

**City of Bayfield Common Council**  
Bayfield City Hall, 125 South First Street, Bayfield, WI 54814 \* 715-779-5712

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**Monday, August 13, 2018 – 4:00 pm**

**Call to Order – Roll Call – Pledge of Allegiance**

Mayor Ringberg called the meeting to order at 4 p.m. at the Bayfield City Hall followed by roll call and the Pledge of Allegiance.

**Present:** Nelson, Bryan, Burkel, Johnson and Mayor Ringberg

**Others:** Bill Peterson, Doreen Johnson, Rick and Amy Sherrard, Paul Swansen, David Eades, Lyn Hoopman-Cornelius-EMT Director, Tom Kovachevich, Dionne Johnston, and Billie Hoopman

**Review/Approve Agenda:** Johnson/Burkel moved to approve the agenda as presented. Carried.

**Review/Approve the previous Common Council minutes of July 9, 2018:** Bryan/Nelson motioned to approve the Council minutes of July 9, 2018 as presented. Carried.

**Public Input on Agenda Items:** None.

**Agenda**

**1. Apple Festival**

- **Request from Morty's Pub, 108 Rittenhouse Avenue, to expand their premise description for the Apple Festival Weekend (in front of building on sidewalk/Chamber Permit Required)**
- **Request from Creamery Bar, 31 S. First Street to expand their premise description for the Apple Festival Weekend (South of deck on private property, Chamber Permit Required)**

The Mayor explained the past history with the Creamery selling alcohol off their licensed premise (deck) which has been found to be an illegal sale of alcohol. The City was not aware and wasn't controlling it well or at all during the past few years.

The Chamber and City received a request from Morty's Pub for the placement of a booth in front of their Pub for the sale of canned beer from 10 a.m. to 5 p.m. According to the Chamber minutes dated July 12, 2018 the Chamber approved their request pending it can legally be done, the applicant has a brick and mortar business located in Bayfield, it would only be allowed during Apple Festival, and only if 50% or more of their sales come from alcohol.

The City received another request from the Creamery to expand their premise description an additional 5' x 60' out from their deck for similar purposes.

Bryan/Burkel moved to deny the requests from the Creamery and Morty's for extended premise areas during the Bayfield Apple Festival.

Discussion ensued.

The City discussed the request with our Insurance Agent and he indicated this does create a high liability situation. As a result, we should require these entities and the Chamber to provide us with proof of insurance coverage.

The Mayor said he has trouble with this concept and doesn't want Apple Festival to be a beer festival.

Amy Sherrard gave a brief summary of the request noting it's mostly to alleviate congestion from inside. They aren't trying to increase the sale of beer, but their restrooms and ATMS are used by many; the congestion is overwhelming. They would like to move some of their business outside for the three days during the festival.

Tyler Stoklasa, of the Creamery, said it's for sales in general. He reminded those present there is an open container allowance during this time so alcohol is already present.

Nelson said the open container laws already helps alleviate congestion in the bars. He is not in favor of the request.

Chief Fangman said he's been here for five years now and noted alcohol has not been a significant factor during the Apple Festival Weekend. The evenings tend to lead to more issues.

Hoopman noted the City issues a variety of permits that allow for the sale of beer. It is likely that others may want to add to their premise descriptions for similar purposes during the Apple Festival. She voiced concerns about whether or not it was legal to decide based on the sale of food. According to our agreement with the Chamber, they would decide or control who would get a permit; the City would then have to consider granting them a premise description change or allowance for the permitted area.

Defining the premise area was discussed. How would a clear and defined area be delineated to show the licensed premise area? Was a fence or rope really needed?

Motion carried to deny the requests from both Morty's Pub and the Creamery by roll call vote: Nelson-yes, Bryan-No, Johnson-yes, and Burkel-yes.

- **Open Container Rules/Regulations** – In reviewing the open container codes, the City was reminded that it is acceptable for a licensed establishment to allow beer and wine to be carried out, but it is not lawful for distilled spirits to be. Hoopman will send a reminder e-mail to those with Comb. Class B licenses reminding them. It was suggested they put up signs near the doors that say "no distilled spirits past this point". Carry in is still allowed. This is State Law (not the City's).

- **Bayfield Chamber and Visitor Bureau Sponsorship**  
Informational, no action required.

2. **Sidewalk Sale Permit Request – Up North, 124 Rittenhouse Avenue**

Johnson/Burkel moved to approve the sidewalk sale permit allowing the applicant to put up two rectangular racks adjacent to their storefront building as requested for August 18 and 25, 2018. Carried.

3. **Direct Seller's Permit Application: Art Andes**

Nelson/Bryan moved to approve the application from Melanie Ebertz for August 30-September 3, 2018 as presented. Ms. Ebertz has requested permission to set up in the parking space adjacent to the sidewalk at 215 Rittenhouse Avenue (Reed Realty). She plans to have a textile demonstration and sale of handwoven weavings from Peru. Carried.

4. **Room Tax Report:**

Informational. Dollars are up, but room numbers are down. The last weekend in June wasn't good. Weather continues to be a factor.

5. **2019 Budget/CIPS:** Expected to be a tough year. Revenues are likely to be flat, but expenses will up.

