

ASHLAND CITY COUNCIL MEETING
Tuesday, January 14, 2020 – 5:30 PM
Ashland City Hall Council Chambers

Please silence all cell phones during the meeting

1. CALL TO ORDER

A. Roll Call, Moment of Silence, and Pledge of Allegiance

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A. December 3, 2019 Council and Committee of the Whole Meeting Minutes

4. CITIZEN PARTICIPATION PERIOD

5. MAYOR'S REPORT

A. Announcements

B. Appointments

6. CONSENT AGENDA

A. Miscellaneous Minutes

B. Planning and Development and Property Maintenance Monthly Report

7. NEW BUSINESS

A. Approve a Preliminary Resolution Declaring Intent to Levy Special Assessments under Municipal Police Power Pursuant to Sec. 66.0703, WI State Statute for the Vaughn Avenue and 7th Street West Reconstruction and Utility Replacement Project (*Public Works*) Voice

B. Approve the State Municipal Agreement (SMA) for Engineering Design of the Highway 13 Pavement Replacement Project (*Public Works*) Voice

C. Approve a Resolution to Approve Proposed Roadway Improvements for State Highway 13/Ellis Avenue and Resolution to Eliminate On-Street Parking as Part of the Future Wisconsin Department of Transportation Project (*Public Works*) Voice

D. Approve a Conditional Use Permit to Allow Social Service Use/Warming Center at 419 3rd Avenue East, Zoned City Center (CC). Applicant: Christine Legarde Cooper (*Planning and Development*) Voice

- E. Approve to Accept a State of Wisconsin Department of Natural Resources Recreation Trails Program Grant for the City of Ashland Maslowski Beach Trail Rehabilitation Project, 2019-2021** *(Parks and Recreation)* Voice
- F. Approve Task Authorization No. 4, Amendment 4 - Ashland Ore Dock Phase I, Part 2 Design Services, Construction Documents and Construction Administration with SmithGroup** *(Parks and Recreation)* Roll
- G. Approve an Ordinance to Amend Chapter 351 (963), Ashland City Ordinances, Licensing, Regulating, and Maintenance of Dogs and Cats** *(Mayor)* Voice

8. CLOSED SESSION

- A. 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.”** *(Nibler Liability Claim)* *(City Attorney)* Roll
- B. Return to Open Session** Voice
- C. Reporting on Closed Session Discussion and/or Action**

9. ADJOURNMENT

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

ASHLAND CITY COUNCIL MEETING MINUTES
Tuesday, December 3, 2019 – 5:30 PM
Ashland City Hall Council Chambers

Please silence all cell phones during the meeting

1. CALL TO ORDER

The Tuesday, December 3, 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: Matthew MacKenzie, Sarah Jackson, Kate Ullman, Ana Tochtermann (arrived at 5:32), Wahsayah Whitebird, Kevin Haas, Charlie Ortman, Liz Franek, Dick Pufall, Jackie Moore (arrived at 5:35)

ABSENT: Holly George (excused)

ALSO PRESENT: Mayor Deb Lewis, City Administrator Brant Kucera, City Clerk Denise Oliphant, City Attorney Tyler Wickman, Public Works Director John Butler, Planning Director Megan McBride, Finance Director Julie Vaillancourt, and other concerned citizens.

B. Moment of Silence

C. Pledge of Allegiance

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

A. November 19, 2019 Council and Committee of the Whole Meeting Minutes

Haas moved, seconded by Jackson to approve the minutes of the November 19, 2019 City Council and Committee of the Whole meeting 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:

Donna Blazek, 222 Prentice Avenue, suggested that people put balls on ariels (on vehicles), and to have vehicles towed if they remain in the street during a snow emergency and plows are trying to clear streets. She also asked that citizens check on shut-ins after winter storms. She would also like Council to re-address fluoride in the City's water system, and offered to head a workshop in the Spring. She thanked the City road crew for clearing snow, Councilor Moore for helping her neighbor, Property Maintenance employee Christine Leubben for her work in town, and Megan for "everything you do".

5. MAYOR'S REPORT

A. Recognition of the Beauty Spot Award Winners

Mayor Lewis recognized those of the Beautification Committee who worked throughout the summer planting and maintaining the City's flower gardens and parks. She also awarded Beauty Spot awards to the AmericInn Hotel, Cobblestone Hotel, One-on-One Hair Design, Thrivent Financial, John and Denise Beirl, Bill and Gretchen Berg, Joni Chapman, and Cindy Nelson and Jeff Welty.

B. Announcements

Lewis offered her gratitude to the Public Works crew for the long hours worked over the past few days in response to the recent heavy snowfalls. She also thanked those who helped with the Tree Lighting Ceremony with special appreciation to Public Works employees Lance Osness and Chip Houle for keeping the tree upright through the strong winds, and to those who donated refreshments and their time to make the event a success. Lewis along with Kucera and Betsey Harries of AADC, were invited and toured H-Windows recently.

C. Appointment of 2020-2021 Election Inspectors and Special Voting Deputies (Clerk)

Tochterman moved, seconded by Moore to approve. The motion passed unanimously by voice vote.

D. Appointments

The Mayor recommended approval of the appointments as follows:

Board of Canvass

Carol Larson, reappointment,
Term Expires: January 1, 2022

Virginia Quay, reappointment,
Term Expires: January 1, 2022

Eric Erickson, reappointment,
Term Expires: January 1, 2022

Haas moved, seconded by Tochtermann to approve. The motion passed unanimously by voice vote.

6. CONSENT AGENDA

A. Approve a Resolution to Designate the Official City Newspaper (*Clerk*) Voice

File No. 17540

B. Approve the 2020 Council and Committee of the Whole Meeting Calendar (*Clerk*) Voice

C. Approve a Resolution to Combine Wards and Establish the Polling Places for the February 18, 2020 Primary Election, the April 7, 2020 Spring Election, and the May 12, 2020 Special Election (*Clerk*) Voice

File No. 17541

D. Approve a Resolution to Designate Public Depositories (*Clerk*) Voice

File No. 17542

E. Approve to Reverse Emergency Declaration for Repairing a Valve in the South Clarifier at the Waste Water Treatment Plant per Wisconsin State Statute 62.15(1b) (*Public Works*) Voice

F. Approve an Ordinance to Amend Chapter 781 (1764), Ashland City Ordinances, Unified Development Ordinance (*Planning*)

File No. 17536

G. Miscellaneous Minutes

H. Operators' Licenses

The following individuals applied for an operator's license:

Ashley M. Bates
Ciji A. Jensen
Dylan J. Welty
Taylor E. White

Whitebird moved, seconded by Moore to approve all items of the Consent Agenda. The motion passed unanimously by voice vote.

7. NEW BUSINESS

A. **Public Hearing Regarding 2020 City of Ashland Community Development Block Grant Public Facilities (CDBG-PF) Project Application to Fund 6th Street East Reconstruction Project** *(Planning)* Roll

Moore moved, seconded by Whitebird to move into Public Hearing. The motion passed unanimously by roll call vote.

Planning Director McBride made it known that a Class II notice was posted in the City's official newspaper two times, posted at the Vaughn Public Library, Ashland County Court House, and at City Hall, as well as notices by mail to affected homeowners.

Donna Blazek, complimented McBride on her hard work on this project.

As no other Citizens wished to speak, Moore moved, seconded by Whitebird to end the public hearing. The motion passed unanimously by voice vote.

B. **Approve a Reserve Class B Combination Alcohol Beverage Retail license Application for Sanctuary Holdings LLC (Officer/Agent John C. White and Officer Geoffrey Gorres) for Chapel on Third Event Center, 620 3rd Street West, and Approve to Amend Chapter 922.40(g), Ashland City Ordinances: Failure to do Business** *(Clerk)* Voice

Pufall moved, seconded by Haas to approve the license and ordinance amendment. The motion passed unanimously by voice vote.

File No. 17537

C. **Approve Jessica L. Pergolski as New Agent for the Alcohol Beverage License Application for Anchor Islands LLC at 315 Turner Road, Ashland** *(Clerk)* Voice

Franek moved, seconded by Haas to approve the application. The motion passed unanimously by voice vote.

D. Review and Discussion of 2018 Audit by Baker Tilly (*Administration*)

Kimberly Shult, CPA of Baker Tilly was present to discuss the 2018 Audit. No action was taken by Council on this item.

E. Approve 2020 Property Insurance Carrier and Renewal Quote, and 2020 General Liability, Linebacker, Law Enforcement Liability, Data Compromise, Government Crime/Fidelity ISO, Business Auto, Workers Compensation and Commercial Umbrella Insurance Carrier and Renewal Quote (*Clerk*) Roll

Moore moved, seconded by Haas to approve to accept the insurance quotes as recommended. The motion passed unanimously by roll call vote.

F. Approve to Waive the Requirement Set Forth in Chapter 923.10, Ashland City Ordinances, and Approve the Mandatory Joint Powers Agreement between Ashland County and the City of Ashland for the Ashland County 911 Emergency System (*Police & Fire Departments*) Voice

Franek moved, seconded by Whitebird to waive the Chapter 923.10 requirement and approve the agreement. The motion passed unanimously by voice vote.

G. Approve Administration to Amend the Handbook Policy Related to Compensation, Vacation, and Over-Time (*Administration*) Voice

Franek moved, seconded by Whitebird to recognize Donna Blazek to speak to Council. The motion passed unanimously by voice vote.

Moore moved, seconded by Franek to approve the handbook amendment. Butler made note of a section that shows to be stricken that should not be.

Whitebird moved, seconded by Franek to again recognize Donna Blazek. The motion passed unanimously by voice vote.

The motion to approve to amend the handbook with the correction noted by Butler, passed unanimously by voice vote.

H. Approval to Allow the City Administrator to Approve a Financial and Payroll Software Updates and Enhancements Contract with Civic Systems, LLC (*Finance*) Roll

Haas moved, seconded by Whitebird to approve the Civic Systems, LLC contract, funded by Fund 100 and the Water and Sewer Utility Funds. The motion passed unanimously by roll call vote.

I. Approve a Resolution Accepting the Workmanship of Jake's Excavating & Landscaping, LLC and Approval of the Final Payment for the 2018 6th Street East Reconstruction Project (*Public Works*) Roll

Moore moved, seconded by Jackson to approve the resolution and final payment of \$2,936.04 to Jake's Excavating & Landscaping, LLC. The motion passed unanimously by roll call vote.

File No. 17538

J. Approve a Resolution to Accept the Workmanship of Ashland Construction, Inc. and Approval of the Final Payment for the 2019 Maslowski Beach Re-Design Green Infrastructure and Parking Lot Project (*Public Works*) Roll

Franek moved, seconded by Haas to approve the resolution and final payment of \$146,047.65 to Ashland Construction, Inc. The motion passed unanimously by roll call vote.

File No. 17539

K. Approve an Amendment to Existing Contract with WSP USA Inc. for Wetland Delineation Services on Timeless Timber Site (*Planning*) Roll

Tochterman moved, seconded by Ullman to approve the amendment. The motion passed unanimously by roll call vote.

L. Approve and Adopt Updated City of Ashland Waterfront Development Plan (*Planning and Parks*) Voice

Jackson moved, seconded by Haas to approve the Plan with amendments as discussed by McBride. The motion passed unanimously by voice vote.

M. Approve a Contract with iWorQ Systems for Permit Management Software (*Planning*) Roll

Moore moved, seconded by Whitebird to approve the contract for \$13,200 funded through Fund 245. The motion passed unanimously by roll call vote.

8. ADJOURNMENT

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

Respectfully Submitted,

Denise Oliphant,
City Clerk

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COMMITTEE OF THE WHOLE MEETING MINUTES

The Common Council of the City of Ashland will meet as the Committee of the Whole on December 3, 2019 immediately following the City Council meeting which begins at 5:30 PM in the Ashland City Hall Council Chambers.

The following items will be considered:

The Tuesday, December 3, 2019 Committee of the Whole meeting was called to order by Council President Kate Ullman, in the Ashland City Hall Council Chambers at 7:25 p.m.

1. Roll Call

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

ABSENT: Holly George (excused)

ALSO PRESENT: Mayor Deb Lewis, City Administrator Brant Kucera, City Clerk Denise Oliphant, Public Works Director John Butler, Planning Director Megan McBride, and other concerned citizens.

2. Council President's Report

President Ullman offered her gratitude to the Public Works crew for their long hours after the recent snowfall. She also acknowledged the success of the Tree Lighting Ceremony to Mayor Lewis, Planning Director McBride, and all other staff involved. Ullman noted the good report of the 2019 audit.

3. Administrator's Report

Kucera noted that he was asked by the Daily Press of his opinion of the recent snow clean-up process and he acknowledged the good work being done by Public Works. He also noted a recent positive article of the City's Property Maintenance department's success.

4. Approval of Agenda

Whitebird moved, seconded by Franek to approve the agenda. The motion carried unanimously by voice vote.

5. Committee Updates

Council representatives were asked for updates of their respective committees.

Harbor Commission: Dick Pufall - Meet rarely through the winter months, no update to report.

Plan Commission: Matt MacKenzie - Going well, reported by McBride

Police & Fire: There is no Council representative for this group per State Statute. Reports may be limited as discussion is generally Closed Session.

Library Board: Sarah Jackson - Upcoming Board Holiday party; talking about "big changes" for the Library regarding renovations; working on internet connection/disruption.

Housing Authority: Liz Franek - Discussing their role regarding the area homeless; policy changes need to comply with Federal guidelines.

Housing Committee: Ana Tochtermann - Refer to item on agenda

Parks and Rec Committee: Kevin Haas - Waterfront Development Plan update; researched the purchase and naming of parks; looking for reinstatement as a Tree City USA.

Public Works Committee: Jackie Moore - Reviewed the recent visit by Finnish engineers regarding I&I

Sustainability Committee: Kate Ullman - Refer to item on agenda; will continue to work on the 25x25 Plan.

Historic Preservation Committee: Liz Franek - hoping to move forward with designation of Fifield Row

Disabled Parking Committee: Wahsayah Whitebird - Meets on an as-needed basis; has no report to offer.

Source Water Protection Committee: (Starting in 2020) - no current representation to date.

6. Discussion Items

A. Discussion of Resolution to Ban Use of Coal Tar Sealants in the City of Ashland

Whitebird moved, Ortman seconded to approve to move the resolution to Council to approve the ordinance.

After multiple suggestions through discussion, MacKenzie moved to table the item until the next Committee of the Whole meeting; seconded by Haas. The motion passed unanimously by voice vote.

B. Discussion of Housing Committee Recommendations on City's Role in Addressing Homelessness

McBride introduced the memo from the Housing Committee, offering suggestions and comments for Council.

Whitebird moved to recognize Donna Blazek to speak to Council; seconded by Ortman.

Outside discussion, no other action was taken on this item.

7. 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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SUBJECT: Appointments

RECOMMENDATION: Re-Approval of Ad-Hoc Source Water Protection Committee (SWPC) membership.

DEPARTMENT OF ORIGIN: Administrator

CLEARANCES: Mayor, Council President

EXHIBITS:

1. Resolution 17250, February 9, 2016
2. WRWA Source Water Protection Information, 2016

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

SUMMARY STATEMENT:

The 1996 amendments to the Safe Drinking Water Act require that States complete source water assessments for all public drinking water systems. The source water assessment for the Ashland Water Utility was published March 27, 2003 as a report by the Wisconsin Department of Natural Resources Bureau of Drinking Water and Groundwater. (<http://www.coawi.org/city-departments/public-works/water-wastewater-division/>)

The Source Water Assessment report for the City of Ashland includes the following recommendations (p. 15):

Source water protection should begin with the formation of a team composed of local, regional and state members to more completely assess impacts to source water and implement best management practices to prevent source water contamination. The following is a preliminary list of negative impacts on source water that could be dealt with in a source water protection program.

- Historic contamination sites such as the Environmental Repair Program sites and Superfund site in the city of Ashland.

- Runoff from urban areas and construction sites in the Bay City Creek.
- Livestock related activities including: manure management, barnyard runoff, feedlot runoff, pasture, stream bank pasturing and livestock access to streams on land drained by the branches of the Fish Creek and Bono Creek.
- Cropland runoff from land drained by the branches of the Fish Creek and Bono Creek

On February 9, 2016, the Common Council approved a resolution that issued a “formal request and urgent call for action to the WDNR and to the Ashland and Bayfield County Boards to immediately (and for the foreseeable future) suspend any/all Livestock Siting and WPDES (CAPO) permitting within the Ashland Water Utility Source Water Protection Area (SWPA) for the purposes of updating the 2003 WDNR Source Water Assessment protection strategies and safeguards”. It also approved the formation of a Source Water Protection Committee for purposes of drafting a Source Water Protection Plan for the City of Ashland. This Committee met for nearly two years and made progress on a draft. Due to staff turnover, the Source Water Protection Plan was not completed and progress was suspended in early 2017.

The Mayor has spoken with the Public Works Director to develop a strategy on how best to move forward with the process of completing a Source Water Protection Plan (SWPP). It is agreed that it would be best to set up a meeting with Andrew Aslesen, Wisconsin Rural Water Association (WRWA), who helped facilitate the process in the past, to complete development of the SWPP. WRWA has the experience and funding available to assist the City in developing a strategy on how to protect the City’s water source.

In the past, the Council approved the following representative positions who were invited to participate in the City’s planning process and serve on the Source Water Protection Committee. Listed in parentheses are the current holders of those positions: Ashland City Administrator (Brant Kucera), Ashland Public Works Director, (John Butler), Ashland Water Utility Director, (Chanz Green), 2 City Council Representatives (Charles Ortman and Waysayah Whitebird have previously expressed an interest in serving), Local DNR water specialist,(Dan Harrington), representative from Bad River Tribe, representative of Bad River Watershed Association, Burke Center representative, (Matthew Hudson has expressed an interest), Ashland County Board Chair or designee, Bayfield County Board Chair or designee, UW Extension designee.

The Council is being asked to approve the re-appointment of the above listed positions.

