

**FOR THE SAFETY FOR OUR CITIZENS AND STAFF, THE CITY OF ASHLAND
CONTINUES TO CONDUCT THEIR MEETINGS VIRTUALLY**

Please contact the Clerk's office if you require accommodations to attend the meeting.

To join the meeting from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/298085349>

Or dial in using your phone.

United States (Toll Free): 1-866-899-4679

Access Code: 298-085-349

*Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/608341709>*

**ASHLAND CITY COUNCIL MEETING
Tuesday, May 25, 2021 – 5:30 PM**

Please silence all cell phones during the meeting

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A. May 11, 2021 City Council Meeting minutes

4. CITIZEN PARTICIPATION PERIOD

5. MAYOR'S REPORT

A. Announcements

6. OLD BUSINESS

A. Approve the Mayor's Appointments to a Census AdHoc Committee-

7. NEW BUSINESS

**A. Approve a Resolution to Approve to Fill Ward 1 City Council Member Vacancy (Mayor)
Roll**

**B. Approve to Award a Contract to Managing Results, LLC as the Strategic Planning
Consultant for the City of Ashland (Administrator) Roll**

**C. Approve a Resolution to Set a Public Hearing Date for Vacation of ROW, Applicant:
Ogilvie (Planning) Roll**

- D. Discussion and Possible Action to Approve an Ordinance to Amend Chapter 201.35 Ashland City Ordinances, General Conduct, to Modify or Revoke the Emergency Order Regarding Face Covering Requirements during the COVID-19 Pandemic and to Modify or Revoke the Declaration of Emergency by Mayor, dated March 17, 2020 and Ratified by Council on March 31, 2020 (Mayor) Voice**

8. CLOSED SESSION

- A. Enter into Closed Session (Roll)**
- B. CLOSED SESSION per Wisconsin Statute 19.85(1) (c) “Considering employment, promotion, compensation or performance evaluation data on any public employee over which the governmental body has jurisdiction or exercise of responsibility” City Attorney Contract (Administrator)**
- C. Return to Open Session (Voice)**
- D. Report of Action Taken During Closed Session**

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

**FOR THE SAFETY FOR OUR CITIZENS AND STAFF, THE CITY OF ASHLAND
CONTINUES TO CONDUCT THEIR MEETINGS VIRTUALLY**

Please contact the Clerk's office if you require accommodations to attend the meeting.

To join the meeting from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/140782037>

Or dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

Access Code: 140-782-037

Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/608341709>

ASHLAND CITY COUNCIL MEETING MINUTES

Tuesday, May 11, 2021 – 5:30 PM

Ashland City Hall Council Chambers

Please silence all cell phones during the meeting

1. CALL TO ORDER

The Tuesday, May 11, 2021 Ashland City Council meeting was called to order by Mayor Debra Lewis, virtually via GoTo Meetings at 5:30 p.m.

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

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

PRESENT: Laura Graf, Anne Whiting, Ana Tochtermann (5:35), Eric Lindell, Kevin Haas, Charlie Ortman, Liz Franek, Dick Pufall, Jackie Moore

ABSENT: Holly George (excused), Sarah Jackson (excused)

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

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

A. April 20, 2021 City Council and Committee of the Whole Meeting Minutes

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

4. CITIZEN PARTICIPATION PERIOD

There were no Citizens present wishing to address the Council.

5. MAYOR'S REPORT

A. Announcements

Mayor Lewis announced the proclamation she issued for May 5, 2021 as Awareness of Missing and Murdered Indigenous Persons Awareness Day. She offered an update regarding COVID and the local vaccination rate. The Timeless Timber site housing project has a potential recipient for state revenue tax credits. She met with Partners in Energy through Xcel Energy on May 3, 2021, and with the Homelessness Task Force this week to further discuss an application for grant monies for a homeless shelter. Thanks went out to the Parks and Recreation Department for organizing Earth Day, to the Public Works Department for their efforts during the City-wide "Dump Day", and to staff who helped clean City trails and parks. The US Treasury released new guidelines as to relief funds spending. Finally, she congratulated Firefighter Pribek on his promotion to Captain, and Firefighter Edinger on his promotion to Lieutenant.

6. CONSENT AGENDA

A. Miscellaneous Meeting Minutes

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

7. NEW BUSINESS

A. Approve a Contract with Managing Results, LLC as a Strategic Planning Consultant for the City of Ashland (*Administrator*) Roll

Haas moved, seconded by Lindell to approve to contract with Managing Results LLC for \$19,662 as a Strategic Planning Consultant. The motion carried unanimously by roll call vote.

B. Approve Twelve Grant Agreements for Downtown Building Improvement Grant Program (*Planning*) Roll

Haas moved, seconded by Moore to approve to award twelve Main Street Program grants for a total of \$234,500. The motion carried unanimously by roll call vote.

C. Approve to Award Contract to Hydro-Klean, LLC for the 2021 Sanitary Sewer Cleaning & Televising Project (*Public Works*) Roll

Lindell moved, seconded by Ortman to award a contract to Hydro-Klean LLC for the amount of \$164,453.26. The motion carried unanimously by roll call vote.

D. Approve Nepotism Policy Waiver (*Public Works*) Voice

Pufall moved, seconded by Tochtermann to waive the nepotism policy. The motion carried unanimously by voice vote.

E. Approve to Allow the City of Ashland Public Works Department to Perform Public Construction Exceeding \$25,000 without Advertising for Competitive Bids. (Public Works) Roll

Pufall moved, seconded by Haas to allow Public Works staff to perform public construction. The motion carried unanimously by roll call vote.

F. Approve to Reallocate Fund 470 Capital Improvement Plan Funds from Waterfront Access Road Project to the 2021 Watermain Replacements Project (Public Works) Roll

Pufall moved, seconded by Haas to approve to reallocating \$133,717 Capital Improvement funds for the Watermain Replacement project. The motion carried unanimously by roll call vote.

G. Approve to Award Contract to Ruotsala Construction, Inc. for the 2021 Watermain Improvements Project (3.5 Blocks of Chapple Ave South of 11th Street West; 1 Block of Front Street and 1 Block of 12th Avenue East) (Public Works) Roll

Franek moved, seconded by Pufall to award a contract to Ruotsala Construction, Inc. for a project total of \$362,460. The motion carried unanimously by roll call vote.

H. Update Regarding Creating a System for Collection and Analysis of Data Related to the Ashland Police Department (Administration)

Kucera and Hagstrom offered an update for new Councilors, and review for all regarding the status of the group formed per Council to look for ways to determine the perception of bias during traffic stops. Current members of this group are Kucera, Hagstrom, Haas, and Ortman. The final outcome/goal for this data gathering is to ensure all police practices for the City of Ashland are not biased in any way.

8. ADJOURNMENT

Pufall moved, seconded by Franek to adjourn. The motion carried unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant,
City Clerk

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: Approve the Mayor's Appointments to a Census AdHoc Committee-

RECOMMENDATION: Approve Members of Ad Hoc Committee to Redraw Ward Boundaries
Using 2020 Census Numbers

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: Mayor

EXHIBITS:

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

**APPROPRIATION
REQUIRED:** N/A

**TREASURER'S
CERTIFICATE:** N/A

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: N/A

SUMMARY STATEMENT:

On May 29th, 2018 the Council voted 8-2 to reduce the size of the council from eleven to seven after the 2020 census. After researching this issue, It was subsequently determined that State Statute requires a range of residents in each ward based on the size of the city. This issue was revisited at the March 9, 2021 Committee of the Whole meeting and the Mayor was asked to submit a list of proposed members for an Ad Hoc committee of citizens independent of the Council, to provide a non-partisan recommendation to the Council for re-drawing City Ward boundaries.

“5.15 (2)(b)4 In any city, village or town in which the population is less than 10,000, each ward shall contain not less than 300 nor more than 1,000 inhabitants.” This means that if our population is between 7,000 and 9,000 we will be required to have a minimum of nine council members. If our population is between 9,000 and 10,000 we are required to have a minimum of eleven council members. (But if our population is over 10,000 we can have as few as five council members.)

It is recommended that we maintain an odd number of members, to reduce the incidence of tie votes.

Background on the decision

Reasons mentioned for reducing the size of the council included:

Cost savings for training and overhead

Council seats often uncontested
More efficient decision making and government
Shorter meetings
Align with the best practices of other municipalities
Allow for a possible pay raise to incentivize service and compensate work
Could also convert some seats to “at large” providing for more electoral competition*Note, "At large" municipal seats are not allowed by state law. All members must represent wards.

Tentative Timeline

April 2021: Census results available, confirm that reducing to nine members is in compliance with State Statutes based on city population. Create new districts.
Summer 2021: Council must adopt a redistricting ordinance in compliance with State Statute 62.08 (1)
October 2021: The Clerk must file a report with the County Clerk confirming the boundaries of the wards.
April 2022: First election with new ward boundaries; begin transition to smaller council.

The Mayor is submitting the names of the following Ashland residents for approval by the Council to serve on an Ad Hoc Committee to recommend re-districting of the City wards prior to the April 2022 Spring Election. The following individuals have agreed to serve:

Ed Monroe, former Mayor and Council President, active community volunteer (Ward 5)
Dale Chesley, Retired Minister (Ward 7)

Three additional individuals will be presented at the Council meeting on May 25, 2021.

