

**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**

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/500263957>

Or dial in using your phone.

United States (Toll Free): 1-877-309-2073

Access Code: 500-263-957

ASHLAND COMMITTEE OF THE WHOLE MEETING

Tuesday, June 14, 2022 – 5:30 PM

Please silence all cell phones during the meeting

1. Roll Call
2. Council President's Report
3. Administrator's Report
4. Approval of Agenda
5. Discussion Items
 - A. **Discussion and Possible Action Regarding Potential Amendments to Chapter 51: City Council Procedure** (*Councilor Lindell*)
 - B. **Discussion and Possible Action to Advise the Housing Committee and Planning Committee to Review Ordinances and Zoning Regulations and Explore Potential Housing Options** (*Councilor Lindell*)
 - C. **Discussion and Possible Action Regarding a Request for Proposals (RFP) for the City-Owned Beaser Avenue Property** (*Administration*)
 - D. **Items for Potential Future Discussion**
6. Adjournment

The City of Ashland does not discriminate on the basis of sex, race, creed, color, national origin, sexual orientation, age or disability in employment or provision of services, programs or activities.

NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact Denise Oliphant at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

SUBJECT: Discussion and Possible Action Regarding Potential Amendments to Chapter 51: City Council Procedure (*Councilor Lindell*)

RECOMMENDATION: Discussion and Possible Action

DEPARTMENT OF ORIGIN: Council Lindell

CLEARANCES:

EXHIBITS: 1. Chapter 51 City Council Procedure.

SUMMARY STATEMENT:

The Council President met with the Mayor, City Administrator, City Attorney, and City Clerk to review the Council and Committee of the Whole agendas and items as they relate to the provisions in Chapter 51: City Council Procedures. The intention of bringing this forward for conversation is to ensure that the provisions set are being followed as intended. And because discussion regarding the direction of Chapter 51 should begin with those who serve on Council, the group is asking for discussion regarding looking closer at some points that may be amended to ensure staff and Councilors create agenda items and place them on the appropriate agendas.

Any sections or topics in the Chapter that one feels needs review should be brought forward at this time. Potential areas already reviewed that may be advantageous to amend are as noted below:

[51.03](#) - Section (a) states, "Regular meetings of the City Council and Committee of the Whole shall be held on the dates and times determined by Resolution passed by the City Council." The most recent change of the start time for the meetings was in 2017 and moved from 5:45 pm to 5:30 pm. A request was made to the Council President to push this start time back again, possibly to 6:00 pm, to give Councilors more time who work until the 5 o'clock hour. There is no specific recommended start time from the group to allow for open discussion amongst the Councilors.

[51.03](#) - The final paragraph regarding Closed Session while attending virtually reads that if a Councilor is attending the meeting virtually, they must be excused when entering Closed Session. Although the concern is reasonable, the constraints this puts on Council has shown that some items were postponed due to not having enough members to make a motion due to loss of a quorum. The group is suggesting to amend this statement to allow for virtual attendance except in the case of pending litigation, or if the Mayor, City Administrator, or City Attorney advises it necessary for attendance regardless of the subject.

[51.10](#) - Introduction of Business seems to be a bit outdated, reflecting the time of hard copies and mailing packets. The installation of the agenda software and the Councilors' use of iPads has created a much larger window for submitting, completing and distributing packets. Small updates, such as the timeline to get information to staff, can be tweaked and still allow adequate time to complete the meeting packets.

[51.26](#) - Committee of the Whole meetings are intended for broader discussion and debate, without the pressure of needing a decision or motion to approve. Used correctly, most considerations, scenarios and questions should be brought out for discussion at this time so that the direction of the item can be directed to the

appropriate "next-step" such as moving to the Council agenda, to a committee or a department for further research, information, alternatives or direction. Again, some points are outdated and could use review. The group requests discussion from Council to address this section.

Lastly, the group agreed to reintroduce an item on the Committee of the Whole agenda, *Future Items for Discussion* to allow for Councilors or staff to offer potential topics they feel are in need of discussion or action. These topics may be conversation or comments that a Councilor has had with a citizen, or consideration of an issue they feel needs addressing, or from staff regarding upcoming projects or changes being researched. The topics will be tracked and placed on future COW agendas per the Council President's discretion.

The group debated whether it would be beneficial to ask for an Ad Hoc committee to address Chapter 51 as a whole and bring back recommendations for changes and updates. Ideally, this committee would consist of two Councilors, two staff members, and potentially two citizens or former Councilors. This will be left to the discretion of the Council if this is necessary, or if it's felt the above small changes are sufficient.

CHAPTER 51. CITY COUNCIL PROCEDURE.

51.01. Statutory Procedures. Any conflict between the procedures set forth in Secs. 62.11(1) – (4), Wisconsin Statutes, and this Ordinance shall be resolved in favor of the statutory procedures unless the statute authorizes the City to deviate from those procedures, in which case the procedures set forth in this Ordinance shall control.

51.02. Applicability. Except as specifically provided herein, these procedures apply to meetings of the Common Council and not to meetings of the Committee of the Whole.

51.03. Meetings, Time, Date and Notice.

(a) Regular meetings of the City Council and Committee of the Whole shall be held on the dates and times determined by Resolution passed by the City Council. If circumstances require a change in regular meeting date, the Mayor shall notify the Council members, the media and general public in writing at least seven days prior to the regularly scheduled meeting date except in exigent circumstances. All meetings of the City Council, and all meetings of any standing or ad hoc committee of the Council, shall be held in compliance with the Wisconsin open meeting law.

(b) Following the spring election of each year, the Common Council shall meet on the third Tuesday of April for the purpose of organization. The Council President shall be selected by a majority vote of the Council members at the annual Reorganizational meeting.

(c) If any meeting date, as fixed by par. (1), falls on a legal holiday, the meeting shall instead be held on the first business day after the holiday at the same hour and place.

(d) No meeting of the Council, the Committee of the Whole, or a combination of the two held on the same day shall exceed three hours in length. At such time as the three hour mark is reached, the presiding officer shall take a vote of the body to determine if the body wishes to continue beyond the three hour mark in order to complete action on the matter then on the floor, or to take up specific items later on the agenda. A majority vote shall be required to continue the meeting. No matter not on the floor at that time may be taken up after the three hour mark is reached except as approved by such a vote or except for adjournment or except for a matter which, because of legal requirements, must be acted on before the next meeting of the Council.

(e) Ashland City Council and Committee of the Whole shall have the ability to meet in person, virtually, or hybrid (in-person and virtually at the same time). The public has the ability to attend virtually or in person and the ability to speak during public participation period via either method. Virtual attendance is achieved using a designated conferencing program as determined by the City Clerk as the sole method of engagement and attendance other than being in person.

The attendance of any member of the council, in-person or virtually, shall count towards a quorum of such council and that member shall have the full authority to engage in discussions and vote as if they were physically present at the meeting.

The expectation of any member of Council is to attend a meeting in person unless the following conditions apply:

- a) An emergency Order by any federal, state, or local authority discourages in-person gatherings or travel.
- b) Other responsibilities remove a member from the region prohibiting in-person attendance.
- c) Medical precaution due to health concerns, illness or diagnosis.

If a closed session item is on any agenda, virtual attendance is not an option unless a Federal, State, or local authority discourages in-person gatherings or travel.

Reasonable notice of virtual attendance shall be given to the City Clerk's office based on technology needs. If notice is not given with adequate notice, members shall be counted as absent unless physically present at the meeting.

