



Take notice that the City of Ashland Common Council will meet in person in the City Hall Council Chambers, 601 Main Street W. Ashland, WI with the availability to attend virtually, to consider and act upon the following agenda.

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

<https://global.gotomeeting.com/join/500263957>

Or dial in using your phone. United States (Toll Free): 1-877-309-2073 Access Code: 500-263-957

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

Tuesday, July 9, 2024 Ashland City Council Meeting Agenda

1. CALL TO ORDER - NOTE: This agenda has been amended since its initial publication.

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

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A. June 25, 2024 City Council and Committee of the Whole Meeting Minutes

4. CITIZEN PARTICIPATION PERIOD

5. MAYOR'S REPORT

A. Announcements

B. Appointments

6. CONSENT AGENDA

A. Approve an Intergovernmental Agreement between the City of Ashland, Ashland County and Bayfield County for Law Enforcement Software (*Police, Fire and EMS Departments*)

7. OLD BUSINESS

A. Approve to Reverse Emergency Declaration for the Purpose of Permitting the Timely Repairs of Suspended Sidewalk at 514-516 Main Street West per WI State Statute 62.15(1b) (*Public Works*) Roll

B. Approve an Agreement for Professional Construction Engineering Services between the City of Ashland and Greeley & Hansen for the Lake Superior Intake Project (*Public Works*) Roll



- C. **Approve an Ordinance to Amend Chapter 922 Alcohol Beverages Regulation Regarding Class C Wine Licenses and Other Updates** *(Clerk)*

8. NEW BUSINESS

9. CLOSED SESSION

- A. **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."** *(WI DNR Consent Agreement) (Mayor)*
- 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."** *(Personnel Claim - DWD Discrimination Complaint) (Administration)*
- C. **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."** *(Potential Claim - P VandenHurk) (City Attorney)*
- D. **Return to Open Session**
- E. **Report of Action Taken During Closed Session**

10. 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 the City Clerk's Office at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

MEETING MINUTES
ASHLAND CITY COUNCIL
Tuesday, June 25, 2024 – 6:00 PM
Ashland City Hall Council Chambers

1. CALL TO ORDER

The Tuesday, June 25, 2024 Ashland City Council meeting was called to order by Mayor Matt Mac Kenzie at 6:05 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: Kevin Seefeldt, Sarah Jackson, Ana Tochtermann (6:24), Andrew Goyke, James Gregoire, Charlie Ortman, Nancy Szyndor

ALSO PRESENT: Mayor Matthew MacKenzie, City Administrator Brant Kucera, City Clerk Denise Oliphant, City Attorney Tyler Wickman, Public Works Director John Butler, Planning Director Steven Wiley, Police Chief Willis Hagstrom, Utility Supervisor Brian Ledin, and other interested citizens.

2. APPROVAL OF AGENDA

A motion by Seefeldt and seconded by Szyndor to approve the agenda as presented, carried 6-0 by voice vote.

3. APPROVAL OF MINUTES

A. June 11, 2024 City Council and Committee of the Whole Meeting Minutes

A motion by Ortman and seconded by Seefeldt to approve the minutes, carried 6-0 by voice vote.

4. CITIZEN PARTICIPATION PERIOD

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

Ken Colluden, resident, talked about the lack of consideration by some who use the Artesian well, and the vehicles making excessive noise in the downtown.

Zygmund Jablonski Jr, 916 6th Avenue West, spoke to the cost of the water intake contract on the agenda.

5. MAYOR'S REPORT

A. **Announcements**

The Mayor asked residents to help watch out for vandalism and theft occurring in the area. He noted that there are a few areas of City property that are purposely not being mowed, in the case Councilors receive comments from residents. He wished all a happy and safe 4th of July in the near future. Amid the extremely wet weather, he announced that there had not been an overflow for some time. The Joint Review Board met earlier in the week and the report was available for anyone interested.

B. **Appointments**

A motion by Kevin Seefeldt and seconded by Andrew Goyke to approve the Mayor's appointments was passed 6-0 by voice vote. Laura Martinsen will serve on the Parks and Recreation Committee through April 30, 2027, and Jeff Lewis will serve on the Harbor Commission through July 31, 2025, filling a vacated seat.

6. OLD BUSINESS

A. **Approve to Accept a Bid and Award a Contract for the Lake Superior Water Intake Project to Roen Salvage Company** (*Public Works*) Roll

A motion by Goyke and seconded by Ortman to accept the bid of \$10,330,900 and award a contract to Roen Salvage Company was passed 6-0 by roll call vote.

B. **Approve a Resolution Authorizing the Issuance and Sale of Up to \$847,920 Water System Revenue Bonds, Series 2024, and Providing for Other Details and Covenants with Respect Thereto, and Approval of Related \$847,920 Financial Assistance Agreement** (*Public Works, Finance*) Roll

A motion by Ortman and seconded by Seefeldt to approve the resolution was passed 6-0 by roll call vote.

File No. 17786

C. **Approve a Resolution Authorizing the Issuance and Sale of Up to \$1,097,053 Sewerage System Revenue Bonds, Series 2024, and Providing for Other Details and Covenants With Respect Thereto, and Approval of Related \$2,246,582 Financial Assistance Agreement** (*Public Works, Finance*) Roll

A motion by Ortman and seconded by Goyke to approve the resolution was passed 6-0 by roll call vote.

File No. 17787

D. **Approve a Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing through the State of Wisconsin Environmental Improvement Fund for Bipartisan Infrastructure Law (BIL) SFY2025 Lead Service Lateral Funding** (*Public Works*) Roll

A motion by Ortman and seconded by Seefeldt to approve the resolution was passed 6-0 by roll call vote.

File No. 17788

E. **Approve Change Order No. 1 to Ritola, Inc for the 2024 Ore Dock Access Road Project** (*Public Works*) Roll

During discussion at 6:24 p.m., Mac Kenzie asked that ther record reflect that Tochtermann had arrived. A motion by Charlie Ortman and seconded by Kevin Seefeldt to approve was passed 6-0 by roll call vote Tochtermann abstained.

