

**THE CITY OF ASHLAND WILL BE CONDUCTING THEIR MEETINGS IN PERSON
at
CITY HALL COUNCIL CHAMBERS, 601 MAIN STREET WEST, ASHLAND, WI
WITH THE AVAILABILITY TO ATTEND VIRTUALLY**

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ASHLAND CITY COUNCIL MEETING MINUTES

Tuesday, March 29, 2022 – 5:30 PM

Ashland City Hall Council Chambers

Please silence all cell phones during the meeting

1. CALL TO ORDER

The Tuesday, March 29, 2022 Ashland City Council meeting was called to order by Mayor Debra Lewis at 5:30 p.m.

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

PRESENT: Kevin Seefeldt, Sarah Jackson, Ana Tochtermann, Eric Lindell, Charlie Ortman, Liz Franek, Dick Pufall, Jackie Moore

ABSENT: None.

ALSO PRESENT: Mayor Deb Lewis, City Administrator Brant Kucera, City Clerk Denise Oliphant, City Attorney Tyler Wickman, Public Works Director John Butler, Parks Director Sara Hudson, Main Street Manager Jaclynn Findlay, and other concerned citizens.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

A. March 8, 2022 City Council Meeting Minutes

Lindell moved, seconded by Ortman 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 at this time.

5. MAYOR'S REPORT

A. Announcements

The Spring Election is next week, Tuesday, April 5, 2022. All voting that day will take place at the Bretting Community Center. Absentee voting continues at City Hall through April 1, 2022. As this was her final City Council meeting as Mayor, Lewis thanked the Councilors and City staff for their support and collaboration during her tenure.

B. Appointments

Lindell moved, seconded by Moore to approve the Mayor's appointment of Kristen Huset to the Historic Preservation Commission. The motion passed unanimously by voice vote.

6. INTERVIEW, NOMINATION AND APPROVAL OF FILLING DISTRICT 2 COUNCIL SEAT VACANCY

A. Approve to Fill Alderperson District 2 Council Seat Vacancy (Clerk) Roll

Oliphant noted that the request for interest from District 2 residents to fill the vacancy, was posted in the March 18 and 22, 2022 Daily Press, as well as posted at City Hall, on the City's website, and the numerous City social media pages. One submission was received from Sarah Jackson, 704 12th Avenue West. Jackson is the current Ward 3 Councilor, and would be displaced to Alderperson District 2 due to redistricting after the 2020 Census. Her term as Ward 3 Councilor expires in April 2022. Ortman moved, seconded by Lindell to approve appointing Sarah Jackson as District 2 Alderperson, effective April 19, 2022. The motion carried 7-0 by roll call vote; Jackson abstained.

7. CONSENT AGENDA

A. Miscellaneous Meeting Minutes

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

8. NEW BUSINESS

A. Public Hearing Regarding the City of Ashland Proposed Application for Community Development Block Grant-Coronavirus (CDBG-CV) Funds (Mayor) Roll

Lindell moved, seconded by Seefeldt, to enter into Public Hearing. It was made known that a Class II notice was posted in the City's official newspaper on March 15 and March 22, 2022, and posted at the Vaughn Public Library, Ashland County Court House, and at City Hall. The notice was also posted to the City's website as well as the various City social media pages. Lewis offered that she also brought copies of the notice to the Shelter.

Millie Rounsville of Northwest Wisconsin Community Services Agency, Inc, offered her report of the first 90 days of operation at the Homeless Shelter at 2300 Lake Shore Drive West,

as well as other staff, volunteers and residents of the Shelter. After questions by Council were answered and comments received, Moore moved, seconded by Ortman to close public hearing. The motion carried unanimously by voice vote.

B. Public Hearing Regarding Sidewalk Special Assessments for the 2022 Watermain Improvements Project *(Public Works)* Roll

Lindell moved, seconded by Moore to enter into Public Hearing. The motion passed unanimously by roll call vote. It was made known that a Class I notice was published in the City's official newspaper on March 18, 2022 as required by State Statutes, posted at the Vaughn Public Library, Ashland County Court House, and at City Hall, as well as the City's social media pages. Public Works staff sent notices by mail to affected homeowners. Councilor Lindell offered that he received a notification from a property owner who was not in favor of the special assessment, and the Public Works Director stated that he received three calls from property owners who did not favor the special assessment.

Citizens who spoke included: Kathy Tuttle, 715 4th Avenue West; Paul Gulan, 806 4th Avenue West; and Jean Whiting. Each commented that they were opposed to being assessed for new sidewalks as these were just replaced and are still in good condition, and they were assessed very recently for them. Butler answered questions and offered his comment on the work planned, the sidewalk special assessment policy, and the lead service lateral policy. After discussion, Moore moved, seconded by Lindell to exit the public hearing. The motion carried unanimously by voice vote.

