaper price, thus benefitting low-income residents. Some people prefer products from particular formula businesses; for instance, some people like the way Starbucks brews coffee, and would rather get a latte from Starbucks than from an independent café.

What is Washburn's history with formula business regulation? In 2014, Mayor Griffiths became concerned about the impact formula businesses could have on Washburn and worked with the City Attorney to develop a draft ordinance that would pro-actively regulate any future formula business in the City. An ordinance was drafted (attached to this memo) but was never introduced to the City Council because substantial opposition to it was voiced to the Mayor.

What are the legal issues with regulating formula businesses? Because so many formula businesses are national chains, any attempt to regulate them must navigate the shoals of the "dormant Commerce Clause." As you will remember from Civics class, the United States constitution gives Congress the authority to regulate interstate commerce. The dormant Commerce Clause is the unstated corollary to that authority: "if Congress can regulate interstate commerce, then the states (and their subdivisions, such as cities) cannot impose regulations that burden interstate commerce, except in certain circumstances."

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Re: Formula Business Regulation
April 25, 2018
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In order to determine if a regulation violates the dormant Commerce Clause, courts perform two separate but related analyses:

1. Does the law regulate or discriminate against interstate commerce or have the effect of favoring in-state economic interests? If it does, then it is invalid unless the law advances a legitimate local purpose that cannot be served by reasonable non-discriminatory alternatives.

2. Even if a law does not directly discriminate against interstate commerce, does it place an “undue burden” on interstate commerce? The courts look to see if the local interest advanced by the law is legitimate and if the burden on interstate commerce exceeds the local benefits.

Under both tests, unless the local interest sought to be advanced by the regulation is “legitimate,” nothing else matters; the regulation is invalid.

There are two related federal court of appeals cases dealing with formula businesses. These both came out of Florida in 2008. There are no published decisions since then (that I have been able to find) that deal substantively with the validity of formula business regulation.

In the Florida cases, the Village of Islamorada attempted to prohibit altogether formula restaurants and to limit the size of other formula businesses. In the first case, the Court of Appeals decided that a formula business regulation does not “facially” (i.e., explicitly) discriminate against out-of-state businesses because the ordinance equally targets formula businesses regardless of their state of citizenship or the location of other stores. However, because the ordinance completely prohibited formula restaurants from operating, it had the practical effect of discriminating against interstate commerce, and the local government bore the burden of proving that the regulation had a legitimate local purpose and that there were no reasonable non-discriminatory alternatives that would meet that purpose.

The second case looked at whether Islamorada met that burden, and concluded that it did not. While the case involved a retail store (a Walgreen’s) and not a restaurant, the parties stipulated that the regulation effectively prohibited the establishment of new formula retail stores because the size limitation was under the minimum necessary for regional and national chains.

The Town asserted that one reason for the regulation was to preserve its small-town character. The court endorsed that rationale as a legitimate purpose — but concluded that in Islamorada’s case it did not have “any small town character to preserve.”

The court also examined another purpose stated for the ordinance, the encouragement of “small scale and natural uses.” The court did not endorse or reject this rationale but found that it made no sense, given that non-formula businesses were allowed to be much larger than formula businesses, and that there was nothing especially natural about Islamorada.

Mayor and Members of the Washburn City Council
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Finally, the court considered the stated purpose of reducing traffic and garbage. Again the court did not accept or reject that purpose in general, but found that the ordinance did not serve that purpose since other land use restrictions control traffic, and limit the dimension, location, and signage of retail businesses.

As a result of its analysis the Court of Appeals concluded that Islamorada's ordinance did not serve a legitimate public purpose, and that the burden the ordinance placed on out-of-state retailers was not justified by the purported local benefits. The court observed that if the ordinance had facially discriminated against out-of-state commerce it would have been "virtually per se invalid" in that it would never pass the tests to prove its validity.

What can we learn from the legal analysis?

1. Protecting the small-town character of a place is a legitimate local purpose (at least according to one federal court of appeals).
2. Other considerations, related to the natural environment, the size of retail establishments, traffic, and garbage, may be legitimate local concerns, but they have to be backed up by the facts of the situation.
3. Facially stating that the purpose of the regulation is to protect local businesses from out-of-state businesses will virtually guarantee that the regulation will be invalidated.
4. An explicit prohibition of formula businesses will probably be invalidated.

The attached ordinance drafted in 2014 attempts to apply these rules to maximize the chances that it be held valid and constitutional.

Is there any relevant Wisconsin law? Yes. The Wisconsin Supreme Court has held since 1955 that zoning regulation based on aesthetics and the preservation of local property values is constitutional.

What would happen to existing formula businesses in Washburn, if a formula business ordinance were passed? Washburn already has businesses that might be considered formula businesses: for instance, Curves, NAPA Autoparts, and the IGA. If the Dairy Queen were still in business, that would be a formula business, too. Existing uses are always "grandfathered in" when zoning regulations change. They become valid pre-existing non-conforming uses, and can continue to operate, but their ability to expand or rebuild is restricted.

What businesses would be affected by a new formula business regulation? Wisconsin follows a "bright line" zoning rule. If a business or property owner has applied for a permit under the old

Mayor and Members of the Washburn City Council
Re: Formula Business Regulation
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zoning rules, the old zoning rules apply. If a business or property owner has not actually applied for a permit when the new rules go into effect, then the new rules apply.

Under the ordinance drafted in 2014, would formula businesses be prohibited in Washburn? No. Formula businesses would be able to operate as a conditional use but could not utilize “standardized features” except for three signs, each no more than two square feet, in a design approved by the City Council. “Standardized features” is defined to include design elements but not products. In other words a McDonald’s could still serve Big Macs, but could not put up a pair of golden arches outside. Local residents would easily come to know where the McDonald’s was located but people passing through town would have a harder time noticing it.

In this memo I have tried to anticipate most of the questions that Council members may have about formula business regulation. No doubt I have missed some. Please feel free to inquire further.

February 20, 2014
5:30PM Washburn City Hall

CITY OF WASHBURN PLAN COMMISSION MEETING

COMMISSION MEMBERS: John Baregi, Karen Bennett, John Gray, Scott Griffiths, Jim Nowakowski, Jeremy Oswald,

ABSENT: Adeline Swiston

MUNICIPAL PERSONNEL: Ken Cammilleri-Assistant Administrator, Tammy DeMars - Administrative Assistant, Mike DeCur-Public Works Director

Meeting called to order at 5:30PM by Griffiths, attendance as recorded above.

Approval of Minutes February 13, 2014 – Baregi moves and Gray seconded to approve the Minutes of February 13, 2014 as presented. Motion carries.

Resignation of Representative to Washburn Development Authority – Jim Nowakowski has decided to resign from Washburn Development Authority; ordinance requires on member of the Plan Commission be appointed to the board. Gray nominates Baregi, second by Bennett. Baregi accepts nomination with the understanding if Swiston would like to take the seat he would step down. Motion carried unanimously.

Discussion and Action on Recommending to Council an Ordinance to Create Restrictions on the Establishment of Formula Businesses – lengthy discussion held. Baregi moves to recommend to Council not to approve ordinance that creates restrictions on the establishment of formula business, second by Nowakowski. Motion carried 5 to 0 with Oswald abstaining, as he did not have time to read the proposed ordinance.

Continued Review and Discussion on Draft Zoning Code – Article 7 – Divisions 16, 17, and 19; no concerns discussed. Consensus was to leave as written.

Baregi moves to table further discussion and adjourn due to the weather conditions, second by Nowakowski. Motion carried unanimously

Adjourn – Meeting adjourned at 6:00p.m.

Tammy DeMars
Treasurer

*Corrected at 3/20/14 P114
w addition
because ordinance
was not handed out
until meeting*

March 10, 2014

CITY OF WASHBURN COMMON COUNCIL MEETING

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

Municipal Personnel: Mayor Scott A. Griffiths; City Administrator Scott J. Kluver, Assistant City Administrator Kenneth Cammilleri, and Public Works Director Mike Decur.

Excused Absence: City Attorney David Siegler

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

Approval of Minutes – City Council Meeting – February 10, 2014 – Motion by Oswald to approve Record of Official Proceedings for the February 10th City Council Meeting with corrections to the listed date at the top of the page, the second made for the appointment of Carol Bushman to the Library Board to show Councilor Kelly; and the misspelling of Councilor Nowakowski's name in the motion to go into closed session, seconded by Jensch. Motion was unanimously carried.

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

Public Comment –

Mayor Griffiths read his memo regarding the agenda item discussion pertaining to formula business ordinances to set the context of the conversation prior to opening the floor for public comment.

Don Swedberg - 111 E 7th Street – Voiced opposition to formula business restrictions.

Jim Nowakowski - 200 W Bayfield Street – Voiced opposition to formula business restrictions.

John Baregi - 516 W Pine Street – Voiced opposition to formula business restrictions and stressed the importance of taking care in the consideration of relocating the playground at West End Park while also indicating his opposition to moving it.

Mayoral Announcements, Appointments, or Proclamations –

Mayor Griffiths reminded the Council and audience that the Trickle Order is still in effect and that utility customers should avoid turning their water off even when temperatures warm, as damage can occur.

Discussion Regarding Regulating Formula Businesses - Council discussed and reviewed Example Ordinance #2014-05 regarding the possible adoption of formula business restrictions. Mayor Griffiths indicated that this item is for discussion only and no action will be taken. Council and the Mayor engaged in extensive dialog on the issue and agreed that they were not interested in moving forward with the consideration of a formula-business regulation. No action was taken regarding this issue.

Discussion and Recommendation on How to Administer Vacation Benefits Where Differences Exist Between City Policy and Former Collective Bargaining Agreements – Though the current

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: City Council Members
From: Scott Griffiths, Mayor
Re: Formula Business Discussion
Date: March 6, 2014

Due to an illness last week, I did not get this memo ready to distribute with your packets last week. I wanted to share with you some thoughts regarding the upcoming discussion item regarding Formula Businesses. This topic came up based on an inquiry from Family Dollar, expressing some interest in building a store in Washburn. At this point, I do not know if that project is still being considered, or not. Regardless, the inquiry led me to begin researching the benefits and drawbacks of "dollar stores" to a small community and ultimately to look into the effects of chain stores in general. My research gave me reason for concern regarding the overall economic impact of such a store on a community like Washburn. At some point I stumbled on an article in the New York Times that indicated that there were some communities that were regulating "formula businesses." I asked David to take look into the issue and he drafted the ordinance found in your packet. As David, Scott Kliver and I discussed the pros and cons of such an ordinance, it became clear that this ordinance is not a good fit for Washburn. I decided to keep the item on the agenda for discussion, not because I believe the ordinance is the right way to go, but because I believe this is a valid and important conversation to have. It is important to understand what kind of development we want to see in our community and to shape policy to encourage that development proactively rather than reactively.

My primary concern about a store like the Family Dollar is its ownership. It's not a locally owned entity, but rather owned by an out-of-state corporation, which means that by definition, its overall economic impact is extractive. Its goal is to make a profit and take that profit out of the region. In contrast, nearly every other business in Washburn, whether it's a restaurant, retail or otherwise is owned by someone who lives here. They treat their employees well because their employees are their neighbors. When they need a bank, an accountant, an attorney or a graphic designer, they hire one that is local, and that keeps those dollars circulating locally. The profits from locally owned establishments stay here to be reinvested in our community.

The other challenge presented by some chain stores, is that they can afford to lose money for a significant amount of time after they open, because individual locations are supported by the rest of the chain. This allows them to sell items for less than they cost when they open, in order to put smaller, locally owned stores out of business.

The ordinance that is included in your packet does not address these concerns head on, rather, it addresses things indirectly, which leads to unintended consequences. There is plenty of room to debate whether or not a dollar store is the kind of development that is good for Washburn, but this ordinance would affect local entrepreneurs trying to open stores like the Washburn IGA or the NAPA and that was not my intention. I would encourage you to spend a little time researching for yourself the pros and cons of businesses that are owned by out of state entities and the overall economic impact of those establishments on small local economies. I look forward to our discussion on Monday

Scott Griffiths
Mayor



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INDEPENDENT BUSINESS, THE PUBLIC GOOD

RULE

Formula Business Restrictions

317111 0 Comments Dec 1, 2008

42

A growing number of cities and towns are enacting policies that restrict the proliferation of "formula businesses" — stores and restaurants that have standardized services, décor, methods of operation, and other features that make them virtually identical to businesses elsewhere.

Having saturated malls and other shopping areas, many formula retailers and restaurants are increasingly locating in downtowns and neighborhood business districts. Because they all like to follow one another, it's not uncommon for formula businesses to arrive in an area en masse, squeezing out independents and causing a speculative run-up in rents that results in the wholesale transformation of a business district almost overnight.

This can have long-term economic consequences as the downtown or neighborhood business district loses its distinctive appeal and no longer offers opportunities for independent entrepreneurs. Low-margin businesses that meet the basic needs of surrounding neighborhoods, such as grocers and pharmacies, may be pushed out as rents rise and the area attracts more formula restaurants and apparel stores. Perhaps of greatest concern, formula businesses tend to be fair-weather friends and can disappear quickly when the economy contracts or their corporate strategy shifts.

To prevent and mitigate these problems, some cities and towns have adopted ordinances that prohibit formula businesses, cap their total number, or require that they meet certain conditions to open. A ban on formula businesses does not prevent a chain such as Starbucks from coming in, but it does require that Starbucks open a coffee shop that is distinct — in name, operations, and appearance — from all of its other outlets. Although there are a few examples of a chain complying with a formula business ordinance by opening a unique outlet, in most cases, they refuse to veer from their cookie-cutter formula and opt not to open.