A RESOLUTION ISSUING A FORMAL REQUEST AND URGENT CALL FOR ACTION TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR) AND TO ASHLAND AND BAYFIELD COUNTY BOARDS TO IMMEDIATELY (AND FOR THE FORESEEABLE FUTURE) SUSPEND ANY/ALL LIVESTOCK SITING AND WPDES (CAFO) PERMITTING WITHIN THE ASHLAND SOURCE WATER PROTECTION AREA (SWPA) AND ENCOMPASSING IDENTIFIED WATERSHEDS IN ASHLAND AND BAYFIELD COUNTIES

WHEREAS, an affordable and safe source of drinking water is essential to the health, development, and stability of all communities; and

WHEREAS, source water is defined as untreated water from streams, rivers, lakes, and groundwater aquifers; and

WHEREAS, the City of Ashland Water Utility relies solely upon source water from Lake Superior's Chequamegon Bay to provide drinking water to its more than 9,000 consumers, businesses, educational institutions, and tourists; among others; and

WHEREAS, source water area is defined as the area (of land) that contributes source water to a Ashland's public drinking water system; and

WHEREAS, the WDNR has defined Ashland's Source Water Area as being over 200 square miles and including lands drained by the Bono Creek, Boyd Creek, Fish Creek, Bay City Creek and multiple unnamed tributaries to Chequamegon Bay in Eastern Bayfield and Northern Ashland Counties; and

WHEREAS, the WDNR conducted a Source Water Assessment for Ashland Water Utility (published March 27, 2003) with the primary purpose of determining the relative susceptibility of Ashland's source water to contamination and the likelihood that a contaminant of concern will enter a public water supply at a level that may result in adversely impacting human health; and

WHEREAS, DNR has characterized Ashland's Source Water Area as "clay soils predominate throughout causing erosion and runoff problems;" and

WHEREAS, "Ashland's source water is impacted by the source water area and highly susceptible to contamination due to the confined nature of Chequamegon Bay and erodible soils and land uses found in the source water area;" and

WHEREAS, "animal feeding operations have the potential to contribute pollutants such as inorganic, synthetic organic, microbial contaminants as well as hormones and antibiotics to the source water;" and

WHEREAS, animal feeding operations, stream bank pasturing, barnyard runoff, feedlot runoff and manure spreading were identified by the WDNR as negative impacts on several streams in the source water area; and

WHEREAS, the quality and cost of treated drinking water is often a function of pretreatment source water quality; and

WHEREAS, particular concerns in WDNR's source water assessment are agriculture and pastureland draining into Bono, Boyd and Fish Creeks, urban development in the city of Ashland and sites of historical contamination; and

WHEREAS, according to WDNR recommendations, "one of the best ways to ensure safe drinking water is to develop a local program designed to protect the source of drinking water against potential contamination;" and

WHEREAS, the City of Ashland is actively engaged in further review and implementation of WDNR Source Water Assessment recommendations and has identified watershed and source water protection as on-going and long-term priorities;

NOW, THEREFORE, BE IT RESOLVED that the City of Ashland issues a formal request and urgent call for action to the WDNR and to the Ashland and Bayfield County Boards to immediately (and for the foreseeable future) suspend any/all Livestock Siting and WPDES (CAFO) permitting within the Ashland Water Utility Source Water Protection Area (SWPA) for the purposes of updating the 2003 WDNR Source Water Assessment for Ashland Water Utility, and for establishing source water area and watershed protection strategies and safeguards to ensure safe drinking water supplies and the public health safety of its citizens; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution and Ashland's 2003 Source Water Assessment be provided to appropriate personnel within DNR, USEPA, the Ashland and Bayfield County Boards, the League of Wisconsin Municipalities, and State Senator and Representative offices immediately upon passage of this resolution.

PASSED:

Councilperson

ATTEST:

Janice E. Anderson, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

David Siegler, City Attorney

(Reso 2134)



AGENDA BILL

Ref: 029

COMMITTEE AGENDA: 8 (01/26/2016)

COUNCIL AGENDA: 7B (02/09/2016)

SUBJECT: A Resolution Issuing a Formal Request and Urgent Call for Action to the Wisconsin Department of Natural Resources (WDNR) and to Ashland and Bayfield County Boards to Immediately (and for the Foreseeable Future) Suspend Any/All Livestock Siting and WPDES (CAFO) Permitting Within the Ashland Source Water Protection Area (SWPA) and Encompassing Identified Watersheds in Ashland and Bayfield Counties

RECOMMENDATION: Discussion and Possible Action

DEPARTMENT OF ORIGIN: Councilor Ketring

DATE SUBMITTED: January 11, 2016

CLEARANCES: City Administrator
Council President

EXHIBITS: Proposed Resolution
Source Water Assessment for Ashland Water Utility Report
Ashland Source Water Findings of Fact, January 26, 2016

EXPENDITURES REQUIRED:

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE:

COMPLIANCE WITH ORDINANCE 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

RECOMMENDATION: Approval of Resolution

SUMMARY STATEMENT: The 1996 amendments to the Safe Drinking Water Act require that States complete source water assessments for all public drinking water systems. The source water assessment for the Ashland Water Utility was published March 27, 2003 as a report by the Wisconsin Department of Natural Resources Bureau of Drinking Water and Groundwater.
(<http://www.coawi.org/city-departments/public-works/water-wastewater-division/>)

The Source Water Assessment report for the City of Ashland includes the following recommendations (p. 15):

Source water protection should begin with the formation of a team composed of local, regional and state members to more completely assess impacts to source water and implement best management practices to prevent source water contamination. The following is a preliminary list of negative impacts on source water that could be dealt with in a source water protection program.

- *Historic contamination sites such as the Environmental Repair Program sites and Superfund site in the city of Ashland.*
- *Runoff from urban areas and construction sites in the Bay City Creek.*
- *Livestock related activities including: manure management, barnyard runoff, feedlot runoff, pasture, stream bank pasturing and livestock access to streams on land drained by the branches of the Fish Creek and Bono Creek.*
- *Cropland runoff from land drained by the branches of the Fish Creek and Bono Creek*

The questions and issues for the City of Ashland to consider in protecting its source water include:

- a) Where is the City in terms of threats, liabilities, and costs to protect its source water?
- b) How does the City develop and implement a source water protection plan that takes into consideration the hydrology, ecosystems, businesses, farms, and forests in the region that provides its source water?
- c) What options are available as the City develops a source water protection plan that can facilitate the development of the plan and provide a legal basis for implementing the plan?

The following summary is from *Source Water Assessment for Ashland Water Utility Ashland, Wisconsin March 27, 2003, p. 2.*

The 1996 amendments to the Safe Drinking Water Act require that States complete source water assessments for all public drinking water systems. The primary purpose of this assessment is to determine the relative susceptibility of Ashland's source water to contamination. For this assessment, susceptibility is defined as the likelihood that a contaminant of concern will enter a public water supply at a level that may result in adversely impacting human health. Source water is untreated water from streams, rivers, lakes, and groundwater aquifers. A susceptibility determination is based on a stepwise synthesis of information regarding the well or surface water intake vulnerability and the source water's sensitivity to a potential source of a contaminant of concern. Due to the vulnerable nature of surface water, most drinking water systems utilizing surface water are determined to have high levels of susceptibility to source water contamination.

Affordable, safe drinking water is essential to the health, development and stability of all communities. Conventionally, treatment has been the only step in maintaining safe drinking water for surface water systems. The quality of treated drinking water is a function of the pretreatment water quality. Little concern has been paid to a preventive approach of protecting the source water. One of the best ways to ensure safe drinking water is to develop a local program designed to protect the source of drinking water against potential contamination. Not only does this add a margin of safety, but it also raises the awareness of consumers and/or the community of the risks of drinking water contamination. It is expected that source water assessment results will provide a basis for developing a source water protection program.

The City of Ashland is located in northwestern Wisconsin along the southern shore of Lake Superior. Ashland Water Utilities relies solely upon source water from Lake Superior's Chequamegon Bay to provide drinking water to its more than 9,000 consumers.

A source water area is the area that contributes source water to the public drinking water system. Lake Superior drains approximately 49,300 square miles. Due to its size and diverse land uses, assessing the entire Lake Superior source water area is not a practical method for determining the individual susceptibility of Ashland's source water. In an attempt to improve source water quality at a practical scale, the WDNR delineated source water areas based on local watersheds that may specifically impact source water entering Ashland's intake. It is important to note that a source water area is only one potential factor in the quality and susceptibility of source water. Other factors may include unmanageable, lake-wide episodic events that have little to do with human activities.

Located in Eastern Bayfield and Northern Ashland Counties, Ashland's source water area is over 200 square miles. It includes land drained by the Bono Creek, Boyd Creek, Fish Creek, Baycity Creek and multiple unnamed tributaries to Chequamegon Bay. Clay soils predominate throughout causing erosion and runoff problems. Land cover is mostly naturally vegetated with some agriculture and the cities of Ashland and Washburn being the only major urban areas.

The City of Ashland has historically provided excellent quality drinking water to its customers. Treatment of source water includes microfiltration and chlorination. As with most surface water systems, Ashland's source water is impacted by the source water area and highly susceptible to contamination. This is due to the confined nature of Chequamegon Bay and erodible soils and land uses found in the source water area. Contaminants of greater concern to Ashland's source water include microbial, volatile organic and synthetic organic contaminants as well as precursors of treatment by-products.

Source water protection for Ashland should begin with the formation of a source water protection team composed of local, regional and state officials. This group could plan and implement best management practices in the source water area to prevent source water contamination. Of particular concern is agriculture and pastureland draining into Bono, Boyd and Fish Creeks, urban development in the City of Ashland and sites of historical contamination.

At the January 26, 2016 meeting, Ketring moved, Mettillie seconded a motion to direct the City Administrator to bring a recommendation to Council for a Source Water Protection Committee to

create the “Source Water Protection Plan” for the City of Ashland and recommend approval of a resolution related to suspension of all livestock siting and WPDES (CAFO) permitting within the Ashland Source Water Protection Area. On a voice vote, the motion carried unanimously.

SUBJECT: Miscellaneous Minutes

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Clerk

EXHIBITS:

1. Harbor Commission, October 16, 2019
2. Beautification Council, October 7, 2019
3. Beautification Council, November 4, 2019
4. Public Works Committee, November 11, 2019
5. Police and Fire Commission, November 4, 2019
6. Police and Fire Commission Special Meeting, November 14, 2019
7. JFK Memorial Airport Commission, November 21, 2019

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE:

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

SUMMARY STATEMENT:

HARBOR COMMISSION MEETING

October 16, 2019

Page 1

PRESENT: Thomas Yankee, Randy Harvey, Dick Pufall, & Allen Smiles

ABSENT: Keith Igo

EXCUSED: Gary Leino, Paul Gilbertson

ALSO PRESENT: Marina Manager-Scott Stegmann

Dick Pufall called the meeting to order at 5:15 p.m.

Agenda Item 1: Public Comment

None.

Agenda Item 2: Approval of August, 2019 Minutes

A motion was made by Yankee, seconded by Smiles, to approve the August 21, 2019, minutes. The motion carried unanimously.

Agenda Item 3: Financial Statement

A. Financial Statement

Commissioners discussed the financial statement.

A motion was made by Harvey, seconded by Yankee, to approve the financial statement. The motion carried unanimously.

Agenda Item 4: Unfinished Business

A. Superfund site

Stegmann attended a meeting with Braun, the EPA and DNR and learned that the project is on schedule to be done by the end of the month with the physical machinery gone by the middle of November. However, there is the possibility of yard work and some maintenance to be done next spring. The marina's part, consisting of the road through the site, is done to phase 3 and they are working on phase 4, the entrance to Prentice Avenue. The fence will probably stay up this winter to protect the wells, some of them may need bollards put around them to protect them from damage.

Stegmann is waiting for AMI to give us some financial numbers and physical plans for the boat launch by November 22nd; the goal is to bid the project in early January. The plan is to get the physical part of the boat launch done in spring of 2020. It is possible that there may be a need to hire an engineer to handle the part of the project that goes over the box. Jamie Dunn has agreed to oversee the boat launch project.

Stegmann is going to the Great Lakes Waterways Commission meeting in the spring to ask for more money for the project

Our Public Works Dept. has agreed to take on the engineering part of the road project saving us well over \$100,000. The completion of the road through the superfund site (the asphalt work will be bid out), will be done in 2021.

Negotiations on fixing Prentice Avenue are continuing, should know what is happening with that in a couple of weeks.

Agenda Item 5: New Business

HARBOR COMMISSION MEETING

October 16, 2019

Page 2

A. Next Meeting Date –

Commissioners would like a meeting in December; suggested dates December 11th or 12th.

B. Manager's Report

As stated earlier Stegmann noted that in November will receive financials and plans from AMI for the boat launch. Stegmann discussed some of the struggles with AMI and the boat launch site plans regarding changes with the superfund site plans; the process was difficult, and more civil engineering was needed than expected.

The marina overall is looking good, just some minor maintenance. Most of the boats are out of the water, one boat left to pull; will start winterizing next.

Stegmann has been collecting slip deposits already this year, tenants paying to reserve their boat slips for next year; will still do mailings for those that have not paid.

The marina has Dockwa the online slip reservation site up and running; ready for next year. At the Oredock, Bayfield Dirt Works is currently moored with a tug boat, they will leave by the end of the month. There will be no tie ups to the Oredock this winter; need to do paperwork so space can be rented out in the future for boats to winter there.

Pebble Beach Construction has asked to moor at the Oredock towards end of October thru November. They were awarded a contract by the DNR for some work to be done on Tern Island. They are going to be allowed to dump rocks onshore and a crane on the barge will pick up the rock to load onto the barge.

C. Marina Rates

There have been no rate increases in the last few years due to the inherent problems associated with the superfund site. Now that the site is finally coming to a conclusion next year, and with overall marina costs increasing, there is a need to look at raising rates. Commissioners discussed rates for 2020. After much discussion about past rates, services and other local marina rates; consensus was to eliminate no service flat rate fees on boats over 24 feet in length and offer a no service rate only to boats 24 feet and under.

A motion was made by Harvey, seconded by Yankee, to first eliminate all flat fee rates and then add a No Service flat fee rate of \$875.00 for boats 24 feet and under. The motion carried unanimously.

A motion was made by Yankee, seconded by Harvey to accept all the other remaining line items in the rate schedule for 2020. The motion carried unanimously. (see attached)

Agenda Item 6: Items for next meeting agenda

Discussion on boats in marina being used as Airbnb's.
Lake Superior boat mooring in water off the City of Ashland shoreline.

Agenda Item 7: Adjourn

A motion was made by Harvey, seconded by Yankee to adjourn. The motion carried unanimously. Meeting was adjourned.

Kim Westman

HARBOR COMMISSION MEETING

October 16, 2019

Page 3

2020 Ashland Marina Rates

Marina Rates – subject to State and Local Sales Tax

ashlandmarina.com 715-682-7049

\$52 per boat foot for full service slips (Recreational, Charter, Taxis)

\$875 flat rate for boat maximum 23' **NO Electricity**

\$150 surcharge on single slips (**no minimum service in single slips**)

\$16 per boat foot for winter storage if on a trailer or stand

\$20 per boat foot for **Non Tenant** summer/winter storage

\$75 Trailer or cradle storage \$150 **Non-Tenant** trailer storage

\$400 Trailered fishing/recreational boats (Summer)

\$40 stand storage summer/winter \$40/ea. stand rental

\$5 for Pump Outs < 32' boat \$10 for Pump Out > 32' boat

\$80/hr Service/Repair

Travel Lift: Lift boat and/or splash - \$10.00/ ft **Non Tenant \$11.00/ ft**

Hold Boat in Sling: \$50

Use of power washer for Tenants: 15 min free “ > 15 min \$ 10 Max of 1/2 Hr
“

Use of Power Washer for Non Tenant \$25 “1/2 hour Max”

Transient Slip Rates

Daily: Breakwall \$25

Slips \$1/ft. minimum 25' for A, B, & C Docks

Daily Commercial: \$2.00/ft.

Weekly (7 Days): Slips: \$1.25/ft. min 24' (1 Free Night) A, B & C Docks

Monthly: Breakwall & Slips (2 months max)

\$450	25' Max	\$650	45' Max
\$500	30' Max	\$700	50' Max
\$550	35' Max	\$750	55' Max
\$600	40' Max	\$800	60' Max

ASHLAND BEAUTIFICATION COUNCIL (ABC) MEETING

October 7th, 2019

1. Roll Call

Volunteer Hours

Present:

Layne Richardson	11
Elaine Peterson	52.75
Shawna Johnson	96.25
Kay Saari	71.5
Mary Zinnecker	86.25
Jeanne Spruell	26.25
Donna Lanni	72.5
Penny Rutyna	34.5
Dave Askue	53.75
Mayor Lewis	

Volunteers:

Carol Feldmeier	14.75
Marla Mattson	19.5
Sharon Olette	2.5
David Siegler	8.5
Ron Lockwood	49.5
Jill Zifko	1
Patricia Westlund	1.5

2. Approval of August 26th, 2019 Meeting Minutes

Motion to approve: Kay Second: Jeanne Vote: Aye

3. Administrative

Treasurer's Report : reviewed expenditures for ABC. Current budget balance =\$ 251.03.

4. Old Business

Review 2019 ABC Budget: Donna made motion to transfer funds from annuals to fertilizer. Second: Elaine. Vote: Aye.

Beauty Spot Awards : ABC agreed to give Beauty spot winners a framed photo instead of a paper certificate of recognition. Jeanne made motion to increase budget for this project from \$50 to \$100. Second: Donna. Vote: Aye. Layne and Elaine offered to complete the framed photo project. Beauty spot winners and ABC members will be recognized at City Council meeting Nov. 12, 2019 @5:30pm.

Hospital Plant Donations : There are a few remaining plants that still need to be planted. Members to let Mary know if you can help find spots for them.

5. New Business

Mayor Lewis updated that Ashland will be featured on WI public TV show "Around the Corner". Mayor Lewis asked for decorating help in Pearson Plaza hanging lights in preparation for the Tree Lighting event on Nov. 30th. Mary talked to Mayor Lewis about writing a proclamation for the Tree City designation.

Fall Bulb Planting: ABC members will plant 240 daffodils on the slope at Pearson Plaza on Oct. 25, 2019 10am. Alliums will be planted by ABC members in Ellis Ave. boulevard, date to be decided.

Courthouse Flag Garden Update: Shawna confirmed with Lissa Radke at the Ashland county courthouse that ABC will no longer maintain this space. Lissa will care for this garden.

Ordering Next Year's Annuals: Shawna shared order forms from Hauser's for ordering 2020 annual flowers for the city. Please have order forms back to Shawna by Dec. 1st, 2019 so she can mail them, Hauser's needs them by Dec. 15, 2019.

Garland Wrapping: Mary to contact Barb Henry at fire station re: ordering garland. Date for garland wrapping to be decided.

Public Works Planters: Penny and Shawna offered to plan, plant and maintain planters at Public Works

Work Calendar for 2020: ABC will hold a monthly group work session at Pearson Plaza during the growing season. In addition, group work sessions will be planned in May @Crest motel, June @Beaser Ave., July @wherever needed, Aug. @Crest motel, Sept. @Parking lot gardens, Oct. planting bulbs.

Cannas: Marla Mattson has offered to store our cannas through the winter. Donna offered information on proper storage techniques. ABC will dig cannas from Ellis Ave. Shawna will collect, prep, and deliver them to Marla.

6. Project Updates

- Pearson Plaza: grasses and some MMC donated plants have been planted. Donna is checking on a sculpture, asking Artist groups for funds.
- Bayview Park: Lilies that are taking over need to be removed. Rudbeckia also spreading, possibly move some to other gardens
- Ellis Avenue: Donna is asking Kwik Trip for funds for Peonies, Russian Sage, Rudbeckia and mulch
- Beaser Avenue: Dave and Kay working hard, juniper has been removed and turf grass planted
- Parking Lot Gardens: Trees still need to be removed on 3rd St and 3rd ave. Donna suggested we ask for trees from Dan Maderich.
- City Hall: annuals to be

removed soon but still look great • Public Works Trail: Layne has done some weeding, more to be done • Boat Landing/Memorial Park: Annuals to be removed after frost . • Jane Smith Memorial: Plaque is coming • Otis Park: Brownstone boulder was delivered

7. Schedule Next Meeting: Monday Nov. 4, 2019 @6pm, Vaughn Library 2nd floor meeting room, Ashland WI

8. Adjournment: 7:30 pm Motion to adjourn: Penny Second: Elaine

Respectfully Submitted,

Shawna Johnson

ASHLAND BEAUTIFICATION COUNCIL (ABC) MEETING

November 4th, 2019

1. Roll Call

Volunteer Hours

Present:

Layne Richardson	16
Elaine Peterson	65.25
Shawna Johnson (not present)	110.75
Kay Saari	80.5
Mary Zinnecker	90.75
Jeanne Spruell	29.25
Donna Lanni (attended by phone)	79.5
Penny Rutyna	37.5
Dave Askue	60.5

Volunteers:

Carol Feldmeier	16.25
Marla Mattson	19.5
Sharon Oulette	2.5
David Siegler	8.5
Ron Lockwood	54.5
Jill Zifko	1
Patricia Westlund	3

2. Approval of October 7th, 2019 Meeting Minutes

Motion to approve: Jeanne Second: Kay Vote: Aye

3. Administrative

Treasurer's Report: reviewed expenditures for ABC. Current budget balance = \$ 221.03, \$958 that can be carried over.