C. Approve a Final Resolution Authorizing Public Improvement and Levying Sidewalk Special Assessments Against Benefited Property in the City of Ashland, Ashland County, Wisconsin for the 2022 Watermain Improvements Project *(Public Works)* Roll

Moore moved, seconded by Seefeldt to approve the final resolution. Tochtermann requested to clarify the pay options included in the resolution, and Butler agreed. Both Moore and Seefeldt agreed to the amendment to the motion. Tochtermann moved to postpone this item and bring back after discussion of Item 8D; frank seconded. The motion carried 7-1 by voice vote; Lindell opposed.

D. Approve Recommended Amendments to the City of Ashland Special Assessment Hardship Policy *(Public Works)* Voice

Lindell moved, seconded by Ortman to approve the recommended amendments to the policy, raising the qualifying household income level as allowed by current HUD metrics. The motion carried 6-2 by voice vote; opposed were Pufall and Jackson.

Item 8C was brought back to the table, and the motion made and seconded to approve an amended resolution to reflect a ten-year repayment option for special assessments. The motion carried unanimously by roll call vote.

E. Approve to Accept a Professional Construction Engineering Services Proposal from Cedar Corporation for the 2022 Watermain Improvement Project *(Public Works)* Roll

Ortman moved, seconded by Moore to approve to accept the proposal for \$104,000. The motion passed unanimously by roll call vote.

F. Approve to Accept Bid from Jake's Excavating & Landscaping, LLC, and Award a Contract for the 2022 Watermain Improvements Project *(Public Works)* Roll

Lindell moved, seconded by Ortman to approve to accept the bid for \$745,274.75 plus contingency. The motion passed unanimously by roll call vote.

G. Approve an Ordinance to Amend Chapter 705 (1415) Water Utility Rules, Rates, and Regulations, Ashland City Ordinances (*Public Works*) Roll

Ortman moved, seconded by Moore to approve the ordinance amendment. The motion passed unanimously by roll call vote.

H. Approve to Accept a Professional Construction Observation Services Proposal from Ayres Associates, Inc. for the Bike and Pedestrian Facility Improvement Project (*Public Works*) Roll

Lindell moved, seconded by Moore to approve to accept the proposal for \$34,000. The motion passed unanimously by roll call vote.

I. Approve to Waive the Compliance Requirement Set Forth in Chapter 705.19(f) Water Utility Rules, Rates, and Regulations, Ashland City Ordinances, and Approve a Permit for Private Well Operation at 1120 11th Street East, Ashland (*Public Works*) Roll

Pufall moved, seconded by Tochtermann to approve. The motion passed 7-1 by roll call vote; Tochtermann opposed.

J. Approve a Resolution to Authorize the Submittal of a Community Development Investment (CDI) Grant Application to Financially Assist with the Former Union Bank Building Redevelopment Project (*Planning*) Roll

Lindell moved, seconded by Tochtermann to approve the resolution. The motion passed unanimously by roll call vote.

K. Approve to Appropriate Funds to Purchase Playground Equipment for Prentice Park (*Parks*) Roll

Ortman moved, seconded by Lindell to approve the purchase for \$50,721 plus contingencies. The motion passed unanimously by roll call vote.

L. Approve to Appropriate Funds to Hire a Part Time Project Manager for the City of Ashland Public Works Department (*City Administrator*) Roll

Tochtermann moved, seconded by Moore to approve. The motion passed unanimously by roll call vote.

M. Approve an Ordinance to Amend Chapter 194 (2015-1948) Procurement of Goods and Services and Approval of Change Order for Public Construction Projects, Ashland City Ordinances (*City Administrator*) Roll

Ortman moved, seconded by Moore to approve the ordinance amendments. The motion passed unanimously by roll call vote.

N. Presentation and Approval to Administer Funds of the American Rescue Plan Act (ARPA) (*Administrator*) Roll

Ortman moved, seconded by Lindell to approve. The motion passed unanimously by roll call vote.

9. CLOSED SESSION

Wickman requested that, in order to maintain quorum, Council suspend the rules of Chapter 51 and allow Councilors who are attending this meeting virtually, to remain during open session via video for Closed Session Item 9A. Pufall moved, seconded by Moore to move into Closed

Session, to suspend the rules of Chapter 51 to allow Seefeldt to remain virtually during Item 9A of Closed Session, and to also allow Butler to remain during both items of Closed Session. The motion carried unanimously by roll call vote.

Council took a short recess before beginning Closed Session.

- A. **PURSUANT TO SEC. 19.85(1)(g): "Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation."** (*City Attorney*) (*Jablonski Notice of Claim*)

- B. **PURSUANT TO WI STAT 19.85(1)(g): "Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation."** (*Update and Discussion on 6th Street West Litigation*) (*City Attorney*)

C. Return to Open Session *Voice*

Moore moved, seconded by Lindell to return to Open Session. The motion carried unanimously by voice vote.

D. Report of Action Taken during Closed Session

Item 9A: Council determined to vote while in Open Session, and the claim was unanimously denied by roll call vote.

Item 9B: No action was taken.

10. ADJOURNMENT

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

Respectfully Submitted,

Denise Oliphant,
City Clerk

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