Key Decisions in Drafting a Formula Business Ordinance

1. Will the ordinance apply only to certain zones or be citywide? Many formula business ordinances are citywide measures, but they may also be written to apply only to a specific area within the community. [Fredericksburg, Texas](#), and [Bristol, Rhode Island](#), regulate formula businesses in their downtowns. [San Francisco](#) restricts formula businesses in all of its neighborhood business districts, but not in its downtown core and tourist areas. [Port Townsend, Washington](#), and [Chesapeake City, Maryland](#), prohibit formula businesses everywhere except a single highway commercial zone on the outskirts of town.

- What types of formula businesses should be regulated?

Some cities prohibit only formula restaurants. Others have placed restrictions on both formula restaurants and retail stores.

- Should the measure prohibit formula businesses altogether, cap their number, or make them a conditional use subject to case-by-case review and approval?

About half the policy examples included below ban formula businesses outright. Others cap their number. [Arcata, California](#), for example, allows no more than nine formula restaurants in the city at any one time. [McCall, Idaho](#), limits formula businesses to no more than 10 percent of the total number of "like businesses" in town (i.e., no more than 10 percent of restaurants, 10 percent of clothing stores, etc.).

Still another approach is to designate formula businesses as a conditional use subject to case-by-case review by either the planning board or the city council. A formula business that wishes to open in any of [San Francisco's neighborhood business districts](#), for example, must obtain approval from the

planning commission. The law states that, in making its decision, the commission must consider: the existing concentration of formula businesses within the neighborhood, whether similar goods or services are already available, compatibility with the character of the neighborhood, retail vacancy rates, and the balance of neighborhood-serving versus citywide or regional-serving businesses.

Cities may combine these approaches. Coronado, California, for example, caps the number of formula restaurants (no more than 10 at one time) and treats formula retail stores as a conditional use. Bristol, Rhode Island, bars formula businesses larger than 2,500 square feet from its downtown. Smaller formula businesses are allowed provided the town determines they will not detract from the district's uniqueness or contribute to the "nationwide trend of standardized downtown offerings." Port Townsend, Washington, restricts formula businesses to a single highway commercial zone and, within that zone, limits them to no more than 3,000 square feet.

Legal Issues

When enacting a formula business ordinance, a city should articulate within the ordinance and its legislative history the public purposes the law will serve and specify how the restrictions will fulfill those purposes. This is key to crafting a sound ordinance that will not be susceptible to legal challenges. The ordinance should reference the city's comprehensive plan, identifying goals within the plan that a formula business restriction will help to fulfill. These commonly include:

- Maintaining the unique character of the community and the appeal of its commercial district
- Protecting the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs
- Fostering businesses that serve the basic needs of the surrounding neighborhood, rather than those oriented toward tourists or regional shoppers

There have been two court challenges to formula business ordinances.

A California Appeals Court decision upheld Coronado's formula retail ordinance in June 2003 after several property owners challenged the law. The court ruled that the ordinance does not violate the US Constitution's commerce and equal protection clauses, and is a valid use of municipal authority under California state law.

Most of the decision deals with the property owners' contention that the law discriminates against out-of-state companies and thereby violates the Constitution's dormant commerce clause. The court found that the law does not in fact "impose different regulations on interstate as opposed to intrastate businesses, nor does it distinguish between those businesses that are locally owned and those that are owned by out-of-state interests." The court noted the law focuses on whether the store is contractually required to have standardized features, regardless of whether it is part of a national chain or owned by a California resident.

The court also ruled that the law did not have a discriminatory purpose. The ordinance's lengthy preamble states that the city seeks to maintain a vibrant and diverse commercial district, and that the unregulated proliferation of formula businesses would frustrate this goal and lessen the commercial district's appeal. The court concludes that this is a legitimate purpose, noting that "the objective of promoting a diversity of retail activity to prevent the city's business district from being taken over exclusively by generic chain stores is not a discriminatory purpose under the commerce clause."

The court also dismissed the equal protection and state law challenges, stating that the ordinance is rationally related to a legitimate public purpose.

In 2008, a federal district court overturned a formula business ordinance adopted by the town of Islamorada, Florida. The ruling was subsequently confirmed by an 11th Circuit Court decision. Islamorada's ordinance limited formula businesses to no more than 2,000 square feet and 50 linear feet of storefront. Although the court said that preserving distinctive community character was a legitimate public purpose for enacting a formula business ordinance, it ruled that Islamorada had not demonstrated that this was in fact the purpose of the law. Local officials had instead revealed that the true purpose was protecting particular local businesses.

Moreover, the court noted that Islamorada, which has no downtown or other historic commercial district and consists instead of strip development along U.S. Highway 1, had taken no other steps to develop or protect its distinctive character. Sites already occupied by formula businesses have been redeveloped as new formula businesses with no objection from city officials.

More Information:

Legal Review from the Massachusetts Office of the Attorney General

This April 23, 2010 letter is a legal determination that approves a formula business ordinance adopted in the town of Chatham. The attorney general finds that the ordinance does not violate the state's constitution or its laws. Here's [another one](#) from 2011 regarding a formula business ordinance in Wellfleet.

- [Protecting Locally Owned Retail: Planning Tools for Curbing Chains and Nurturing Homegrown Businesses](#)
by Stacy Mitchell, Main Street News, February 2004
- [Articles on formula business restrictions](#)
- [Saving Banff](#)
Op-ed, *Calgary Herald*, June 27, 2003
- [Tackling the Problem of Commercial Gentrification](#), Nov. 1, 2002
- [The Impact of Chain Stores on Community](#)
A speech by ILSR's Stacy Mitchell delivered at the annual conference of the American Planning Association, April 2000.

Rules

Formula Business Restriction – San Francisco, CA

Throughout most of the city, including all of San Francisco's Neighborhood Commercial Districts, formula retail stores and restaurants are considered conditional uses. This means they must be approved by the Planning Commission on a case-by-case basis. In evaluating whether to grant a permit for a formula business, the Planning Commission considers several criteria, including the existing concentration of formula businesses within the neighborhood, whether similar goods or services are already available, and the balance of neighborhood-serving versus citywide- or regional-serving businesses. In addition, formula retail and restaurant uses are prohibited outright in several neighborhoods.

[CONTINUE READING](#)

[Independent Business | Local](#)

Formula Business Restriction – McCall, ID

In 2006, McCall, Idaho, enacted an ordinance that limits formula restaurants to only 10% of the total number of restaurants and limits formula retail businesses to no more than 10% of the total number of "like businesses" in town.

[CONTINUE READING](#)

[Independent Business | Local](#)

Formula Business Restriction – York, ME

At a town meeting in May 2004, residents of York, Maine, voted to amend the town's zoning ordinance to prohibit formula restaurants.

[CONTINUE READING](#)

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Formula Business Restriction – Nantucket, MA

A measure barring formula businesses from downtown Nantucket was adopted by a town meeting vote in April 2006.

[CONTINUE READING](#)

[Independent Business | Local](#)

Formula Business Restriction – Fredericksburg, TX

Fredericksburg, Texas, requires that standardized (formula) businesses apply for a conditional use permit to enter the city's historic downtown district.

[CONTINUE READING](#)

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Formula Business Restriction – Fairfield, CT

In 2007, the city of Fairfield adopted a measure that stipulates that formula businesses may not locate in neighborhood business districts unless they undergo review and obtain a special permit.

[CONTINUE READING](#)

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Formula Business Restrictions – Coronado, CA

This city of 24,000 in southern California allows no more than 10 formula restaurants and requires formula retail stores to pass a review and obtain a special permit to open.

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Formula Business Restriction – Solvang, CA

One of the first communities to enact a formula business restriction, the town of Solvang prohibits formula restaurants from locating in its village center. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – Sausalito, CA

Sausalito treats both formula restaurants and retail stores as "conditional uses" that require a special permit to open or expand. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – Sanibel, FL

This island community enacted an ordinance banning formula restaurants in 1996. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – San Juan Bautista, CA



San Juan Bautista bars all formula retail stores and restaurants, and all stores over 5,000 square feet. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – Port Townsend, WA

Port Townsend limits formula retail stores and restaurants to a single commercial zone along the main road leading into the town and bars them from all other areas of town, including the downtown. Within that zone, formula businesses are not allowed to exceed 3,000 square feet nor occupy more than 50 linear feet of street frontage. Formula restaurants are subject to additional scrutiny. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – Port Jefferson, NY

Port Jefferson prohibits formula fast food restaurants from locating in the village's historic commercial and waterfront districts. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)



Formula Business Restriction – Pacific Grove, CA

The city's code prohibits formula fast-food

Formula Business Restriction – Chesapeake City, MD

The town prohibits formula businesses in the village center, the waterfront district, and all other areas of town except the "general commercial" zone. In this area, formula businesses are allowed provided they meet design standards. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – Carmel-by-the-Sea, CA

This small city in the mid-1980s became the first town in the country to enact a formula restaurant ban, which prohibits fast food, drive-in and formula food establishments. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – Calistoga, CA

In 1996, the town of Calistoga, California enacted an ordinance that prohibits formula restaurants and visitor accommodations, and requires that other types formula businesses undergo review and apply for a special use permit to open. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

Formula Business Restrictions – Bristol, RI

Bristol bars formula businesses larger than 2,500 square feet or that take up more than 65 feet of street frontage from locating in the downtown. Smaller formula businesses may apply for a special use permit. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – Bainbridge Island, WA

In 1989, the city council adopted an ordinance prohibiting formula take-out food restaurants. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – Arcata, CA

In June 2002, the city of Arcata, California, enacted an ordinance that limits the number of formula restaurants in the city to no more than nine at any one time. [CONTINUE READING >>](#)

[Independent Business](#) | [Local](#)

restaurants. [CONTINUE READING](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – Ogunquit, ME

In November 2005, voters by a margin of 71 to 29 percent approved a measure that bars formula restaurants.

[CONTINUE READING](#)

[Independent Business](#) | [Local](#)

Formula Business Restriction – Benicia, CA

Benicia, a town of 27,000 people located about 40 miles northeast of San Francisco, has adopted two ordinances, which stipulate that retail stores larger than 20,000 square feet and formula restaurants will not be approved unless they meet certain criteria.

[CONTINUE READING](#)

[Independent Business](#) | [Local](#)

TAGS: [formula business restriction](#) / [oca](#) / [oca policy](#) / [planning & zoning](#)

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RALPH FIENNES

MATHIEU AMALRIC

June 9, 2010

Cape Cod Residents Keep the Chain Stores Out

By BETH GREENFIELD

PROVINCETOWN, Mass. — It was a family-owned T-shirt shop that sent Barbara Rushmore on a mission to ban chain stores from this quaint and quirky seaside town.

“Cuffy’s came to town and demolished the business of many who designed and made their own shirts in their stores,” said Ms. Rushmore, a self-described gadfly who has also championed town bans on pay toilets and cigarette vending machines. Though Cuffy’s has just two locations, both on Cape Cod, it is known for its Wal-Mart-like low prices: A recent sale at its Provincetown branch, opened in 2007, offered three hooded sweatshirts for \$9.99. Its success with tourists here was instant.



“It occurred to me that, as bad as that is, imagine if we got a Burger King or McDonald’s?” Ms. Rushmore said. Stores like that would threaten the many independently owned businesses in town, she said, and compromise Provincetown’s small-town New England charm.

She drafted an amendment to the town’s zoning bylaw aimed at discouraging chain stores, or “formula businesses,” as they are legally termed. It would do this by requiring them to obtain both a permit from the Zoning Board of Appeals and site plan approval from the Planning Board.

Residents approved the amendment at the annual town meeting in April by a vote of 91 to 24, well above the two-thirds majority required. It immediately became law, though it can still be overturned by the state attorney general, Martha Coakley, whose decision is due by July 13.



The antichain store movement has been gaining momentum across the country for years, with towns like McCall, Idaho; Port Townsend, Wash.; Ogunquit, Me.; and Carmel-by-the-Sea, Calif., enacting laws that restrict such businesses. The ordinances work in one or a combination of ways: by requiring formula businesses to be approved for permits on a case-



by-case basis, by not allowing such businesses to open at all in certain defined districts, by capping the number of chains allowed in the town, or by requiring chains to meet certain conditions.

Such laws are typically motivated by concerns about independent stores not being able to compete economically with large corporations, and about creative communities becoming homogenized and losing their appeal.

“Let them in, and you could wind up killing the goose that laid the golden egg,” said Stacy Mitchell, author of “Big-Box Swindle” (Beacon Press, 2006), and a staff member at the New Rules Project in Minneapolis, which advocates in favor of independently owned businesses and tracks local laws restricting chains across the country.

In the area of Cape Cod and nearby islands, Nantucket restricted chain stores in its downtown in 2006, and since then the villages of Barnstable and Centerville and the towns of Dennis and Chatham have followed suit. In April, the state attorney general approved the bylaw in Chatham, where two residents championed the cause after a Dunkin’ Donuts opened in 2009.



“The people in town were appalled,” said one of those residents, Norm Pacun, a retired lawyer. Along with Gloria Freeman, Mr. Pacun examined 50 similar bylaws around the country before presenting their own via petition, with 300 signatures, at a town meeting. “It was a combination of aesthetics and an attempt to retain the historic identity of this town,” Mr. Pacun said.

The impulse to ban chain stores is not new, said Richard C. Schragger, a professor at the University of Virginia law school. In the 1930s the rapid expansion of Great Atlantic and Pacific Tea Company grocery stores gave rise to taxes on chains to prevent unfair competition. But today’s movement, as Mr. Schragger sees it, has different motivations.

“In the ’30s, it was about economic protectionism,” he said. “Today it’s about aesthetics, traffic, things like that — particularly in resort communities or in communities with a lot of wealth.”