SUBJECT: Approve a Resolution to Approve to Fill Ward 1 City Council Member Vacancy (*Mayor*)
Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: Mayor

EXHIBITS:

1. Proposed Resolution
2. Letter of Resignation from H. George
3. Advertisement of Vacancy Notice

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED: N/A

**APPROPRIATION
REQUIRED:** N/A

**TREASURER'S
CERTIFICATE:** NA

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

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: N/A

SUMMARY STATEMENT:

Holly George, Ward 1 Councilor, submitted her resignation from her position as Ward 1 Councilor on May 12, 2021. She and her family are relocating from the City and intend to establish residence in another state.

According to Wisconsin State Statute 17.23:

17.23 Vacancies in city offices; how filled.

(1) GENERAL AND SPECIAL CHARTER CITIES.

(am) Except as provided in sub. (1b) and s. 9.10, vacancies in offices of mayor or alderperson of cities operating under the general law or special charter may be filled by the common council, by majority vote, appointing a successor to serve for the residue of the unexpired term or until a special election is

held, as ordered by the common council under s. 8.50, or an office may remain vacant until an election is held.

Past practice of the Common Council is to appoint a replacement to complete the remainder of the position's term, which ends on April 18, 2022. The Council in the past, has approved a resolution to approve advertising for the vacancy in order to solicit a letter of application from Ward 1 citizens declaring their interest in serving on the Council for Ward 1. The proposed Resolution is attached.

Any letters of interest will be received at the Clerk's office and presented to Council for review on June 8, 2021. Those who submitted a letter will be asked to join the meeting for an informal interview from Council before the choice of a candidate to fill the vacancy is made. If chosen, the candidate will be sworn in immediately in order to participate in the remainder of the meeting.

RESOLUTION No. 17624

RESOLUTION TO APPROVE TO FILL WARD 1 CITY COUNCIL MEMBER VACANCY

WHEREAS, the Ward 1 seat to the Common council is vacant as of May 25, 2021; and,

WHEREAS, Wisconsin Statutes provide that the Common Council can choose to fill the vacancy to complete the position's term, until the next April Election (2022) "unless otherwise ordered by the Common Council"; and,

WHEREAS, the vacancy will be advertised in the official newspaper and on the City's website, as well as posted at City Hall, the Vaughn Public Library, and the Ashland County Courthouse; and,

WHEREAS, the City Council will choose a replacement to be appointed at the June 8, 2021 City Council meeting.

NOW, THEREFORE, BE IT RESOLVED that the Common Council for the City of Ashland, Wisconsin hereby agrees that the candidate chosen at the June 8, 2021 Common Council meeting shall serve a term ending April 18, 2022.

Passed: April, 20, 2021

Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

Holly George
2812 Fellman Drive
Ashland, WI 54806

Ward 1

To Whom It May Concern:

I've enjoyed working with the City on so many levels, so this is not an easy decision; however, I am resigning my Council position effective immediately.

I am not able to attend meetings as regularly as needed to fairly represent my ward due to my kids' college sports schedules and travel. The work to be done is important, and my resignation will allow for the Council to reflect adequate representation for Ward 1.

Thanks for your understanding.

Sincerely,

A handwritten signature in black ink, appearing to read 'Holly George', followed by a long horizontal line extending to the right.

Holly George

City of Ashland
Council Vacancy for Ward #1

The City Clerk of the City of Ashland is accepting letters of interest from Ward #1 residents who wish to be considered to fill the vacancy of Ward 1 Councilor due to a resignation.

The individual appointed by the Council to fill the vacancy for Ward 1 will be a qualified elector of Ward #1 and will serve until the April 18, 2022 Spring Election.

Letters of interest in filling the Ward #1 Council vacancy must be received by the Ashland City Clerk by 4:00 p.m., Monday, June 7, 2021 by email at doliphant@coawi.org or at 601 Main Street West, Ashland WI 54806.

All letters of interest will be forwarded to the Ashland Common Council for deliberation.

Applicants must attend the June 8, 2021 meeting of the Common Council for consideration.

PUBLISH BOX AD, CITY SEAL LOGO ON: May 28, 2021

SUBJECT: Approve to Award a Contract to Managing Results, LLC as the Strategic Planning Consultant for the City of Ashland (*Administrator*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Administrator

CLEARANCES: Administrator

EXHIBITS: 1. Managing Results, LLC. Professional Services Agreement

EXPENDITURES REQUIRED: \$ 19,662

AMOUNT BUDGETED: \$ 20,000

**APPROPRIATION
REQUIRED:** NA

**TREASURER'S
CERTIFICATE:** The Treasurer's Office has certified on May 2, 2021 that Managing Results, LLC is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

At their May 11, 2025 meeting, the City Council approved unanimously to contract with Managing Results, LLC to serve as Strategic Planning Consultant for the City of Ashland. Staff is asking for Council's approval of the agreement attached.

The City received an RFP from Managing Results, LLC which the selection committee felt would best serve the City during its strategic planning process. The agreement price is \$19,662 which falls within the budgeted amount of \$20,000. The process is planned to begin in June of 2020.

MANAGING RESULTS, LLC.
PROFESSIONAL SERVICES AGREEMENT

Consulting Services to facilitate development of Ashland, WI Strategic Plan

THIS PROFESSIONAL SERVICES AGREEMENT is made and entered into as of the date hereinafter set forth by and between THE CITY OF ASHLAND, WISCONSIN (City), and Managing Results, LLC. a Colorado Corporation (Consultant).

WITNESSETH:

WHEREAS, it is the City's desire to develop a results-based, customer-focused Citywide Strategic Plan that will focus on results for customers and engage elected officials, leadership and employees from across the organization as well as members of the community; and

WHEREAS, it is the City's goal to use its Citywide Strategic Plan to drive focus and alignment across the organization, accountability and the type of analytical decision making necessary for successful implementation; and

WHEREAS, it is the City's desire to hire a consultant to facilitate the development of its Citywide Strategic Plan;

NOW THEREFORE, in consideration of the covenants herein contained, it is mutually agreed by the parties as follows:

1) Scope of Consulting Services

The City hereby appoints and engages Consultant to provide the following:

Citywide Strategic Plan Process

MR recommends the following steps to create a Citywide Strategic Plan.

➤ **Review Documents and Materials to Identify Issues and Trends that will Impact Residents and the City of Ashland Government**

A senior MR Consultant will review materials and documents to gain a sense of the Issues that are important and a history of the accomplishments and values that have governed the City of Ashland. Documents will include but are not limited to existing Strategic Plans and

updates, the *Authentic Ashland* Comprehensive Plan, Capital Facility Plan, financial projections, current and recent budgets, performance reports, City Council actions, policies and statements, press and media articles, public surveys, employee surveys, demographic information, economic development plans and projections, land use plans, economic analysis and plans, other reports on topics such as education, health, environment, arts and culture, tourism, etc.

➤ *Interviews with the Mayor, City Council and City Administrator*

A senior MR Consultant will interview the Mayor, City Council and City Administrator. These interviews will illuminate and document the perspectives of Leadership, which will then guide the planning process. These one-on-one interviews will focus on two primary questions:

- What are the most important Issues the residents of Ashland and the City government will be facing over the next 2-5 and 6-9 year timeframes?
- What results do you want to be able to say have been accomplished 2-5 and 6 -9 years from now? 10-20 years from now?

An MR consultant will compile the information from the interviews and identify the common Issues and Trends identified by the Mayor, City Council and City Administrator.

➤ *Facilitated Focus Group Sessions and Business Roundtable*

A senior MR Consultant will facilitate (2) virtual Focus Group Sessions with Department Directors and select Staff and (1) virtual Business Roundtable Focus Group Session. The senior MR Consultant will facilitate the conversation with the group via a virtual meeting software such as Google Meets, Zoom, etc. Online participants will be able to see the MR Consultant as he or she facilitates the conversation AND documents the input on x-large 3M Sticky Pads. The Focus Group Sessions will illuminate and document the perspectives of these stakeholders, which will then inform the planning process. These facilitated focus group sessions will focus on the primary question:

- What are the most important Issues the residents of Ashland and the City government will be facing over the next 2-5 years and beyond?
- An MR consultant will compile the information from the Focus Group Sessions and Business Roundtable and identify the common Issues and Trends identified by each group.

➤ *Online Survey*

A senior MR Consultant will work with the City's Project Manager and/or Communications Manager/PIO to assist in drafting questions for an Online Survey that will inform the creation of the Citywide Strategic Plan. The City will host and market the online survey via its traditional and social media channels. A senior MR Consultant will then analyze, compile (this is easily done when using tools like Constant Contact, SurveyMonkey, etc.) and

incorporate the information from the survey into the Strategic Planning presentation to be delivered at the Facilitated Strategic Planning Retreat.

➤ *Facilitated Strategic Planning Retreat*

In a 1 ½ day Strategic Planning Retreat (broken into two sessions), two of MR's most senior consultants will facilitate the Mayor, City Council, City Administrator, and key staff to develop the Citywide Strategic Plan through the following steps:

- Orientation and overview of the planning process and desired results.
- MR will compile the Issues and Trends identified in the Document Review, Interviews, Focus Group Sessions, Business Roundtable and Online Survey that will have a major impact on the residents of Ashland and the City Government over the next 2-5, 6-9 and 10-20 years. The Planning team will review and assess the internal and external environment.
- The Planning Team will identify 3-5 Strategic Priorities that will emerge from the Issues identified. These are broad categories of focus within which measurable Strategic Goals will be established. Example strategic priorities might include categories like Economic Development, Sense of Place, City Infrastructure and Facilities, etc.
- The Planning Team will identify Measurable, Customer-focused Strategic Goals and objectives for/within each Priority with a 2-5 year timeframe. The Strategic Goals are specific and measurable goals that often require the collaboration of multiple City departments to accomplish and are expressed in terms of what the community or a specific customer group will experience (results).
- The Planning Team will then develop long term statements of intention for the Priorities with a 6-9 and 10-20 year time frame to ensure continued focus over time and until specific, measurable Strategic Goals can be created to drive real implementation. These statements of intention may be directly incorporated from the *Authentic Ashland* Comprehensive Plan creating alignment between the Strategic and the Comprehensive Plan.