51.04. Special Meetings.

(a) Who may call. Special meetings of the Council may be called by the Mayor or Council President and special meetings of the Committee of the Whole may be called by the Council President.

(b) Notice of special meetings.

(1) For the purpose of scheduling a special meeting, the City Clerk shall attempt to determine availability of members by notifying each member of the time and purpose of such meeting. If a quorum is likely, a copy of the notice will be delivered personally to the member or left at the member's residence at least six hours prior to the meeting. If a quorum is not likely, the Mayor or Council President will specify an alternate date to be held as quickly as possible and the Clerk shall provide notification to all Council members.

(2) Public notice shall be given in accordance with sec. 19.84, Wisconsin Statutes.

51.05. Calling the Meeting to Order; Who is to Preside.

(a) The Mayor shall preside and call meetings of the Common Council to order. If the Mayor is absent, the President of the Council shall preside. If the President of the Council is absent, the senior member of the Council present (based on the length of continuous unbroken service) shall preside until the Council, by motion, selects an acting president for that meeting.

(b) At Committee of the Whole meetings, the Council President shall preside and call the meeting to order. If the Council President is absent, the Mayor shall preside. If the Mayor is absent, the senior member of the Council present (based on the length of continuous unbroken service) shall preside.

(c) In the absence of the Clerk, the Deputy Clerk shall act as Clerk for the meeting. In the absence of the Deputy Clerk, the Mayor or Council President shall appoint a Clerk for that meeting.

(d) The presiding officer shall make all procedural rulings regarding the conduct of the meeting. Any procedural ruling by the presiding officer may be appealed to the Council or Committee of the Whole, by motion and second, and may be reversed by a majority vote.

51.06. Roll Call and Opening Business (Effective May 1, 2015). After the presiding officer calls the meeting to order, the Clerk shall call the roll, to be followed by a Moment of Silence or an Invocation, as determined by the Common Council at its Reorganizational Meeting, and the Pledge of Allegiance.

51.07. Call of the House.

(a) Any member may request, by motion, a call of the house in the presence or absence of a quorum, and thereby require absent members to be sent for. Such a motion is in order at any time, except when the Council is engaged in voting. The motion shall be decided by an affirmative vote of a majority of all members present.

(b) While the City Council is under call and a quorum is present, business may be transacted as if there were no call. If a quorum is not present, then the Council may either wait for the arrival of absent members to form a quorum or may adjourn.

(c) When the attendance of absent members is secured, each member shall have the opportunity to explain his or her absence; however, such explanation will not be mandatory.

51.08. Approval of Minutes and Agenda. A copy of the minutes of the last meeting shall be submitted by the Clerk for review by all members and any mistakes therein corrected on the Council floor. The proposed agenda with any revisions must be approved by majority vote of Council or Committee of the Whole prior to conducting any business. No business may be added to the agenda that was not given public notice prior to the meeting.

51.09. Order of Business. At all regular meetings, the following order shall be observed, unless otherwise provided in the approved agenda. The order of business may be changed by a majority of the Common Council during the approval of the agenda. No business may be taken up out of order except by majority consent.

(a) Call to order.

(b) Roll Call, Moment of Silence or an Invocation, as determined by the Common Council at its Reorganizational Meeting, and Pledge of Allegiance.

(c) Approval of the Agenda.

- (d) Approval of previous Council meeting minutes.
- (e) Citizen Participation Period.
- (f) Mayor's Report, Announcements and Appointments.
- (g) Consent Agenda to include reports or minutes of Committees, Commissions, Boards, and items unanimously approved by Committee of the Whole.
- (h) Other business.
- (i) Listing of topics, without discussion, for future agendas.
- (j) Adjournment.

51.10. Introduction of Business.

(a) (1) All items for Council consideration shall be in writing accompanied by such explanatory materials as appropriate, together with the name of the authors presenting the same and shall be delivered to the Clerk. (2) All items for Committee of the Whole consideration shall be prepared as follows: Councilors will create and write an agenda bill using an agenda bill form template which shall be reviewed by the Council President and the Clerk for formatting before adding it to the Committee of the Whole agenda. The Clerk will create a final version of the agenda bill in the appropriate format. If the item is approved by a majority of the Common Council at the Committee of the Whole, the writing of the agenda bill would then be directed to the appropriate Committee or staff member, or to the Councilor if he/she desires to be responsible for writing the agenda bill. The Councilor would receive assistance from the appropriate staff member(s) in the preparation of the agenda bill. The agenda bill would then be placed on a future Committee of the Whole or Council agenda following the guidelines in Ordinance 51.

(b) Except as provided in this section, no business shall be placed on a Council or Committee of the Whole agenda without an identification of its origin. Any proposal denied by the Committee of the Whole, or other Committee, Commission or Board may be re-introduced to the City Council, if the City Council has the statutory power to override the denial.

(c) Before an ordinance or resolution is introduced, a copy shall be filed in the office of the City Clerk by 9:00 a.m. on the Tuesday preceding the meeting at which it is to be introduced. The Council may waive this requirement.

(d) No ordinance or resolution, having once been defeated, may again be introduced in the same or in substantially similar form, sooner than ninety (90) days from the date when such ordinance or resolution was defeated.

(e) Routine housekeeping or emergency measures may be placed on the agenda at the Clerk's discretion without referral to committee.

(f) A committee shall take action on any matter referred to it within a period of 60 days unless this time is extended by vote of the Council or approved by the Mayor.

51.11. Presiding Officer to Preserve Order – Council and Committee of the Whole Meetings.

(a) The presiding officer at a Council or Committee of the Whole meeting shall preserve decorum and ensure that order and civility is maintained throughout the meeting. If a member or visitor does not follow the Council's rules, the presiding officer may, on his or her own motion, or may, at any member's request, call the offending member or visitor to order. The Council, if appealed to by a member, shall decide the matter.

(b) Members of the Council also share in the responsibility of ensuring that proper conduct and civility is maintained at all times. A point of order is in order at any time. Prior recognition by the presiding officer is not required.

(c) When an offending member or visitor is called to order, that person shall immediately be silent and await the decision of the presiding officer. If action is not taken by the presiding officer or enforced by the presiding officer, appeal may be made by a member to the Council. Any visitor continuing to violate the rules may be expelled by order of the presiding officer from the room or building where the Council or Committee of the Whole is meeting, subject to appeal by a Council member and final decision by the Council or Committee of the Whole. Any member of the Council continuing to violate the rules may be expelled by order of the Council or Committee of the Whole from the room or building where the Council or Committee of the Whole is meeting. No Council member who has been expelled from a meeting shall receive any pay from the City for attendance at that meeting.

51.12. Addressing the Council or Committee of the Whole.

(a) No member shall address the Council or Committee of the Whole until recognized by the presiding officer. All comments shall be addressed to the presiding officer. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first. Each member has a right to speak on each issue unless the question has been called.

(b) After a motion has been made and seconded, the member who made the motion shall have first priority to speak to the motion and shall be called on by the presiding officer to do so. The presiding officer shall recognize members and determine the order in which they shall speak. A member who has not yet spoken to an issue may be given priority over another member who has already spoken to the issue. Otherwise, the presiding officer shall generally recognize members in the order of their requests and shall name each member who is to speak.

