ASHLAND CITY COUNCIL MEETING MINUTES
Tuesday, July 9, 2019 – 5:30 PM
Ashland City Hall Council Chambers

Please silence all cell phones during the meeting

1. CALL TO ORDER

The Tuesday, July 9, 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

PRESENT: Holly George, Matthew MacKenzie, Sarah Jackson, Kate Ullman, Ana Tochterman, Wahsayah Whitebird, Kevin Haas, Charlie Ortman, Liz Franek, Dick Pufall, Jackie Moore (arrived at 6:20)

ABSENT: None.

ALSO PRESENT: Mayor Deb Lewis, City Administrator Brant Kucera, City Clerk Denise Oliphant, City Attorney Tyler Wickman, Police Chief James Gregoire, Fire Chief Dave Wegener, Planning and Development Director Megan McBride, Public Works Director John Butler, Parks and Recreation Director Sara Hudson, multiple police officers and firefighters, and other concerned citizens.

B. Moment of Silence

C. Pledge of Allegiance

2. APPROVAL OF AGENDA (Voice)

Haas moved, seconded by Pufall to approve the agenda as presented. The motion carried unanimously by voice vote.

3. APPROVAL OF MINUTES of the June 25, 2019 Council and Committee of the Whole Meetings

A. June 25, 2019 City Council and Committee of the Whole Meeting Minutes

Pufall moved, seconded by Tochterman to approve the minutes of the June 25, 2019 Council and Committee of the Whole meetings. Franek requested to correct her comment regarding the spelling of names correctly within the committee minutes. The motion passed unanimously by voice vote.

4. CITIZEN PARTICIPATION PERIOD

The Clerk read the Rules for Citizen Participation, and the following offered their comments to the Council:

Ted Griggs, 218 7th Avenue East, spoke in favor of the Citizen's Climate Lobby Resolution on the Committee of the Whole agenda.
Philomena Kebec, 718 12th Avenue West, spoke in opposition to providing the police department with a new facility.
Mary Rehwald, 715 Ellis Avenue, advocated for the approval of the Citizen's Climate Lobby Resolution.
Eric Lindell, 204 1/2 Main Street, encouraged Council to consider moving forward with the new police facility.
Alec Drachenberg, 2114 Lake Shore Drive, spoke in reference to the bike trails within the City.

5. MAYOR'S REPORT

A. Recognition of Retiring Police Officer Michelle Tutor, Retiring Fire Captain Chris Bulovsky, and the Beautification Committee Members

Lewis honored and thanked retiring Sergeant Michelle Tutor for 29 years of service and dedication to the Ashland Police Department. She also showed her appreciation and gratitude to retiring Captain Chris Bulovsky for his 26 years of service as Firefighter and EMT for the Ashland Fire Department. Awards of appreciation was handed out to members of the Beautification Council for their hard work throughout the City of Ashland.

B. Announcements

The Mayor deferred her report and referred Council to the Department Update handout.

C. Appointments

Summary Statement: The Mayor is recommending approval of the following appointment:

Plan Commission Ella Syverson, term expiring April 30, 2022

Volunteer form was made available at the time of the meeting.

George moved, seconded by Haas to approve the Mayor's appointment. The motion passed unanimously by voice vote.

6. CONSENT AGENDA

Jackson moved, seconded by Franek to approve the Consent Agenda. The motion passed unanimously by voice vote.

A. Operator's Licenses

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

Bobbie Lynn Bigboy
Tammy lynn Klamerus
Melissa Mae Schnepp
Roger William Sukanen
Jeffrey Frederick Zunker

B. Miscellaneous Minutes

7. NEW BUSINESS

A. Approve a Resolution to Amend to a Conditional Use Permit for New Day Advocacy Center to Allow a Fence Eight Feet in Height Around the Playground Area at 301 Ellis Avenue, Zoned City Center (CC). Applicant: New Day Advocacy Center/Tom Potterton (Voice) Planning and Development

Summary Statement: A Conditional Use Permit request was approved for the New Day Shelter (Northwoods Women, Inc.) to operate an emergency residential facility at 301 Ellis Avenue by the Plan Commission on July 18, 2017 and by Council on July 25, 2017. The CUP was approved contingent on the following conditions:

a. Applicant shall work with Planning on a new parking lot plan, to indicate no more than 27 spaces to be provided, and revert excessive asphalt to green space. Remaining asphalt shall be improved to eliminate breakage/holes and striped to indicate locations of parking spaces.
b. A building permit shall be required for the addition of a fenced in smoking area, as well as for the placement of any storage sheds to accept donations. Details of fence shall be submitted to planning for review and approval.
c. Any exterior lighting shall be shielded or be full cut-off fixtures. New Day Shelter had amended their existing CUP in the following ways, and had it approved by the Plan Commission on February 6, 2018:

·They requested to change the location and design of the smoking shelter. They wished to relocate it to the east side of the building rather than the approved west side, as site constraints had made positioning it on the east side the only viable option. Additionally, they were amending their plan for the smoking shelter from a fenced in area to a secure, enclosed smoking shelter that would be designed to complement the principal building. A secure gate will be installed on the south side of the smoking shelter for emergency egress.
· They requested the allowance of fencing that was 6' high (up to 4' is allowed in a front yard without a Conditional Use Permit) on the north, east, and south sides of the enclosed play area to create a physical and visual barrier from the surrounding roads. The west side of the play area would be 4' high to allow supervision of the playground by staff inside of the building. It would also be gated, as it serves as the point of access to the play area. The fence would be a board-on-board with natural wood finish.
· They requested to increase the number of allowed parking spaces from 27 (as identified in original CUP) to 30 spaces based on finalized building uses and square footages. Per the proposed plan, 30% of the existing asphalt area would be converted to green space. The existing parking lot was in poor condition and would be replaced and striped as depicted.

