

ASHLAND CITY COUNCIL MEETING
Tuesday, March 26, 2019 – 5:30 PM
Ashland City Hall Council Chambers

Please silence all cell phones during the meeting

1. CALL TO ORDER

- A. Roll Call
- B. Moment of Silence
- C. Pledge of Allegiance

2. APPROVAL OF AGENDA (Voice)

3. APPROVAL OF MINUTES

4. CITIZEN PARTICIPATION PERIOD (Clerk reads rules prior to public comments)

5. MAYOR’S REPORT

- A. Announcements
- B. Appointments

6. CONSENT AGENDA

- A. Operator's Licenses

7. OLD BUSINESS

- A. Approve An Ordinance To Repeal Chapter 47 (1808) and Recreate Chapter 47: Ashland City Ordinances, Parks And Recreation Committee, and Repeal Chapter 454 (829) and Recreate Chapter 454: Ashland City Ordinances, Planting, Maintaining, and Removing Trees And Shrubs *(Voice)*

8. NEW BUSINESS

- A. Approve Kenya McAuliffe as New Agent for the Alcohol Beverage License Application for Midland Services, Inc. at 411 Sanborn Avenue, Ashland *(Voice)*
- B. Approval of Resolution for the Wisconsin Department of Natural Resources Outdoor Recreation Grant Application for the Ashland Ore Dock Redevelopment Phase 1: Diamond Access *(Voice)*
- C. Approve to Purchase Self-Contained Breathing Apparatus (SCBA) from 5 Alarm, and to Approve to Waive Advertising as Required by Chapter 194.04, Procurement of Goods and Services and Approval of Change Orders for Public Construction Projects, Ashland City Ordinances, and Approval of Sale of Equipment *(Roll)*

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

SUBJECT: March 12, 2019 City Council Meeting minutes

RECOMMENDATION:

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES:

EXHIBITS: 1. March 12, 2019 Council Minutes

EXPENDITURES REQUIRED:

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE:

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

SUMMARY STATEMENT:

ASHLAND CITY COUNCIL MEETING
Tuesday, March 12, 2019 – 5:30 P.M.
Ashland City Hall Council Chambers
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PRESENT: Holly George, Richard Ketring, Sarah Jackson, Kate Ullman, Ana Tochtermann, David Mettillie, Kevin Haas, Charlie Ortman, Elizabeth Franek, Dick Pufall, and Jackie Moore

ABSENT: None

ALSO PRESENT: Mayor Deb Lewis, City Administrator Brant Kucera, City Clerk Denise Oliphant, City Attorney Tyler Wickman, Planning and Development Interim Director Megan McBride, Public Works Director John Butler, Finance Director Julie Vaillancourt, Parks and Recreation Director Sara Hudson, Police Chief Jim Gregoire, Officers Hagstrom, Janecek, Juoni, Brinker, Randall, Albertus, Chard, Hall and Goodlet, and other concerned citizens

Agenda Item 1: Call to Order

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

Agenda Item 2: Approval of Agenda

Mettillie moved, Haas seconded a motion to approve the agenda. Ortman moved, Ketring seconded a motion to remove Item 7A. After explanation from Wickman, Ortman withdrew his motion. The motion to approve the agenda as presented passed unanimously by voice vote.

Agenda Item 3: Approval of Minutes

Agenda Item 3A: February 26, 2019 City Council Meeting Minutes

Haas moved, George seconded a motion to approve the February 26, 2019 City Council meeting minutes. The motion passed unanimously by voice vote.

Agenda Item 4: Citizen Participation Period

Kelly Westlund, introduced herself and Jake Haydu as Northwestern Wisconsin supporters for Senator Janet Bewley.

Jim Gregoire, 812 3rd Avenue West, spoke in favor of approving the RDA to move forward with funding options for the proposed police facility.

JoDeanne Janecek, 1512 4th Avenue East, asked Council to approve to move forward with the proposed police facility.

Ty Juoni, 2917 East Main Street, urged Council to reconsider and approve funding options for the proposed police facility.

Agenda Item 5: Mayor's Report

Agenda Item 5A: Announcements

Mayor Lewis thanked the Public Works Department and staff for their cleanup efforts during the recent snowfalls. She also thanked the Police Department and Fire Department for their recent increased responses. There is a fundraiser on March 17 at the Harbor View Center in Washburn to benefit the New Day Shelter. On April 15, the League of Women Voters is hosting an informational gathering regarding the City's sewer overflow issues at the Northern Great Lakes Visitor Center. Impact 7 recently met to discuss the progress of the daycare project and potential occupancy of 509-513 building on Main Street West.

Agenda Item 5B: Appointments

George moved, Ketring seconded a motion to approve the Mayor's appointments. The motion passed unanimously by voice vote.

Public Works Committee

Melodie Phipps - Term expires September 30, 2019

William Kurtz - Term expires September 30, 2022

Agenda Item 6: Consent Agenda

Agenda Item 6A: Miscellaneous Meeting Minutes

Agenda Item 6B: Planning and Development Reports

Agenda Item 6C: Operators' Licenses

Christine M. Petersdorf

Mettile moved, George seconded a motion to approve the Consent Agenda. The motion passed unanimously by voice vote.

Agenda Item 7: Old Business

Agenda Item 7A: Approve the Resolution Creating the Redevelopment Authority of the City of Ashland, Wisconsin and Its Bylaws

This was a housekeeping matter to follow up on the action taken by Council on February 5, 2019 to authorize staff to move forward to create a Redevelopment Authority in the City of Ashland.

At the February 5, 2019 City Council meeting, George moved, Moore seconded a motion to approve the creation of a Redevelopment Authority in the City of Ashland to assist in financing the Ashland Police Department facility. The motion passed 7-4 by roll call vote; opposed were Ketrang, Ullman, Ortman, and Franek.

Pursuant to the previous directive of the Council, the City Attorney has drafted a resolution and bylaws for approval by the Council. This item required a 2/3 vote for approval. On February 26, 2019, George moved, Moore seconded a motion to approve the Resolution creating the Redevelopment Authority of the City of Ashland, Wisconsin and its bylaws. The motion failed 6-4 by roll call vote; opposed were Ketrang, Ortman, Franek, and Pufall.

The Resolution to create the RDA was brought back to Council for reconsideration. As there was no motion to open the item for discussion, the item died.

Agenda Item 8A: New Business

Agenda Item 8A: Approve Wisconsin Retirement System Pension Category Protective with Social Security for Part-Time Employees who are Eligible for WRS per Wisconsin Statute 40.02 (48)(bm)

The former City Administrator approved a part-time “as needed” Transfer Emergency Medical Technician (TEMT) position to assist with ambulance inter-facility transfers which started on April 19, 2018. The position does not assist with fire duties. A Fire Department full-time employee who was eligible for WRS benefits under a protective category that includes duty disability benefits, terminated full-time employment and is currently staffing the TEMT position. This employee continues to be eligible for the WRS benefits. The employee has been classified as a general category employee which does not include duty disability benefits.

This TEMT made 39 transfers in 2018. These are 39 transfers that would not have been made by the Fire Department. The TEMT position had been proven beneficial for the City.

Average collection per randomly selected five transfer calls = \$650 multiplied by 39 calls = \$25,350.
Total personnel cost for the 39 transfer calls = \$5,631.80
Estimated net cash to City after personnel expense and LifeQuest billing fees = \$17,563

Under Wisconsin Statute 40.02 (48) (bm), an employer may determine an Emergency Medical Technician (EMT) is a protective occupation participant, and the employer may do so without determining that the principal duties of the EMT involve active fire suppression. The effective date of a determination that an EMT is protective category, is the date ETF is notified of the classification; service prior to that date must remain under the general employment category. EMTs classified as general employees are not eligible for ETF administered duty-disability benefits.

The additional TEMENT personnel cost would have been \$231.65 for 2018, if the employee was classified as a protective occupation participant. If Council approved this protective occupation participant category, it would apply to personnel in the TEMENT position that met the eligibility requirements for WRS.

Ketring moved, Haas seconded a motion to approve Wisconsin Retirement System Pension Category protective with Social Security for part-time employees who are eligible for WRS per Wisconsin Statute 40.02 (48)(bm). The motion passed unanimously by roll call vote.

Agenda Item 8B: Approve to Expand a Limited Term Employee Position to Temporary Full-Time through December 31, 2019, and to Approve Redirecting 2019 Budget Funding for this Position

The Public Works (PW) Department and the Finance Department have lost ground in keeping up with administrative and financial tasks. The two departments are dependent on one another for financial information and reporting. The Departments requested that hours for a currently employed, Limited-Term Employee (LTE), be expanded to a temporary full time position through December 31, 2019.

The estimated annual cost for expanding the current employee's position from an LTE to Temporary Full-Time through December 31, 2019 was \$41,000, which is an hourly rate of \$15.50, plus benefits. This LTE already received Wisconsin Retirement System benefits due to their annual hours being over 1200 in prior months. The 2019 budget funds that the Council may re-direct for this position was taken from the current Public Works budget for LTEs of \$16,250 and \$24,750 from the Finance Department's budget due to changes in employees' medical elections for 2019.

If there would be a continued need for this expanded LTE position, the outcomes and continued funding of this position would be discussed during the 2020 budget sessions.

The anticipated schedule for this position was to assist with administrative duties for the Public Works and Finance Departments during the months of March through May, work for the Streets and Parks division of PW from June through October, and administrative duties again in November and December.

The PW Department consists of two administrative personnel, the Administrative Manager and the PW Clerk. In February of 2018, with the position vacancies of the Public Works Director and the Utility Manager, the Administrative Manager accepted additional duties as the Interim PW Director. The PW Department is responsible for various Public Service Commission (PSC) reporting information, project accounting, and financial audit information, and had fallen behind in these responsibilities and other administrative and financial responsibilities. This resulted in a need for additional assistance with various routine office tasks and finance reporting. In previous years, the Interim PW Director had an LTE who performed administrative and accounting duties, and also worked in the streets/parks departments, and continue on as an LTE to assist the administrative personnel. This LTE assisted the PW Department to be successful in completing tasks in a timely manner including those for the Finance Department. The PW Department had a list of duties that this person would assist with to continue catching up with financial and administrative duties. This individual had demonstrated exceptional work ethic and initiative. The employee's willingness to work in both an administrative setting and out in the field provided the much needed assistance the PW Department was looking for.

