

ASHLAND CITY COUNCIL MEETING

Tuesday, August 14, 2018 - 5:30 P.M.

Ashland City Hall Council Chambers

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PRESENT: Holly George, Richard Ketring, Sarah Jackson, Kate Ullman, Ana Tochterman, David Mettille, Kevin Haas, Charles Ortman, Elizabeth Franek, Dick Pufall, Jackie Moore

ABSENT: None

ALSO PRESENT: City Attorney Tyler Wickman, Deputy Clerk Patti Ekstrom, Planning and Development Director April Kroner, Planning and Development Assistant Megan McBride, Police Chief Jim Gregoire, Police Department Officers, Parks and Recreation Director Sara Hudson, 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

Haas moved to approve the agenda; George seconded. The motion carried unanimously by voice vote.

Agenda Item 3: Approval of Minutes of the July 31, 2018 Council Meeting

Franek moved to approve the minutes of the July 31, 2018 Council meeting; George seconded. Ullman referred to Agenda Item 7A which stated there was an updated spreadsheet available, however, there was not and she wanted the minutes to reflect this. Franek moved to make an amendment to her motion to reflect this change; George seconded. The motion carried unanimously by voice vote.

Agenda Item 4: Citizen Participation Period

Mike Wartman, 2120 Lake Shore Drive, Attorney who is representing Tim Kehoe and Colleen Grand, stated that their mother passed away and her home is at 2100 Lake Shore Drive West. The family would like to transfer the house to her daughter. An issue has come up of mandatory hookup for water for this home. The house now has a private well and it would be very costly for mandatory hookup. The preference is to keep the private well. This is a family transfer of this house and they would like to seek waiver of the mandatory hookup requirement.

Agenda Item 5: Mayor's Report

Agenda Item 5A: Announcements

There was no Mayor's report.

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Police Chief Jim Gregoire issued Heroes Among Us awards to Gary Albee for assisting a Police Officer while on a police chase of an individual and Ken Kontny for assisting the Police Department in catching a burglar last year.

Attorney Tyler Wickman stated that Robert Eaton has joined his firm and can also assist with legal services for the City.

Agenda Item 5B: Appointments

Beautification Council

David Siegler, Term expires: February 15, 2019

Disabled Parking Enforcement Assistance Council

Carol Ante, Term expires: August 10, 2021

Jay Gurske, Term expires: August 10, 2021

Weed Commissioner

Christine Luebben, Property Maintenance LTE, Term expires: December 1, 2018

Ketring moved to approve the Mayor's appointments; Moore seconded. On a voice vote, the motion carried unanimously.

Agenda Item 6: Consent Agenda

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

Agenda Item 6A: Operator's Licenses

Lauren E. Chantelois

Agenda Item 6B: Miscellaneous Minutes

Agenda Item 7: New Business

Agenda Item 7A: Approve an Ordinance to Amend Chapter 750, Ashland City Ordinances, Property Maintenance (Planning & Development)

Since 2017, the City has had limited ability to address the issue of long grass/weeds on private properties when it is not able to gain compliance from property owners. In order to have the ability to go on the property and conduct the needed maintenance when an owner doesn't comply, the City would need to first go through the process of obtaining a warrant. In many cases, the properties have been abandoned and/or are in the foreclosure process and are left in the hands of out-of-state financial institutions resulting in making contact extremely time consuming and often times ineffective. Meanwhile, the grass/weeds continue to grow to substantial lengths and is negatively impacting the surrounding neighborhood. In order to more effectively and efficiently address the

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issue of long grass/weeds on private property and to allow the City to alleviate the issue, the amendments to the City's Property Maintenance Ordinance were proposed.

Upon review of the issue, the City Attorney identified that pursuant to Wis. Stats. §66.0517, a community can appoint a "weed commissioner" to effectively deal with instances of long grass/weeds in a timely manner. This weed commissioner has the authority to enter upon private lands in the city to destroy "noxious weeds" if the owner refuses to do so. The statute specifically exempts the weed commissioner from "being liable to an action for trespass or any other action for damages resulting from the entry and destruction, if reasonable care is exercised." In relation to the appointment of a weed commissioner, Wis. Stats. § 66.0407(1)(b), allows a municipality (by resolution or ordinance) to make a declaration as to what constitutes a 'noxious weed'. As such, the City has the ability to declare grass over 8 inches in height as a noxious weed. Also per the statutes, the City has the ability to charge the cost of destroying the noxious weeds to be charged back to the property.

