

**CITY OF HAYWARD
SAWYER COUNTY, WISCONSIN
REGULAR CITY COUNCIL MEETING
Monday, October 10, 2016
MINUTES**

The meeting was called to order by Mayor Swinkowski at 6:00 p.m.

Roll Call:

Council Present: Mayor Swinkowski, Ald. Gillis, Ald. Johnson, Ald. Kennell, Ald. Kreyer, Ald. Miller, Ald. Munich, Ald. Voight and Ald. Speros

Others Present: Attorney Kelsey, Director McCue, Chief Clapero, Asst. Chief Wohling, Deputy Clerk Metcalf, Jeremy Mavis and Frank Zufall

Resolution No. 16-06: Wisconsin Fair Housing Law

A motion was made by Ald. Munich, seconded by Ald. Gillis to approve Resolution No. 16-06: Fair Housing within the City of Hayward, as read by Attorney Kelsey. Roll Call Vote: Ald. Gillis – yes, Ald. Johnson – yes, Ald. Kennell – yes, Ald. Kreyer – yes, Ald. Miller – yes, Ald. Munich – yes, Ald. Voight – yes, Ald. Speros – yes. Motion carried. Ayes (8), Nays (0)

**RESOLUTION NO. 16-06
FAIR HOUSING RESOLUTION**

LET IT BE KNOWN TO ALL PERSONS of the City of Hayward that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, national origin, handicapped or familial status, is prohibited by the Federal Fair Housing Act. It is the policy of the City of Hayward to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, national origin, marital status, age, ancestry, sexual orientation, disability, family status, lawful source of income, and status as a victim of domestic abuse, sexual abuse or stalking. Therefore, the City does hereby pass the following resolution:

BE IT RESOLVED that within available resources, the City will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, marital status, age, ancestry, sexual orientation, disability, family status, lawful source of income, and status as a victim of domestic abuse, sexual abuse or stalking to seek equity under federal and state laws by filing a complaint with the Wisconsin Department of Workforce Development, Equal Rights Division or the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the City shall publicize this resolution and through this publicity shall cause owners of real estate, developers and builders, to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state or local laws or ordinances.

SAID PROGRAM will, at a minimum, include, but not be limited to: (1) the printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; (2) distribution of posters, flyers and any other means which will bring the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Ordinance No. 528: Rights of Ways

Attorney Kelsey explained that more and more cellular companies are requesting permission to put antennas and other equipment in municipal rights of ways. Ordinance No. 528 provides for the regulation in the placement of antennas and equipment in the City's rights of ways. Each council member was provided with a copy of Ordinance No. 528 for their review. Ordinance No. 528 will be placed on next month's agenda for adoption.

Request to close Main Street from 3rd Street to 4th Street on Monday, October 31st, 2016 from 3:30 p.m. to 6:00 p.m. for "Trunk or Treat" Event

Jeremy Mavis informed the council members that event organizers would like permission to again close Main Street for the "Trunk or Treat" event. Event organizers have spoken to the property owners located on the third block of Main Street regarding the proposed closure; no objections were encountered. A motion was made by Ald. Kennell and seconded by Ald. Kreyer to approve the request, presented by Jeremy Mavis, to close Main Street between 3rd Street and 4th Street from 3:30 p.m. and 6:00 p.m. on Monday, October 31st for the "Trunk or "Treat event. Motion carried.

A motion was made by Ald. Munich, seconded by Ald. Gillis to approve the following:

- 1. Minutes:** Public Works of 9/12; Police & Fire of 9/12, Finance of 9/12; Regular Council of 9/12 (abridged / unabridged); Planning Commission of 9/21 and Public works of 9/21

2. **From Licenses, Permits & Ordinances of 10/10:**
A. Request to amend the decibel level limits listed in the City of Hayward Noise Ordinance (No. 505) on Fridays and Saturdays to 85 decibels until 11:30 p.m., at which time, it would drop back to 60 decibels: Chief Clapero is to obtain additional information regarding the decibel level limits and present his findings to the council next month.