4. Old Business

Beauty Spot Awards : Beauty spot winners and ABC members will be recognized at City Council meeting Dec. 3rd, 2019 @ 5:30 pm (moved from Nov. 12, 2019 meeting)

Fall Bulb Planting: ABC members planted 240 daffodils on the slope at Pearson Plaza on Oct. 25, 2019. Alliums were planted by ABC members on Ellis Ave. as well.

Ordering Next Year's Annuals: Orders are to be given to Shawna for ordering by Dec. 1st.

Garland Wrapping: Garlands have arrived and we can schedule wrapping with fire department. Thursday Nov. 7th at 6 pm was chosen and Mary was to verify with Fire Department that that time would be available. She will follow up with all once time is confirmed. Zip ties will need to be purchased but should not come from our budget.

Public Works Planters: Penny and Shawna offered to plan, plant and maintain planters at Public Works. Planters have been cleaned out for the winter.

5. New Business

2020 ABC budget is to be determined. It is to be determined if ABC needs to create a proposed budget and by when. To be followed up with city to determine what steps are needing to be taken.

Christmas Decorating: The mayor followed up with Mary and seemed to imply her intention that ABC would be spearheading the process. Mary clarified that it was our understanding that we would be assisting and providing volunteers but would not be taking the lead. Mary was to follow up that the city can suggest possible days and we could advise if those would work for members to help, at their discretion.

ABC shirts: Mary presented options for shirts and graphics. Shirts would cost \$16 for small thru XLarge and \$19 for sizes 2XL and up. Approximate cost would be \$150 total. After discussion of color and design options, consensus was that shirts should be "Safety Green" and feature a floral design and a non-script font reading "Ashland Beautification Council" on the front and "VOLUNTEER" on the back. Motion by Penny to purchase shirts, Elaine seconded, all present voted Aye.

Holiday Dinner: Possible dates were discussed and Monday, December 16th at 6pm was decided on.

6. Project Updates

- Pearson Plaza: Donna got some initial pricing for a sculpture from one sculptor. Price would be \$1000+. She is checking with other sculptors. She also shared a photo of a kinetic sculpture that would perhaps be an option. Was discussed to possibly get help from Chequamegon Bay Arts Council. Thought would be to make them aware that we would be open to placing art in the Pearson Plaza area and see if they have thoughts on what could be placed there and could take on the process of procuring a piece. 240 daffodil bulbs were planted under sign.
- Crest Garden: No update, but looks good. Possibly consider a sign in the future?
- Bayview Park: Cleaned up
- Memorial Park: Cleaned up

- Ellis Avenue: Donna planning to write a grant through Kwik Trip for additional plants. 200 alliums were planted (9-10 per block). A few blocks south of 11th have holes that need to be filled in. Possibly add fall asters in the future?
- Beaser Avenue: Planted, flagged and mulched.
- Parking Lot Gardens: Spirea and grasses added.
- City Hall: Donna has weed barrier that we can consider adding in the spring.
- Public Works Trail: Possibly add bird houses in the area? Consider digging up areas and adding plants in the spring.
- Boat Landing/Memorial Park: Cleaned up
- Jane Smith Memorial: Brownstone placed at corner. Donna did initial research into plaque options. She spoke with a signage company who can do a metal plaque for \$20-30, however it might be difficult to mount to the piece of brownstone and the type of sign wouldn't be the longest lasting option. The company she spoke to doesn't do monumental signs of that nature but guessed that something of that nature would cost \$100+. Layne was going to look into other options and companies who may be able to do the type of sign that would be best for that location. It was discussed that the council would be willing to pay in the range of \$100 and could seek donations (from Jane Smith's family, perhaps) to make up any difference should a sign exceed that amount. Council decided that a target budget was to not exceed \$200. Text for sign TBD. "Jane Smith Memorial Garden" plus a note that Jane Smith established the beautification council or the like. To be determined when sign size is determined.
- Otis Park: No update

7. Schedule Next Meeting: Monday Feb. 3rd 2020 @6pm, Vaughn Library 2nd floor meeting room, Ashland WI

8. Adjournment: 7:06 pm Motion to adjourn: Elaine Second: Penny

Respectfully Submitted,

Layne Richardson

City of Ashland – Public Works Committee Meeting Minutes

Thursday, November 14, 2019, at 5:30 p.m.

Public Works Conference Room

Agenda Item 1: Roll Call

Present: Jackie Moore, Ed Calhan, Melodie Phipps, John Butler-Public Works Director, Sharon Campbell-Administrative Manager

Excused: Phil Sorensen, Bill Kurtz

Also Present: None

Agenda Item 2: Approval of Previous Meeting Minutes

Phil moved, seconded by Jackie to approve the minutes from the October 10, 2019 Public Works Committee Meeting. Motion carried.

Agenda Item 3: Citizen Participation

None

Agenda Item 4: Unfinished Business

a. Update on I&I Findings

John was introduced to the company Aquapror when he traveled to Finland for APWA; Aquapror developed a method of finding Inflow and Infiltration for sanitary sewer systems. In late October, 3 gentlemen from Aquapror traveled to Wisconsin and worked with Ashland's Waste Water personnel, they concentrated on District 8 identifying some areas of I&I within this area. This information along with the televising and smoke testing that occurred earlier in the summer will be used to develop a project for the Waste Water Utility I&I project.

b. General Fund Budget Update

A presentation of the Public Works Department General Fund Budget was made and discussed. A power point presentation showed the different budgets that make up the public works budget and the total expenditures for personnel, supplies and materials.

c. Public Works/Public Outreach

Melodie stressed how using the City website and other social media venues would help share the news of the Public Works Department. John shared that the department will partner with the parks and planning department and use the interns they have currently working in their departments. The Public Works Department currently has a student from Northland College working with GIS on a project.

Agenda Item 5: Director's Report on Operations & Public Works Activities

a. Operations Update

The Public Works Department is working on finishing up the Maslowski Beach Project and will get all the parks closed up. The Elevator remodernization project at the Vaughn Library is completed. There was a lightning strike near the booster station and it caused some damage to some electrical components at the booster station, those have been taken care of. The City

Facility building roof project is on hold and will start back up in the spring/ summer, it got too late in the year to continue with the project.

Agenda Item 6: New Business

a. Update on Water and Waste Water Utility Budgets

The Utility budgets were presented and reviewed by the committee. A rate study will be completed in 2020 for both the water and waste water utility.

b. Presentation on 5 year CIP Plan

The 5 year CIP plan was reviewed.

c. Discussion on Standard Road Design Sections

Moved to December meeting.

d. Recommendation on Standard Road Design for Vaughn Ave & 7th Street West Reconstruction Project and the N. Stuntz Ave Reconstruction Project

Moved to December meeting

Agenda Item 7: Items of Interest for Future Meetings

Appoint a Chairperson

Discussion on Standard Road Design Sections

Recommendation on Standard Road Design for Vaughn Ave & 7th Street West Reconstruction Project

Agenda Item 8: Set Next Meeting Date

December 12, 2019

Agenda Item 9: Adjournment

Calhan moved, Moore seconded move to adjourn at 6:45p.m.

**POLICE AND FIRE COMMISSION MEETING
ASHLAND FIRE DEPT MEETING ROOM**

November 4, 2019

1. Call to Order

The meeting was called to order at 5:15 p.m. by Gordon Gilbertson.

2. Roll Call

Present: Gordon Gilbertson, Ed Monroe, Matthew Horning and Kate Siegler

Excused: Sarah Granley

Also present: Police Chief Jim Gregoire, Fire Chief Dave Wegener, Police Captain Bill Hagstrom and Mayor Deb Lewis

Introduced Mitchell Westlund to the Commission as the newest APD Officer. Westlund was the last person on the eligibility list. An exact start date has not yet been decided.

3. Approval of Agenda Items

A motion was made by Kate Siegler, seconded by Ed Monroe, to approve the agenda items. The motion passed unanimously.

4. Approval/Review of Minutes from September 3, 2019

A motion was made by Ed Monroe, seconded by Matt Horning, to approve the minutes from September 3, 2019, as written. The motion passed unanimously.

5. Police Department Business

A. Administrative Report

Chief Gregoire reviewed his report and mentioned the following highlights:

- Community service lunch and dinner were provided by NC women's basketball team and Good Shepherd Lutheran Church
- High call volume this month at 26 per day
- Capt Hagstrom organized the process of getting new radios. The city council approved the purchase of the digital radios for all patrol officers.
- Investigations department is very busy
- Curt Greene still working with the school district and the ALICE training
- Sgt. Janecek and her shift were commended for entering a building which had an active fire which they put out.
- Chris Pupp is off probation

A motion was made by Matt Horning, seconded by Kate Siegler to approve Chief Gregoire's report and place it on file.

7. Fire Department Report

A. Administrative Report

Chief Wegener reviewed his report. Highlights included:

- Reviewed stats stating this reporting period was busy with 441 incidents which included 7 fire calls

- A pinning ceremony was held on 9/18/19 to recognize promotions
- An open house was held on 10/7/19 which included live fire extinguisher training
- Spent time with health classes at AHS that included hands-on EMS skills
- Trainings included vehicle extrication, engine operations, Tower 11 operations, EMS training, driver training and traffic incident management
- Fires included a clothes dryer fire at Court Manor, a building fire on Prentice Ave. and a car fire on Old Airport Road

A motion was made by Ed Monroe, seconded by Kate Siegler, to approve the Fire Department Report presented by Chief Wegener. The motion passed unanimously.

8. Next Meeting Date

The next regular meeting for the Police and Fire Commission was scheduled for Monday, January 6, 2020 at 5:15 p.m. at the Fire Department meeting room.

9. Closed Session as authorized by Wisconsin State Statute 19.85(1)(c) for:

- a. Police Department – Review and Discuss citizen complaint**
- b. Probationary Report**
- c. Approval of Hiring Procedure**
- d. Fire Department – Review Personnel Concern**
- e. Probationary Reports**

A motion was made by Matt Horning, seconded by Ed Monroe to go into closed session. The motion passed unanimously.

10. Return to Open Session

A motion was made by Matt Horning, seconded by Kate Siegler to return to Open Session. The motion passed unanimously.

11. Report Action Taken in Closed Session

- The Commissioners directed PFC President Gordy Gilbertson contact the City Attorney to find out how to proceed and/or if a hearing would be necessary to continue with the complaint.
- Approved Evaluation/Probationary Reports by Police and Fire Chiefs.
- Passed a motion to put a letter of reprimand for a Police Officer in PFC file.
- Approved Police Department Hiring Procedures
- Approved proposal to hire part-time police officers

11. Adjournment

A motion was made by Matt Horning, seconded by Kate Siegler to adjourn. The motion passed unanimously and the meeting adjourned at 6:58 p.m.

Respectfully Submitted,

Kathy Holevatz,
Recording Secretary

**POLICE AND FIRE COMMISSION SPECIAL MEETING
ASHLAND FIRE DEPARTMENT TRAINING ROOM
NOVEMBER 14, 2019**

1. Call to Order

The meeting was called to order at 5:17 p.m. by Gordon Gilbertson.

2. Roll Call

Present: Gordon Gilbertson, Kate Siegler, Ed Monroe

Excused: Matt Horning, Sarah Nelson Granley

Absent: None

Also Present: Police Chief Jim Gregoire and Fire Chief Dave Wegener, Captain Bill Hagstrom, Mayor Deb Lewis, City Attorney Tyler Wickman, and Lt. Spangler

3. Approval of Agenda Item

A motion was made by Ed Monroe, seconded by Kate Siegler to approve the agenda as written. The motion passed unanimously.

4. City Attorney to conduct a discussion on proper procedure in handling citizen complaints.

City Attorney Tyler Wickman handed out information to Commissioners relating to disciplinary process and the Police and Fire Commissions' role in this process. He reviewed and explained the information he presented and had a question and answer period that followed.

No action was taken.

Commissioners thanked him for his presentation.

5. Adjournment

A motion was made by Kate Siegler, seconded by Ed Monroe to adjourn. The motion passed unanimously. The meeting adjourned at 5:52 p.m.

Respectfully submitted,

Kathy Holevatz
Recording Secretary
Police and Fire Commission

Lloyd Orensten called the Airport Commission meeting to order at 4:30 p.m.

Present: Rick Korpela, John Coffey & Lloyd Orensten

Absent:

Excused: Ella Teague & Tom Bouchard

Also Present: Bill Moore, Airport Manager; Ashland County Administrator Clark Schroeder

AGENDA ITEM 1: Roll Call

AGENDA ITEM 2: APPROVAL OF MINUTES (October 23, 2019)

A motion was made by Coffey, seconded by Korpela, to approve the October 23, 2019 minutes. The motion passed unanimously.

AGENDA ITEM 3: CITIZEN PARTICIPATION PERIOD

None.

AGENDA ITEM 4: COMMISSION ITEMS

→ SRE Update

No update at this time.

→ Shell Fuel School

John Sill attended and completed the school: this means that we have qualified people for fueling planes.

→ RIEL Lights and Runway Lights

The lights have been installed and are up and running; and we have quite a few lights extra for backup. Moore noted that for \$500 we got close to \$30,000 worth of lights to use.

→ Airport SRE Maintenance Update

Everything has been gone over by Public Works and is ready to go for winter.

AGENDA ITEM 5: Managers Report

There are 4 permits to harvest deer: the deer have not yet been removed.

AGENDA ITEM 6: Approval of Bills

The list of bills was presented by Moore. The total amount of the bills came to \$17,592.85.

A motion was made by Korpela, seconded by Coffey, to pay the bills as presented. The motion passed unanimously.

AGENDA ITEM 7: SET NEXT MEETING DATE

The next Airport Commission meeting will be held December 26, 2019, at 4:30 pm, at JFK Airport.

AGENDA ITEM 8: ADJOURNMENT

A motion was made Coffey, seconded by Korpela, to adjourn. The motion passed unanimously.

Kim Westman

City of Ashland, Wisconsin

Department of Planning and Development, Monthly Report

Permit report for the month of December 2019

Permit type **Commercial-Additions,Remodeling,A]**

Permit #	Property Owner	Property Address	Description of work	Value of work	Permit fee	Parcel ID#	Date issued
7216	Sanctuary Holdings, LLC	620 3rd St W	Renovation of guild hall	\$9,000.00	\$45.00 Check	774	12/12/2019
7220	Anthony Jennings Real Estate	315 Turner Road	Replace siding on second story of principal structure	\$5,000.00	\$50.00 Check	4765	12/12/2019
7221	Anthony Jennings Real Estate	315 Turner Road	Replace 3 double windows on principal structure, Contractor: Owner	\$5,000.00	\$25.00 Check	4765	12/12/2019

Summary for 'Permit type' = Commercial-Additions,Remodeling,Alterations (3 detail records)

Sum				\$19,000.00	\$120.00		
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Permit type **Commercial-Miscellaneous**

Permit #	Property Owner	Property Address	Description of work	Value of work	Permit fee	Parcel ID#	Date issued
7223	Jeff Jolma Properties, LLC	3100B Ellis Avenue	Early Start Permit for foundation system of 75' x 50' addition to east side of existing building.		\$100.00 Check	4982.020	12/19/2019

Summary for 'Permit type' = Commercial-Miscellaneous (1 detail record)

Sum					\$100.00		
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Permit type **Demolition/Moving**

Permit #	Property Owner	Property Address	Description of work	Value of work	Permit fee	Parcel ID#	Date issued
7222	Island Investment, LLC	121 Lake Shore Dr. E.	Demolish existing 2,000 sq ft, 2-story principal structure. Contractors: Ritola Inc., Blakeman Plumbing (#221123).	\$30,766.00	\$153.83 Check	1288	12/18/2019

Summary for 'Permit type' = Demolition/Moving (1 detail record)

Sum				\$30,766.00	\$153.83		
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Permit type Electrical

Permit #	Property Owner	Property Address	Description of work	Value of work	Permit fee	Parcel ID#	Date issued
7215	Sanctuary Holdings, LLC	620 3rd St W	Repair and update electrical in new bathrooms and guild hall	\$4,000.00	\$20.00 Check	774	12/12/2019

Summary for 'Permit type' = Electrical (1 detail record)

Sum	\$4,000.00	\$20.00
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Permit type Plumbing&Heating

Permit #	Property Owner	Property Address	Description of work	Value of work	Permit fee	Parcel ID#	Date issued
7214	Sanctuary Holdings, LLC	620 3rd St W	Rennoation of 2 handicap accessible restrooms	\$12,000.00	\$60.00 Check	774	12/12/2019

Summary for 'Permit type' = Plumbing&Heating (1 detail record)

Sum	\$12,000.00	\$60.00
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Permit type Residential-Remodeling,Alterations,A

Permit #	Property Owner	Property Address	Description of work	Value of work	Permit fee	Parcel ID#	Date issued
7212	Eric and Elizabeth Erickson	1100 6th Ave W	New roofing (shingles), windows, and siding on garage	\$4,800.00	\$0.00	4532	12/2/2019

Summary for 'Permit type' = Residential-Remodeling,Alterations,Additions (1 detail record)

Sum	\$4,800.00	\$0.00
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Permit type Wis, State Uniform Dwelling Permit,

Permit #	Property Owner	Property Address	Description of work	Value of work	Permit fee	Parcel ID#	Date issued
7213	Justin Gingerich	3612 Lake Park Road	Renewal of State Uniform Dwelling Permit #6598 to complete construction of new 768 sq ft home with 144 sq. ft. porch.	\$75,000.00	\$82.50 Check	860	12/11/2019

Summary for 'Permit type' = Wis, State Uniform Dwelling Permit, New Home (1 detail record)

Sum	\$75,000.00	\$82.50
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Grand Total

\$145,566.00

\$536.33

City of Ashland, Wisconsin

Monthly Property Report

Property report for the month of December 2019

Maintenance concern Accessory Structure

Date	Parcel ID#	Office Contact	Property Address	Amount of citation
12/11/2019	3054	Chris Luebben	1001 11th Ave. W.	\$0.00
		Action taken	[REDACTED] Sent first letter giving until 7/31/2019 to complete siding on house and to side the attached garage. HIP approved for garage.	
12/11/2019	3054	Chris Luebben	1001 11th Ave. W.	\$0.00
		Action taken	[REDACTED] Sent first letter giving until 7/31/2019 to complete siding on house and to side the attached garage. HIP approved for garage.	
12/11/2019	3054	Chris Luebben	1001 11th Ave. W.	\$0.00
		Action taken	[REDACTED] Sent first letter giving until 7/31/2019 to complete siding on house and to side the attached garage. HIP approved for garage.	
12/11/2019	3054	Chris Luebben	1001 11th Ave. W.	\$0.00
		Action taken	[REDACTED] Sent first letter giving until 7/31/2019 to complete siding on house and to side the attached garage. HIP approved for garage.	
12/11/2019	3054	Chris Luebben	1001 11th Ave. W.	\$0.00
		Action taken	[REDACTED] Sent first letter giving until 7/31/2019 to complete siding on house and to side the attached garage. HIP approved for garage.	
12/11/2019	3054	Chris Luebben	1001 11th Ave. W.	\$0.00
		Action taken	[REDACTED] Sent first letter giving until 7/31/2019 to complete siding on house and to side the attached garage. HIP approved for garage.	
12/11/2019	3054	Chris Luebben	1001 11th Ave. W.	\$0.00
		Action taken	[REDACTED] Sent first letter giving until 7/31/2019 to complete siding on house and to side the attached garage. HIP approved for garage.	
12/11/2019	3054	Chris Luebben	1001 11th Ave. W.	\$0.00
		Action taken	[REDACTED] Sent first letter giving until 7/31/2019 to complete siding on house and to side the attached garage. HIP approved for garage.	
12/16/2019	1188	Chris Luebben	1113 Front St. E.	\$0.00
		Action taken	[REDACTED] 12/16/19: Sent first letter giving until 7/1/2020 to paint or replace overhead garage door, and paint the trim.	