If the proposed ordinance amendment is approved, the Mayor can appoint a Weed Commissioner to address the issue of long grass/weeds on private properties. The exact procedure to be followed is currently being determined, however, is likely to be along the lines of the following:

- The Weed Commissioner will provide written notice to the property owner and/or tenant (via letter and/or door hangar) that the noxious weeds need to be remedied within 5 days from issuance of the notice.
- After the 5 days is up, if the weeds have not been destroyed by the owner, the Weed Commissioner will cause the weeds to be destroyed by having a private contractor mow the property.
- The contractor will then invoice the City for the work performed. Once per month, the invoices for the contractor(s) will be brought forward to the Common Council for approval and authorization to place the amount on the property as a special charge.

In addition to the proposed amendments addressing the definition of noxious weeds and authority of the Weed Commissioner, the proposed amendment also included removing the specific listing of prohibited and invasive species, and instead referred directly to Wisconsin Administrative Code NR 40, as the listing of such prohibited and invasive species are subject to change at the state level. By simply referring to NR 40, the City does not need to amend its ordinance whenever species are added to or removed from the state listing.

Pufall moved to approve the ordinance; Moore seconded. On a voice vote, the motion carried unanimously. **(File #17458)**

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Agenda Item 7B: Approve a Resolution to Renew the Conditional Use Permit per Chapter 781, Ashland City Ordinances, to Allow General Warehousing, Light Manufacturing (of Small Homes), Research & Development, and Related Light Manufacturing Uses in the City Center (CC) District, Parcel # 201-01925-0000, Applicant: Bay City Rentals, LLC (Planning & Development)

In 2017, a Conditional Use Permit (CUP) was issued to Bay City Rentals, LLC, (Resolution 17366 to allow for general warehousing, light manufacturing (of small homes), research and development, and related light manufacturing uses in the City Center District. The CUP was approved for a period of six months unless renewed; it was renewed at the January 9, 2018 Council meeting (Resolution 17419) through August 15, 2018, to allow for completion of a few conditions of the approval.

The following is the current status of the conditions listed on Resolution 17419:

- a. All three properties owned by Bay City Rentals, LLC (201-01925-0000, 201-01932-0000, and 201-01927-0100) must be combined to one property. *The applicant submitted a request to combine parcels to the County. Ultimately, it was determined that parcel 201-01927-0100 cannot be combined with the other parcels because it is actually still public right-of-way. It shows as being owned by Bay City Rentals, however, per the City and County GIS offices, this parcel was not actually vacated as it was thought to be. Additional work will need to be done by the City/County relative to this item, and it is likely the City will need to consider vacating this right-of-way.*
- b. The applicant must obtain approval from the City's Fire Department for the types of materials to be stored on-site and for the placement of materials in the building. *Complete per Fire Dept.*
- c. Only those uses specifically identified with this Conditional Use Permit (or that are permitted uses in the City Center District) should be allowed to occur on the site. Any other light manufacturing uses proposed will be required to obtain a new Conditional Use Permit. *Not aware of any other uses occurring on the site. Light Manufacturing of small homes is not occurring on the site.*
- d. No outdoor storage of materials or equipment shall be permitted on the site. This includes a provision that semi-trailers or other trailers/storage containers not be permitted to be parked/stored on-site. *This has been complied with. There have been semi-trailers in the loading dock for loading/unloading as necessary, but this is allowed.*
- e. If there is not currently an easement in place that allows the residents to the north to go through the public alley and then across the subject property to access 3rd Avenue East, such easement shall be created to retain the residents ability to use this means of ingress and egress, which is also needed for city services to be provided such as waste

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collection. Applicant worked with an attorney to establish an easement for the benefit of the residential properties to the north, however, as it was determined the right-of-way was never vacated, the easement is not needed at this time/not able to be recorded.

- f. No overhead doors should be allowed to be constructed along the north side of the building as that would result in the potential for noise, odor, and visual implications for the residential properties. No overhead doors have been constructed along the north side of the building.
- g. Vehicles are not allowed to park across the sidewalk in front of the building. On-street parking should be addressed with the Planning & Development and Public Works Departments to find a solution to allowing on-street parking while not blocking pedestrian access on the sidewalk. The parking that was occurring along 3rd Avenue East in front of the Bay City Rentals building and blocking pedestrian access of the sidewalk has been resolved. Signage was removed from the front of the building that identified the area for parking, and Carlson Building Supply was approached about employees parking in this location and they have resolved that by having their employees park elsewhere/on their own property.
- h. Off-street parking areas, loading spaces, and access drives are to be paved with concrete or bituminous pavement within 6 months of issuance of this CUP. The parking area, loading spaces and access drives have been paved with asphalt. The parking area has been striped; the location of which has moved to the southwest side of the building instead of on the southeast side adjacent to 3rd Ave. E.
- i. To allow general warehousing, light manufacturing (of small homes), research and development, and related light manufacturing uses in the City Center to include allowance for operation of a winding machine at the facility, Parcel # 201-01925-0000, for this CUP to be reviewed by Council prior to expiration in six months, and the CUP will terminate in six months from the date signed unless reviewed and renewed. The applicant agreed to work with the Planning Department to address any noise/sound issues. Since the issuance of the CUP, the Planning Department has not received any complaints from neighboring property owners/occupants regarding noise/sound or any other items with regards to the operations within the building.
- j. Installation of sidewalks to the property lines along 3rd Avenue East are to be completed within 6 months of issuance of CUP. The applicant has applied for a permit from the Public Works department to install the sidewalk segments. The Public Works department is in the process of reviewing and will identify where the sidewalks are to be located in the right-of-way. Once approved, the sidewalks paving will occur. Note: the City will need to schedule installation of the sidewalk segment immediately to the south of the subject site to allow for sidewalk connections.

