

**CITY OF HAYWARD
SAWYER COUNTY, WISCONSIN
REGULAR CITY COUNCIL MEETING
Monday, May 11, 2020
MINUTES**

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

Roll Call:

Council Present: Mayor Munich, Ald. Gillis, Ald. Johnson, Ald. Kennell, Ald. Kreyer, Ald. Miller, Ald. Swan, Ald. Voight, Ald. Williamson
Others Present: Attorney Kelsey, Director McCue, Chief Clapero, Clerk Poppe, Deputy Clerk Metcalf, Officer Peters, Mike Stoffel, Chris Ruckdaschel, Wade Bishop, Amanda Wilson, Nathan Reynolds, Lynne Marie Lindquist, James MacLaughlin, Frank Zufall and other concerned citizens

Pledge of Allegiance

The Pledge of Allegiance was recited.

Resolution No. 20-04: Reopen Hayward

A motion was made by Ald. Kennell, seconded by Ald. Williamson to approve and adopt Resolution No. 20-04: Reopen 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. Swan – yes; Ald. Voight – yes; Ald. Williamson – yes Motion carried. Ayes (8), Nays (0)

RESOLUTION NO. 20-04

A RESOLUTION TO REOPEN THE CITY OF HAYWARD

WHEREAS, on March 24, 2020, Governor Evers directed the Department of Health Services (DHS), Secretary-designee, Andrea Palm, to issue a Safer at Home Order; and

WHEREAS, pursuant to the direction of Governor Evers, Andrea Palm, issued Emergency Order #12, which became effective on Wednesday, March 25, 2020 and remained in effect until 8:00 a.m. on Friday, April 24, 2020; and

WHEREAS, on April 16, 2020, Department of Health Services (DHS), Secretary-designee, Andrea Palm, extended Emergency Order #12, to remain in effect until 8:00 a.m. on May 26, 2020, pursuant to Emergency Order #28.

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hayward urges the Wisconsin Legislature and Governor Tony Evers to lift all restrictions promulgated under Emergency Order #12 and Emergency Order #28 to allow all City of Hayward businesses, churches and non-profit organizations to immediately open to normal pre-shutdown operating capacities.

Resolution No. 20-05: Opening Hayward Parks and Trails

A motion was made by Ald. Gillis, seconded by Ald. Kennell to approve and adopt Resolution No. 20-05: Opening Hayward Parks and Trails, as read by Attorney Kelsey. Roll Call Vote: Ald. Gillis – yes; Ald. Johnson – yes; Ald. Kennell – yes; Ald. Kreyer –yes; Ald. Miller – yes; Ald. Swan – yes; Ald. Voight – yes; Ald. Williamson – yes Motion carried. Ayes (8), Nays (0)

RESOLUTION NO. 20-05

A RESOLUTION TO REOPEN THE CITY OF HAYWARD PARKS AND TRAILS

WHEREAS, the City of Hayward parks and trails are owned and maintained by the City of Hayward and funded by its taxpayers for the enjoyment of its residents and visitors;

NOW THEREFORE BE IT RESOLVED that all City of Hayward parks and trails are open to the public.

Resolution No. 20-06: No City Funding for Enforcement

A motion was made by Ald. Miller, seconded by Ald. Williamson to approve and adopt Resolution No. 20-06: No City Funding for Enforcement, as read by Attorney Kelsey. Roll Call Vote: Ald. Gillis – yes; Ald. Johnson – yes; Ald. Kennell – yes; Ald. Kreyer –yes; Ald. Miller – yes; Ald. Swan – yes; Ald. Voight – yes; Ald. Williamson – yes Motion carried. Ayes (8), Nays (0)

RESOLUTION NO. 20-06

A RESOLUTION THAT NO CITY FUNDING FOR ENFORCEMENT OF ORDERS
GIVEN PURSUANT TO SECTION 252.02 WIS STATS

WHEREAS, *Section 252.02 Wis Stat*, is titled, “Powers and Duties of department”; and

WHEREAS, *Section 252.02(3) Wis Stats* states, “The department may close schools and forbid public gatherings in schools, churches, and other places to control outbreaks and epidemics”; and

WHEREAS, *Section 252.02(5) Wis Stats* states, “ If any public officer or employee or any person in charge of any building, vessel, conveyance, jail, state prison, mental health institution or school fails to comply with a rule promulgated or order issued under sub (4), the department may appoint an agent to execute its rules or orders. Expenses that an agent incurs shall be paid by the unit of government that employs the person or of which the public officer is a member. If the building, vessel, conveyance, mental health institution or school is privately owned the state shall pay the expenses that the agent incurs.”