F. **Consideration of Revision #1 State/Municipal Agreement (SMA) Dated June 18, 2024 for the Prentice Avenue Phase 1 Project** (*Public Works*) Roll

A motion by Ortman and seconded by Seefeldt to approve was passed unanimously by roll call vote.

G. **Consideration of Revision #1 of the State/Municipal Agreement (SMA) Dated June 18, 2024 for the Cary Street Mill and Overlay Project** (*Public Works*) Roll

A motion by Goyke and seconded by Seefeldt to approve was passed unanimously by roll call vote.

H. **Consideration of Revision #1 of the State Municipal Agreement (SMA) Dated June 18, 2024 for the Industrial Park Road Mill and Overlay Project** (*Public Works*) Roll

A motion by Seefeldt and seconded by Sztynodor to approve was passed unanimously by roll call vote.

7. NEW BUSINESS

A. **Consideration of a Resolution to Acknowledge Review of the 2023 Compliance Maintenance Annual Report (CMAR) of the Ashland Wastewater Utility Pursuant to the Requirements of NR 208, Wisconsin Administrative Code as Required Annually** (*Public Works*) Roll

A motion by Jackson and seconded by Tochtermann to approve the resolution was passed unanimously by roll call vote.

File No. 17789

8. ADJOURNMENT

A motion by Ortman and seconded by Goyke to adjourn was passed unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant,
City Clerk

MEETING MINUTES
COMMITTEE OF THE WHOLE MEETING
Tuesday, June 25, 2024 – 6:00 PM
Ashland City Hall Council Chambers

The Tuesday, June 25, 2024 City of Ashland Committee of the Whole Meeting was called to order by Council President Charlie Ortman at 6:35 PM.

1. Roll Call

PRESENT: Kevin Seefeldt, Sarah Jackson, Ana Tochtermann, Andrew Goyke, Jim Gregoire, Charlie Ortman, Nancy Sztynдор.

ALSO PRESENT: Mayor Matt Mac Kenzie, City Administrator Brant Kucera, City Clerk Denise Oliphant, Public Works Director John Butler, Utility Supervisor Brian Ledin, Planning Director Steven Wiley, Police Chief Bill Hagstrom, and other interested citizens.

2. Approval of Agenda

A motion made by Seefeldt and seconded by Sztynдор to approve the agenda passed unanimously by voice vote.

3. Council President's Report

Ortman offered no report.

4. Administrator's Report

Kucera attended the WCMA Conference in Eau Claire last week and shared some thoughts he learned there. He noted that he would be working to host the 2026 conference.

5. DISCUSSION ITEMS

A. Discussion and Possible Action Regarding an Intergovernmental Agreement between the City of Ashland, Ashland County and Bayfield County for Law Enforcement Software *(Police, Fire and EMS Departments)*

Hagstrom introduced the item and answered questions from Council. Seefeldt moved, seconded by Sztynдор to move the item forward to Council for formal approval. The motion passed unanimously by voice vote.

B. Discussion and Possible Action Regarding Use and Traffic at the Artesian Well Site *(Councilor Jackson)*

Kucera proposed posting signage and changing the markings for parking at the site. Council approved the Administrator to direct Public Works to proceed with the plan.

C. Discussion and Possible Action Regarding Excessively Loud Vehicles Operating in the City *(Mayor)*

Mac Kenzie introduced the item, and Hagstrom answered questions from Council. It was determined this was an area that required the State Patrol to enforce.

D. Discussion and Possible Action Regarding Proposed Amendments to Chapter 922 Alcohol Beverages Regulation Regarding Class C Wine Licenses and Other Updates *(Clerk)*

Oliphant introduced the item and answered questions from Council. Seefeldt moved, Sztynдор seconded to forward the item to Council for formal approval.

E. Discussion and Possible Action Regarding Property Maintenance Enforcement Issues *(Mayor)*

Mac Kenzie introduced the item and Wiley answered questions from Council. No action was taken at this time.

6. Items for Future Discussion

Seefeldt asked to discuss potential funding assistance for 4th of July fireworks.
Jackson requested a discussion regarding property owners with private wells and the regulations and process for approval.

7. Adjournment

Goyke moved, seconded by Seefeldt to adjourn. The motion passed unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant,
City Clerk

Offer to Volunteer Form Answers

I would like to be considered a nominee for the SUSTAINABILITY Committee.

Education and Training

1. Bachelor's Degree in Education from University of Wisconsin-Whitewater.
2. Trained as a study circle leader in The Natural Step –
3. Studied cooperative development in Mondragon, Spain

Biography

Raised four kids as a stay-at-home parent, while co-founding two sustainability organizations. Sustain Jefferson (County) – modeled on the work of Sustain Dane – to educate neighbors and friends on how to bring sustainable practices into their daily lives, individually and collectively. Used the Natural Step framework. Also co-founded Heart of the City, in Fort Atkinson WI, a citizen's group which encourages sustainable development, the preservation of existing and treasured civic characteristics, and active participation of the citizenry. Both groups are devoted to increasing sustainability in our homes and communities through education, volunteer efforts, and engagement with neighbors and civic leaders.

2007 – 2015 I worked as program coordinator at a Resource Conservation and Development Council, working in 13 counties in Southeastern Wisconsin. During this time, I was on the Board of Slow Money Wisconsin, coordinated farm to school activities in Jefferson County, organized farmers markets, invasive species education efforts, and did hands-on alternative energy educating around solar, methane-capture, and rocket stoves.

2016-2017 served as the membership coordinator for a low-income housing cooperative in Madison Wisconsin.

2018-2020 – served as Lake Manager at Lake Ripley Management District, writing a lake management plan and teaching about ecological water and lake property stewardship.

2020-present – Lead Grantwriter at Bad River Band. Coalescing project teams to create grant-worthy efforts; finding and matching grants to project teams, developing projects, writing and submitting grants.

