

ASHLAND CITY COUNCIL MEETING
Tuesday, October 23, 2018 - 5:30 P.M.
Ashland City Hall Council Chambers
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PRESENT: Holly George (arrived 5:40), Richard Ketring, Sarah Jackson, Kate Ullman, Ana Tochterman, David Mettille, Charlie Ortman, Elizabeth Franek, Jackie Moore

ABSENT: Kevin Haas (excused), Dick Pufall (excused)

ALSO PRESENT: City Administrator Brant Kucera, City Clerk Denise Oliphant, City Attorney Tyler Wickman, Police Chief Jim Gregoire, Planning and Development Interim Director Megan McBride, Public Works Interim Director Sharon Campbell, Parks and Recreation Director Sara Hudson, Airport Manager Bill Moore, and Other Concerned Citizens

Agenda Item 1: Call to Order

Roll call was taken, a moment of silence was held, and the Pledge of Allegiance was recited. It was noted that a quorum was present.

Agenda Item 2: Approval of Agenda

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

Agenda Item 3: Approval of Minutes of the October 9, 2018 Council and Committee of the Whole Meetings

Ortman moved, Jackson seconded a motion to approve the minutes of the October 9, 2018, Council and Committee of the Whole meetings. The motion carried unanimously by voice vote.

Agenda Item 4: Citizen Participation Period

There were no citizens requesting to speak.

Agenda Item 5: Mayor's Report

In her absence, the Mayor offered a memo to Council regarding recent updates. Mettille reminded Council that the City Administrator will be out of the office from October 24 through November 2, 2018. Also, there is a fundraiser taking place at Little Caesars Pizza on Friday, October 26, 2018 to support the Ashland-Badajoz Cultural Exchange.

Agenda Item 5A: Announcements

Mettille noted to Council that Teege Mettille removed himself from the Library Board appointments.

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Agenda Item 5B: Appointments

Vaughn Municipal Library Board

Dina "Dinny" Bolka

Jackie Moore, Council Rep.

Term expires: October 31, 2021

Term expires: April 21, 2020

2018-2019 Election Inspectors

Sandy Nutt, Mike Hines, Katherine Siegler, Paul Gilbertson, Helen Shinaway, Sarah Lacy,
Emerson Ziehr, Brenda Brouder, Joe Harrison

George moved, Franek seconded a motion to approve the Mayor's appointments as amended. The motion carried unanimously by voice vote.

Agenda Item 6: Consent Agenda

Agenda Item 6A: Operator's Licenses

Samantha J. Hunt, Adam W. Hinch, Dylan W. Irwin, Megan D. Jewett

Agenda Item 6B: Miscellaneous Minutes

Agenda Item 6C: Planning and Development Report – September, 2018

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

Agenda Item 7: New Business

Agenda Item 7A: Approve a Resolution in Support of Urging the State of Wisconsin to Close the Dark Store Loopholes and Stop the Shift of the Tax Burden from Thriving National Retail Stores to Homeowners (Mayor)

The total amount of property taxes a local government may collect annually is strictly limited by state law and stays pretty much the same from one year to the next. What can and does change is how the tax pie gets divided. When one class of property, like commercial, pays less, other classes, like residential, must make up the difference to pay for police, teachers, firefighters and local roads.

Residential property owners already pay \$68 of every \$100 of property taxes that local governments collect. The residential share of the property tax burden is not as high in most other states. Homeowners in Minnesota, for example, pay only 50% of the total property tax levy.

According to an analysis of 12 communities by the League of Wisconsin Municipalities, homeowners could see their property taxes increase by 8% or greater if commercial and manufacturing property values are lowered by 50% as a result of chain stores, fast food operations, big box retailers and even

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banks using the Dark Store and Walgreens loopholes. Municipal and other local officials across the state are deeply concerned about more of the property tax burden being shifted onto homeowners. Homeowners should not and cannot bear more of the tax burden than they already do.

The Wisconsin Legislature can close the loopholes – fix the problem – and stop the tax shift by passing legislation in 2019. The Legislature had an opportunity to close the loopholes in 2018 but failed to do so. The Dark Store and Walgreens reversal bills had broad support among legislators. Nevertheless, businesses relying on the loopholes successfully killed the legislation.

To date, at least 62 municipalities in Wisconsin had already passed versions of the proposed resolution.

Ortman moved, Moore seconded a motion to approve the Resolution in support of urging the State of Wisconsin to close the Dark Store loopholes and stop the shift of the tax burden from thriving National retail stores to homeowners. The motion carried 8-1 by voice vote; Franek abstained. **(File #17472)**

Agenda Item 7B: Approve a Resolution to Issue a Conditional Use Permit to Construct a Fence Six Feet in Height at 2800 Lake Shore Drive East in the Mixed Residential/Commercial (MRC) District, Parcel #201-03358-0000, Applicant: Nye Development (Planning and Development)

Ron Nye contacted the Planning & Development Department in August, 2018, to apply for a Conditional Use Permit to construct a security fence eight feet in height per a request from the General Services Administration (GSA) to whom Mr. Nye leases the building. He was then notified that GSA is installing fences six feet in height with two feet of barbed wire in other communities and would like the same at this Ashland location. Mr. Nye requested to amend his CUP application to be for a fence six feet in height with the two feet of barbed wire. An updated public notice was issued and letters explaining the amended request were sent to property owners within 200 feet.