There was also a need in the Finance Department for assistance with various tasks including filing records to financial audit schedules for 2018, to meeting the goal of issuing quarterly budget-to-actual financial statements for the General Fund. The Finance Director's time was continuing to be directed to higher level tasks of financial projections, project funding, and budgeting City-wide. As of March, 2019, the Finance Director had barely made a dent in completing the financial audit schedules for 2018. This scenario had been continuing for many years and has to change. The accounting information needed to be brought up to date through 2019 to provide timely financial data for decision making and strategic planning. With the assistance of this Temporary Full-Time Employee, the Finance Director would redirect other Finance Department staff's time more efficiently.

The benefit of expanding the current LTE's position to temporary full-time for the City and keeping the current individual employed for the remainder of the year, was that this employee was trained in both administrative duties and working out in the field for the Streets and Parks departments.

The Public Works and Finance Departments requested approval to re-direct funds for personnel wages and to keep the current employee in this temporarily funded position.

Moore moved, Ortman seconded a motion to approve to expand a limited-term employee position to temporary full-time through December 31, 2019, to approve redirecting 2019 budget funding for this position, and to consider this as a permanent full-time position while budgeting for 2020. The motion passed unanimously by roll call vote.

Agenda Item 8C: Approve Award to the Jamar Company for the 2019 HVAC Improvements Contract for Public Works and Utility Buildings

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

The HVAC project generally consisted of replacement of existing HVAC equipment on seven (7) of the City of Ashland municipal buildings. The buildings included three (3) Wastewater Utility buildings, the Water Treatment building and the Public Works building. Advertisement for the 2019 HVAC Improvement project occurred on February 13th and 20th; bids were received on February 27, 2019, from three (3) bidders:

The Jamar Company, Duluth, MN	\$217,483.00
Blakeman Plumbing & Heating, Ashland, WI	\$228,800.00
KBK Services, Inc., Ashland, WI	\$231,000.00

The Public Works Department recommended entering into an agreement with The Jamar Company for the 2019 HVAC Replacement project at a cost of \$217,483.00 and approve a 10% construction contingency of \$21,748.30.

Ortman moved, Pufall seconded a motion to approve to award the 2019 HVAC Improvements contract for Public Works and Utility buildings to the Jamar Company in the amount of \$217,483.00. The motion passed unanimously by roll call vote.

Agenda Item 8D: Approve a Resolution to Issue a Conditional Use Permit to Allow Professional Services at 2023 6th Street West, Zoned Mixed Residential/Commercial (MRC), Applicant: Dahl Property Management

Dahl Property Management (DPM) requested a Conditional Use Permit (CUP) to allow professional services at 2023 6th Street West. The property owner intended to renovate the existing building into office and work space to accommodate C&S Design and Engineering (currently located at 803 Lake Shore Drive West). Relocation to this site would allow additional office space for this existing business while simultaneously improving the surrounding neighborhood through the renovation of the

structure and the addition of a quiet, relatively low-impact commercial use in this Mixed Residential/Commercial area.

Exterior renovations to the existing building and site were to include new roofing, siding, windows and doors, paving and striping of the existing parking area on the south side of the building, and expansion of the parking area to accommodate staff and clients, and landscaping.

Interior renovations to the building were to include new wiring and HVAC system, and the addition of an office, workspace, a conference room, a kitchen/breakroom, and lobby.

Franek moved, Tochtermann seconded a motion to approve the Resolution to issue a Conditional Use Permit to allow professional services at 2023 6th Street West, zoned Mixed Residential/Commercial (MRC) for applicant, Dahl Property Management. The motion passed unanimously by voice vote.
(File #17499)

Agenda Item 8E: Approve an Ordinance to Amend Chapter 47: Ashland City Ordinances, Parks and Recreation Committee, and Repeal and Recreate Chapter 454: Ashland City Ordinances, Planting, Maintaining, and Removing Trees and Shrubs

The Public Works and Parks and Recreation Departments worked together to update Ordinances 47 and 454 to reflect that the Parks and Recreation Committee shall serve as the Tree Management Advisory Committee and would serve in an advisory capacity to the City of Ashland.

Ordinance 47 defines the membership of the Parks and Recreation Committee and as the acting Tree Advisory Committee. The proposed ordinance showed recommended changes in red.

Ordinance 454 not only updates the membership of the Tree Management Advisory Committee but also better defines the process on how the maintenance and removal of private and public trees would be regulated. The proposed ordinance showed recommended changes in red.

In order to be a Tree City USA, a community must meet four standards: maintain a Tree Board, approve a Tree Care Ordinance, coordinate a Community Forestry Program with an annual budget, and hold an Arbor Day Observance and Proclamation. More information could be found at [ps://www.arborday.org/programs/treecityusa/standards.cfm](https://www.arborday.org/programs/treecityusa/standards.cfm). City staff wished to continue the status of being a Tree City USA and recommended Council approval of the ordinance changes to achieve this.

Moore moved, Haas seconded a motion to approve an Ordinance to amend Chapter 47, Ashland City Ordinances, Parks and Recreation, and repeal and recreate Chapter 454, Ashland City Ordinances, Planting, Maintaining and Removing Trees and Shrubs. After multiple suggested amendments, Ketrings

moved, Ortman seconded a motion to postpone the item. The motion passed unanimously by voice vote.

Agenda Item 8F: Approve a Memorandum of Understanding between the City of Ashland and Ashland County Health and Human Services Department to Implement the Brighter Futures Initiative after School Program

The Parks and Recreation Department were asked to collaborate with the Ashland County Health and Human Services Department, Children and Families Unit, to implement the Brighter Futures Initiative grant for an After School Program for students in grades 6-12 at the Bretting Community Center and Central Railyard Concessions building.

The Memorandum of Understanding (MOU) outlined the basic responsibilities of the County and Ashland Parks and Recreation Department for use of buildings for the program, procurement of supplies, and hiring and training of mentors.

The Parks and Recreation Department recommended Council approve a Memorandum of Understanding between the City of Ashland and Ashland County Health and Human Services Department to implement the Brighter Futures Initiative after School Program.

Mettille moved, Tochtermann seconded a motion to approve the Memorandum of Understanding between the City of Ashland and Ashland County Health and Human Services Department to implement the Brighter Futures Initiative After School Program with the contingency added that the City would retain ownership of any items purchased through the Program's funding. The motion passed unanimously by voice vote.

Agenda Item 8G: Approve to Waive Bids per Ordinance 194 and Enter into a Professional Services Agreement with an Independent Consultant for Project Oversight and Coordination of Services for the Kreher Park Redevelopment

City staff sought approval to enter into a contract with an independent consultant for project management and oversight and project coordination of the Ashland/NSP Lakefront Superfund Site (AKA Kreher Park Redevelopment).

Under this Professional Services Agreement, the independent consultant would be a representative of the City and work with the contracted engineering firm to ensure the design plans meet the Record of Decision and other regulatory agency standards. They would coordinate with all parties involved in the redevelopment effort, ensure the needed project changes have a timely resolution, and continue open communication between all parties involved. The Professional Services Agreement was not to exceed \$15,000.

Staff recommended Council approval waiving bids as allowed per Chapter 194, Ashland City Ordinances, and enter into a Professional Services Agreement with an independent consultant for project oversight and coordination of services for the Kreher Park Redevelopment.

Moore moved, Mettill seconded a motion to approve to waive bids and enter into a Professional Services Agreement with James Dunn as an independent consultant for project oversight and coordination of services for the Kreher Park redevelopment in the amount of \$10,000. The motion passed unanimously by voice vote.

Agenda Item 9: Closed Session

Agenda Item 9A: CLOSED SESSION per Wisconsin Statute 19.85(1) (e) “Deliberating or negotiating the purchasing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.” (2705 Lake Shore Drive East) (Planning and Development) (Roll)

Mettill moved, Moore seconded a motion to move into Closed Session. The motion passed unanimously by roll call vote. Tochtermann moved, Ortman seconded a motion to allow Planning and Development Interim Director Megan McBride to remain during Closed Session per Mayor Lewis request. The motion passed unanimously by voice vote.

Agenda Item 9B: Return to Open Session

Mettill moved, Moore seconded a motion to return to Open Session. The motion passed unanimously by voice vote.

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

Mayor Lewis reported that Council approved unanimously to purchase property at 2705 Lake Shore Drive East.

Agenda Item 10: Adjournment

Ortman moved, Ketrang seconded a motion to adjourn. The motion passed unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant
City Clerk

SUBJECT: Operator's Licenses

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Police Department

EXHIBITS:

EXPENDITURES REQUIRED:

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE:

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

SUMMARY STATEMENT:

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

James N. Dawson Hannah I. Malison

SUBJECT: Approve An Ordinance To Repeal Chapter 47 (1808) and Recreate Chapter 47: Ashland City Ordinances, Parks And Recreation Committee, and Repeal Chapter 454 (829) and Recreate Chapter 454: Ashland City Ordinances, Planting, Maintaining, and Removing Trees And Shrubs *(Voice)*

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Parks & Recreation

CLEARANCES: Parks and Recreation Committee
Public Works Department
Parks and Recreation Department
Administration
City Attorney

EXHIBITS:

1. Proposed Ordinance - Chapter 47
2. Chapter 47 - redlined to show changes
3. Proposed Ordinance - Chapter 454
4. Chapter 454 - redlined to show changes

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED: NA

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORDINANCE 51: Section 51.26 (b) of Chapter 51, Ashland City Ordinances, (Council Rules) 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, due to the need for timely action.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD: The item aligns with the Authentic Ashland 2035: A Comprehensive Plan for the the City of Ashland and the Comprehensive Outdoor Recreation Plan.

SUMMARY STATEMENT:

The Public Works and Parks and Recreation Departments have been working together to update Ordinances 47 and 454 to reflect that the Parks and Recreation Committee shall serve as the Tree Management Advisory Committee, and will serve in an advisory capacity to the City of Ashland.

Ordinance 47 defines the membership of the Parks and Recreation Committee and as the acting Tree Advisory Committee. The proposed ordinance shows recommended changes in red.

Ordinance 454 not only updates the membership of the Tree Management Advisory Committee but also better defines the process on how the maintenance/removal of public trees will be done. The proposed ordinance shows recommended changes in red.

In order to be a Tree City USA, a community must meet four standards: maintain a Tree Board, approve a Tree Care Ordinance, coordinate a Community Forestry Program with an annual budget, and hold an Arbor Day Observance and Proclamation.

More information can be found at <https://www.arborday.org/programs/treecityusa/standards.cfm>.

City staff wish to continue the status of being a Tree City USA, and recommend Council approval of the ordinance changes to achieve this.

**ORDINANCE TO REPEAL CHAPTER 47 (1808) AND RECREATE CHAPTER 47,
ASHLAND CITY ORDINANCES, PARKS AND RECREATION COMMITTEE**

An ordinance adopted by the Common Council for the City of Ashland at its regular meeting of March 26, 2019 for the purpose of repealing Chapter 47 (1808) and recreating Chapter 47, Ashland City Ordinances, Parks and Recreation Committee.

