

COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on **Tuesday, February 13, 2018** immediately following the City Council meeting which begins at **6:15** p.m. in the Ashland City Hall Council Chambers.

The following items will be considered:

1. Roll Call
2. Council President's Report
3. City Administrator's Report
4. Approval of the Agenda
5. Discussion and Possible Action Regarding Bonds for Construction Projects (*Councilor Ortman*)
6. Discussion and Possible Action Regarding Reducing the Size of the Ashland City Council (*Councilor Doersch*)
7. Discussion and Possible Action on City of Ashland Sidewalk Snow Removal Policy (*Councilor Ketring*)
8. Adjournment

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NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact Denise Oliphant at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

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AGENDA BILL

Ref: 031

COMMITTEE AGENDA: 9 (01-09-2018)
5 (02-13-2018)

COUNCIL AGENDA:

SUBJECT: Discussion and Possible Action Regarding Bonds for Construction Projects

RECOMMENDATION:

DEPARTMENT OF ORIGIN: Councilor Ortman

DATE SUBMITTED: February 4, 2018

CLEARANCES: Council President

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED: NA

APPROPRIATION REQUIRED: NA

SUMMARY STATEMENT:

Councilor Ortman has requested a discussion regarding bonds for construction projects. He would like to discuss why the City requires bonds and what is considered when determining whether or not to invoke a bond.

In particular, Council Ortman would like to discuss the 6th Street project from Sanborn Avenue to Ellis Avenue that was completed in 2016 and why the City of Ashland has not invoked the bond for this project. On August 29, 2017, the Council was asked to appropriate \$18,500 from Fund 470 for geotechnical testing rather than invoking the bond. He would also like to discuss what would need to happen before the City of Ashland would consider invoking this bond.



AGENDA BILL

Ref: 024

**COMMITTEE AGENDA: 5 (01-30-2018)
6 (02-13-2018)**

COUNCIL AGENDA:

SUBJECT: Discussion and Possible Action Regarding Reducing the Size of the Ashland City Council

RECOMMENDATION: Direct the City Administrator to create a plan that would reduce the size of the Ashland City Council in 2020 (or thereabouts when census data is available) which would include the redrawing of district lines and having at- large members

DEPARTMENT OF ORIGIN: Councilor Doersch

DATE SUBMITTED: January 21, 2018

CLEARANCES: Council President

EXHIBITS:
A- Email Correspondence with Clerk's Office; 11-20-2017, 11-28-2017
B- Committee of the Whole Meeting Minutes, 06-25-2013
C- Agenda Bill Item 6D and Meeting Minutes, 07-12-2011

AMOUNT BUDGETED: NA

APPROPRIATION REQUIRED: NA

SUMMARY STATEMENT:

Councilor Doersch has requested a discussion regarding the size of the Ashland City Council. He first requested this discussion at the September 21, 2010 Committee of the Whole meeting. That agenda bill stated:

In an effort to reduce costs, discussion has ensued regarding the membership of the Common Council. Discussions regarding reducing the size of the Council have been discussed during budget meetings and have also been brought to light by Councilor Doersch. Reducing the size of the Council from eleven members to seven members will significantly reduce the costs related to labor, training, and overhead.

In 2010 when researching this topic, Council was informed that it would be best to consider this topic ahead of a census rather than after a census. Therefore, it is timely to revisit the topic. Below are the reasons Councilor Doersch would like the Council to consider reducing the size of the Council.

1) By doing it in advance of 2020 (census year), it would give the County time to adjust their districts if they so wished.

2) In the last few years, none of the Council elections have been contested. With fewer districts plus at-large contests, more people should be interested in being involved in city government. Democracy means giving people choices for whom to vote for.

3) With fewer people on City Council, the pay could be raised which would also be an incentive for people to participate.

4) Fewer Council members would make for more efficient government.

In 2013, reducing the Council size was again discussed. The minutes from the June 25, 2013 Committee of the Whole meeting include:

Comments from Councilors on reducing the Council size included: 1) there would be shorter meetings; 2) keep Council as is because there are a lot of people in some wards to represent; 3) give up pay for attending meetings; 4) reduce size at census time; 5) cost savings to City; 6) reduce size of Council because of size of the City; 7) favor at-large Councilors; 8) if Council pay is raised, more people could focus on doing a good job in these positions.

Carl Doersch has requested that Council consider directing administration to research the pros and cons of reducing the Council size. This may be through an Ad Hoc committee if the administration and Council support that approach.

Suggested Motion: Direct the City Administrator to create a plan that would reduce the size of the Ashland City Council in 2020 (or thereabouts when census data is available) which would include the redrawing of district lines and having at-large members.

Denise Oliphant

From: Kim Westman
Sent: Monday, November 20, 2017 2:20 PM
To: Ward 7
Cc: Deb Lewis; Denise Oliphant
Subject: RE: agenda bill regarding council size for Councilor Doersch

Hi Pat-

Did a little digging and the City of Washburn has 7 councilors, one is at large. They have 4 wards that they have divided up in what I consider a strange way. Don't really understand it. They have 2 reps on the County Board one rep for Wards 1 & 2 and one rep for Wards 3 & 4. The Bayfield County Board has 13 members. Could not get ahold of anyone in the City of Washburn, will keep trying to see how it works for them. Scott Fibert, Bayfield County Clerk says it works OK for them.

As for us, I think 7 wards would be better. However, for voting purposes to avoid confusion and expense for both the city/county for voting expenses (ballots, contests, programming, etc.) I would like to see Ashland County Board reduce their number to 7 districts also. Big argument is that it would save both the City/County some money. However, if the County chooses not to reduce the number of board members it would not affect the city doing so.

I vehemently agree that if you are going to do this please do it at the next census. It would be the best time. Looking over the minutes from Sept. 28, 2010, page 2, Teague argued that there are easier and more effective ways to save money, but nothing was listed. Teague also stated duties and responsibilities of councilors could increase, but I imagine there are other cities our size who make it work with 7 reps. Also stated leaves leadership to 3 or 4; no matter the number of councilors those who will lead will do so, and those who do not won't. Benton stated this would leave the people with less representation. Councilor should represent everyone in the city not just a particular ward. In 2013 one of the comments was some wards had a lot of people to represent. Ward boundaries after the census are redrawn to include approximately the same number of people in each ward.

To date I have not seen a good argument as to what the benefit of a bigger city council is. People can speak, they can participate, no matter if there are 7 wards or 11 wards. By having 7 at large seats, anyone so inclined to run for city council could do so without having to cajole people in a particular ward so that we have a body that will represent their ward. Why not open it up to those individuals who really are interested in working for the best interests of everyone in the City because they want to and let the voters decide. To me that is the best argument for a smaller council.

