

ASHLAND CITY COUNCIL MEETING
Tuesday, July 10, 2018 - 6:15 P.M.
Ashland City Hall Council Chambers
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PRESENT: Sarah Jackson, Kate Ullman, Ana Tochterman, David Mettille, Kevin Haas, Charles Ortman, Elizabeth Franek, Dick Pufall, Jackie Moore

ABSENT: Holly George (excused)

ALSO PRESENT: Mayor Deb Lewis, City Attorney Tyler Wickman, City Clerk Denise Oliphant, Parks & Recreation Director Sara Hudson, and other concerned citizens.

Agenda Item 1A, B, C: Call to Order

Roll call was taken, a moment of silence was held, and the Pledge of Allegiance was recited.

Agenda Item 1D: Approve to Appoint a Ward 2 Councilperson (Clerk)

A due process hearing was held during the Common Council meeting on June 26, 2018 to determine the residency of Ward 2 Councilor Mr. Richard Ketring. Mr. Ketring distributed a letter to each Councilor stating his resignation prior to the hearing and left the meeting. The remaining Councilors unanimously determined to proceed with the due process hearing by roll call vote. A final motion to determine that Mr. Ketring was no longer a resident of Ward 2 failed by roll call vote. On June 27, 2018, Mr. Ketring submitted a letter to the Clerk's office to rescind his resignation.

After thorough research, City Attorney Tyler Wickman's legal opinion is that Mr. Ketring's resignation as Ward 2 Councilor was delivered to the Council body as required under Wis. Stat. § 17.01(8). Because the letter did not give an effective date of the resignation, Wis. Stat. §17.01(13) was effective upon delivery. The statute states the resignation once delivered, "shall take effect, ..., at the time indication in the written resignation, and if no time is indicated, then upon delivery of the written resignation." The statute does not require the resignation to be accepted by anyone to be effective. Thus, because the seat is currently vacant, Council is being asked to appoint a resident for the Ward 2 position. Because the Council determined Mr. Ketring did not cease to be a resident of Ward 2, he can be reappointed by the Council which appointment would be through the current term pursuant to Wis. Stat. § 17.23(1)(a).

To the extent there is any ambiguity as to Mr. Ketring's resignation and status as a Councilor based on the events of a resignation letter, due process hearing, and rescinding of the resignation letter, by reappointing Mr. Ketring to the position, if the Council so chooses, it eliminates any ambiguity as to his status as the Ward 2 City Councilor.

Ullman moved, Haas seconded a motion to reappoint Richard Ketring as Ward 2 Councilor. The motion carried 5-4 by roll call vote; opposed were Jackson, Mettille, Haas, and Moore.

After being sworn in by the Clerk, Mr. Ketring took the seat as Ward 2 Councilor.

Agenda Item 2: Approval of Agenda

Moore moved, Mettille seconded a motion to approve the agenda as presented. The motion carried unanimously by voice vote.

Agenda Item 3: Approval of Minutes of the June 21, 2018 Council Retreat, and the June 26, 2018 Council and Committee of the Whole Meetings

Mettille moved, Haas seconded a motion to approve the minutes of the June 21, 2018 Council Retreat and June 26, 2018 Council and Committee of the Whole meetings. Lewis asked to accept an amendment to the June 26, 2018 Committee of the Whole minutes to reflect a motion made and carried regarding fluoride in the City's drinking water. The motion carried unanimously by voice vote.

Agenda Item 4: Citizen Participation Period

Donna Blazek, 222 Prentice Avenue, was concerned that the proposed earlier start time for the Council meetings would cause a decrease in citizens to participate in the meetings. She also relayed there was a feeling in the community of the new Council not consisting of a broad cross section of interests for Main Street concerns.

Jeanne Welty, representing property owners of 407 East Lake Shore Drive, spoke of the sewer issues at the property.

Robert Polencheck, 2629 Lake Shore Drive East, spoke of the sewer issues at his owned property.

Zygmund Jablonski, A to Z Plumbing, 916 6th Avenue West, spoke on behalf of his clients regarding sewer issues at their properties.

Debb Joanis, 2629 Lake Shore Drive East, spoke of the sewer issues at her property.

Agenda Item 5: Mayor's Report

Agenda Item 5A: Announcements

Wisconsin's Lieutenant Governor and other State representatives were in Ashland today for Main Street Days. The latest preliminary damage estimates from the June flooding is up to \$270,000 and has been submitted for emergency assistance. The Maslowski Beach area is now opened and deemed safe for swimming. Human Resources Director Jan Anderson is retiring on July 20, 2018, and is wished well by all. Former Ashland City Clerk Carol Larson will be filling in on a part-time basis until the position is filled. An information session will be held on July 19 for the public regarding the new Police Department facility. A notice was mailed to Ashland property owners regarding upcoming assessments. The notice contained incorrect information, such as the contact phone number for the City Clerk and the State Law change regarding allowing an Assessor to view the inside of the property. A new notice will be sent to the property owners. There was no Planning and Development staff

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report included in this meeting packet, and Council was asked if they would like to continue to see this. The Council responded that they do read the report and would like to continue to see this possibly posted to the City's website.