Numerous residents came to the October 16, 2018 Plan Commission Public Hearing regarding this topic. All neighboring property owners who spoke at the Public Hearing were not in favor of the fence. A petition was also submitted in opposition to the fence which was signed by over 20 nearby property owners. The primary concerns expressed were in relation to safety of children with the addition of barbed wire to the fence as well as aesthetics of the neighborhood and associated property values. This reformed the Plan Commission's recommendation as stated above to approve a fence six feet in height without barbed wire which Mr. Nye agreed to, and he consulted with GSA to discuss.

Mr. Nye contacted Megan McBride the morning of October 17, 2018, to inform her that GSA agreed to the fence being six feet in height without barbed wire.

Ortman moved, Moore seconded a motion to approve the Resolution to issue a Conditional Use Permit to construct a fence six feet in height at 2800 Lake Shore Drive East in the Mixed Residential/Commercial (MRC) District, Parcel #201-03358-0000, to the applicant, Nye Development.

The motion carried unanimously by voice vote. **(File #17473)**

Agenda Item 7C: Approve a Resolution to Amend the Conditional Use Permit for Multi-Family Residential Development at 419 Chapple Avenue in the Mixed Residential/Commercial (MRC) District, Parcel #201-00783-2000, Applicant: Trudeau Construction, Inc. (Planning and Development)

A Conditional Use Permit request was approved for Trudeau Construction, Inc. to redevelop the existing building at 419 Chapple Avenue into a 3-unit multi-family dwelling by the Plan Commission on September 17, 2017, and by Council on September 26, 2017. The CUP was approved contingent on the following conditions:

- A. The applicant shall complete a rental registration form prior to tenant occupancy.
- B. The applicant shall obtain site plan approval prior to building the proposed garages.
- C. The applicant shall obtain all necessary building permits for any renovations to the building/property.

Trudeau Construction, Inc. was requesting to amend their existing CUP in the following ways:

- Increase the size and add a residential unit above the garage approved for the southeast corner of the site;
- Relocate and increase size of the garage originally to be located on the south side of the main building to the northwest corner of the property;
- Relocate and reduce in size the area previously designated for future expansion from the northwest corner of the site to the southwest side of the main building; and
- Increase the overall number of units on the property from 3 to 6.

Staff recommends approval of the amended Conditional Use Permit contingent on:

- a. Approval of the amended Site Plan.

Additionally, as a Public Hearing was held on October 16, 2018, for the proposed amendment to the Conditional Use Permit, the Plan Commission heard all input from the public prior to making a decision. The legal requirements of a Class 2 public hearing notice were followed, and letters were sent to property owners within 200 feet of the proposed Conditional Use Permit.

Mr. Trudeau was recognized and approved to speak to Council to answer questions regarding the site plan. Ortman moved, Franek seconded a motion to approve the Resolution to amend the Conditional Use Permit for a multi-family residential development at 419 Chapple Avenue in the Mixed Residential/Commercial (MRC) District, Parcel #201-00783-2000 to the applicant, Trudeau Construction, Inc. The motion carried unanimously by voice vote. **(File #17474)**

Agenda Item 7D: Discussion and Possible Action on Approval to Amend the Professional Services Proposal Agreement with Cedar Corporation to Assist the City with Completing and Submitting a USDA Rural Development (RD) Preliminary Engineering Report (PER) (Public Works)

At the September 11, 2018 meeting, Council approved a contract with Cedar Corporation to amend the 6th Street West PER on file with USDA to add various water and wastewater projects to meet a September 30th USDA funding application deadline. The added projects included wastewater inflow and infiltration projects.

Since then, Cedar Corporation created the amendment to the PER which included several projects from the Water and Wastewater Master plan and submitted it to USDA for review. By meeting the September 30, 2018 deadline, the City had a chance to cap the interest rate at 3.125% for a five year period which would consist of loan and grant dollars.

USDA staff reviewed the PER and requested additional information. With the need for additional information that would be required for the added projects, it did not allow enough time to file with the National USDA office by the September 30, 2018 deadline. USDA has since requested that a new PER be submitted.

Creating a new PER and ER will be an additional cost. Cedar Corporation submitted an amendment to their original professional services agreement to cover the additional cost for the new PER and ER. The USDA interest rate is 3.25% as of October 1, 2018. This was still a competitive rate as the 2017A Water Refunding bonds had a 3.314% interest rate.

Moore moved, George seconded a motion to approve to amend the Professional Services Proposal Agreement with Cedar Corporation to assist the City with completing and submitting a USDA Rural Development (RD) Preliminary Engineering Report (PER). The motion carried unanimously by roll call vote.