Kim

From: Ward 7
Sent: Saturday, November 18, 2017 1:03 PM
To: Patti Ekstrom; Kim Westman
Cc: Carl Doersch
Subject: agenda bill regarding council size for Councilor Doersch

Hi Patti and Kim,

Carl has requested an agenda item regarding council size. This was considered roughly 5 years ago. I'm wondering if you can find that agenda bill and send what was in it to Carl and myself for background for the next discussion that Carl is interested in having.

Denise Oliphant

From: Kim Westman
Sent: Tuesday, November 28, 2017 12:57 PM
To: Deb Lewis; Denise Oliphant
Subject: FW: reducing our city council

I consulted with the Wisconsin Elections Commission attorney about downsizing the council seats to see what info he had; this is his reply. Kim

From: Judnic, Nathan - ELECTIONS [mailto:Nathan.Judnic@wisconsin.gov]
Sent: Tuesday, November 28, 2017 12:22 PM
To: Kim Westman
Subject: RE: reducing our city council

Hi Kim,

It would appear that Wis. Stat. s. 62.08 – Alteration of aldermanic districts - is probably the statutory section that you would want to focus on if the council is considering a reduction in the number of council members. Specifically, it looks like subs. (3) and (4) appear to be the most relevant. The Elections Commission has not issued any guidelines, but it is possible that the league of municipalities has issued guidance in the past to assist its member municipalities. Waiting until redistricting based on the new census seems like a good idea given the work that is required under sub. (1), but I guess that depends on the urgency of the council to reduce the number. The new districts based on the census are usually not in place until a year or two after the census is completed – so you might be looking at 2021 or 2022 (and that is if the districts are not challenged in court). If you have not already, I would suggest bringing your city attorney into the loop on this as well. One word of caution that we have advised other entities on that look to eliminate or reduce seats, is that you want to make sure the elimination or reduction is clearly communicated and any work is completed in advance of the nomination paper window opening for a seat. Once the nomination paper window opens, individuals could circulate papers and file ballot access documents and could have a legal right to be on the ballot if the work to eliminate the seat has not been completed. Additionally, once a person is elected to a seat for a set term, we have advised that you cannot unilaterally remove them from the seat prior to the expiration of the term that they have been elected to by the people. So when you have staggered terms for members, you must take that into account in any reduction plan.

Hopefully this his helpful. Again, I would consult with your city attorney and potentially the league for additional information or resources they may be able to provide.

Regards,
Nate

Nathan W. Judnic
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Wisconsin Elections Commission
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Ashland City Hall Council Chambers

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Councilors will be given a copy of the letter the Mayor received regarding Superior Days 2014. Westlund will contact the Extension office regarding costs. This discussion will be revisited at a future meeting when more information is received.

Agenda Item 8: Discussion and Possible Action on Reducing Council Size (Councilor Doersch)

In an effort to reduce costs, discussion has ensued regarding the membership of the Common Council. Discussions regarding reducing the size of the Council have been discussed during budget meetings and have also been brought to light by Councilor Doersch.

Discussion took place during the redistricting process regarding reducing the size of the Common Council by four members as this was the most opportune time. A resolution was considered by the Common Council at the September 28, 2010 Committee of the Whole meeting but no action took place at that time.

Carl Doersch has requested that Council consider directing administration to research the pros and cons of reducing the Council size.

Doersch stated that reducing the Council size would save money. At the April, 2013 elections, the Council races were not competitive as only the incumbents ran for office. In previous years, there were only a few challengers. He stated that the City has more Councilors and Ashland County has more County Board members than most places.

Doersch moved, Pufall seconded a motion to propose that the City Administrator meet with the County Administrator to determine the most advantageous time for changing the amount of members and then have both bodies debate and vote on this issue.

The Mayor stated that when he met with Mayors recently, most of their cities had seven to nine members and most are elected at-large. He thinks more candidates would run for office if there are at-large members.

Comments from Councilors on reducing the Council size included: 1) there would be shorter meetings; 2) keep Council as is because there are a lot of people in some wards to represent; 3) give up pay for attending meetings; 4) reduce size at census time; 5) cost savings to City; 6) reduce size of Council because of size of the City; 7) favor at-large Councilors; 8) if Council pay is raised, more people could focus on doing a good job in these positions.

There was a point of order.

Ketring called the question. All were in favor of calling the question.

On a voice vote, the motion to propose that the City Administrator meet with the County Administrator to determine the most advantageous time for changing the amount of members and then have both bodies debate and vote on this issue, carried 6-5. Those opposed were Kabasa, Williamson, Green, Teague and Peterson. The Administrator will bring a proposal to Council.

B.

AGENDA BILL



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Ref: 171

COMMITTEE AGENDA: 7 (06/28/2011)

COUNCIL AGENDA: 6D (07/12/2011)

SUBJECT: Resolution to Adopt a Plan for Wards and Aldermanic Districts Within the City of Ashland (*Approved Unanimously by Committee of the Whole June 28, 2011*)

RECOMMENDATIONS: Approval of Adoption of City of Ashland 2011 Ward Redistricting Plan 2

DEPARTMENT OF ORIGIN: City Clerk

DATE SUBMITTED: June 21, 2011

CLEARANCES: County Supervisory District Plan Approved by Ashland County Board
– May 19, 2011
Approved Unanimously by Committee of the Whole June 28, 2011

EXHIBITS: Resolution to Adopt a Plan for Wards and Aldermanic Districts within the City of Ashland
Letter from Jeff Beirl regarding the County's Tentative Plan
County Supervisory District Plan Approved by Ashland County Board
– May 19, 2011
City of Ashland 2011 Ward Redistricting Plan 2
City of Ashland 2011 Ward Redistricting Plan 1

SUMMARY STATEMENT:

After each census, local governments are required to redistrict. Redistricting is the process of revising the geographic boundaries within a state from which people elect their representatives to the U.S. House of Representatives, State Legislature, County Board, City Council, and School Board. The process begins with the adjustment of municipal wards, the building blocks used to form election districts. Wisconsin law requires all cities, villages, and towns with populations of 1,000 or more to establish wards.

The only reasons for adjusting ward boundaries are to: 1) comply with the population ranges required by law; 2) reflect changes in municipal boundaries occurring subsequent to the adoption of the previous ward plan; 3) permit the establishment of election district of substantially equal population, and 4) permit the establishment of aldermanic or supervisory districts which enhance the participation of minorities in the political process and their ability to elect representatives of their choice; 5) and aldermanic and supervisory districts should remain compact or contiguous. The intent is that wards will remain permanent and only accommodate changes in population growth patterns or the mathematical requirements of creating election districts of equal population.

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sides of the street so people can walk on sidewalks, not in the streets. There is no financial burden to the resident.

Mike Benton stated that Councilors must act appropriate at meetings. The Fire Department bought recliners from Slumberland and questioned why they were not purchased locally. He stated that the Council will have to make fiscally responsible cuts in the future.

Agenda Item 6: Consent Agenda

Teague moved, Scott seconded a motion to approve the Consent Agenda. On a roll call vote, the motion carried unanimously.