In her Provincetown bylaw, Ms. Rushmore said an influx of chain stores would “have a negative impact on the town’s economy” as well as its “historical relevance” and “unique character.” It names the entirety of Provincetown as a Formula Business Regulated District, and then lays out the defining characteristics of a such a business, which must be one of 10 or more branches worldwide. In addition, a “formula business” would have to meet at least

three of several criteria, including having a standardized menu or array of merchandise, and requiring standardized uniforms or signage.

The town's pre-existing formula stores — Ben & Jerry's, Marc by Marc Jacobs and Stop & Shop currently among them — are grandfathered in.

Although regulations like Provincetown's would seem to raise concerns about restricting commerce, Mr. Schragger said they were legal if they were couched in terms of land-use or zoning, which local governments had the power to regulate. "So if it's a land-use ordinance, a challenge based on the commerce clause of the Constitution will probably fail," he said.

"What these ordinances do is limit these businesses," Ms. Mitchell said. "The laws don't say 'Starbucks can't open,' which would violate the Constitution. What they say is that Starbucks would have to create a unique coffee shop that wouldn't be recognized as Starbucks. And, in general, this is a high enough hurdle to keep them out."

Opinions of the Provincetown bylaw among local business owners have been mixed.

"If suddenly Home Depot and McDonald's were to come in, it would be a different place. So I'm there in spirit," said Frank Vasello, the owner of a deli called Relish as he wiped down a display case on a recent afternoon. "But I voted no. It didn't feel quite right to me. I'm concerned about the capriciousness of it. And the idea that I'm going to regulate away competition makes no sense."

Also of two minds was Howard Burchman, an innkeeper, a homeless-policy consultant and the chairman of the local planning board, which had formally recommended that the vote on this issue be delayed until more research could be done. "It's a challenging situation," he said. "Provincetown is a unique community district. If we have homogenization of the district, we end up losing the reason why people want to come here. But there is a difference between preserving that district and establishing protectionist barriers. And I think that's what this bylaw does."

City of Washburn Administrator

From: David Siegler <dsiegler@sieglerlaw.net>
Sent: Wednesday, February 12, 2014 5:27 PM
To: 'Scott Griffiths'
Cc: 'City of Washburn Administrator'
Subject: RE: Zoning restricting "formula businesses"

This is interesting. I've been able to determine that the only federal case decided at any level on "formula retail" or "formula business" zoning is the 11th circuit decision from Florida cited in the article (and the earlier district court decisions that were appealed to the 11th circuit). No Wisconsin court or AG opinion deals with the issue, although, like Scott K., I do not know if any Wisconsin municipalities have enacted such an ordinance. In any event it looks like we are dealing with the application of general principles of zoning law and the Dormant Commerce Clause (in a nutshell, we can't interfere with interstate commerce or treat an out-of-state business differently than an in-state business) in the construction of such an ordinance. I should be able to review the one federal decision and the one California decision cited in the article, and look at some of the legal analyses the article links to, and some of the ordinances the other communities have adopted, and weight those against any peculiarities in Wisconsin's take on the law.

I only have a couple hours tomorrow that are not already booked, my Friday morning is solidly booked, and then we have friends coming from out of town for BATB weekend. But I do have some good blocks of time next week starting with Monday, so I can look into this and get you some recommendations then.

David

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From: Scott Griffiths [<mailto:washburnmayor@gmail.com>]
Sent: Wednesday, February 12, 2014 2:05 PM
To: David Siegler
Subject: Zoning restricting "formula businesses"

David, Could you please take a look into this at your earliest convenience. Regarding the Family Dollar, I believe this may be legal avenue for us to pursue through zoning.

<http://www.ilsr.org/rule/formula-business-restrictions/>

http://www.nytimes.com/2010/06/09/realestate/commercial/09chain.html?_r=2&adxnnl=1&adxnnlx=1392181085-Q5jlLxohxo8LOWuDubp+jA&

April 12, 2018
5:30pm Washburn City Hall

CITY OF WASHBURN PLAN COMMISSION MEETING

COMMISSION MEMBERS: Dave Anderson, John Baregi, Leo Ketchum-Fish, Scott Griffiths, Jeremy Oswald, Adeline Swiston, Jon Wheeler

ABSENT:

MUNICIPAL PERSONNEL: Tammy DeMars-City Treasurer/Deputy Clerk, City Attorney David Siegler

Meeting called to order at 5:30PM by Griffiths attendance as recorded above.

Approval of Minutes – March 15, 2018 – Moved by Baregi to approve minutes as presented, second by Swiston. Motion carried unanimously.

Public Hearing(s) – Swiston moves to open the floor for the public hearing, second by Ketchum-Fish. Motion carried unanimously.

Leo Ketchum-Fish recuses himself from the Public Hearings stating conflict of interest, he moved to the audience.

Discussion and Recommendation on Conditional Use Request to Construct and Operate a Contractor Yard and to Operate at Fitness Center. The property is located in 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- William Platt of 101 Memorial Park Drive, is a neighboring property and ask if Ketchum-Fish could explain what is meant by Contractor yard. Ketchum-Fish explains he is requesting to put a building that would have office space, possible fitness center and contractor equipment such as bob cat, pick-up, trailers and possibly outside storage of lumber. No other comments made. Site plan discussion; Ketchum-Fish explains he is requesting two entrances the main being on Omaha Street and the other on Memorial Park Drive, this would allow him a safer exit with trailers as they could just pull through instead of backing out. He is not intending adding anything further for landscaping he will leave and maintain the trees that are currently on the property as shown on his plan, the driveway will be gravel and the west of the building will be left natural. There will be room for 5 off street parking spaces along the drive and in front of overhead door. Concerns on parking; code requires one parking space for each student during the largest period of attendance plus 1 space for each employee working that shift. Ketchum-Fish; this would require black top and would require changing his plans to accommodate, he feels there is ample off-street parking. Siegler suggest he could apply for an exception, provided sufficient evidence is provided that shows off-street parking is less than the standard, or he could draw up an agreement with the Iron Works to use their property if they are in agreement. Discussion continued. The Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem and allowing two entrances would be beneficial for the safety, it is a suitable use, there are no negative impacts on the environment known of, concerns with impacts on the neighbors were discussed and hours of operations were agreed on, and it would not impede the normal development. Moved by Griffiths to recommend approval of the Conditional Use Permit of Fishnote Properties, LLC property as described above to allow for a Contractor Yard per 13-1-3-15.05, and Light Industrial use incidental to sales/service per 13-1-3-17.20 contingent on proper lighting fixtures as required by code and with the conditions as laid out in the draft permit and allow for two driveways to better serve the property as there is substantial evidence this would improve traffic flow and safety. Conditional approval of the fitness center per 13-1-3-9.13 with the conditions as laid out in the draft permit, and parking issues will have to be addressed prior to the fitness center, second by Baregi. Motion carried 6 to 0.

Discussion and Recommendation on Conditional Use Request to Construct and Operate a Contractor Yard and to Operate a Personal Storage Facility for Personal Units and for Vehicles and Watercraft. The property is located on 1st Avenue East, South of Memorial Park Drive. Lot 2 of CSM 2030. Jeff Pipgras, Petitioner – No public comment. Pipgras has given two alternate lay outs for the building, the location he chooses will be the one with least amount of work to excavate as there appears to be broken up concrete buried through out the property. Discussion. Driveway will come off 1st Ave East, the only lighting he will have is a motion light facing down at the entrance of the building he has a lot of room for parking but based on the use he is only required to have 2 off street parking spaces. Screening is a requirement, Pipgras doesn't feel that he could do any planting because of the blacktop that is about 16" deep, after further discussion it was decided he would look at it closer and present something to Council on the screening. Pipgras explained he is not looking for something like mini-storage, he just wants to be able to store some of his personal units such as boat and truck along with a shop and storage area for deliveries and shop for making his vents and bending pipe. Siegler, feels he needs to adjust what he is asking for and eliminate 13-1-3-14.03 as he doesn't need that for his own property and add 13-1-3-17.20 Light Industrial use incidental to sales/service, this would allow him to do the work he talked about in the shop, this should also be added to Leo Ketchum-Fish. Further review; the Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem, it is a suitable use, there are no negative impacts on the environment known of, concerns with impacts on the neighbors were discussed and hours of operations were agreed on, and it would not impede the normal development. Moved by Griffiths to approve the Conditional Use Permit of Jeff Pipgras for a Contractor Yard per 13-1-3-15.05 for Alltemp Heating and Cooling and Light Industrial use incidental to sales/service per 13-1-3-17.20, with conditions laid out in draft permit and contingent on lighting plan and meeting screening requirements be approved by Council, second by Oswald Motion carried 6 to 0

Moved by Oswald to close the floor, second by Baregi. Motion carried 6 to 0

Ketchum-Fish returns to the table as a voting member.

Discussion and Recommendation on Request for Vacation of the East 418 Feet of East Memorial Park Drive from the Intersection of 1st Avenue East – Washburn Iron Works, Inc., Petitioner – Taylor Person present. Baregi moves to recommend approval for the Vacation of the east 418 Feet of East Memorial Park Drive as depicted in the map with the City retaining utility easements, second by Swiston. Motion carried 7 to 0

Review of the Previously Proposed Formula Business Ordinance; Discussion on Legal Obligations and Consequences of Zoning Processes such as Site Plan Reviews, Conditional Use Permits, and Other Zoning Procedures; and Discussion of Application of the Code Specifically Related to a Proposed Family Dollar Store – Griffiths explains this was requested to be discussed by Plan Commission Member David Anderson, Griffiths had discussed this proposed Formula Business Ordinance back in 2014 and was met with strong resistance by the residents and many of the business community so he never pushed it any further. Lengthy discussion held with many of the Commission feeling this type of business would hurt the community and should be stopped by any means available. Siegler cautions making any decision based purely on personal desires, the Commission must act reasonably and follow the standards in the code, if not followed we will end up in court. Ketchum-Fish moves to open floor, second by Baregi. Motion carried. Soon to be Mayor Richard Avol was in attendance, he was asked what his feelings are on this subject; he isn't real fond of the Family Dollar idea but is not sure that anything we do now. The last time he spoke with Mr. Kluver, he was told that we have not received anything in the way of permit applications. He is willing to discuss it further at the Council level if one Councilor would like to add it to the agenda and since both Jeremy Oswald and Karen Novacheck were present he didn't think that would be a problem. Oswald felt we could put a moratorium on Formula Base Business so that we can get an ordinance in place. Again, Siegler reminded them that what ever they decide to do they need to make sure it's for a legitimate reason and then we may still end up in court.

Adjourn - Moved by Oswald to adjourn @ 8:15pm, second by Baregi. Motion carried unanimously.

Respectfully Submitted,
Tammy L. DeMars
Treasurer/Deputy Clerk

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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: Dan Stoltman, Assistant City Administrator
Re: Determination and Disposition of Surplus City Property
Date: May 4, 2018

The Waste Water Treatment Plant has accumulated items for your consideration for disposal in accordance with Ordinance 3-5-1.

We have typically sold surplus items on Wisconsin Surplus to the highest bidder. For these items, our operator in charge, Joel Weber, suggests selling them on Wisconsin Rural Water Association (WRWA) and/or Wisconsin Wastewater Operators Association (WWOA). He feels this is where these kinds of items will sell best. The Ordinance does allow for this method of sale.

Enclosed are the list of items and the suggested sale value, along with pictures of the items.

I am requesting Council's permission to proceed with the disposal of all of the items shown in the manner we see fit.

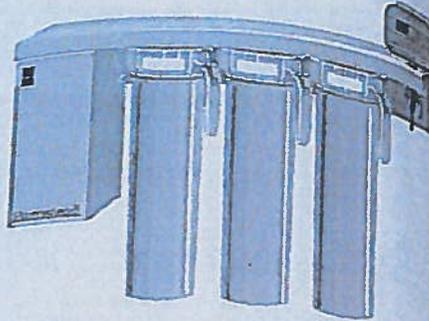
1. Barnstead E-Pure Water Purification: New unused condition \$1,200.00 OBO
2. Fisher Scientific Muffle Furnace 240v model #550-128 : Needs thermo coupler \$500.00 OBO
3. Labconco Fume Hood: New condition \$1,500.00 OBO
4. Labline Aqua Bath model #18102 : New condition \$200.00 OBO
5. Milton Roy Spectronic 601: New condition \$250.00 OBO
6. PH transmitter Electro Chemical Device Model T28 Transmitter w/ sensor - \$1,200.00
7. Junction box & InsiteG model 1500 transmitter w/ sensor. - \$800.00

Wisconsin Rural Water Association (WRWA) or Wisconsin Wastewater Operators Association (WWOA) is probably our best place to sell this stuff. They have a classifieds link under the resources tab on their website. You can use our plant email and phone number for contact info.

Barnstead

Barnstead/Thermolyne Corporation

BARNSTEAD E-pure®
OPERATION MANUAL
AND PARTS LIST
SERIES 582

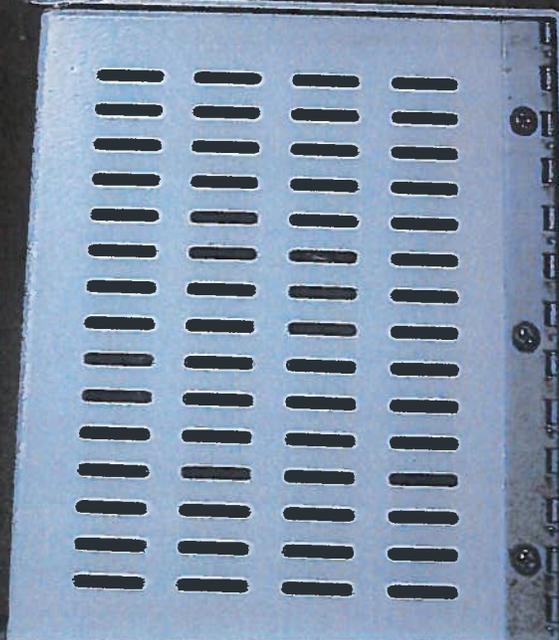


3 Module E-pure
D4631 120 VAC
D4632 240 VAC
D4633 100 VAC

4 Module E-pure
D4641 120 VAC
D4642 240 VAC
D4643 100 VAC

175621-4496

Serial Number: _____



CAUTION - Do not touch the inner surface
of a vent or air conditioning duct.