Maintenance concern Garbage

Date	Parcel ID#	Office Contact	Property Address	Amount of citation
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12/6/2019	1583 Chris Luebben	215 7th Ave. E.	\$0.00
	Action taken	[REDACTED] 12/2/19: Sent first letter giving until 12/16/19 to remove the upholstered chair(s) from the rear yard.	
12/27/2019	670 Chris Luebben	623 10th Ave. West	\$0.00
	Action taken	[REDACTED] 12/27/19: Sent 1st letter giving until 1/16/2020 to remove or property dispose of the refrig/freezer in the yard.	

Maintenance concern Other

Date	Parcel ID#	Office Contact	Property Address	Amount of citation
12/6/2019	1194	Chris Luebben	1104 East Lakeshore Driv	\$0.00
	Action taken	[REDACTED] 12/6/19: Sent letter making property owner aware of Snow Removal & Storage ordinance.		
12/6/2019	4408	Chris Luebben	709 Macarther Ave	\$0.00
	Action taken	[REDACTED] 12/6/19: Sent letter making property owner aware of Snow Removal & Storage ordinance.		
12/16/2019	3025	Chris Luebben	920 10th Avenue West	\$0.00
	Action taken	[REDACTED] 12/16/19: Sent letter making property owner aware of Snow Removal & Storage ordinance.		
12/23/2019	2853	Chris Luebben	1116 Ellis Avenue	\$0.00
	Action taken	[REDACTED] 12/23/19: Sent first letter giving until 1/16/2020 to properly put away the scaffolding that has been left unattended by the ext of blk		

Maintenance concern Principal Structure

Date	Parcel ID#	Office Contact	Property Address	Amount of citation
12/11/2019	1879	Chris Luebben	718 4th Street East	\$0.00
	Action taken	[REDACTED] 12/11/19: Stephen Schraufnagel emailed me photos of the fire damaged house.		

SUBJECT: Approve a Preliminary Resolution Declaring Intent to Levy Special Assessments under Municipal Police Power Pursuant to Sec. 66.0703, WI State Statute for the Vaughn Avenue and 7th Street West Reconstruction and Utility Replacement Project (*Public Works*) Voice

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: Public Works Department

EXHIBITS:

1. Proposed Resolution
2. City of Ashland, Wisconsin, Sidewalk Special Assessment Policy
3. 2013-2014 City Sidewalk Replacement Policy Map

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: N/A

COMPLIANCE WITH ORDINANCE 51: N/A

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD: N/A

SUMMARY STATEMENT:

Vaughn Avenue from 6th Street West to 11th Street West, and 7th Street West from 4th Avenue West to Chapple Avenue, are scheduled for reconstruction in 2020.

The preliminary resolution authorizes the City Public Works Department to proceed with development of a report for sidewalk special assessments on Vaughn Ave and 7th Street West. After the report is completed, a Public Hearing will be held to allow affected residents to comment on the proposed special assessments.

The Sidewalk Policy Map shows that there are to be sidewalks on both sides of the described roads. Presently there are existing sidewalks on both sides of each roadway.

The project design attempts to minimize removal and replacement of existing sidewalks in good condition. Both roads have had poor condition sidewalks replaced approximately 11 years ago. Sidewalks that can be verified to be less than 20 years old and in good condition are not identified for removal and replacement in the design and are therefore not special assessed.

RESOLUTION NO. _____

PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO SEC. §66.0703, WI STATE STATUTE FOR THE VAUGHN AVENUE AND 7TH STREET WEST RECONSTRUCTION AND UTILITY REPLACEMENT PROJECT

RESOLVED, by the Ashland Common Council, City of Ashland, Wisconsin, Ashland County, Wisconsin:

1. The Ashland Common Council hereby declares its intention to exercise its police power under §66.0703, Stats., to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by reason of the following public work and improvements:

Concrete Sidewalk Installation and Replacement

2. The property to be assessed lies within the following described assessment district:

- a. All properties adjacent to Vaughn Avenue from 6th Street to 11th Street, City of Ashland, Ashland County, Wisconsin.
- b. All properties adjacent to Seventh Street West from Fourth Avenue to Chapple Avenue, City of Ashland, Ashland County, Wisconsin.

3. The total amount assessed against the properties in the described assessment district shall not exceed 40% of the cost of the improvements.

4. The Ashland Common Council determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the municipality and its inhabitants.

5. The City Public Works Department shall prepare a report which shall consist of:

- a. Preliminary plans and specifications for the improvements.
- b. An estimate of the entire cost of the proposed improvements.
- c. A statement that the property against which the assessment are proposed will be benefitted.
- d. Schedule of proposed assessments

6. When the report is completed, the City Public Works Department shall file a copy of the report with the City Clerk for public inspection and, if State property is to be assessed, shall mail a copy of the report to the responsible State agency and, for assessments of \$50,000 or more, to the Wisconsin State Building Commission.

7. Upon receiving the report of the Public Works Department, the City Clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District, (including a small map thereof,) the time and place at which the report may be inspected, and the time and place of the public hearing on the matters contained in the preliminary resolution and the report. This notice shall be published as a Class 1 notice under Ch. 985, Stats, and copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.

8. The hearing shall be held at the Ashland City Hall, 601 West Main Street, Ashland, Wisconsin, at a time set by the City Clerk in accordance with §66.0703, Stats., which shall be not less than 10 days nor more than 40 days after publication.

9. The number of installments in which the assessment against any parcel may be paid shall be determined at the hearing provided for in Paragraph 7, above.

Council Person

PASSED: January 14, 2020

ATTEST: _____
Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

CITY OF ASHLAND, WISCONSIN SIDEWALK SPECIAL ASSESSMENT POLICY

(Dated: March 24, 2006)
(Referenced by Ordinance No. 530; Adopted May 9, 2006)

1.0 PURPOSE

The purpose of this Policy is to assure fair and equitable cost recovery for pedestrian infrastructure improvements and to set forth a methodology determining the amount of the assessment for the improvements and circumstances on a reasonable basis. It is the policy of the City of Ashland that all properties specially benefiting from sidewalk improvements pay a portion of their fair share of the cost of such improvements.

The policies contained herein are designed to serve as a general guide for the City Council in allocating benefit to properties. The City Council reserves the right to vary from these policies if the assessments derived by imposition of the policies create obvious inequities, where the assignment of benefit to a particular property is difficult to determine, or because of extreme or unusual circumstances, or for other good reason.

2.0 SPECIAL ASSESSMENT PROCEDURES

The Wisconsin Statutes prescribe the general procedures which cities must follow to specially assess property for local improvements. Typical public improvement projects for which special assessments are levied include sidewalks and related pedestrian infrastructure elements. Pertinent statute sections include §66.0703 and §66.0907. In accordance with §66.0907, municipalities may impose assessments for the costs of laying, removing, replacing, repairing, and maintaining sidewalks. Charges for sidewalk work are levied under police powers and do not require a showing of benefit to properties charged (*Lisbon Ave. v. Town of Lake*, 134 Wis. 470, 475, 113 N.W. 1099 (1908)).

The City of Ashland adopts, makes a part of this policy by reference, and incorporates the procedures for levying special assessments as contained in Wisconsin Statutes §66.0907. Whenever the provisions of this policy are contrary to those contained in §66.0703, §66.0907, or other applicable provisions of the Wisconsin Statutes or administrative regulations, the Wisconsin Statutes or administrative regulations shall control.

All special assessments levied in the City of Ashland shall be grounded in the exercise of police powers for the health, safety and welfare of the public.

It is hereby determined that all properties lying within the incorporated boundaries of the City of Ashland receive similar benefit for similar categories of improvements and therefore the rates established for the levy of special assessment shall be applied on a uniform basis throughout the City, for the benefits received, regardless of the location of the improvements and the method of financing. In no case shall the total special assessments exceed the total cost of all improvements constructed as part of the annual Capital Improvement Program (CIP).

3.0 ASSESSMENT BASIS

Special assessments are to be computed and based on a per linear foot of frontage basis (i.e., *front footage* basis), except in the case of residential corner lots.

The front footage of corner lots shall be determined by the side of the lot bearing the street address and front entrance of the home. All corner lots shall receive a 140 ft. *flankage credit* for sideyard sidewalk. The assessment for corner lots shall be limited to the front footage plus any remaining side footage after deducting flankage credit. All residential corner lots receive this 140 ft. flankage credit.

The following examples help to illustrate how corner lots are assessed:

- a) If a large 140' (front) by 150' (deep) corner lot is to receive all new sidewalks on both sides, then the assessment would be for 150 ft. total (140' of frontage plus 150' side yard minus the flankage credit of 140') = 150 ft. total).
- b) If a smaller 100' (front) by 140' (deep) corner lot is to receive all new sidewalks on both sides, then the assessment would be for 100 ft. total (100' of frontage plus 140' side yard minus the flankage credit of 140') = 100 ft. total). Likewise for a 50' or 75' wide lot.

If a corner lot did not have sidewalk on its frontage OR its frontage sidewalk is all in excellent shape, and the project calls for new sidewalk installation on its flanking side only; then the property would be assessed for only that portion of the flanking side that exceeds the 140 ft. flanking credit. For example,

- c) If a large 100' (front) by 150' (deep) corner lot is to receive a new side yard sidewalk (flanking side) only; then the special assessment would be for 10 feet (150' deep flanking side minus 140' flankage credit).

The flankage credit is determined to be 140 feet based on the fact that the typical Ashland lot is 140 ft. deep. The flanking side of a lot is not intended to be special assessed until the amount of sidewalk installed or replaced on the flank within any 20 year period exceeds 140 lineal feet.

4.0 ASSESSABLE PROJECT ELEMENTS AND COSTS

Recognizing that it is the policy of the City of Ashland to levy special assessments to recover approximately 50% of the cost of constructing sidewalk improvements. The City Council establishes the locations and priorities for sidewalk improvement projects as described in Ordinance 530, *Ordinance to Adopt a Sidewalk Construction, Maintenance, and Use Policy for the City of Ashland*.

The City Council establishes the assessment rates for sidewalk improvements. Annually the Director of Public Works/City Engineer will recommend adjustments in the special assessment rates based on construction costs experienced the previous construction season. This rate will be published in the Comprehensive Fee Schedule, adopted annually by City Council.

All construction shall be in accordance with standards as published in the most recent version of the *City of Ashland Standard Specifications for Sidewalk Construction*, unless otherwise approved in writing from the Director of Public Works/City Engineer.

Assessable project elements and costs to be included in the special assessment computations are described herein:

- a) Sidewalk Removal, Saw Cutting, and other associated demolition costs: Costs for removal, saw cutting, and other associated demolition costs of existing sidewalks is to be included with construction costs.
- b) Grading and Gravel Base: The grading and construction of a gravel base for sidewalk construction will be included with construction costs.
- c) Curb, Gutter, and Pedestrian Handicap Ramps: The construction or replacement of concrete curb and gutter associated with installation of pedestrian ramps and/or adjacent sidewalks will be included in cost computations, and shall be allocated evenly as part of general sidewalk improvement construction costs. This shall include the installation of color-contrasted truncated dome devices for visually impaired pedestrians.
- d) Sidewalk Construction Costs: New sidewalk construction, or complete replacement of existing sidewalk, is to be included in the costs for construction.
- e) Replacement Sidewalk and Repairs to Existing Sidewalk: Spot repairs of existing sidewalk, including grinding, milling, mud-jacking, or individual panel replacement is to be included in the costs for construction.
- f) Tie-in Sidewalks and Driveway Aprons: Sidewalks and driveway aprons that tie-in and connect to the public walkways (carriage and entrance walks) shall be included with general construction costs only to the extent that they are removed and replaced to facilitate construction of the new sidewalk or to accommodate necessary grade changes. General improvements elected by the property owner are not included in the general project costs; and while encouraged by the City, all such improvements and related expenditures shall be independently borne by the property owner.
- g) Boulevard (Terrace) Restoration: For the purpose of this paragraph the word boulevard (terrace) means that area between the back of the curb and the sidewalk, or, in the absence of a sidewalk, the property line.

Boulevard (terrace) restoration, seeding or sodding will be included in the cost calculations. No assessments will be made for replacement of turf located outside the street right-of-way that is required to be replaced to facilitate the matching of the existing yard to the new street construction.

- h) Retaining Walls: When it is determined that the construction of retaining walls, as part of street improvements, has a shared benefit between the property owner and the City, in that the property owner usually has larger useable lot area than would be available in the absence of the wall. The cost of constructing a retaining wall will therefore be split, with 50% of the cost of constructing the first five feet (5') of height of the retaining wall special assessed to the abutting lot. The City will pay for 50% of the cost of the first five feet (5') of height and 100% of the cost above five feet (5') of height of a retaining wall. A retaining wall shall be assessed

on a square foot basis for the amount of retaining wall constructed adjacent to the benefited property.

- i) Expected Service Life: Sidewalks and related infrastructure are judged to have a normal useable life expectancy. For the purposes of determining whether or not special assessments apply to properties, the expiration of an expected service life shall be the governing criterion. Sidewalks beyond the expected service life as noted below shall be assessed; those within the service life shall be exempt from assessments. For the purpose of this policy, the life expectancy for sidewalk improvements is as follows:

Pedestrian Handicap Ramps/Truncated Dome Devices – 20 years
Sidewalks – 20 years

5.0 ASSESSMENT AMOUNTS AND REPAYMENT

This section of the policy to sets forth the amounts and repayment terms of special assessments.

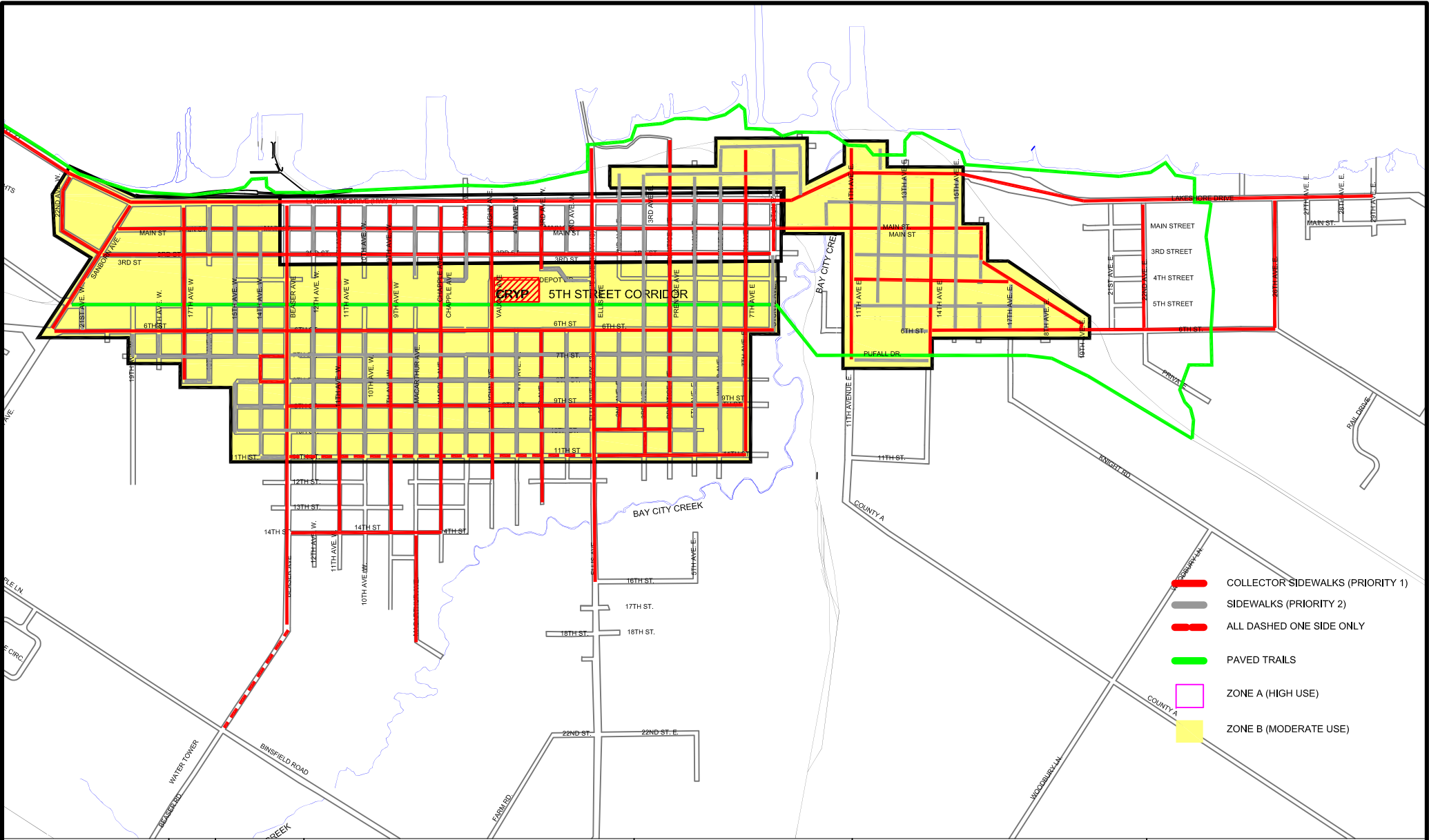
- a) Special assessments shall be for approximately 50% of the construction costs as determined by the criteria noted above. The actual assessment rate shall be set annually and adopted by Council as part of the Comprehensive Fee Schedule.
- b) Special assessments may be paid in full following completion of the work (with no interest), or through 10 equal annual installments.
- c) The interest rate shall be 1% above the City's borrowing rate (as determined by loan or bond issuance) to cover overhead expenditures associated with administration of the program.
- d) Assessments shall be due in full upon sale or transfer of the property.
- e) The payment of special assessments through installments may be extended in cases of hardship. Repayment terms may be extended to 20 years of equal installments (per 66.0715) if a resident so chooses.