SECTION I:

Chapter 47 (1808) shall be repealed upon adoption of this ordinance.

SECTION II:

Create Chapter 47 as follow:

CHAPTER 47. PARKS AND RECREATION COMMITTEE.

47.01. Purpose. The Parks and Recreation Committee was created to advise the City of Ashland's Parks and Recreation Department, Ashland Common Council and other City of Ashland Departments to provide and improve the recreational resources of the City for the enhancement of the quality of life for residents, the larger regional community, and visitors. The goals of this ordinance will be accomplished through preserving, maintaining, and improving services, facilities, park lands, parkways, trails, campgrounds, and open spaces within the City of Ashland and building collaborations with regional partners.

The Parks and Recreation Committee will also serve as the Tree Management Advisory Committee which shall serve in an advisory capacity to the City of Ashland. The Parks and Recreation Committee shall study and make recommendations regarding recreation issues affecting Ashland community members; advise the City on all matters pertaining to tree and landscape planting, maintenance, and removal in the City of Ashland; and undertake such projects as requested by the City's governing body.

47.02. Membership and Organization.

(a) The Ashland Parks and Recreation Committee (PRC) shall be composed of seven (7) members appointed by the Mayor and confirmed by the Common Council to serve terms commencing on May 1st.

(1) Six (6) members of the Committee shall be citizens of the City of Ashland (or work in the City of Ashland) and serve staggered three year terms. The Mayor shall appoint and Council approve members at the reorganizational meeting of the Common Council on the third Tuesday of April. No less than two, of the six, members of the committee will have knowledge/background in forestry and/or natural resources.

(2) The Mayor shall appoint, and the Council shall confirm one (1) member of the Common Council to serve on the Committee; the Council appointment shall be appointed annually at the reorganizational meeting of the Council and shall serve by virtue of his/her seat on the Council.

(3) Of the initial citizen appointments:

- (A) Two (2) shall be for three (3) years.
- (B) Two (2) shall be for two (2) years.
- (C) Two (2) shall be for (1) year.

(4) Following the initial citizen appointments, each successive appointment shall be for a three year term.

(5) Members shall serve until their successors have been appointed.

(b) Members of the Committee shall elect their own Chair and Vice-Chair annually at the committee's first meeting in May.

(c) If any committee member has three (3) unexcused absences or resigns, the Committee may declare the position vacant and request the Mayor to fill the vacancy (for the remainder of the term) pursuant to the provisions of this section.

47.03. Duties. The Parks and Recreation Committee shall:

(a) Establish policies and procedures for the proper administration of the parks and recreation programs of the City.

(b) Recommend to the Common Council the acquisition of certain lands and buildings deemed necessary for use of City Parks and Recreational programs, the location of which shall be reviewed by the City Plan Commission.

(c) Cooperate with all agencies, groups, clubs and individuals concerned with parks, conservation and recreation in the City.

(d) Unless otherwise expressly provided, the Committee may perform its duties without first obtaining the consent of the Common Council but in no event is the committee empowered to financially obligate the City of Ashland in any manner without the consent of the Common Council.

(e) Encourage citizen participation.

(f) Present or discuss policies and programs affecting parks and recreation; to study issues.

(g) Provide input on the values, goals, and objectives of a program; develop program plans; and contribute to continuous feedback.

(h) Make recommendations to both the Parks and Recreation Department and the Common Council for maintaining and improving overall quality program/service deliveries.

DRAFT

(i) Advise the City on all matters pertaining to tree and landscape planting, maintenance, and removal in the City of Ashland.

(j) Oversee the development and maintenance of an Urban Forestry Management Plan and make recommendations to the City for policy, regulation, or ordinance changes necessary to implement such a plan.

(k) Recommend actions to improve, maintain, and equip the playgrounds and recreational spaces of the City of Ashland.

(l) Recommend recreational programs, activities, exhibitions, games, contests, and festivals, etc. for the recreation of residents and visitors.

(m) Recommend the adoption of suitable rules, regulations and bylaws for the use of City recreational facilities and parks, and the conduct of all persons while on or using same.

47.04. Meetings and Public Notice.

(a) The Committee shall meet as determined by the Committee.

(b) All agenda items will be reviewed by the Committee Chair and staff for validity and urgency of the request and determine when and if that item should be placed on a Committee agenda.

(c) The Committee shall operate under Robert's Rules of Order.

(d) All regular and special meetings of the Committee shall comply with the public meeting requirements of Wisconsin Statutes.

(e) All meeting notices shall comply with the public meeting notice requirements of Wisconsin Statutes.

(f) All meeting notices and agendas shall be issued by the Parks and Recreation Department.

47.05. Quorum. A quorum shall be a majority of the full Committee.

47.06. Reports and Record Keeping.

(a) Committee members shall select one among themselves, or a Parks and Recreation Department staff member, to record the minutes of each meeting of the Committee. A written record of all meetings shall be kept and approved at the next subsequent meeting of the Committee.

(b) Committee reports and recommendations shall be reduced to writing and shall not be included on a Council agenda until reduced to writing and submitted by the Committee to the City Clerk.

(c) The City Clerk is the record custodian for the City. All committee minutes and records shall be filed with the City Clerk.

DRAFT

47.07. Referrals to the Committee. The Common Council of the City of Ashland may refer any matter pertaining to City parks and recreation projects, programs, services or tree and landscape planting, maintenance, and removal in the City to the Parks and Recreation Committee for review, study and reports.

SECTION III:

This ordinance shall take effect upon passage and publication.

PASSED: March 26, 2019
PUBLISHED: April 6, 2019

Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

CHAPTER 47. PARKS AND RECREATION COMMITTEE.

47.01. Purpose. The Parks and Recreation Committee was created to advise the City of Ashland's Parks and Recreation Department, Ashland Common Council and other City of Ashland Departments to provide and improve the recreational resources of the City for the enhancement of the quality of life for residents, the larger regional community, and visitors. The goals of this ordinance will be accomplished through preserving, maintaining, and improving services, facilities, park lands, parkways, trails, campgrounds, and open spaces within the City of Ashland and building collaborations with regional partners.

~~The Parks and Recreation Committee shall study and make recommendations regarding recreation issues affecting Ashland community members and undertake such projects as requested by the City's governing body. The Committee shall, from time to time as it deems desirable:~~

~~—(a) Recommend actions to improve, maintain, and equip the playgrounds and recreational spaces of the City of Ashland.~~

~~—(b) Recommend recreational programs, activities, exhibitions, games, contests, and festivals, etc. for the recreation of residents and visitors.~~

~~—(c) Recommend the adoption of suitable rules, regulations and bylaws for the use of City recreational facilities and parks, and the conduct of all persons while on or using same.~~

~~—(d) Recommend the acquisition of property or buildings for recreation purposes.~~

~~—(e) Recommend partnerships and collaborations in pursuit of municipal goals.~~

~~The Parks and Recreation Committee will also serve as the Tree Management Advisory Committee which shall serve in an advisory capacity to the City of Ashland. The Parks and Recreation Committee shall study and make recommendations regarding recreation issues affecting Ashland community members; advise the City on all matters pertaining to tree and landscape planting, maintenance, and removal in the City of Ashland; and undertake such projects as requested by the City's governing body.~~

47.02. Membership and Organization.

(a) The Ashland Parks and Recreation Committee (PRC) shall be composed of seven (7) members appointed by the Mayor and confirmed by the Common Council to serve ~~staggered three year~~ terms commencing on May 1st.

~~(1) Appointment of the six (6) citizen members of the Committee shall be from a list recommended by the committee to the Mayor and appointed annually at the reorganizational meeting of the Common Council on the third Tuesday of April. Six (6) members of the Committee shall be citizen of the City of Ashland (or work in the City of Ashland) and serve staggered three year terms. The Mayor shall appoint and Council approve members at the reorganizational meeting of the Common Council on the third Tuesday of April. No less than two, of the six,~~

members of the committee will have knowledge/background in forestry and/or natural resources.

(2) The Mayor shall appoint, and the Council shall confirm, one (1) member of the Common Council to serve on the Committee; the Council appointment shall be appointed annually at the reorganizational meeting of the Council and shall serve by virtue of his/her seat on the Council.

(3) Of the initial citizen appointments:

- (A) Two (2) shall be for three (3) years.
- (B) Two (2) shall be for two (2) years.
- (C) Two (2) shall be for (1) year.

(4) Following the initial citizen appointments, each successive appointment shall be for a three year term.

~~(4)~~ (5) Members shall serve until their successors have been appointed.

(b) Members of the Committee shall elect their own Chair and Vice-Chair annually at the committee's first meeting in May.

(c) If any committee member has three (3) unexcused absences or resigns, the Committee may declare the position vacant and request the Mayor to fill the vacancy (for the remainder of the term) pursuant to the provisions of this section.

47.03. Duties. The Parks and Recreation Committee shall:

(a) Establish policies and procedures for the proper administration of the parks and recreation programs of the City.

(b) Recommend to the Common Council the acquisition of certain lands and buildings deemed necessary for use of City Parks and Recreational programs, the location of which shall be reviewed by the City Plan Commission.

(c) Cooperate with all agencies, groups, clubs and individuals concerned with parks, conservation and recreation in the City.

(d) Unless otherwise expressly provided, the Committee may perform its duties without first obtaining the consent of the Common Council but in no event is the committee empowered to financially obligate the City of Ashland in any manner without the consent of the Common Council.

(e) Encourage citizen participation.

(f) Present or discuss policies and programs affecting parks and recreation; to study issues.

(g) Provide input on the values, goals, and objectives of a program; develop program plans; and contribute to continuous feedback.

(h) Make recommendations to both the Parks and Recreation Department and the Common Council for maintaining and improving overall quality program/service deliveries.

(i) Advise the City on all matters pertaining to tree and landscape planting, maintenance, and removal in the City of Ashland.

(j) Oversee the development and maintenance of an Urban Forestry Management Plan and make recommendations to the City for policy, regulation, or ordinance changes necessary to implement such a plan.

(k) Recommend actions to improve, maintain, and equip the playgrounds and recreational spaces of the City of Ashland.

(l) Recommend recreational programs, activities, exhibitions, games, contests, and festivals, etc. for the recreation of residents and visitors.

(m) Recommend the adoption of suitable rules, regulations and bylaws for the use of City recreational facilities and parks, and the conduct of all persons while on or using same.

47.04. Meetings and Public Notice.

(a) The Committee shall meet as determined by the Committee.