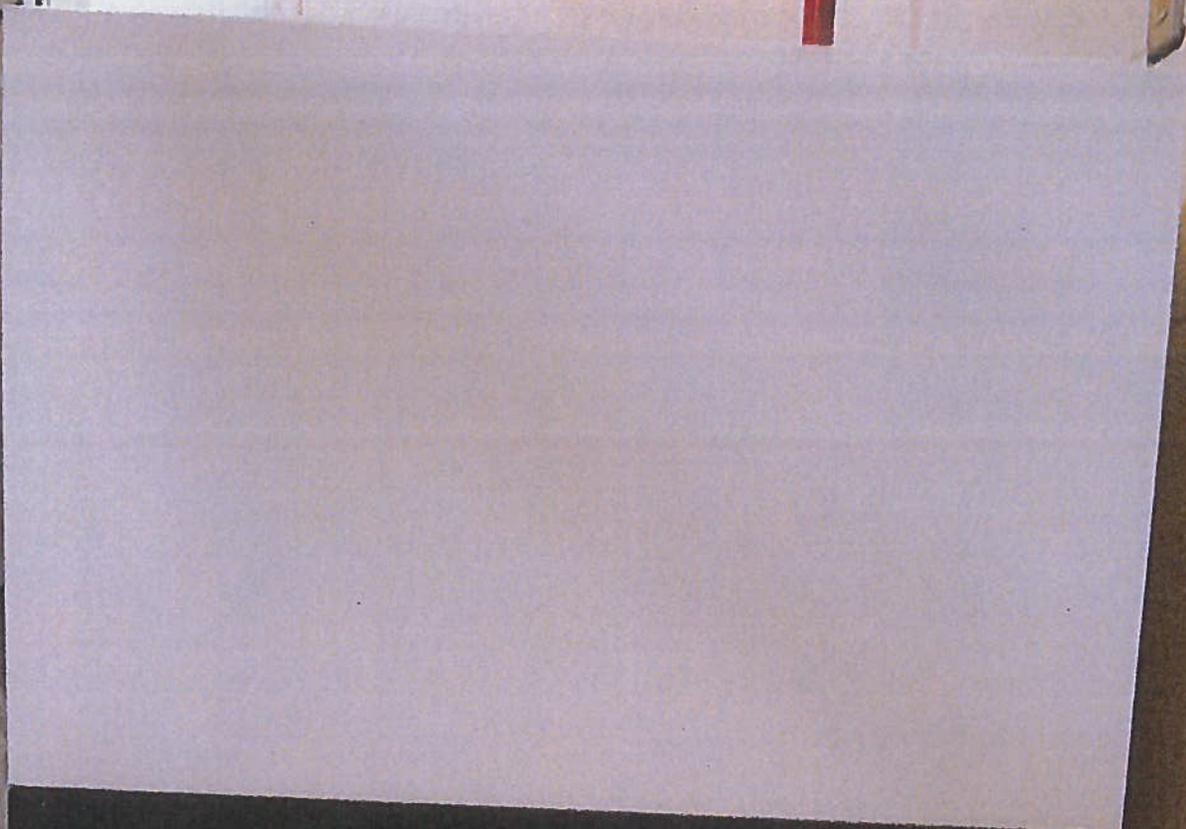
ATTENTION - Hot gas, hot air & pressure
of these parts are extremely dangerous.

CAUTION - ATTENTION - DENTING SURFACE

PAUSE ▲ ▼

▶

Enter Settings



LASERSCO
MULTIPURPOSE BOARD
100%
RECYCLED



LAB-LINE

TEMPERATURE °C

USE DISTILLED
WATER ONLY

CONTROL

HI-LIMIT



MILTON ROY

SPECTRONIC 501 & 601 SPECTROPHOTOMETERS



OPERATOR'S INSTRUCTIONS

MILTON ROY

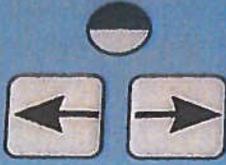
SPECTRONIC
601

LAMP

100% T ZERO A	EDIT	FACTOR	WAVE	TUNE
95 T/A/C	+/-	7	8	9
GO TO X	LIST	WAVE	SIG AV	DELT
YES	•	4	5	6
NO	CATALOG	LUTEM	LMP SAV	LMP CH
	0	1	2	3
SELECT				
STAD				
CLEAR				



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Providing Outputs for CL I, Div. 2, GR A,B,C,D T6
See Control Drawing IIG02C300 Rev. -
www.InsiteIG.com

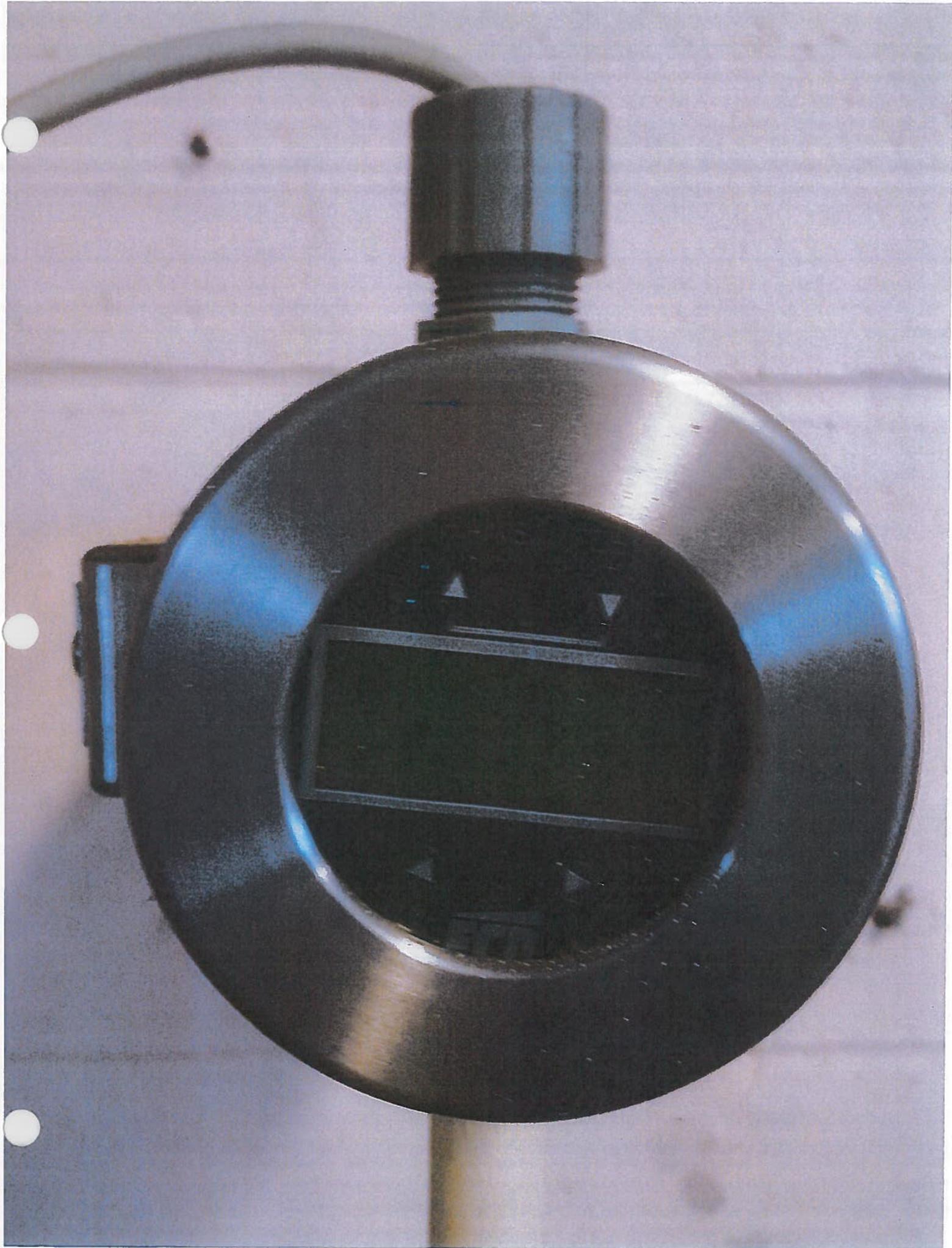
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EDMUND SCIENTIFIC MEDICAL DEVICES
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10

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: Dan Stoltman, Assistant City Administrator

Re: Reconsideration of the Creation of An Ad-Hoc Committee: Thompson's West End Park and Walking Trail

Date: May 1, 2018

City staff is asking Council to re-think the ad-hoc committee for Thompson's West End Park and create a Parks and Recreation Commission in lieu of the ad-hoc committee. To do so, Council will need to rescind the ad hoc motion from the previous meeting. The motion can only be rescinded at the meeting proceeding the meeting where the motion was made, so this is the meeting to do so.

If Council does decide to rescind the ad-hoc committee in favor of a standing Parks and Recreation Commission, staff would like to move forward with the cleaning up of the West End tree area project separately from the newly formed Parks and Rec Commission. We are not asking to allow staff to decide what should happen in that area such as making it into a park or campsites, rather simply cleaning up the area.

What does cleaning up the area mean? Let's look at this in three separate sections, the artesian well area, the overflow camping area, and the cedar tree area.

- The overflow area –Cleaning up the area would entail removing leftover tree debris (branches, stumps etc) and perhaps some kind of raking done with a machine to make it look neat and clean. This would remove the debris piles and excess vegetation on site that was cut and left. Material will hauled to the city compost site.
- The artesian well area – Similar to the overflow area, removal of the leftover debris. On each side of the wet area this could be accomplished in a similar matter above. In the wetter area due to the artesian well, the remnant branches would be picked up by hand. In addition, cleaning out the ditch line could be accomplished in the cleanup effort.
- The cedar tree area – the trees are already cut down. We can either pull the stumps and fill in those areas with dirt, cut the stumps down flush with the ground, or do a combination of removing some stumps and cutting down the others. The ones we remove completely could be where we replant new trees. The rest of that area would be cleaned up by removing remaining tree debris.

Once all of the clean-up is completed, the area will not have been altered any more than it currently is. Once it is cleaned up, we will have a clean slate from which we can decide if want to turn into something else. This would then become the work of the new Parks and Recreation Commission.

The City of Washburn is an equal opportunity provider, employer, and lender.

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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: Dan Stoltman, Assistant City Administrator *DPS*
Re: Ordinance for the Creation of a Park and Recreation Commission
Date: April 30, 2018

If Council decides to have a formal standing Parks and Recreation Commission, a new city ordinance for that commission needs to be created. The city did have at one time a Parks and Recreation Commission, and more recently had Parks and Recreation Advisory Committees. Somewhere we may have the old ordinance for the previous Parks and Rec Commission. However, after discussing this with Council President McGrath, we decided it was best to create a new one. With that said, I thought it would best to use another community's ordinance as a template and make the necessary changes to fit our needs.

I have enclosed three documents. The first, is the City of Ashland's Parks and Recreation Committee ordinance which I think is a good template for us to use. I don't believe we need to change too much of the Ashland Ordinance to suit our needs. The membership and organization section is an area that we can make changes. The Mayor expressed his desire to see this commission have five members, two from Council and three citizens. The other obvious change is that the committee would not be making recommendations to our parks and rec department, because we don't have one, and rather to staff and Council.

The second is a list from Council Member Oswald, from 2011, of possible tasks/responsibilities for a Parks and Recreation Committee. We could incorporate this into the parks and recreation commission ordinance if we want to be more specific. If not, I think it is a good guide to give the committee so they have an understanding as to what we want them to focus on.

The third is the duties and responsibilities of the two advisory committees created in 2004 and ended around 2008. These advisory committees were the Parks, Paths, and Public Spaces Committee, and the Recreation and Leisure Programs Committee. If Council decides to form a Parks and Recreation Commission, the duties and responsibilities of these two former committees could be examples for the new Parks and Recreation Commission.

I would recommend we use the Ashland parks and recreation ordinance as a template making the few changes stated above and any other Council sees fit.

CHAPTER 47. PARKS AND RECREATION COMMITTEE.

47.01. Purpose. The Parks and Recreation Committee was created to advise the City of Ashland's Parks and Recreation Department, Ashland Common Council and other City of Ashland Departments to provide and improve the recreational resources of the City for the enhancement of the quality of life for residents, the larger regional community, and visitors. The goals of this ordinance will be accomplished through preserving, maintaining, and improving services, facilities, park lands, parkways, trails, campgrounds, and open spaces within the City of Ashland and building collaborations with regional partners.

The Parks and Recreation Committee shall study and make recommendations regarding recreation issues affecting Ashland community members and undertake such projects as requested by the City's governing body. The Committee shall, from time to time as it deems desirable:

- (a) Recommend actions to improve, maintain, and equip the playgrounds and recreational spaces of the City of Ashland.
- (b) Recommend recreational programs, activities, exhibitions, games, contests, and festivals, etc. for the recreation of residents and visitors.
- (c) Recommend the adoption of suitable rules, regulations and bylaws for the use of City recreational facilities and parks, and the conduct of all persons while on or using same.
- (d) Recommend the acquisition of property or buildings for recreation purposes.
- (e) Recommend partnerships and collaborations in pursuit of municipal goals.