51.13. Public Participation: Citizen Participation Period.

(a) The following are the rules that apply to citizen comment during the public participation period, and shall be read aloud by the Clerk before each public participation period:

- (1) Citizens may speak during the Citizen Participation Period.
- (2) Audience members may speak outside of the Citizen Participation Period only by approval of a majority of the Council. If you wish to speak outside of the Citizen Participation Period, please raise your hand and wait for the presiding officer to recognize you.
- (3) Citizens will be allowed to speak for 3 minutes.
- (4) Speakers will refrain from profanity and use of derogatory, accusatory, or inflammatory remarks.
- (5) All citizens are entitled to advance notice of topics that will be discussed at Council and Committee of the Whole meetings. Therefore, Councilors and staff members will not respond to citizen comments during the meeting. They will only listen. The Council or Committee of the Whole, as allowed by the Presiding Officer (that is, the Mayor or the Council President) may address the matter by putting it on a future agenda for discussion or by providing for some other kind of follow-up.
- (6) The Council may not take action on any matter not on the agenda.
- (7) Any citizen wishing to present written materials to the Council shall leave them at a place designated by the presiding officer.

(b) If the presiding officer decides that a citizen's comments are not relevant or are derogatory, accusatory, or inflammatory, or that the citizen has spoken beyond the time allotted, the presiding officer may, subject to appeal to the Council by a Council member, do any of the following:

- (1) Order the citizen to modify his or her comments;
- (2) Order the citizen to refrain from speaking;
- (3) Order the citizen to leave the Council Chambers; or
- (4) Take such other steps as may be necessary to ensure the efficient conduct of the Council's business.

51.14. Public Participation: Public Hearings. In conducting a public hearing, the Council or Committee of the Whole shall allow all interested parties an opportunity to speak on the subject matter of the hearing. Each speaker shall have a time limit of five minutes to address the Council or Committee of the Whole unless modified by majority vote.

51.15. Public Participation: Other. Citizens may be allowed to speak at times other than the Citizen Participation Period upon approval by a majority vote of the Council or Committee of the Whole. Speakers shall be limited to three minutes. All limitations on citizen comment set forth in

sec. 51.13 apply to comments made during other times of the meeting.

51.16. No Persons Allowed on Council Floor Except Members of the Council. No persons except members and officers of the Council shall be allowed to come to the Council floor during the session of the Council or Committee of the Whole without the permission of the presiding officer or a recommendation of any Council member and approval by a majority vote of the Council.

51.17. Motions – Council and Committee of the Whole. Once a motion has been made and seconded, but before its final reading by the Clerk as provided below, the motion or the second may be withdrawn, and by mutual assent of the maker and the seconder of the motion, the motion may be amended. Upon request of the presiding officer or of any member, the motion shall be read again by the Clerk prior to the vote. The Clerk shall announce the result of the vote upon its conclusion.

51.18. Motion to Adjourn – Council and Committee of the Whole. A motion to adjourn shall always be in order, unless the Council or Committee of the Whole is engaged in voting, and shall be decided without debate. The member must be recognized by the presiding officer before the motion can be made.

51.19. Calling the Previous Question– Council and Committee of the Whole. Upon motion and second to call the question, the Council or Committee of the Whole by a majority vote may terminate debate on any question. A motion to call the previous question shall be voted on without debate.

51.20. Form of Question – Council and Committee of the Whole. The call for the vote shall be stated substantially as follows:

(a) If a voice vote: All those in favor of ... signify by saying ‘yes’, those opposed, ‘no.’

(b) If a roll call vote: All those in favor of ... signify by saying ‘yes’, those opposed, ‘no’ and the Clerk will call the roll.

51.21. Taking and Recording the Vote. The votes for and against shall be taken and recorded upon any motion, resolution, or ordinance before the Council or Committee of the Whole, or upon any other question at the request of the Mayor or any Council members. While a roll call is in progress, the members shall vote from their seats, and no member may explain a vote during the roll call.

51.22. Roll Calls to be in Continuous Rotation. On roll call votes at Council and Committee of the Whole meetings, the Clerk shall progress one (1) name on the Council roster beginning each meeting when beginning each roll call vote.

51.23. Voting.

(a) Majority Vote All motions, resolutions, and ordinances shall be passed by an affirmative

vote of a majority of all the members of the Common Council or Committee of the Whole present unless an extraordinary vote is required by law. In all cases, a majority of the votes cast shall be necessary for Council action, provided a quorum has voted.

(b) Tie Vote The Mayor shall not vote except in the case of a tie. When the Mayor does vote in the case of a tie, his or her vote shall be counted in determining whether a sufficient number of the Council or Committee of the Whole has voted favorably or unfavorably on the measure.

(c) Abstentions – Council and Committee of the Whole.

(1) A Council member shall not vote on any proposed motion, resolution, or ordinance in which he or she has a direct pecuniary or personal interest not common to other members of the Council.

(2) A Council member who is required by law to abstain from voting on any particular matter shall not be counted as present for purposes of determining whether a quorum exists for the vote or whether a sufficient number of Council members have voted in favor of the matter for it to be approved.

(d) Vote Changes – Council and Committee of the Whole. A Council member may not change a vote once the vote is cast.

51.24. Motions to Reconsider and Rescind.

(a) Motion to reconsider. Except for those motions which under parliamentary procedure are not subject to reconsideration, it shall be in order for any member who voted in the majority to move a reconsideration of such vote at the same or next succeeding regular meeting of the Council (if the action to be reconsidered was taken at a Council meeting) or at the same or next succeeding regular meeting of the Committee of the Whole (if the action to be reconsidered was taken at a meeting of the Committee of the Whole). A motion to reconsider having been lost shall not be again in order.

(b) Motion to rescind. A motion to rescind may be made by any member at any time, if a motion to reconsider is no longer procedurally available, except when something has been done as a result of the vote that the Council cannot undo, such as when a contract has been entered into with a third party based on the vote. A motion to rescind is the same as a motion to amend, with the effect of the motion, if approved, being the deletion of the entire previous act which is the subject of the motion.

51.25. Rules to Govern Council and Committee of the Whole. In the absence of a standing rule, the Council and Committee of the Whole shall be governed by the most current version of Robert's Rules of Order kept on file in the City Clerk's office. The most current version of the League of Municipality Handbook kept on file in the City Clerk's office shall be used to determine rules of order when an item is ambiguous or Robert's Rules of Order are unclear.

51.26. Committee of the Whole.

(a) The City Council may meet as a Committee of the Whole following the conclusion of each Regular Council meeting. The President of the Council shall preside over the Committee of the Whole meeting and call the meeting to order. The Committee of the Whole shall consider items proposed for action and make recommendations for following Council agendas. All items must receive favorable recommendation by the Committee of the Whole prior to placement on the Council agenda except as provided in subsection (b), below.

(b) The following matters may be placed on a Council agenda without first receiving recommendation from the Committee of the Whole:

- (1) Recommendations of the City Attorney relating to accounts and claims.
- (2) Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
- (3) Changes to ordinances and resolutions which may be mandated by state or federal law.
- (4) Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
- (5) Petitions for direct legislation pursuant to the provisions of sec. 9.20, Wis. Stats.
- (6) Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget.
- (7) Changes to ordinances and resolutions which are intended to correct errors, omissions or inconsistencies therein.
- (8) Items which require action in a timely manner as declared by the Clerk or Mayor.

51.27. Appointment of Special Committees. All special committees of the Council shall be appointed by the Mayor and confirmed by the Council unless otherwise directed by the Council, and all special subcommittees of the Committee of the Whole shall be appointed by the Council President and confirmed by the Committee, unless otherwise directed by the Committee.