(b) All agenda items will be reviewed by the Committee Chair and staff for validity and urgency of the request and determine when and if that item should be placed on a Committee agenda.

(c) The Committee shall operate under Robert's Rules of Order.

(d) All regular and special meetings of the Committee shall comply with the public meeting requirements of Wisconsin Statutes.

(e) All meeting notices shall comply with the public meeting notice requirements of Wisconsin Statutes.

(f) All meeting notices and agendas shall be issued by the Parks and Recreation Department.

47.05. Quorum. A quorum shall be a majority of the full Committee.

47.06. Reports and Record Keeping.

(a) Committee members shall select one among themselves, or a Parks and Recreation Department staff member, to record the minutes of each meeting of the Committee. A written record of all meetings shall be kept and approved at the next subsequent meeting of the Committee.

(b) Committee reports and recommendations shall be reduced to writing and shall not be included on a Council agenda until reduced to writing and submitted by the Committee to the City Clerk.

(c) The City Clerk is the record custodian for the City. All committee minutes and records shall be filed with the City Clerk.

47.07. Referrals to the Committee. The Common Council of the City of Ashland may refer any matter pertaining to City parks and recreation projects, programs, or services to the Parks and Recreation Committee for review, study and reports.

ORDINANCE TO REPEAL CHAPTER 454 (829) AND RECREATE CHAPTER 454, ASHLAND CITY ORDINANCES, PLANTING, MAINTAINING, AND REMOVING TREES AND SHRUBS.

An ordinance adopted by the Common Council for the City of Ashland at its regular meeting of March 26, 2019 for the purpose of repealing Chapter 454 (829) and recreating Chapter 454, Ashland City Ordinances, Planting, Maintaining, and Removing Trees and Shrubs.

SECTION I:

Chapter 454 (829), and subsequent amendments thereto, shall be repealed upon adoption of this ordinance.

SECTION II:

Create Chapter 454 as follow:

CHAPTER 454. PLANTING, MAINTAINING, AND REMOVING TREES AND SHRUBS.

454.01. Purpose. It is hereby declared to be the policy of the City of Ashland, Wisconsin, to regulate and control the planting, transplanting, removal, maintenance and protection of trees and shrubs in the City in order to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or property of the City; to promote and enhance the beauty and general welfare of the City; to prevent damage to any public sewer or water main, streets, sidewalk or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, treatment and maintenance practices; and to guard all trees and shrubs within the City against the spread of disease or pests. It is the intent of the Common Council that the provisions of this ordinance shall apply to all trees, shrubs or plants growing or hereafter planted in or upon any public right-of-way or other premises owned or controlled by the City.

454.02 Definitions. Whenever the following words or terms are used in this ordinance, they shall be construed to have the following meaning:

(a) Person. The word “person” shall mean person, firm, association, or corporation.

(b) Public trees and shrubs. The words “public trees and shrubs” shall mean all trees or shrubs located or to be planted on any park, playground or other property owned or controlled by the City or on any public street, alley, sidewalk or highway within the public right-of-way.

454.03. Tree Management Advisory Committee. The Parks and Recreation Committee will also serve as the Tree Management Advisory Committee which shall serve in an advisory capacity to the City of Ashland. This Committee shall function in accordance with City of Ashland Ordinance Chapter 47.

454.04. Director of Public Works or Designee. The Director of Public Works or the Director’s designee shall direct, regulate and control the planting, care, and removal of all public trees and shrubs within the City and shall cause the provisions of this ordinance to be enforced.

454.05. Private Planting on Public Property. No person shall plant any tree, shrub or plant of any kind on any public property, including property between the lot line and curb or improved portion of any street or alley, without first having consulted the Director of Public Works or his designee and obtaining the applicable permit(s) from the Public Works Department.

454.06. Planting, Care and Removal of Public Trees and Shrubs.

(a) Permit Required. No person or public utility shall plant, transplant, move, treat, spray, brace, trim, prune, cut above or below ground, disturb, alter or do surgery on a public tree or shrub within the city, or cause such acts to be done by others without first consulting the Director of Public Works or designee and obtaining the applicable permit(s) from the Public Works Department.

(b) Requirements and Conditions of Permits.

(1) As a condition of granting the removal of a public tree or shrub, the Director of Public Works or designee may require that the permittee plant one or more trees or shrubs in place of the one removed, and no permittee under such a conditional permit shall fail, refuse or neglect to plant trees or shrubs of the type, size, and in the location specified in their permit.

(2) If any public tree or shrub which is not a nuisance as defined in this ordinance, is to be removed at the request of the owner of the abutting property, the City shall not be obliged to effect such removal, but if the removal is made by the City, such owner of the abutting property shall pay to the City the full cost thereof.

454.07. House Moving Permits. No person shall move any building, structure or object exceeding 13 1/2 feet in height or width upon, over or along any public right-of-way or other public place without first obtaining written permission from the Director of Public Works or designee who may require the applicant to furnish a bond or cash deposit in the amount of \$1,500 to cover the cost of repairing or replacing any public trees or shrubs which are injured as a result of the moving operations, specify the route to be taken and impose any other conditions reasonably necessary for the protection of nearby public trees from injury.

454.08. Injury to Trees and Shrubs Prohibited. No person shall, without the consent of the owner in the case of a private tree or shrub, or without the consent of the Director of Public Works or designee in the case of a public tree or shrub, does, or causes to be done by others, any of the following acts:

(a) Secure, fasten or run any rope, wire, sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.

(b) Break, injure, mutilate, deface, kill or destroy or permit any fire to burn where it will injure any tree or shrub.

(c) Permit any toxic chemical, gas, smoke, salt brine, oil or other injurious substance to seep, drain to be emptied upon or about any tree or shrub.

(d) Erect, alter, repair or raze any building or structure without placing suitable guards around all nearby public trees or shrubs which may be injured by such operations.

(e) Knowingly permit any unprotected electric service wire to come in prolonged contact with any public tree or shrub.

(f) Remove any guard, stake or other device or materials intended for the protection of a public tree or shrub or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.

454.09. Obstruction of View at Intersection Prohibited. Notwithstanding any other provision of this ordinance, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets in the City any hedge, tree, shrub, or other growth which may obstruct the view of the operator of any motor vehicle approaching such intersection to the extent that such operator is unable to observe other vehicles or pedestrians approaching or crossing said intersection. The Director of Public Works, or designee, shall have the authority to declare any such hedge, tree, shrub, or growth to be a public nuisance.

454.10. Authority over Public Trees and Shrubs. The Director of Public Works or designee shall have the authority to plant, trim, prune, spray, preserve, renew and remove public trees and shrubs or cause such work to be done as may be necessary to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or property of the City; to promote and enhance the beauty and general welfare of the City; to prevent damage to any public sewer or water main, streets, sidewalk or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, treatment and maintenance practices; and to guard all trees and shrubs within the City against the spread of disease or pests.

454.11. Removal of Public Trees or Shrubs.

(a) Whenever the Director of Public Works or designee proposes planting, pruning or removal of any living shade tree or shrub in the property between lot line and curb or improved portion of any street or alley that, in the opinion of the Director of Public Works or designee, does not present a hazardous condition posing imminent danger to public safety, he shall so notify the owner of the abutting land or the owner's agent in writing.

(b) In the event that the Director of Public Works or designee identifies a living shade tree or shrub in the property between lot line and curb or improved portion of any street or alley that, in the opinion of the Director of Public Works or designee, presents a hazardous condition posing imminent danger to public safety, he shall have the authority to trim, prune or remove the public tree or shrub without notification to the owner of the abutting land or the owner's agent.

(c) After receiving such notification, the owner of the abutting land or owner's agent may appeal the need for the specified work in accordance with Section 454.14.

454.12. Authority over Private Trees and Shrubs.

(a) The Director of Public Works or designee shall have the authority to trim and/or remove private trees and shrubs or cause such work to be done as may be necessary to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or property of the City; to prevent damage to any public sewer or water main, streets, sidewalk or other public property; and to guard all trees and shrubs within the City against the spread of disease or pests.

(b) The Director of Public Works or designee shall have the authority to enter upon private premises after notifying the land owner for the purpose of examining any tree for disease located upon or over such premises and carrying out any of the provisions of this section.

454.13. Removal of Private Trees or Shrubs.

(a) Whenever the Director of Public Works or designee shall find, on examination, that a tree on private property is diseased, dead or damaged, he shall notify the owner or owner's agent in writing, or by publication in a newspaper of general circulation in the City, that the tree shall be removed by the owner within 30 days, or the tree will be removed by the City and the land owner shall pay to the City the full cost thereof.

(b) After receiving such notification, the owner or owner's agent may appeal the need for the specified work in accordance with Section 454.14.

454.14. Tree Removal Appeal. A land owner or owner's agent who receives a notification from the Director of Public Works or designee regarding the removal or alternation of a public or private tree or shrub may, within ten (10) days of receipt of the notification, advise the Public Works Director or designee in writing of the nature of the objection and request a conference with the Public Works Director or designee. The Director of Public Works or designee shall schedule such a conference within ten (10) days of receiving the request. If the person objecting to the order wishes to further appeal the results of the conference, that person may, within five (5) days of the conference, make a written request to appeal the order by requesting a hearing before the Parks and Recreation Committee. The request for a hearing before the Parks and Recreation Committee shall be made in writing to the Public Works Director or designee. The Committee shall schedule a hearing of the appeal within fifteen (15) days of receiving the appeal. Within ten (10) days of the hearing the committee shall notify the appellant of its decision in writing. The committee may affirm, cancel, or modify the order, in its discretion, to best conform such order to the intent of this ordinance. The decision of the Committee shall become final after it is reviewed by the Common Council.

Notwithstanding anything to the contrary contained within ordinance, in the event the Director of Public Works indicates that his/her department is unable to comply with any provision of this ordinance he/she shall notify the City Administrator, who may issue a waiver from any provision of this ordinance.

454.15. Interference with Director of Public Works Prohibited. No person shall prevent, delay or interfere with the Director of Public Works or the Director's agents or employees while they are engaged in carrying out any work or activities authorized by this chapter.

454.16. Penalties. Any person who shall violate any provision of this chapter shall upon conviction thereof forfeit not less than \$75.00 nor more than \$500.00 together with the costs of prosecution. Unlawful action in respect to each separate tree or shrub shall be deemed to be a separate violation.

SECTION III:

This ordinance shall take effect upon passage and publication.

PASSED: March 26, 2019
PUBLISHED: April 6, 2019

Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

CHAPTER 454. PLANTING, MAINTAINING, AND REMOVING TREES AND SHRUBS.