Agenda Item 5B: Appointments

<u>Sustainability Committee</u>	<u>Term Expires:</u>
Kaas Baichtal	June 28, 2021
Valerie Damstra	June 28, 2020
Jessica Eckhardt	June 28, 2020
Dale Kupczyk	June 28, 2020
Lissa Radke	June 28, 2020
Kate Ullman, Council Rep.	June 28, 2021
Mary Ellen "La Mer" Riehle	June 28, 2021

Ketring questioned if Ullman was a Council Representative on this committee, her term should reflect in conjuncture as her Council seat, expiring in April of 2019. Mettille moved, Moore seconded to approve the appointments with this amendment. The motion carried unanimously by voice vote.

Agenda Item 6: Consent Agenda

Franek moved, Moore seconded a motion to approve the Consent Agenda. The motion carried unanimously by voice vote.

Agenda Item 6A: Operator's Licenses

Elizabeth G. Barnard LaBrosse	Karen L.S. Bressette	Jennifer L. Goeltz
Lynne M. Johnson	Tyler R. Kaspar	Debra L. Ledin
Paula M. Mainguth	Julie A. Milligan	Joslyn E. Olson
Sean M. Vandervort	Cody J. Westlund	Karl J. Wrege
Kati L. Henderson	Erica M. Toman	Catherine S. Ossanna
James D. Lynn	Tara M. Stock	Tanner M. Vinson
Darlene A. Zar	Christopher P. Sustek	Michael L. Lawrence
Alejandro M. Salas	Corey A. Zink	Erik B. Johnson
James A. Clevette		

Agenda Item 6B: Miscellaneous Minutes

Agenda Item 7: New Business

Agenda Item 7A: Presentation by Charmaine Swan, Representative of the American Lung Association (Mayor)

Charmaine Swan, Regional Representative for American Lung Association, advised Council on a project to place signage in public spaces regarding smoking.

Agenda Item 7B: Approve a Resolution to Change the Start Time for Combined Ashland City Council and Committee of the Whole Meetings (Clerk)

At the June 21, 2018 Council Retreat meeting, Councilor David Mettille asked to revisit the issue of the start time and duration of Council and Committee of the Whole meetings. There was discussion amongst the Councilors and staff regarding the reasons for moving the start time of the meetings. Suggested start times were 5:00 p.m., 5:30 p.m., 6:00 p.m., and 6:15 p.m.

As a result of a straw poll, the majority of those present chose to move the start time for the combination Council and Committee of the Whole meetings to 5:30 p.m. There was no desire at this time to change the current maximum limit of the combined meetings of three hours.

Mettille moved, Moore seconded a motion to approve the Resolution to change the start time for the Ashland City Council and Committee of the Whole meetings to 5:30 p.m. Tochterman offered a friendly amendment to change the language of the resolution to state the time change was “in the best interest of the community” versus that of the Council; Ullman seconded. This was accepted by Mettille and Moore. The motion carried unanimously by voice vote. **(File #17448)**

Agenda Item 7C: Approve an Ordinance to Amend Chapter 544 (1026), Ashland City Ordinances, Vehicular Stopping and Parking (Clerk)

As allowed by WI State Statute 346.50, Restrictions on Stopping and Parking, the City of Ashland has an active Disabled Parking Enforcement Assistance Council. As an advocate for citizens in need of parking permissions, this group determines the placement of signage within the residential areas as requested by individuals with physical disabilities, among other duties. The DPEAC recommends to Council any changes in residential designated disabled parking areas for approval.

Under the current ordinance, each change of location of disabled parking signage as determined by the DPEAC requires an amendment in the ordinance to add, remove, and renumber the addresses. A simple wording change in the ordinance as proposed would eliminate the agenda item being brought to Council, and allow the DPEAC to respond in a more efficient manner for the citizens. The Clerk’s office requested Council to approve the proposed change of Chapter 544, Ashland City Ordinances.

Mettille moved, Haas seconded a motion to approve the Ordinance to amend Chapter 544 (1026), Ashland City Ordinances, Vehicular Stopping and Parking. The motion carried unanimously by voice vote. **(File #17449)**

Agenda Item 7D: Approve a Resolution Accepting Workmanship of DNH, Inc., and Approve Final Payment for the Marina A-Dock Project (Harbor Commission)

On February 12, 2018, the Council approved to enter into a contract with DNH, Inc. to install the new A-Dock at the Ashland Marina that was purchased from ShoreMaster Commercial LLC. Council approved total expenditures for the work not to exceed \$69,000 to be funded through the Marina Enterprise Fund.