Agenda Item 6A: Operator's Licenses

Tara M. Apprill	Kristen M. Beneke	Carol L. Bond
Sharon K. Casey	Diane B. Cooley	Ellen Tyndall Erickson
Janet H. Esposito	Gloria J. Foris	Melody L. Hoglund
David G. Johnson	Christine A. Kabasa	Michele A. Karker
Jennifer L. Kelly	Jacquelyn V. King	Carra M. Leair
Michael T. Martin	Mary L. McPhetridge	Maribeth Monroe
Jennifer R. Munson	Elizabeth J. Nelson	Erick J. Schutte
Donald B. Soulak	Kathleen M. Soulak	Taylor R. Tomczak
Danielle M. Topping	Jessica E. Tyndall	Dante R. Xavier Wolfe

Agenda Item 6B: Miscellaneous Minutes

Agenda Item 6C: Treasurer's Report for May 2011

Agenda Item 6D: Resolution to Adopt a Plan for Wards and Aldermanic Districts Within the City of Ashland (Approved Unanimously by Committee of the Whole June 28, 2011) (City Clerk)

After each census, local governments are required to redistrict. Redistricting is the process of revising the geographic boundaries within a state from which people elect their representatives to the U.S. House of Representatives, State Legislature, County Board, City Council, and School Board. The process begins with the adjustment of municipal wards, the building blocks used to form election districts. Wisconsin law requires all cities, villages, and towns with populations of 1,000 or more to establish wards.

The only reasons for adjusting ward boundaries are to: 1) comply with the population ranges required by law; 2) reflect changes in municipal boundaries occurring subsequent to the adoption of the previous ward plan; 3) permit the establishment of election district of substantially equal population, and 4) permit the establishment of aldermanic or supervisory districts which enhance the participation of minorities in the political process and their ability to elect representatives of their choice; 5) and aldermanic and supervisory districts should remain compact or contiguous. The intent is that wards will remain permanent and only accommodate changes in population growth patterns or the mathematical requirements of creating election districts of equal population.

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The redistricting is outlined in a three-step process: 1) within sixty days of receiving the census data, County Boards will submit a tentative County Supervisory District Plan to each municipality in the County; 2) municipalities adjust ward boundaries in line with the proposed County Supervisory District Plans; 3) within sixty days of receiving the municipal ward adjustments, Counties are required to adopt a final plan to adopt consisting of whole municipal wards.

The Ashland County Board Redistricting Committee studied several options, but recommended that the County Board stay at 21 county supervisory districts – with the City retaining 11 county supervisory districts. The Ashland County Redistricting Plan, approved by the County Board on May 19, 2011, provides for the following: contiguous ward boundaries, substantially equal representation for all residents of the City, and retains the core of existing districts/wards.

The City's 2010 Census population is 8,216. With 11 districts, the target population is 747 per district. The City of Ashland 2011 Ward Redistricting Plan 2, as proposed by the County, does meet the population requirements and is recommended for approval for the following reasons: 1) the plan is consistent with the County proposed plan which will allow for an easier transition; 2) the population between wards is substantially equal; 3) changes in boundaries were kept to a minimum, 4) this plan meets criteria for population deviation; 4) Council members will remain in their respective wards; 5) and the proposed districts respect communities of interest. If Redistricting Plan 2 is not adopted in favor of Redistricting Plan 1 (no boundary changes), the following will be obstacles during implementation and throughout the election seasons: 1) confusion as to where to vote as there may be multiple locations due to City and County boundary differences; 2) increase costs for elections for ballots, programming for election equipment as a result of variances in ballot types/differences; 3) increased cost for advertising to clarify the appropriate voting wards for each election; 4) increased staff time to manage the variances between the County and the City; 5) and more significant variances in the population between wards. Implementation of the proposed plan will be time consuming at first, as the City will need to notify all affected residents of the Ward changes and possibly increase the amount of poll workers to accommodate residents. However, the plan will be in place for ten years and will be less time consuming and be more cost effective to implement than the alternative.

The City of Ashland 2011 Ward Redistricting Plan 2 outlines the following: 1) the 2001 ward boundaries compared to the proposed boundaries; 2) 2010 Census block participation by Ward; 3) population changes based on the 2000 and 2010 Census information; 4) and polling locations, City Council residences, City boundaries, and population by Ward. There are boundary changes and population changes for the following Wards as illustrated for the following based as illustrated by the Plan 2 map: Ward 1 population has decreased by 71 people and the size has decreased by 453.21 acres; Ward 2 lost 1 resident but the size has increased by 5.44 acres; Ward 3 has lost 33 residents and 6.48 acres; Ward 4 has gained 25 residents and 4.92 acres; Ward 5 has gained 18 residents and 2.34 acres; Ward 6 has gained 26 residents and 1.94 acres; and Ward 7 has gained 36 residents and 445.04 acres. This comparison is using 2010 census numbers only with a comparison of new boundaries to existing boundaries.

The City is asking that the Council approve the 2011 City of Ashland Ward Redistricting Plan 2 for the aforementioned reasons. The plan must also be approved by the Ashland County Board. The County will take formal action on creation of the County Supervisory districts following adoption of the ward boundaries by the Council. Approval from the County Board is expected if Plan 2 is approved.

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The Resolution to adopt a plan for wards and aldermanic districts within the City of Ashland was approved unanimously by Committee of the Whole on June 28, 2011. **(File #16847)**

Agenda Item 7: Unfinished Business

There was no unfinished business.

Agenda Item 8: New Business

Agenda Item 8A: Resolution to Transfer Surplus 2010 General Fund Fund Balance to the Capital Streets Project Fund 470 to Fund a Portion of the 2011 12th Avenue West Reconstruction Project (Treasurer)

On June 28, 2011, the Ashland Common Council authorized funding a portion of the 12th Avenue West Reconstruction project with surplus funds from the 2010 General Fund Budget Year. This resolution formally authorizes staff to make a transfer into the Capital Streets Project Fund (470). It is staff's recommendation to pass this resolution.

Teague moved, Scott seconded a motion to approve the Resolution to Transfer Surplus 2010 General Fund Fund Balance to the Capital Streets Project Fund 470 to Fund a Portion of the 2011 12th Avenue West Reconstruction Project. On a roll call vote, the motion carried unanimously. **(File #16848)**

Agenda Item 8B: Resolution to Approve the Sale of Lot 7 and Lot 8, Block 2, Phillips Addition Parcel #201-03804-0000, An Approximate 1.55 Acre Parcel of Land Located at 2401 Junction Road to Patrick Pospychalla (Approved Unanimously by the Planning Commission July 5, 2011) (Planning and Development)

Patrick Pospychalla has submitted a written offer to purchase the balance of Lot 7 & Lot 8, Block 2, Phillips Addition of a parcel of City-owned land located at 2401 Junction Road. Mr. Pospychalla stated that the planned usage of the property in the short term is to clean up debris, improve the appearance, and improve the drainage in front of his existing building at 2301 Junction Road as water is able to flow into the building from rain and snow melt. The Pospychallas have improved the drainage situation slightly by shifting drainage to the west and north of the building, but it is still a serious problem. They intend to build a better drainage system to Lots 7 and 8.