New Day Shelter requested to amend their existing CUP in the following ways:
· They requested the allowance of fencing that was 8' high versus the previously approved 6' height (up to 4' is allowed in a front yard without a Conditional Use Permit). The reason for this request was to ensure client confidentiality, safety, and privacy, particularly for the most vulnerable clients.
· They requested to change the material for the playground enclosure from board-on-board to vinyl privacy fencing. This change would allow for lower maintenance throughout the life of the fence.

Tochterman moved, seconded by Whitebird to approve the resolution to amend the Conditional Use Permit for New Day Advocacy Center to allow a fence eight feet in height around the playground area at 301 Ellis Avenue, zoned City Center (CC) for applicant New Day Advocacy/Tom Potterton. The motion passed unanimously by voice vote. **File #17517**

B. Approve a Resolution to Issue a Conditional Use Permit to Allow a New 165' Telecommunication Tower for Mobile Service Facilities at 2909 Toll Road, Zoned Heavy Industrial (HI). Applicants: PI Tower Development, LLC and Verizon Wireless (Voice)
Planning and Development

Summary Statement: The applicant PI Tower Development, LLC requested to construct a new wireless communication tower within their land lease area on the north portion of 2909 Toll Road, located within the Industrial Park in the Heavy Industrial (HI) district. The property was owned by Homer and Jamie Moore, and a signed letter of acknowledgement and consent to the location of the monopole on their property had been included in the attachments to the staff report.

PI Tower Development, LLC thoroughly detailed in the Cover Letter the efforts that were made to collocate on an existing tower but were unable to identify one that met the needs of Verizon Wireless and was not so cost prohibitive that a new tower build would be significantly less expensive while creating opportunity for three additional entities to collocate in the future. Since the tower was unmanned it would not require staffing and thus would not generate noticeable increase in traffic in this area. The equipment that would be on site (equipment cabinet cluster, freestanding emergency generator, and antennas) would not generate a noise impact for neighboring properties, and the ground equipment and barbed wire fence would be thoroughly screened using evergreen trees.

In addition to their request to construct a new tower to support wireless telecommunication facilities, the applicants wished to install at fence 7 feet in height which would include 1 foot (or three strands) of barbed wire. Inclusion of barbed wire on fencing in any zoning district requires a conditional use permit per the UDO Section 6.5D, 2: Barbed Wire and Security Fences. The security fencing and interior equipment would be thoroughly screened using American Arborvitae which are a of tall-growing evergreens which would provide sufficient, attractive screening in all seasons.

Ortman moved, seconded by Haas to approve a resolution to issue a Conditional Use Permit to allow a new 165' telecommunication tower for Mobile Service Facilities at 2909 Toll Road, zoned Heavy Industrial (HI) for applicant PI Tower Development, LLC and Verizon wireless. The motion passed unanimously by voice vote. **File #17518**

C. Approve to Reallocate Capital Improvement Plan (CIP) Funds from the Kreher Park Bathroom Project and Award a Contract to Ashland Construction for the 2019 Green Infrastructure and Parking Lot Improvements Contract *(Roll) Public Works*

Summary Statement: In 2016, the City of Ashland was awarded a $175,000 grant to support the construction of green infrastructure at Maslowski Beach. The green infrastructure was intended to contribute to improved beach and water quality by reducing the discharge of untreated storm water into Chequamegon Bay.

The 2016 storm resulted in significant damage at Maslowski Beach, requiring some elements of beach restoration to be incorporated into the project. The overall project was divided into two portions (1) East Beach and (2) West Parking Lot/Beach. The scope of work for each phase was reviewed and approved by the WI DOT as it will impact the Right of Way for US-2.

Public Works would complete work on the East Beach, including the placement and grading of fill to improve site drainage, raising the elevation of existing structures (pavilion, playground), and planting of grass to stabilize the upland area.

Smith Group provided a design for the work on the West Parking Lot/Beach, which would include a new asphalt parking lot, retaining wall, and a biofiltration swale.

Advertisement for the project occurred on June 12 and 19, 2019 and bids were received on June 27, 2019 from two (2) bidders.

Ashland Construction, Ashland WI	$153,855.00
Angelo Luppino, Iron Belt, WI	$203,835.77

Both bids exceeded the Engineer's Estimate of $129,650.00 for construction total.

Sidewalk reconstruction, pavement markings, and parking lot signage would be completed by Public Works to reduce the cost of Ashland Construction's contract to $146,595.00.

Funds in the amount of $41,254.50 were requested from CP Fund 481 to address the remaining need. These funds would be reallocated from the Kreher Park Showers Upgrade project.

The Public Works Department recommended entering into an agreement with Ashland Construction for the 2019 Green Infrastructure and Parking Lot Improvements Contract at a cost of $161,254.50, including construction contingency.

Franek moved, seconded by George to approve to reallocate Capital Improvement Plan Funds from the Kreher Park Bathroom Project and award a contract to Ashland Construction for the 2019 Green Infrastructure and Parking Lot Improvements Contract for the amount of $153,855.00. The motion passed unanimously by roll call vote.

8. CLOSED SESSION

A. Enter into Closed Session *(Roll)*

George moved, seconded by Ortman to enter 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)*

The Mayor requested Council allow Public Works Director John Butler to remain while in Closed Session. The Council approved unanimously by voice vote.

C. Return to Open Session

Ullman moved, seconded by Ortman to return to Open Session. The motion passed unanimously by voice vote.

D. Report of Discussion or Action Taken During Closed Session

Lewis reported that there was no action taken during Closed Session.

9. ADJOURNMENT

Moore moved, seconded by Whitebird to adjourn. The motion carried unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant,
City Clerk

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