51.28. Council and Committee of the Whole Agenda Preparation.

(a) A proposed agenda, together with relevant materials and communications, shall be prepared by the City Clerk and delivered to the Mayor and Council members not later than 3 business days prior to a regular Council or Committee of the Whole meeting. A similar agenda shall be prepared and delivered for special meetings of the Council, time permitting. No item may be acted on by the Council unless it is included in the proposed agenda. The proposed agenda for a Council meeting shall be prepared at the direction of the Mayor. The proposed agenda for a Committee of the Whole meeting shall be prepared at the direction of the Council

President. Prior to the time established by this section for the preparation of the agenda, the Mayor and Council President shall confer for the purpose of coordinating the Council and Committee of the Whole agendas, taking into account the nature and number of the items of business to be considered at the meetings, and any other considerations deemed relevant by them.

(b) The proposed agenda with supporting documentation shall be available at the City Clerk's office for public inspection and copying two business days prior to a regular Council or Committee of the Whole meeting. The agenda and materials for a special Council meeting shall be available as soon as prepared and assembled by the City Clerk.

(c) The City Clerk shall, upon request, make copies of the agenda and accompanying material available for distribution and may make a charge therefor sufficient to recover copy expenses (as provided for in Codification Ordinance 165 - Comprehensive Fee Schedule), provided one copy shall be made available without charge to each recognized news organization serving the City.

(d) Additions to or deletions from the proposed agenda may be made by the City Clerk and by other City officers upon request or approval of the Mayor, until 12:00 noon of the day of the Council or Committee of the Whole meeting. At such time, the City Clerk shall prepare a set of materials, to include materials not previously delivered, for the Mayor and each member of the Council, which shall be available in the Clerk's office until 4:00 p.m. the day of the Council meeting and available at the meeting place of the Council or Committee of the Whole one-half hour prior to the time scheduled for convening the meeting.

51.29. Consent Agenda.

(a) The City Clerk, subject to approval of the Mayor, shall place on the Consent Agenda items which in the Clerk's judgment are routine and noncontroversial and require no special vote or action by the Council. An item on the Consent Agenda may be removed by motion, second, and majority vote of the Council. Such motion shall be in order either at the time of the approval of the agenda or at the time of the consideration of the Consent Agenda. Any item or part thereof removed from the Consent Agenda by action of the Council shall be separately considered at the appropriate time in the Council's regular order of business. Any items approved unanimously at a Committee of the Whole meeting will be placed on the Consent Agenda. Any item that requires more than a simple majority of the Council members in attendance to approve shall not be placed on the Consent Agenda.

(b) No separate discussion or debate on matters included in the Consent Agenda shall be permitted. A single motion, seconded and adopted by majority vote of the Council shall be sufficient to approve, adopt, enact or otherwise favorably resolve any matter listed on the Consent Agenda without separate reading or discussion thereof.

51.30. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative

intent that this ordinance shall stand notwithstanding the invalidity of any part.

51.31. Suspension of Rules. These rules or any part of them may be suspended by the Council or Committee of the Whole in connection with any matter under consideration by a vote of two-thirds (2/3) of the members present.

51.32. Amending rules. By a recorded vote of two-thirds (2/3) of all the members of the Council, these rules or any part of them may be amended.

51.33. Effective Date. This ordinance shall take effect upon passage and publication except as indicated in sec. 51.06 in the text of the amendment.

ADOPTED: 51 (1814) 8/27/2013

AMENDMENTS: 51 (2015-1847) 8/11/2015; 51 (2016-1875) 7/12/2016
51 (2017-1896) 8/29/2017; 51(2021-1949) 8/10/2021

SUBJECT: Discussion and Possible Action to Advise the Housing Committee and Planning Committee to Review Ordinances and Zoning Regulations and Explore Potential Housing Options (*Councilor Lindell*)

RECOMMENDATION: Discussion and Possible Action

DEPARTMENT OF ORIGIN: Councilor Lindell

CLEARANCES:

EXHIBITS:

1. Making Room for Missing Middle, 4 Recommended Resources - Strong Towns 2-2-2021
2. Landmark Housing Partnership Seeks Missing Middle
3. Local Governments Innovate to Meet Housing Demand
4. Best Practices for Successful Housing Strategies

SUMMARY STATEMENT:

Councilor Lindell requested discussion regarding directing the Housing and Planning Committees to review ordinances and zoning regulations, and to create a comprehensive report for Council so that the City can better address the critical housing shortage that we face.

Below are a variety of, but not the only, potential housing opportunities and an ability to work with other sectors of government and nonprofits to address this critical issue.

[Agenda for Plan Commission Meeting, City of Superior, WI May 18, 2022](#)

[Making Room for Missing Middle: 4 Recommended Resources, Strong Towns February 2, 2021](#)

It is a goal to bring this item back to the Committee of the Whole on August 16, 2022 with a report and recommendations from each of the committees.

Making Room for Missing Middle: 4 Recommended Resources

John Pattison · February 2, 2021

Strong and financially resilient communities are comprised of a variety of housing types.

Not just single-family detached homes on one end of the spectrum and huge apartment complexes on the other, but a wide range of “middle housing” options in-between: duplexes, triplexes and fourplexes, courtyard cottages, bungalow apartments, and more. Yet

these middle housing types—so familiar to our grandparents and great-grandparents—are rarely built today.



The central path through [Evans Oaks](#), a new cohousing community in Silverton, Oregon. Image by Jen Rahn.

Dan Parolek of [Opticos Design](#) coined the term “missing middle housing” to describe middle housing options that are in high-demand (across all age groups) but getting harder and harder to find. All too often, the market isn’t even given a chance to meet demand. Among other barriers, middle housing types have been zoned almost out of existence in many communities. Just how *missing* is missing middle housing? In a [recent Strong Towns webcast](#), Parolek said that middle housing’s share of all housing produced dropped from more than 25% a century ago to less than 10% today. In the meantime, more than a quarter of all Baby Boomers and nearly 60% of

Millennials say they are looking for walkable living and missing middle housing.

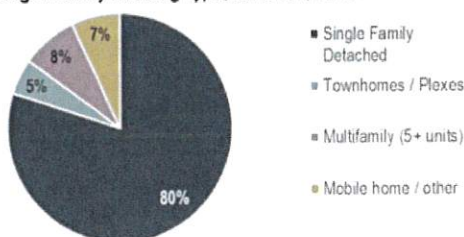


millions of us will be downsizing in the next two decades.

Happily, my own town of Silverton, Oregon has begun a community-wide conversation about middle housing. The City will be updating its zoning code standards to encourage more middle housing and provide greater housing choice. These changes were prompted in part by the 2019 passage of Oregon's HB 2001, which requires communities of 10,000 or more to allow duplexes on any lot zoned for single-family residential, and communities of 25,000 or more to also allow triplexes and fourplexes. (Silverton is just over the 10,000 threshold.) The bill, which our senior editor Daniel Herriges [wrote about here](#), was championed by a [diverse coalition](#)—including AARP of Oregon, the NAACP, Portland Public Schools, and transit advocates, among others—and passed with bipartisan support.

What is Silverton's Current Housing Mix?

Housing Units by Housing Type, Silverton, 2018



Source: U.S. Census Bureau, American Community Survey, 5-year Estimates, 2018-19

Screenshot from the City of Silverton's virtual town hall on middle housing.