Agenda Item 7E: Approval of Change Order No. 3 for the Amount of \$18,495 for the Bayview Pier Project Phases II and III (Parks and Recreation)

On February 20, 2018, the Common Council voted to enter into a contract with the Nordic Group for the Bayview Pier Project Phases II and III. Nordic Group started working on the project in July, 2018. Design changes, along with Mother Nature, resulted in three change orders to be issued. Per Ordinance 194.07, Council must approve change order totals exceeding \$25,000.

Change Order #1 was for moving the fishing pier section from the end of the dock to the middle of the dock, extending to the east, for a total of \$24,790. Change Order #2 was to extend the project end date to 10/31/18 resulting in no change in cost. Change Order #3 is for adding bushings to the railings for expansion and contraction, making the "S" curve ADA ramp concrete instead of asphalt, adding drainage work to the western hillside, and placing ADA aggregate down on the Waterfront Trail instead of asphalt*.

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Total net anticipated cost for the change orders was \$28,875. The City estimated a contingency of \$50,465 for this project which will fund the payment for these change orders. The City would be receiving a credit on the contract of \$14,410 for not using the estimated amount of sand fill for the dock and for not asphaltting the Waterfront Trail.

*The City anticipated using funding from the newly awarded WisDOT TAP Grant, to repave/asphalt the entire Ashland Rails to Trails System (ARTS) to include the Waterfront Trail and the 5th Street Corridor. This did not include the Spur Trail or Prentice Park. This project was estimated to be done in 2020 and the City was still working with WisDOT on details.

George moved, Moore seconded a motion to approve Change Order No. 3 in the amount of \$18,495 for the Bayview Pier Project Phases 2 and 3. The motion carried unanimously by roll call vote.

Agenda Item 7F: Approve an Agreement between the School District of Washburn and the City of Ashland for Use of the Bretting Community Center Gymnastics Gym by the Washburn High School Gymnastics Team (Parks and Recreation)

The School District of Washburn requested to rent the Bretting Community Center Gymnastics gym as they did last year for their High School gymnastics program to practice as they did not have a facility or the equipment to do so.

Under the encouragement of the WIAA (Wisconsin Interscholastic Athletic Association), the Gymnastics Coordinator and APR Director had been working with the Ashland High School Athletic Director and Washburn High School Athletic Director to make this happen.

The Washburn School District would be charged a fee of \$50 per practice to use the Bretting Community Center Gymnastics gym, in addition to having to purchase some of their own equipment (vaulting board, U-mat, hand placement mat, and landing mats) that the athletes needed to take to meets to perform their routines. The Washburn Gymnastics Team could not be in the gym at the same time as the Ashland High School Gymnastics team per WIAA rules, nor could they be in the gym with our competitive Club team during practices. The Washburn athletes would be able to use the gym before school, on Wednesdays after 7 p.m., Fridays after 7 p.m., or on Sundays between 2:00 and 6:00 p.m. This agreement would not interfere with the Ashland High School Gymnastics or Club Gymnastics programs. It may, in fact, help to build the success of the Club and High School programs.

Moore moved, Franek seconded a motion to approve an agreement between the School District of Washburn and the City of Ashland for use of the Bretting Community Center gymnastics gym by the Washburn High School Gymnastics Team. The motion carried unanimously by voice vote.

Agenda Item 7G: Approve to Purchase a 2019 Ford F350 Truck with Plow from Ashland Ford Chrysler for the JFK Memorial Airport, and Approval to Waive Chapter 194.04, Ashland City Ordinances, Advertisement for Bids: Purchases of More than \$30,000 (Airport)

The Airport Manager solicited bids for a one-ton truck and a plow for the JFK Memorial Airport. Bids were received from three of the four vendors solicited. The lowest bid received was for a used 2015 Ford F350 with a V-plow. The Airport Commission reviewed the bids and recommended purchasing from Ashland Ford a new 2019 Ford F350 with a V-plow as being the best overall value and which would include a manufacturer warranty.

The Airport did not have a vehicle and the Airport Manager was using his personal vehicle for Airport use. Snowplowing had been accomplished in the past with heavy equipment. This new truck would be for plowing, runway and grounds maintenance, moving items and equipment at the airport, and errands for supplies, etc.

Council was also being asked to waive the advertisement requirement of Ashland City Ordinance Chapter 194.04 and approve the solicitation of bids as stated as follows:

Sec. 194.04 - Purchases of more than \$30,000. Purchases of more than \$30,000 may be authorized by the City Council upon advertisement, unless the advertisement requirement is waived by a majority vote of the City Council. Advertisement may be supplemented by solicitation or, upon approval by a majority vote of the City Council, may be substituted for advertisement. This section applies to the purchase of tangible personal property and to services, but does not apply to construction contracts under sec. 62.15, Wis. Stats.

George moved, Moore seconded a motion to approve the purchase of a 2019 Ford F350 truck with plow from Ashland Ford Chrysler for the JFK Memorial Airport for the combined amount of \$34,224, and to approve to waive Chapter 194.04, Ashland City Ordinances, and Advertisement for Bids: Purchases of more than \$30,000. The motion carried unanimously by roll call vote.

Agenda Item 7G: Adjournment

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

Respectfully Submitted,

Denise Oliphant
City Clerk