

## **ASHLAND CITY COUNCIL MEETING**

**Tuesday, July 31, 2018 - 5:30 P.M.**

**Ashland City Hall Council Chambers**

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**PRESENT:** Holly George (arrived at 6:10), Richard Ketring, Sarah Jackson, Kate Ullman, Ana Tochterman, Kevin Haas, Charlie Ortman, Elizabeth Franek, Dick Pufall, Jackie Moore

**ABSENT:** David Mettille (excused)

**ALSO PRESENT:** Mayor Deb Lewis, City Attorney Tyler Wickman, City Clerk Denise Oliphant, Airport Manager John Sill, Planning and Development Director April Kroner, Planning and Development Assistant Megan McBride, Parks and Recreation Director Sara Hudson, Finance Director Julie Vaillancourt, Public Works Administrative Manager Sharon Campbell, and concerned citizens

### **Agenda Item 1: Call to Order**

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

### **Agenda Item 2: Approval of Agenda**

Lewis recommended to remove Item 8C from the agenda as there was an irregularity in one of the bids received. Ketring moved to approve the amended agenda; Haas seconded. The motion carried unanimously by voice vote.

### **Agenda Item 3: Approval of Minutes of the July 10, 2018 Council Meeting**

Franek moved to approve the minutes of the July 10 Council meeting; Moore seconded. The motion carried unanimously by voice vote.

### **Agenda Item 4: Citizen Participation Period**

*Joel Langholz, 1114 6<sup>th</sup> Avenue West*, spoke in reference to Agenda Item 8I. As he is in support of the proposed resolution, he is also in favor of matching needed funding for treatment programs and feels this should be included in the resolution.

*Ruth Kressel, Ashland County Assistant District Attorney*, agrees that the County is in need of more support as it is short staffed in relation to the 22 to 25 people currently in treatment court, although the additional prosecutor is not only needed for drug-related charges but in general.

*Erik Udelhoffen, One Energy Renewables*, offered to help answer any questions that may arise regarding the solar garden proposal.

### **Agenda Item 5: Mayor's Report**

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### **Agenda Item 5A: Announcements**

Lewis reported that the tablets for Council's use are ready to be distributed and encouraged each Councilor to use these for not only the meeting agendas but also for their City emails. They were asked to contact the IT department to arrange a time to receive them. John Sill will be retiring at the end of the week after nine years as the JFK Memorial Airport Manager, and we wish him well. Judge Robert Eaton's final day serving Ashland County for 25 years was today. The installation for Kelly McKnight as new Ashland County Judge will be on August 3 at the Court House. Downtown Days sponsored by the Chamber will take place August 3 and 4.

### **Agenda Item 5B: Appointments**

#### 2018-2019 Election Inspectors

Tim Kehoe

Beth Kehoe

Kathleen Whitten

#### BART Board

Carl Doersch, term expires: July 14, 2020

#### Harbor Commission

Allan Smiles, term expires: July 31, 2021

Randy Harvey, term expires: July 31, 2021

#### Housing Committee

Megan McBride (City Staff), term expires: October 1, 2018

#### Police and Fire Commission

Kate Siegler, term expires: May 1, 2023

Pufall moved to approve the Mayor's appointments; Ortman seconded. The motion carried unanimously by voice vote.

### **Agenda Item 6: Consent Agenda**

Pufall moved to approve the Consent Agenda; Ketring seconded. The motion carried unanimously by voice vote.

### **Agenda Item 6A: Operator's Licenses**

Courtney A. Day

Gabriel J. Thornton

Elouise I. Guderian

Christopher T. Neimes

Richard E. Sunie

Daniel J. McAuliffe

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**Agenda Item 6B: Miscellaneous Minutes**

**Agenda Item 6C: Planning and Development Report – June, 2018**

**Agenda Item 7: Old Business**

**Agenda Item 7A: Discussion and Possible Action Regarding Possible Participation by the City of Ashland in Xcel Energy's Solar Garden (Planning/Sustainability Committee)**

The Center for Rural Communities prepared a spreadsheet reflecting the difference in payback rates per building, and included the City's wastewater treatment plant, as per discussion at the June 12 Committee of the Whole meeting. The spreadsheet also included the rates and payback times for PV solar purchase and installation outright by the City of Ashland per building. While the contract with Xcel for the solar garden expires in 25 years, after which the City would have to purchase another share, direct installation of solar panels would last 40-50 years without replacement. The funds for this purchase have been approved from Fund 245 by the Finance Director.

Ortman moved to approve the City's participation in Xcel Energy's Solar Garden at the 10kW level; Moore seconded. The motion carried unanimously by voice vote.

**Agenda Item 8: New Business**

**Agenda Item 8A: Approve a Resolution Petitioning the Secretary of Transportation for Airport Improvement Aid by Common Council of the City of Ashland, Ashland and Bayfield County, Wisconsin (Airport)**

At the July 19, 2018 Airport Commission meeting, the resolution was approved for forwarding to City Council for approval. This document is required for continued annual funding by the FAA and Wisconsin Bureau of Aeronautics.