47.02. Membership and Organization.

(a) The Ashland Parks and Recreation Committee (PRC) shall be composed of seven (7) members appointed by the Mayor and confirmed by the Common Council to serve staggered three year terms commencing on May 1st.

(1) Appointment of the six (6) citizen members of the Committee shall be from a list recommended by the committee to the Mayor and appointed annually at the reorganizational meeting of the Common Council on the third Tuesday of April.

(2) The Mayor shall appoint, and the Council shall confirm, one (1) member of the Common Council to serve on the Committee; the Council appointment shall be appointed annually at the reorganizational meeting of the Council and shall serve by virtue of his/her seat on the Council.

(3) Of the initial citizen appointments:

- (A) Two (2) shall be for three (3) years.
- (B) Two (2) shall be for two (2) years.
- (C) Two (2) shall be for (1) year.

(4) Members shall serve until their successors have been appointed.

(b) Members of the Committee shall elect their own Chair and Vice-Chair annually at the committee's first meeting in May.

(c) If any committee member has three (3) unexcused absences or resigns, the Committee may declare the position vacant and request the Mayor to fill the vacancy (for the remainder of the term) pursuant to the provisions of this section.

47.03. Duties. The Parks and Recreation Committee shall:

(a) Establish policies and procedures for the proper administration of the parks and recreation programs of the City.

(b) Recommend to the Common Council the acquisition of certain lands and buildings deemed necessary for use of City Parks and Recreational programs, the location of which shall be reviewed by the City Plan Commission.

(c) Cooperate with all agencies, groups, clubs and individuals concerned with parks, conservation and recreation in the City.

(d) Unless otherwise expressly provided, the Committee may perform its duties without first obtaining the consent of the Common Council but in no event is the committee empowered to financially obligate the City of Ashland in any manner without the consent of the Common Council.

(e) Encourage citizen participation.

(f) Present or discuss policies and programs affecting parks and recreation; to study issues.

(g) Provide input on the values, goals, and objectives of a program; develop program plans; and contribute to continuous feedback.

(h) Make recommendations to both the Parks and Recreation Department and the Common Council for maintaining and improving overall quality program/service deliveries.

47.04. Meetings and Public Notice.

(a) The Committee shall meet as determined by the Committee.

(b) All agenda items will be reviewed by the Committee Chair and staff for validity and urgency of the request and determine when and if that item should be placed on a Committee agenda.

(c) The Committee shall operate under Robert's Rules of Order.

(d) All regular and special meetings of the Committee shall comply with the public meeting requirements of Wisconsin Statutes.

(e) All meeting notices shall comply with the public meeting notice requirements of Wisconsin Statutes.

(f) All meeting notices and agendas shall be issued by the Parks and Recreation Department.

47.05. Quorum. A quorum shall be a majority of the full Committee.

47.06. Reports and Record Keeping.

(a) Committee members shall select one among themselves, or a Parks and Recreation Department staff member, to record the minutes of each meeting of the Committee. A written record of all meetings shall be kept and approved at the next subsequent meeting of the Committee.

(b) Committee reports and recommendations shall be reduced to writing and shall not be included on a Council agenda until reduced to writing and submitted by the Committee to the City Clerk.

(c) The City Clerk is the record custodian for the City. All committee minutes and records shall be filed with the City Clerk.

47.07. Referrals to the Committee. The Common Council of the City of Ashland may refer any matter pertaining to City parks and recreation projects, programs, or services to the Parks and Recreation Committee for review, study and reports.

ADOPTED: 47 (1808) 6/11/2013

September 11, 2011

Possible tasks/responsibilities for Park Committee

1. Finding new area(s) for campsites
2. Review and implementation of trail maintenance
3. Hockey Rink/Tennis Courts/Ball Fields
Care of, improvement, and scheduling
4. Lakefront area of Memorial Park – definition of the picnic area near campsites.
5. Possible establishment of walk-in sites at Memorial Park
6. Promoting Park activities working with Book Across the Bay, Kayak Symposium, Bike Tour, others?
7. Promotion/use of our lake front – signs from highway 13
8. Playground development
9. Goose Control
10. Plaque/memorial inventory and maintenance
11. Coordinating volunteer projects
12. Program development

Jeremy Oswald

2004

Initial Committee Charges

Communications

- Media Review of web site, cable access channel, and newsletter
- Development of strategic plan and policy for communications
- Development of community master calendar
- Definition of relationship with WCAT
- Recommendation on videotaping of public meetings

Economic Development

- Establishment of role in creating the economic development component of
 - Comprehensive Plan
- Definition of Role and Relationship with Bayfield County Economic Development Corporation
- Recommendation on conducting a community survey of businesses
- Development of business support program
- Definition of relationship to Redevelopment Authority
- Definition of relationship with Washburn Area Chamber of Commerce
- Recommendation on conditional use permit policy

Finance

- Budget development

Parks, Paths, and Public Spaces

- Review of budget request
- Recommendation on VFW request for maintenance of flags at Legion Park
- Review and update of landscaping plan for walking trail
- Review and update of the parks management portion of the five-year recreation plan
- Recommendation about campground fees and reservations
- Review of city leases for use of parks
- Recommendation of policy concerning plantings in and use of public right-of-ways

Public Health and Safety

- Review of budget requests from police, fire, and ambulance departments
- Review of the Army Corps of Engineers 154 grant project
- Review and recommendations on stormwater utility
- Review and update of five-year street and sidewalk plan
- Review of urban forestry grant application
- Recommendation of policy on changing topography by private owners
- Review and update capital development plan
- Recommendation on policy for stop signs

Recreation and Leisure Programs

Review of budget request

Review of recreation programs

Development of strategic, long-range plan for programs

Establishment of procedures for civic events for arts, culture, recreation,
and
education

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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: ^{SK} Scott J. Kluver, Administrator
Re: Allocation of Property Sale Proceeds to Park Designated Fund
Date: May 1, 2018

The City has completed one property sale (Pipgras) and has at least two others pending at this point (Iron Works and Fishnote). I am requesting that the Council designate that the proceeds for those land sales go to the Park Designated Fund. Furthermore, I request that the Council authorize the vegetation barrier that is to be planted be authorized to come out of the Park Designated Fund. In this way, any remaining dollars after the vegetation barrier is planted can potentially be used for plans related to improvements made to the ballfields, or creation of a new ballfield. The exact plan is not certain yet, as arrangements have been made to still utilize the Little League field for the 2018 season. It is anticipated that this will be the last season for the current Little League field. Discussions are underway regarding future options.

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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, ^{SK} Administrator
Re: Outdoor Exercise Equipment for Walking Trail/West End Park Area
Date: May 1, 2018

Recently, the City was approached by Peter Morrissette of the Bayfield County Health Department regarding a grant to purchase outdoor exercise equipment. It was envisioned that this equipment would be placed in along the walking trail/West End Park area.

Enclosed you will find information on the grant timeline and the type of equipment that is envisioned. The first question is does the City of Washburn want to be considered for this type of equipment? As the grant has already been written, if the City declines, it will likely go to a different location within the County. If the City accepts, and the grant is actually awarded, the City will need to decide which pieces of equipment would be purchased and specific locations where the equipment would be placed.

It would be anticipated that about 10 pieces would be purchased if the grant is fully awarded. The pieces could be placed in three or four groupings. It appears that the equipment is low maintenance, and the City would need to contribute to site preparation and installation work if approved.

At this point, I am asking the Council to decide as to whether or not they want to pursue this opportunity. If so, and depending on the outcome of the park commission discussion, either the commission or staff would need work with the Health Department to select which pieces of equipment would be appropriate and which locations would be appropriate for placement.

Please let me know if you have further questions on this topic.

washburnadmin@cityofwashburn.org

From: Peter Morrissette <PMorrissette@bayfieldcounty.org>
Sent: Monday, April 16, 2018 4:01 PM
To: washburnadmin@cityofwashburn.org
Subject: RE: Todays meeting and grant time line
Attachments: OUTDOOR-FITNESS Equipment Catalog.pdf; OUTDOOR-FITNESS Equipment Price List & Add Items.pdf

Hi Scott-

I have attached the equipment summary that I received from the manufacture-
It covers equipment specifications, quality assurance standards etc.

I talked with customer service and asked a few questions-

Maintenance- low to none. If moving parts over extended period of time(years) bearing failure possible , and rust. They supply bearings and touch up paint
Installation- CPSC guide lines i.e. fall height (Have mulch installed) Safety zone in-between pieces of equipment. They said same rules that apply to any playground. Each piece of equipment comes with installation measurements
If we get grant and order equipment 30 day max to receive order and equipment has minimal assemble
Product color can be 2 tone green

If I'm forgetting something please let me know

Peter Morrissette, BS, CHP
Public Health Educator, Program Coordinator & Water Supply Specialist
Bayfield County Health Department
117 East 6th Street, PO Box 403
Washburn, WI 54891
715-373-6109 ext. 276
pmorrissette@bayfieldcounty.org



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From: washburnadmin@cityofwashburn.org [mailto:washburnadmin@cityofwashburn.org]
Sent: Thursday, April 5, 2018 4:20 PM

To: Peter Morrissette <PMorrissette@bayfieldcounty.org>

Subject: RE: Todays meeting and grant time line

Peter,

Thank you, yes it was good to discuss.

April 30 is the deadline for the May 14th meeting. If it can be done before that, that is great.

Scott Kluver
City of Washburn

From: Peter Morrissette <PMorrissette@bayfieldcounty.org>

Sent: Thursday, April 5, 2018 3:24 PM

To: City of Washburn Administrator <washburnadmin@cityofwashburn.org>

Subject: Todays meeting and grant time line

Hi Scott,

Thank you; to you and your staff for taking the time to talk about the grant idea today!

I will put together as much information as I can for the May meeting. What is the date you need this information by ?
April 30th ?

Also, please see the grant time line below

Grant Timeline

Monday, March 12, 2018 RFP released

Friday, March 30, 2018 Letter of Intent due

Friday, April 27, 2018 Full proposal due

Thursday, May 17, 2018 Grant finalist presentations

Week of May 21, 2018 Grant award notification

Friday, May 25, 2018 Grant agreements due

Week of May 28, 2018 Fund distribution

Friday, June 01, 2018 Grant start date

Friday, July 06, 2018 Final work plan due

Friday, May 31, 2019 Grant end date

Thursday, June 28, 2019 Final progress report due

Have a great weekend!

Peter Morrissette, BS, CHP

Public Health Educator, Program Coordinator & Water Supply Specialist

Bayfield County Health Department

117 East 6th Street, PO Box 403

Washburn, WI 54891

715-373-6109 ext. 276

pmorrissette@bayfieldcounty.org





FITNESS FOR ALL

**SELECT From
45 POWERFUL STEEL
EXERCISE STATIONS**

**For Schools, Parks
Fitness Trails, Military & Home
Attractive and Affordable**

Outdoor Fitness, Inc. is proud to present our collection of attractive steel exercise stations. A selection of equipment will provide for a complete workout, building upper body, leg and back strength -- enhancing agility, flexibility and endurance. The Outdoor Fitness equipment is built to be durable in the toughest outdoor environments. It is very easy to install and needs very little maintenance.



The **Outdoor Fitness** goal is to advance fitness opportunities for everyone. Schools, Parks and organizations of all kinds can provide this inexpensive fitness solution, enhancing the health of their constituents. The avid fitness enthusiasts will certainly benefit, and so will the 80% of Americans who engage in little or no physical activity. Those unlikely to invest in expensive gym memberships can have access to fitness equipment and become active.



We all know that fitness activities and an active lifestyle are essential to improved health, longevity and the enjoyment of life. Yet, people have become increasingly sedentary and our nation faces a health crisis due to declining fitness levels and growing rates of obesity, even among the very young.

The equipment is installed as a cluster of exercise stations or spaced along a fitness trail. It is very appropriate for all ages, from elementary school children to all adults and seniors.



For those who are not in great shape and feel adverse towards exercise, they are encouraged to simply get started. The **Outdoor Fitness** stations can be used for a variety of exercises. We encourage participants to approach their exercise program as play. Begin cautiously, have fun and the fitness gains and positive health benefits will be experienced.



Now everyone; schools, parks, businesses, as well as military units and all kinds of community organizations, can establish a most effective and substantial fitness opportunity at an amazingly low cost.

The **Outdoor Fitness** concept suggests that people can make important fitness gains in an enjoyable outdoor environment. Outdoor fitness areas are flourishing worldwide, with tens of thousands of new installations.



The equipment will perform for a long time in all conditions. It is made of heavy gauge steel with attractive, vibrant powder coating. Because of current economic conditions, pricing is now at an historically affordable level.

As you consider your facility plans and equipment selection, you will also need to consider surfacing materials and installation. Our customer service staff will be pleased to help you through each step of the process.

The Outdoor Fitness Challenge

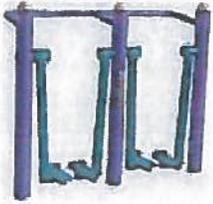
In the outdoor environment the equipment must be:

- **Enormously strong and durable to withstand the extremes of climate for many years.**
- **Invincible to Vandalism.**
- **Low Maintenance.**
- **Very Safe.**
- **Attractive and, most of all . . .**
- **Healthy and Fun.**



Our challenge is to advance fitness levels by providing quality fitness systems to every community and make them affordable. Production quality and customer service are of the highest priority, and we endeavor to keep manufacturing, marketing and distribution costs as low as possible. These efficiencies bring the cost benefits to you.