Kabasa moved, Eades seconded a motion to approve the Resolution to Approve the Sale of Lot 7 and Lot 8, Block 2, Phillips Addition Parcel #201-03804-0000, An Approximate 1.55 Acre Parcel of Land Located at 2401 Junction Road to Patrick Pospychalla. On a roll call vote, the motion carried unanimously. **(File #16849)**

AGENDA BILL



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Ref: 036

**COMMITTEE AGENDA: 8 (01/10/2017)
7 (02-13-2018)**

COUNCIL AGENDA:

SUBJECT: Discussion and Possible Action on City of Ashland Sidewalk Snow Removal Policy

RECOMMENDATION: As Council Desires

DEPARTMENT OF ORIGIN: Councilor Ketring

DATE SUBMITTED: February 6, 2018

CLEARANCES: Parks and Recreation Committee
Mayor
City Administrator

EXHIBITS: A-Stuntz to Sanborn Walkability Map
B-Stuntz to 22nd Avenue E. Walkability Map
C-Chapter 530-Sidewalk Construction, Maintenance and Use
D-COW Agenda Bill and Minutes, 1/10/2017

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: N/A

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

SUMMARY STATEMENT:

This discussion is a continuation of a process initiated by Councilor Ketring regarding sidewalk snow removal and designation of year round priority sidewalk routes. The Parks and Recreation Committee has approved a Walkability Map for East and West areas of Ashland that should be considered high priority routes for snow removal. Ordinance 530 places primary responsibility for snow removal on sidewalks on adjacent property owners. In the past, discussions have focused on balancing the priorities, existing demands and staffing levels in departments such as Public Works

and the Police Department with the desire to add additional services.

It is suggested as next steps that Council adopt the attached two Walkability Maps to identify high priority areas for enforcement. It is also recommended that efforts be made to educate the public of the benefits of being a walkable community, that a public forum be held to invite all adjoining landowners to the routes identified and inform them of the desire for maintaining walkable sidewalks year round. Perhaps a sustainability intern could be utilized to help communicate with the public and identify and troubleshoot obstacles for those properties which will require additional assistance. In addition, Public Works, the Ashland Police Department, and the City Attorney must be involved in seeking solutions for resolving issues of non-compliance.

Councilor Ketring has stated the following concerning this issue:

“My initial concern was for the apartment occupants in the area between Vaughn Avenue and 9th Avenue between 6th Street and Main Street as a winter accessibility and wellness issue.... To provide for improved winter access for the most people to downtown I would include Vaughn Avenue BOTH sides from Sixth St. to Main, Sixth Avenue BOTH sides starting in the parking lot area of the apartments to and through the underpass to the lake, Chapple Avenue BOTH sides from Sixth St. to Hwy 2 (MacDonalds), MacArthur Avenue BOTH sides from the apartment parking area to Hwy 2, and 9th Avenue (the apartments are home to many with restricted abilities. I remember Ed Griffiths on snowy days in the middle of the street with his electric wheel chair) BOTH sides from Sixth Street to Main Street.

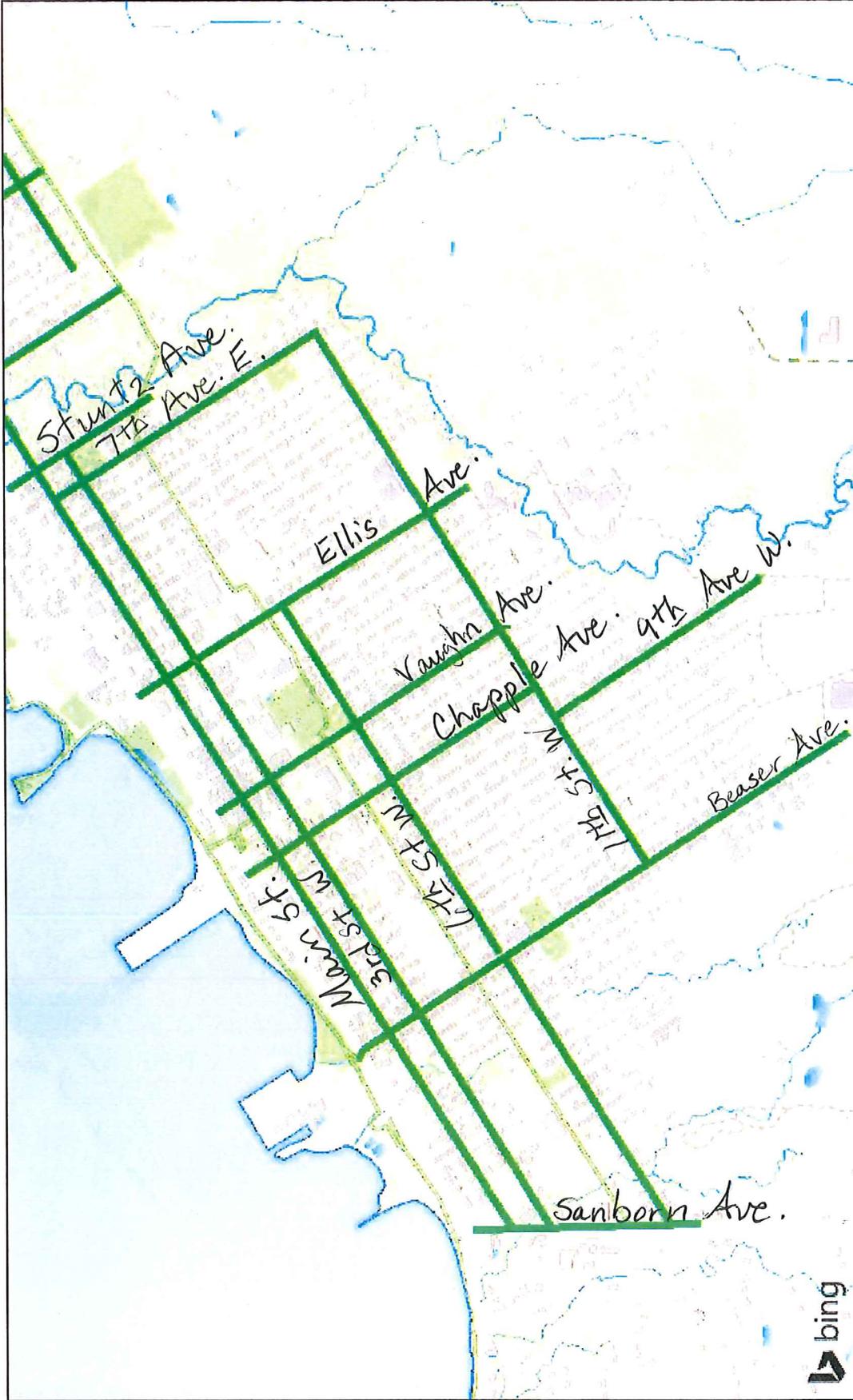
The 5th street corridor should be in the plans to plow in the winter at some future time. The original intention was for the snowmobile trail to run alongside of the paved trail. That still can and should be done from Beaser to Ellis as the pedestrian traffic is constant all winter long on the corridor.