6.0 MISCELLANEOUS PROVISIONS

It is the intention of this section of the policy to clarify special circumstances, which may arise in establishing the benefit to lots as a result of public improvements completed by the City of Ashland.

- a) The policies set forth in this document do not alter the requirements of the City's subdivision and zoning codes with regard to a developer's responsibility to provide and pay for required improvements at the time that any given property is to be improved.

- b) The City of Ashland shall special assess improvements to railroad property as permitted by the Wisconsin Statutes, except as may otherwise be determined by the City Council.
- c) The City of Ashland shall bear 100% of the costs associated with constructing sidewalks on city-owned properties.
- d) The City of Ashland's utilities shall bear 100% of the costs associated with constructing sidewalks on utility properties (allocated to the appropriate utility).
- e) Projects constructed by Federal or State monies/agencies that include full payment of sidewalk construction costs as part of the respective projects are not subject to special assessments. Those that provide partial or no payment of sidewalk construction costs will be special assessed, subject to the specific requirements of pertinent federal and state funding sources.
- f) Property owners undertaking their own work, or arranging for pre-approved contractors to do so, shall not be special assessed. However, they are responsible for completing all work as described herein and in accordance with Ordinance 530.



DRAWN BY: D.P.M. DATE: 12/16/13 CHECKED BY: _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">REVISION NO.</th> <th style="text-align: left;">DATE</th> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	REVISION NO.	DATE							NOT TO SCALE 	THIS PLAN/MAP AND THE CORRESPONDING CAD DRAFTING FILE ARE GRAPHIC REPRESENTATIONS OF THE PROJECT FEATURES COMPILED FROM THE BEST AVAILABLE INFORMATION. ANY USE OR REUSE OF THIS INFORMATION FOR PURPOSES OTHER THAN THE ORIGINAL PROJECT IS DONE AT THE SOLE RISK OF THOSE PERFORMING THE USE OR REUSE. ANYONE USING THIS INFORMATION ON SUBSEQUENT PROJECTS SHALL ASSUME TOTAL RESPONSIBILITY FOR THE USE.	City of Ashland Department of Public Works Engineering Division	EXHIBIT A 2013-2014 CITY SIDEWALK REPLACEMENT POLICY MAP
REVISION NO.	DATE												

SUBJECT: Approve the State Municipal Agreement (SMA) for Engineering Design of the Highway 13 Pavement Replacement Project (*Public Works*) Voice

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
Public Works Director

EXHIBITS: 1. State/Municipal Financial Agreement for a State-Let Highway Project

EXPENDITURES REQUIRED: \$11,050

AMOUNT BUDGETED: To be budgeted for in 2021

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: N/A

COMPLIANCE WITH ORDINANCE 51: N/A

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD: N/A

SUMMARY STATEMENT:

The Wisconsin Department of Transportation (Wis-DOT) has budgeted \$200,000 for engineering associated with the planned roadway improvements along Ellis Avenue. The City is responsible for a 25% share of these costs based on the status of Ellis Avenue as a connecting highway.

The total project length (Butterworth Road to US Highway 2) will be 3.657 miles and Ellis Avenue represents 22.1% of this total length.

The City's share of the engineering cost is calculated as shown below. In order to secure funding for the project, the City needs to approve the SMA regardless of the outcome of discussions related to elimination or maintenance of on-street parking.

Expenditures calculation:

$\$200,000 \times 25\% = \$50,000 \times 22.1\% = \$11,050$



**STATE/MUNICIPAL
FINANCIAL AGREEMENT FOR
A STATE- LET HIGHWAY
PROJECT**

Date: August 27, 2019

I.D.: 1610-00-07/77

Road Name: STH 13

Title: Mellen – Ashland

Limits: Butterworth Road to USH 2

County: Ashland

Roadway Length: 3.657 miles

The signatory, City of Ashland, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request: The existing facility is a connecting highway within the City of Ashland for 0.809 miles (from 13th Street W to USH 2), or 22.1% of the total project length of 3.657 miles. The facility is a NHS facility, and is a Federal and State long truck route. The existing pavement has reached the end of its useful life.

Proposed Improvement - Nature of work: The proposed improvement will be resurfacing with a mill and overlay.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: Construction elements to potentially be undertaken by the Municipality have not yet been fully identified.

TABLE 1: SUMMARY OF COSTS

Phase	Total Est. Cost	Federal/State Funds	%	Municipal Funds	%
1610-00-07 Preliminary Engineering: Plan Development	\$ 200,000	\$ 188,950	BAL	\$ 11,050	LS*
1610-00-77 Construction: Participating	\$ 3,000,000	\$ 3,000,000	100%	\$ -	0%
Non-Participating	\$ -	\$ -		\$ -	
Total Cost Distribution	\$ 3,200,000	\$ 3,188,950		\$ 11,050	

*LS = Lump Sum

The total project length will be 3.657 miles. The Connecting Highway portion within the City of Ashland is approximately 0.809 miles, or 22.1% of the project. The Municipality share will be 25% of 22.1% of Design Costs (or \$11,050).

This request is subject to the terms and conditions that follow (pages 2 – 4) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State, and upon fully executed signature of applicable State Municipal Maintenance Agreement, and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of the **City of Ashland** (please sign in blue ink)

Name	Title	Date
------	-------	------

Signed for and in behalf of the **State** (please sign in blue ink)

Name	Title	Date
------	-------	------

TERMS AND CONDITIONS:

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement that exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.

- (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and bridge costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or Facility Owner includes the following items:
- (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and bridge width in excess of standards.
 - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Parking lane costs.
 - (f) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
 - (g) Damages to abutting property due to change in street or sidewalk widths, grades or drainage within the connecting highway portion of the project.
 - (h) Conditioning, if required and maintenance of detour routes.
 - (i) Repair of damages to roads or streets caused by reason of their use in hauling materials incidental to the improvement.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
7. The work will be administered by the State and may include items not eligible for federal/state participation.
8. The Municipality shall at its own cost and expense:
- (a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory

requirements, in a manner satisfactory to the State and shall make ample provision for such maintenance each year. This agreement does not remove the current municipal maintenance responsibility.

- (b) Maintain all items outside the travel lane along the project, to include but not limited to parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, landscaping features and amenities.
- (c) Maintain and accept responsibility for the energy, operation, maintenance, repair, and replacement of the lighting system.
- (d) Prohibit angle parking.
- (e) Regulate parking along the highway. The Municipality will file a parking declaration with the State.
- (f) Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
- (g) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
- (h) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
- (i) Coordinate with the State on changes to highway access within the project limits.
- (j) In cooperation with the State, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.

9. Basis for local participation:

- (a) 1610-00-07 Design: Design costs for connecting highway are 75% funded with Federal/State funds when the Municipality provides the remaining 25%, based on the Department's policy for connecting highways. The portion of the project that is connecting highway is 22.1% (13th Street West to USH 2). Based on total estimate design costs of \$200,000, the Municipality will contribute a lump sum payment of \$11,050.
- (b) 1610-00-77 Construction: There is no cost share for the general roadway construction.
- (c) SMA may require future amendment for the addition of any locally funded construction elements such as resurfacing parking lanes or utility work or adjustments.

[END]

SUBJECT: Approve a Resolution to Approve Proposed Roadway Improvements for State Highway 13/Ellis Avenue and Resolution to Eliminate On-Street Parking as Part of the Future Wisconsin Department of Transportation Project (*Public Works*) Voice

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
Public Works Director

EXHIBITS: 1. Proposed Resolution
2. Memo from Public Works Director, January 7, 2020

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: N/A

COMPLIANCE WITH ORDINANCE 51: N/A

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD: N/A

SUMMARY STATEMENT:

On August 6, 2019, the Wisconsin Department of Transportation (Wis-DOT) organized a meeting with staff from the City of Ashland Public Works Department and Ashland County Highway Department to discuss Wis-DOT plans related to improvements of US Highway 2 and State Highway 13 (or Ellis Ave within City limits). Based on discussions with the City and County related to the condition of existing pavement and underlying utilities, it was agreed that improvements to Hwy 13 would be prioritized before US 2.

On October 16, 2019 Wis-DOT and City staff met again to further identify the scope, timing, and cost of the proposed Hwy 13 project, which will consist of resurfacing the road from Butterworth Road to 13th Street with a mill and overlay. From 13th Street to US 2, the scope of the project will consist of roadway reconstruction. Wis-DOT identified 2024 as a tentative year for construction based on availability of funding.

City staff have evaluated the condition of water, sewer, and storm utilities underlying the roadway. Previous

projects have resulted in the replacement of significant portions of the water and sewer mains but portions of water main (US 2 to 3rd Street and 6th Street to 11th Street) and one portion of sewer main (15th Street to 16th Street) are in poor condition and require replacement or rehabilitation. Some portion of the water/sewer replacements will be completed ahead of the DOT construction but it is likely that the water main between 6th Street and 11th Street, which is located in the middle of the roadway, will be completed as part of the DOT construction. The DOT will include replacement of all existing storm piping and inlets along Hwy 13 in the scope of the project. The existing storm main is severely clogged with tree roots, preventing adequate drainage of the roadway and some adjacent local side streets.

The City will be responsible for the cost of all water and sewer replacements, as well as a portion of the storm costs associated with additional flows from adjacent local side streets.

Based on conversations with the DOT, it is anticipated that the existing median and streetlights will be replaced or rehabilitated to match the existing facilities.

Currently, the DOT is awaiting City input on maintaining on-street parking from 6th Street to 12th Street. This input will allow the DOT to complete their project scoping process and inform of other details related to the project design, such as replacement of sidewalk, curb, and gutter. The cost of this work would be funded 100% by the City.

The Public Works Department is recommending that on-street parking be eliminated as part of the project and has attached a memorandum detailing the thinking behind this recommendation.

RESOLUTION

No. _____

**RESOLUTION TO APPROVE PROPOSED ROADWAY IMPROVEMENTS FOR
STATE HIGHWAY 13/ELLIS AVENUE AND RESOLUTION TO ELIMINATE
ON-STREET PARKING AS PART OF THE FUTURE WISCONSIN
DEPARTMENT OF TRANSPORTATION PROJECT**

WHEREAS, the Wisconsin Department of Transportation has proposed a roadway improvement project along State Highway 13/Ellis Avenue for 2024 construction; and,

WHEREAS, the City of Ashland currently permits on-street parking along Ellis Avenue from 6th Street to approximately 350 feet south of 12th Street; and,

WHEREAS, the Wisconsin Department of Transportation has requested the City of Ashland's input regarding the maintenance or elimination of on-street parking in order to complete their internal scoping process associated with funding of the proposed project; and,

WHEREAS, the City of Ashland Public Works Department recommends that on-street parking along Ellis Avenue from 6th Street to approximately 350 feet south of 12th Street for reasons related to the cost of the project, traffic safety, and availability of alternatives for local parking and property access.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Ashland recommends the elimination of on street parking along Ellis Ave from 6th Street to approximately 350 feet south of 12th Street.

Councilperson

PASSED: January 14, 2020

ATTEST: _____
Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney



Department of Public Works
2020 6th Street East Ashland ~ WI 54806 ~ www.coawi.org

MEMO: January 7, 2020
TO: City Council
FROM: John Butler, Director of Public Works
RE: STH 13 On Street Parking

This memorandum provides details on the Public Works Department's recommendation to eliminate on street parking from 6th St to 12th St along Ellis Ave or State Highway 13.

From US 2 to 12th St, Ellis Ave is classified as a "Connecting Highway", which is defined as a local road that accommodates state highway traffic. The "Connecting Highway" status also provides the City of Ashland with jurisdiction over certain details of the road, including on street parking.

As part of the proposed roadway improvement for 2024 construction, the Public Works Department recommends elimination of the on street parking along Ellis Ave for the reasons below. Council review and approval of the associated resolution is requested.

Cost of Parking Lanes – City staff has estimated the cost of the additional pavement associated with the parking lanes to be roughly \$300,000. For reference, the 2019 City capital budget included \$364,810 for road resurfacing projects while the 2020 City capital budget includes \$245,000. The City funds required to replace the Ellis Ave parking lanes would better serve the public in improving and maintaining the existing 66 miles of City streets. \$300,000 in additional funding would be sufficient to resurface 15 blocks of existing residential streets.

Lack of Need- while the availability of on street parking is convenient for adjacent property owners, all properties along 6th St to 12th St can be accessed via City maintained alleyways. These property owners are currently required by City ordinance 504 to avoid on street parking from Nov 1 to April 1. The majority of the adjacent properties are residential, with local streets able to accommodate on street parking.

Nature of Roadway- as a "Connecting Highway", the purpose of Ellis Ave differs from most other roads in the City. Most roads in the City are residential streets, providing access to properties and business near the road, where on street parking is appropriate and compatible with use of the road (low speeds, low traffic, lack of heavy truck traffic). The purpose of Ellis Ave is to facilitate regional travel in, out of, and through the City of Ashland. This results in increased speeds, higher traffic volumes (6,000-8,000 vehicles per day) and the presence of heavy truck traffic. On street parking is not recommended in these situations for vehicle and pedestrian safety.

SUBJECT: Approve a Conditional Use Permit to Allow Social Service Use/Warming Center at 419 3rd Avenue East, Zoned City Center (CC). Applicant: Christine Legarde Cooper (*Planning and Development*) Voice

RECOMMENDATION: Approval with conditions, see attached staff report for details.

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Planning & Development Department
Plan Commission (Unanimously approved at their January 7, 2020 meeting)

EXHIBITS:

1. Plan Commission Staff Report, January 7, 2020
2. Correspondence from C Lagarde Cooper, December 8, 2019
3. Public Hearing Summary 1-7-2020
4. Aerial Map
5. Zoning Map
6. Aerial Map Proximity to The Brick

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD: See attached staff report.

SUMMARY STATEMENT:

See attached staff report.

Find yourself next to the water.



City of Ashland, Wisconsin
601 Main Street West Ashland, WI 54806 www.coawi.org

**DEPARTMENT OF
PLANNING &
DEVELOPMENT**
601 Main Street West
Ashland, WI 54806

STAFF REPORT

Plan Commission – January 7th, 2020

Agenda Item # 5a: Conditional Use Permit Request to allow social services use/warming center

Zoning District: City Center (CC)
Property Address: 419 3rd Avenue East
Parcel #: #201-01925-0000
Applicant: Christine Lagarde Cooper
Staff Contact: Megan McBride

Background

Christine Lagarde Cooper is requesting a Conditional Use Permit to allow a social services use pursuant to UDO Section 5.2, F: Social Services. This would be located in the office space within the existing building at 419 3rd Avenue East, which is also occupied by Deltco Plastics, Inc. The proposed use will serve as a warming center/drop-in center for homeless individuals to receive free pre-prepared soup and beverages, connection to community resources and a warming center during winter months. There will be no residential component to this use, and the hours of operation will be from 11:00am – 2:00pm daily. This organization will be called East Gate and will operate with the support of Crossroads Human Services who has an established record in Ashland for providing social services to individuals in need.

The proposed East Gate Drop-in Center will provide the following:

- Beverages, soup and snacks free of charge
- Assistance in finding emergency lodging as well as short- or long-term housing based on needs of the individual and available community resources
- Blankets, sleeping bags and outerwear as needed
- Vouchers for clothing at local thrift stores

The intent of the City's regulations for social service uses is to "allow the operational needs of social service uses and establishments to be met while identifying potential concerns and preventing a negative impact on surrounding properties and the community" (UDO Section 5.2F).

The UDO specifies that the following standards shall be considered on a case by case basis for all proposed social service uses:

- (1) Social service uses may not be located within one thousand two hundred (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 one thousand two hundred (1,200) feet of the proposed uses;
- (2) The establishment should be served by or easily accessible to public transit;
- (3) The establishment shall be of adequate size and design to reasonably accommodate its projected capacity;
- (4) The establishment shall have internal and/or external waiting areas if deemed appropriate by the Plan Commission; and
- (5) The establishment shall provide safe access and mobility for all patrons on the property.

The proposed location meets the requirements related to size, accessibility to public transit and public access as stated in the UDO. Since the space is already divided into offices, a room could be specifically designated for consultation on available community resources to preserve privacy of patrons and achieve separation from the general warming/waiting area. The proposed use is located within 1,200 feet of The BRICK Ministries (also a social service use) located at 420 Ellis Avenue. As such, Plan Commission will need to determine if having these two social services located in this proximity will adversely affect surrounding properties.

Standards for Conditional Use Review

The City of Ashland's Unified Development Ordinance Section 3.9 (C) Conditional Use Permit – Approval Criteria (and all subsections thereof), create the legal framework to regulate, administer, and enforce the conditional use standards for the City of Ashland. The following decision criteria were used to review the submitted conditional use:

1. **Consistency with Comprehensive Plan.** The proposed use conforms to the goals of the City's Comprehensive Plan which identifies the "growing need for transitional housing and services to deal with issues such as homelessness and domestic abuse" (Comprehensive Plan Part 2, page 34) and recommends the City support efforts to address these community issues as they are able. Concern regarding lack of resources for homeless individuals was also a recurring issue identified in the resident survey administered as part of the Comp Plan update process. Additionally, the Comp Plan encourages adaptive reuse of former industrial buildings near the downtown in ways that are compatible with the City Center zoning district.
2. **Compatibility.** The proposed use is compatible with the existing surrounding uses and zoning district. The property is located in a mixed neighborhood and is surrounded by residential and commercial uses (Carlson Building Supply, The Medicine Shoppe, Symetra Select Benefits). This is an appropriate mix to have within the City Center zoning district, which the UDO and Comp Plan state should consist of a variety of uses including retail, offices, residential, services, entertainment and government facilities. As stated previously, The BRICK is located adjacent to the proposed use, which is a non-profit that provides a variety of services and resources to individuals in need. Due to the limited hours of operation proposed for the East Gate Drop-in Center and the BRICK's location on Ellis Avenue rather than within the neighboring residential area, staff does not feel that the addition of this social service use will result in negative impacts for the surrounding properties. The center's proximity to The BRICK would likely be a benefit to the clients they serve and facilitate connection to existing community services and resources.

3. **Importance of Services to the Community.** While the City of Ashland is not unique in having homeless individuals living in the community, the lack of a permanent homeless shelter or warming shelter during the winter months creates a major health and safety risk which this drop-in center would help to address. While it would not serve as a residential shelter, it would provide a space for individuals to warm up during the day and an emergency location during severe winter weather events. Establishing a designated warming center during severe winter weather has been discussed for several years, and this proposed center would demonstrate private involvement in addressing this community issue.
4. **Neighborhood Protections.** Due to the limited hours of operation and lack of additional parking demands that will be generated from this proposed use, no additional neighborhood protections are recommended at this time.
5. **Conformance with Other Requirements:** The applicant will need to conform to all UDO standards, including (but not limited to):
 - A sign permit shall be required for any new signage on the property.

Review Recommendation

Staff recommends APPROVAL of the Conditional Use Permit contingent on the following conditions:

- This facility shall not operate as a residential facility. In extreme weather events as determined by the City of Ashland and/or Ashland County it may serve as a temporary overnight warming center.

Additionally, as a Public Hearing is scheduled for the proposed Conditional Use Permit, the Plan Commission should hear all input from the public prior to making a decision. The required Class 2 public hearing notice was issued, and discretionary letters were sent to all surrounding property owners within 200 feet of the proposed development.