Individual Reference

Nathan Kilger

Air Quality Specialist, Mashkiiziibii Natural Resources Department, Bad River Band

Phone: (work) 715-682-7111 X 1555; Cell – [REDACTED]

Contact Information

Beth Gehred

[REDACTED]
308 15th Avenue, WI
Ashland

[REDACTED]

use this email

Denise Oliphant

From: noreply@civicplus.com
Sent: Saturday, June 15, 2024 2:38 PM
To: Denise Oliphant; Chelsea List
Subject: Online Form Submission #809 for Offer to Volunteer - Committee

Offer to Volunteer - Committee

OFFER TO VOLUNTEER - COMMITTEE

I would like to be considered a nominee for the following Committee(s):	Board Of Canvas vacant position Historic Preservation Commission vacant citizen position
Brief statement of education, work experience, or training	Board of Canvas - Former city government worker in Texas in the Event Facilities Department, which was responsible for polling stations during elections. Worked throughout the year responsible for the setup, smooth running of and take down of the polling stations during primary, general and runoff elections. Familiar and assisted with the hand/paper ballots chain of custody requirements etc. - B.A. Political Science, Lamar University, 2008 - Worked on various local political campaigns during school. City council/County Commissioner level of politics. Historic Preservation Commission - Minor in history - Lifelong hobby - Important personally to save historical buildings. Too many are being lost on a whim.
Biography	My wife, Dani, and I moved to Ashland in May 2003 which was to be a temporary assignment. During COVID and the year that followed, Dani is an occupational therapist, and took 13-week contracts at various healthcare facilities. In our 5th wheel we traveled all over New Mexico, Wyoming, Texas and were on our way to Washington when her recruiter asked if we would try Wisconsin instead. We instantly fell in love and decided to stay. We have been renting but finally bought and closed on a home here in Ashland earlier this month. I am eager to get involved in my new hometown.

References

Professional

Ana Gibson

Personal

Brian Tucker

Name

Joseph Mudd

Email Address

Address

515 Saint Claire Street

City

Ashland

State

Wisconsin

Zip Code

54806

Phone Number

Cell/Work Number

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

Ref: 2024-166

COUNCIL AGENDA: 6.A.
(7/9/2024)

SUBJECT: Approve an Intergovernmental Agreement between the City of Ashland, Ashland County and Bayfield County for Law Enforcement Software (*Police, Fire and EMS Departments*)

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Approved Unanimously by Committee of the Whole, June 25, 2024

EXHIBITS:

1.	Intergovernmental Agreement between the City of Ashland, Ashland County and Bayfield County for Law Enforcement Software 2024-2033
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EXPENDITURES REQUIRED: Approval

AMOUNT BUDGETED: To be included in 2025 budget

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH CHAPTER 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: This item conforms to the Ashland Comprehensive Plan in that it is "...in accordance with existing and future needs, best promote public health, safety, morals, and the general welfare..." for the City's residents and community.

SUMMARY STATEMENT:

As discussed at the June 25, 2024 Committee of the Whole meeting, the City of Ashland shares a records management system with Bayfield and Ashland Counties. That current system was at its end of life and needed to be replaced.

With the merging of dispatch centers in Ashland and Bayfield Counties, Bayfield County applied for a grant that covered 80% of the initial cost of a new system. There is a 20% match for the grant which would be divided between Ashland County, Bayfield County, and the City of Ashland. Expenses will be included in the 2025 budget.

Committee of the Whole unanimously approved to move the agreement for formal approval, at their June 25, 2024 meeting.

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF ASHLAND, ASHLAND COUNTY AND BAYFIELD COUNTY
FOR LAW ENFORCEMENT SOFTWARE
2024-2033

This understanding is entered into between Ashland County, the City of Ashland, and Bayfield County for the purpose of sharing law enforcement software and hardware. This agreement addresses software/hardware purchase, maintenance, and continuing operations.

This agreement is made in accordance with the Intergovernmental Cooperation Act (66.0301(2)) of Wisconsin State Statutes authorizing cooperation between municipalities for the furnishing of services and the joint exercise of law enforcement services as authorized by law.

1. **TERM:** This agreement shall be for a term of ten years (2024- December 31, 2033) with an automatic renewal for a second ten-year term, (2034- December 31, 2042) unless this agreement is modified or ended at least one year prior to the end of the first term.
2. **CONTRACT:** This agreement follows upon a prior law enforcement software partnership agreement for CODY software, purchased jointly between the parties in 2002.

The three entities agree to the joint ownership and maintenance of Motorola Flex Software for public safety operations software in Ashland and Bayfield Counties beginning in 2024.

3. **COMPONENTS:** There are two main components of this agreement. Software and Maintenance.
 - **SOFTWARE:** In 2023 Bayfield and Ashland Counties received grant funds to pay for new law enforcement software. The grant provides for 80% of funding up to a specific dollar amount. The three parties agree to split the local share of 20% three equal ways or \$64,982.32 each. All costs above this will be paid 100% by Ashland City, Ashland County and Bayfield County divided equally.
 - **Maintenance:** On-going maintenance expenses, billed directly from Motorola to Bayfield or Ashland Counties are estimated initially at \$56,312 per year. These costs and any future increases will be paid equally amongst the three entities.
4. **OVERSIGHT COMMITTEE:** An oversight committee will be established consisting of two representatives from each entity and will meet biannually or as often as needed. Majority rule shall be the basis for decision making of the Oversight committee. The committee will:
 - Be charged with reviewing and approving allocations of all expenses pertaining to this agreement and establishing installation, operation, and maintenance provisions reasonably necessary to advance the objectives of this agreement.
 - Annually, not later than July 15 the Committee shall prepare a proposed budget containing the sources and uses of shared Motorola Operating and Capital Expenses. No later than August 1st annually, the budget shall be submitted to

Ashland-Bayfield PSAP Board of Directors. The Ashland-Bayfield PSAP Board of Directors will act on this and submit to their respective governing bodies by August 15 of each year. It is understood that the annual budget developed by the oversight committee requires the approval of the collaboration's elected governing boards.