OUTDOOR FITNESS



AIR WALKER

This equipment provides cardiovascular benefits that are similar to vigorous walking or running. It avoids impact on feet, knees, hips and the lower back. It stretches the hips and upper thighs more than walking, or jogging.

BACK EXTENSION

Strengthens the lower erector spinae muscles of the lower back, as well as the gluteus and hamstring areas. This will help improving posture and stability.



BALANCE BEAM

An enjoyable way of testing and improving balancing skills, which are important to motor development.

BASKETBALL SYSTEM

A fun activity to develop ball skills, coordination and shoulder strength. Balls can be shot into any of the tubes and funneled to the lower level and retrieved.



BOUNDING BARS

Three low, rounded barriers present an obstacle to clear while jumping and bounding from side to side, improving agile jumping skills and leg strength.



CLIMBER

Offers the same benefits as a climbing wall while participants move up and around the apparatus with strengthening hand holds and pulls.



DOME CLIMBER

An enjoyable play apparatus that builds strength and dexterity while using legs, arms and balancing skills to move over and around the dome.

DUAL EXERCISE BARS

Provides two adjustable bars for various pulling, pushing and stretching exercises. Comparable with the 5-position Strength and Stretch Bars.

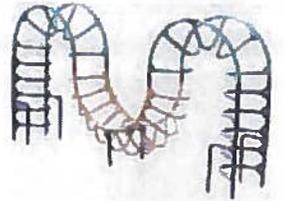


FLOATING BALANCE SYSTEM

Challenges balancing skills and requires constant motor adjustments of the legs and arms as the length of the balance system is negotiated.

M-SHAPED CLIMBER

Develops strength and dexterity by offering a wide variety of strength and agility challenges throughout the climbing system.

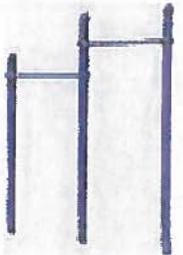


HIP TWISTER

Consists of a swivel stand which rotates as the arms and shoulders are held square with the overhead hold. The internal and external obliques are stretched along with the abdominal and extensor muscles.

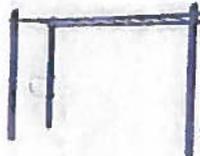
HORIZONTAL BARS

Associated with chin-ups, an essential strength exercise and test of strength to weight ratio. The bars are also used for shoulder and arm stretching, improving the grip, hanging leg lifts and to stretch the lower back.



HORIZONTAL LADDER

Often called "Monkey Bars." The bars help build agility and upper body strength including the hand grip and teres major and latissimus dorsi muscles.



INTEGRATED FITNESS APPARATUS

This apparatus is designed mostly for young people, appropriate through age 10. It consists of multiple exercise challenges, testing balance and climbing skills.



LEG PRESS

Leg Press is one of the most important movements since it involves some of the most powerful parts of the muscular system. This equipment provides three Leg Press positions, each with a different but moderate level of resistance.

PARALLEL BARS

Dips on this apparatus are one of the most basic strength exercises which build triceps and shoulder strength. The Parallel Bars also help support a number of stretching exercises.



POMMEL HORSE

Features three exercise positions with side bars to perform assisted dips, imparting triceps and shoulder strength with moderate resistance.



PUSH-UP BARS

Two exercise positions which host one of the most basic and effective upper body strength exercises.

EQUIPMENT SUMMARY



PUSH-UP STAND

The push-up is one of the best developers of shoulder strength. The bars allow the correct position and a full range of motion while avoiding contact with the ground.

QUAD SPINNER

A heavy drum rotated at variable speeds with the propulsion of the thighs and feet. It promotes cardiovascular conditioning and strengthens the quadriceps and the abdominal area.



SELF-WEIGHTED ROWER

Uses one's own body weight to provide resistance. The rowing exercise works the lats, deltoids, arm flexors and biceps.

SITTING ROTATOR

Three rotational seats swivel to stretch the external and internal obliques and the abdominal muscles.

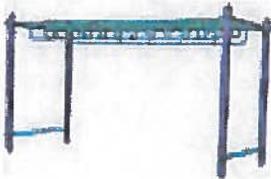


SIT-UP BENCH

A raised surface and foot hold for abdominal exercise. Builds the strength of the abdominal muscles and the flexors of the upper thigh.

SIT-UP BOARD

Exercises improve the strength of the abdominal muscles and the flexor group of muscles of the hip and upper thigh.



SKY CLIMBER

Provides a wide variety of hanging, pulling and gripping positions. It Develops the type of strength needed by rock climbers who use their upper body for dexterous holds and pulls.

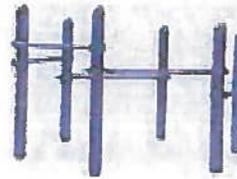
SPRING BALANCE BEAM

Introduces a greater degree of difficulty than the static balance beam as one's balance must be constantly adjusted to counter the variation from the spring supports.



STANDING ROTATOR

Comprises three rotating pods which help stretch the internal and external obliques and add emphasis on the abdominals and extensor muscles of the spine.



STRENGTH & STRETCH BARS

Helps develop arm and shoulder power with a variety assisted pulling and pushing exercises. Numerous stretching exercises along with leg swings, lunges and deep knee bends can be performed.

STRENGTH TESTER

Two large, heavy wheels are turned by two participants in opposing directions against the force of provided by the partner. This fun contest builds forearm, shoulder and grip strength.



TAI-CHI SPINNERS

Consists of four large rotary wheels with adjustable resistance. Two wheels can be turned in different directions by each user, exercising the full flexibility around the shoulder and its many muscles groups.

TABLE TENNIS OUTDOORS

Built with a sturdy steel frame to permanently withstand the toughest outdoor conditions. A full size table as used in international tournaments and Olympic competition.



TWO-SIDED ROTATOR

Features two positions combining the standing and sitting rotators. Stretches the obliques and abdominal muscles and serves to align the spine and lower back.

UNEVEN BARS

Accommodates a variety of strength exercises, including chin-ups and dips, building shoulder strength and biceps. Leg lifts strengthen the abdominals and hanging vertically stretches the lower back and aligns the spine.



VERTICAL JUMP

Vertical leaping ability is one of the best tests of leg strength. The distance that the center of gravity can be raised is the difference between standing and jumping reach, as measured on the calibrated plate.

WAIST STRETCHER

This apparatus provides support as the muscles and tendons of the back and abdominal area are stretched.



WEIGHT LIFT

Consists of a free bar weighing 25 kgs. or 55 lbs. It is held between steel tracks for safety and security. Many exercises can be performed, including the standing press, squats, upright rows and curls.

PRICING POLICY

- Current Prices are also published on the website at: www.outdoor-fitness.com
- Prices do not include shipping (from Denver, Colorado) or installation.
- Requested quotation firm for 60-days. Otherwise, prices are subject to change without notice.
- Outdoor Fitness publishes open and fixed pricing that is the same for all customers.



Sit-Up Bench

You are guaranteed the best possible price. Please contact us to request a quotation and/or discuss your selection of equipment and fitness goals.

WARRANTY INFORMATION

2 YEAR WARRANTY

on plastic or composite parts, seats and fittings, bearings, clamps, weight-lift bar and guide tracks, rubber parts.

4-YEAR WARRANTY

on steel posts, all welds, bars, bolts, steel structural frame.

Outdoor Fitness does not warranty for normal levels of rust. Durability is enhanced with adequate care - much like an automotive finish.



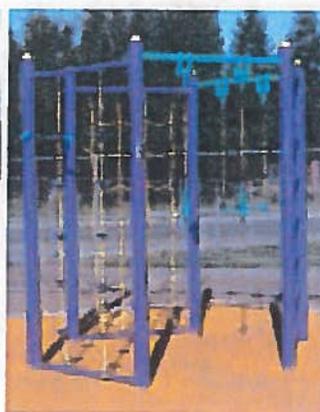
Floating Balance System



Horizontal Ladder



Horizontal Bars



Integrated Fitness Apparatus



Sitting Rotator



Quad Spinner & Tai Chi



Sit-Up Board



Strength & Stretch Bars



Bounding Bars

EQUIPMENT SPECIFICATIONS

The Outdoor Fitness equipment is made of heavy gauge steel (Q195). It is finished with a high quality pure polyester powder coating for electrostatic application. The anti-rust technique is usually used in the watercraft and is universally applied in the Outdoor Fitness equipment painting process.

Quality Assurance Standards - ISO 9001

The factory manufacturing process is ISO 9001 certified. The International Organization for Standardization (ISO) provides a quality assurance protocol made up of 20 sets of quality system requirements. This model applies to organizations that design, develop, produce, install, and service products. It provides industry with an international structure to ensure all operational processes, maintain quality and are consistent and effective.

American Society for Testing & Materials

Outdoor Fitness equipment meets the ASTM safety performance specification. It provides safety and performance standards for various types of public playground equipment. The American Society for Testing and Materials (ASTM) is a scientific and technical organization that establishes international standards for testing different types of materials, including playground equipment. ASTM also establishes standards for surfacing materials for playground safety.

Consumer Products Safety Commission:

In any public area, accessible to children, The Playground Safety Standards established by The Consumer Products Safety Commission (CPSC) will apply to equipment and installation. The Outdoor Fitness Equipment meets and exceeds the CPSC safety guidelines.

RECENT INSTALLATIONS: A small sample of our many facilities throughout the U.S. and around the world.

- + City of Fort Lauderdale, FL - Parks and Rec.
- + Silverado High School - Victorville, CA
- + Fire Department. Eagar, AZ
- + NASA - Johnson Space Center, Houston, TX
- + Hillsborough High School - NJ
- + Tyndall Air Force Base, FL
- + Birkdale School, Auckland, New Zealand
- + City of Burlington, NC - Parks and Recreation Dept.
- + Briarcliff Elementary by Time Warner - Cary, NC
- + Aramco Oil Company - Abqiaq, Saudi Arabia
- + Antelope Valley College, Lancaster, CA
- + Lincoln Park, Oklahoma City
- + Marine Corp, Kaneohe Bay, Hawaii
- + University of New Mexico, Gallup

CONTACT US:

Outdoor Fitness

P.O. Box 1470

Monument, CO 80132

Phone: (719) 488-3812

Toll-Free (US): (877) 517-2200

Fax: (866) 778-5153

E-mail: info@outdoor-fitness.com

Web: www.outdoor-fitness.com

Call, e-mail or submit a question through the web site. We Look forward to working with you.

OUTDOOR-FITNESS EQUIPMENT - PRICE LIST

BACK EXTENSION	\$425	PUSH-UP BARS	\$338
BALANCE BEAM	\$629	PUSH-UP STAND	\$323
BASKETBALL BACKBOARD	\$1,051	SELF-WEIGHTED ROWER	\$762
CHEST PRESS	\$1,940	SITTING ROTATOR	\$989
CHEST PRESS / LAT PULL COMBO	\$1,364	SIT-UP BENCH	\$821
DOME CLIMBER	\$3,278	SIT-UP BOARD, SINGLE	\$497
DUAL EXERCISE BARS	\$729	SIT-UP BOARD, DOUBLE	\$821
ELLIPTICAL MACHINE (SINGLE)	\$775	SKI WALKER (Single)	\$775
ELLIPTICAL MACHINE (DOUBLE)	\$1,314	SKI WALKER (Double)	\$1,340
EXERCISE BIKE	\$799	SKY CLIMBER	\$1,698
FLOATING BALANCE SYSTEM	\$2,096	SPRING BALANCE BEAM	\$984
FUN RIDER	\$535	STATION SIGN, SMALL	\$217
HIP TWISTER	\$694	SIGN BOARD	\$658
HORIZONTAL BARS / PULL-UP BARS	\$755	STEP CLIMBER - STRETCHER	\$775
HORIZONTAL LADDER	\$1,442	STRENGTH & STRETCH BARS	\$1,147
INTEGRATED FITNESS APPARATUS	\$2,242	STRENGTH TESTER	\$807
LAT PULL DOWN	\$1,634	SWING SET	\$1,194
LEG PRESS (3 person station)	\$1,697	TABLE TENNIS - OUTDOOR	\$1,121
LEG PRESS TRAINER (2 person station)	\$795	TAI-CHI SPINNERS	\$807
M-SHAPED CLIMBING LADDER	\$1,773	TWO-SIDED ROTATOR	\$725
PARALLEL BARS	\$742	UNEVEN BARS	\$1,435
POMMEL HORSE	\$1,056	VERTICAL JUMP	\$927
PULL UP BARS	\$755	WAIST STRETCHER	\$792

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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: Dan Stoltman, Assistant City Administrator
Re: Alcohol Licensing Process
Date: April 28, 2018

Alcohol License Renewal Applications for businesses are due each year on April 15th. At the May Council Meeting, applications are first introduced to Council. If Council determines that all of the applications have been filed without any major concern or issue, Council is requested to instruct the city staff to issue public notification and to begin the administrative process.

Following this meeting, public notice of applications will be sent to the Ashland Daily Press and alerts will be issued to any interested parties. (A copy of this notice has been included in your packet).

During the month of May and early part of June, the administrative review process will begin. Staff will begin investigating any delinquent obligations due to the City and the Police Department will inspect the premises of all applicants ensure compliance with Ordinance 7-2-8.

Council will be asked to revisit these applications at the June Council Meeting, where it will have the opportunity to grant, deny, or place restrictions on any license renewal. The June Council Meeting Packet will include a detailed report on any alcohol distributor notices, delinquent obligations due the City, and inspection results.