I believe there should be considerations of additional sidewalks on Beaser from 15th South to provide full access to the MMC campus. There should be at least two winter guaranteed priority routes from Northland Campus to downtown along Ellis and another possibly Chapple or Vaughn. The access to the county services building needs a sidewalk installed. When asked during early planning the City Administrator accepted the idea and claimed there was funding enough to accomplish the extension along Sanborn from the 5th Street corridor to the annex. I don't know what happened to the sidewalk plan.

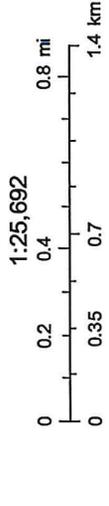
In addition there has been discussion and acceptance in the past of connecting the apartments along the corridor to the corridor at the South end of Mac Arthur Avenue, and from the apartments on the end of Sixth Avenue and the Impact Seven apartments located on Sixth Street.

I think we should focus on the more densely populated and heavily traveled routes first and use a phased approach with repeated consistent enforcement.”

Stuntz to Sandborn Walkability Map

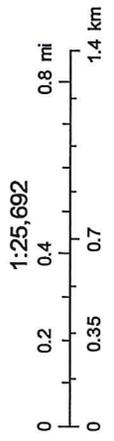
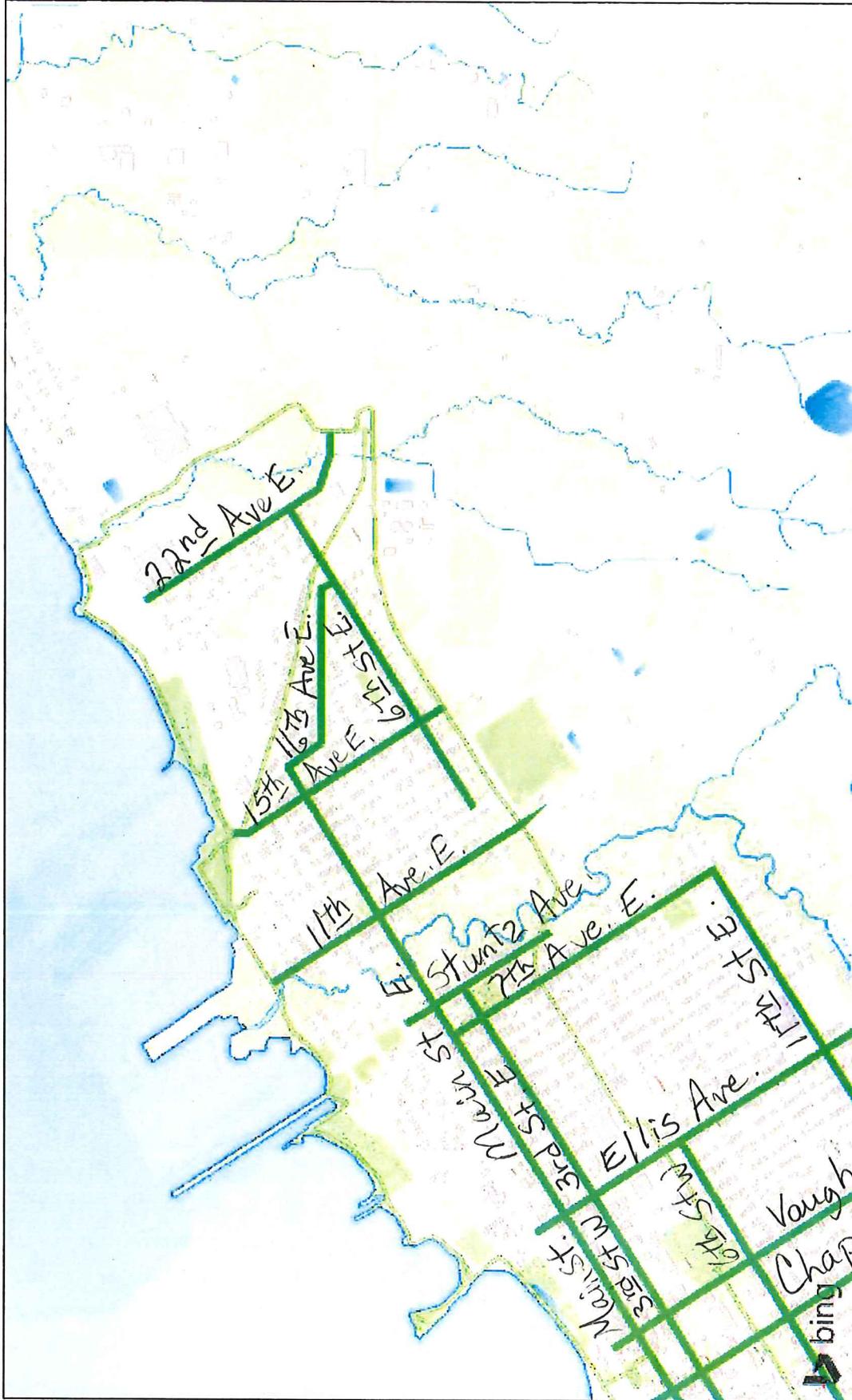


October 19, 2017



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,

Stuntz to 22nd Ave E



1:25,692

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCast, IGN, Kataster NL, Ordnance Survey,

October 19, 2017

Printed from City of Ashland GIS Web Mapping

CHAPTER 530. SIDEWALK CONSTRUCTION, MAINTENANCE, AND USE.

530.01. Purpose. The purpose of this policy is to establish objectives, criteria, and procedures for the construction and maintenance of sidewalks. These policies are designed to:

- (a) Establish a policy for locating sidewalks in order to provide the citizens of Ashland with a useful, consistent and safe pedestrian infrastructure while considering special circumstances of neighborhoods;
- (b) Establish a policy of assessments for the costs of constructing, maintaining and repairing sidewalks
- (c) Implement a plan of scheduled City maintenance and inspection of sidewalks;
- (d) Establish design and construction standards;
- (e) Establish a policy of individual responsibility and care;
- (f) Provide a procedure for an orderly system of construction of sidewalks in existing developed areas of the City based on established criteria.