5. DISPUTE: In the event of an unresolvable dispute, the parties agree to proceed with mediation followed by arbitration, the result of which will be binding. All three parties shall be responsible for a third of the costs of mediation/arbitration.
6. HOST: Bayfield County agrees to "host" the software and hardware. Computer hardware and software shall be based in Bayfield County for the term of the agreement. One designee from each agency shall be granted access at any time to work on the system as needed.
7. ACCOUNTING: Annually at the Motorola collaboration's budget meeting, the members of the oversight committee will select one of the collaborations partners to be responsible for setting up a Special Revenue Motorola fund and accounting for all group revenues and expenditures for the following budget year. All entities will submit bills and revenues to the accounting entities special revenue Motorola fund. A written statement of revenues, expenditures and fund balances shall be reviewed at each Oversight Committee meeting. The Accounting Entity shall provide a month's financial report to the Oversight Committee and the Ashland-Bayfield PSAP Board of Directors.
8. EXISTING CITY / COUNTY COMMUNICATION CONNECTION: If applicable, connections between Ashland County and the City of Ashland will be maintained with an existing line between the two entities. Maintenance costs will be shared between Ashland County and the City of Ashland.
9. SYSTEM SUPPORT: Each entity will be responsible for providing system support. Bayfield and Ashland Counties will provide primary hands-on support for the system. City of Ashland shall make an agreed financial payment, commensurate with amount of maintenance required of the two counties. Bayfield and Ashland County commit to providing regular support to the system. The City of Ashland shall make a financial payment in the amount of \$12,000 in 2025 with cost of living and other adjustments as justified in future years.
10. MOTOROLA SUPPORT: The three entities agree to pay costs for Motorola support to the accounting entity as billed or negotiated with Motorola. This amount will change annually. This amount will be billed directly to Bayfield County by Motorola.
11. OPERATING AND CAPITAL EXPENSES: All System wide, hardware, software, connectivity costs and electrical costs/cooling costs, will be jointly purchased and shared equally amongst the three parties. Purchases will be of items included in the annual budget.

TERMINATION OF AGREEMENT: This agreement shall be automatically renewed for one successive ten-year term unless otherwise agreed in writing by the Oversight Committee and the Ashland-Bayfield PSAP Board of Directors. In the event there is disagreement and a majority of the Committee and Board decide to disband, an 18 month transition time frame will begin. Assets will continue to be utilized for the original intent, departing members shall be entitled to a fair market value of tangible assets. Departing members will be responsible for any and all data transfer and conversion costs and other related termination expenses incurred.

12. ACKNOWLEDGEMENT AND PRESERVATION OF RIGHTS: The three entities acknowledge that the counties of Ashland and Bayfield have different rights, responsibilities, and obligations for public safety and other governmental functions pursuant to state statute and local ordinances than does the City of Ashland. Nothing in this agreement is intended to abridge or modify these rights or responsibilities in any way, now, or in the future.

The three entities approve this Memorandum this 18th of June, 2024.

ASHLAND COUNTY

By [Signature]
Ashland County Sheriff

By [Signature]
County Administrator

By [Signature]
Ashland County Board Chair

BAYFIELD COUNTY

By _____
Bayfield County Sheriff

By _____
County Administrator

By _____
Bayfield County Board Chair

CITY OF ASHLAND

By _____
Police Chief

By _____
City Administrator

By _____
Mayor

6/7/2024 2:48 PM

Ref: 2024-167

COUNCIL AGENDA: 7.A.
(7/9/2024)

SUBJECT: Approve to Reverse Emergency Declaration for the Purpose of Permitting the Timely Repairs of Suspended Sidewalk at 514-516 Main Street West per WI State Statute 62.15(1b) (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: Public Works Director

EXHIBITS:

1.	Resolution No. 17732 - July 25, 2023
2.	Agenda Item 2023-155 - July 25, 2023
3.	July 25, 2023 City Council Meeting Minutes

EXPENDITURES REQUIRED: \$115,340.57 - Fund 471 Sidewalk Improvements (Paid to Contractor)

AMOUNT BUDGETED: \$125,000.00 - Fund 471 Sidewalk Improvements

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH CHAPTER 51: The Mayor and/or Clerk has consented to placement of this agenda item on the Council agenda as timely action is needed.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: This item conforms to the Ashland Comprehensive Plan in that it is "...in accordance with existing and future needs, best promote public health, safety, morals, and the general welfare..." for the City's residents and community.

SUMMARY STATEMENT:

At the July 25, 2023 meeting, Council approved a resolution declaring an emergency due to the condition of the suspended sidewalk at 514-516 Main Street West per Wisconsin State Statute 62.15(1b).

The City contracted with Ritola, Inc to complete repair work which consisted of filling a large void underneath the public sidewalk with geofom engineered to minimize lateral forces on adjacent building walls. This work also required removal and replacement of the concrete sidewalk.

All work has been completed and Wisconsin State Statute 62.15(1b) requires the Council to reverse the emergency by majority vote.

RESOLUTION No. 17732

RESOLUTION TO DECLARE CONDITION OF SUSPENDED SIDEWALK AT 514 and 516 MAIN STREET WEST AN EMERGENCY PER WISCONSIN STATE STATUTE 62.15(1b)

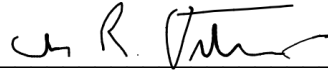
Whereas, the condition of structural components supporting public sidewalk located at 514 and 516 Main Street West are in poor condition and require replacement through the installation of alternative structural material; and,

Whereas, the condition of the public sidewalk located at 514 and 516 Main Street West presents a risk of collapse under loading from equipment use on the sidewalk which has created an emergency in which the public health or welfare of the City is threatened with endangerment; and,

Whereas, under Wisconsin Statute 62.15(1b), the emergency will need to be declared over by the Council once it no longer exists (i.e., sidewalk is properly supported), and,

Whereas, the City does not intend to pursue special assessments against any property owner adjacent to the public sidewalk for this repair work.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Ashland, Wisconsin hereby agrees that the condition of structural components supporting public sidewalk located at 514 Main Street West presents an increased risk of collapse, creating an emergency per Wisconsin Statute 62.15(1b) and per City of Ashland Ordinance 194.06(c).