Another reason Silverton is having this conversation now is in response to a recently-completed Housing Needs Analysis (HNA). According to the [final HNA report](#), the median housing price jumped 72% between 2016 and 2019, from \$250,000 to \$429,000. Rental housing is scarce and cost burdens for renters are going up. The report confirmed with data what Silvertonians were already seeing: housing

affordability, variety, and flexibility are major problems here. A pastor friend told me a couple years ago that, in a recent gathering of ministers, the majority of clergy identified affordable housing as the number one issue facing our town. Many young people who grew up in Silverton and would prefer to resettle here after college can't afford to buy and can't find a place to rent. Other friends who work with Silverton's unhoused population tell stories of neighbors, including families with children, who find themselves suddenly homeless. They're living in cars now, sleeping on the

street couch-hopping or in non-COVID times spending cold winter nights in the



Looking ahead, Silverton is expected to add another 3,000 residents over the next 20 years. Aging Baby Boomers and Xers, as well as Millennials starting households, will put additional pressure on the available housing stock. Silverton needs more

multifamily housing, but the HNA concluded that we can't accommodate demand based on existing zoning.

Thus, Silverton is considering changes to its zoning codes that would encourage duplexes, triplexes and fourplexes, cottage clusters, and townhomes. In January, the City facilitated a virtual open house to talk about middle housing and answer questions. Then they asked residents to give input via a survey. Some of the questions:

What should be the top policy goals for introducing middle housing zoning standards?

Goals included managing the impacts of parking, supporting more affordable housing, encouraging walkable neighborhoods, and several others. We were asked to rate them from not important to very important.

Knowing that standards must be applied equally to duplexes and single

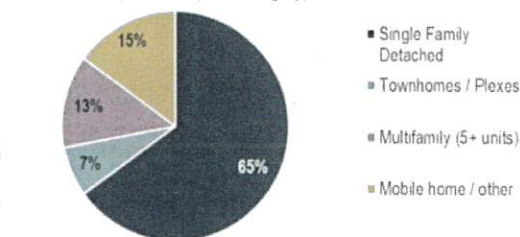
family detached dwellings, how important are the following duplex code

standards? We were asked to rate the importance of the following standards:

- Adding a requirement for a garage or carport
- Allowing attached and detached configurations
- Modifying setbacks and lot coverage standards to allow for more units
- Reducing minimum lot sizes to allow for more duplexes
- Creating physical/ visual connections between dwellings and the street

What will New Housing in Silverton Look Like?

New Housing Units by Housing Type, Silverton, 2020-2040



Source: 2019 Silverton Housing Needs Analysis

Screenshot from the City of Silverton's virtual town hall on middle housing.



How important are the following cottage cluster code standards? Again, we were asked to rate:

- Limiting overall size of the cottages
- Orienting cottages around a shared courtyard area
- Modifying setbacks and lot coverage standards to allow for more units
- Creating physical/visual connections between dwellings and the street
- Providing options for shared parking or parking close to each cottage

Similar questions were asked about townhouses, triplexes, and quadplexes.

The survey was short. It also included good illustrations, which I appreciated. Still, I received texts and Facebook messages from friends and family about the survey. Not because I'm an expert, but because Strong Towns [talks a lot about missing middle housing](#) and I talk a lot about Strong Towns. I answered questions as best I could. I also shared some of our best, most accessible resources on the topic.

It occurred to me to share some of those recommended resources here too. If *your* town or city is having a much-needed conversation about missing middle housing, or if you want to [help start one](#), these four resources can help.

Thinking Big About Building Small

Our friend Daniel Parolek, the planner who coined the term "missing middle," joined Strong Towns for a public webcast where he shared from the

Missing Middle Housing: Thinking

talked about how to bring affordability back into your community. Catch that webcast recording at right. And don't miss the [follow-up Q&A webcast as well](#); he answers a ton of important and detailed questions about how to advocate for and build missing middle housing in your community.

[Read more...](#)

5 Ways To Make the Missing Middle Less Missing

Missing Middle development is an indispensable piece of the Strong Towns vision for cities that are resilient, adaptable, and can pay their bills. We need to revive a culture of building this way, and we need institutions that will allow it.

Some of the biggest barriers to Missing Middle construction have to do with [financing and federal regulation](#). A lot of city governments see this as outside their domain. But there's plenty that cities can do, too. Here are five things your city should be doing, if it isn't already, to help the Missing Middle get found again.



in most places. This can be true even in urban neighborhoods that *have* a lot of duplexes or small apartment buildings: in many of these neighborhoods, zoning codes were changed in the 1960s or 1970s to prohibit the new construction of anything other than single-family homes. The older apartments that are part of the neighborhood's fabric are grandfathered in, but can't be replaced or imitated.

Fortunately, there's a movement to re-legalize the kind of eclectic neighborhoods, with a variety of home types for ownership and rental, that we used to build nearly everywhere.

[Read more...](#)

8 Things Your Town Can Do to Add More Housing (Without Spending a Dime)

Housing affordability is often treated as a "big city" problem. The reality is that housing affordability is a [nationwide issue](#), affecting big cities, suburbs, and small towns alike. What's a Strong Town to do? As with transportation, some like to write off housing affordability as a problem of



shelters and housing vouchers for low-income families.

But this argument belies two key points: First, we realistically need **far more new housing** than subsidies could ever possibly provide. Second, policymakers already have a buffet of policies they could adopt that would increase housing affordability and accessibility without spending a dime of taxpayer dollars. If your town is serious about tackling the housing affordability crisis, consider adopting one or more of the following policies.

[Read more...](#)

Making Normal Neighborhoods Legal Again

All over the U.S., duplexes, triplexes, fourplexes, ADUs, even small apartment buildings quietly exist in supposedly "single-family detached" neighborhoods. They're normal. They belong. They fill a vital need. But if you applied for a permit to build another one just like them today, you'd be denied.

All over America in cities big and small, the on-the-ground reality belies the



An unobtrusive duplex sits alongside single-family homes. Image via Wikimedia Commons.

legal fiction of "single-family neighborhoods." There are **10,000** **or so** multi-unit

STRONG TOWNS

stable and prosperous and well-loved places—in [Portland](#) and [Somerville](#) and [Lexington](#) and [Milwaukee](#) and pretty much anywhere you could throw a dart at a map.

What's going on here?

[Read more...](#)

You May Also Like



Herriges Rezoned: A City Shaped by Many Hands

Incrementalism is not an end in itself. Nor is it about a “small-is-beautiful” aesthetic for its own sake. Instead, it’s a practical pathway toward resilient, financially sound places.

May 11, 2022 · Daniel Herriges



Reflections on Seaside

What does and doesn’t work about the “great-granddaddy” of New Urbanism?

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House Hacking: Urbanism at Its Smallest and Most Personal

This catalog is a primer on house hacking, with plenty of real-life examples of how it is done.

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John Pattison

John Pattison is the **Community Builder** for Strong Towns. He is the author of two books, most recently *Slow Church* (IVP, 2014), which takes inspiration from Slow Food and the other Slow movements to help faith communities reimagine how they are living life together in the neighborhood. John also cohosts *The Membership*, a podcast about Wendell Berry, the Kentucky writer, farmer, and activist. John and his family live in Silverton, Oregon. You can connect with him on Twitter at [@johnpattison](#).

Want to start a Local Conversation or implement the Strong Towns approach in



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Landmark Housing Partnership Seeks Missing Middle



The League has partnered with the nationally known Congress for the New Urbanism (CNU) and a broad group of Wisconsin organizations on an exciting new zoning guide to help communities create more workforce and “missing middle” housing. The CNU partnership is based on work done in other states; work that caught the eye of the League.