Please note there are a few changes from last year with regards to license applications. Kevin Stifter Inc. dba Washburn Table is no longer in business, and therefore no license. The Washburn IGA is now Hansen's IGA Washburn, and Leino's gas and goods is now Midland Services Inc. dba Cenex. Council approved alcohol licenses for both Hansen's IGA and Midland Services earlier this year. I would recommend approving the renewal list for publication and authorize staff to begin the administrative process.

CITY OF WASHBURN

Notice of Applications Filed For Alcohol Beverage Licenses

Renewals 7/1/2018 - 6/30/2019

1. Uncle Walleyes LLC, Barbara K. Engelhard Agent, dba Patsy's Bar, Corporation Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor, 328 West Bayfield Street.
2. Dauson, Inc., Harlan Guske, Agent, dba Firehouse, Corporation Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor, 10 West Bayfield Street.
3. Washburn Development Property LLC, dba Harbor View, Jeffery Moberg agent, Corporation Class "B" Fermented Malt Beverage & "Class B" Liquor.
4. Hansen's IGA Inc. dba as Hansen's IGA Washburn, Donna Kolonko agent, Corporation Class "A" Fermented Malt Beverage & "Class A" Intoxicating Liquor, 226 West Bayfield Street.
5. David P. Nickels, dba A Nickel's Worth Bar-n-Grill, Individual Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor, 800 West Bayfield Street.
6. Lyndale Terminal LLC., dba Holiday Station store #227, Eugene Rich, Agent, Corporation Class "A" Fermented Malt Beverage, 606 West Bayfield Street.
7. Midland Services Inc., Blake Nelson, Agent, Corporation Class "A" Fermented Malt Beverage, 137 West Bayfield Street.
8. StageNorth, LLC, Bob Adams Agent, dba Stage Door Bar, Corporation Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor, 123 West Omaha Street.
9. DaLou's Bistro, Inc., Dale Hanson, Agent, dba DaLou's Bistro, Corporation Class "B" Fermented Malt Beverage & "Class C" Wine, 310 West Bayfield Street
10. The Snug, LLC, dba The Snug, Kristi M. Doman, Agent, Corporation Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor, 308 West Bayfield Street
11. Naturally Superior, Inc., Dale A. Brevak, Agent, dba Lake Superior View Golf, Corporation Class "B" Fermented Malt Beverage, 950 County Hwy C
12. Checkerz Café LLC, Patrick P. Tosch agent, dba Checkerz Café, Corporation class "B" Fermented Malt Beverage License, "Class C" Wine 901 West Bayfield Street.

Dan Stoltman

Assistant City Administrator

Daily Press - legal notice - May 10, 2018; May 11, 2018; and May 12, 2018

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07-01-2018 ending: 06-30-2019
(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 Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company

Address of Corporation/Limited Liability Company (if different from licensed premises)

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>Richard Frostman</u>	<u>2511 Junction Rd</u>	<u>Ashland WI 54801</u>
Vice President/Member	<u>Gregory Massaglia</u>	<u>9181 W Old Hwy 10</u>	<u>Saxon WI 5433</u>
Secretary/Member	<u>Pete Tetzner</u>	<u>30840 Wannebo Rd</u>	<u>Washburn WI 54881</u>
Treasurer/Member	<u>Trent Allen</u>	<u>25100 Cozy Corner Rd</u>	<u>Ashland WI 54801</u>
Agent	<u>Blake Nelson</u>	<u>111 10th St E</u>	<u>Ashland WI 54801</u>
Directors/Managers	<u>Stephen C Henderson</u>	<u>713 9th Ave W</u>	<u>Ashland WI 54801</u>

C.1. Trade Name Midland Services - Washburn Business Phone Number 715-353-5722

2. Address of Premises 123 W Bayfield St Post Office & Zip Code Washburn WI 54801

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

4. 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.)

5. Legal description (omit if street address is given above):

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No

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

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No

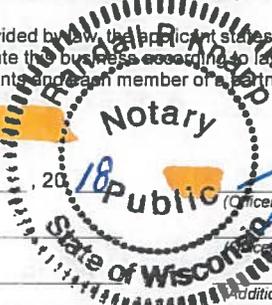
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

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 signers. Signers agree to operate the 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME

this 24th day of April, 2018

Randall R. Kryn
(Clerk/Notary Public)



Grant Alb
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

Grant Alb
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

My commission expires 5-26-2019

Grant Alb
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-25-18</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: July 30 2018 ending: July 1 2019
(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 Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:
 Full Name(s) (Last, First and Middle Name) Home Address Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company Checkers Cafe LLC
 Address of Corporation/Limited Liability Company (if different from licensed premises)

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:
 Title Name (Inc. Middle Name) Home Address Post Office & Zip Code
 President/Member Owner Patrick P. Tosch 30930 Wedal Rd. 54891
 Vice President/Member _____
 Secretary/Member _____
 Treasurer/Member _____
 Agent Patrick P. Tosch
 Directors/Managers _____

C. 1. Trade Name Checkers Cafe LLC Business Phone Number 715-812-1212
 2. Address of Premises 901 W. Bayfield St. Post Office & Zip Code P.O. Box 513 54891

- 3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No
- 4. 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.) In dining area and at bar.
- 5. Legal description (omit if street address is given above): _____
- 6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No
- b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No
- 7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No
- 8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No
- 9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
- 10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No
- 11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME
 this 23 day of April, 2018
[Signature]
 (Clerk/Notary Public)
 My commission expires _____

[Signature]
 (Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

 (Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

 (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-23-18</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Applicant's WI Seller's Permit No <u>496-1021911917-03</u>	FEIN Number <u>472367 085</u>
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100.00</u>
<input checked="" type="checkbox"/> Class C wine	\$ <u>100.00</u>
<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	\$ <u>50.00</u>
TOTAL FEE	\$ <u>250.00</u>

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 7/1/2018 ending: 6/30/2019
(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 Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name) Home Address Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company STAGE NORTH, LLC

Address of Corporation/Limited Liability Company (if different from licensed premises) _____

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>JOHN WEINEL</u>	<u>11721 OSPREY AVE S HASTINGS, MN</u>	<u>55033</u>
Vice President/Member	<u>ANNIE WEINEL</u>	<u>SAME</u>	
Secretary/Member			
Treasurer/Member			
Agent	<u>ROBERT ADAMS</u>		
Directors/Managers	<u>ROBERT ADAMS</u>		

C. 1. Trade Name STAGE DOOR BAR

Business Phone Number 715-393-1194

2. Address of Premises 123 OMAHA ST

Post Office & Zip Code WASHBURN, WI 54891

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

4. 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.) BASEMENT, SINCE, THEATER, BAR, OUTSIDE DECK

5. Legal description (omit if street address is given above): UPSTAIRS LOBBY, BACK SINCE, KITCHEN, SCRIPPSHOP

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No

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

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME
 this 19 day of April, 2018
Don Stoltenberg
(Clerk/Notary Public)

Robert Adams
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)
Robert Adams
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)
Robert Adams
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

My commission expires _____

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-19-18</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Applicant's WI Seller's Permit No. FEIN Number <u>45600001531200239-1984532</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100.00</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ <u>450.00</u>
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>50.00</u>
TOTAL FEE	\$ <u>600.00</u>

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 06 30 2018 ending: 06 30 2019
(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 Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name) _____ Home Address _____ Post Office & Zip Code _____

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company

Address of Corporation/Limited Liability Company (if different from licensed premises) _____

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	GREGORY J HANSEN	1320 CARDINAL STREET BANGOR WI	54614
Vice President/Member	NICHOLAS L HANSEN	1728 CASS STREET LACROSSE WI	54601
Secretary/Member	KARI L HANSEN	1320 CARDIANL STREET BANGOR WI	54614
Treasurer/Member			
Agent	WENDY MAC ARTHUR		

Directors/Managers _____

C. 1. Trade Name HANSEN'S IGA

Business Phone Number 715-373-5566

2. Address of Premises 226 W BAYFIELD ST

Post Office & Zip Code 54891

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

4. 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.) Section of main store & storage

5. Legal description (omit if street address is given above): ROOM WITH DOOR

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No

9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 286-2776] Yes No

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME:

this 17th day of April, 2018

Nicole Davis
(Clerk/Notary Public)

My commission expires 10-11-2019

Nicholas L Hansen
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

Nicholas L Hansen
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

Nicholas L Hansen
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-18-18</u>	Date reported to council/board <u>4-18-18</u>	Date license granted <u>4-18-18</u>
License number issued <u>4-18-18</u>	Date license issued <u>4-18-18</u>	Signature of Clerk / Deputy Clerk <u>Nicole Davis</u>

Applicant's WI Seller's Permit No.: <u>756-000034087023</u> FEIN Number: <u>39-1098106</u>	
LICENSE REQUESTED	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$ <u>110.00</u>
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input checked="" type="checkbox"/> Class A liquor	\$ <u>350.00</u>
<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	\$ <u>50.00</u>
TOTAL FEE	\$ <u>510.00</u>

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 4-30-2018 ending: 6-30-2019
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the: Town of Village of City of Washburn

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

CHECK ONE Individual Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name) Home Address Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company The Snug, LLC
 Address of Corporation/Limited Liability Company (if different from licensed premises) _____

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>Pres. DANIEL T DOMAN</u>	<u>302 E 3rd St</u>	<u>Washburn 54891</u>
Vice President/Member			
Secretary/Member			
Treasurer/Member	<u>Treas. Kristi M Doman</u>	<u>302 E 3rd St</u>	<u>Washburn 54891</u>
Agent	<u>Kristi M Doman</u>	<u>302 E 3rd St</u>	<u>Washburn 54891</u>
Directors/Managers	<u>DANIEL T DOMAN</u>	<u>302 E 3rd St</u>	<u>Washburn 54891</u>

C. 1. Trade Name The Snug Business Phone Number 715 313 0338

2. Address of Premises 308 W. Bayfield St. Post Office & Zip Code Washburn 54891

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

4. 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.) Single story Pub/restaurant w/ beer garden

5. Legal description (omit if street address is given above): Small attic storage, basement

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No

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

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME
 this 17 day of April, 20 18
[Signature]
(Clerk/Notary Public)
 My commission expires 1-10-22

[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)
[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK		
Date received and filed with municipal clerk <u>4-17-18</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Applicant's WI Seller's Permit No. FEIN Number: <u>4561027722013-04154364902</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>50.00</u>
TOTAL FEE	\$

pd for 4-13

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 7-1-2018 ending: 6-30-2019
(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 Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company Uncle Walleye LLC dba Patsys Bar

Address of Corporation/Limited Liability Company (if different from licensed premises) 77905 Washington Ave, Washburn WI 54891

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>George W. Engeland</u>	<u>77905 Washington Ave</u>	<u>Washburn WI 54891</u>
Vice President/Member	<u>Barbara K. Engelhard</u>	<u>77905 Washington Ave</u>	<u>Washburn WI 54891</u>
Secretary/Member	<u>Barbara K. Engelhard</u>		
Treasurer/Member	<u>Barbara K. Engelhard</u>		
Agent	<u>Barbara K. Engelhard</u>		
Directors/Managers			

C. 1. Trade Name Patsys Bar Business Phone Number 715-373-5792

2. Address of Premises 328 W Bayfield St Post Office & Zip Code Washburn WI 54891

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

4. 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.) wood side porch smoking area, beer garden

5. Legal description (omit if street address is given above): Block 35, lots 1, 2, 3 Entire Building

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No

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

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME

this 13 day of April, 20 18

[Signature]
(Clerk/Notary Public)

Barbara Engelhard
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

My commission expires _____

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>7-13-18</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Applicant's WI Seller's Permit No. <u>496-000293205502</u>	FEIN Number: <u>20-4998172</u>
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 7-1-18 ending: 6-30-19
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the: Town of Village of City of } Washburn

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

CHECK ONE Individual Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name) Home Address Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company DAVISON INC.