Councilperson

PASSED: July 25, 2023

ATTEST: 

Denise Oliphant, City Clerk



Matthew MacKenzie, Mayor

APPROVED AS TO FORM:



Tyler Wickman, City Attorney

SUBJECT: Approve a Resolution to Declare Condition of Suspended Sidewalk at 514 Main Street West an Emergency per Wisconsin State Statute 62.15(1b) (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
Public Works Director

EXHIBITS: 1. Main Street Sidewalk Assessment, Cedar Corporation October 9, 2019
2. Proposed Resolution No. 17732

EXPENDITURES REQUIRED: Not to Exceed \$125,000.00

AMOUNT BUDGETED: \$0

APPROPRIATION REQUIRED: \$125,000.00 - Fund 471 Sidewalk Improvements

TREASURER'S CERTIFICATE: N/A

COMPLIANCE WITH ORD. 51: The Mayor and/or Clerk has consented to placement of this agenda item on the Council agenda as timely action is needed.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed development conforms to the goals and community values identified in the City of Ashland's Comprehensive Plan.

SUMMARY STATEMENT:

In May 2022, the City acquired the building located at 514 Main Street West. This building has an unfilled sub-basement that has resulted in a length of suspended sidewalk, meaning that the sidewalk has a void underneath. It is reinforced with rebar while also being supported by 10-inch "I" beams that span from an existing rock retaining wall to the building face. It is assumed that many other sub-basements were filled during Main Street West reconstruction in the 1980s and that this void was left in place due to concerns about the fill placing lateral forces on the building's face and causing damage.

In Fall 2019, Cedar Corporation evaluated the suspended sidewalk and made recommendations to the City about filling the void in a manner that minimizes lateral forces. A geofoam product was recommended, with replacement of the concrete sidewalk being completed over the filled void. At the time of this evaluation, the reinforced concrete and "I" beams were determined to be in adequate condition. However, City Building Facilities staff recently completed another inspection following the acquisition of 514 Main Street West and observed deterioration of both the suspended concrete and "I" beams. The concern is that the placement of heavy equipment or other excessive load on the sidewalk will lead to a collapse into the underlying void.

Due to the upcoming need for winter sidewalk maintenance (plowing) and associated equipment use on the sidewalk, City staff requests the declaration of an emergency related to the purchase of material and construction services for the repair of the suspended sidewalk as time spent on the bidding process would delay repairs and therefore threaten public health and safety.

In addition, staff is requesting approval of costs not to exceed \$125,000 for emergency repairs to allow for timely negotiation of costs and execution of associated contracts by City staff such that work can be completed as soon as possible by a qualified contractor. Funds are available in Fund 471 Sidewalk Improvements, which has a projected Fund Balance of \$257,000.

MEETING MINUTES

ASHLAND CITY COUNCIL **Tuesday, July 25, 2023 – 6:00 PM** Ashland City Hall Council Chambers

1. CALL TO ORDER

The Tuesday, July 25, 2023 Ashland City Council meeting was called to order by Mayor Matt MacKenzie at 6:00 p.m.

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

PRESENT: Kevin Seefeldt, Sarah Jackson, Ana Tochtermann (6:05), Andrew Goyke, Laura Graf, Charlie Ortman, Dick Pufall

The Mayor noted a quorum of the Common Council was present.

ALSO PRESENT: Mayor Matthew MacKenzie, City Administrator Brant Kucera, City Clerk Denise Oliphant, City Attorney Tyler Wickman, Public Works Director John Butler, Police Chief Willis Hagstrom, Parks Director Sara Hudson, Library Director Sarah Adams, Fire Chief Stuart Matthias, Main Street Manager Jaclynn Findlay, Planning Director Steven Wiley, and other interested citizens.

2. APPROVAL OF AGENDA

Seefeldt moved, seconded by Goyke to approve the agenda as presented. The motion passed unanimously by voice vote.

3. APPROVAL OF MINUTES

A. **July 11, 2023 City Council and Committee of the Whole Meeting Minutes**

Ortman moved, seconded by Seefeldt 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. **Presentation from Kathy Beeksma, Executive Director of Ashland Housing Authority**

Executive Director of the City of Ashland Housing Authority, Kathy Beeksma, offered a presentation of the operations, goals and financial status of the Authority.

B. **Announcements**

MacKenzie attended a meeting last week of the Ashland Foundation who contributed to Celebrations, Inc. to help fund the Fourth of July fireworks display, and toward the Arts in the Park to help pay for supplies for the program. Bay Days went well with a large number of visitors

and attendees. He also attended a meeting recently regarding the Ellis Avenue/Highway 13 rebuild project slated for 2025. There are new signs installed at Kreher and Hodgkins Parks, and traffic counters along some of the trails in town to monitor trail use. Finally, the City was showcased on a Duluth news channel last week showing the highlights of the community and surrounding area.

C. **Appointments**

Seefeldt moved, seconded by Tochtermann to approve the Mayor's appointments, as below, and to remove Seefeldt from the Housing Authority. The motion carried unanimously by voice vote.

Disabled Parking Enforcement Committee: Mary Jane Grande, Cheryl Wiezorek, and Donna Griffiths were each reappointed with a term to expire August 11, 2026.

Ashland Beautification Council: Susan Spangle appointed, term to expire February 15, 2025.

Main Street Board: Kevin Porter, reappointed, term to expire July 25, 2024.

City of Ashland Housing Authority: Kayla Sandstrom appointed, term to expire January 13, 2026.

6. CONSENT AGENDA

- A. **Approve the Ashland Fire Department to Accept a Wisconsin Department of Natural Resources (WDNR) Forest Fire Protection (FFP) Reimbursement Grant Award** (*Fire Department*)

- B. **Miscellaneous Minutes**

Goyke moved, seconded by Pufall approve the Consent Agenda with a correction noted by Tochtermann to the Ore Dock Trust minutes. The motion passed unanimously by voice vote.

7. OLD BUSINESS

- A. **Approve a Grant Agreement between the State of Wisconsin Department of Administration Wisconsin Coastal Management Program and the City of Ashland to Assist in the Creation of the City of Ashland Parks Master Plan** (*Parks & Recreation*) Roll
Seefeldt moved, seconded by Graf to approve. The motion passed unanimously by roll call vote.