NOW THEREFORE BE IT RESOLVED, by the Common council of the City of Hayward that the City of Hayward shall defer to the State of Wisconsin for enforcement of Emergency Order #12 and Emergency Order #28 as issued by Department of Health Services (DHS), Secretary-designee, Andrea Palm; and

THEREFORE, BE IT FURTHER RESOLVED, that the City of Hayward shall not allocate any resources for enforcement of Emergency Order #12, Emergency Order #28 or any other extensions of said Emergency Orders.

Hayward Area Chamber of Commerce – Sidewalk Sales Request

A motion was made by Ald. Gillis, seconded by Ald. Miller to approve the request, submitted by Chris Ruckdaschel on behalf of the Hayward Area Chamber of Commerce in an email dated May 8, 2020, for downtown Hayward businesses to have sidewalk sales on select dates to be determined between the re-opening of Main Street through Labor Day; provided the City Council is informed as to the days the sidewalk sales and events will be held. Motion carried.

Ben LaBarre – Request for the Creation of a Tax Incremental District

A motion was made by Ald. Miller, seconded by Ald. Gillis to move forward with the creation of a Tax Incremental District which would encompass the property to be developed by Ben LaBarre and other property located around the Rock Creek area on the south side of town. Motion carried.

Application for Class B Fermented Malt Beverage License and Class C Wine License: for the period of May 12, 2020 to June 30, 2020 – Manifesting Perfection LLC, Amanda L Wilson, agent, 10572 Main Street

A motion was made by Ald. Miller, seconded by Ald. Kreyer to approve the issuance of a Class B Fermented Malt Beverage License and a Class C Wine license for the period of May 12, 2020 to June 30, 2020 to Manifesting Perfection LLC, Amanda L Wilson, agent, 10572 Main Street. Roll Call Vote: Ald. Gillis – yes; Ald. Johnson – yes; Ald. Kennell – yes; Ald. Kreyer –yes; Ald. Miller – yes; Ald. Swan – no; Ald. Voight – yes; Ald. Williamson – yes Motion carried. Ayes (7), Nays (1)

Application for Class B Fermented Malt Beverage License: for the period of June 1, 2020 to September 11, 2020 – Hayward Hawks Baseball Inc., Michael A Kelsey, agent, 15930 W 5th Street

A motion was made Ald. Miller, seconded by Ald. Williamson to approve the issuance of a Class B Fermented Malt Beverage License for the period of June 1, 2020 to September 11, 2020 to Hayward Hawks Baseball Inc., Michael A Kelsey, agent, 15930 W 5th Street. Roll Call Vote: Ald. Gillis – yes; Ald. Johnson – yes; Ald. Kennell – yes; Ald. Kreyer –yes; Ald. Miller – yes; Ald. Swan – yes; Ald. Voight – yes; Ald. Williamson – yes Motion carried. Ayes (8), Nays (0)

Hayward Community School District – Request to place a banner across Main Street for the 2020 Graduating Class

A motion was made by Ald. Swan, seconded by Ald. Kennell to approve the request submitted by Craig Olson, Hayward Community School District, to place a banner across Main Street celebrating the 2020 Graduating Class. Motion carried.

City of Hayward Façade Improvement Guidelines / Resolution No. 20-01: Adopting the City of Hayward Façade Improvement Guidelines

A motion was made by Ald. Gillis, seconded by Ald. Swan to approve the City of Hayward Façade Improvement Guidelines and to approve and adopt Resolution No. 20-01: Adopting the City of Hayward Façade Improvement Guidelines, as read by Attorney Kelsey. Roll Call Vote: Ald. Gillis – yes; Ald. Johnson – yes; Ald. Kennell – yes; Ald. Kreyer –yes; Ald. Miller – yes; Ald. Swan – yes; Ald. Voight – yes; Ald. Williamson – yes Motion carried. Ayes (8), Nays (0)

RESOLUTION NO.: 20-01

Resolution for the adoption of the City of Hayward Facade Improvement Guidelines

WHEREAS, the City of Hayward, Sawyer County, Wisconsin has developed a Facade Improvement Guideline Plan, and

WHEREAS, the Facade Guideline Plan is to be used as a guide to aid prospective businesses with the Business Facade Corridor (BFC) to obtain loans through the Northwest Wisconsin Regional Economic Development Fund (NWREDF), and

WHEREAS, all maps and other materials noted and attached as exhibits to the Facade Guidelines Plan are incorporated into and made a part of the City of Hayward Facade Improvement Guidelines.

