

ASHLAND CITY COUNCIL MEETING MINUTES

Tuesday, June 25, 2019 – 5:30 PM

Ashland City Hall Council Chambers

Please silence all cell phones during the meeting

1. CALL TO ORDER

The Tuesday, June 25, 2019 Ashland City Council meeting was called to order by Mayor Debra Lewis, in the Ashland City Hall Council Chambers at 5:30 p.m.

A. Roll Call

Roll call was taken, a Moment of Silence was held, and the Pledge of Allegiance was recited.

PRESENT: Holly George, Matthew MacKenzie, Sarah Jackson, Kate Ullman, Ana Tochtermann, Wahsayah Whitebird, Kevin Haas, Charlie Ortman, Liz Franek, Dick Pufall, Jackie Moore

ABSENT: None

ALSO PRESENT: Mayor Debra Lewis, City Administrator Brant Kucera, City Clerk Denise Oliphant, City Attorney Tyler Wickman, Police Chief Jim Gregoire, Captain Bill Hagstrom, Public Works Director John Butler, Utility Supervisor Chanz Green, Fire Chief Dave Wegener, Planning and Development Director Megan McBride, Planning Intern Lucas Phillips, Parks and Recreation Director Sara Hudson, and other concerned citizens.

B. Moment of Silence

C. Pledge of Allegiance

2. APPROVAL OF AGENDA

Lewis requested to remove and postpone the recognition of Beautification Council members to July 9, 2019 due to members unable to attend at tonight's meeting. Ullman requested to remove Miscellaneous Minutes from the Consent Agenda to become Agenda Item 7A1. Haas moved, seconded by George to approve the agenda as amended. The motion carried unanimously by voice vote.

3. APPROVAL OF MINUTES of the June 11, 2019 City Council and Committee of the Whole meetings

A. June 11, 2019 City Council and Committee of the Whole meetings' minutes

Ullman motioned that the minutes regarding Agenda Item 8D of the June 11, 2019 City Council meeting be amended, which stated the vote to call the question ruled in favor 6-5, pointing out that the motion did not in actuality pass. Lewis noted that further into the minutes, it was noted that Moore changed her vote and the motion eventually failed 5-6. Ullman asked to add that a motion to call the questions requires a 2/3 vote and a 6-5 vote does not reflect 2/3 of Council. Haas seconded this motion, and the motion to amend the minutes passed unanimously by voice vote.

Franek commented that a citizen who spoke during the June 11, 2019 Citizen Participation Period did not state their address, and asked that we request for those who wish to speak in the future to state their name and address for the record.

Jackie Moore moved, seconded by Dick Pufall to approve the amended minutes of the June 11, 2019 City Council and Committee of the Whole meetings. The motion passed unanimously by voice vote.

4. CITIZEN PARTICIPATION PERIOD

Ella Severson, 813 6th Avenue West, talked about the importance of youth voices in politics. *Erik Lindell, 206 West Main St*, commented in favor of the formation of the RDA, and expressed his frustration with the time consuming discussion during recent Council meetings, preventing enough time to address the full agendas. Finally he invited Councilors to attend more downtown events to talk and mingle with constituents.

Kathy Allen, 810 Mac Arthur Avenue, spoke in favor of Council developing an RDA for the benefit of the new police facility.

Jason Kline, 701 11th Avenue West, stated he has found apartments in the City to be substandard and health hazards, and felt this should be addressed before building a new police facility.

Nancy Szyndor, 1521 6th Street East, spoke in favor of developing an RDA for the City of Ashland and the need for a new police facility.

Tyler Wickman, 30820 State Hwy 137, invited the community and Council to the Ashland Foundation's Breakfast of Champions on Saturday, June 29, 2019.

5. MAYOR'S REPORT

A. Recognition of Beautification Committee

Item postponed to July 9, 2019 meeting per Lewis.

B. Announcements

A press release was made today regarding smoke testing to begin in July throughout the City. Crews will be beginning investigative work in District 7 looking for potential issues. Auditors have been at the City all week, and we should expect a report in September. She offered a reminder of the League of Wisconsin Municipalities' sponsored workshop on Friday June 28 2019, 8:30 a.m. to 4:00 p.m. at Hotel Chequamegon. Lewis thanked City employees who did a beach clean up last Friday at Maslowski Beach. She also thanked staff who helped sponsor and organize a public forum held last evening at the Northland College regarding Climate Lobbying. On Saturday, June 29, 2019 at 2:00 p.m there would be a dedication of a new mural on west side of the Super H Foods building honoring DePadua alumni. The City was recently awarded \$150,000 from the Wisconsin Coastal Management Grant for ore dock reconstruction work. Finally, Lewis asked for participants to join the City's float for the 4th of July parade.