454.01. Purpose. It is hereby declared to be the policy of the City of Ashland, Wisconsin, to regulate and control the planting, transplanting, removal maintenance and protection of trees and shrubs in the City in order to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or property of the City; to promote and enhance the beauty and general welfare of the City; to prevent damage to any public sewer or water main, streets, sidewalk or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, treatment and maintenance practices; and to guard all trees and shrubs within the City against the spread of disease or pests. It is the intent of the Common Council that the provisions of this ordinance shall apply to all trees, shrubs or plants growing or hereafter planted in or upon any public right-of-way or other premises owned or controlled by the City.

454.02 Definitions. Whenever the following words or terms are used in this ordinance, they shall be construed to have the following meaning:

(a) Person. The word “person” shall mean person, firm, association, or corporation.

(b) Public trees and shrubs. The words “public trees and shrubs” shall mean all trees or shrubs located or to be planted on any park, playground or other property owned or controlled by the City or on any public street, alley, sidewalk or highway within the public right-of-way.

454.03. Tree Management Advisory Board. ~~There is hereby created a Tree Management Advisory Board which shall serve in an advisory capacity to the City of Ashland. The Board shall advise the City on all matters pertaining to tree and landscape planting, maintenance, and removal in the City of Ashland. The Board shall also oversee the development and maintenance of an Urban Forestry Management Plan and make recommendations to the City for policy, regulation, or ordinance changes necessary to implement such a plan. The Board shall consist of seven members appointed by the Mayor, subject to ratification by the Common Council. One member shall be appointed as Chairperson. Each Board member will serve a three-year term, except that the initial Board shall serve staggered terms of office as determined by the City Clerk. Board members shall serve without compensation. In the event that a vacancy occurs, the successor shall be appointed by the Mayor, subject to ratification by the Common Council to fill the unexpired portion of the term.~~ **Committee.** The Parks and Recreation Committee will also serve as the Tree Management Advisory Committee which shall serve in an advisory capacity to the City of Ashland. This Committee shall function in accordance with City of Ashland Ordinance Chapter 47.

454.04. Director of Public Works or Designee. The Director of Public Works or the Director’s designee shall direct, regulate and control the planting, care, and removal of all public trees and shrubs within the city and shall cause the provisions of this ordinance to be enforced.

454.05. Private Planting on Public Property. No person shall plant any tree, shrub or plant of

any kind on any public property, including property between the lot line and curb or improved portion of any street or alley, without first having consulted the Director of Public Works or his designee and obtained written permission.

454.06. Planting, Care and Removal of Public Trees and Shrubs.

(a) Permit Required. No person or public utility shall plant, transplant, move, treat, spray, brace, trim, prune, cut above or below ground, disturb, alter or do surgery on a public tree or shrub within the city, or cause such acts to be done by others without first consulting the Director of Public Works or designee **and obtaining the applicable permit(s) from the Public Works Department.**

(b) Requirements and Conditions of Permits.

(1) As a condition of granting the removal of a public tree or shrub, the Director of Public Works or designee may require that the permittee plant one or more trees or shrubs in place of the one removed, and no permittee under such a conditional permit shall fail, refuse or neglect to plant trees or shrubs of the type, size, and in the location specified in his permit.

(2) If any public tree or shrub which is not a nuisance as defined in this ordinance, is to be removed at the request of the owner of the abutting property, the City shall not be obliged to effect such removal, but if the removal is made by the City, such owner of the abutting property shall pay to the City the full cost thereof.

454.07. House Moving Permits. No person shall move any building, structure or object exceeding 13 1/2 feet in height or width upon, over or along any public right-of-way or other public place without first obtaining written permission from the Director of Public Works or designee who may require the applicant to furnish a bond or cash deposit in the amount of \$1,500 to cover the cost of repairing or replacing any public trees or shrubs which are injured as a result of the moving operations, specify the route to be taken and impose any other conditions reasonably necessary for the protection of nearby public trees from injury.

454.08. Injury to Trees and Shrubs Prohibited. No person shall, without the consent of the owner in the case of a private tree or shrub, or without the consent of the Director of Public Works or designee in the case of a public tree or shrub, do, or cause to be done by others, any of the following acts:

(a) Secure, fasten or run any rope, wire, sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.

(b) Break, injure, mutilate, deface, kill or destroy or permit any fire to burn where it will injure any tree or shrub.

(c) Permit any toxic chemical, gas, smoke, salt brine, oil or other injurious substance to seep,

drain to be emptied upon or about any tree or shrub.

(d) Erect, alter, repair or raze any building or structure without placing suitable guards around all nearby public trees or shrubs which may be injured by such operations.

(e) Knowingly permit any unprotected electric service wire to come in prolonged contact with any public tree or shrub.

(f) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.

454.09. Obstruction of View at Intersection Prohibited. Notwithstanding any other provision of this ordinance, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets in the City any hedge, tree, shrub, or other growth which may obstruct the view of the operator of any motor vehicle approaching such intersection to the extent that such operator is unable to observe other vehicles or pedestrians approaching or crossing said intersection. Any such hedge, tree, shrub, or growth is hereby declared to be a public nuisance.

454.10. Authority over Public Trees and Shrubs. The Director of Public Works or designee shall have the authority to plant, trim, spray, preserve, renew and remove public trees and shrubs or cause such work to be done as may be necessary to ~~ensure the safety or preserve the symmetry and beauty of public streets or grounds and to protect public sidewalks, streets, sewers and mains from damage or injury, and to prevent the spread of infections or diseases.~~ eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or property of the City; to promote and enhance the beauty and general welfare of the City; to prevent damage to any public sewer or water main, streets, sidewalk or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, treatment and maintenance practices; and to guard all trees and shrubs within the City against the spread of disease or pests.

454.11. Removal of Public Trees or Shrubs.

(a) Whenever the Director of Public Works or designee proposes planting, pruning or removal of any living shade tree or shrub in the property between lot line and curb or improved portion of any street or alley ~~that, in the opinion of the Director of Public Works or designee, does not present a hazardous condition posing imminent danger to public safety,~~ he shall so notify the owner of the abutting land or the owner's agent ~~in writing~~

(b) ~~In the event that the Director of Public Works or designee identifies a living shade tree or shrub in the property between lot line and curb or improved portion of any street or alley that, in the opinion of the Director of Public Works or designee, presents a hazardous condition posing imminent danger to public safety, he shall have the authority to trim, prune or remove the public tree or shrub without notification to the owner of the abutting land or the owner's agent.~~

(c) After receiving such notification, the owner of the abutting land or owner's agent may appeal the need for the specified work in accordance with Section 454.13.

454.12. Authority over Private Trees and Shrubs.

~~(a) Whenever the Director of Public Works or designee shall find, on examination, that a tree on private property is diseased, dead or damaged, he shall notify the owner or owner's agent in writing, or by publication in a newspaper of general circulation in the City, that the tree shall be removed by the owner within 30 days, or the tree will be removed by the City and the land owner shall pay to the City the full cost thereof.~~

~~———(b) At any time during the 30 day period following giving of such notice, the owner or agent may demand a hearing before the Tree Management Advisory Board of the City. Such demands shall be in writing, shall specify the affected property and shall be delivered to the City Clerk within the 10 day period. The Board shall thereupon hold a hearing, at least five days notice of which shall be mailed to such owner at the address specified by him in such demand, at which the board will consider the need for specified work. After such hearing, the Director of Public Works or designee shall abandon or proceed with such work as the Board shall direct. The Director of Public Works or designee shall have the authority to trim and/or remove private trees and shrubs or cause such work to be done as may be necessary to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or property of the City; to prevent damage to any public sewer or water main, streets, sidewalk or other public property; and to guard all trees and shrubs within the City against the spread of disease or pests.~~

~~(e)~~ (b) The Director of Public Works or designee shall have the authority to enter upon private premises after notifying the land owner for the purpose of examining any tree for disease located upon or over such premises and carrying out any of the provisions of this section.

454.13. Interference with Director of Public Works Prohibited. ~~No person shall prevent, delay or interfere with the Director of Public Works or the Director's agents or employees while they are engaged in carrying out any work or activities authorized by this chapter.~~

~~(a) Whenever the Director of Public Works or designee shall find, on examination, that a tree on private property is diseased, dead or damaged, he shall notify the owner or owner's agent in writing, or by publication in a newspaper of general circulation in the City, that the tree shall be removed by the owner within 30 days, or the tree will be removed by the City and the land owner shall pay to the City the full cost thereof.~~

~~(b) After receiving such notification, the owner or owner's agent may appeal the need for the specified work in accordance with Section 454.13.~~

~~**454.14. Penalties.** Any person who shall violate any provision of this chapter shall upon conviction thereof forfeit not less than \$75.00 nor more than \$500.00 together with the costs of prosecution. Unlawful action in respect to each separate tree or shrub shall be deemed to be a separate violation.~~

454.14. Tree Removal Appeal. A land owner or owner's agent who receives a notification from the Director of Public Works or designee regarding the removal or alternation of a public or private tree or shrub may, within ten (10) days of receipt of the notification, advise the Public Works Director or designee in writing of the nature of the objection and request a conference with the Public Works Director or designee. The Director of Public Works or designee shall schedule such a conference within ten (10) days of receiving the request. If the person objecting to the order wishes to further appeal the results of the conference, that person may, within five (5) days of the conference, make a written request to appeal the order by requesting a hearing before the Parks and Recreation Committee. The request for a hearing before the Parks and Recreation Committee shall be made in writing to the Public Works Director or designee. The Committee shall schedule a hearing of the appeal within fifteen (15) days of receiving the appeal. Within ten (10) days of the hearing the committee shall notify the appellant of its decision in writing. The committee may affirm, cancel, or modify the order, in its discretion, to best conform such order to the intent of this ordinance. The decision of the Committee shall become final after it is reviewed by the Common Council.

Notwithstanding anything to the contrary contained within ordinance, in the event the Director of Public Works indicates that his/her department is unable to comply with any provision of this ordinance he/she shall notify the City Administrator, who may issue a waiver from any provision of this ordinance.

~~**454.15. Interference with Director of Public Works Prohibited.** No person shall prevent, delay or interfere with the Director of Public Works or the Director's agents or employees while they are engaged in carrying out any work or activities authorized by this chapter.~~

~~**454.16. Penalties.** Any person who shall violate any provision of this chapter shall upon conviction thereof forfeit not less than \$75.00 nor more than \$500.00 together with the costs of prosecution. Unlawful action in respect to each separate tree or shrub shall be deemed to be a separate violation.~~

SUBJECT: Approve Kenya McAuliffe as New Agent for the Alcohol Beverage License Application for Midland Services, Inc. at 411 Sanborn Avenue, Ashland (*Voice*)

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Police Department

EXHIBITS:

1. Schedule for Successor of Agent
2. Auxiliary Questionnaire

EXPENDITURES REQUIRED:

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE:

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

SUMMARY STATEMENT:

Kenya McAuliffe has applied as new Agent for the Alcohol Beverage License application for Midland Services, Inc., 411 Sanborn Avenue. The Police Chief reviewed and approved her application.