530.02. Sidewalk Location Criteria. The Common Council of the City of Ashland shall determine the location and configuration of sidewalks in the City. It shall be the general practice of the Common Council to provide for sidewalks on all residential and commercial streets and avenues in the City. However, the Common Council recognizes that sidewalks may not be desirable in all circumstances and shall use the following criteria to guide the Common Council and the Department of Public Works in determining whether to locate sidewalks on any particular City street or avenue:

- (a) Streets and avenues in traditional residential neighborhoods or residential neighborhood with densities greater than 2 residential dwelling units per acre shall receive strong consideration by the Common Council for construction of sidewalks.
- (b) Streets and avenues that have a direct relationship with parks, schools, public facilities, places of public assembly or commercial areas shall receive strong consideration by the Common Council for construction of sidewalks.
- (c) Streets and avenues that experience high traffic volume, high traffic speeds and high volumes of pedestrian use that would indicate a safety need shall receive strong consideration by the Common Council for construction of sidewalks.
- (d) Due to the availability of sunlight on the north and east sides of roadways, streets and avenues that are designated to receive a sidewalk on one side only shall have the sidewalk constructed on the north or east side of the roadway.
- (e) The location of sidewalks within the public right-of-way may be adjusted at the direction of the Director of Public Works to accommodate the unique physical characteristics of the property and to better meet the needs or concerns of abutting property owners.
- (f) The Common Council may exercise considerable discretion in determining the location of sidewalks in

the City and the Common Council recognizes the right of the City to build sidewalks on any public right-of-way that they may determine appropriate.

530.03. Location of Sidewalks. The Department of Public Works shall prepare and maintain a Sidewalk Location Map that shows where sidewalks will be constructed in the City. The Sidewalk Location Map shall indicate the priority status of the street or avenue and whether a sidewalk will be constructed on both sides, or one side only. The map shall be reviewed and approved annually by a resolution of the Common Council and shall be included in the “Comprehensive Sidewalk Policy” which is incorporated here by reference and shall be on file at the office of the City Clerk.

530.04. Multi-Year Sidewalk Improvement Program. The Public Works Department shall create and maintain a program for the replacement and/or construction of sidewalks. The program shall be a component of the long-range capital improvement program of the City of Ashland. The Public Works Department shall conduct annual inspections of sidewalks located in the public right-of-way. The Department shall maintain a written record regarding the condition of sidewalks in the City and document all removal, repair or replacement activity. In establishing priorities, the Department shall consider the following:

- (a) The condition rating given by the Department during the regular inspections of the sidewalks;
- (b) The estimated pedestrian use that is currently being experienced, or which can reasonably be expected to be experienced, on a designated safe walking route;
- (c) The traffic volume and speed on streets adjoining a designated safe walking route;
- (d) The adequacy of existing safe walking routes to schools;
- (e) The need for sidewalks for one or both sides of the street to establish a safe walking route;
- (f) The capital improvement schedule of adjoining street and utility projects; and
- (g) A property owner or a group of property owners may petition the City for consideration for inclusion and priority status on the Sidewalk Improvement Program.

As part of the annual municipal budget process, the Public Works Director shall present recommendations for the replacement and/or construction of new sidewalks in the City.

530.05. Sidewalk Construction, Maintenance and Repairs. The City of Ashland shall be responsible for construction and physical maintenance and repairs of sidewalks located on the public right-of-way. The City shall assess the costs of sidewalk construction, maintenance and repairs to abutting property owners in conformance with the Sidewalk Special Assessment Policy. The Sidewalk Special Assessment Policy shall be reviewed and approved annually by a resolution of the Common Council and shall be included in the “Comprehensive Sidewalk Policy” which is incorporated here by reference and shall be on file at the office of the City Clerk. The special assessment policy shall apply to all locations described in Section 530.030 with the following exceptions and criteria:

- (a) The developer of any new residential, commercial, or industrial site shall present sidewalk plans to the

City for review and approval at the time building plans are submitted and prior to any construction starting. The cost of installing new sidewalks at locations abutting new residential, commercial or industrial construction shall be the responsibility of the developer.

(b) Where sidewalk construction or replacement is incidental to Federal or State highway construction and the costs for the sidewalk construction are borne entirely by the Federal or State Agency.

(c) Where a property owner chooses to construct, replace or repair sidewalk in the abutting right-of-way. The work shall be performed by a pre-approved Contractor or an "experienced and qualified individual" in good standing with the Public Works Department. The total cost of construction, and removal where necessary, shall be borne entirely by the property owner.

(d) No one shall construct or replace sidewalk in the public right-of-way where it is not provided for in section 530.030 of this ordinance.

(e) Funding for sidewalk construction, maintenance, replacement and removal shall be considered each year by the City Council as part of their annual budget deliberations.

530.06. Abandonment of Sidewalks. The Department of Public Works will be responsible for the removal of unsafe sidewalks in the City, where those sidewalks exist on roadways that are not designated for sidewalks in this Ordinance. The Public Works Department shall remove and dispose of the concrete from abandoned sidewalks at no cost to the abutting property owner. Upon removal of the concrete, the Department shall repair improved driveways and/or walkways damaged as a result of the sidewalk removal. The Department will place clean fill material and plant grass seed in the remaining excavated area. Adjoining property owners shall be responsible for the watering and care of the newly landscaped area.

530.07. Sidewalk Construction. All sidewalk construction, on public right-of-ways, shall be in strict compliance with the Standard Specifications for Sidewalk Construction developed and approved by the Public Works Department of the City of Ashland. The Standard Specifications for Sidewalk Construction shall be included in the "Comprehensive Sidewalk Policy" which is incorporated here by reference and shall be on file at the office of the City Clerk. The Department shall provide a copy of this Ordinance and a copy of the "Comprehensive Sidewalk Policy" to any person or contractor intending to complete sidewalk improvements in the City. In addition to the construction requirements listed in the Standard Specifications, the following construction requirements must be followed:

(a) A right of way permit issued under Chapter 501 must be obtained from the Public Works Department prior to digging, excavating, trenching, auguring, or jacking within any street right of way.

(b) Anyone completing unapproved sidewalk construction shall be subject to a fine or forfeiture as provided by these Ordinances and may be required to remove or replace the unapproved sidewalk at their own expense if the sidewalk does not meet the standards of the City.

(c) The person or contractor holding the right-of-way permit for sidewalk construction or maintenance is responsible for the safety of pedestrians and vehicular traffic in the immediate area of the construction site.

(d) All sidewalks constructed within the City shall meet the requirements and provisions set forth in the Americans with Disabilities Act.

(e) Deviations from the normal placement of sidewalks may be approved by the Director of Public Works/City Engineer after a complete review of the physical conditions of the property and the impacts on the abutting property owners.

(f) It is the intent of this chapter to limit the construction of sidewalks in the City of Ashland to the streets and avenues identified on the approved sidewalk map as referenced in Section 530.03. Changes to the approved sidewalk map may be made by the City Council after a complete review of the public costs and public benefits that would be anticipated from the proposed change.