6. **Project Updates:**

- a. **2018 Swede Hill Project – 6<sup>th</sup> Street Paving:** Waiting on Fahrner Asphalt to see if they can do anything to fix the problem area(s).
- b. **Seal Coat/Crack Sealing Project:** This work was supposed to be done this week, but the contractor hasn't committed. The PWD noted we need time to clear the parked cars. He'll continue to work out the details and timing with the contractor.
- c. **Waterfront Walk Turning Point Project: Project Update(s):** Concerns were expressed regarding the project construction; it seems to be moving extremely slow. Hoopman is worried about some grant reporting that is due at the end of the month. PWD Kovachevich indicated a phone conference has been setup for tomorrow morning to discuss. Kovachevich said they are hoping to pour the base Wednesday.

- d. **Old Jail – Bayfield Heritage Association: Project Update(s):** The Council was informed the roof has been done replaced. He has not heard of any other projects.
- e. **2018 Comprehensive Plan Update: Project Update(s):** Plan Commissioner’s have continued their work sessions and are still hopeful to have the update done by the end of the year.
- f. **Solar Project Funding/Borrowing:** The Council learned the Finance Committee discussed financing for solar at their meeting earlier. They discussed moving forward with a \$50,000 investment into the Xcel’s Solar Garden; \$40,000 borrowing, and \$10,000 from the Clean It ~ Green It Program.
- g. **Green Tier Legacy Community Alliance for Health Project:** The Mayor said he has a meeting scheduled with Katya, from the COWS program on September 12, 2018 in Bayfield.
- h. **Pavilion Deck Repair:** The project is officially out for bids. A copy of the bid solicitation was provided to the Council and it was noted the bids are due September 6, 2018.

**7. Mayor’s Report(s)**

- Best of the Lake – The Mayor thanked everyone, especially David Eades, Chamber Director who made this award possible. He noted we were voted the “Best Family Attraction” and “Best One Hour Stop”.
- He wrote a letter of support for Bay Area Rural Transit’s WI 2018 Statewide Grant Application for FTA Bus and Bus Facilities Infrastructure Investment Program Funding
- There is a Mayor’s Meeting he will be attending next week. There is a session on how to find money for your City.

**Review/Place on File Reports from Committees, Commission & Boards:**

**Ambulance:** Minutes of May 17 and July 19, 2018

**Architectural Review Board:** Minutes of June 25, July 23 and July 30, 2018

**Finance:** Minutes of July 9, 2018

**Fire Department:** Minutes of August 6, 2018

**Harbor:** Minutes of July 16 and August 6, 2018

**Library:** Minutes of June 20 and July 18, 2018

**Parks and Rec.:** Minutes of July 10, 2018

**Planning:** Minutes of July 24, 2018

**Police Department:** July 2018 Report

**Public Works:** Minutes of June 8 and August 3, 2018

**Tree Board:** Minutes of April 30, May 29, and July 2, 2018

Burkel/Johnson moved to place the above minutes on file in a block format. Discussion ensued

- The Mayor asked EMS Director Lyn Hoopman-Cornelius how it was going for the EMS this summer. She noted:
  - they have had 58 transports so far, but things have been going smoothly with their summer crew in place. Going forward they may opt to have them in place through Apple Festival.
  - the Red Cliff director has been doing a good job and they have not had to cover many Red Cliff calls.
  - they have two candidates in the program at this time, but have lost one (Coast Guard transfer).
 The Mayor thanked Cornelius for the update and for all of the department’s time serving our community.
- The Parks and Recreation Committee is looking to bring in sand to the little kids park area at East Dock Park.
- Bryan noted he is concerned about the growing number of solar panels. He hopes the ARB is taking a hard look at the buildings and encouraging property owners to put up the most appropriate styles in order to maintain the character of our historic housing.

Carried.

**Correspondence:**

The Council received copies of:

- First Annual Bayfield Classic Boat and Schooner Rendezvous, September 7-9, 2018 Poster
- Lake Superior Magazine – Bayfield Waterfront voted “2018 Best of the Lake”, and “Best 1-hour stop along the Route”, and Bayfield was voted “Best Family Attraction”.
- Brad and Cindy McDonnell, 229 So. 5<sup>th</sup> Street, letter dated July 11, 2018

Informational; no action required.

**Treasurer: July 2018 Voucher Payments, Fund Summary, & Treasurer’s Reports & Budgets**

Nelson/Johnson moved to approve the July 2018 Payment, and to place the other reports note above on file. Passed by roll call vote as follows: Bryan, Johnson, Burkel and Nelson – yes.

**Set Next meeting(s):** September 10, 2018

**Closed Session:**

Bryan/Nelson made a motion to convene into closed session pursuant to Section 19.85(1)(e):

- The lease between the City of Bayfield/Harbor Commission and the Apostle Islands Marina is due to expire on December 31, 2018 and the City Council will be updated on future lease options, opportunities and negotiation strategies.
- The lease between the City of Bayfield/Courthouse Committee and the Apostle Islands National Lakeshore (through General Services Administration) is due to expire July 2018. The City Council will be updated on future lease options, opportunities and negotiation strategies.

They reserve the right to reconvene into open session to make any decisions on the discussion, to continue with any remaining agenda items or for adjournment purposes. Passed by roll call vote as follows: Johnson, Burkel, Nelson and Bryan – yes.

Burkel/Johnson made a motion to reconvene into open session for purposes of adjournment. Carried. (5:17 p.m.)

**Adjournment:** Burkel/Johnson moved to adjourn. Carried. (5:18 p.m.)

Minutes by: Billie L. Hoopman, Clerk