- B. **Approval of the Amended Sidewalk Special Assessment Policy for the Levy of Assessments** (*Public Works*) Voice

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

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

Seefeldt moved, seconded by Ortman to approve Ordinance 2023-1986. The motion passed unanimously by roll call vote.

- D. **Approve an Ordinance to Amend Chapter 711 (1525) Ordinance for a POTW and Collection System, Ashland City Ordinances** (*Public Works*) Roll

Seefeldt moved, seconded by Goyke to approve Ordinance 2023-1987. The motion passed unanimously by roll call vote.

- E. **Approve a Revised Request for Proposal for Professional Services Agreement with Right of Way Professionals, Inc. for Real Estate Acquisition Services for the 2024 Prentice Avenue, Phase 1 Reconstruction Project** (*Public Works*) Roll

Pufall moved, seconded by Seefeldt to approve. The motion passed unanimously by roll call vote.

8. NEW BUSINESS

- A. **Award a Bid to Contract for Repair of 514 Main Street West Building** (*Administrator*) Roll
There were no bids received.
- B. **Approve a Lighting Improvement Grant Program Agreement with Copper Pasty, 417 Main Street West** (*Main Street Manager*) Voice

Seefeldt moved, seconded by Graf to approve to award the grant for \$2,318.00. The motion passed unanimously by voice vote.

- C. **Approve an Ordinance to Create Chapter 479 (2023-1988) Annexation of the North Right of Way of County Highway K, Town of Gingles, Ashland County, Ashland City Ordinances** (*City Attorney*) Roll

Seefeldt moved, seconded by Tochtermann to approve Ordinance 2023-1988. The motion passed unanimously by roll call vote.

- D. **Approve a Resolution to Declare Condition of Suspended Sidewalk at 514 Main Street West an Emergency per Wisconsin State Statute 62.15(1b)** (*Public Works*) Roll

Kevin Seefeldt moved, seconded by Andrew Goyke to approve the resolution. Goyke moved, seconded by Tochtermann to amend the resolution to include work at the adjacent property, 516 Main Street West. The motion passed unanimously by roll call vote. Seefeldt moved, seconded by Goyke to amend the resolution to state the City would not special assess 516 Main Street West for the emergency work. The motion passed 5-2 by roll call vote; opposed were Jackson and Tochtermann.

The amended resolution was approved unanimously by roll call vote. **File No. 17732.**

- E. **Approve a Resolution to Issue a Conditional Use Permit (CUP) to Allow for Increased Sign Height and Area at 1716 Lake Shore Drive West, Ashland, Parcel No. #201-00099-0000, Zoned City Center (CC) with Gateway Overlay (GTWY-O), Applicant: Ashland Area Chamber of Commerce** (*Planning & Development*) Roll

Seefeldt moved, seconded by Tochtermann to approve the resolution. The motion passed unanimously by roll call vote. **File No. 17733.**

9. CLOSED SESSION - Council may return to Open Session and take action on any item discussed during Closed Session

- A. **Pursuant WI Statute 19.85(1)(c): "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility."** (*City Administrator Evaluation*) Roll

Goyke moved, seconded by Seefeldt to enter into Closed Session. The motion passed unanimously by roll call vote.

- B. **Return to Open Session** Voice

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

C. **Report of Action Taken during Closed Session**

Mackenzie reported there was no action taken during closed session.

10. ADJOURNMENT

Kevin Seefeldt moved, seconded by Dick Pufall to adjourn. The motion carried unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant,
City Clerk

Ref: 2024-165

COUNCIL AGENDA: 7.B.
(7/9/2024)

SUBJECT: Approve an Agreement for Professional Construction Engineering Services between the City of Ashland and Greeley & Hansen for the Lake Superior Intake Project (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
Public Works Director

EXHIBITS:

1.	The Agreement was not readily available at the time of publication, but will be provided at the time of the meeting.
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EXPENDITURES REQUIRED: \$ 850,000.00 - Fund 680 Water Utility

AMOUNT BUDGETED: \$ 850,000.00 - Fund 680 Water Utility (WI DNR Safe Drinking Water Loan FY 2025)

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: The Treasurer's Office has certified on July 3rd, 2024 that Greeley & Hansen is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

COMPLIANCE WITH CHAPTER 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed construction project conforms to the goals and community values identified in the City of Ashland's Comprehensive Plan.

SUMMARY STATEMENT:

At the June 25, 2024 meeting, the City Council approved a \$10,330,900 contract with Roen Salvage Company, located in Sturgeon Bay, WI, for the construction of a new drinking water intake pipeline in Lake Superior.

The proposed construction will be in water and require compliance with Army Corp of Engineers and Wisconsin Department of Natural Resources (WI DNR) permitting requirements. This type of construction is very specialized and is outside the competencies of City staff and local engineering firms. In addition, the contractor has indicated the possibility of working 24 hours per day due to WI DNR requirements to limit the duration of specific construction activities to protect fish spawning.

The Public Works Department recommends contracting with Greeley & Hansen for construction management services at a cost of \$850,000. The scope of services will include contract administration, resident project representation (RPR), onsite environmental services, permit management and system commissioning. If necessary, several RPRs will be provided to provide around the clock construction oversight depending on the contractor's schedule.

The cost of these services is 8.2% of the construction contract and has previously been estimated for inclusion in the WI DNR Safe Drinking Water Loan budget.

The Agreement was not readily available at the time of publication, but will be provided at the time of the meeting.