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George moved to approve the resolution; Pufall seconded. On a voice vote, the motion carried 10-1, Ketring opposed. **(File #17459)**

Agenda Item 7C: Approve a Resolution to Set a Public Hearing Date for the Vacation of a 20 Foot Wide Platted Alleyway Adjacent to Lots 1 through 12, and Lots 13 through 24, in Block 99 of Ellis Division of the City of Ashland, Wisconsin (Planning & Development)

Per Wisconsin state statutes, the City Council is required to set the public hearing date for all rights-of-way discontinuance/vacation with a resolution identifying the City's intention to discontinue the rights-of-way at least 40 days prior to the public hearing.

Ketring moved to approve the resolution to set a Public Hearing date of September 25, 2018; George seconded. On a voice vote, the motion carried unanimously. **(File #17460)**

Agenda Item 7D: Approve a Resolution to Issue a Conditional Use Permit to Allow a Wall Sign on a Building Façade that Does Not Face a Public Right-of-Way at 211 6th Street West in the City Center (CC) District, Parcel #201-01942-0000, Applicant: Keith Tveit on Behalf of American Legion Post 90/VFW Post 690 (Planning & Development)

Keith Tveit, on behalf of the American Legion Post 90 and VFW Post 690, requested a Conditional Use Permit (CUP) to place a wall sign on the north façade of their building which does not face a public right-of-way. The purpose of placing an additional sign in this location would be to denote the secondary path of egress on the north side of the building and also to gain visibility from the adjacent Super One and 5th Street Corridor.

The proposed sign was recently reconstructed and located on the American Legion/VFW's former building. The sign is 2' wide by 8' in length and meets all sign standards laid out in the Unified Development Ordinance. The applicant had already submitted all materials for a sign permit which would be issued contingent on approval of the CUP to place it in the proposed location.

Haas moved to approve the resolution; George seconded. On a voice vote, the motion carried unanimously. **(File #17461)**

Agenda Item 7E: Approve a Resolution to Issue a Conditional Use Permit to Allow Long-Term Housing Pursuant to UDO Section 5.2, F: Social Services/Sober Living Home at 1007 6th Street West in the Single and Two-Family Residential (R-2) District, Parcel #201-00366-0000, Applicant: Dave Gallup Foundation (Planning & Development)

The Dave Gallup Foundation requested a Conditional Use Permit to allow long-term housing pursuant to UDO Section 5.2, F: Social Services/Sober Living Home in the Single and Two-Family Residential (R-2) zoning district at 1007 6th Street West. The home has 4 bedrooms and 2 bathrooms and would house a maximum of eight (8) tenants. The applicant had already entered into a year lease

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agreement with the landlord of this property (extending through June 30, 2019) and provided proof of this to the Planning & Development Department. Tenants will pay \$700 per month for rent to cover utilities, rent, and salary for the onsite supervisor (Curtis Gauthier). The Foundation fundraises to offer a first month scholarship on rent for new residents to give them time to get settled and find a job.

The City's UDO indicates that "Social service uses may not be located within 1,200 feet from another social service use unless the Plan Commission determines that the cumulative impacts of the existing and proposed uses will not adversely affect the living and working conditions of the properties located within 1,200 feet of the proposed uses" (UDO Section 5.2F: Social Services). The Prentice House (also a Social Service use) at 820 6th Street West is located less than 500 feet from the proposed use. As such, Plan Commission needed to determine if having the two social services located in this proximity would adversely affect the surrounding properties.

Standard regulations for sober living homes which will be implemented at this location include:

1. A drug and alcohol free living environment;
2. No treatment services are provided on-site but tenants are required to attend five 12-step meetings per week;
3. Residents are required to comply with house rules including paying rent, random urine drug tests, performing household chores, and eating dinner as a community;
4. Financing for utilities, rent, salary for the supervisor, and other operational costs come from rent collected monthly from tenants; and
5. Residents are able to stay in the home as long as they'd like and are complying with house rules and paying rent.

There are improvements to the home that will be completed prior to residents moving in through the assistance of Habitat for Humanity.