“We reached out to CNU because we admired the zoning guides they recently produced for Vermont and Michigan communities,” said League Deputy Director Curt Witynski. “Their approach is practical and implementable by communities that look a lot like Wisconsin communities.”

The link to the Vermont zoning guide is here:
<https://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/CPR-Z4GN-Guide-Final-web.pdf>.

The Michigan guide can be found at this address:
http://placemaking.mml.org/wp-content/uploads/2019/01/RRC_UG-Final.pdf

Witynski said this is not just another research project. “We are impressed by the approach CNU’s Project for Code Development takes in developing these zoning guides. The emphasis is on making incremental changes, rather than wholesale rewriting of a zoning code. This approach stresses helping local governments identify and implement the smallest code changes needed to achieve the biggest impact.”

Witynski observed that comprehensive updating of zoning codes can be overwhelming and time consuming, particularly for small communities with little or no staff or resources. Incrementally addressing the most critical needs for code reform offers communities a practical yet efficient way to respond to housing affordability challenges.

The CNU process was also attractive to the League because it does not stop at publication. In addition to developing a zoning guide, CNU will also work with the League and its partners to develop and provide training for municipal staff and private planning consultants on implementing the guide. The training will focus on the methodology of incremental code reform and the process and implementation described within the guide. It will cover how to use the documents, navigate the steps, and determine where to start. The training sessions will include content geared for a range of audiences, including municipal officials, planning professionals, stakeholder partners, and locally based consultants.

The goal of the guide and the training is to show that bite-sized changes are possible and can have an immediate impact on removing obstacles to the development of workforce and missing middle housing.

Another important part of the CNU project is the breadth of the partnership. Witynski contacted the major players in Wisconsin real estate development and received pledges of

financial and/or technical support from an impressive list, including:

Wisconsin Realtors Association

Wisconsin Builders Association

AARP-Wisconsin

Wisconsin Housing and Economic Development Authority (WHEDA)

The National Association of Industrial and Office Parks (NAIOP)-Wisconsin

American Planning Association

– Wisconsin

It will take a full year to develop the zoning guide, but the process has already begun. CNU has convened working sessions with the partners and several Wisconsin municipalities to analyze and obtain a better understanding of Wisconsin's unique regulatory framework. The goal is to identify common state and local barriers to new housing affordability and workforce housing development. The heart of the effort will involve the CNU team working directly with 4-6 case study communities. At these virtual workshops, the communities and the CNU team will review and discuss how their land use regulations work or do not work for creating more affordable and missing middle housing.

CNU will use the information obtained from these case studies to develop an initial draft of a zoning guide tentatively titled: *Enabling Better Places: Users' Guide to Neighborhood Affordability*. The League and its project partners will then have multiple opportunities to comment and offer revisions. The goal is for CNU to deliver a final draft of the guide by the end of 2021, with training to occur early in 2022.

Contact Curt Witynski, League Deputy Executive Director, if you have any questions or are interested in hearing more about this exciting project.
witynski@lwm-info.org



Local Governments Innovate to Meet Housing Demand

Jerry Deschane, Executive Director, League of Wisconsin Municipalities

Since the Great Recession, the supply of new homes built in Wisconsin has been half the demand. The private housing market has been producing homes and apartments at less than half the rate of new household formations. For every new housing consumer graduating from college, getting married, or moving out of mom and dad's basement, there has been less than one-half an apartment or home created for them to live in. This simple mathematical mismatch has created a severe housing shortage. The causes of the shortage are less obvious, and the solutions are complicated. What is local government's role in addressing this severe and growing problem?

For a handful of municipalities, one solution has been to take matters into their own hands, developing and subsidizing new residential lots for sale to prospective homeowners or local builders. Done properly, a municipally-developed subdivision solves several problems at once. Obviously, first and foremost, local governments are providing their citizens with shelter. But there are other benefits. Local builders benefit by having new home sites available to them, typically at a lower cost, making it easier to build a new home in a small community. Local employers benefit from the addition of new residents who will shop locally and fill critical job openings. The municipality itself benefits from added property tax base.

Building residential subdivisions is not usually the role of local government. But Howard Village Administrator Paul Evert said if the marketplace is not taking care of the need, "You have to be proactive and do it yourself." In Howard's case, they have developed a residential subdivision along with a village square project that developers were unwilling to build without substantial subsidies. Howard also finances public improvements (streets, sewer, water, *et al.*) for private developments. (For more about Howard's residential development work, see the October 2017 issue of *The Municipality*.)

"Developers came to us, because local lenders would not finance those improvements," said Evert. If the village wanted to continue to grow, they needed to provide financing. Howard did so, utilizing utility reserves. Evert termed the result "terrifically successful," providing needed lots, increased property tax revenue, and an even better return for utility reserves than other investments would have provided.



Hillsboro School District Tigers show off their art skills at summer school.

Photo credit: Hillsboro School District. Published with permission.

Wisconsin's property tax levy limits are arguably the strictest the country, allowing increases only up to the percentage of the tax base created by "net new construction." In other words: no building, no increases. "The bottom line is, under levy limits if you don't grow, you're in a lotta trouble," summarized Evert. Howard was facing budget and service cuts if it did not act.

The Village of Howard is a medium-sized municipality, in a growing urban marketplace. But smaller communities are facing the same housing shortage. The Village of Benton is located in southwest Wisconsin's Lafayette County, with a population of approximately 1,000. The City of Hillsboro is just a bit north of that in Vernon County. Hillsboro has a population of roughly 1,400. Both were in desperate need of new residential development; a need that the private marketplace was not filling.

Hillsboro took advantage of the city's ability to use Tax Increment Financing to purchase and develop a parcel of land in what is now known as Tinkers Bluff, a development that is half commercial/industrial and half residential. Former Hillsboro Administrator Adam Sonntag said it was "wildly successful." Sixty residential lots were developed; of which about 12 are still available on the market. The city is selling the lots for \$5,000 each. The increase in value within the TIF was remarkable. From an original base value of \$400,000, the property has a current value of over \$13 million.

Sonntag credits the vision of Hillsboro's former mayor for setting the wheels in motion nearly 30 years ago. "The private sector could not replicate what was done there," he said. The city was in a unique position; it could finance the development using the increased tax revenue. It did not need to earn an immediate rate of return. "The city could play 'the long game,' and wait for the development to pay off."

Sonntag was not aware of any complaints from private builders or developers. In fact, the city's efforts helped numerous local builders by providing them with attractive lots that were affordable, allowing the builders to put their money into the house itself, rather than the development of the land. That, in turn, helped the city.

"For a small community like Hillsboro, every new \$200,000-\$250,000 house is a huge addition to the city's tax base."

Tax Increment Finance law has changed since Tinker's Bluff was developed. The revisions make it harder to include residential development in a Tax Increment District. Tinker's Bluff was developed half-residential, half-industrial/commercial. TIF law now limits the residential portion of a TID to no more than 30% of the total project. Sonntag said TIF financing will still work, "but you need to be very strategic about how the development is laid out and where the residential portion is located."

Contractors also benefit from municipally-developed lots in the Lafayette County Village of Benton. In 2018, Benton

began selling the first of 24 lots it had developed. In exchange for a fully-improved lot costing \$7,500, the property owner must agree to build a home within a year to 18 months. Contractors are among the city's buyers, purchasing lots to build new "spec" homes for sale.

Benton Clerk Treasurer Sonya Silvers said the lots "sell really well," particularly since the village enlisted a local Realtor to help market the properties. Of the original 24 lots, four remain unsold and the village is looking into developing other property that it purchased in the past.