MR facilitates the development of strategic plans in a way that is built on consensus, which means that no votes are taken. The Strategic Priorities provide ample room for individual Councilmember's desired results to be included - built on consensus of the City Council.

➤ *Preparation of Draft Strategic Plan Document*

Following the Strategic Planning Retreat, MR will transcribe the Priorities and Strategic Goals and deliver a draft Citywide Strategic Plan document to the City Administrator and the City's Project Manager. MR will review the draft Citywide Strategic Plan with the City Administrator and City's Project Manager.

Additional Tasks to Consider (OPTIONAL)

➤ **Public Input Forum(s)**

If additional public input into the development of the Citywide Strategic Plan is desired by the City, MR recommends the following:

- A virtual Public Input Forum, hosted by the City Council and facilitated by MR, will be held to provide an additional opportunity for the community to discuss the issues they will face over the next 2-5 years and beyond.
- To ensure the input provided in the Public Input Forum(s) is valued equally, the same question will be asked in the meeting: What issues do you expect to be facing over the next 2-5 years and beyond?
- An MR consultant will compile the information from the Public input Forum and identify the common Issues and Trends identified by the public.

➤ **Implementation Plan Work Sessions**

A Strategic Plan is only as good as its execution. For this reason, MR recommends that the City of Ashland consider developing an Implementation Plan that will serve as a road map for achieving each Strategic Goal included in the Citywide Strategic Plan and will assist the City in telling its story in terms of impact and results. MR recommends that the City consider developing the Implementation Plan during the Summer of 2021, finalizing it prior to budget kickoff. This timeline will make it possible to align the Citywide Strategic Plan with the annual budget cycle and with those strategies, action items and milestones included in the Implementation Plan that will need to be resourced in order to move the Citywide Strategic Plan forward.

Assuming this timeline, three to four weeks after the conclusion of the Strategic Planning Retreat, two senior MR consultants will return for a multi-day facilitated work session with department leaders from the City of Ashland. The purpose of these sessions is to foster a sense of cohesion around the direction provided by the Citywide Strategic Plan by ensuring the strongest alignment between the Citywide Strategic Plan and those department or departments whose operations will directly influence its implementation. The following are the expected results:

- Develop Strategies, Action Items, Milestones and Performance Measures for each Strategic Goal identified in the Citywide Strategic Plan
- Produce an Implementation Plan that includes all the Strategies, Action Items, Milestones and Performance Measures for implementing the Citywide Strategic Plan

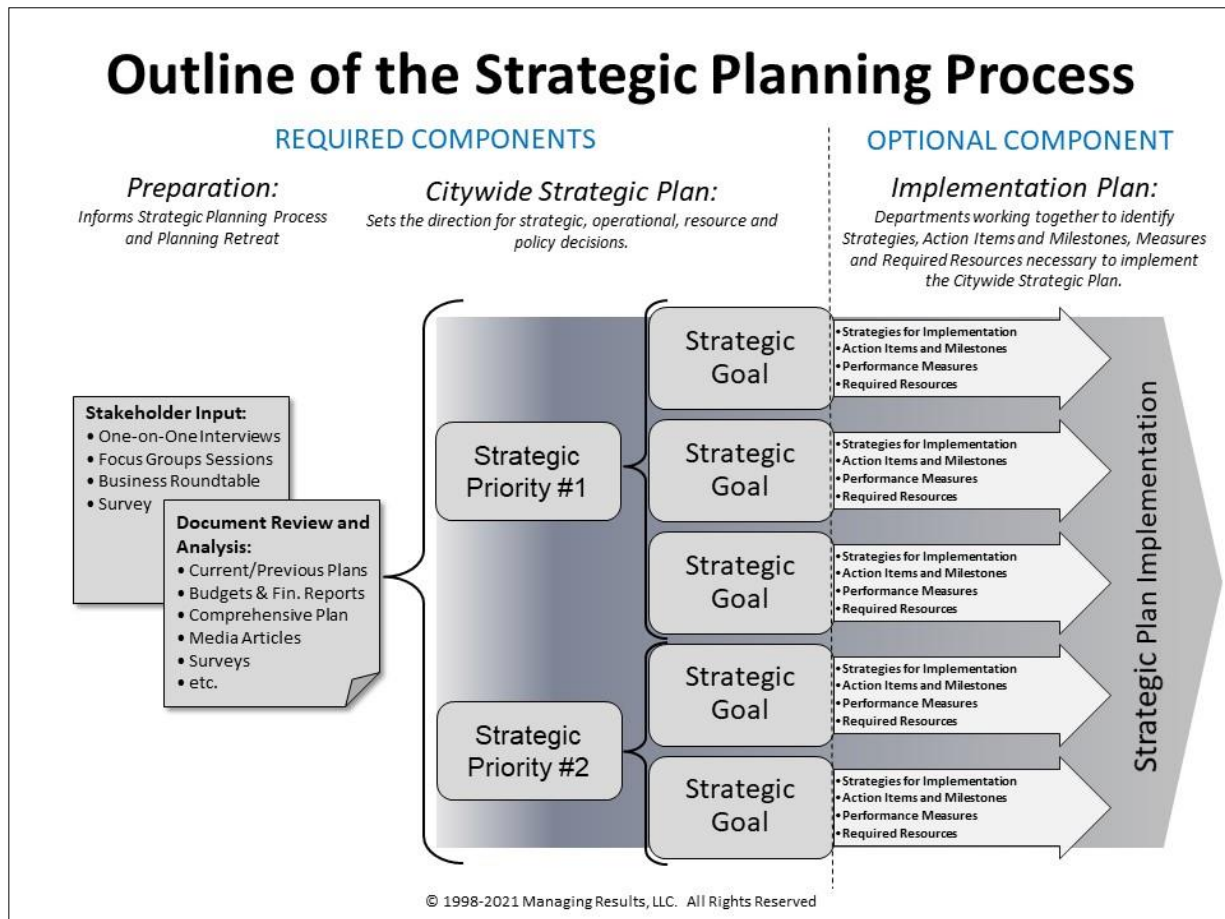
Prior to the working sessions, MR will work with City leadership and the City's Project Manager to identify the departments which will contribute to each of the Strategic Results. In some cases, a Strategic Result will require the focus of one operational department. In many cases, however, a Strategic Result will require multi-department efforts and

collaboration to ensure success. Further, the City will identify which Department Head has the lead on each Strategic Result.

➤ **Implementation Tools and Tips– Quarterly Status Updates for City Administrator & City Council**

The Citywide Strategic Plan will have measurable, Strategic Goals and objectives the City can use to directly measure and report on its progress in implementing the Plan. Further, if the City elects to develop an accompanying Implementation Plan (as described in the previous bullet on page 13), MR recommends that the City hold quarterly management meetings to review and evaluate progress on each of the Strategic Goals. This will be supported, and progress will be managed through the Implementation Plan and the strategies, action items, milestones and performance measures contained within the Implementation Plan. The quarterly meetings will help ensure the appropriate level of focus is being given to implementation of the Plan. The meetings are also a way to brief the City Administrator, provide support to departments where needed and take corrective action where appropriate. As part of the process, MR will (if desired) provide the City with recommendations for how these meetings should be structured and its Implementation Plan Progress Report Template.

Project Flow Chart



2) Compensation

Consultant shall be compensated in an amount not to exceed \$19,662 for those services previously described in detail in Section 1 of this Contract. Billings, supported by detail, showing party providing the services, date services were performed, description of services, and applicable fees (as detailed in the attached exhibit: Fee Structure) not to exceed \$19,662 will be submitted following each task as outlined in the Fee Proposal Breakdown by Task and all Consultant invoices will be paid in 15 days.

3) Indemnification

Consultant will comply with the indemnity requirements as follows:

Consultant agrees to defend, indemnify, and hold harmless the City and its officers, agents, and employees from and against any and all loss of or damage to tangible property, or bodily injuries to or death of any person or persons, to the extent caused by the negligent acts or omissions of Consultant, including, without limiting the generality of the foregoing, its partners, employees, representatives, contractors or agents, in connection with the audit. Provided, however, Consultant shall not be liable thereunder for any loss or expense occasioned by the negligent acts or omissions of the City or its officers, agents, and employees. Each party agrees to give the other parties prompt notice of any claim, suits, actions, or proceeding. Further, the termination, cancellation, or expiration of this Contract shall not affect the obligations and rights established which the parties expressly agree will survive compensation, cancellation, termination, and expiration.

4) Venue and Applicable Law

The City and Consultant hereby agree that any dispute which may arise between or among them arising out of or in connection with this Contract shall be adjudicated before a court located in Ashland County, Wisconsin. The City and the Consultant hereby submit to the exclusive personal jurisdiction of the state or federal courts located in Ashland County, Wisconsin with respect to any action or legal proceeding commenced by any party to the Contract. The City and Consultant consent to the service of process in any such action or legal proceeding by means of registered or certified mail, return receipt requested, in care of the addresses set forth in paragraph number 5. This Contract shall be construed and enforced in accordance with the laws of the State of Wisconsin. In the event of ambiguity in any of the terms of this Contract, it shall not be construed for or against any party on the basis that such party did or did not author the same.