Franek moved to approve the resolution; Pufall seconded. The motion carried unanimously by voice vote. **(File #17452)**

**Agenda Item 8B: Approve to Enter into a Contract with AMI Consulting Engineers P.A. for the Kreher Park Redevelopment Phase 1: Architectural and Engineering Services for a New Boat Launch and Hoist Lift Well (Parks and Recreation)**

The Kreher Park Redevelopment project is based on the 2013 conceptual plan and focuses on the western most side of the site. The RFP and proposal include engineering and construction documents for a four-bay boat launch, a fish cleaning station, restrooms, and boat/trailer washing station, ample trailer parking, and a future indoor boat storage building. The project would also include the redevelopment of a pedestrian trail on the property and a potential thoroughfare for vehicle traffic from Ellis Avenue to Prentice Avenue based on estimated use.

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On May 23, 2018, the City of Ashland sent out a Request for Proposals to qualified firms who offer integrated design services specializing in waterfront and park design and have expertise in green infrastructure and working with post superfund sites, for the redevelopment of Kreher Park, also known as the Ashland/Northern States Power Lakefront Superfund Site. Four proposals were received by the due date. The Harbor Commission met on Thursday, June 28, 2018, to review the submitted proposals, and voted to recommend the proposal by AMI Consulting Engineers P.A. to the Ashland Common Council for approval.

Per an agreement, Northern States Power will give the City of Ashland/Marina \$150,000 for the old fishing pier at the end of the boat launch when the Superfund project is completed. \$134,850 of the \$150,000 will be returned to funds CP 453 and SR 250.

The Superfund cleanup started in 2016. In 2017, the wet dredge was started and 90% of the area was remediated. The remaining 10% is to be finished in 2018 with final remediation activities completed in 2019 and ready for reuse in this same year.

Moore moved to accept the contract of AMI Consulting Engineers, P.A. in the amount of \$134,850 to be taken from Fund 453 and Fund 250; Ullman seconded. The motion carried unanimously by roll call vote.

### **Agenda Item 8D: Approve to Enter into an Agreement with Wisconsin Department of Natural Resources for Management of the City of Ashland Owned Lands Known as Tern Island (*Parks and Recreation*)**

In 1986, the City entered into an agreement with the WDNR for the management of Tern Island. The original Tern Island agreement expired in 2011.

Tern Island is the very end, or an island that is to the left, of Ore Dock #3 located at Bayview Park (Pamida Beach). The base of this ore dock is used to create the base of the Bayview Pier. Tern Island is one of the few places the Common Tern lives and breeds. The Common Tern is endemic to the area and is listed as an endangered species.

The WDNR received \$187,000 from the US Fish and Wildlife Service to improve Tern Island. The island, like much of the Ashland shoreline, became severely deteriorated after the October 27, 2017 storm. These improvements cannot be performed until a new agreement is approved by the City.

Ullman moved to approve the agreement; Tochterman seconded. The motion carried unanimously by voice vote.

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**Agenda Item 8E: Approve a Resolution Authorizing the Issuance and Sale of \$960,000 Sewerage System Mortgage Revenue Bonds of the City of Ashland, Ashland and Bayfield Counties, Wisconsin and Providing for the Payment of the Bonds and Other Details with Respect to the Bonds (Finance Director)**

On September 17, 2015, the USDA-RD approved to obligate funds for the City utilities as follows:

Water Grant	\$ 400,000	
Water Loan	\$1,883,000	interest rate 2.875% for forty year term
Sewer Grant	\$ 250,000	
Sewer Loan	\$ 960,000	interest rate 2.875% for forty year term

The \$960,000 USDA-RD loan is for the Wastewater Utility System Controls and Data Acquisition project (SCADA). The adjusted interest rate is 2.75%. The grant amount of \$250,000 had also been applied to this project. These amounts reimburse the Utility for costs incurred on the project. Wastewater project costs paid through July 16, 2018 was \$1,295,222.34.

The Water loan and grant was applied to the 6<sup>th</sup> Street West Reconstruction project. 100% of the loan was applied to this project and Council approved the Resolution authorizing the issuance and sale of \$1,883,000 of water system mortgage revenue bonds on November 15, 2016, with an adjusted interest rate of 1.875%. \$198,459.89 of the grant amount has been applied to the project.

\$38,093.20 of the water grant had been applied to the SCADA project for the portion that applies to the Water Utility.

The USDA-RD and the Public Works department will begin working together to utilize the water grant balance of \$163,446.91 by September 17, 2020.

**SCADA System Project Information:**

The Supervisory Control and Data Acquisition (SCADA) system is an electrical and computerized control system used to assist the staff in operation of the waste water and water systems. A SCADA system is basically an industrial computer system consisting of both hardware and software components. The operators control processes, monitor both plant operations, and collect data for reporting using the SCADA system that ties all of the various sites around the City together.