6. CONSENT AGENDA

Holly George moved, seconded by Kevin Haas approve the Consent Agenda. The motion passed unanimously by voice vote.

A. Approve a Resolution to Support State Legislation Requiring Pharmacy Technician Registration

File #17513

B. Miscellaneous Minutes

Discussed as Item 7A1 per Ullman's request to remove from the Consent Agenda

Ullman requested that the Administrator work with staff to get minutes of the miscellaneous committees done in a more timely manner. Franek pointed out that a number of names were spelled incorrectly within some of the minutes. Kate Ullman moved, seconded by Holly George to approve. The motion passed unanimously by voice vote.

C. Operators' Licenses

Summary Statement:

The following individuals have applied for an operator's license:

Aaron R. Bruney
Claire R. Glafke
Kim M. Hamann
Katie J. Kozitza
Cheryl A. Larson
Kirsten N. McAuliffe
Amelia E. McPherson
Linda I. Morrow
Orion W. Pergolski
James E. Sturgal
Tracey A. Nickelson
Wendy K. Cournoyer
Jennifer R. Munson
Janelle M. Ranta
Sherry A. Lasko
Phoebe L. Burchill
Christine S. Kegel
Jane L. Anderson
Reuel R. Lawver

D. Planning & Development Monthly Report, May 2019

7. OLD BUSINESS

A. Approve a Resolution and Bylaws Creating the Redevelopment Authority (RDA) for the City of Ashland, Wisconsin *(Roll)*

George moved, seconded by Jackson to approve the resolution and bylaws creating the Redevelopment Authority (RDA) for the City of Ashland, Wisconsin. After much discussion, Haas moved, seconded by Franek to postpone this item to the July 9, 2019 Council meeting. Moore requested to move further out to the August Council meeting to allow for more time. Haas and Franek both agreed to postpone to the August 13, 2019 Council meeting. The motion carried 7-4 by voice vote; opposed were George, Jackson, Ortman and Moore.

8. NEW BUSINESS

A. Approval of a Vehicle Lease Agreement with Enterprise Fleet Management and Approval of Waiver of Ashland City Ordinances, Chapter 194.04 Advertising Requirements (*Roll*) Police Department

Summary Statement: The 2019 capital budget included \$40,000 for a police squad replacement. This amount was to cover the vehicle, equipment, and equipment installation. The quote for the vehicle was just over \$38,000 which did not leave enough funds for the required equipment and installation which typically was around \$7,700. Also, in November of 2018, the City received \$5,823.50 from the insurance company for a detective vehicle that was rear-ended while waiting for pedestrians at a cross-walk. Fund 460 – Police Capital Equipment fund has a fund balance of \$5,533. The Department started looking at replacement vehicles but found that it would be challenging to find a quality vehicle for that amount of money.

Police Captain Bill Hagstrom discussed vehicle replacement with other City staff and discovered that the City purchases vehicles and kept them until they're worth virtually nothing. An example of this is, that of the last four marked squads that were replaced, two were re-purposed to other departments in the City because the trade in value was so low and the other two were towed to the dealership for minimal trade-in value because they were inoperable and too expensive to fix.

This year, the two oldest squads are a 2014 with 123,000 miles and a 2015 with 120,635. With only one squad scheduled to be replaced, the 2014 would logically be the one to take out of service leaving the 2015. The 2015 is currently not operational because of so many electrical problems that it's unknown if it's worth servicing until the result of this agenda bill. If this agenda bill were approved, both squads could be replaced in 2019 making the whole fleet operational. Other departments within the City had similar problems with their vehicles. Networking at a conference, the Police Chief and Captain spoke with other police department administrations about their police fleet costs. Enterprise Fleet Management was suggested as a solution that has been working well for another police department.