NOW, THEREFORE BE IT RESOLVED, that the City of Hayward accepts and adopts the City of Hayward Facade Improvement Guideline Plan.

The City Clerk shall properly post or publish this resolution as required under s. 60.80 Wis Stats

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

- 1. Minutes:** Public Works of 3/9; Finance of 3/9; Regular Council of 3/9 (abridge / unabridged); Planning Commission of 3/12; Annual Organizational of 4/21; Special Council of 5/4; and Planning Commission of 5/7
- 2. From Public Works of 05/11:**
 - A. The Hayward Garden Club’s request for funds (not to exceed \$500) to prepare and plant the flowerbed under the Welcome to Hayward sign in the municipal parking lot.

- B. Requiring Fran Guzzardo to pay for garbage service, as the BID assessment refers to zoning classification and the garbage service refers to the use of the property. Fran Guzzardo is using 10576 Dakota Avenue as a residence only.
- C. Estimate No. 1483 submitted by Superior Sealers LLC to crack seal various City streets (map attached) for an amount of \$42,245.00.
- D. The quote submitted by Municipal Well & Pump for Well No. 8 pump repairs and rehabilitation services estimated at \$21,240.00.
- E. The agreement provided by Ayres Associates Inc. to provide professional services for an estimated cost of \$225,400 for the Smith Creek Culvert and Railroad Street Reconstruction Project.
- F. Sewer Interceptor Project – California Avenue
 - 1. Director McCue stated that he is working with Sawyer County and the Senior Center to obtain easements and certified survey maps for a public right of way (street) from 5th Street to Nyman Avenue.
 - 2. The replacement of the sanitary sewer on California Avenue between 4th Street and 5th Street; by extending the Sewer Interceptor Project to include the reconstruction of the sanitary sewer main from 4th Street to 5th Street, an increase in grade was obtained.
 - 3. Payment of the invoice submitted by JD Excavating LLC in the amount of \$1,845 to haul fill sand from the golf course to the California Avenue / Nyman Avenue sewer interceptor site.
 - 4. The proposal provided by Monarch Paving to pave California Avenue between 4th Street and 5th Street and the back entrance & parking area of the Senior Center for a cost of \$18,630.
- G. Main Street Reconstruction Project
 - 1. Change Order No. 1: for a net decrease of \$32,551.20. The City will provide the base course from the City’s gravel pit.
 - 2. Change Order No. 2: for a net increase of \$19,823.63. The change order includes the addition of storm sewer at Kansas Avenue, replacement of sanitary sewer on California Avenue between 4th Street and 5th Street, concrete bases for banner poles and the removal of speaker electrical wiring expenses from the bid.
 - 3. Haas Sons Inc. Pay Request No. 1 in the amount of \$402,349.98.
 - 4. Haas Sons Inc. Pay Request No. 2 in the amount of \$741,380.80.
 - 5. The cost to install the banner poles on Main Street for an amount estimated at less than \$4,000.
 - 6. Update on the progress of the Main Street Reconstruction Project – Director McCue stated that Haas Sons Inc. will finish the landscaping today; the first layer of blacktop is down; the second layer will be put down Thursday & Friday; painting will occur on Monday or Tuesday; reopening and ribbon cutting will be held mid to late next week.

3. From Finance of 05/11:

- A. Payment of City General Fund checks numbered 33398 through 33548; Water & Sewer Fund checks numbered 10823 through 10882; and the April account transfers

4. Operator Licenses: Regular (June 30, 2020): Cassidy M Landry and Jack M Ebert

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

Public Comments

Wade Bishop, Element Church, asked for clarification as to whether or not churches could reopen. Frank Zufall, Sawyer County Record, asked for clarification regarding the proposed Tax Incremental District description and detail.

Executive Session

A motion was made by Ald. Gillis, seconded by Ald. Kreyer to go into executive session per §19.85(1)(c) conferring with legal counsel with respect to litigation in which the City is or is likely to become involved and per §19.85(1)(e) deliberating or negotiating the sale of a portion of City owned landfill property fronting Hwy 63. Roll Call Vote: Ald. Gillis – yes; Ald. Johnson – yes; Ald. Kennell – yes; Ald. Kreyer –yes; Ald. Miller – yes; Ald. Swan – yes; Ald. Voight – yes; Ald. Williamson – yes Motion carried. Ayes (8), Nays (0)

Action from Executive Session

No action was taken.

Adjournment

A motion was made by Ald. Miller, seconded by Ald. Swan to adjourn. The meeting was adjourned at 7:00 p.m.

*Charles J Munich, Mayor

*Lisa Poppe, City Clerk-Treasurer