It is recommended to approve Kenya McAuliffe as Agent for Midland Services, Inc.

R#1.040959 B10.00

Schedule for Successor of Agent

If there is a change in agent, each club, corporation, or limited liability company who holds a retail permit to sell fermented malt beverages and/or intoxicating liquor must appoint a successor agent pursuant to sec. 125.04(6), Wis. Stats. There is a \$10 change in agent processing fee due with this form. The following questions must be answered by the Agent. The appointment must be signed by an officer of the corporation/organization or one member of limited liability company. (Only one signature is required). The appointment must be approved by the licensing authority.

Ashland Wisconsin 3-15 20 19
(Municipality) (Date)

1. Name of agent Kenya McAuliffe
- Yes No
2. ☒ ☐ Are you of legal drinking age?
3. ☒ ☐ Have you been a resident of Wisconsin for at least 90 continuous days prior to the date of appointment as agent?
4. ☐ ☒ Have you ever been convicted of a federal law violation?
5. ☐ ☒ Have you ever been convicted of a state law violation?
6. ☐ ☒ Have you ever been convicted of a local ordinance violation?
7. ☒ ☐ Have you completed the required responsible beverage server program per sec. 125.04(5)(a)5, Wis. Stats.?

UNDER PENALTY OF LAW, I declare that all of the above information is true and correct to the best of my knowledge and belief.

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Kenya McAuliffe
(Signature of Agent)
409 Prentice Ave Ashland, WI 54806
(Address)

SUCCESSOR AGENT

The undersigned appoints Kenya McAuliffe as agent
in accordance with sec. 125.04(6), Wis. Stats.

Name of Permittee Midland Services, Inc
411 Sanborn Ave, Ashland WI 54806

Date March 18 20 19

By [Signature]
(Signature of Officer / Member)

I hereby accept appointment as agent for Midland Services INC and assume
full responsibility of the conduct of the business relative to fermented malt beverages and intoxicating liquors.

Date 3-15 20 19

Kenya McAuliffe
(Signature of Agent)

THE AGENT APPOINTED ABOVE MUST BE APPROVED BY THE LICENSING AUTHORITY TO BE EFFECTIVE.
(See sec. 125.04(6), Wis. Stats.)

Ashland WI 3-18- 20 19
(Municipality) (Date)
[Signature]
(Signature of Official)
Chief of Police
(Title)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
McAuliffe		Kenya		Marie	
Home Address (street/route)		Post Office	City	State	Zip Code
409 Prentice Ave			Ashland	WI	54806
Home Phone Number		Age	Date of Birth	Place of Birth	
715-685-8368				Ashland	

The above named individual provides the following information as a person who is (check one):

☐ Applying for an alcohol beverage license as an individual.

☐ A member of a partnership which is making application for an alcohol beverage license.

☒ Agent of Midland Services, Inc
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
411 Sanborn Ave, Ashland, WI 54806
 which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 1979
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
 If yes, identify. (Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Midland Services	411 Sanborn Ave	9-2018	Present
Auto Value	315 Sanborn Ave	2007	2018

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

OK *[Signature]* 3-18-19

[Signature: Kenya McAuliffe]
(Signature of Named Individual)

SUBJECT: Approval of Resolution for the Wisconsin Department of Natural Resources Outdoor Recreation Grant Application for the Ashland Ore Dock Redevelopment Phase 1: Diamond Access (*Voice*)

RECOMMENDATION: Motion to approve the resolution for the WDNR Outdoor Recreation Grant Application for the Ashland Oredock Redevelopment Phase 1: Diamond Access.

DEPARTMENT OF ORIGIN: Parks & Recreation

CLEARANCES: City Administrator
Finance Director

EXHIBITS: 1. Proposed Resolution

EXPENDITURES REQUIRED: \$ 300,000 DNR LWCF/Stewardship Grant (2018)
\$ 150,000 Otto Bremer Grant
\$ 120,000 Wisconsin Coastal Management Grant (TBD 2019)
\$ 100,000 Donations
\$ 400,000 DNR Stewardship and Sport Fish Restoration Grants (2019)
\$1,000,000 Ashland Oredock Charitable Trust

\$2,070,000 Phase 1 Total

AMOUNT BUDGETED: NA

APPROPRIATION REQUIRED: MA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORDINANCE 51:

The Mayor has consented to placement of this agenda item on the Council agenda as timely action is needed to pursue the grants.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD: This item conforms with Authentic Ashland 2035: A Comprehensive Plan for the City of Ashland and the Ashland Oredock Concept Design Report

SUMMARY STATEMENT:

The City of Ashland is requesting assistance from the Wisconsin Department of Natural Resources Stewardship, Federal Land and Water Conservation Fund, and Recreational Trails Grant Programs for the Ashland Ore Dock Redevelopment Phase I: Diamond Access.

Funds from the Stewardship Grant and Land and Water Conservation Grant will be used for the continued construction of the walkway to access the end of the Ore Dock and the diamonds.

City staff have confirmed with the DNR Grants Specialist that we can apply once again for this grant to help with this phase of the project.

**RESOLUTION TO SUBMIT AN APPLICATION TO THE WISCONSIN
DEPARTMENT OF NATURAL RESOURCES STEWARDSHIP FUND FOR
FINANCIAL ASSISTANCE FOR THE ASHLAD ORE DOCK REDEVELOPMENT
PHASE I: DIAMOND ACCESS**

WHEREAS, the City of Ashland is interested in acquiring or developing lands for public outdoor recreation purposes as described in the application; and

WHEREAS, financial aid is required to carry out the project.

THEREFORE, BE IT RESOLVED, that the City of Ashland has budgeted a sum sufficient to complete the project; and

HEREBY AUTHORIZES Sara Hudson, Director for the City Parks and Recreation to act on behalf of the City of Ashland to:

- Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- Submit signed documents; and
- Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED, Ashland Parks and Recreation will: comply with State or Federal Rule for the program; perform force account work; maintain the completed project in an attractive, inviting and safe manner; keep the facilities open to the general public during reasonable hours consistent with the type of facility; and obtain approval from the Wisconsin Department of Natural Resource before any changes are made in the use of the project site (if applicable).

PASSED: March 26, 2019

Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

SUBJECT: Approve to Purchase Self-Contained Breathing Apparatus (SCBA) from 5 Alarm, and to Approve to Waive Advertising as Required by Chapter 194.04, Procurement of Goods and Services and Approval of Change Orders for Public Construction Projects, Ashland City Ordinances, and Approval of Sale of Equipment (*Roll*)

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Fire & EMS Department

CLEARANCES: Fire Chief, Administrator, Finance Director

EXHIBITS:

1. 5 Alarm Quote (MSA)
2. Pamasl Fire Equipment Quote (SCOTT)
3. MSA Brand SCBA Cost Breakdown
4. SCOTT Brand SCBA Cost Breakdown
5. Maintenance LOG: Pamasl Fire Equipment
6. Purchase Agreement with Shelby WI Fire Department
7. Chapter 194 Procurement of Goods and Services and Approval of Change Orders for Public Construction Projects

EXPENDITURES REQUIRED: \$195,092.00

AMOUNT BUDGETED: -0-

APPROPRIATION REQUIRED: \$ 69,900 Fund 461 Fire Equipment balance (pre 2018 audit)
22,800 Estimated amount of equipment sales
102,392 General Fund - Fund Balance plus or minus 10%
\$195,092 Total

TREASURER'S CERTIFICATE: The Treasurer's Office has certified on March 20, 2019 that 5 Alarm, 350 Austin Circle, Delafield, WI 53018, is in compliance with Chapter 194 Ashland City Ordinances.

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

SUMMARY STATEMENT:

The Fire Department's Self-Contained Breathing Apparatus (SCBA) has reached the end of their reliable

service life. Most of the SCBAs are over 18 years old, with some over 25 years old. The current SCBA were scheduled and budgeted for replacement in 2020. Over the past 3 months, we have experienced failure of 3 SCBAs all while being used at house fires. This is a major safety concern for our staff whose lives fully depend on the proper operation of the SCBA while conducting firefighting activities in an immediately dangerous to life or health (IDLH) environment.

For several years the maintenance costs of the SCBA have been rising considerably and now replacement parts in some cases are no longer available. Currently the department removed 3 SCBAs from service indefinitely due to parts being unavailable.

SCBA are a major piece of equipment allowing firefighters to gain entry into IDLH environments.

Reasons for purchasing new SCBA:

- The current SCBA are failing rapidly and in some cases replacement parts are no longer available.
- Replacement SCBA will provide reliable and trustworthy service allowing for firefighters to conduct interior firefighting operations within IDLH environments in a safe manner.
- New SCBA include a 15 year warranty
- Many of our current SCBA cylinders will need replacement over the next several years due to reaching the end of their service life which will require us to purchase new cylinders in the next several years.

The Ashland Fire Department solicited quotes from two SCBA manufactures, MSA and Scott. After extensive research of the products, warranties, and quotes, the MSA SCBAs are believed to be the best value for the service life of the SCBAs. The MSA quote from 5-Alarm Fire Equipment includes 24 new SCBA, 48 new SCBA spare cylinders (1 spare cylinder for each SCBA), a Firefighter rescue system (Rapid intervention team pack), and 25 new Firefighter masks (Exhibit A). The second quote obtained for Scott SCBAs was from Pomasl Fire Equipment. Due to a poor warranty, aged design and technology, we felt the MSA was a much better value and offered a far superior product which includes a 15 year warranty.

We have provided a cost breakdown of each Brand of SCBA (MSA and Scott) for price comparison (Exhibit B, C).

The Ashland Fire Department has a verbal agreement with the Shelby, WI Fire Department to purchase some of the viable used SCBA equipment, which will off-set the overall expenditure, (EXHIBIT E). The department anticipates the sale of other SCOTT SCBA equipment to also help lower the cost.

The current SCBAs should be replaced before a failure occurs during use inside an interior operation (IDLH environment) risking a firefighter's life. The Fire Chief recommends the purchase of 24 new MSA SCBAs as listed in the quote from 5 Alarm Fire Equipment (Exhibit A) in an effort to meet the needs of the department for today and into the future, and most importantly provide needed safety for staff to conduct firefighting activities in an IDLH environment as required by WI SPS 330.12.