Captain Hagstrom found the closest Enterprise Fleet Management location in Eagan, MN and reached out to them. Joe Flicker, Senior Account Executive, of Enterprise Fleet Management, tailored a lease program for the entire City of Ashland vehicle fleet that was projected to save money while upgrading with newer reliable vehicles. This was accomplished by purchasing vehicles wisely and selling them while they have the most resale value. The newer fleet also decreased maintenance and repair costs.

Chief Gregoire posted a message to the Wisconsin Police Chief's Association message board online asking if there are any other companies besides Enterprise that anyone has used. Of the replies received, nobody had any knowledge of other companies. Captain Hagstrom found two other companies in Wisconsin that have fleet management programs but squad cars are excluded and their programs are more geared toward businesses versus governments. If the fleet leasing contract were approved by Council, the City would be able to transfer 4 vehicles into the program to take advantage of the Fleet Account Manager services and be below the 2019 budgeted amounts for vehicle replacements.

City staff also requested approval to waive the advertising requirements and accept the solicitation attempts to find other vendors that have already been made by City staff per Ashland City Ordinances, Chapter 194.04:

Sec. 194.04. Purchases of more than \$30,000. Purchases of more than \$30,000 may be authorized by the City Council upon advertisement, unless the advertisement requirement is waived by a majority vote of the City Council. Advertisement may be supplemented by solicitation or, upon approval by a majority vote of the City Council, may be substituted for advertisement. This section applies to the purchase of tangible personal property and to services, but does not apply to construction contracts under sec. 62.15, Wis. Stats.

City staff recommended Council approve entering into a vehicle lease agreement with Enterprise Fleet Management, and to allow the City Administrator to oversee the lease program each year by staying within the annual Council approved budget amounts for vehicle leasing.

Police Captain Bill Hagstrom introduced Joe Flicker of Enterprise Fleet Management to present to Council. Council requested and approved Chief Gregoire to speak by voice vote. Franek moved, seconded by Moore to approve the vehicle lease agreement with enterprise Fleet Management, and approve to waive Ashland City Ordinances, Chapter 194.04, Advertising Requirements with small grammatical amendments suggested by Wickman. The motion passed unanimously by roll call vote.

B. Approve to Repeal Resolution 17508 and Approve a Resolution to Vacate a Portion of Undeveloped Front Street Adjacent to Lots 14 through 16, Block 8, All of Block 7, and That Portion of Block 6 East of the West Line of Lot 14, Block 8 as Extended North and That Undeveloped 38th Avenue East Adjacent to Lot 16, All Located in the Commercial Addition Subdivision Located in Section 26, T48N, R4W in the City of Ashland, Ashland County, Wisconsin (Voice) Planning & Development

Summary Statement: The vacation of a portion of undeveloped right-of-way was approved by City Council at their May 28, 2019 meeting. The legal description in Resolution #17508 was provided by the Ashland County Register of Deeds. However, upon discussing with them to record the Resolution they stated that further clarification is needed to describe the portion of land to be vacated which is included in the attached proposed Resolution. The legal description provided in the attached Resolution has been recommended and approved by the entire Register of Deeds Department as the best description to ensure that it will be clear in future years the exact intent of this vacation with no ambiguity as to what land shall be vacated.

George moved, seconded by Ullman to approve to repeal resolution 17508 and to approve a resolution to vacate a portion of undeveloped Front Street adjacent to Lots 14 through 16, Block 8, all of Block 7, and that portion of Block 6 east of the west line of Lot 14, Block 8 as extended north and that undeveloped 38th Avenue East adjacent to lot 16, all located in the Commercial Addition subdivision located in section 26, T48N, R4W in the city of Ashland, Ashland County, Wisconsin . The motion passed unanimously by voice vote. File #17514

C. Approve Award to Custofom Corporation for the 2019 Roof Replacements Contract for Utility Buildings (Roll) Public Works

Summary Statement: In June of 2018, Council was presented with information regarding the condition of multiple City facility roofs, HVAC systems and masonry work. At that time Council approved entering into a contract with Cedar Corporation to provide design engineering work for these projects, including replacement of numerous HVAC units, replacement of the roofs, and repair of the masonry work. During the fall and winter, the Public Works Department and Cedar Corporation worked together to review and prepare a bid package. The first phase of the project was the 2019 HVAC replacement, which was approved by Council at the March 12, 2019 meeting and was currently underway. The second phase of the project was the roof replacement. The masonry repairs were the third phase and will be bid at a later date.