"We had the capability to do it, and it saved a lot of money to have the village develop the subdivision," said Silvers. The village hasn't had any negative pushback about the development.

Builders and developers react with caution to the idea of a municipality venturing into the development market. Wisconsin Builders Association (WIBA) Executive Director Brad Boycks solicited his leadership for their reaction to the concept. Two expressed concerns, warning that a municipality could dissuade future private developers from doing business there. One developer told Brad, "They are taking out any future opportunity for development by a private developer to happen in the immediate and/or near future. It is an unwelcome intrusion by government. The municipality can make profit/loss decisions that a private developer is not going to make." WIBA leadership also pointed out that a city can exempt itself from its own fees and other costs, further reducing the cost of the development.

Still others have seen examples where local government's involvement was necessary, either due to weak demand or an unfinished development begun by a private developer. "The City of Waterloo just did one of these on their north side. It was the last phase in a development that was started a long time ago, but never was finished for whatever reason. The city was able to do it and the home site costs were in the \$50-60k range. If a developer had to do it and pay all the fees etc., it might have been \$20-30k more per lot. In the case of Waterloo, once the market was aware of lots just outside of Dane County for \$50-60k, they sold like wildfire" leaders of the WIBA stated.

"I don't see it as competition, because if it is in an area of weak demand, it would be too risky for a developer if the rate of sales was too slow to overcome increased holding costs."

The overwhelming majority of cities and villages in Wisconsin will not choose to tackle a residential development

project on their own, either because the local housing market is functioning properly, or because of the financial risks. As with commercial, industrial, and even public works, a municipality only steps in when needed. "It sounds funny to say, but my job is to help local businesses make money, not compete with them," said Evert. But if the private sector cannot meet the need, then at some point, a municipality has an obligation to act on behalf of its citizens. The most pressing need in most Wisconsin communities, large or small, rural or urban, is for housing.

About the Author:

Jerry Deschane is the Executive Director of the League of Wisconsin Municipalities. He is the fifth League Executive Director since the organization was founded in 1898. Contact Jerry at jdeschane@lwm-info.org



Best Practices for Successful Housing Strategies

Melissa Hunt, CECD, EDP, Municipal Services Manager, Mark Steward, AICP, Senior Community Development Consultant and Kurt Muchow, EDP, Community Development Consultant, Vierbicher

You've all heard stories about the housing crisis. Your employers desperately need employees, but their new hires cannot find housing. Or your local school district just hired five new teachers for the upcoming school year, but they cannot find housing.

You are not alone. The demand for housing far exceeds the supply in many communities across Wisconsin. Local officials are pressured to not only create new housing but create affordable housing.

As a result, many successful best practices have emerged to help municipalities navigate the housing process.

Are You Development Friendly?

Your community claims to be "development-friendly," but how would a developer rate your community on a scale of 1 to 10? How can communities become more attractive to developers and identify best practices for successful housing strategies?

Planning for the Plan

Identifying your community's unique needs is the first step. Plans provide visions for the future and the structure for making that future possible. Many communities have plans across topic areas and local geographies, over widely varying timelines and with different implementation schedules. How up to date are your comprehensive and your future land use plans? Do you have a good understanding of the type of housing needs in your community? Does the community's capital improvement plan align with your plans and goals?

Successful Housing Strategies

New challenges require new ideas. Communities need to be flexible and open to different approaches. In our experience, best practices include:

- Ordinance Amendments: Modify design standards to reduce development costs. Update zoning standards to accommodate higher density or newer housing products such as zero lot line housing.

- Local Housing Strategies: Each community is unique, and so are the obstacles to developing new housing. Topics to consider include land availability, developer recruitment, community-led projects, transitioning single-family housing stock from seniors to young families, mixed-use development, and more.
- Tax Incremental Financing (TIF): Using TIF to create newly platted residential development and affordable multi-family housing."
- Public Funding Programs: Explore available public funding opportunities to create affordable housing including WHEDA low-income housing tax credits and loans, USDA Rural Development loans and loan guarantees, HUD HOME, and CDBG programs.

Put it all Together

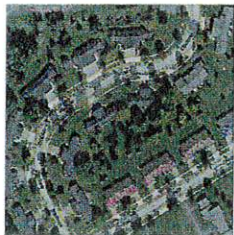
Best practices include:

Design Guidelines. Infrastructure represents a considerable cost for new residential development. While local design guidelines need to ensure the infrastructure is adequately designed and constructed, there are modifications to standard guidelines that can reduce costs. For example, many communities have found that narrower streets not only reduce cost but arguably improve safety due to calming traffic. Reducing the street width from 40 feet to 32 feet can reduce infrastructure costs by 15%.



Higher Density Housing. Increasing the density of new residential development can significantly reduce the development costs per unit. Residential development costs include land acquisition, entitlements and fees, professional services, infrastructure, marketing, and carrying costs. Many of these costs are fixed, so the cost per unit decreases if they can be spread over more housing units. For example, single-family lots that are 60 feet wide have roughly a 40%

lower development cost per unit versus 100-foot-wide lots. Due to market constraints, many communities have already experienced higher density development and have updated their local zoning ordinances to meet that need.



Zero Lot Line Housing. Zero lot line zoning is quickly gaining in popularity across the state. This zoning allows owner-occupied units to have common walls between the units. Zero lot line zoning benefits include less administrative cost versus condominiums and a significant

reduction in development costs versus conventional single-family housing. For example, a two-unit owner-occupied building can result in a 40 to 50% reduction in development costs versus conventional single-family housing. As a result, developers using zero lot line housing are finding significant interest from first-time home buyers, empty nesters, and seniors.

Senior to Workforce Housing Transition. An emerging strategy to address the demand for workforce housing is to transition existing housing stock occupied by senior citizens to workforce housing. Supplying affordable housing for young working families will help address the workforce shortage, plus bring school-age kids into your community, which many rural school districts desperately need. But there is one challenge. Many seniors want to stay in their homes. To address this challenge, communities can promote the development of attractive housing options for seniors that will make them comfortable making a move. New developments should provide optional housing choices, including rental or owner-occupied, plus amenities available to enhance quality of life.

So what is the potential benefit of this strategy? Imagine if your community could convert 50 housing units from seniors to workforce-age families. The number of residents per unit could increase from 1.5 to 4.0, resulting in a population increase of 125 persons. Within this increase in population, there is the potential for 75 workforce-age persons and 75 school-age kids.



Public Funding Strategies. While there are many public programs available to promote affordable housing, Tax Incremental Financing (TIF) is the best local funding tool available to municipalities. There are numerous TIF strategies available including: **Mixed-Use Tax Incremental Districts (TIDs):** Mixed-Use TIDs are the only

TIDs that can fund newly platted residential development. Up to 35% of the territory within a Mixed-Use TID may be devoted to newly platted residential development. Eligible TIF expenditures include land acquisition, infrastructure, site development, developer incentives, and other soft costs. In addition, the development needs to meet one of the following criteria: density of at least three units per acre, conservation subdivision, or a traditional neighborhood.