The Fire Department is requesting Council approval to purchase SCBA from 5 Alarm, waive advertising requirements, and sell used SCBA related equipment to offset some of the cost. The finance department is asking for a plus or minus 10% variance use of general fund-fund balance due to fund 461 pre-audit numbers that may change during the audit process and the actual equipment sales may vary from the estimate.



PROTECTING AMERICA'S HEROES
350 Austin Circle
Delafield WI, 53018-2171
Ph: (262) 646-5911 Fx: (262) 646-5912

Bill to: ASHLAND FIRE DEPT.
215 - 6TH ST EAST
ASHLAND, WI 54806-1952

Phone: (715) 682-7052 Fax: (715) 682-7903

Ship to: ASHLAND FIRE DEPT.
300 STUNTZ AVE
ASHLAND, WI 54806-1952

Phone: (715) 682-7052 Fax: (715) 682-7903

Email : cpribek@coawi.org <cpribek@coawi.org>;

Quote

Quote Number : 183520-0

Customer# : 5033

Quote Date : 01/10/2019

Quoted To : CPRIBEK

Entered By : SARAH ENSWEILER

Salesperson : JEREMIAH PIENTOK

Terms : NET 10

Ship Via : UNITED PARCEL SERVICE

Ship Acct# :

Job/Rel# :

Customer PO: MSA G1 SCBA

Customer/Order Instructions

THANK YOU FOR CHOOSING 5 ALARM FIRE AND SAFETY.

READER/WRITER, ACCOUNTABILITY TAGS, INITIAL FIT TESTING, FACEPIECE BAGS, AND USED HOSE AND POUCH WILL BE INCLUDED AT NO CHARGE PER THE SALES CONCESSION.

Line	Qty	U/M	Item #	Description	Price	Extension
0001	15	EA	A-G1FS-423MA2C0LAR	MSA G1 SCBA- 4500PSI CYL CONN. W/SERVICEABLE TUNNEL METAL BAND, ADJ SWVL LUMBAR, SOLID COVER LFT SHLDR, LITH. ION BATT,	5,065.00	75975.00
0002	5	EA	A-G1FS-423MA2C2LAR	MSA G1 SCBA- 4500PSI CYL CONN. W/SERVICEABLE TUNNEL METAL BAND, ADJ SWVL LUMBAR, SOLID COVER LFT SHLDR, LITH. ION BATT, EXTENDAIRE II	5,575.00	27875.00
0003	4	EA	A-G1FS-423MA2C0LER	MSA G1 SCBA- 4500PSI CYL CONN. W/SERVICEABLE TUNNEL METAL BAND, ADJ SWVL LUMBAR, SOLID COVER LFT SHLDR, LITH. ION BATT, W/ ITIC	6,020.00	24080.00
0004	48	EA	10156424-SP	MSA G1 H45LOW PRO CYL THREADED	1,078.00	51744.00
0005	25	EA	10161810.5A	MSA G1 MEDIUM FACEPIECE 4PT W/ NECKSTRAP-5A STOCK	290.00	7250.00
0006	1	EA	10158385	MSA G1 CHARGING STATION-6 BANK	625.00	625.00
0007	6	EA	10148741-SP	MSA G1 LITHIUM BATTERY PACK	325.00	1950.00

Continued on next page....

SHIPPING CHARGES EXTRA

PRICES ARE GOOD FOR 30 DAYS OR UNTIL A MANUFACTURER PRICE INCREASE.

Credit Card payments will incur a convenience fee of 3% of the transaction amount on transactions exceeding \$5000.

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PROTECTING AMERICA'S HEROES
350 Austin Circle
Delafield WI, 53018-2171
Ph: (262) 646-5911 Fx: (262) 646-5912

Quote

Quote Number : 183520-0

Customer# : 5033

Quote Date : 01/10/2019

Line	Qty	U/M	Item #	Description	Price	Extension
0008	4	EA	USED PART	MSA G1 3' QFILL HOSE IN POUCH	350.00	1400.00
0009	1	EA	10169711	MSA G1 RIT SYSTEM 4500 W/FCPC, REGULATOR, 6' QFILL & EXTEND-AIRE II SYSTEMS, REMOTE GAUGE, URC.* LESS CYLINDER *LESS BAG	3,618.00	3618.00
0010	1	EA	L-2	TRUE NORTH RIT BAG (BH113)	270.00	270.00
0011	1	EA	10156426-SP	MSA G1 H60 CYLINDER THREADED	1,205.00	1205.00
0012	1	EA	10158407	MSA G1 RFID READER/WRITER	610.00	610.00
0013	30	EA	10083875	MSA ACCOUNTABILITY TAGS FOR M7 AIR MASK & G1	40.00	1200.00
0014	25	EA	POSI-FIT	PORTACOUNT FIT TEST FOR G1 FACEPIECE	25.00	625.00
0015	25	EA	10126742-5A	5 ALARM BLACK FACEPIECE BAG	25.00	625.00

SubTotal 199,052.00

SHIPPING & HANDLING 500.00

SALES CONCESSION 4,460.00-

Signature: _____

SHIPPING CHARGES EXTRA

PRICES ARE GOOD FOR 30 DAYS OR UNTIL A MANUFACTURER PRICE INCREASE.

Credit Card payments will incur a convenience fee of 3% of the transaction amount on transactions exceeding \$5000.

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Total USD 195,092.00

CGA Thread 15 Year Cylinders

Twenty-Four (24) Scott, Part No. X3614021005303 Air-Pak X3 Pro With CGA
Includes CBRN E-Z Flo Regulator With Air Saver Switch, Heads Up Display, and Rapid
Intervention Coupling
Does Not Include Cylinder, Facepiece, QD Regulator, or Dual EBSS (Please See Below For
These Items)

\$ 4,595.00 Each

Twenty-Four (24) Scott, Part No. 804722-01, 4500 psig – 45 Minute Carbon Fiber Cylinder &
Valve Assembly
15 Year Life

\$ 795.00 Each

Twenty-Four (24) Scott, Part No. 804722-01, 4500 psig – 45 Minute Carbon Fiber Cylinder &
Valve Assembly
15 Year Life

Twenty-Four (24) Scott, Part No. 201215-23, AV-3000 HT Facepiece With Dual Voice
Emitters, Nose Cup, and 4-Strap Kevlar Head Harness

\$ 249.00 Each

Option 1: Scott, Part No. 201582-11, AV-3000 HT Facepiece With Scott Sight TIC Camera
Installed

\$ 1,295.00 Each

Option 2: Quick Dis-Connect Regulator For Above Scott Air-Paks, Add \$ 200.00 Each

Option 3: Dual EBSS (Emergency Breathing Support System) For Above Scott Air-Paks, Add
\$ 475.00 Each

Below Is The Pricing You Requested

One (1) Scott, Part No. 200954-02, RIT-PAK III (Less Cylinder)

- 4500 psig
- RIT-PAK III Carrying Bag
- Shoulder Strap
- 6 Foot EBSS Hose
- 5 Foot RIC Hose
- RIT-PAK III Facepiece
- EZ-Flo Regulator

\$ 2,595.00 Each

One (1) Scott, Part No. 804723-35, 4500 psig – 60 Minute Carbon Fiber Cylinder & Valve Assembly
30 Year Duration

\$ 1,429.00 Each

www.3mscott.com

Twenty-Four (24) R & B Fabrications, Part No. 427RD,
Red Facepiece Bag, Yukon Micro Lined

\$ 24.00 Each

www.rbfab.com

Please Let Us Know If You Have Any Questions or Concerns

Prices Are Valid For 30 Days

Dan Pomasl
Pomasl Fire Equipment

[Demers Ambulances](#)
[PL Custom Ambulances](#)
[Pierce Fire Apparatus](#)
[Medwerk Remounts](#)

1918 Neva Road - PO Box 267
Antigo, WI 54409
1-800-686-6886
715-610-4210 Cell
www.pomasl.com
<https://www.facebook.com/PomaslFireEquipment/>

MSA brand SCBA

1 Standard SCBA	15 at \$5,065.00=	\$75,975
2 SCBA with Tower 11 connector	5 at \$5,575.00=	\$27,875.00
3 SCBA with thermal imaging camera	4 at \$6,020.00=	\$24,080.00
4 Compressed air cylinder	48 at \$1,078.00=	\$51,744.00
5 SCBA face mask	25 at \$290.00=	\$7,250.00
6 Battery charger	1 at \$625.00=	\$625.00
7 Spare lithium batteries	6 at \$325.00=	\$1,950.00
8 Quick fill hose	4 at \$350.00=	\$1,400.00
9,10,11 Firefighter rescue system	1 at \$5,874=	\$5093.00
12 Firefighter tag system reader/writer	1 at \$610.00=	\$610.00(sales concession)
13 Firefighter accountability tags	30 at \$40.00=	\$1200.00(sales concession)
14 Fit testing for each firefighter mask	25 at \$25.00=	\$625.00(sales concession)
15 Protective carrying case for masks	25 at \$25.00=	\$625.00(sales concession)
		Subtotal= \$199,052.00
Shipping and Handling	1 at \$500.00=	\$500.00
Total sales concessions		-\$4,460.00
		Total= \$195,092.00

Scott brand SCBA

1 Standard SCBA	19 at \$4,595.00=	\$87,305.00
2 SCBA with Tower 11 connector	5 at \$5,070.00=	\$25,350.00
3 SCBA mask with thermal imager	4 at \$1,295.00=	\$5,180.00
4 Compressed air cylinder	48 at \$795.00=	\$38,160.00
5 SCBA face mask	25 at \$249.00=	\$6,225.00
6 Firefighter rescue system with cylinder	1 at \$3595.00=	\$3595.00
7 Protective carrying case for masks	25 at \$24.00=	\$600.00
		Total= \$166,415.00

Maintenance log

Dan Pomasl email: dan@pomasl.com

Send to: Pomasl Fire Equipment

1918 Neva Rd

Antigo, WI 54409

Attn. Dan

- *45-5 Airpack leaking air where two lines come into pressure guage. Sent to OPF on 8-7-13.
- *O-rings ordered for pack 45-10 and 45-4. Large O ring at base of high pressure line.11-1-13
- *O-rings installed on 11-11-13. Both 45-10 and 4 not leaking from high pressure line anymore.
- * 45-10 sent to OPF for a leak in the console assembly.
- *45-14 had airleak from console assembly. Cover taken off, small amount of debri cleaned out. Pressure applied and leak was gone. Reassembled and no leakage found. 1-4-14
- *45-5 bottle clip replaced. White clip broken. 1-25-14
- *HUD wire replaced on 45-12 and 14 by Pomasyl Jason.2-4-14
- *45-4 O-ring on hand disconnect replaced, leak fixed 3-8-14
- *45-5 O-ring on hand disconnect replaced
- *45-4 Sent to Pomasyl HUD not working and assembly guage reading 500 psi higher than bottle pressure. Returned on 4-12-14. New assembly guage installed.
- *45-1 and 45-21 at Pomasyl. 45-1 would not flow test properly so Jason took back and 45-21 had an assembly guage that was sticking. 5-7-14 Pack 45-1 back from Pomasyl 5-18-14.
- *45-3 alarming constantly as long as PASS batteries are in. Sent to Pomasyl. 5-14-14
- *45-3 and 45-21 back from Pomasyl. Unknown date. 45-24 sent in for leaking regulator. 6-4-14
- * 45-24 back on 6-6-14. New demand lever installed on regulator. Adjusted and tested.
- *Order 5 O rings part #57253-00 from Pomasyl on 7/17/14. O ring for on bottom of high pressure line.
- *O rings #57253-00 arrived 8-1-14. 45-4 repaired and put back in services.