The project generally consisted of replacement of existing rubber roofs on five (5) of the City of Ashland Wastewater Utility buildings. The buildings included the admin/shop, pretreatment building, ultraviolet disinfection building, 6th Avenue East lift station (LS), and Main LS buildings.

Cedar Corp. provided a design for a replacement roof for the Public Works building but this work was excluded from the project due to lack of available funds.

Advertisement for the 2019 HVAC Improvement Project occurred on May 1 and 8, 2019, and bids were received on May 15, 2019, from three (3) bidders.

C&C Services, Aniwa, WI	\$227,400.00 (bid disqualified)
Custofom Corporation, Mauston, WI	\$234,430.00
Quality Roofing, Marshfield, WI	\$254,666.00

The Public Works Department recommended that Council approve to award the 2019 Roof Replacement Contract for the utility buildings to Custofom Corporation.

Tochterman moved, seconded by Ortman to approve to award the contract for the 2019 Roof Replacements for Utility Buildings to Custofom Corporation for the amount of \$234,430.00 . The motion passed unanimously by roll call vote.

D. Approve a Resolution to Acknowledge Review of the 2018 Compliance Maintenance Annual Report (CMAR) of the Ashland Wastewater Utility Pursuant to the Requirements of NR 208, Wisconsin Administrative Code (Voice) Public Works/Utility

Summary Statement: Annually, since 1987, Chapter NR 208 of the Wisconsin Administrative Code requires publicly and privately owned domestic wastewater plants to complete a self-evaluation of the operations of their treatment works called the Compliance Maintenance Annual Report (CMAR). The purpose of the program is to prevent water quality degradation and prevent violations of Wisconsin Pollutant Discharge Elimination System (WPDES) permits. The CMAR describes wastewater management activities and performance of the treatment works during the previous calendar year.

The CMAR scores various aspects of the wastewater system in accordance with the requirements of NR 208. The report is scored on what the WDNR refers to as a Sectional scoring system that provides a grade for each aspect of the operation of the utility including collection, staffing, preventative maintenance, capacity, and plant loading of the wastewater system. In addition, the report scores the financial position of the system and the certification of the operators. The point score is then turned into an applicable grade. A response action is tied to the applicable grade of each section. The grades of the individual sections of the Utility's 2017 CMAR are summarized on page 1 of the report. The following table from NR 208 provides a translation of the scores:

Score	Grade	Grade Points	Grade Meaning	Response Range
91-100	A	4	Good	Voluntary
81-90	B	3	Satisfactory	Voluntary
71-80	C	2	Marginal	Recommendation
61-70	D	1	Poor	Action
<61	F	0	Fail	Action

The cumulative sum of these scores is compared to the DNR scoring system to show if the Wastewater Utility should be considering and/or planning for treatment upgrades or adjustments in the operation of the Utility. The score has been modified by the introduction of a CMOM planning initiative instituted by the DNR. CMOM stands for "capacity, management, operations, and maintenance." It is a flexible, dynamic framework for municipalities to identify and incorporate widely-accepted wastewater industry practices to:

- Better manage, operate, and maintain collection systems
- Investigate capacity constrained areas of the collection system
- Respond to sanitary sewer overflow (SSO) events.

The CMOM approach helps municipal wastewater utility operators provide a high level of service to customers and reduce regulatory noncompliance. CMOM can help utilities optimize use of human and material resources by shifting maintenance activities from "reactive" to "predictive"—often leading to cost savings through avoided overtime, emergency construction costs, increased insurance premiums, and the possibility of lawsuits. CMOM information and documentation can also help improve communications with the public, other municipal works and regional planning organizations, and regulators. In CMOM planning, the utility selects performance goal targets, and designs CMOM activities to meet the goals. The CMOM planning framework covers operation and maintenance (O&M) planning, capacity assessment and assurance, capital improvement planning, and financial management planning. Information collection and management practices are used to track how well each CMOM activity is meeting the performance goals, and whether overall system efficiency is improving. On an ongoing basis, activities are reviewed and adjusted to better meet the performance goals. As the CMOM program progresses, performance goals can change. For instance, an initial goal may be to develop a geographic information system (GIS) of the system. Once the GIS is complete, a new goal might be to use the GIS to track emergency calls and use the information to improve maintenance planning. I & I (Inflow and Infiltration) is still a major problem affecting the overall operation and deferred maintenance is building. The Ashland Waste Water Utility is taking initial steps to address this problem by completing a significant amount of collection system maintenance and investigative work in 2019. NR 208 requires that the City adopt a resolution that states the Council has reviewed the CMAR and identifies actions that the City will take to address the concerns arising in this year's self-evaluation. The resolution acknowledges that the Council has reviewed the CMAR and that the City investigate inflow/infiltration issues of the Utility.