Tochterman moved to approve the resolution; Moore seconded. Ketring made a friendly amendment to include a six month report. Tochterman and Moore accepted this amendment. On a voice vote, the motion carried unanimously. **(File #17462)**

Agenda Item 7F: Approve to Purchase a 2019 Ram 1500 Quad Cab 4x4 Tradesman from Ashland Ford Chrysler for the Ashland Waste Water Utility (Public Works)

The Public Works Department advertised for a new pickup truck in the Ashland Daily Press. Bids were received from two vendors. Ashland Ford Chrysler was the lowest responsible bidder and was

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recommended as the preferred vendor for a Dodge Ram 1500 pickup. The cost required for the vehicle includes title, plates, and a transfer fee. Delivery is expected some time in the fall of 2018.

This new pickup truck will replace a 2002 GMC Sierra that was sold earlier in the year through Wisconsin Surplus.

The Public Works Department recommended the purchase of this 2019 Ram 1500 Quad Cab 4x4 Tradesman for the Waste Water Utility from Ashland Ford Chrysler in the amount of \$25,109.

Moore moved to approve the purchase in the amount of \$25,183.50 (includes title and plate fees); Franek seconded. On a roll call vote, the motion carried unanimously.

Agenda Item 7G: Approve the Purchase of Fitness Court Equipment from the National Fitness Campaign for Bayview Park, and Approve to Allow the Public Works Department to Perform Public Construction per Ashland City Ordinance 194.05 (Parks & Rec)

The City of Ashland Parks and Recreation Department was approached by the National Fitness Campaign regarding obtaining a Fitness Court for the City of Ashland. The National Fitness Campaign partnered with Janesville to open a Fitness Court in June, 2018, and was seeking another Wisconsin community to install a second court and Ashland met their criteria. The Fitness Court would be located at Bayview Park, north of the main parking lot.

The City worked with the National Fitness Campaign to create promotion materials for sponsorships and has secured two local supporters: one being Memorial Medical Center, and another as an anonymous donor. The City is continuing to look for more sponsorships for this endeavor.

Preparation and completion of the area that the Fitness Court would be located would involve grading of the former brick patio area just north of the northwest corner of the parking lot. The Public Works department feel their staff are fully capable to perform this work and that this could fit into their summer construction schedule with little disruption in order to save contracting dollars. Ashland City Ordinance 194.05 allows for City staff to perform construction work without requesting bids, but *must be approved by the City Council by a three-fourths vote.*

The Parks and Recreation department requested approval from the Common Council to pay \$78,250.00 for the fitness court, to be reimbursed by the sponsorships.

Ortman moved to approve the purchase in the amount of \$78,250.00, and approve to allow the Public Works Department to perform public construction; Haas seconded. On a roll call vote, the motion carried unanimously.

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Agenda Item 7H: Approve to Enter into a Contract with a Qualified Firm for the Ashland Ore Dock Phase 1 Improvement Project (Parks & Rec)

On July 2, 2018, City of Ashland and SmithGroup staff advertised for bids for the Ashland Ore Dock Redevelopment Phase 1 Improvements Project. Complete bidding documents were due at 4:00 p.m. on Friday, July 27, 2018. Four bids were opened on Monday, July 30 at 10:00 a.m. in the City Hall Council Chambers. All four bids came in over the expected budget.

Due to the total cost of Ashland Ore Dock Redevelopment Phase 1 improvements, the project had been divided into sections. The project was to approve construction of the Ashland Overlook, which is an elevated platform at the transition of the 1916 section to the 1925 section. This project was the first step in getting a walkway constructed over the “diamonds” and giving the public access to the end of the ore dock base. Included in this project was the installation of six refurbished original ore dock light towers, fabrication and installation of three safety ladders, installation of the donor ore dock chute, and landscaping.

This section of Phase 1 is slated to begin in October and anticipated to be completed by June 1, 2019.

Bidding for the next section of the Phase 1 Improvement Project is expected to happen in early 2019.

Nathan Hilmer, Site Designer from SmithGroup, gave a presentation.

Haas moved to enter into a contract with a qualified firm for the Ashland Ore Dock Phase 1 Improvement Project; Ketring seconded. Discussion followed. George called the question, Ortman seconded. On a voice vote, the motion carried unanimously 10-1, with Ketring opposed. On a roll call vote, the motion to enter into a contract with a qualified firm for the Ashland Ore Dock Phase 1 Improvement Project passed unanimously.

Ullman moved to award the contract to Market and Johnson for the construction of the planned improvements contingent upon the execution and approval of Change Order #1; approval of the agreement and the resulting change order reduced the Market and Johnson contract amount to \$394,772 for the Ore Dock Redevelopment Phase 1 project. Haas seconded the motion. On a roll call vote, the motion carried unanimously.

Agenda Item 8: Adjournment

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

Patti Ekstrom
Deputy Clerk