5) Notices

Notices to the parties hereto shall be in writing, personally served, faxed with receipt confirmation or sent by first-class US mail with return receipt to

City: Debra Lewis, Mayor
Ashland City Hall
601 Main Street West
Ashland, WI 54806

Consultant: Marv Weidner, CEO
Managing Results, LLC
2758 Stephens Road
Maryville, TN 37803
865-567-5192

or to such other official address as the parties hereto may from time to time specify in writing.

6) Complete Agreement

This Contract expresses the entire understanding and complete agreement between the City and Consultant concerning the subject matter hereof. Neither the City nor Consultant has made or shall be bound by any agreement, statement or any representation to the other concerning the subject matter hereof which is not set forth in this Contract.

7) Modifications

This Contract can be modified by signed, mutual consent of both parties.

8) No Waiver or Modification

No waiver or modification of this contract or any covenant, condition, or limitation herein contained shall be valid unless by written amendment duly executed by the parties hereto. No evidence of waiver or modification shall be received in evidence of any proceedings or litigation between the parties hereto arising out of or affecting this Contract, or the rights or obligations of the parties hereunder, unless such waiver or modification is in writing, duly executed as aforesaid. The parties further agree that the provisions of this paragraph may not be waived except as herein set forth.

9) Cancellation

The City and Consultant may cancel this Contract upon thirty (30) days written notice to the other party. Such notice shall be deemed to be effective when received. Upon cancellation hereof, the City will pay Consultant all fees earned up to date of cancellation and Consultant will turn over to the City copies of all City documents in its possession.

10) Assignment

Neither this Contract nor any claims, rights or obligations relating to it may be assigned, sublet, or transferred by a party hereto unless approved in writing by the other party.

11) Independent Contractor Status

The parties hereby acknowledge and covenant that Consultant is an independent contractor and will act exclusively as an independent contractor and not as an employee of the City in performing the duties hereunder. The parties do not intend and will not hold out that there exists, any corporation, joint venture, undertaking for a profit or other form of business venture or any employment relationship among the parties other than that of an independent contractor relationship. The City will not withhold any social security tax, Medicare tax, federal unemployment tax, federal income tax, or state income tax from any compensation paid to Consultant. All such taxes, if due, are the responsibilities of Consultant and will not be charged to the City. Consultant agrees not to make any claims to any welfare or retirement benefits available to qualified employees of the City, for work done in relation to this Contract.

12) Confidentiality

Consultant acknowledges that in the course of providing services, Consultant may become privy to valuable information of a confidential and proprietary nature relating to the City's activities. All information Consultant becomes privy to as a result of this Contract should be treated confidential and shall not be divulged by Consultant to any third person or entity without the express written consent of the City.

13) Validity

The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision of this Contract, which shall remain in full force and effect.

14) No Waiver

The failure or neglect of the City to insist, in any one or more instances, upon the strict performance of any of the terms or conditions of this Contract, shall not be construed as a waiver of such term or condition nor the relinquishment in the future of such term or condition, but such term or condition shall continue in full force and effect.

15) Electronic Transmittals

During the course of this Contract, Consultant or City may need to electronically transmit confidential information to each other and to other entities engaged by either party. E-mail is a fast and convenient way to communicate. The City and Consultant agree to the use of e-mail and other electronic methods to transmit and receive information, including confidential information, between the City and Consultant and outside specialists or other entities engaged by either Consultant or City.

16) Exhibits

Attached to this contract are a Fee Schedule and a Certificate of Insurance from Consultant.

17) Intellectual Property Ownership, Use and Disclosure

The City and Consultant acknowledge and agree as follows:

Consultant Methodology (both standard and modified) is the proprietary intellectual property of Consultant. The Consultant methodology contains, and is imbedded in various methodologies, trade secrets, software, definitions, graphics, presentations, and guidelines that are the sole proprietary intellectual property of Consultant. Much of the Consultant Methodology is contained but is not limited to the copyrighted Managing Results Resource Guide to Strategic Business Planning. City may use it only for its own internal purposes and shall keep the Consultant Methodology confidential, and under no circumstances will the City or other staff or agencies of the City, except as agreed by Consultant in writing, disclose the Consultant Methodology to other third parties, either individuals, or governmental or private sector organizations. All changes or derivative work made to the Consultant Methodology shall remain the exclusive property of Consultant. Notwithstanding the foregoing; all information produced by the City utilizing the Consultant Methodology, including the Citywide Strategic Plan, shall be considered the exclusive property of the City.

IN WITNESS WHEREOF, the City of Ashland, Wisconsin and Managing Results, LLC has made and executed this Contract, this ____ day of _____, 2021.

MANAGING RESULTS, LLC:

203 Tomichi Trail
Gunnison, CO 81230
(865) 567-5192

CITY OF ASHLAND, WISCONSIN:

601 Main Street West
Ashland, WI 54806
(715) 682-7071

MARV WEIDNER, CEO:

DEBRA LEWIS, MAYOR:

Signature

Signature

DATE:

DATE:

EXHIBIT

Proposed Fee Structure

Prices include all costs associated with completing each task.

Introduction

The following proposed budget includes tasks that are required in creating a results-based and customer-focused Citywide Strategic Plan. With the exception of the Online Survey (which the City has excluded from its project budget), we have tried our best to stay within the budget of \$20,000. However, because the Facilitated Strategic Planning Retreat will need to take place onsite (and in compliance with all CDC and WI Department of Health Guidelines), one-time travel expenses will need to be added to the budget.

Per the directions provided in the RFP, MR has included on page 3 of this Proposed Budget section, those additional tasks to consider (listed as OPTIONAL in the proposal) that can be added to the process if desired to help ensure the successful implementation of the Citywide Strategic Plan.

NOTE: MR looks forward to using this proposed budget as a beginning point in its conversations with the City of Ashland.

Fee Proposal Breakdown by Task

Prices include all costs associated with completing each task.

Strategic Planning Process: Tasks	\$
➤ <u>Project Planning</u> Includes working with City Leadership and the City's Project Manager to confirm the Citywide Strategic Planning process and establish detailed schedule and timeline of events. Includes 1½ days (12 hours) of working with City Leadership and the City's Project Manager, 1 consultant at a cost of \$0.	\$0
➤ <u>Document Review</u> Includes review of existing City materials and documents. Includes 1/2 day (4 hours) of review, 1 consultant at a cost of \$1,100.	\$1,100
➤ <u>Individual Interviews with Mayor, City Council and City Administrator</u> Includes (13) individual interviews with the Mayor, City Council and City Administrator to discuss emerging issues facing the community and results most important to achieve over the next 2-5 years and beyond. Includes a little over 1½ days (13 hours) of interviews, 6½ hours of compiling the information, 1 consultant at a cost of \$5,362.	\$5,362
➤ <u>Facilitated Focus Group Sessions and Business Roundtable</u> Includes (3) Focus Group Sessions with a) Department Directors, b) City Staff and c) Local Business Leaders to gather information, insight, and recommendations related	\$3,300

to the Citywide Strategic Plan. Includes the equivalent of 1 day (8 hours) for prep and actual Focus Groups, ½ day (4 hours) of compiling the information, 1 consultant at a cost of \$3,300. <i>Note: Additional Focus Group Sessions can be added if desired by the City. Each additional Focus Group requires 2 hours of time with 1 hour following the session to compile the information.</i>	
➤ <u>Online Survey</u> Includes working with City Leadership and/or Communications Manager/PIO to develop Online Survey question(s). Also includes compilation, analysis of the results and incorporating the information from the survey into the Strategic Planning presentation to be delivered at the Facilitated Strategic Planning Retreat. Includes 3 days (24 hours) for survey development assistance, compilation and analysis of results as well as incorporating the information into the Strategic Planning Retreat Presentation, 1 consultant at a cost of \$2,200. <i>*Note: Because the City has excluded the cost of doing a survey from the budget for strategic planning, the \$6,600 proposed for the Online Survey has not been added to the Total Price below.</i>	<\$6,600>*
➤ <u>Facilitated Strategic Planning Retreat</u> Includes Assessment of the Future Discussion and Review, Strategic Priorities, measurable Strategic Goals and Objectives. Includes 1 day of preparation (8 hours), 1 ½ days for the onsite Planning Sessions, 2 consultants (24 hours) at a cost of \$8,800.	\$8,800
➤ <u>Preparation of Draft Strategic Plan Document</u> Includes compiling and delivery of draft City-wide Strategic Plan Includes ½ day (4 hours) of compiling the information and work product from the Strategic Planning Retreat, 1 consultant at a cost of \$1,100.	\$1,100
Total Price for Strategic Planning	\$19,662

Fee Proposal Summary

Strategic Planning Process	\$
Total Price for Strategic Planning	\$19,662
+ Travel Expenses for Facilitated Strategic Planning Retreat	\$3,350
<u>TOTAL NOT-TO-EXCEED PRICE</u>	<u>\$23,012</u>

Note: Travel costs are estimated using present market prices and the per diem lodging and food rates as set by the U.S. General Services Administration. Only actual travel costs will be submitted for reimbursement.