530.08. Summer Sidewalk Maintenance. Summer maintenance of sidewalks shall be the responsibility of property owners abutting the City sidewalk. Maintenance shall include, but not be limited to:

(a) Removal of encroachments, hazards or obstructions such as grasses, weeds and vegetation across the width and length of sidewalk abutting the property. It will also include sod, leaves, branches, sand and rock.

(b) Overhanging vegetation, ornaments, decorations, or structures shall not hang below a height of eight feet over the sidewalk grade.

(c) No vegetation, structures, ornaments, or decorations shall encroach upon the sidewalk within a vertical line starting at the inner edge of the sidewalk.

(d) The Public Works Director may order the removal of grasses, weeds, vegetation and other encroachments, hazards or obstructions. Removal shall be the responsibility of the owner(s) of the abutting property. If after adequate notification, the abutting property owner(s) fail to remove the encroachments, hazards or obstructions, then the Public Works Director may arrange for a contractor to undertake the removal. The bill for removal shall be provided to the abutting property owner and if unpaid, a lien may be placed on the abutting property in accordance with sec. 66.615, Wis. Stats.

(e) The Public Works Director may order the removal of any tree that may be causing damage to a sidewalk. Trees located on the public right-of-way shall be removed at the expense of the City of Ashland. Removal of a tree located on private property causing damage to the sidewalk shall be the responsibility of the owner(s) of the abutting property. If after adequate notification to remove a tree causing damage, the abutting property owner(s) fail to remove the tree, then the Public Works Director may arrange for a contractor to undertake the removal. The bill for removal of the tree shall be provided to the abutting property owner and if unpaid a lien may be placed on the abutting property in accordance with sec. 66.615, Wis. Stats.

530.09. Winter Sidewalk Maintenance. The property owner abutting a public sidewalk shall be responsible for the removal of snow from the sidewalk. Snow removal shall be completed no later than 48 hours after a measurable snowfall. In the case of a snow emergency declared by the City, snow removal shall be completed within 48 hours after the City has declared an end to the snow emergency. Snow removal shall be to the lowest level possible to allow safe travel by pedestrians. The Department of Public Works will be responsible for the removal of snow from sidewalks in the following situations:

(a) The Department may cause the removal of snow and ice from sidewalks that have not been removed in the required time period by the responsible property owners. Failure to remove snow and ice from sidewalks as provided by this Ordinance will result in a fine or forfeiture levied against the abutting property owner as

provided by these Ordinances. Also, the Department shall bill the abutting property owner for the full cost of removing the snow and ice and if unpaid a lien may be placed on the property in accordance with Wisconsin Statute (66.615).

(b) The Department will remove snow from the Business District of the City in accordance with the provisions and assessments of Municipal Ordinance Number 533.

(c) The City Council may, after a finding of compelling public safety concern and by formal Resolution, direct the Department of Public Works to accept the responsibility for primary snow removal on a designated sidewalk. In cases where the Department provides primary snow removal services, the abutting property owner will be responsible for any and all secondary snow removal activities, including the shoveling of spillage from City equipment and the scraping, sanding and placing melting agents when appropriate.

(d) The Mayor of the City of Ashland may declare by formal Proclamation an extended winter snow emergency and suspend the requirements for abutting property owners to remove snow and ice from City sidewalks.

530.10. Prohibited Acts The following activities shall be prohibited on City sidewalks:

(a) No one shall damage City sidewalks. Anyone damaging a City sidewalk shall be subject to a fine or forfeiture as provided by the Ashland city Ordinances and will be required to repair or replace the damaged sections of sidewalk in accordance with City standards.

(b) No one shall park motorized vehicles of any type on, or over, a City sidewalk unless for purposes of temporary loading, or unloading, or those vehicles that are intended for the sole use of a child or those vehicles are considered to be medical apparatus.

(c) No one shall allow an ongoing accumulation of toys, debris, bicycles, or any other item that may be considered unsafe for pedestrian movement.

(d) No one shall place electrical cords, garden hoses, ropes, or cords, or unlighted barricades across City sidewalks during hours of darkness.

(e) No person shall operate motorized vehicles of any type on City sidewalks. Motorized toys used by children, as well as, medical apparatus are exempt from this chapter. Motorized vehicles used for the sole purpose of snow removal are exempt while removing snow.

(f) No bicycles, skateboards, roller blades or roller skates shall be operated upon any sidewalk in any portion of the Central Business District in the area described below. Bicycles, skateboards, roller blades and roller skates may be operated on the sidewalks in public parks and in residential districts, but in single file only. Under all circumstances, the users shall yield the right-of way to pedestrians using the sidewalks, and due and proper care shall, at all times, be exercised by the users for the pedestrians. When approaching a pedestrian on a sidewalk, the speed of a bicycle or skate board shall be reduced to a speed which is no greater than necessary to continue the operation of the bicycle or skateboard without the rider dismounting, and shall not be increased until the pedestrian has passed. When approaching a pedestrian, roller blade and roller skate users shall yield the right-of-way to the pedestrian and slow to a speed which allows for safe, controlled passing of the pedestrian.

“Central Business District” sidewalks are defined as those sidewalks lying within the area between US Highway #2 and Third Street and bounded on the East by Stuntz Avenue and on the West by Beaser Avenue.

530.11. Enforcement. Enforcement of these Ordinances shall be a cooperative effort between the Ashland Police Department, Ashland Public Works Department and the City Zoning Administrator. The Police Department shall enforce the provisions of this chapter related to bicycles, roller blades, skateboards, roller skates or motorized vehicle violations. The Public Works Department shall enforce the construction standards and maintenance sections of chapter. The Zoning Administrator shall enforce the restrictions related to placement of items on the sidewalk and property maintenance related violations.