Ref: 2024-168

COUNCIL AGENDA: 7.C.
(7/9/2024)

SUBJECT: Approve an Ordinance to Amend Chapter 922 Alcohol Beverages
Regulation Regarding Class C Wine Licenses and Other Updates (*Clerk*)

RECOMMENDATION: Approval

**DEPARTMENT OF
ORIGIN:** City Clerk

CLEARANCES: Approved Unanimously by Committee of the Whole, June 25,
2024
City Attorney

EXHIBITS:

1.	Proposed Ordinance 2024-2002
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**EXPENDITURES
REQUIRED:** NA

AMOUNT BUDGETED: NA

**APPROPRIATION
REQUIRED:** NA

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH CHAPTER 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

On June 11, 2024, the Clerk discussed with Council the need to update Chapter 922, Alcohol Beverages Regulation reflective of Wisconsin Act 73, in particular the changes needed for "Class C" (wine) licenses. According to Act 73, a municipality is now able to approve "Class C" licenses for retail establishments other than restaurants. The Clerk is asking to set a standard for the Ordinance before receiving an application for such a license.

While working with the City Attorney, it was apparent that there were multiple other updates that needed to be addressed. The Clerk requested Council to review these other sections within Chapter 922 to bring appropriateness to State Statute references, complete the license revocation process section, and update other sections according to State Statutes Ch. 125. All changes were brought back to Council during their June 25, 2024 Committee of the Whole meeting, and were unanimously approved.

Sequential Ordinance No. 2024-2002

ORDINANCE TO AMEND CHAPTER 922 (1488) ALCOHOLIC BEVERAGES REGULATION, ASHLAND CITY ORDINANCES

An ordinance adopted by the Common Council for the City of Ashland at a regular meeting of July 9, 2024 for the purpose of amending Chapter 922.30(c) Unissued Licenses, Alcoholic Beverages Regulation, Ashland City Ordinances as follows:

SECTION I

Chapter 922.20 Retail License Fees *shall be amended as follows:*

(j) Provisional Retail Licenses. Individuals who apply for the following licenses may be issued a provisional retail license by the Clerk's office: provisional Class "A" fermented malt beverage, "Class A" Cider license, "Class A" intoxicating liquor, Class "B" fermented malt beverage, "Class B" intoxicating liquor license or "Class C" wine license. The application will be reviewed and approved by the Police Department. The Clerk's office shall revoke the provisional license if the Clerk discovers the holder made a false statement on the application.

The City of Ashland will not issue a provisional license for a "Class B" liquor license if the quota has been met. The City of Ashland will not issue a provisional license for a "Class A" cider license if the applicant does not have a Class "A" fermented malt license for the same location.

No person may hold more than one provisional retail license for each type of license applied for by the holder each year.

(k) Temporary Retail Licenses. The fee for a Temporary Class "B" fermented malt beverage (picnic) license shall be ten (\$10) dollars per day. The fee for a Temporary "Class B" wine license shall be ten (\$10) dollars per day. If both a temporary Class "B" fermented malt beverage license and a temporary "Class B" wine license are obtained for the same event, only one ten (\$10) dollar fee shall be charged.

Sections 922.20 (l), (m), and (n) shall be deleted.

SECTION II

Chapter 922.25 Operator Licenses *shall be created to read as follows:*

(a) Fee. Applicants for an operator's license shall have the option of applying for a one-year license or a two-year license. The fee shall be established in the City of Ashland Comprehensive Fee Schedule. Licenses shall be issued for the fiscal year beginning July 1 and ending June 30 of each year.

- (b) Provisional Operator License. A Provisional Operator's License shall be no more than fifteen dollars (\$15). Individuals who apply for an operator's license may be issued a provisional operator's license by the Clerk's office while enrolled and pending completion of State-mandated training requirements. The application must be reviewed and approved by the Police Department.

The provisional license shall expire sixty (60) days after its issuance or when the applicant receives a regular operator's license, whichever is first.

- (c) Temporary Operator License. The fee for a temporary license shall be five dollars (\$5). A temporary operator's license to serve at a special event shall only be issued to an individual employed by, or donating their services to, a nonprofit organization. The license shall be valid for any one period from one (1) day to fourteen (14) days. No person may hold more than two (2) temporary licenses per year.

SECTION III

Chapter 922.30 Quotas shall be amended to read as follows:

(e) Exceptions: Pursuant to Wis. Stat. s. 125.51(4)(v), if the City has granted or issued a number of "Class B" Intoxicating Liquor licenses equal or exceeding its quota, the City may issue a license for any of the following:

SECTION IV

Chapter 922.35 "Class C" Wine Retail License shall be created to read as follows:

The provisions of 2023 Wisconsin Act 73 allow for a "Class C" wine license be issued to a person qualified under Wis Stat. § 125.04(5). A "Class C" wine license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

A "Class C" license shall particularly describe the premises for which it is issued. The fee shall be as designated in the Comprehensive Fee Schedule.

Any establishment holding a "Class C" license is required to have a licensed operator on the premises during all designated times of selling, consuming, taste testing, offering, giving away, or otherwise serving alcohol.

- (a) Sales of Wine by the Bottle in Restaurants. Notwithstanding Wis. Stats. §§ 125.51(3)(a) and (b) and (3m)(b), a "Class B" or "Class C" license authorizes the retail sale of wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both on and off the premises where sold if all of the following apply:

- (1) The licensed premises is a restaurant also operated under a "Class B" or "Class C" license and the purchaser of the wine orders food to be consumed on the premises.

(2) The licensee provides a dated receipt that identifies the purchase of the food and the bottle of wine.

(3) Prior to the opened, partially consumed bottle of wine being taken off the licensed premises, the licensee securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle, or securely reattaches the original cap to the bottle, and the cork is reinserted of the cap is reattached at a time other than during the time period specified in Wis. Stat. § 125.68(4)(c)3.

(b) Wine Bar. For an establishment where the land use is designated as a drinking-only establishment or as a restaurant that serves only wine and no other intoxicating liquor, the establishment's closing hours may mirror those of a "Class B" or Class "B" license.

(c) Non-Typical Establishments. For establishments with two land uses, a "Class C" Wine Retail license is available to only the types of uses listed below:

- (1) Beauty or nail salon
- (2) Spa or massage salon
- (3) Art gallery, studio or museum
- (4) Bed & breakfast or inn
- (5) Fitness Center
- (6) Greenhouse or nursery
- (7) Indoor amusement or recreational facility
- (8) Cinema or theater
- (9) Meeting or exhibition hall
- (10) Outdoor amusement or area
- (11) Retail business or service

(d) Hours of Operation. A premises which is designated as more than one land use, and for which a "Class C" alcohol beverage license has been issued, shall not be permitted to remain open for the sale or dispensing of alcohol beverages between the hours of 9:00 p.m. and 8:00 a.m. but shall be permitted to stay open for the conduct of their regular business.