Additional Tasks to Consider (OPTIONAL)

Strategic Planning Process: OPTIONAL Additional Tasks	\$
➤ <u>Public Input Forum</u> Includes (1) Public Input Forum to gather additional information and insight in preparation for the Facilitated Strategic Planning Retreat Includes 1 days (8 hours) for preparation and the actual Public Input Forum and ½ day (4 hours) of compiling the information gathered, 1 consultant at a cost of \$3,300.	\$3,300
➤ <u>Implementation Plan Work Sessions</u> Includes working with Department Leaders and Key Staff to ensure operational alignment and the creation of individual and cross-cutting Strategies, Action Items, Milestones and Performance Measures for each Strategic Goal in the Citywide Strategic Plan. - Prior to work session, includes ½ day (4 hours) to help identify Department Leaders and Key Staff that will participate in the Implementation Plan Work Sessions, 1 consultant at a cost of \$1,100. - Includes 2 consultants over a 5-consultant day period* (80 hours) at a cost of \$22,000 with associated travel costs of \$4,852 OR less. - Includes 1½ days (12 hours) for compiling the information and work product from the Implementation Plan Work Sessions, 1 consultant at a cost of \$3,300. <i>*The budget for Implementation Plan Work Sessions is 5 days. If the time required is less than 5 days, only those days utilized will be invoiced.</i>	\$31,252
➤ <u>Implementation Tools and Tips – Quarterly Status Updates for City Administrator & City Council</u> Includes recommendations and tips for how quarterly Implementation Plan meetings should be structured. Also includes Implementation Plan Progress Report Template in MS Word that can be used by the City to manage and report progress on the achievement of the Citywide Strategic Goals.	\$0

SUBJECT: Approve a Resolution to Set a Public Hearing Date for Vacation of ROW, Applicant:
Ogilvie (*Planning*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Department of Public Works
Department of Planning & Development

EXHIBITS: 1. Proposed Resolution
2. ROW Vacation Map

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

**APPROPRIATION
REQUIRED:** N/A

**TREASURER'S
CERTIFICATE:**

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

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed request for vacation of undeveloped right-of-way conforms to the goals of the Comprehensive Plan, which recommends putting land back on the tax roll as able and also encourages support for property owners who wish to invest in and improve their property.

SUMMARY STATEMENT:

It is required by City ordinance and state statute that a Resolution be passed to set a public hearing date to consider vacation of public right-of-way, with the identified public hearing date no less than 40 days from the passage of this resolution. The proposed public hearing date in the attached resolution is July 13, 2021, at which time Common Council will consider and take action on the requested right-of-way vacation.

RESOLUTION No. 17625

RESOLUTION TO SET A PUBLIC HEARING FOR THE VACATION OF PORTIONS OF UNDEVELOPED RIGHTS-OF-WAY KNOWN AS:

•THAT PART OF PLATTED BUT NOT OPEN 5TH AVENUE EAST ADJACENT TO LOTS 1 THROUGH 12 BLOCK 379 AND LOTS 13 THROUGH 24 OF BLOCK 380 OF ELLIS DIVISION, AND ALSO THAT PART OF PLATTED BUT NOT OPEN 5TH AVENUE EAST ADJACENT TO LOT 7 OF BLOCK 17 OF SUPERIOR ADDITION TO THE CITY OF ASHLAND WISCONSIN; AND

•THAT PART OF PLATTED BUT NOT OPEN ALLEYWAY ADJACENT TO LOTS 5 THROUGH 12 AND 16 THROUGH 24 OF BLOCK 380 OF ELLIS DIVISION TO THE CITY OF ASHLAND WISCONSIN.

WHEREAS, the Common Council of the City of Ashland has received a request to vacate the undeveloped right-of-way located north of Lake Park Road, legally described as follows:

- That part of platted but not open 5th Avenue East adjacent to Lots 1 through 12 Block 379 and Lots 13 through 24 of Block 380 of Ellis Division, and also that part of platted but not open 5th Avenue East adjacent to Lot 7 of Block 17 of Superior Addition to the City of Ashland Wisconsin; and
- That part of platted but not open alleyway adjacent to Lots 5 through 12 and 16 through 24 of Block 380 of Ellis Division to the City of Ashland Wisconsin; and

WHEREAS, the Common Council of the City of Ashland wishes to gather public input to determine if it is in the best interests of the City to vacate the above mentioned right-of-way, with the exception of any needed easements for public utilities and access to public utilities, including but not limited to water, sewer, electric and natural gas utilities, which interests are specifically reserved by and for the benefit of the City of Ashland and any other public utility.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Ashland hereby sets a Public Hearing in compliance with Wisconsin State Statute 66.1003 for the presentation and discussion of the above mentioned undeveloped right-of-way vacation at the Tuesday, July 13, 2021 Council meeting.

Passed: April, 20, 2021

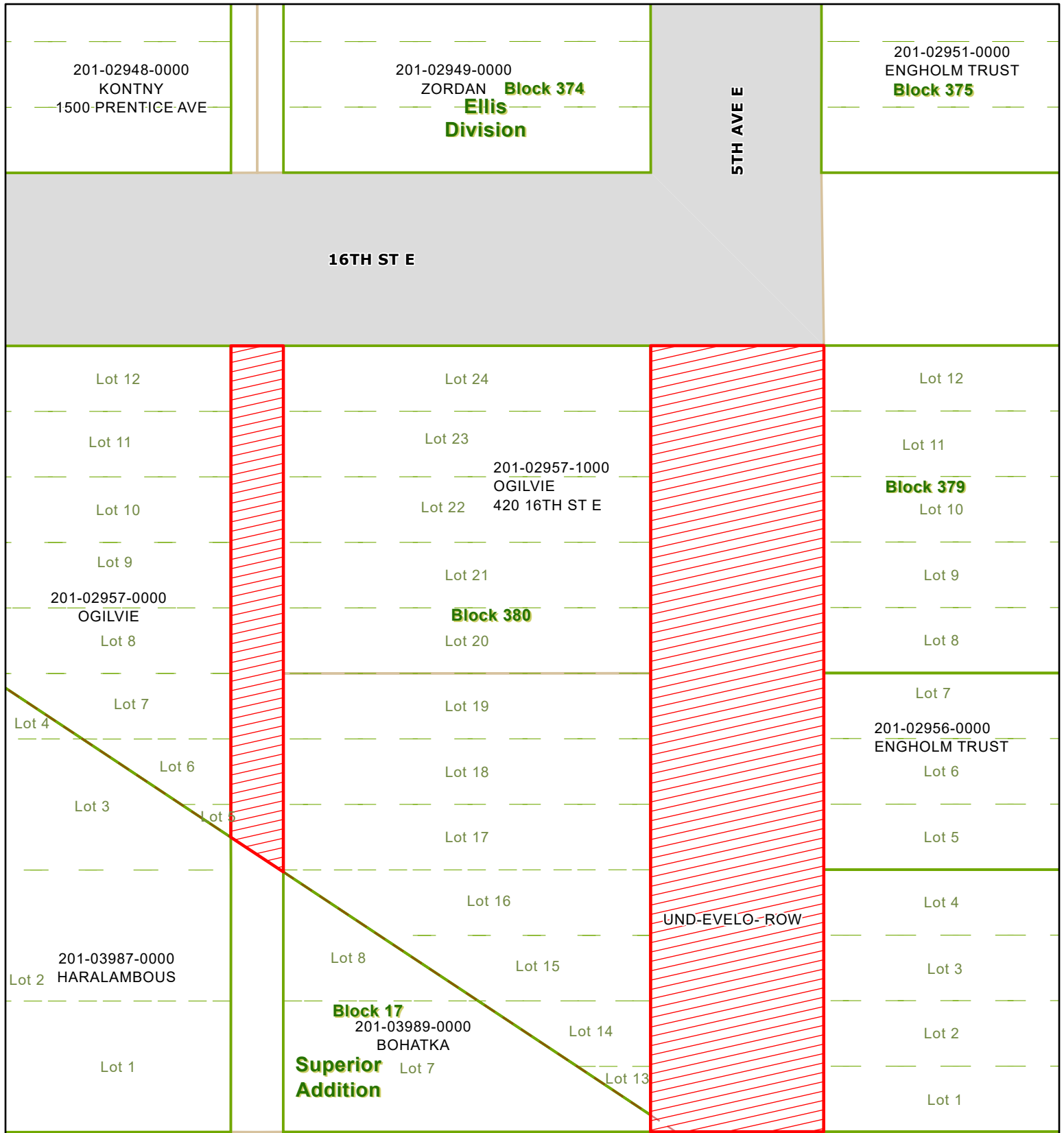
Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney



ROW VACATION MAP

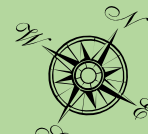
- Proposed Vacation
- Block
- Subdivision
- Parcel Mapping
- Right-of-Ways

5th Avenue East Vacation Description:

That part of platted but not open 5th Avenue East adjacent to Lots 1 through 12 Block 379 and Lots 13 through 24 of Block 380 of Ellis Division, and also that part of platted but not open 5th Avenue East adjacent to Lot 7 of Block 17 of Superior Addition to the City of Ashland Wisconsin.

Alley Vacation Description:

That part of platted but not open alleyway adjacent to Lots 5 through 12 and 16 through 24 of Block 380 of Ellis Division to the City of Ashland Wisconsin.



1 inch equals 50 feet
0 33 US Feet

City of Ashland
Dept. of Public Works
Geographic Information
Systems Division
Created: 05/11/2021
Map for informational purposes only.