Address of Corporation/Limited Liability Company (if different from licensed premises) _____

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>Harlan J. Guske</u>	<u>Washburn</u>	<u>160 54891</u>
Vice President/Member	_____	_____	_____
Secretary/Member	_____	_____	_____
Treasurer/Member	_____	_____	_____
Agent	<u>Harlan Guske</u>	_____	_____
Directors/Managers	_____	_____	_____

C.1. Trade Name FIRE HOUSE BAR Business Phone Number 715-373-5780

2. Address of Premises 10 WEST BAYFIELD ST. Post Office & Zip Code PO BOX 160 54891

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

4. 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.) ONE STORY BRICK BUILDING WITH BASEMENT

5. Legal description (omit if street address is given above): SMOKE ROOM WITH FENCE IN BEER GARDEN

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No

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

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME

this 11 day of April, 2018

Laura J. Rimas
(Clerk/Notary Public)

My commission expires June 14, 2019

Harlan Guske
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-12-18</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Part full DR5

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 7-01-18 ending: 6-30-2019
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the: Town of Village of City of Washburn

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

CHECK ONE Individual Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company Naturally Superior Inc
Address of Corporation/Limited Liability Company (if different from licensed premises) _____

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title Name (Inc. Middle Name) Home Address Post Office & Zip Code

President/Member Dale Andrew Bueck 74035 Overhagen Rd Washburn WI 5488
Vice President/Member Derek Tom Barzak 75955 Madeline Rd Washburn WI 54889
Secretary/Member Danette Marie Bueck 74025 Overhagen Rd Washburn WI 54891
Treasurer/Member Dana Ingrid Hudson 234 Elm Sky Rd Glenwood City WI 54013
Agent Dale A. Bueck
Directors/Managers Danette M. Bueck

C. 1. Trade Name Lake Superior View Golf Business Phone Number 715 373 1100 / 0293

2. Address of Premises 950 Co Hwy "C" Post Office & Zip Code Washburn 54891

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

4. 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.) Club House - Carts - All Golf course property

5. Legal description (omit if street address is given above): _____

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No

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

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME

this 12 day of April, 2018

[Signature]
Clerk/Notary Public

My commission expires _____

[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>7-12-18</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 7-1-18 ending: 6-30-19
(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 Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name) Home Address Post Office & Zip Code
 ▶ Lois J. Stensvad 524 Washington Ave PO BOX 677 548
Dale K. Hanson SAMS SAMS

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company ▶ Dalovs BISTRO
 Address of Corporation/Limited Liability Company (if different from licensed premises) ▶ 310 West Bayfield Street
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>Dale K. Hanson</u>	<u>524 Washington Ave</u>	<u>54891</u>
Vice President/Member	<u>Lois Stensvad</u>	<u>11</u>	<u>11</u>
Secretary/Member			
Treasurer/Member			
Agent ▶	<u>Dale Hanson</u>		
Directors/Managers	<u>Dale Hanson & Lois Stensvad Owner, Operator</u>		

C.1. Trade Name ▶ Dalovs BISTRO Business Phone Number 715-373-1125
2. Address of Premises ▶ 310 West Bayfield St. Post Office & Zip Code ▶ PO BOX 677

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No
4. 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.) dining room, summer deck coolers, storage room
5. Legal description (omit if street address is given above): _____
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No
- b. Are **charges for any offenses** presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No
9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? 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 signers. Signers agree 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 and each member of a partnership applicant must sign, corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME

this 9 day of April, 2018

[Signature]

(Clerk/Notary Public)

My commission expires _____

[Signature: Lois Stensvad]

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

[Signature: Dale K. Hanson]

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-9-18</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07 01 2018 ending: 06 30 2019
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the Town of Village of City of } Washburn

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

CHECK ONE Individual Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)

Home Address

Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company Lyndale Terminal, LLC

Address of Corporation/Limited Liability Company (if different from licensed premises) 4567 American Blvd W Bloomington MN 55437

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	Timothy Alexander Miller	5372 Hudson Rd	Lake Wylie SC 29710
Vice President/Member	Jeffrey Charles Burrell	177 Mills Lane	Fort Mill SC 29708
Secretary/Member	Christine Anagnostou	6630 36th Ave	Montreal, QC, Canada H1T 2Z7
Treasurer/Member	Katheleen Kerr Cunnington	3424 E Equestrian Trail	Phoenix AZ 85044
Agent	Eugene Rich, Jr	702 West Pine St	Washburn WI 54891
Directors/Managers	Please see attached		

C 1. Trade Name Holiday Stationstore #227

Business Phone Number (715)373-2305

2. Address of Premises 606 W Bayfield St PO Box 183

Post Office & Zip Code Washburn WI 54891

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

4. 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.) Entire building

5. Legal description (omit if street address is given above):

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No

b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Change to Corporate Secretary Yes No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No

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

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME

this 5th day of April

Amela M. Spencer
(Clerk/Notary Public)

My commission expires 12/15/2018

NOTARY PUBLIC

NOTARY PUBLIC

Michael L. Foster, Ass't Sec.

Officer of Corporation/Member/Manager of Limited Liability Company (Partners/Individual)

Officer of Corporation/Member/Manager of Limited Liability Company (Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-9-18</u>	Date received by applicant	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Applicant's WI Seller's Permit No.	FEIN Number:
456000052531304	41-6022418
LICENSE REQUESTED	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$ 110
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input checked="" 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	\$ 50
TOTAL FEE	\$ 160

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 1, 20 18
 ending JUNE 30, 20 19

TO THE GOVERNING BODY of the: Town of } Washburn
 Village of }
 City of }

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

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Beth Nickels

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 name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member			
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent			
Directors/Managers			

3. Trade Name A Nickels' Worth Bar N Grill Business Phone Number 715-373-5421
 4. Address of Premises 800 W Bayfield St. Post Office & Zip Code Washburn 54891

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
 6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
 7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
 8. (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? 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? Yes No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. 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, or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) The entire building and attached Deck

10. Legal description (omit if street address is given above): _____
 11. (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? Dave Nickels
 12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? [phone 1-800-937-8864] Yes No
 13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. Yes No
 14. 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers 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.

SUBSCRIBED AND SWORN TO BEFORE ME

this 4th day of April, 20 18

Dustin
 (Clerk/Notary Public)

Beth Nickels
 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-4-18</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Applicant's WI Seller's Permit No. / FEIN Number <u>456-000036312-03 39-1784528</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100-</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ <u>400-450</u>
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>4-</u>
TOTAL FEE	\$ <u>504-</u>

50
60

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 7/1/2018 ending: 6/30/2019
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the: Town of Washburn
 Village of Washburn
 City of Washburn

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

CHECK ONE Individual Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:
 Full Name(s) (Last, First and Middle Name) _____ Home Address _____ Post Office & Zip Code _____

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company Washburn Development Property LLC
 Address of Corporation/Limited Liability Company (if different from licensed premises) 2052 85th AVE Dresser, WI 54001
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>Jeffrey Robert Moberg</u>	<u>2052 85th AVE Dresser WI 54001</u>	
Vice President/Member	<u>Michael Charles Anderson</u>	<u>39 CTY RD M STAR Prairie WI</u>	<u>54026</u>
Secretary/Member			
Treasurer/Member			
Agent	<u>Jeffrey Moberg</u>		
Directors/Managers			

C. 1. Trade Name The Harbor View Business Phone Number 715 373 5492
 2. Address of Premises 130 W Harbor View Drive Post Office & Zip Code Washburn, WI 54891

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No
4. 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.) 1 story building, basement, patio
5. Legal description (omit if street address is given above): _____
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No
- b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No
9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No
11. Is the applicant indebted to any wholesaler for 15 days for beer or 30 days for liquor? 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.

SUBSCRIBED AND SWORN TO BEFORE ME
 this 3rd day of April, 2018
[Signature]
(Clerk/Notary Public)
 My commission expires Sept 1, 2020

[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)
[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

Applicant's WI Seller's Permit No. / FEIN Number <u>466-1029314720-0281</u> - <u>441 7452</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100.00</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ <u>450.00</u>
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>50</u>
TOTAL FEE	\$ <u>600.00</u>

TO BE COMPLETED BY CLERK		
Date received and filed with municipal clerk <u>4-4-18</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

**CITY OF WASHBURN
BARTENDER LICENSES
July 1, 2017 thru June 30, 2019**

Approved 5/8/17 #19-01 thru #19-17	Provisional Approved 5/8/17 #19-18 expires 7-7-17.	Provisional Approved #19-19 expires 6/16/17.	Approved 6/12/17 #19-18 thru #19-35		Provisional Approved 6/24/17 #19-36 expires 8/23/17.	Approved 7/10/17 #19-36	
Provisional Approved #19-37 expires 8/27/17.	Provisional Approved #19-38/ 7/12/17 expires 9/10/17.	Approved 8/14/17 #19-37 & #19-38	Provisional Approved 9/15/17 #19-39		Provisional Approved 9/20/17 #19-40	Approved 10/9/17 #19-39 & #19-40	
Provisional Approved 9/29/17 #19-41 expires 11/28/17	Provisional Approved 10/23/17 #19-42 expires 12/22/17	Approved 11/13/17 #19-41 & #19-42	No licenses for 12/11/17		Provisional Approved #19-43 12/4/17 expires 2/2/18	Provisional Approved #19-44 12/13/17 expires 2/11/18	
Approved January 8, 2018 #19-43 & #19-44	Provisional Approved #19-45 1/4/18 expires 3/5/18	Provisional Approved #19-46 expires 3/9/18	Approved 2/12/18 #19-45 & #19-46		Provisional Approved 2/9/18 #19-47 expires 4/10/18	Provisional Approved 2/22/18 #19-48 expires 4/23/18	
Approved 3/12/18 #19-47 & #19-48	Provisional Approved #19-49 expires 4/30/18	Provisional Approved #19-50 expires 5/18/19	Provisional Approved #19-51 expires 5/22/18		Provisional Approved #19-52 expires 5/26/18	Approved 4/9/18 #19-49 thru #19-52	
Provisional Approved 4/17/18 #19-53 expires 6/16/18	Provisional Approved 4/23/18 #19-54 expires 6/22/18	Provisional Approved 4/26/18 #19-55 expires 6/25/18	Pending Approval 5/14/18 #19-53 to #19-55				P I C K E D
LAST NAME	FIRST NAME	MIDDLE NAME	MAIDEN OR PREVIOUS NAME	P A I D	PLACE OF BUSINESS	RENEWAL OR NEW LICENSE	U P
MacArthur	Wendy	Marie	Sorenson	X	Washburn IGA	Renewal #19-01	X
Terry	Paige	Alexis	Parks	X	Washburn IGA	Renewal #19-02	X
Ainsworth	Terri	Lea		X	Washburn IGA	Renewal #19-03	X
Larson	Kristy	Anne	Roy	X	Washburn IGA	Renewal #19-04	X
McAuliffe	Shana	Mae		X	Washburn IGA	Renewal #19-05	X
Wilcox	Cameron	Ross		X	Washburn IGA	Renewal #19-06	X
Haughn	Carl	Albert		X	Washburn IGA	Renewal #19-07	X
Defoe	Nicholas	Mark		X	Washburn IGA	Renewal #19-08	X
Johnson	Teresa	Lynn		X	Washburn IGA	Renewal #19-09	X
Vilandre	Roselle	Simone		X	Washburn IGA	Renewal #19-10	X
Johnson	Jamie	Lynne		X	Patsy's	Renewal #19-11	X
Klaar	Jessica	Lee	Goldman	X	Firehouse Bar	Renewal #19-12	X
Heggie	Dianna	Princess	Pliska	X	Holiday	Renewal #19-13	X
Lindsley	Donna	Louise		X	Holiday	Renewal #19-14	X
Stensvad	Lois	Janet		X	Da'lous Bistro	Renewal #19-15	X
Doman	Daniel	Todd		X	The Snug	Renewal #19-16	X
Doman	Kristi	Maria	Lafond	X	The Snug	Renewal #19-17	X
Forman	Jami	Jo		X	LkSupView Golf	Provisional #19-18 New #19-18	X X

Carcoba-Defoe	Irene			X	Patsy's	Provisional #19-19 New #19-19	X X
Sundquist	Roberta	Lee		X	Leino's	Renewal #19-20	X
Lawyer	Rose	Marie		X	Da'lou's Bistro	Renewal #19-21	X
Pierce	Vanessa	Michelle	Capponcelli	X	Leino's	Renewal #19-22	X
Bresette	Amanda	Louise		X	Leino's	Renewal #19-23	X
Brevak	Jane	Elizabeth	Hudson	X	LkSupView Golf	Renewal #19-24	X
Weaver	Mary	Johanna		X	LkSupView Golf	Renewal #19-25	X
Hudson	Dana	Ingrid	Brevak	X	LkSupView Golf	Renewal #19-26	X
May	Sarah	Kristen		X	The Snug	Renewal #19-27	X
Beagan	John	David		X	Stagenorth	Renewal #19-28	X
Vernon	Louise	Annette	Faulkner	X	LkSupView Golf	Renewal #19-29	X
Swanson	Charlene	Karen	Brevak	X	LkSupView Golf	Renewal #19-30	X
Reese	Wendy	Carolyn	Deerly	X	Roaming	Renewal #19-31	X
Eder	Kenneth	George		X	Roaming	Renewal #19-32	X
Verville	Lisa	Marie		X	Roaming	Renewal #19-33	X
Woodworth	Elizabeth	Loring		X	Stagenorth	Renewal #19-34	X
Stadler	Robert	Lee		X	Patsy's	Renewal #19-35	X
Steinkopf	Peter	Joseph		X	Washburn IGA	Provisional #19-36 New #19-36	X X
Defoe	Kelsey	Jaqueline	Defoe	X	Holiday	Provisional #19-37 New #19-37	X X
Merton	Ian	Michael		X	Leino's	Provisional #19-38 New #19-38	X X
Ochsenbauer	James	Edward		X	Holiday	Provisional #19-39 New #19-39	X X
Burton	Magenta	Ivy		X	Washburn IGA	Provisional #19-40 New #19-40	X X
Jack	Millie	Bertha		X	Checkerz Café	Provisional #19-41 New #19-41	X X
Benson	Christopher	John		X	Holiday	Provisional #19-42 New #19-42	X X
Gray	Teresa	Ann	Hausback	X	Roaming	Provisional #19-43 New #19-43	X X
Collins	Dorothy	Anne		X	Holiday	Provisional #19-44 New #19-44	X X
Swanson	Karen	Kay		X	Holiday	Provisional #19-45 New #19-45	X X
Granger	Meta	Rose	Greenwood	X	Washburn IGA	Provisional #19-46 #19-46	X X
Byerhof	Jessica	Ashley		X	Washburn IGA	Provisional #19-47 New #19-47	X X
Currier	Lynn	Marie	Armstrong	X	Washburn IGA	Provisional #19-48 New #19-48	X X
Gurnoe	Ashly	Ann		X	Holiday	Provisional #19-49 New #19-49	X X
Jacobson	Mavis	Jill-Marie	Koski	X	A Nickel's Worth	Provisional #19-50 New #19-50	X
Olson	Joslyn	Edward		X	Patsy's	Provisional #19-51 New #19-51	
Mott	Victoria	Jane	Stariha	X	Holiday	Provisional #19-52 New #19-52	X X
Eckels	Tyler	Jeffry		X	Patsy's	Provisional #19-53 New #19-53	
Ainsworth	Terri	Lea		X	Holiday	Provisional #19-54 New #19-54	