Approvals are based on background information provided by the applicant and known conditions. Deviations from this information may be considered a change in the application and reconsideration and possible revision to the approvals may be made by the Plan Commission and Common Council.

Christine Lagarde Cooper
1300 Chapple Avenue
Ashland, WI 54806
December 8, 2019

City of Ashland
Department of Planning and Development
601 West Main Street
Ashland, WI 54806

Dear Planning Committee,

The purpose of this letter is to identify the increasing homeless problem and the need to address this issue practically and compassionately.

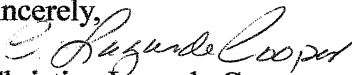
Homelessness is on the increase—throughout the nation and here in Ashland. The problem is complex with many issues factoring into the reasons individuals are homeless. There are no cookie-cutter homeless individuals and our solutions should be developed with this in mind. However, there are basic needs all homeless have and I would like to propose one possible solution to begin addressing this issue.

For this reason, I would like to open a Drop In Center, centrally located on Third Avenue East (just across the street from Carlson's Lumber). The Center would provide the following:

- Beverages, soup and snacks free of charge.
- Assistance obtaining emergency lodging, short or long term housing.
- Provide blankets, sleeping bags and outerwear as needed.
- Provide vouchers for clothing at local thrift stores.
- During inclement or frigid weather, may convert into a temporary warming center.

The Drop In Center, called East Gate, would operate under the support and advice of Crossroads. It is not a direct off-shoot of the organization. It would be staffed by volunteers recruited from local churches, civic organizations etc. after receiving basic training. Soup has been and will continue to be provided by restaurants or individuals preparing it outside the facility. The actual building section has been offered for our use, with the understanding that we will pay for the heat. The vouchers, blankets, sleeping bags and outerwear will be solicited from the general public as needed. A network of motel owners, landlords and charitable organizations is being developed to provide for lodging/housing needs. Much of this was accomplished earlier through Crossroads Outreach prior to their move out of town, leaving a void I would like to rectify.

Thank you for your consideration of my proposal. I look forward to discussing it with the committee in person.

Sincerely,

Christine Lagarde Cooper

Public Hearing Summary
Plan Commission Meeting Jan. 7, 2020

Conditional Use Permit to allow a social service use/warming center at 419 3rd Avenue East, zoned City Center (CC). Applicant: Christine Legarde Cooper

Megan McBride explained the public notice issued for the meeting, which included the required Class 2 public hearing notice as well as discretionary letters which were sent to all property owners within 300 feet of the property. She then went through the criteria for approval and the staff recommendation for approval with the proposed conditions.

Michael Benton (314 2nd Avenue East) expressed his strong opposition to the proposed use, and questioned why the City has not considered funding bus tickets for homeless individuals to get back to their families or the communities they come from. He said that there have already been past issues of homeless individuals camping in parks and other locations and feels the proposed use would attract such activities to his neighborhood as well. He also expressed strong concerns and frustrations over the littering issues that occur near his property.

Josh Illick, owner of Carlson Building Supplies located directly across the street from the proposed use, expressed concern for parking which has been a recurring issue in this area in the past. He noted that this neighborhood already receives higher levels of truck traffic for both Deltco Plastics and customers of Carlson Building Supplies. He said he does not have any issues with the use itself, nor does he have concerns about theft as their business has cameras. He asked if there will always be supervision when the center is open, and stated that Rich Larson's involvement with the project reassures him that the proposed use will be successful and appropriately monitored.

Liz Seefeldt, Director of the BRICK Ministries, stated that she has no problem with this proposed use being located adjacent to the BRICK and felt this could be a benefit to their consumers as there will likely be some overlap between the two organizations. She said that she feels the location is good to accommodate a variety of transportation modes since it is centrally located near Ellis Avenue, the 5th Street Corridor and frequently used bus stop by Super One. She emphasized that there are many reasons for homelessness so there is not a "one size fits all" solution, and that the proposed service is needed to help address this issue.

Additional questions asked by Liz Seefeldt:

- 1) Will the center be open 7 or 5 days per week?

Applicant response: This will be dependent upon volunteer capacity, but she would like to have it open at least 6 days of the week.

- 2) Why were the hours of 11:00am – 2:00pm daily chosen?

Applicant response: These hours were selected based on experience from volunteering at the Crossroads storefront on Main Street which offered the same services. The peak time for people to stop in tended to be during the 11:00 – 2:00 timeframe, particularly

around lunchtime. This is also the time of day when people are often figuring out where they will stay for the night, so being open during this time is important since assistance in finding short- and long-term housing is one of the primary goals/services of the center.

3) What type of training will volunteers have?

Applicant response: Training will be limited to an orientation to the facility and information about who to call in the event of incidents.

4) Since this is affiliated with Crossroads which offers faith-based services, will there be any requirements related to religious affiliation in order to receive services at this center?

Applicant response: There will not be any such requirements to receive services.

Rich Larson, CEO of Crossroads Human Services, spoke in favor of the proposed use and stated that Crossroads will be supporting it. He provided clarification that the typical standard used by communities for when emergency facilities are opened is 20 degrees below zero. He explained why he feels this location would work for the proposed use due to its central location in the City as well as the proximity to the jail. They try to be proactive in working with people before they are released to connect them with resources and housing, and being located nearby will help with these efforts. He explained that the office space where the proposed use will go is currently being occupied by Crossroads for office/administrative use as their current facility recently flooded. Therefore, the use proposed in this CUP would only begin once Crossroads is able to move back into their permanent facility.

Michael Benton expressed concern over exceptions being made to the Conditional Use Permit once approved and causing additional issues for the surrounding neighborhood. He again expressed concern and frustration over current trash and littering occurring in that area.

Rich Larson explained that he would be happy to meet with Mr. Benton to further discuss his concerns and how they can be a good neighbor. Rich said he had also talked to several neighbors who shared similar concerns who did not ultimately come to the meeting as their worries were addressed by Rich beforehand. He said that the mission of Crossroads is to truly help people and fill gaps where the City and other public entities cannot, and to connect people in need with existing community resources. He emphasized that the problems causing and resulting from homelessness will not go away, so this proposed use offers one proactive way to begin to address it.

Ella Syverson said that she understood clients would not be required to profess any specific faith in order to receive services, but asked if it would be a religious environment or otherwise be set up in ways that may inadvertently make some people not feel welcome if they do not share the same religious faith.

Chris Legarde Cooper explained that the mission of the center is to help people where they are at and connect them with resources to help better their lives. Therefore, while there may be some bible verses

or religious artwork displayed in the space this will not be pushed on patrons nor will it impact services people will receive.

Mayor Lewis said that the City has had many discussion about homelessness, including understanding that many people who are homeless in our community are from here and want to stay. She emphasized it is important to not lump people together as there are many factors that cause homelessness so there cannot be one simple solution. She expressed her gratitude for this example of private sector involvement in addressing this community issue.

Matt Mackenzie moved to add conditions that a written statement be obtained from the property owner stating their awareness and consent to this CUP being considered, and that language be included to ensure the City has the ability to inspect the center to ensure compliance with the CUP.

These additional conditions were accepted by the Plan Commission, and it was unanimously recommended to approve the proposed Conditional Use Permit for a social service use/drop-in center at 419 3rd Avenue East.

419 3rd Avenue East: Proposed Drop-in Center/Warming Shelter



12/19/2019, 2:18:27 PM

Lines

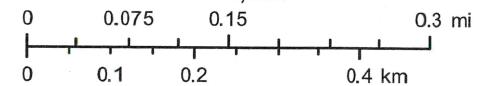


Parcel Mapping

Override 1

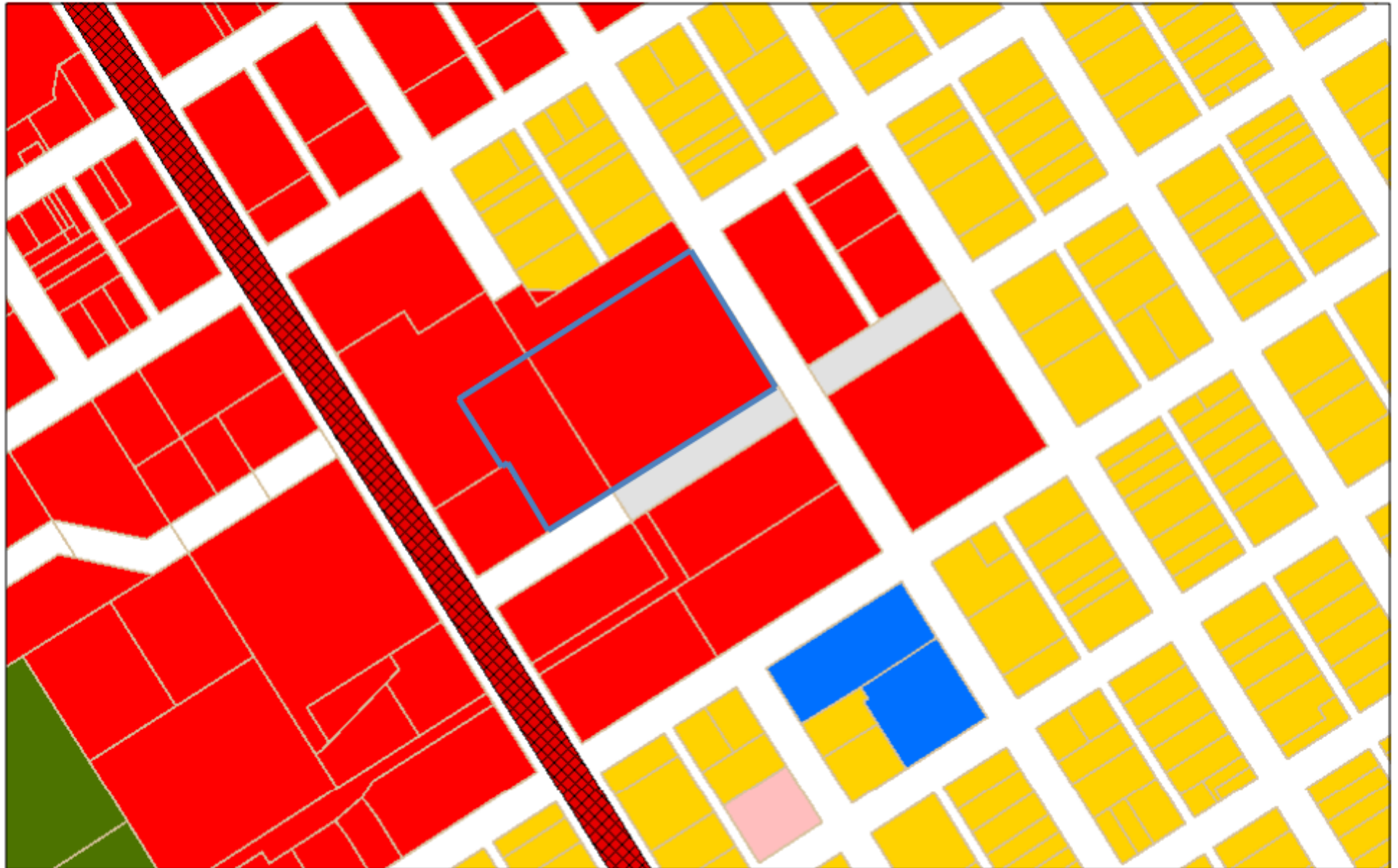
Parcel Labels

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City of Ashland Public Works Department, GIS Division
PICTOMETRY INTL

Zoning Map



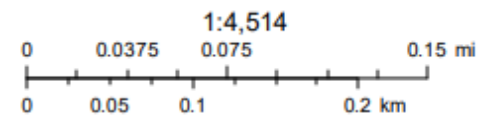
City Center (CC) zoning district



Single- and Two-Family Residential (R-2) zoning district



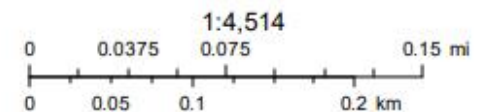
Public/Institutional (PI) zoning district



City of Ashland Public Works Department, GIS Division
City of Ashland Public Works and Planning Department

Department of Public Works Engineering
Copyright 2018, City of Ashland

Aerial Map: Proximity to The BRICK



City of Ashland Public Works Department, GIS Division
PICTOMETRY INTL

SUBJECT: Approve to Accept a State of Wisconsin Department of Natural Resources Recreation Trails Program Grant for the City of Ashland Maslowski Beach Trail Rehabilitation Project, 2019-2021 (*Parks and Recreation*) Voice

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Parks & Recreation

CLEARANCES: City Administrator
Public Works Director/Department
Finance Director

EXHIBITS:

1. State of WI Stewardship Local Assistance, Federal Land & Water Conservation Fund, & Recreation Trails Program Grant Application
2. Correspondence from WDNR of grant award, November 26, 2019

EXPENDITURES REQUIRED:

- \$ 45,000.00 - Grant (concrete for trail)
- \$ 20,000.00 - PW Labor
- \$ 16,200.00 - PW Equipment
- \$ 20,116.00 - Stock Materials (gravel, top soil, fill, etc)
- \$101,316.00 - Project Total

AMOUNT BUDGETED:

- \$20,000.00 - PW Labor
- \$16,200.00 - PW Equipment
- \$20,116.00 - Stock Materials (gravel, top soil, fill, etc)
- \$56,316.00 - Total

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORDINANCE 51: Section 51.26 (b) of Chapter 51, Ashland City Ordinances, permit the Mayor and/or Clerk to schedule items directly for Council action when a timely decision is needed by the City. The City Clerk has chosen to direct this item directly to Council pursuant to the authority granted to her in Chapter 51, Ashland City Ordinances.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD: This items conforms with both the updated Waterfront Development Plan and CORP.

SUMMARY STATEMENT:

City Staff is seeking approval from the Common Council to accept a grant from the Wisconsin Department of Natural Resources (WDNR) to rehabilitate the pedestrian trail at Maslowski Beach to once again connect the bathhouse to the western most parking lot via a trail along the ROW. Grant award is for \$45,000 with at least a 50% match.

The City is able to use the Public Works crew time as a match from the work already done on site (labor, equipment and materials) in the fall of 2019, is approximately \$55,865.44 . The grant period started in September 19, 2019 and runs thru June 30, 2022.

Based on expert opinion, the City will be installing a concrete sidewalk/pedestrian path connecting the bathhouse and western most parking lot as concrete holds up better to wet conditions. The City has received approval from the Wisconsin Department of Transportation (WDOT) to install the pedestrian path along the right-of-way and create a ditch to convey storm water to the newly installed green infrastructure on the eastern side of the park.

Stewardship Local Assistance, Federal Land & Water Conservation Fund, & Recreational Trails Program Grant Application

Form 8700-191 (R 01/18)

Page 1 of 5

Notice: Use of this form is required by the Department of Natural Resources (DNR) for any application filed pursuant to ss. NR 50.06, NR 50.21, and NR 51, Subchapters XI-XV, Wis. Adm. Code. Personal identifiable information will only be used in conjunction with the programs listed above. If you have any questions contact your local community service specialist. Personally identifiable information provided on this form will be used for program administration and will be available to requesters as required under Wisconsin's Open Records Law [ss. 19.31 - 19.39, Wis. Stats.].

Applicant		Individual Authorized to Act on Behalf of Applicant	
City of Ashland		Sara Hudson	
Street or PO Box		Title	
601 Main St W		Director, Parks and Recreation	
City, State, Zip Code		Telephone Number	Fax Number
Ashland WI 54806		(715) 685-1644	
County		E-Mail Address	
Ashland		shudson@coawi.org	

Mail Check to (If different from applicant):

Name		Address	
Organization:		City	State ZIP Code

Section 1: Project Information																																				
Project Title: Maslowski Beach Reconstruction						<table border="1"> <thead> <tr> <th colspan="2">Financial Summary</th> </tr> <tr> <th>Total Project Costs</th> <th>Grant Request (up to 50%)</th> </tr> </thead> <tbody> <tr> <td>\$101,316</td> <td>\$45,000</td> </tr> </tbody> </table>	Financial Summary		Total Project Costs	Grant Request (up to 50%)	\$101,316	\$45,000																								
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**Stewardship Local Assistance, Federal Land & Water
Conservation Fund, & Recreational Trails Program
Grant Application**

Form 8700-191 (R 01/18)

Page 2 of 5

Project Description

Provide a detail description of the project proposal that includes the primary purpose and goals; description of the project: public access and use; implementation and key partnerships; and operation and maintenance of the project.

The City of Ashland is seeking funding to re-establish an all accessible pedestrian trail connecting two of the three beaches at Maslowski Beach and improve climate resiliency by creating a beach that is more capable of withstanding the increased intensity of storms and wave action.

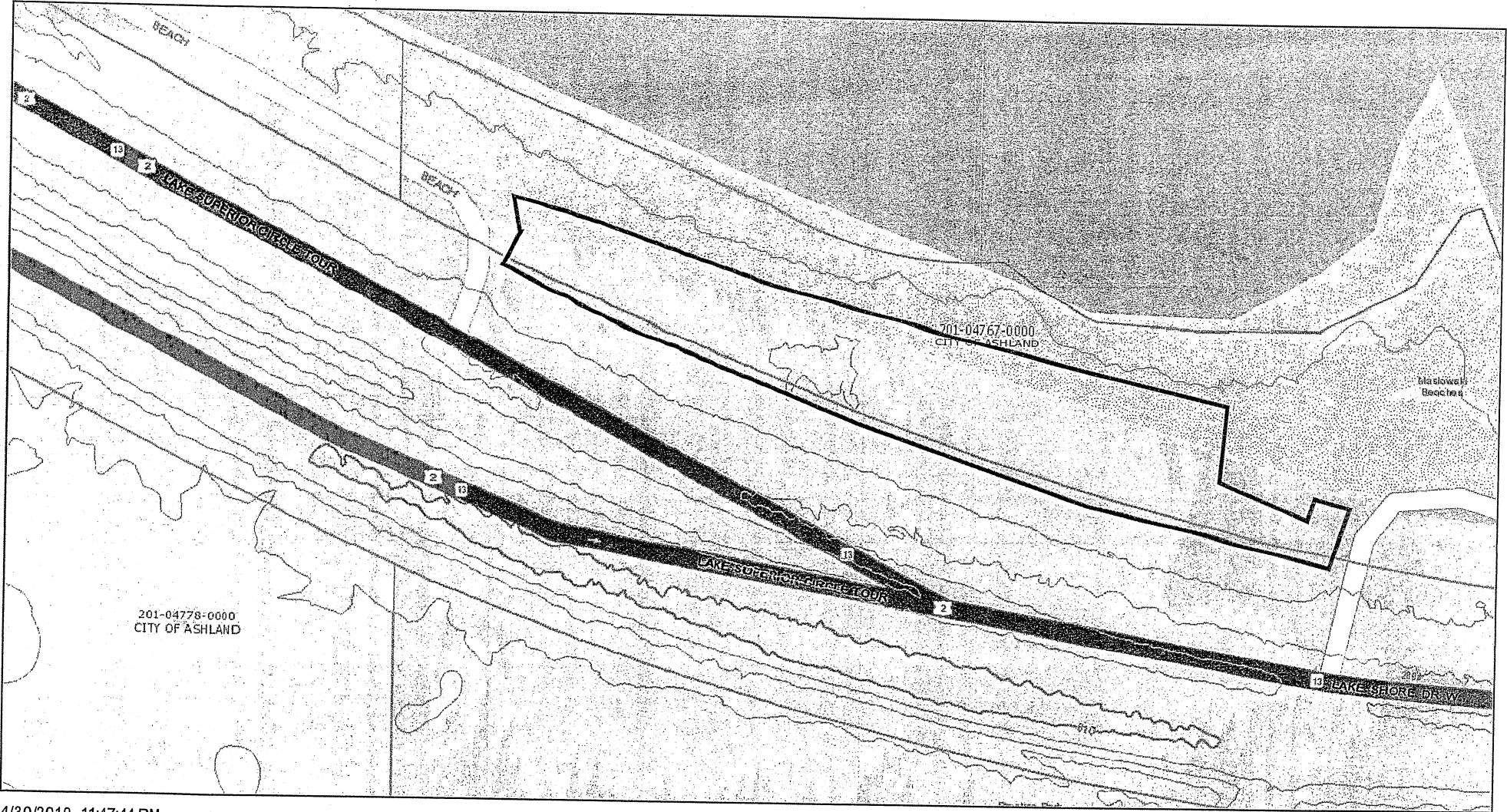
Maslowski Beach is an approximately 1/2 mile narrow strip of land with three beautiful beaches along US Highway 2 and Lake Superior. The beach attracts a variety of visitors with its white sand, blue waters and artesian well and also attracts customers to nearby business like the Sandbar and Solstice Outdoors who benefit from hungry beach goers and those looking to explore the Lake Superior Shoreline and Fish Creek Sloughs with stand up paddleboard and kayak rentals. Maslowski Beach is one of the City's oldest parks and was the site of an old lumber yard and mill, with evidence of its industrial past still visible in the black charred pieces of wood you find at the middle beach (lovingly called Black Beach). The property was gifted to the City as part of Prentice Park by four private residents and used as a tree nursery. Once the new US Highway 2 was constructed it became its own park, then call Sandbar Beach. In the 1980's the park was renamed Maslowski Beach after a former Ashland Police Chief.