SUBJECT: Discussion and Possible Action to Approve an Ordinance to Amend Chapter 201.35 Ashland City Ordinances, General Conduct, to Modify or Revoke the Emergency Order Regarding Face Covering Requirements during the COVID-19 Pandemic and to Modify or Revoke the Declaration of Emergency by Mayor, dated March 17, 2020 and Ratified by Council on March 31, 2020 *(Mayor) Roll*

RECOMMENDATION: Revoke Chapter 201.35 Ashland City Ordinances, Face Covering Requirements during the COVID-19 Pandemic, and Revoke the Declaration of State of Emergency in the City of Ashland from March 31, 2020.

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: City Administrator
Unified Command Team (met on 5/19/21)

EXHIBITS:

1. Proposed Ordinance
2. Chapter 201 General Conduct Ordinance.
3. Resolution 17582 Approve Ord to Amend Ch 201 (934) General Conduct Ordinance 8-04-2020
4. Resolution 17557 Ratification of City of Ashland, Ashland County, Wisconsin Emergency Declaration 3-31-2020

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

**APPROPRIATION
REQUIRED:** N/A

**TREASURER'S
CERTIFICATE:** N/A

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: N/A

SUMMARY STATEMENT:

On March 17, 2020, in response to the COVID-19 pandemic, the Mayor made a Declaration of State of Emergency in the City of Ashland. The City Council unanimously ratified the Declaration at the March 31, 2020 City Council meeting. In July 2020, the City Council passed Chapter 201.35 Ashland City Ordinances, Face Covering Requirements during the COVID-19 Pandemic. The face covering requirements contained in the ordinance were modeled around the then current recommendations by the CDC.

Ordinance 201.35 provides that it remains in effect until terminated by Council or so long as an emergency

declaration exists at the County, State or Federal level.

In light of the recent CDC revised recommendations concerning face coverings, the purpose of this Agenda item is to allow opportunity for Council to re-evaluate its position regarding COVID restrictions in the City of Ashland.

Sequential Ordinance No. 2020-1944
Chapter No. 201 (934)

ORDINANCE TO AMEND CHAPTER 201 (934) GENERAL CONDUCT ORDINANCE.
ASHLAND CITY ORDINANCES,

An ordinance adopted by the Common Council for the City of Ashland at a regular meeting of May 25, 2021, for the purpose of amending Chapter 201 (934) General Conduct Ordinance, Ashland City Ordinances.

Section I:

Section 201.35 shall be removed.

Section II:

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

PASSED: May 25, 2021
PUBLISHED: May 28, 2021

Kevin Haas, Councilperson

ATTEST:

Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

CHAPTER 201. GENERAL CONDUCT ORDINANCE.

201.01. Obstructing Streets and Sidewalks. No person shall stand, sit, loaf or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

201.02. Littering and Garbage Disposal.

(a) Definitions. As used in this chapter, the words “garbage,” “refuse,” and “ashes” have the following meanings:

(1) Garbage. Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

(2) Refuse. Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; \ noncombustible trash, including but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

(3) Ashes. Residue from fires used for cooking and for heating buildings.

(b) Littering Prohibited. No person shall leave, place, throw or deposit or cause or permit any other person to leave, place, throw or deposit, in or upon any street or public place, or in or upon any vacant or private lot or premises, any ashes, rubbish, garbage, refuse or other like or similar substances or materials.

(c) Garbage Disposal. It shall be unlawful to place or permit to remain anywhere in the city any garbage, or other material subject to decay other than leaves or grass, except in a tightly covered container.

(d) Dust/Ash Disposal. It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the city except in a covered container.

(e) Littering from Vehicle. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse, or ashes on any public street or alley in the city; provided, that this section shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this ordinance preparatory to having such material collected and disposed of in the manner provided herein.

(f) Dumping Without Consent. It shall be unlawful to dump or place any garbage, refuse or ashes on any premises in the city without the consent of the owner of such premises.

201.03. Disorderly Conduct.

(a) Disorderly Conduct Prohibited: Whoever does any of the following shall be guilty of an offense:

(1) The provisions of sec. 947.01 Wis. Stats., pertaining to Disorderly Conduct, exclusive of the penalties provided in said Statute, are adopted and incorporated by reference as if fully set forth herein.

(2) Intentionally engages in fighting or in violent, threatening or tumultuous behavior; or who addresses abusive language or threats to any other person to the extent that it creates a clear and present danger or violence; or in the presence of others encourages others to create disturbance of public order or encourages acts likely to produce violence or create a disturbance of public order; or who causes the likelihood of harm or serious inconvenience by failing to obey a lawful order of dispersal by a police officer, where three (3) or more persons are committing acts of disorderly conduct in the immediate vicinity.

(3) Intentionally damages, befouls, or disturbs public property or the property of another so as to create a hazard, unhealthy, or physically offensive condition.

(4) Intentionally commits a trespass on residential property or on public property.

(b) False Fire Alarms Prohibited. No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.

(c) Resisting or Obstructing Law Enforcement Officer.

(1) No person shall knowingly resist or obstruct a law enforcement officer while such officer is doing any act in an official capacity and with lawful authority.

(2) "Obstructs" includes without limitation knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty including the service of any summons or civil process.

(d) Obedience to Officers. No person shall, without reasonable cause or justification, resist or in any way interfere with any officer of the City while such officer is doing any act in his official capacity and with lawful authority.

(e) Disorderly Conduct with a Motor Vehicle. No person shall, within the City, on public or private property, by or through the use of a motor vehicle, motorcycle, snowmobile or mini-bike,

under circumstances which tend to cause or provoke a disturbance or annoy one or more persons, engage in violent, abusive unreasonably loud or otherwise disorderly conduct, including but not limited to unnecessary or deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing of horns, causing the engine to backfire or causing the vehicle while commencing to move or while in motion to raise one or more of its wheels off the ground.

201.04. Vandalism. It shall be unlawful for any person to commit an act of vandalism in the City of Ashland. Vandalism as used in this chapter shall be defined as follows:

(a) The intentional or willful damaging or defacing of another person's real or personal property without the other person's consent.

(b) The intentional or willful damaging, defacing, concealing or impairing the use of any real estate or personal property in which another has a property interest, without the consent of the other person, firm or corporation or an agent thereof.

201.05. Unlawful Trespassing on Railroad Property.

(a) Trespassing. It shall be unlawful for any person to "trespass" upon any property, real or personally owned or used by any Railroad, within the City limits.

(b) Definition. "Trespass" is defined as entering upon or remaining on the property owned or used by any railroad, after having been notified not to do so.

(c) Notice/Signage. A person has received notice not to enter upon or remain on railroad equipment or property if said person has been notified personally, either orally or in writing or the railroad property is posted with a legible "No Trespassing" sign.

201.06. Trespassing on School Grounds.

(a) Trespassing. It shall be unlawful for any person to "trespass" upon any property used by the School District of Ashland for school purposes.

(b) Definition. "Trespass" is defined as entering, being upon, or remaining on the property used by the School District of Ashland for school purposes after having been notified not to do so by any School District of Ashland principal, administrator, or teacher, or an officer of the Ashland Police Department.

(c) Notice/Signage. A person has received notice from any of the individuals listed in (b) above if said person has been notified personally, either orally or in writing.

201.07. Lewdness. Whoever does any of the following acts in public shall be guilty of an offense:

(a) Indecent Acts. Commits an indecent act of sexual gratification, alone or with another, with knowledge that he is in the presence of others.

(b) Indecent Exposer. Publicly or indecently exposes a sex organ, buttocks, or in case of a woman, her breasts.

201.08. Shoplifting. The provisions of sec. 943.50, Wis. Stats., pertaining to shoplifting exclusive of the penalties provided in said statute are adopted and incorporated by reference as if fully set forth herein.

201.09. Spitting in Public Places. It shall be unlawful for any person to spit or emit any spittle or to discharge or throw any mucus or other secretion from or contents of the mouth or nose or any cigarette or cigar stub, tobacco quid, fruit peeling, or other waste substance, on any public floor, stairway, sidewalk, platform, or other public place or conveyance in the city, and such practice is hereby declared to be a public nuisance and an offense against decency and public morality.

201.10. Compulsory School Attendance and Truancy. The provisions of secs. 118.163 and 948.45, Wis. Stats., are hereby adopted and incorporated by reference as fully set forth herein.

(a) Truancy Prohibited. No person between the ages of 6 and 18 shall be truant from school without an acceptable excuse under secs. 118.15 and 118.16(4), Wis. Stats.

(b) Habitual Truancy Prohibited. No person between the ages of 6 and 18 shall be habitually truant from school without an acceptable excuse under secs. 118.15 and 118.16(4), Wis. Stats.

(c) School Dropout Prohibited. No person at least 16 years of age, but less than 18 years of age, shall be a “dropout” from school without an acceptable excuse under sec. 118.15(1)(b)2(d) or (3), Wis. Stats.

(d) Contributing to Truancy Prohibited. No person 17 years of age or older by any act or omission, knowingly encourage or contribute to the truancy of a person 17 years of age or under.

(e) Enforcement. A Police Officer having probable cause to believe that a child is truant, habitually truant, or a dropout may issue a citation for a violation of this ordinance.

(f) Penalties. For violation of the truancy provisions, the court may impose any of the dispositions listed in sec. 118.163(1m)(a)3(c), Wis. Stats. For habitual truancy, the court may impose any of the dispositions listed in sec. 118.163(2)(a)3(1), Wis. Stats.

(g) Dropout Provisions. For violation of the dropout provisions, the court may impose any of the dispositions under sec. 118.163(2m)(a), Wis. Stats. in addition to all other penalties.

(h) Persons Under 17 years. The provisions of sec. 938.342, Wis. Stats. are adopted by reference and may be imposed in addition to any other penalty provided by this ordinance against any person who is under 17 years of age and the date of disposition.