The project was substantially completed as of June 8, 2018, and approved by the Harbor Commission and it was requested that Council approve final payment of \$23,000 to DNH, Inc.

Pufall moved, Mettillie seconded a motion to approve the Resolution to accept the workmanship of DNH, Inc. and to approve final payment of \$23,000 for the Marina A-Dock project. The motion carried unanimously by roll call vote. **(File #17450)**

Agenda Item 7E: Approve a Resolution Accepting the Workmanship of Northwoods Paving, Inc., and Approve Final Payment for the Kreher Park Entrance Road Overlay and the Main Street East from Stuntz to 11th Avenue East Mill and Overlay Projects (Public Works)

On August 29, 2017, the Council approved to enter into a contract with Northwoods Paving, Inc. for the resurfacing of stretches of roadway at Kreher Park and on Main Street East. The City Council approved total expenditures for the work not to exceed \$134,852.92. The project was completed this spring, and the final contract costs came in less than the approved bid amount by \$38,276.12.

Kreher Park is on the Capital Improvement Project list to have the roads throughout the campground resurfaced. After reviewing and discussing the project internally and based on the budget, it was determined the most deteriorated area was the entrance road. Resurfacing this removed potholes and provide a more aesthetically pleasing entrance to the RV park area.

In 2016, during the July flooding, the storm inlet on Main Street East at the Stuntz Bridge washed out along with a section of guard rail. The Public Works crew repaired the inlets on both the east and west sides of the bridge. In addition, a portion of the guard rail had to be removed for the inlet repair, and the wood uprights for the guard rail had all rotted. The guard rail replacement was a part of the Mill and Overlay project on Main Street East. This project was approved by FEMA, and the City did receive \$12,115 of funding for it.

Public Works staff recommend approval of the Resolution accepting the workmanship of Northwoods Paving, Inc. and to approve final payment for the Kreher Park Entrance Road Overlay and the Main Street East Mill and Overlay from Stuntz to 11th Avenue East projects.

Franek moved, Pufall seconded a motion to approve the Resolution to accept the workmanship of Northwoods Paving, Inc. and to approve final payment in the amount of \$21,611.16 for the Kreher Park Entrance Road Overlay and the Main Street East Mill and Overlay from Stuntz to 11th Avenue East projects. The motion carried unanimously by roll call vote. **(File #17451)**

Agenda Item 7F: Approve to Accept an AARP Communities Challenge Grant (Parks & Rec)

The City of Ashland requested and had been awarded assistance from the very competitive AARP Community Challenge Grant program to install five bike fixation stations along the Ashland Rails to Trails System in City parks. This grant will also pay for the concrete base for the station to attach to. North Coast Cycling Association (NCCA) and Bay City Cycles agreed to be partners on the project.

Bike Fixation Stations are bike stands equipped with basic tools, air pump, and whole chock (bike rack) to assist in making repairs to a bike during a bike ride. Tools are attached to the stand by braided stainless steel cables and the pump is bolted to the stand. The stands are ADA compliant and include a QRL code that links users to a repair manual.

Mettille moved, Ketring seconded a motion to accept an AARP Communities Challenge grant in the amount of \$10,000 for the purchase of five bike fixation stations. The motion carried unanimously by voice vote.

Agenda Item 8: Closed Session

Ortman moved, Haas seconded a motion to move into Closed Session. The motion carried unanimously by roll call vote.

Agenda Item 8A: Closed Session pursuant to Wisconsin Stats, Sec 19.85(1)(c): "Considering employment, promotion, compensation, or performance evaluation data of any public employee subject to the jurisdiction or authority of the governing body" (Approve contract for new City Administrator)(Human Resources)

Agenda Item 8B: CLOSED SESSION per Wisconsin Statute 19.85 (1)(g): "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved." (Approve the Revised Global Agreement for the Ashland Highway 2 Sewer Litigation)(Mayor)

Agenda Item 8C: Return to Open Session

Ortman moved, Mettille seconded a motion to return to Open Session. The motion carried unanimously by voice vote.

Agenda Item 8D: Action and/or Reporting on Closed Session Discussion and Action

Mayor Lewis reported that Council approved the employment contract for the new City Administrator. Mr. Brant Kucera has accepted the position offer and will plan to begin August 27, 2018. Council also unanimously approved the revised Global Settlement Agreement for the Ashland US Highway 2 Sewer Litigation.

Agenda Item 9: Adjournment

Mettille moved, Ketring seconded a motion to adjourn. The motion carried unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant
City Clerk