3. **From Public works of 10/10:**
A. Resolution No. 16-07: Allowing for an access driveway at a distance less than 75 feet from the right of way of a city street. Item was removed from the consent agenda and acted upon separately. A motion was made by Ald. Gillis, seconded by Ald. Kreyer to approve Resolution No. 16-07: allowing Terry Hogan, Hayward Bait & Bottle, to install an access driveway at a distance less than 75 feet from the right of way of Beal Avenue, as read by Attorney Kelsey. Roll Call Vote: Ald. Gillis – yes, Ald. Johnson – yes, Ald. Kennell – yes, Ald. Kreyer – yes, Ald. Miller – yes, Ald. Munich – yes, Ald. Voight – yes, Ald. Speros – yes. Motion carried. Ayes (8), Nays (0)

RESOLUTION NO. 16-07

**A resolution authorizing an access driveway on Railroad Street
At a distance less than 75 feet from the right-of-way of Beal Avenue**

WHEREAS, upon recommendation of the Public Works Committee, the Common Council of the City of Hayward may, on a case by case basis, approve an access driveway located less than 75 feet from the right-of-way of any city street, due to circumstances unique to a property; and

WHEREAS, a meeting of the Public Works Committee was held on September 21, 2016, to discuss a request submitted by Terry Hogan, Hayward Bait & Bottle Shoppe Inc., for an access driveway to be located on Railroad Street at a distance of less than 75 feet from the right-of-way of Beal Avenue; and

WHEREAS, the Public Works Committee believes the current location of the access driveway on Railroad Street creates a possible safety concern; and

WHEREAS, the Public Works Committee has recommended, that due to safety concerns of the current driveway location on Railroad Street and circumstances unique to the property, an access driveway should be allowed on Railroad Street at a distance less than 75 feet from the right-of-way of Beal Avenue;

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Hayward does hereby approve an access driveway on Railroad Street at a distance less than 75 feet from the right-of-way of Beal Avenue, as requested by Terry Hogan, Hayward Bait & Bottle Shoppe Inc., 15737 Davis Avenue.

- B. Update by Director McCue on FEMA mitigation projects/funds.
C. The granting of permission to the Public Works Department to sell the 1991 Chevy dump truck with sander, the 1994 Dodge pickup, and the 1985 Chevy dump truck; revenues generated from the sale of these three trucks to be used toward the purchase a newer, used dump truck.
D. The mowing contracts for the 2017 season:
1. Mike Neibert – Affordable Property Maintenance
a. Beach, Parks, etc. mowing contract in the amount of \$3,100.
b. Wastewater Treatment Plant mowing contract in the amount of \$2,900.
2. Thomas Shuman
a. Greenwood Cemetery mowing contract in the amount of \$14,428.

4. **From Finance of 10/10:**
A. Discussion ensued regarding the feasibility of a municipal court in the City of Hayward, with Ald. Munich and Ald. Kennell presenting information obtained from visiting various municipal courts; discussion of the costs and potential income generated by a municipal court to be brought before the full council next month.
B. The payment of City General Fund checks numbered 29992 through 30039; Water & Sewer Fund checks numbered 9642 through 9664; and the September account transfers.

5. **Operator Licenses – Regular** (June 30, 2017): Elizabeth M Sweeney, Nicole R McInerney and Cassandra L Simons

6. **Application for a “Class A” Liquor (Cider Only) License:** for the period of October 11, 2016 to June 30, 2017, CAP Operations, Inc., (Holiday #31), Jeanne D. Timberlake, agent, 15441 US Hwy 63, Hayward.
7. **Application for Class B Liquor & Fermented Malt Beverage License:** for the period of October 11, 2016 to June 30, 2017, La Cabana Mexican Bar & Grill LLC Carlos Alonso Escobedo Sole Member, Carlos A. Escobedo, agent, 15546 County Road B, Hayward.

Roll Call Vote: Ald. Gillis –yes; Ald. Johnson – yes, Ald. Kennell – yes, Ald. Kreyer – yes, Ald. Miller – yes, Ald. Munich – yes, Ald. Voight – yes, and Ald. Speros – yes. Motion carried. Ayes (8), Nays (0)

Public Comments

No public comments were made.

Clerk’s Report

Deputy Clerk Metcalf stated that a picnic license was issued to the Hayward Area Chamber of Commerce for a Business After 5 event held on September 29th.

Executive Session

A motion was made by Ald. Speros, seconded by Ald. Kreyer to move into executive session per §19.85(1)(g) conferring with legal counsel with respect to litigation in which the City is or is likely to become involved regarding storm sewer maintenance / repair; and per §19.85(1)(e) deliberating or negotiating the purchase of City owned property on Bay Avenue. Roll Call Vote: Ald. Gillis –yes; Ald. Johnson – yes, Ald. Kennell – yes, Ald. Kreyer – yes, Ald. Miller – yes, Ald. Munich – yes, Ald. Voight – yes, and Ald. Speros – yes. Motion carried. Ayes (8), Nays (0)

Action from Executive Session

No action was taken.

Adjournment

A motion was made by Ald. Munich, seconded by Ald. Speros to adjourn. Motion carried. The meeting was adjourned at 6:45 p.m.

*William L Swinkowski, Mayor

*Lisa Poppe, City Clerk-Treasurer