(i) Forfeitures. For violation of contributing to truancy provisions, a forfeiture of not less than \$100.00 and not more than \$250.00, plus court costs may be ordered.

201.11. Possession and use of Alcoholic Beverages by Underage Persons. The provisions of sec. 125.07, Wis. Stats., and all subsequent amendments thereto are hereby adopted and incorporated by reference as if fully set forth herein.

201.12. Possession and use of Controlled Substances and Drug Paraphernalia.

(a) Possession. It shall be unlawful for any person to have possession of, use, or consume any “controlled substance” within the City of Ashland. “Controlled substance” means a drug, substance or immediate precursor as defined in sec. 961.01(4) Wis. Stats.

(b) Use. It shall be unlawful for any person to use or possess “drug paraphernalia;” to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or controlled substance analog in the City of Ashland. “Drug paraphernalia” has the definition given in sec. 961.571(1)(a), Wis. Stats.

201.13. Curfew Imposed on Persons Under Eighteen

(a) Hours. It shall be unlawful for any minor under eighteen (18) years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playground, wharves, docks, or other public grounds, public places, and public buildings, places of amusement, and entertainment, vacant lots or other unsupervised places between the hours of 10:30 p.m. and 5:00 a.m. It shall be unlawful for any minor under the age of thirteen (13) to loiter, idle, wander, stroll, or play upon the public streets, highways, roads, alleys parks, playgrounds, wharves, docks, or other public grounds, public places, and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places between the hours of 9:30 p.m. and 5:00 a.m.

(b) Persons Exempt. The provisions of this section shall not apply to a minor accompanied by his parent or guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.

(c) Duties of Parents. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a child under the age of eighteen (18) years to knowingly permit the child to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alley, parks, grounds, public places, and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places between the hours of 10:30 p.m. and 5:00 a.m. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a child under the age of thirteen (13) years to knowingly permit the child to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised

places between the hours of 9:30 p.m. and 5:00 a.m.

201.14. Operation and Use of Bicycles.

(a) State law adopted. The provisions of secs. 346.77 through 346.81, Wis. Stats., are adopted and incorporated by reference as if fully set forth herein.

(b) Operation. Every person operating a bicycle upon a roadway shall obey each traffic signal or sign facing a roadway.

201.15. Firearms.

(a) City Limits. It shall be unlawful for any person to discharge any firearm within the City limits with the exception of the Dog Warden or a sworn law enforcement officer in the line of duty or at a municipally approved firing range. The provisions of sec. 941.20 (1), Wis. Stats., pertaining to reckless use of weapons, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

(b) Transportation. The provisions of sec. 167.31, Wis. Stats., pertaining to the safe use and transportation of firearms and bows, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

(c) Government Building. Pursuant to sec. 943.13(1m)(c)4, Wis. Stats., no person shall enter or remain in any part of a building owned, occupied, or controlled by the State or a local government unit if the State or local government unit has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm.

(d) Signage. The City Administrator shall cause signs to be erected at all entrances to all buildings owned, occupied, or under the control of the City of Ashland, providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five (5) inches by seven (7) inches or larger.

(e) Exemptions. Nothing in this subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding sec. 939.22(22), Wis. Stats., for purposes of this section, peace officer does not include a commission warden who is not a State certified commission warden.

(f) State Statues. Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to sec. 941.23 or 941.235, Wis. Stats.

201.16. Possession of a Pistol by Minor. The provisions of sec. 941.22 (1), Wis. Stats., pertaining to Possession of a Pistol by Minor, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.17. Carrying Concealed Weapon.

(a) Licensing. The provisions of sec. 175.60, Wis. Stats. (License to Carry a Concealed Weapon) are adopted and incorporated by reference as if fully set forth herein. Violations of the provisions of the statute shall be enforceable by the City of Ashland by issuance of a citation for a civil forfeiture. The City of Ashland civil forfeiture shall be the maximums of any of the state forfeitures provided in the penalty section of sec. 175.60, Wis. Stats.

(b) State Statutes. The provisions of sec. 941.23(1), Wis. Stats., pertaining to carrying concealed weapons, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.18. Possession of Switchblade Knife. The provisions of sec. 941.24, Wis. Stats., pertaining to Possession of Switchblade Knife, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.19. Entry into Locked Vehicle. The provisions of sec. 943.11, Wis. Stats., pertaining to Entry Into Locked Vehicle, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.20. Trespass to Land. The provisions of sec. 943.13 (1) (a-d), Wis. Stats., pertaining to Trespass to Land, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.21. Trespass to Dwelling. The provisions of sec. 943.14, Wis. Stats., pertaining to Trespass to Dwelling, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.22. Theft. The provisions of sec. 943.20, Wis. Stats., (Sub (a) only) pertaining to Theft, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.23. Fraud on Hotel or Restaurant Keeper. The provisions of sec. 943.21, Wis. Stats., pertaining to Fraud on Hotel or Restaurant Keeper, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.24. Use of Cheating Tokens. The provisions of Sec. 943.22, Wis. Stats., pertaining to Use of Cheating Tokens, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.25. Operating Vehicle Without Owner's Consent. The provisions of sec. 943.23 (2), Wis. Stats., pertaining to Operating Vehicle Without Owner's Consent, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.26. Issue of Worthless Check. The provisions of sec. 943.24 (1), Wis. Stats., pertaining to Issue of Worthless Check, exclusive of the penalties provided in said statute, are adopted and

incorporated by reference as if fully set forth herein.

201.27. Receiving Stolen Property. The provisions of sec. 943.34 (1), Wis. Stats., pertaining to Receiving Stolen Property exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.28. Unlawful Use of Telephone or Computer. The provisions of secs. 947.012 and 947.0125, Wis. Stats., pertaining to the unlawful use of telephone and the unlawful use of computerized communication systems, exclusive of the penalties provided in said statutes, are adopted and incorporated by reference as if fully set forth herein.

201.29. Contributing to the Delinquency of Children. The provisions of sec. 948.40, Wis. Stats., pertaining to Contributing to the Delinquency of Children, exclusive of the penalties provided in said statute, are adopted and incorporated by reference as if fully set forth herein.

201.30. Prohibiting Swimming Outside of Designated Swimming Areas at Kreher Park.

(a) Safety Line. The designated swimming area at Kreher Park shall be defined by a safety line with floats which shall be place annually during swimming season as defined by the Department of Parks and Recreation.

(b) Designated Swim Area. Swimming at Kreher Park shall only be permitted in this designated swimming area. Anyone swimming outside this area shall be guilty of an offense.

201.31 Prohibiting the Use of Tobacco Products or E-cigarettes in City-Owned Buildings and Vehicles and on School Grounds.

(a) Use in City-Owned Building or Vehicle. It shall be unlawful to use tobacco products in any form, including smoking, chewing or other consumption, in any city-owned building or vehicle. Under the provisions of this subsection, vehicles shall include cars, trucks and any equipment or machinery which has an enclosed cab.

(b) Vaughn Library Building. It shall be unlawful for any person to smoke tobacco within ten feet of the Vaughn Library building. Signs shall be posted in a conspicuous place or places on the outside of the building to give notice of this restriction.

(c) It shall be unlawful for any person to use tobacco products in any form, including smoking, chewing, or other consumption on premises owned or rented by or under the control of the Ashland School District except as the School District allows pursuant to Sec. 120.12(20), Wis. Stats.

(d) For purposes of this section, “smoking” or “to smoke” shall mean:

(1) Inhaling, exhaling, burning or holding any lighted cigar, cigarette, pipe or other lighted tobacco product in any manner or in any form, or

(2) Inhaling or exhaling from, holding, or operating any lighted or activated electronic device which produces and/or delivers nicotine in a vaporized form, or is designed, advertised, or marketed to do so, including, but not limited to, devices commonly known as electronic cigarettes or e-cigarettes.

201.32. Purchase or Possession of Tobacco Products by Underaged Persons. The provisions of sec. 254.92, Wis. Stats., pertaining to the purchasing or possession of tobacco products by underaged persons are adopted and incorporated by reference as if fully set forth herein.

201.33. Clean Indoor Air. Provisions of sec 101.123, Wis. Stats., (Clean Indoor Air Act) are hereby adopted by reference.

201.34. Power Loading at City of Ashland Boat Launches. A watercraft owner or operator shall be allowed to load a boat on a trailer using the boat's engine. This section shall remain in effect for one year, expiring on July 31, 2008.

201.35 Face Covering Requirements during the COVID-19 Pandemic

(a) Definitions. As used in this Ordinance, the following terms shall have the meaning indicated:

“Commercial business” means any for-profit business open to the general public for the purchase of goods, entertainment or services, including by way of example but not limited to retail stores (such as grocery stores, convenience stores), restaurants, and service businesses.

“City and public buildings” means any buildings owned by local government or not for profit organizations, including public restrooms.

"Face covering" means a material covering the nose and mouth for the purpose of ensuring the physical health or safety of the wearer or others. A face covering can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. Acceptable, reusable face covering options for the general public include bandanas, neck gaiters, homemade face coverings, scarves, or tightly woven fabric such as cotton t-shirts and some types of towels.

“Outdoor Spaces” means any outdoor location where people are unable to distance themselves a minimum of six feet.

(b) Mask Required. While indoors in any commercial business or City office, and in an Outdoor Space that is open to the general public, all customers, employees, and any other occupants or users of such area shall wear a face covering. While wearing a face covering, social distancing (6') shall still be maintained so far as possible as described by the Center for Disease Control and Prevention.