*45-6 has a small airleak around console assembly. Sent to Pomasyl on 8-15-14. Pack came back on unknown date. Contacted Pomasyl and they reported the o ring on the pressure line inside the console assembly was replaced.

*45-14 air leak around console assembly. Sent to Pomasyl on 9/15/14

*45-10 leaking at base of hand disconnect. Replaced O-ring #57253-00. Working properly after.10-2-14

*45-11 sent to Pomasyl leaking from the high pressure RIT connection. Appears to be leaking at small hole (relief valve?) at base of connection. 10-2-14

*45-4 replaced O ring on hand disconnect. Replace reflective striping. 10/9/14

*45-3 Leaking on backside of pressure reducer. O ring/gasket pushing out. Sent to Pomasyl 1-8-15.

*45-9 Pressure guage not reading any pressure. Sent to Pomasyl on 2/11/15.

*45-13 Sent Pomasyl. Console assembly gasket leaking. Sent on 08/14/15

*45-23 Sent in for slow moving pressure guage on assembly console.10/6/15 Pack returned on 1/9/16. Guage appears to work fine.

*45-7 Sent in for Manual PASS alarm not functioning. Had been in for other PASS problems recently. 1/10/16

45-5 Sent in for air leak on assembly console. Pack came back on unknown date because someone opened it and then put it up on the mezzanine for an unknown reason. Pack does however seem to be in perfect working order! 03/30/2016

45-3 Written up for a PASS that was constantly turning on after coming back from a fire. Given a couple days to dry and appears to work fine. 4/21/16

45-9 Bypass valve broken sent to Pomasl on 5/10/16 Ordered red thread covers for bottles. Came back on 5/17/16.

45-13 ordered waist strap regulator holder. Also got quote for shoulder straps and waste straps. 5/17/16

45-6 HUD not working properly. Sent to Pomasl on 8/12/16 Came back 9/8/16

45-12 Sent to Pomasl for air leak around console assembly

45-8 Sent in for leak around console assembly

45-7 Pomasl for air leak around console assembly.

45-10 Sent for leaking regulator, leaks air when not breathing.6/15/17

45-9 sent in for malfunctioning HUD and 45-12 sent in for leaking regulator. 6/5/18

45-9 and 45-12 back 6/15/18

45-8 in for leaking hose going into console assembly 8/16/18 Returned on 9/7/18

45-10 PASS Alarm wants to keep going off even when there is no air going to pack. Happened after a fire. 10/22/18

45-3 PASS alarm was going off when pack wasn't pressurized. Happened after a fire. Let dry out several days and it stopped happening. Put back in service. 10/22/18

45-10 Sent in on 10/22/18 for above PASS problem. Came back 11/27/18 per Pomasl the pass cannot be repaired. Because pack are close to 20 years old there are no parts available. Pack does flow test OK and only option is a manual PASS attached to the pack.

45-2 Sent in for torn outer sleeve on the regulator hose. Wires for HUD can be seen. 11/27/18 Pomasl called and gave estimate. Other work needed than above. Waiting on estimate for chief anywhere between 650.00 and 1100.00

45-3 Doing same thing as 45-10 above. Needs to be sent in. 12/9/18

Purchase Agreement

16-Used 45 min. SCBA Cylinders	\$725 per cylinder	\$11,600
---------------------------------------	--------------------	----------

2-Used SCOTT SCBA w/Cylinders	\$1000 per SCBA	\$2,000
--------------------------------------	-----------------	---------

2-SCBA include 2-masks and 2 used cylinders

1-Used SCOTT RIT pack w/1 hr. Cylinder	Included	Included
---	----------	----------

Used RIT pack to include a 1 hr. cylinder, hoses, and 1 mask

Total \$13,600.00

The Shelby WI Fire Department has agreed to purchase the following equipment in “as is” condition with no expressed warranties. The Ashland Fire Department assumes no liability with any part of this transaction and makes note that the Ashland Fire Department assumes no liability in the training, use, and care/maintenance of the used equipment being sold to the Shelby WI Fire Department.

Signed: _____ Date: _____

Signed: _____ Date: _____

CHAPTER 194. PROCUREMENT OF GOODS AND SERVICES AND APPROVAL OF CHANGE ORDERS FOR PUBLIC CONSTRUCTION PROJECTS.

Sec. 194.01. Definitions. As used in this chapter, the following terms shall have the meanings listed below.

(a) “Bid” means a bid or quote or, in the case of a service, a proposal or a statement of qualifications.

(b) “If sufficient funds are budgeted” means, in the case of operation expenditures, that the funds are in the current year’s budget; or in the case of capital expenditures, that the funds are in the current year’s budget and that the City Council has approved an expenditure for the particular capital item; or in either case, that the expenditure will be reimbursed to the City by a third-party, and if not so reimbursed may be placed on the tax roll against real property in the City, as a special tax, special charge, or special assessment.

(c) The cost of a purchase means the gross cost of the purchase, including the dollar value of any allowance for a trade-in, and in the case of a capital expenditure includes all costs capitalized with the purchase, including all costs of putting the purchase into service, such as transportation, modifications, or repairs.

Sec. 194.02. Purchases of \$15,000 or less. Purchases of \$15,000 or less may be authorized by the Department Director if sufficient funds are budgeted, but if the cost is over \$5,000 then bids or proposals must be sought by advertisement or by solicitation, in which case three bids or proposals must be obtained unless the City Administrator waives the advertising or solicitation requirement, or any part thereof. The City Administrator may review any purchase or proposed purchase under this section, and may override the Department Director’s authority under this section if the City Administrator deems such action in the public interest. This section applies to the purchase of tangible personal property and to services, including construction contracts for \$15,000 or less.

Sec. 194.03. Purchases of more than \$15,000 and less than \$30,000. Purchases of more than \$15,000 and less than \$30,000 may be authorized by the City Administrator if sufficient funds are budgeted, but bids or proposals must be sought by advertisement or by solicitation, in which case three bids or proposals must be obtained unless the City Administrator and Mayor waive the advertising or solicitation requirement, or any part thereof. This section applies to the purchase of tangible personal property and to services, including construction contracts for more than \$15,000 and less than \$25,000 (or such other amount as by future statutory amendment sec. 62.15, Wis. Stats., requires advertisement and contracting with the lowest responsible bidder).

Sec. 194.04. Purchases of more than \$30,000. Purchases of more than \$30,000 may be authorized by the City Council upon advertisement, unless the advertisement requirement is waived by a majority vote of the City Council. Advertisement may be supplemented by

solicitation or, upon approval by a majority vote of the City Council, may be substituted for advertisement. This section applies to the purchase of tangible personal property and to services, but does not apply to construction contracts under sec. 62.15, Wis. Stats.

Sec. 194.05. Construction contracts.

(a) Construction contracts equal to and exceeding \$25,000 (or such other amount as by future statutory amendment sec. 62.15, Wis. Stats., requires advertisement and contracting with the lowest responsible bidder) shall be let according to the requirements contained in state statutes.

(b) Construction contracts for projects where the estimated cost is greater than \$5,000 but less than \$25,000 (or such other amount as by future statutory amendment sec. 62.15, Wis. Stats., requires advertisement and contracting with the lowest responsible bidder), may be procured by requests for proposals or for bids, sought by advertisement or by specific solicitation as directed by the City Administrator or the Administrator's designee. If a request for proposals or for bids is not advertised, then proposals or bids shall be sought from at least three contractors. Prior to the letting of any contract under this section, a class 1 notice must be published of the intended construction and contracting, unless the material or labor for the project are donated, or unless the project is for repair and reconstruction due to an emergency. Any contract under this subsection may be authorized by the City Administrator or the Administrator's designee if sufficient funds are budgeted.

(c) Any of the following classes of public construction or any part thereof may be done by the City without submitting the same for bids:

(1) Roadway work, including: Storm Water system repair, replacement and reconstruction; sidewalk repair, replacement and reconstruction; curb/gutter repair, replacement and reconstruction; replacement of street lighting; addition and replacement of street signage; street painting; and replacement and conditioning of gravel and paving.

(2) Water utility work, including: Distribution system repair, replacement and reconstruction; treatment plant & storage facilities component repair and replacement.

(3) Wastewater Work, including: Collection system repair, replacement and reconstruction; treatment plant & pumping facilities component repair and replacement.

(d) Any other class approved by a vote of three-fourths of the members-elect of the City Council.

Sec. 194.06. Exceptions. Bids are not required for the following purchases:

(a) Operating supplies and maintenance agreements, except items budgeted under series 800 object codes.

(b) Products for which only one supplier exists.

(c) Emergency purchases, such that the time spent to obtain bids would threaten health, safety, the environment, and public or private property.

Sec. 194.07. Change orders.

(a) Change orders on City contracts may be approved by the City Administrator if the amount of the change order is less than \$25,000 and if there is a contract contingency fund sufficient to cover the amount of the change order.

(b) Change orders on City contracts may be approved by the City Administrator in excess of the total budgeted amount for a project, including the contingency fund, upon request of the Department Director and the approval of the Finance Director to rebudget department funds but for no more than \$25,000.

(c) All other change orders must be approved by the City Council.

Sec. 194.08 Federal procurement standards.

(a) Procurement of goods and services that pertain to the expending of federal grant dollars shall follow guidelines per the Office of Management and Budget (OMB) Uniform Guidance procurement standards 2 CFR 200.318 through 200.326 or Sections 194.01 through 194.08 of this Chapter whichever is more stringent.

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