530.12. Penalties.

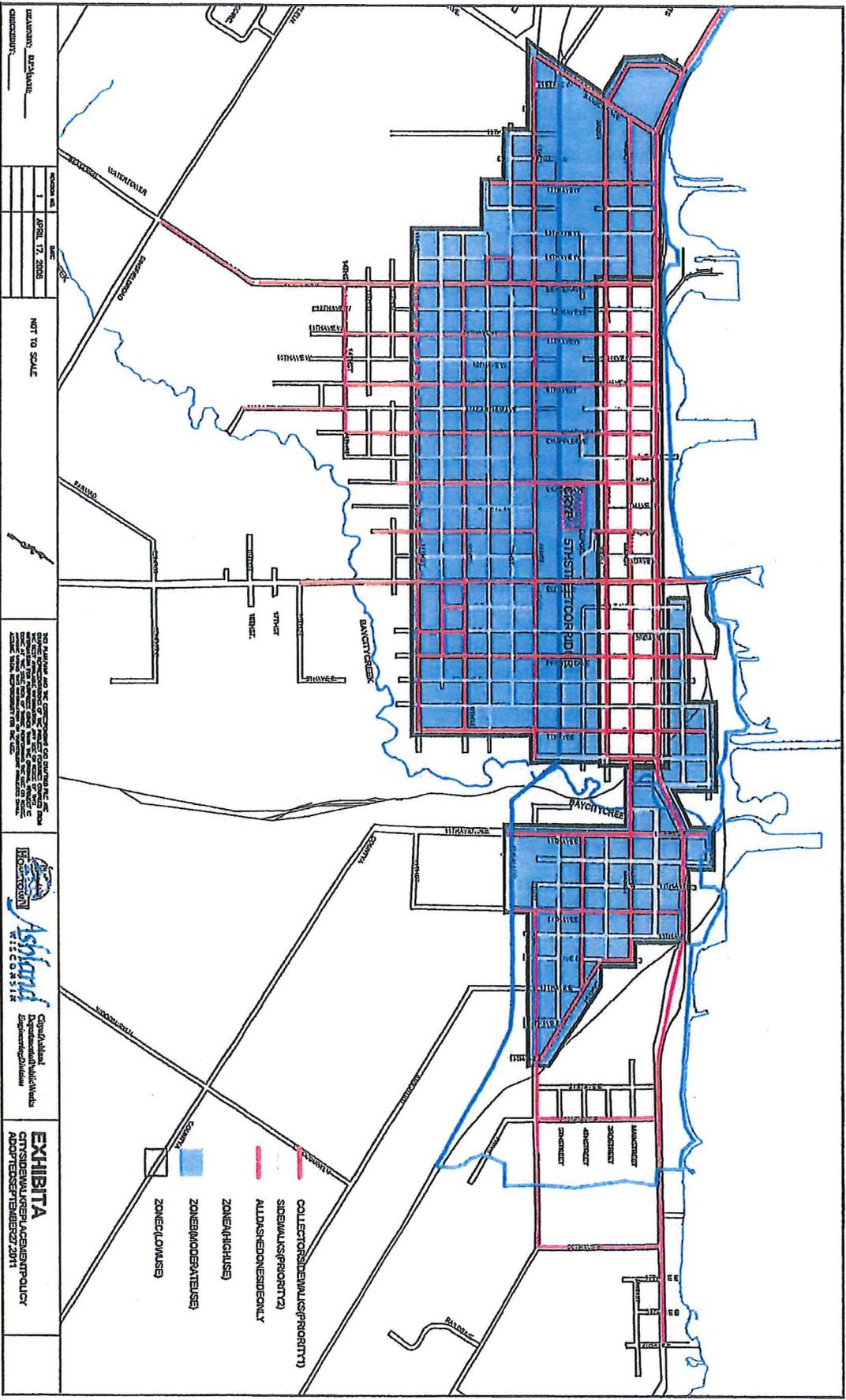
(a) Anyone violating the provisions of these Ordinances shall forfeit not less than the following:

- (1) 1st Offense: \$25.00
- (2) 2nd Offense: \$50.00
- (3) 3rd and subsequent offenses: \$100.00

(b) Forfeitures shall be in addition to any bills issued by the City for work performed, either by or under the direction of the City, to correct conditions leading to a violation of these Ordinances.

ADOPTED: 530 (1629) 5/9/2006

AMENDMENTS: 530 (1692) 11/18/2008, 530 (2015-1853) 9/29/2015



DRAWN BY: [blank] DATE: [blank]
 CHECKED BY: [blank] DATE: [blank]
 APPROVED BY: [blank] DATE: [blank]

NOT TO SCALE

NO PARTIALS AND NO CONSTRUCTION OF ANY KIND SHALL BE PERMITTED WITHOUT THE WRITTEN APPROVAL OF THE CITY ENGINEER. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY PARTIALS AND CONSTRUCTION OF ANY KIND. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY PARTIALS AND CONSTRUCTION OF ANY KIND.

City of Ashtabula
 Department of Public Works
 Engineering Division

EXHIBIT A
 CITY SIDEWALK REPLACEMENT POLICY
 ADOPTED SEPTEMBER 2, 2011

- ZONE (MODERATE USE)
- COLLECTOR SIDEWALKS (PRIORITY 1)
- SIDEWALKS (PRIORITY 2)
- ALDERSHED (NON-RESIDENTIAL)
- ZONE (HIGH USE)
- ZONE (LOW USE)



AGENDA BILL

Ref: 010

COMMITTEE AGENDA: 8 (01/10/2017)
COUNCIL AGENDA:

SUBJECT: Discussion and Possible Action on City of Ashland Sidewalk Snow Removal Policy

RECOMMENDATION: As Council Desires

DEPARTMENT OF ORIGIN: Councilor Ketring

DATE SUBMITTED: January 5, 2017

CLEARANCES: Mayor

EXHIBITS: Duluth Sidewalk Snow Removal Priority Routes
Our Winter Sidewalks Are Broken by John Edwards
Chapter 530-Sidewalk Construction, Maintenance and Use

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: N/A

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

SUMMARY STATEMENT: Councilor Ketring would like to initiate a discussion regarding sidewalk snow removal and designation of priority sidewalk routes.

Agenda Item 7: Discussion and Possible Action on Ordinance to Amend Chapter 504 (1037), Ashland City Ordinances, Vehicular Traffic Regulation (Regarding Truck Idling and Deliveries) (City Attorney David Siegler)

The Committee of the Whole has requested that an ordinance limiting truck idling be brought forward for consideration. Wisconsin does not have a statewide idling statute. Other states do. All of these statutes have exceptions to the general prohibition on idling, to allow for idling where deemed necessary or, on balance, beneficial to the public interest. This draft ordinance incorporates all of the common exceptions. The Committee may determine which of them it wishes to keep in the ordinance or if there are others that should be included.

Doersch moved, Moore seconded a motion to postpone further discussion until the Police Department reviews the proposed ordinance and a process is developed to educate the public on the new ordinance. On a voice vote, the motion carried unanimously.

X **Agenda Item 8: Discussion and Possible Action on City of Ashland Sidewalk Snow Removal Policy (Councilor Ketring)**

Councilor Ketring would like to initiate a discussion regarding sidewalk snow removal and designation of priority sidewalk routes.

Moore moved, Ketring seconded a motion to recommend the topic be assigned to a committee by the City Administrator for further discussion and action. On a voice vote, the motion carried unanimously.

Agenda Item 9: Discussion and Possible Action on County Board Status Regarding C.A.F.O. Issue (Councilor Kinney)

Councilor Kinney would like a discussion regarding the status of the Ashland County Board's actions regarding the C.A.F.O issue.

Ketring moved, Doersch seconded a motion to recommend a resolution similar to the resolution shared with Bayfield County, be created to share the City's concerns related to C.A.F.O. siting. The Ashland County resolution should address recent changes in DNR regulations. On a voice vote, the motion carried unanimously.

Agenda Item 10: Adjournment

Moore moved, Ketring seconded a motion to adjourn. On a voice vote, the motion carried unanimously.

Jan Anderson
City Clerk