(c) Exceptions. Exceptions for face coverings will be made under the following circumstances:

i. A person who cannot wear a face covering due to a medical or behavioral health condition, including but not limited to anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance;

ii. Children who are under (5) years of age;

iii. A customer dining in a restaurant, while that customer is sitting at his or her table;

iv. A law enforcement officer or any emergency responder who reasonably deems it necessary to remove a face covering in the course of his or her duties;

v. A person who reasonably deems it necessary to remove his or her face covering for safety reasons or in order to carry out his or her job duties.

vi. Persons in settings where it is not practical or feasible to wear face coverings, including when obtaining or rendering goods or services, such as the receipt of dental services or medical treatments.

(d) Penalty. Any violation of this Ordinance will be subject to the issuance of a citation as provided in City of Ashland Ordinances, Chapter 279, and penalties imposed shall be as described in Section 201.91 of the City's ordinances.

(e) Expiration. Unless abolished at an earlier date by the City of Ashland Common Council, this Ordinance shall be effective for so long as any national, state, or local health official and/or health department continues to declare a public health emergency regarding COVID-19.

201.36 Enforcement of Public Health Order

(a). Authority. Pursuant to the authority of Chapters 252, Wisconsin Statutes, the City of Ashland Common Council does hereby establish an ordinance regarding enforcement of orders issued by Local Health Officers. The provisions and definitions of §§ 252.01 to 252.25, Wis. Stats., and DHS Ch. 145, Wis. Adm. Code, as they may be from time-to-time amended, are adopted by reference and incorporated into this section as if fully set forth herein.

(b) Violations. Any person who willfully violates or obstructs the execution of any Local Health Officer Order issued under Ch. 252, Wis. Stats., and/or DHS Ch. 145, Wis. Adm. Code, relating to the public health, for which no other penalty prescribed, shall, in addition to being subject to all other legal and equitable actions and relief available to the City of Ashland, be subject to a forfeiture of not more than \$200 for each violation.

201.37 Enforcement of Emergency Orders.

(a) Authority. Pursuant to the authority of Chapters 323, Wisconsin Statutes, the City of Ashland Common Council does hereby establish an ordinance regarding enforcement of orders issued by the Governor or the designate agency to lead emergency response and emergency orders issued by the City of Ashland. The provisions and definitions of Ch. 323, Wis. Stats, as they may be from time-to-time amended, are adopted by reference and incorporated into this section as if fully set forth herein.

(b) Violations. Whoever intentionally fails to comply with an order issued by an agent of the state or of a local unit of government who is engaged in emergency management activities under this chapter is subject to a forfeiture of not more than \$200 for each violation.

201.91. Penalties. Any person who shall violate any provision of this chapter for which a penalty is not otherwise provided shall upon conviction thereof be punished as follows:

(a) Forfeiture. He or she shall forfeit not less than \$25 nor more than \$500 plus the costs of prosecution and in default of payment of such forfeitures and costs of prosecution shall be imprisoned in the County Jail until the forfeiture and costs of prosecution are paid, but not exceeding ten (10) days, provided however, that for children fourteen (14) or older who shall be found violating the provisions of said section, said child shall be dealt with according to the provision of sec. 48.17 (2), Wis. Stats.

(b) Penalties otherwise provided. For a violation of any other provision of this chapter, he or she shall be subject to a penalty as provided in this chapter.

(c) Liability. In addition to any penalty imposed under subsections (a) or (b) of this section, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates any provision of this chapter may also be held liable for the costs of replacing or repairing the damaged or destroyed property in accordance with sec. 895.035 Wis. Stats.

Adopted: 201 (934) 2/28/1980

Amendments: **This Ordinance was previously Codification 301, then this ordinance was changed to Codification 201 by Codification Ordinance 1372**
301 (956) 10/14/1980; 301 (1024) 1/10/1984; 301 (1032) 6/12/1984;
301 (1035) 8/14/1984; 301 (1054) 9/24/1985; 301 (1072) 6/10/1986;
301 (1214) 12/12/1989; 301 (1227) 5/8/1990; 301 (1232) 6/12/1990;
301 (1247) 1/15/1991; 301 (1261) 9/10/1991; 301 (1264) 11/12/1991;
301 (1284) 11/10/1992; 301 (1287) 2/9/1993; 301 (1288) 5/11/1993;

301 (1356) 9/26/1995; 301 (1361) 11/28/1995

201 (1372) 4/16/1996; 201 (1407) 8/26/1997; 201 (1476) 7/27/1999;
201 (1551) 9/10/2002; 201 (1565) 4/15/2003; 201 (1607) 6/14/2005;
201 (1634) 7/11/2006; 201 (1660) 6/26/2007; 201 (1663) 7/31/2007;
201 (1726) 4/20/2010; 201 (1757) 10/25/2011; 201 (1761) 1/10/2012;
201 (2015-1842) 4/21/2015; 201 (1936) 08/04/2020

RESOLUTION No. 17582

RESOLUTION TO AMEND CHAPTER 201 (934) GENERAL CONDUCT ORDINANCE, ASHLAND CITY ORDINANCES (A) TO ENACT A LOCAL ORDINANCE REQUIRING FACE COVERINGS DURING THE COVID-19 PANDEMIC, (B) ENFORCEMENT OF SUCH ORDINANCE UNDER EMERGENCY ORDERS, AND (C) TO ESTABLISH MUNICIPAL PENALTIES FOR VIOLATION

WHEREAS, COVID-19 cases have been on the rise in Wisconsin, Ashland County, and the South Shore in recent weeks; and

WHEREAS, public spaces and businesses are open for in-person operations in the City of Ashland, increasing the potential for community spread of COVID-19; and

WHEREAS, COVID-19 is primarily spread via respiratory droplets when people are in close proximity with each other and people that are infected speak, sneeze, or cough. People can be infected and have no symptoms (asymptomatic) and they are still able to transmit the virus; and

WHEREAS, according to the Centers for Disease Control (CDC), there is emerging evidence from clinical and laboratory studies that demonstrates cloth face masks reduce the spray of respiratory droplets; and

WHEREAS, wearing a face mask is one of the most effective ways to reduce person to person transmission of COVID-19. Face masks serve as a protection to prevent droplets from entering the air, which is known as source control. When combined with other preventive measures, including physical distancing and proper hygiene practices, wearing face masks is a simple and effective way to reduce the risk of COVID-19 transmission; and

WHEREAS, the risk of COVID-19 transmission remains high, particularly in indoor settings with an increased likelihood of close contact and the sharing of air that may contain coronavirus contaminated respiratory droplets and/or aerosols; and

WHEREAS, evidence cited by the Centers for Disease Control and Prevention (CDC) indicates that a significant portion of individuals with the coronavirus are asymptomatic, and that pre-symptomatic persons can transmit the virus to others before showing symptoms; and

WHEREAS, the City of Ashland is a destination for travelers and visitors from all over Wisconsin and the United States, including from states with higher per capita rates of COVID-19 infection than the State of Wisconsin or Ashland County; and

WHEREAS, Wisconsin Statutes Chapter 252 authorizes and requires Local Health Officers to perform certain duties and take certain action; and

WHEREAS, pursuant to Wis. Stat. §252.25, orders rendered by a Local Health Officer are enforceable by adoption of municipal ordinances; and

WHEREAS, pursuant to Wis. Stat. § 323.10, authorizes the Governor of Wisconsin to declare a state of emergency via executive order, including public health emergencies and may designate the Department of Health Services as the lead agency to respond to the emergency; and

WHEREAS, pursuant to Wis. Stat. §323.12, if the Governor declares an emergency the Governor has several powers that may be exercised including but not limited to the authority to “Issue such orders as he or she deems necessary for the security of persons or property”; and

WHEREAS, pursuant to Wis. Stat. §323.11 and §323.14, local governments may declare emergencies and may make orders as necessary for the health, safety, protection, and welfare of person and property within the local unit of government.

THEREFORE, BE IT RESOLVED THAT the City of Ashland Common Council hereby amends Chapter 201 General Conduct Ordinance, Ashland City Ordinances to add Section 201.35 Face Covering Requirements during the COVID-19 Pandemic, 201.36 Enforcement of Public Health Order and Section 201.37 Enforcement of Emergency Orders as made by local health officers and the Governor during a declared emergency.

PASSED: August 4, 2020

Councilperson

ATTEST:

Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

Approved as to Form:

Tyler W. Wickman, City Attorney

RESOLUTION

No. 17557

RESOLUTION OF RATIFICATION OF CITY OF ASHLAND, ASHLAND COUNTY, WISCONSIN EMERGENCY DECLARATION

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Ashland, Wisconsin duly ratifies the Declaration of State of Emergency by Mayor Debra Lewis on March 17, 2020 at a legal meeting of March 31, 2020.

Ratified by Resolution No. 17577 of the City of Ashland, Common Council on the 17th day of March 2020, by a vote of 11 for, 0 against.

This ratification is being done pursuant to Wis. Stat. §323.14(4)(b) and is an emergency declaration under Wis. Stat. § 323.11. This period of emergency is extended until terminated by the Common Council.

AND BE IT FURTHER RESOLVED that a copy of this Resolution may be forwarded to the Wisconsin Emergency Management (WEM), and any other necessary government agency, as an eligibility criteria for emergency/disaster assistance.

Councilperson

PASSED: March 31, 2020

ATTEST: _____
Denise Oliphant, City Clerk

Debra S. Lewis, Mayor

APPROVED AS TO FORM:

Tyler Wickman, City Attorney