The existing SCADA system is becoming obsolete and increasingly difficult to maintain due to scarcity of replacement parts, many of which have been discontinued by the manufacturers, and has been increasing the cost of outside programming services and internal staff time for diagnosing alarm and system failures and locating replacement parts. The new SCADA system will resolve these issues and provide additional features to optimize both plant operations. The new SCADA system is tailored to provide full control access from various locations within the systems, expand data storage capacity, and improve data protection and backup, enhance alarms and security, improve functionality, and

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provide redundancy. The new system would be phased in to allow for continued operation of both facilities without interruption.

Finance Director Julie Vaillancourt noted Quarles & Brady made a wording change on the first page of the resolution to redefine language, but did not change the meaning or content of the resolution.

Tochterman moved to approve the amended resolution; Moore seconded. The motion carried unanimously by roll call vote. **(File #17453)**

**Agenda Item 8F: Approve a Resolution to Issue a Conditional Use Permit for the Construction of an Eight Foot Tall Fence at Central Railyard Park/“Purple Park” in the Public Park (PP) District, Parcel #201-01959-0200, Applicant: City of Ashland Parks and Recreation Department and Facilities Foreman (Planning & Development)**

The City of Ashland Parks and Recreation Department requested a Conditional Use Permit to construct a fence in the Central Railyard (“Purple”) Park that will be eight (8) feet in height. The maximum allowable height for a fence is six (6) feet without a Conditional Use Permit. It will be a three-sided wooden fence used to screen the ADA compliant porta potty which would be placed there June through September. When the Purple Park was constructed in 2006, it was hoped that the Central Railyard Concession building would be able to be used as a public bathroom. The Parks and Recreation Department tried this for two years and extensive damage was done to the building. Currently, there is no public bathroom for park patrons to use when the Bretting Community Center is closed. The Parks and Recreation Department along with the Facilities Department requested to place a porta potty at this highly used park for young children and parents to use.

Franek moved to approve the resolution; Pufall seconded. The motion carried unanimously by voice vote. **(File #17454)**

**Agenda Item 8G: Approve a Resolution to Issue a Conditional Use Permit to Operate a Duplex in the Single-Family Residential (R-1) District, Parcel #201-00433-0000, Applicant: Jack Hogle (Planning & Development)**

Jack Hogle requested a Conditional Use Permit to operate a duplex in the Single-Family Residential (R-1) district. He will be renovating an existing single-family home into a duplex, having two one-bedroom units, one upper and one lower. The dwelling units would be between 650-750 square feet each, have their own entrance, and also have a private deck. The rent range for the units will be between \$550-650 per month. It’s worth noting that the parcel the house is located on is 21,000 square feet or 0.48 acres, which greatly exceeds the minimum lot size required for a single-family home (7,000 square feet) or duplex (10,000 square feet). Off-street parking and a garage stall would be provided for the tenants of each unit.

Tochterman moved to approve the resolution; Moore seconded. The motion carried unanimously by voice vote. **(File #17455)**

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**Agenda Item 8H: Approve a Resolution to Issue a Conditional Use Permit to Operate a Utility Facility/Solar Garden at 2400 Farm Road in the Planned Residential/Institutional (PRI) District, Parcel #201-04940-0000, Applicant: OE WI Solar 1, LLC (Planning & Development)**

OE WI Solar 1, LLC requested a Conditional Use Permit to operate a utility facility/solar garden at 2400 Farm Road on the southeastern portion of the property owned by Northern States Power Company (NSP) along Highway 13. The ground mounted solar panels will take up approximately five (5) acres on the site and have an energy production capacity of 0.75 megawatts alternating current. The project will connect to NSP's existing electrical infrastructure to provide an opportunity for NSP customers to purchase a share of the garden and receive a credit on their electric bill according to their subscription size.

Additionally, they requested to install a fence that is up to eight (8) feet tall which requires a Conditional Use Permit as well and should be considered for approval with this application. Construction was expected to start in the second half of 2018 to be completed and online by summer of 2019.

Moore moved to approve the resolution; Tochterman seconded. The motion carried unanimously by voice vote. **(File #17456)**

**Agenda Item 8I: Approve a Resolution in Support of a Request to the State of Wisconsin by Ashland County for the Hiring of One Additional Prosecutor (Mayor)**

The Ashland County District Attorney, Kelly McKnight, requested from the City of Ashland a resolution in support for State funding for an additional Prosecutor in the District Attorney's office for 2019. In the recent workload analysis that was completed by the State of Wisconsin, Department of Administration, Ashland County continued to fall further behind as it relates to the number of prosecutors we should have in the office compared to the number we actually have.

Pufall moved to approve the resolution; Haas seconded. The motion carried unanimously by voice vote. **(File #17457)**

**Agenda Item 9: Closed Session**

Moore moved to enter into Closed Session; Ortman seconded. The motion carried unanimously by roll call vote.

**Agenda Item 9A: 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 9B: Return to Open Session**

George moved to return to Open Session; Ketring seconded. The motion carried unanimously by voice vote.

**Agenda Item 9C: Action and/or Reporting on Closed Session Discussion and Action**

Council voted 9-1 to approve the amended Global Settlement Agreement and Release; Pufall opposed.

**Agenda Item 10: Adjournment**

Moore moved to adjourn; Ortman seconded. The motion carried unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant  
City Clerk