Over the past five years major storm events with high wind and wave action have slowly eroded away the asphalt pedestrian trail linking the bathroom to the playground, pavilion, and western parking lot at Maslowski Beach. In 2017, the City removed the eroded trail for safety reasons and then in October a two foot storm surge and major storm hit the Chequamegon Bay. This event deposited ~18 inches of new sand onto the beach/park, extending the beach 20 feet to the south and covering picnic tables, benches, playground surfacing, and the pavilion floor with sand, making the park unusable. Then in October of 2018, another storm hit Maslowski Beach and deposited about four inches of sand into the park.

In 2016, the City retained SmithGroup as a consultant to redesign Maslowski Beach through an US EPA Green Infrastructure Grant to improve water quality. SmithGroup has been tasked with creating a master plan for Maslowski Beach. The plan has changed over the years as major storms have wreaked havoc on the beach, but two main themes have been consistent: relocating/re-establishing a pedestrian trail to the southern part of the park along the WisDOT ROW and raising the elevation of the beach to increase climate resiliency and improve water quality by creating a wide high and dry beach to deter E.coli growth and leave room to dissipate the energy associated with waves breaking.

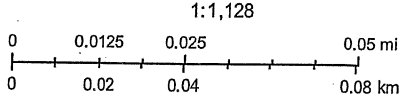
This project proposal is to raise the elevation of the south edge of the park to 605', according to the Army Corp of Engineers the ordinary high water mark (OHWM) is 603.1', and reconstruct an ADA asphalt pedestrian trail from the existing bathroom to the western parking lot. The City would use the current sand and additional fill to raise an area (~.8 acres), 25' north of the existing ROW, for the length of the site to an elevation of 605'. The remaining parkland would be left as beach and be graded to gradually slope toward to the Lake in order to control stormwater runoff on the site. On the south side of ROW and new trail, a culvert would be created to convey storm water runoff to a retention basin on the eastern side of the park and drain an area where ponding is observed following rain events. The current playground equipment would be removed, inspected and elevated to avoid future infilling around the play area. The City will also elevate an existing park pavilion and provide a barrier between the structure and the beach to mitigate the impact of any erosion. A path from the new pedestrian path to the pavilion would be created for all accessibility. The City believes these accessibility improvements to Maslowski Beach will once again make it usable to the public, create a destination and be a revenue generator not only for the City but for other local businesses.

Maslowski Beach RTP Topo



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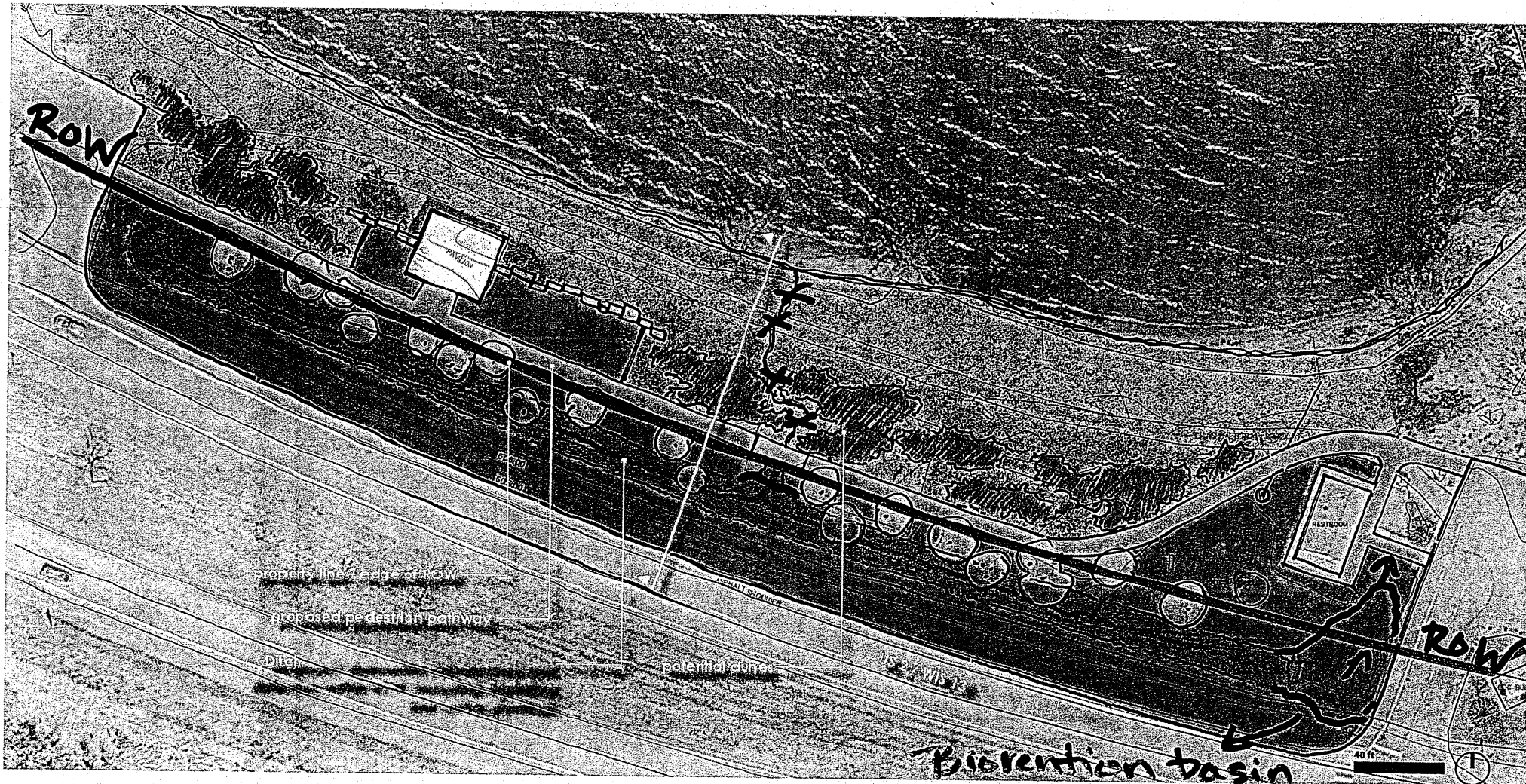
- Lines**
- Override 1
- COUNTOURS**
- 10 Ft
 - 2 Ft
- Parcel Labels**
- ☐ Parcel Mapping



City of Ashland Public Works Department, GIS Division
Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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proposed phase 1 (draft)



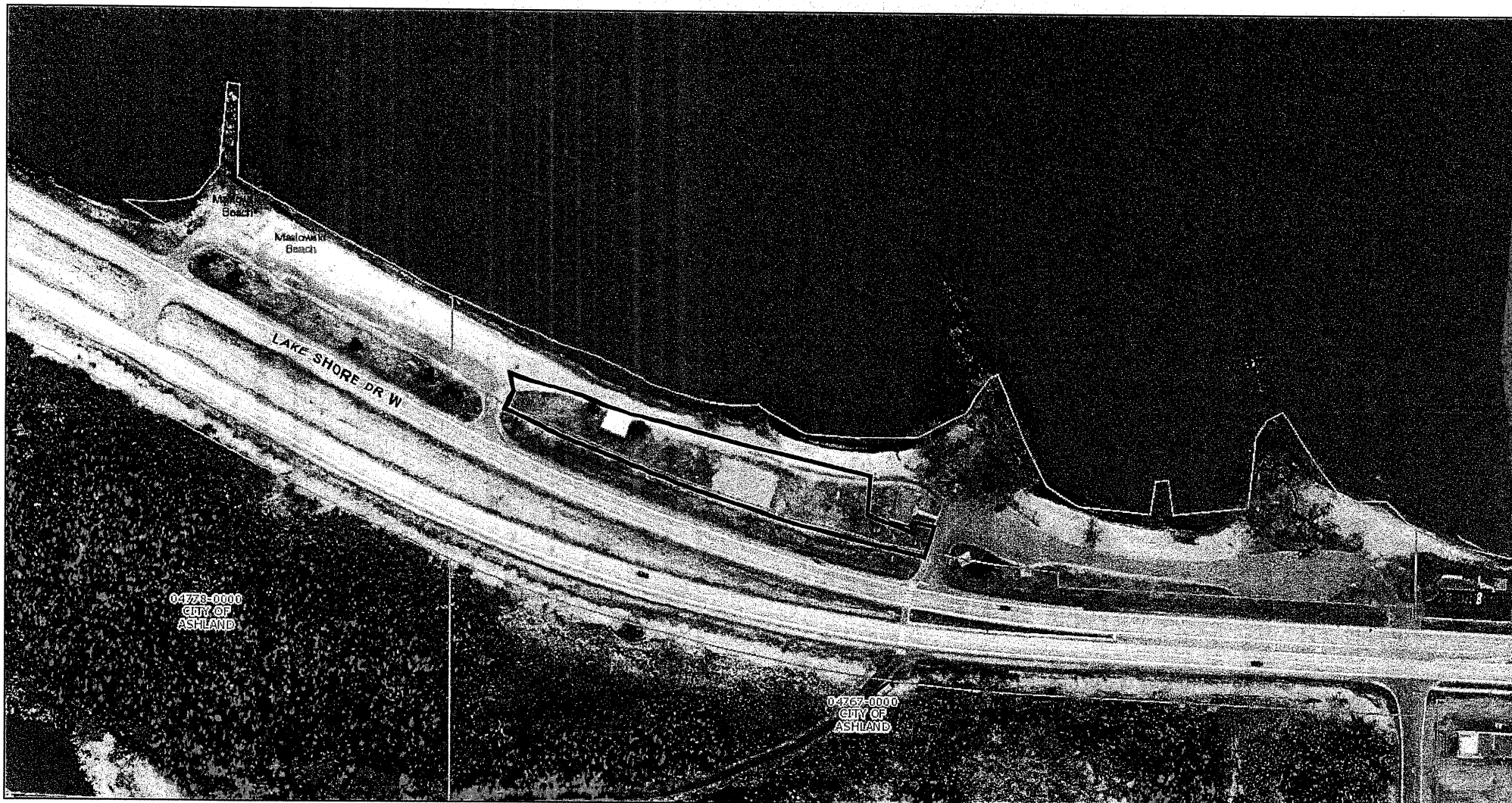
permit coordination

MASLOWSKI BEACH MASTER PLAN

Retention basin
(not in ROW) or
Box culvert to
beach / lake

SMITHGROUP JIR

Maslowski Beach RTP Boundary

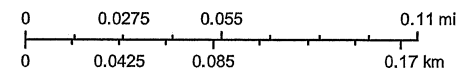


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Lines

- Override 1
- Parcel Labels
- Parcel Mapping

1:2,257



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Department of Public Works Engineering
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State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
810 W. Maple Street
Spooner WI 54801

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



November 26, 2019

► **REQUIRES IMMEDIATE ACTION** ◄
Recreational Trails Program
Grant# RTP-947-19N
Grant Amount: \$45,000.00

Sara Hudson, Director of Parks
City of Ashland
400 W 4th Ave
Ashland, WI 54806

Dear Ms. Hudson:

Congratulations! On behalf of the Governor, we are pleased to forward to you a grant agreement for financial assistance for the following project: **Ashland Maslowski Beach Trail Rehabilitation, 2019-21**

Please review the agreement and return a copy signed by the authorized official **within 30 days of this letter's date** to Ed Slaminski at the Northern Region - Spooner, 810 W Maple St, Spooner, WI 54801. Your grant is not official until you have returned the signed copy. Please read the items checked below. They apply to your project and grant award.

☒ **Grant Award Time Period: September 18, 2019 through June 30, 2022.** All project activities must occur

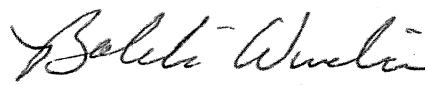
☒ **Important Change Regarding Payment(s):** As of this year, grant payments will now be sent via ACH transfer (electronic bank transfer), as opposed to the physical checks mailed to you in the past. ACH payments are an efficient, secure payment method and will reduce the amount of time it takes to receive payment from the DNR. As your requests are approved, you will receive an email notification from Ed Slaminski to notify you that payment will arrive shortly. When the ACH transfer occurs, your city treasurer will receive an email from the State of Wisconsin with payment details, including a "memo" with details on the project to help them process the payment appropriately. The email address we have on file for the ACH payment is bclement@coawi.org. If this is not the correct email address, please contact Ed. If you prefer to have your reimbursement check mailed, please let Ed know and it will be mailed to City of Ashland, Sara Hudson, 400 W 4th Ave, Ashland, WI 54806. Please notify us if this is not the correct person to receive checks.

☒ **Changes to the approved project scope** may not be made without prior approval from the Department.

☒ **Please note:** To simplify record keeping on chargebacks for equipment referenced in county machinery agreements, we will use rates established by the Department of Transportation (DOT). The correct version of the DOT rates will be indicated on your grant web page located at <http://dnr.wi.gov/Aid/Grants.html>.

Reimbursement claim forms and/or financial administration information can be found by going to: <http://dnr.wi.gov/Aid/forms.html>. Please submit reimbursement claim forms for your project to Ed. Feel free to contact Ed at 715-635-4130, if you have any questions about your grant award or the reimbursement procedures. You may be contacted by the Office of the Governor or your state Legislator concerning the issuance of a press release to publicize the grant award. We are pleased to have the opportunity to participate with you on this project.

Sincerely,


for Ann Kipper, Deputy Administrator
External Services Division

State of Wisconsin
Department of Natural Resources
P. O. Box 7921
Madison, WI 53707-7921

OUTDOOR RECREATION AIDS GRANT AGREEMENT
Form 8700-065 Rev. 08-16

Notice: Collection of this information is authorized under ss. 23.09(11), 23.09(26), 350.12(4), 23.33, and 30.92, Wis. Stats., and chs. NR 7, NR 50, NR 51, and NR 64, Wis. Admin. Code. Personally identifiable information collected will be used for program administration and may be made available to requesters as required under Wisconsin's Open Records Law [ss.19.31 - 19.39, Wis. Stats].

Grantee/Project Sponsor City of Ashland		Project Number RTP-947-19N
Project Title Ashland Maslowski Beach Trail Rehabilitation, 2019-21		
Period Covered by This Agreement September 18, 2019 Through June 30, 2022		Name of Program Recreational Trails Program
Project Scope and Description of Project The City of Ashland will utilize federal recreational trail program funding to raise the parking lot and reconstruct the ADA accessible trail between the restroom and the western parking lot at Maslowski Beach which was damaged by 2018 storm events.		
PROJECT FINANCIAL ASSISTANCE SUMMARY:		The following documents are hereby incorporated into and made part of this agreement: - Chapter NR 50, Wisconsin Administrative Code - Application Dated 05/01/2019
Total Project Cost	\$101,316.00	
Cost-Share Percentage	Up to 50%	
State Aid Amount	\$45,000.00	
Project Sponsor Share	\$56,316.00	

SUBJECT: Approve Task Authorization No. 4, Amendment 4 - Ashland Ore Dock Phase I, Part 2 Design Services, Construction Documents and Construction Administration with SmithGroup (*Parks and Recreation*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Parks & Recreation

CLEARANCES: City Administrator
Public Works Director
Finance Director

EXHIBITS:

EXPENDITURES REQUIRED: TBD

AMOUNT BUDGETED: \$1,000,000 Ashland Oredock Charitable Trust
\$~ 50,000 Donations
\$ 300,000 DNR LWCF/Stewardship Grant (Recieved 2018)
\$ 300,000 DNR LWCF/Stewardship Grant (Pending)
\$ 150,000 Bremer Foundation Grant
\$ 150,000 Wisconsin Coastal Management Grant
\$ 50,000 Sport Fish Restoration
\$2,000,000 Total

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: The Treasurer's Office has certified on January 7, 2020 that SmithGroup JJR is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD: The plan conforms with Ashland Ore Dock Concept Design, Authentic Ashland 2035, Ashland Waterfront Redevelopment Plan, and the Comprehensive Outdoor Recreation Plan.

SUMMARY STATEMENT:

In 2015 the City of Ashland signed the first Task Authorization – Ashland Ore Dock Services with SmithGroup

JJR for the Ashland Ore Dock Design Services per the Ore Dock Design Services Request for Proposal (RFP) Response. Since then, the City has worked with SmithGroup JJR in the creation of the Ashland Ore Dock Concept Design Report from which the final engineer plans, construction documents and bidding documents for the Ashland Ore Dock Redevelopment has come from.

Task Authorization No. 4, Amendment 4 is to approve SmithGroup JJR to do the remaining design, engineering and construction documentation, and construction administrative work to finish Phase I: Diamond Access.

The agreement will be handed to Common Council on Monday before the meeting. This item will also be coming in front of the Ashland Ore Dock Charitable Trust for approval.