Ortman moved, seconded by Wahsayah Whitebird to approve the resolution to acknowledge Council's review of the 2018 Compliance Annual Report (CMAR) of the Ashland Wastewater Utility pursuant to the requirements of NR 208, Wisconsin Administrative Code. The motion passed 10-0 by voice vote; MacKenzie abstained. File #17515

E. Approve Change Order #4 to Extend the Substantial and Final Completion Dates for the Bayview Pier Project (Roll) Parks & Recreation

Summary Statement: Change order #4 was an amendment to the initial contract with the Nordic Group, LLC to extend the substantial completion date to June, 12, 2019, and final completion date to July 12, 2019.

This extension had been requested by both the Contractor and the City. A wet summer, early winter, and wet/late spring had lead to the project being delayed.

Haas moved, seconded by Moore to approve change order #4 to extent the substantial and final completion dates for the Bayview Pier Project. The motion passed unanimously by roll call vote.

F. Approve a Resolution to Declare Repairing and Replacing a Valve in the South Clarifier at the Waste Water Treatment Plant an Emergency per Wisconsin State Statute 62.15(b) (Roll) Public Works

Summary Statement: A series of deeply buried valves control the flow of wastewater and the associated sludge in to and out of the clarifiers and oxidation ditches at the wastewater treatment plant (WWTP). The oxidation ditches include aerated wastewater which produces sludge and allows for biological wastewater treatment to occur.

In early June, Utility staff drained the South Clarifier for scheduled maintenance, including sludge removal and the installation of a series of pressure reducing valves (PRVs). The PRVs were installed to address upward pressure from groundwater, which was found to be causing heaving of the clarifier floors, potentially damaging an expensive component of the plant.

The North Clarifier remained online and accounted for approximately half of the plant's available treatment capacity. As a result, the treatment capacity of the plant was at half of its normal level.

Utility staff successfully completed the scheduled maintenance but, in attempting to return the clarifier/oxidation ditch back to service, a critical valve was damaged. As a result, the South clarifier/oxidation ditch was out of service, which meant the plant's treatment capacity remained at half of its current level and presented an increased risk of sewage overflows during wet weather events. Utility staff made several repeated efforts to correct the problem and open the valve. The valve was located at a depth of approximately 22 ft, which complicated the efforts. Due to the criticality of the valve and the ongoing potential risk for sewage overflows due to reduced plant capacity, Utility staff recommended that the valve be dug for repairs as soon as possible.

The depth of the valve made the project beyond the routine maintenance capabilities of the utility. Utility staff required the assistance of an outside contractor to complete the work and requested declaration of an emergency for the purchase of services because the time spent to obtain bids would threaten health, safety, and the environment.

Ortman moved, seconded by Franek to approve the resolution to declare repairing and replacing a valve in the south clarifier at the waste water treatment plant an emergency per Wisconsin State Statute 62.15 (1)(b). The motion passed unanimously by roll call vote. File #17516

9. CLOSED SESSION

A. Enter into Closed Session (Roll)

George moved, seconded by Whitebird to move into closed session. The motion passed unanimously by roll call vote.

- B. Closed Session pursuant to Wis. Stat. 19.85 (1)(g): “Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation (*6th Street West Litigation Settlement*) (*Administration*)**

Ullman moved, seconded by Haas to allow Public Works Director to remain during closed session. The motion carried unanimously by voice vote.

- C. Return to Open Session (*Voice*)**

Haas moved, seconded by George to return to Open Session. The motion passed unanimously by voice vote.

- D. Report of Action or Discussion Taken During Closed Session**

Lewis reported that no action was taken by Council during Closed Session.

10. ADJOURNMENT

Haas moved, seconded by Whitebird to adjourn. The motion passed unanimously by voice vote.

The City of Ashland does not discriminate on the basis of sex, race, creed, color, national origin, sexual orientation, age or disability in employment or provision of services, programs or activities.

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