(e) Regulation of Closed Retail Space. Only the permitted licensee, employees, salespersons, employees of wholesalers licensed under Wis. Stat. § 125.28(1) or 125.54(1), or service personnel may be present on "Class C" permitted premises during hours when the premises are not open for business if those persons are performing job-related activities. All other employees and patrons shall vacate the premises at 9:00 p.m.

(f) Restrictions. An establishment where primarily financial decisions are made such as a bank, credit union, or cash advance lenders, or where the primary business is to educate or care for children under the age of 18 years, is restricted from applying for or holding a "Class C" license.

SECTION V

Chapter 922.40 Local Options *shall be amended to read as follows:*

- (a) Adoption of Off-Sale Provisions for “Class B” Intoxicating Liquor Licenses. The City of Ashland elects to come under Sec. 125.51(3)(b), Wis. Stats., and provides that a retail “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold or off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises and also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold.
- (b) Licenses for Non-Intoxicating and Soda Water Beverages. Class “B” fermented malt beverage licensees may also sell beverages containing less than one-half of one per centum alcohol by volume without obtaining a special license to sell such beverages pursuant to Section 66.0433(1) of the Wisconsin State Statutes.
- (c) Restrictions Related to Other Uses. A Class A intoxicating liquor or fermented malt beverage license shall only be issued for any premise which is primarily used for the sale of gasoline, groceries, bait, as a restaurant, or for the sale of intoxicating liquor, fermented malt beverages or combination, or a combination of those listed uses. If the license is for a new business, the applicant shall submit projected sales for the premises showing sales projections that will satisfy this requirement.
 - (1) "Groceries" is defined by Wis. Admin. Tax § 11.87(3)(d).
 - (2) "Bait" includes the definition of "bait" under Wis. Stat. 29.509 but also any fishing tackle.
 - (3) "Restaurant" is defined by Wis. Stat. 125.02(18).
 - (4) "Primarily" means that the majority of gross revenue generated for the premise for that use on an annual basis.
- (d) Excessive Number of Licenses Not Permitted. No more alcohol-related licenses than are legally necessary to conduct the alcohol-related business shall be issued for a single, contiguous premise.
- (e) Delinquent Taxes and Fees. No license shall be granted or renewed for the operation of any premises upon which real estate taxes, personal property taxes, assessments, or other financial claims or forfeitures are delinquent or unpaid.
- (f) Temporary Expansion of Premises Description. The Chief of Police, or the Chief’s designee, or the City Clerk, or Clerk’s designee, shall be given authority to grant a temporary change to the licensed premises description to accommodate special events.
- (g) Failure to do Business. Within one hundred eighty (180) days from the initial issuance of a Class A or Class B intoxicating liquor or fermented malt beverage license, a licensee shall be open for business with adequate stock and equipment or the license shall be revoked by the Common Council following a revocation hearing. If any Class A or Class B intoxicating liquor or fermented malt beverage licensee

shall suspend or cease doing business for a period of 180 days, the license shall be revoked by the Common Council following a revocation hearing. For the purposes of this subsection, the licensed premises must be open for business a minimum of twenty (20) hours per week or the license will be subject to the failure to do business provisions.

The 180 days shall not necessarily need to be successive to impose the provisions of this subsection.

This subsection shall not apply to the licenses held for the Bay Area Civic Center premises, Bay Area Cultural Center, or for bona fide clubs, state, county, or local fair associations, or agricultural societies, lodges, or societies that have been in existence for not less than six months prior to the date of application.

SECTION VI

Chapter 922.41 Drinking in Public Places *shall be amended to read as follows:*

Except as provided in Sections 922.42 and 501.06(e), it shall be unlawful for any person or persons to sell, serve, or consume, or possess an open container containing any type of intoxicating liquor or fermented malt beverage on any public street or sidewalk or public parking area within the City unless as approved for a Special Event.

SECTION VII

Chapter 922.50 Revocation of Licenses *shall be amended to read as follows:*

Licenses issued under the provisions of this chapter may be revoked by the Council of the City of Ashland after notice and hearing, as provided in Wisconsin Statutes §125.12, for any of the following causes:

- (a) Fraud, misrepresentation, or incorrect statement contained in the application for license;
- (b) Fraud, misrepresentation, or incorrect statement made in the course of carrying on his/her business;
- (c) Any violation of this ordinance;
- (d) Conviction of any crime or misdemeanor.
- (e) Any of the reasons enumerated in Wisconsin Statutes §125.12(2)(ag)

SECTION VIII

Chapter 922.51 Notice of Hearing *shall be amended to read as follows:*

Notice of the hearing for revocation of a license shall be given by the City Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage

prepared to the licensee at his/her last known address at least 72 hours prior to the date set for hearing, or shall be delivered by a Police Officer in the same manner as a court summons. The procedure for the hearing shall be as set forth in Wis. Stat. §125.12(2).

SECTION IX

Chapter 922.52 Non-Renewal of Licenses *shall be created to read as follows:*

The City may refuse to renew a license for any of the causes provided in Section 922.50 and Wis. Stat. §125.12(2)(ag). Prior to the time for the renewal of the license, the City shall notify the licensee in writing of the City's intention not to renew the license with an opportunity for a hearing. The notice shall state the reasons for the intended action. The procedure for the hearing shall be as set forth in Wis. Stat. §125.12(2).

SECTION X

Chapter 922.53 Non-Issuance of Licenses *shall be created to read as follows:*

If the City decides to not issue a new license under this Ordinance, it shall notify the applicant in writing and state the reasons for the decision.

SECTION XI

Effective Date. *This ordinance shall take effect on the day after publication.*

PASSED: July 9, 2024

PUBLISHED: July 18, 2024

Alderson

ATTEST:

Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

Max Lindsey, City Attorney