SUBJECT: Approve an Ordinance to Amend Chapter 351 (963), Ashland City Ordinances, Licensing, Regulating, and Maintenance of Dogs and Cats (*Mayor*) Voice

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: Mayor

EXHIBITS:

1. Proposed Ordinance
2. Chapter 351 Licensing, Regulating, and Maintenance of Dogs and Cats - Redlined showing changes

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORDINANCE 51: Section 51.26 (b) of Chapter 51, Ashland City Ordinances, permit the Mayor and/or Clerk to schedule items directly for Council action when a timely decision is needed by the City. The Mayor has chosen to direct this item directly to Council pursuant to the authority granted to her in Chapter 51, Ashland City Ordinances.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

SUMMARY STATEMENT:

The last sentence of Ashland City Ordinance, Chapter 351.03 currently states: "All animals remaining in the pound for a period of seven (7) days from the time of capture shall be disposed of in a proper and humane manner, or may be given to anyone willing to pay the license fee, if one is required."

The Chief of Police, Mayor and Animal Control Officer recently met with members of the Chequamegon Humane Association Board of Directors to address concerns about the wording of the current language which could be interpreted to mean something other than what is current practice. As a result of that discussion, it is proposed that Council approve to amend the Ordinance to read:

“All animals remaining in the pound for a period of seven (7) days from the time of capture shall be transferred to a humane association or animal shelter, unless the animal is suffering from an untreatable injury or illness, whereby it will be humanely euthanized or unless it is not suitable for adoption due to being dangerous or vicious as defined in 351.18 or is a feral adult cat.”

**ORDINANCE TO AMEND CHAPTER 351 (963), ASHLAND CITY ORDINANCES,
LICENSING, REGULATING, AND MAINTENANCE OF DOGS AND CATS**

An ordinance adopted by the Common Council for the City of Ashland at its regular meeting of January 14, 2020, for the purpose of updated charges and readability by amending Chapter 351, Ashland City Ordinances.

SECTION I:

Chapter 351.03 shall be amended to read as follows:

351.03. Impoundment/Disposal. It shall be the duty of the Humane Officer to catch, take and impound every dog and cat found to be running at large within the City in violation of this ordinance. The Humane Officer is hereby given the same powers as a special policeman for the above stated purpose. The Humane Officer shall have the power to pursue animals upon the premises of the owner and elsewhere. Each and every dog and cat caught and taken by the Humane Officer shall be conveyed to the pound and there solely kept for a period of seven (7) days from the time the animal is captured unless sooner released as hereinafter provided. The Humane Officer shall notify the owner personally, by telephone, or through the United States mail if such owner be known to the officer or can be ascertained with reasonable effort. Any person whose dog or cat has been impounded, may obtain its release by paying to the City Treasurer's office or any police officer on duty, the sum of twenty dollars (\$20) for an initial pick-up fee, plus six dollars (\$6.00) per day kennel fee for each day the animal was boarded and by obtaining a receipt therefor. If the dog or cat is unlicensed and required to be licensed, the owner shall also exhibit a receipt showing the payment of the license fee for the current year. Every person taking a dog or cat from the pound shall give a receipt therefore in a book to be kept for that purpose. The receipt shall describe the animal by some marks or identification. All animals remaining in the pound for a period of seven (7) days from the time of capture shall be transferred to a humane association or animal shelter, unless the animal is suffering from an untreatable injury or illness, whereby it will be humanely euthanized, or unless it is not suitable for adoption due to being dangerous or vicious as defined in 351.18, or is a feral adult cat.

SECTION II:

Effective Date of Ordinance: This ordinance shall take effect following passage and publication.

PASSED: January 14, 2020

PUBLISHED: January 25, 2020

Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

CHAPTER 351. LICENSING, REGULATING, AND MAINTENANCE OF DOGS AND CATS.

351.01. Appointment and Duties of Humane Officer. The Mayor shall appoint, subject to confirmation by the Common Council, some suitable person to be known as the Humane Officer, who shall hold this office for an indefinite period. The Humane Officer shall be supervised by the Chief of Police. The compensation for service shall be fixed annually by the City Council.

351.02. Running at Large Prohibited. No dogs or cats shall be permitted to run at large in the City of Ashland. This prohibition shall apply to licensed and unlicensed dogs and cats alike.

351.03. Impoundment/Disposal. It shall be the duty of the Humane Officer to catch, take and impound every dog and cat found to be running at large within the City in violation of this ordinance. The Humane Officer is hereby given the same powers as a special policeman for the above stated purpose. The Humane Officer shall have the power to pursue animals upon the premises of the owner and elsewhere. Each and every dog and cat caught and taken by the Humane Officer shall be conveyed to the pound and there solely kept for a period of seven (7) days from the time the animal is captured unless sooner released as hereinafter provided. The Humane Officer shall notify the owner personally, by telephone, or through the United States mail if such owner be known to the officer or can be ascertained with reasonable effort. Any person whose dog or cat has been impounded, may obtain its release by paying to the City Treasurer's office or any police officer on duty, the sum of twenty dollars (\$20) for an initial pick-up fee, plus six dollars (\$6.00) per day kennel fee for each day the animal was boarded and by obtaining a receipt therefor. If the dog or cat is unlicensed and required to be licensed, the owner shall also exhibit a receipt showing the payment of the license fee for the current year. Every person taking a dog or cat from the pound shall give a receipt therefore in a book to be kept for that purpose. The receipt shall describe the animal by some marks or identification. All animals remaining in the pound for a period of seven (7) days from the time of capture shall be ~~disposed of in a proper and humane manner, or may be given to anyone willing to pay the license fee, if one is required.~~ transferred to a humane association or animal shelter, unless the animal is suffering from an untreatable injury or illness, whereby it will be humanely euthanized, or unless it is not suitable for adoption due to being dangerous or vicious as defined in 351.18, or is a feral adult cat.

351.04. Nuisance Dogs and Cats Prohibited. Nuisance dogs and cats are prohibited. A dog or cat shall be considered a nuisance if it:

(a) Damages, soils, defiles or defecates on private property other than the owners or on public walks and recreation areas, unless such waste is immediately removed and properly disposed of by the owner.

(b) Causes unsanitary, dangerous or offensive conditions.

(c) Causes a disturbance by excessive barking or other noise making.

(d) Chases vehicles or molests, attacks or interferes with persons or other domestic animals on public or private property.

351.05. Penalty. Any person violating the provisions of Sec. 351.02 or 351.04 shall be required to pay a forfeiture of twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for subsequent offenses.

351.06. Rabies Control Program. If a district is quarantined for rabies, all dogs within the district shall be kept securely confined, tied, leashed or muzzled. Any dog not confined, tied, leashed, or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The City Clerk shall promptly post, in at least three public places in the City, notices of quarantine.

351.07. Exemptions to Quarantine. A dog which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination, or other evidence is exempt from these quarantine provisions if a rabies vaccination tag or substitute tag is attached to the dog's collar.

351.08. Rabies Vaccinations. The owner of a dog shall have the dog vaccinated against rabies, by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated, as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian within three years after the previous vaccination.

351.09. Penalty. An owner who fails to have a dog vaccinated against rabies as required may be required to forfeit not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

351.10. Dog and Cat Licenses. The owner of a dog or cat more than five months of age on January 1 of any year or five months of age within the license year, shall annually on or before the date the dog or cat becomes five months of age pay the dog or cat license tax and obtain a license.

351.11. License Fee. There shall be license fees for neutered and un-neutered male dogs and spayed and un-spayed female dogs and cats and the fees for neutered male cats and dogs or spayed female cats and dogs will be allowed upon presentation of evidence that the dog or cat is neutered or spayed. The fee shall be one half (½) the regular fee if the dog or cat became 5 months of age after July 1 of the license year. The license year shall commence on January 1 and end on the following December 31. The prescribed fee shall be set forth in the City of Ashland Comprehensive Fee Schedule.

351.12. Proof of Vaccination. Proof of a rabies vaccination and a booster shot, if applicable, is

required prior to purchase of a dog license.

351.13. Late Fee. The Treasurer shall assess and collect a late fee of \$5.00 from every dog or cat owner of a dog or cat five months of age or older, if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership or bringing into the City a licensable dog or cat, or if the owner failed to obtain a license on or before the dog or cat reached licensable age.

351.14. Exemption of Service Animals. Every animal specially trained as a service animal shall be exempt from licensing and every taxpayer owning such an animal shall annually receive a free license from the local Collection Officer upon application therefore.

351.15. Licenses and Collar Tag. Upon payment of the required license tax on any dog or cat, the collection officer shall execute and issue to the owner a license for such a dog or cat. The license shall be in the form prescribed by the Department of Agriculture and shall state the date of its expiration, shall bear a serial number, the owner's name and address, and the name, sex, spayed or unspayed, breed and color of the dog or cat licensed, and a duplicate copy of the license shall be kept on file.

351.16 Unlicensed Dogs or Cats Impounded, Without a Collar, Presumed to be Unlicensed. The fact that a dog or cat is without a license attached to a collar shall be presumptive evidence that the dog or cat is unlicensed. No action shall be maintained for an injury to or the destruction of a dog or cat without a tag, unless it appears affirmatively that the dog or cat is duly licensed and that a tag has been properly attached to the collar of the dog or cat and it had been lost or removed without the knowledge or consent of the owner, or that the dog or cat is not required to be licensed.

351.17. No License. It shall be unlawful for any person to harbor or permit to remain about his premises a dog or cat for which no license exists and for which one is required.

351.18. Dangerous and Vicious Dog Definitions.

(a) "Dangerous Dog:" Any dog which is capable of inflicting death or serious injury on a person or another animal and which:

- (1) Has, without provocation, attacked or bitten a person engaged in a lawful activity; or,
- (2) Has, while off the property of its owner and without provocation, killed or seriously injured another animal; or
- (3) Has, without provocation, chased, confronted or approached a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack, or
- (4) Has exhibited a propensity, tendency or disposition to attack, cause injury or threaten

the safety of persons or other animals without provocation; or

(5) Has acted in a manner that causes or should cause its owner to know that it is potentially vicious.

(b) “Vicious Dog:” Any dog which:

(1) Has caused death or serious injury to a person engaged in a lawful activity;

(2) Has, on two or more occasions within a 12-month period, attacked or bitten without provocation a person engaged in a lawful activity;

(3) Has, on two or more occasions within a 12-month period, while off the property of its owner and without provocation, killed or seriously injured another animal; or

(4) Has been trained for dog fighting or is owned or kept for the purpose of dog fighting.

(c) “Owner.” Includes any person having a right or property in a dog, and any person who keeps or harbors a dog or has it in his care, or who acts as its custodian, and any person who permits a dog to remain on or about any premises occupied by him.

351.19. Prohibitions and Limitations. It shall be unlawful for any person to keep within the city any vicious dog. Upon finding that a dog is vicious, a court of competent jurisdiction may order the dog to be impounded and destroyed, or to be removed from the city. It shall be unlawful for any person to keep within the city any dangerous dog, except in compliance with a permit issued by the Humane officer under section 351.21 below.

351.20. Complaints of Dangerous and Vicious Dogs; Processing of Complaints.

(a) Verbal Complaints. Any person may make a verbal or written complaint to the city humane officer of a dog which the complainant believes to be dangerous and vicious. The complaint shall include sufficient information to enable the humane officer to ascertain the location and owner of the dog and shall also include the reasons why the complainant believes the dog to be vicious or dangerous. In the case of a verbal complaint, the complaint shall be put in writing by the humane officer. A copy of the complaint shall then be mailed by the humane officer to the owner of the dog at the owner’s last known address.

(b) Investigations. Within 10 days of the making of the complaint, the humane officer shall undertake an investigation to determine whether the dog identified in the complaint is vicious or dangerous. Such investigation shall include an opportunity for the owner of the dog to present evidence to the humane officer pertinent to the viciousness or dangerousness of the dog, and may include interviews with the complainant and other person having personal knowledge regarding the dog and observations of the dog in its normal habitat.

(c) Determinations. Upon completion of the investigation, the humane officer shall determine

whether the dog identified in the complaint is vicious or dangerous.

(1) If the humane officer determines that the dog is neither vicious nor dangerous, the humane officer shall inform the complainant and the owner of the determination, and no further action shall be taken on the complaint.

(2) If the humane officer determines that the dog is vicious, the humane officer shall put the determination in writing, as well as the reasons supporting it. The humane officer shall then personally serve this written determination on the owner and, in addition, shall notify the owner that the dog must be destroyed or removed from the city. The humane officer may issue a summons or warrant against the owner of a vicious dog and immediately impound the dog.

(3) If the humane officer determines that the dog is dangerous, the humane officer shall put the determination in writing as well as the reasons supporting it. The humane officer shall then personally serve this determination on the owner and, in addition, shall notify the owner of the requirements to keep a dangerous dog in the City as provided by Section 351.21.

351.21. Requirements for Keeping a Dangerous Dog in the City of Ashland. Upon receipt of a determination by the animal humane officer that a dog is dangerous, the owner may keep the dog within the City only so long as the owner complies with the requirements set forth in this section. The requirements are as follows:

(a) That the owner obtain a Permit from the Humane Officer and pay a one time \$50 permit fee.

(b) That the owner immediately notify the humane officer in the event the dog is loose and unconfined, has attacked or injured a human being or another animal, has been sold or given to another person, or has died;

(c) That the dog, while on the property of the owner, be confined indoors or in a securely enclosed and locked structure, suitable to prevent the entry of children and designed to prevent the dog from escaping;

(d) That the owner display one or more signs on his property which provide a clear warning to children of all ages and adults that a dangerous dog is present on the property;

(e) That, while off the owner's property, the dog be muzzled, restrained in a particular manner, or both, and the dog must be under the control of an adult;

(f) That the owner make the dog available for inspection by the humane officer at reasonable times upon reasonable notice.

351.22. Appeal. If an owner disagrees with the humane officer's determination that a dog is

dangerous or vicious, the owner may commence an action in the Circuit Court for Ashland County for a certiorari review of the humane officer's determination. Such action shall be commenced within ten (10) days after the owner's receipt at the humane officer's determination. If no action is filed in accordance with this section, the humane officer's determination shall be final. If the court finds any error in the humane officer's determination which renders the determination erroneous or void, it shall remand the determination to the humane officer for further action in accordance with the Court's determination and retain jurisdiction of the matter until the humane officer has made a determination in accordance with the court's order.

351.23. Killing Certain Animals That Cannot be Safely Taken Up and Impounded.

If any vicious or dangerous dog or any dog, cat or other animal suspected of, or having rabies, found at large, cannot be safely taken up and impounded, the dog or other animal may be slain by any police officer. Such animal's head shall be examined for rabies.

351.24. Reports of Animal Bites.

(a) Any owner whose animal bites a person shall immediately notify the humane officer, the health department or police department of the city.

(b) It shall be the duty of every physician and medical practitioner practicing in the city and of every hospital in the city to report to the humane officer or the health department the name and address of any person treated for bites or wounds inflicted by animals, together with all available information necessary for rabies control.

(c) It shall be the duty of every veterinarian practicing in the city to report to the humane officer or the health department the name and address of the owner of any animal treated for bites or wounds inflicted by any other animal, together with all available information necessary for rabies control.

351.25. Penalty. Any person, firm or corporation violating any provision of Sections 351.18 through 351.24 shall be fined not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

351.26. Cruelty to Animals.

(a) Abuse. No person shall cruelly beat, frighten, overburden or abuse any animal or bird, or use any device or chemical substance whereby pain, suffering or death may be caused, whether belonging to himself or another, except that reasonable force may be used to drive off vicious or trespassing animals.

(b) Abandonment. No person shall abandon any animal, bird or transport any animal or bird in a cruel manner.

351.27. Food and Water. No person owning or having custody of any animal or bird shall

neglect or fail to provide it with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the animal or bird in good health.

351.28. Shelter.

(a) Providing Shelter. No person shall fail to provide any animal or bird in his charge with shelter from inclement weather or to ensure the protection and comfort of the animal or bird.

(b) Overheating. When sunlight is likely to cause overheating or discomfort to any animal or bird, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun.

(c) Animals Kept Outdoors. Dogs and cats kept outdoors for more than one hour at a time must be provided with moisture proof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable. Whenever the outdoor temperature is below 40 degrees F, clean bedding material shall be provided in such shelters for insulation and to retain the body heat of the animals.

351.29. Leashes. If animals are kept leashed on their premises, there shall be provided at least six feet of free untangled leash.

351.30. Licensing of Dog Kennels. The Clerk shall make, in triplicate, a list of the names of persons owning and operating kennels and the number of dogs kept in each. The term “kennel” means any establishment wherein or whereon more than two dogs or cats over the age of five (5) months are kept for the purpose of breeding, sale or sporting purposes.

351.31. Kennel Licenses. Any person who keeps or operates a kennel may, in lieu of the license fee for each dog required by this ordinance, apply to the City Treasurer for a kennel license for the keeping or operating of such kennel. Such person shall pay for the license year a license fee of \$35 for a kennel of 12 or fewer dogs and an additional \$3 for each dog in excess of 12. Upon payment of the required kennel license fee and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the City Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Prior to the issuance of a Kennel license, verification shall be made that the kennel is in compliance with the city zoning requirements.

351.32. Kennel License Tags. Kennel license tags shall be made in a form so that they may be readily distinguishable from the individual tags for the same year. The licensee of a kennel shall at all times keep one such tag attached to the collar of each dog over five (5) months old kept by him under kennel license. Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing any tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless he is on leash or

temporarily for the purposes of hunting, breeding, trial or show.

351.33. Regulation of Kennels. Kennels shall be operated in accordance with the following requirements:

- (a) All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
- (b) The quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
- (c) Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.
- (d) Food supplies shall be stored in rodent proof containers, and food and water containers shall be kept clean.
- (e) Litter and/or bedding materials shall be changed as often as necessary to prevent an odor nuisance.
- (f) Feces shall be removed from yards, pens and enclosures daily and stored in tightly covered metal containers until final disposal.
- (g) Yards, pens, premises and animals shall be kept free of insect infestations.
- (h) No odor nuisances shall be permitted.
- (i) Prior to the issuance of a Kennel license, verification shall be made that the kennel is in compliance with the city zoning requirements.

351.34. Pet Shops. A pet shop shall mean a business establishment where domesticated mammals, birds, or reptiles are kept for sale; provided, however, a kennel shall not be included within this definition.

(a) Operation. Pet shops shall be operated in accordance with the requirements set forth in Section 351.26.

(b) Dogs to be Immunized Against Rabies. No pet shop operator shall sell or offer for sale any dog six or more months old unless the dog has been vaccinated against rabies by use of an approved live, attenuated rabies virus vaccine administered by a licensed veterinarian. A certificate of vaccination identifying the dog, including its approximate age, date of vaccination and signed by the vaccinating veterinarian shall be given to the purchaser at the time the sale is made.

(c) Record of Sale. Every pet shop operator shall keep a record of every dog or cat sold by his

establishment setting forth the date and source of acquisition, date of rabies vaccination, the date of sale and the name and address of the purchaser. Such records shall be maintained on the pet shop premises for at least one (1) year following the date of sale of each dog and cat, and such records shall be open to the public.

(d) Sale of Bats, Foxes, Raccoons and Skunks Prohibited, Except De-scented Skunks. No pet shop shall engage in the purchase, keeping, or sale of any species of bats, foxes, raccoons or skunks, except descended skunks.

351.36. Penalties. The penalties for violating any of the provisions of this Chapter for which there is no specifically stated penalty, shall be a forfeiture of not less than \$100.00 nor more than \$500.00.

351.37. Noise From Animals. Noise from animals shall be regulated by Chapter 202.

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351 (1586) 12/16/2003; 351 (1696) 1/27/2009; 351 (1723) 3/30/2010;
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