- **Affordable Housing Extension:** Communities can now extend the life of a TID for up to one year and use the additional revenue for affordable housing. At least 75% of the additional revenue must be used for affordable housing - defined as housing costs that are less than 30% of the household's gross income. The remaining funds may be used to improve the housing stock anywhere in your community, not just within the TID.
- **Infill, Redevelopment & Rehab-Conversion Housing:** New housing development, not involving newly platted residential, can be funded by most types of TIDs. These projects may include multi-family housing on vacant parcels, redevelopment sites, or converting old buildings to residential. TIF can be used for acquisition, demolition, environmental remediation, site improvements, infrastructure, developer incentives, and soft costs. In many cases these types of projects also use other public funding programs like WHEDA's Low Income Tax Credits or loans or loan guarantees from agencies such as WHEDA, USDA Rural Development, or HUD. Thus, TIF can play a critical part in bridging the financing gap and can be leveraged to secure other funding.

► p.8

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From starter to senior housing, creative communities make decisions that are in the best interest of citizens and are market friendly. Smaller lots sizes, walkable neighborhoods, and increased community amenities are trends that we will continue to see and will be what people look for in their neighborhoods. We will also continue to see the need for more affordable housing options in our communities. This means homes our teachers, healthcare workers, and young professionals can afford. This may mean elected officials have to make the decision to embrace change, be flexible, and explore outside-the-box thinking. The communities that put together the best mix of housing options should experience growth in their community, increases in tax base, and will provide flexibility, options, and opportunities for all residents.

About the Authors:

Melissa Hunt, CEcD, EDFP, is the Municipal Services Manager in the Madison office of Vierbicher. Melissa has over 15 years of experience assisting communities with developing and implementing effective community development strategies. Prior to her role at Vierbicher, Melissa worked for local economic development corporations and WEDC. Her experience gives her unique insights into the development process and community preparedness. Contact Melissa at mhun@vierbicher.com

Mark Steward, AICP, is a Senior Community Development Consultant for Vierbicher and has over 20 years of experience

in and with municipal government. Mark's expertise is in community development, planning, and public administration. Prior to his role at Vierbicher, Mark served as a city administrator giving him "boots on the ground" experience with planning, organizing, and implementing local community development programs. Contact Mark at mste@vierbicher.com

Kurt Muchow, EDFP, has over 40 years of experience at Vierbicher serving as a Community Development Consultant to Wisconsin municipalities. He has extensive experience with planning and implementation of community development programs, with particular emphasis on economic development, affordable housing, capital improvements planning, grant writing, and tax incremental financing. He has considerable experience with development planning, developer recruitment, and assisting communities to execute housing projects. Contact Kurt at kmuc@vierbicher.com

About Vierbicher Associates, Inc.:

Vierbicher started in 1976 with the mission to enhance Wisconsin municipalities and their residents' quality of life. Today, more than 45 years later, their multi-faceted team continues to help Wisconsin villages, towns, and cities meet their unique development and revitalization goals – all with the least impact possible to taxpayers. Vierbicher's services include: municipal engineering, planning & community development, water resources, surveying, GIS, and landscape architecture.

SUBJECT: Discussion and Possible Action Regarding a Request for Proposals (RFP) for the City-Owned Beaser Avenue Property (*Administration*)

RECOMMENDATION:

DEPARTMENT OF ORIGIN: Administrator

CLEARANCES:

EXHIBITS: 1. City of Ashland Request for Proposals - Beaser Avenue Redevelopment

EXPENDITURES REQUIRED: Approval

AMOUNT BUDGETED: Administration

APPROPRIATION REQUIRED: Council President

TREASURER'S CERTIFICATE:

COMPLIANCE WITH ORD. 51: N/A

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The City drafted an RFP for the development of the Beaser Avenue site in 2017. At that time, we did not receive any responses that could move ahead. I am asking Council for their thoughts on putting an RFP back out on the property given the competitive residential real estate market and our recent discussions on selling larger City owned parcels.

I have attached the original 2017 RFP for your review and thoughts on whether this document is still reflective of what Council would like to see happen at this site.

SUMMARY STATEMENT:



City of Ashland
REQUEST FOR PROPOSALS

RFP #17-01

**Beaser Avenue
Redevelopment**

February 21, 2017

The City of Ashland, Wisconsin will be receiving proposals for the above noted project until 4 PM, Friday, March 31, 2017. Proposals must be submitted in electronic format (email or flash drive preferred) with ten (10) printed hard copies mailed or delivered to:

City of Ashland
Attn: April Kroner, Planning & Dev Director
601 Main Street West
Ashland, Wisconsin 54806
Email: akroner@coawi.org

The City of Ashland reserves the right to reject any and all proposals not judged to be in the best interest of the City.

Mary Garness
City Administrator



REQUEST FOR PROPOSALS
Beaser Avenue Redevelopment
RFP #17-01

Date of Request: February 21, 2017

Project Title: Beaser Avenue Redevelopment

Submittal Due: 4 PM Local Time, Friday, March 31, 2017. There will not be a public opening for this RFP.

Late Proposals: Any proposal received by the City after the exact time and date specified will not be considered.

Submittal Format: Ten (10) Paper Copies and One (1) Electronic File (email or flash drive preferred) of the proposal are to be submitted for evaluation by the City. Label submittal: Beaser Avenue Redevelopment

Submit to: City of Ashland
Attn: April Kroner, Planning & Dev Director
601 Main Street West
Ashland, Wisconsin 54806
akroner@coawi.org

Withdrawal: Proposals may be withdrawn by written notice received at any time prior to the proposal closing date and time. Proposals may also be withdrawn in person by an officer or by a representative of the firm, provided that the representative signs a receipt for return of the proposal.

INTRODUCTION

PROJECT SUMMARY

The City of Ashland, Wisconsin, seeks competitive development proposals from qualified developers to help the City attain the sustainable vision set forth in its Comprehensive Plan for the Beaser Avenue Redevelopment Site. The Beaser Avenue Redevelopment area is comprised of approximately 6.7 acres of publicly-owned property located on the west-central side of Ashland, in close proximity to the downtown district. The site is located along a primary corridor (Beaser Avenue), which provides direct access to Memorial Medical Center and associated medical clinics, Wisconsin Indianhead Technical College (WITC), Ashland High School, and Ashland Elementary School, is immediately adjacent to trail amenities, and is in close proximity to Lake Superior. The City is seeking a developer to deliver a project that complements the surrounding neighborhood and is successful in the marketplace.

REDEVELOPMENT PROJECT GOALS

The City of Ashland's goals for this urban infill development site include the following:

1. Facilitate an appropriate density of urban infill development;
2. To provide housing that meets the diverse needs of the City, offering options for a mix of ages and incomes;
3. To provide a development that is sustainable, including environmentally sensitive, energy efficient, and considers existing infrastructure;
4. Design approach that integrates the development with the surrounding neighborhood area, enhances community character, and provides connectivity; and
5. That considers mixed uses by establishing/allowing for neighborhood commercial or other complimentary uses.

TENTATIVE PROJECT SCHEDULE

RFP Release Date	February 21, 2017
Proposals Due	March 31, 2017
Evaluation Period by Housing Committee	April 3-7, 2017
Interviews	April 17-21, 2017
Selection by Housing Committee	On or before April 28, 2017
City of Ashland Plan Commission Meeting	May 2, 2017
City of Ashland Common Council Meeting	May 9, 2017
City staff & Developer Negotiate Sales Contract and Development Agreement	May/June, 2017

BACKGROUND

THE CITY

Ashland is a small city with an outstanding collection of natural, cultural and historical assets. The economy of this regional economic hub is driven by a diverse mix of manufacturing, educational, medical, professional services, locally-owned retail, and tourism-related services. These assets, coupled with the varied economic base, give the city a foundation for a vibrant future that draws, retains, and nurtures people from diverse backgrounds because of the lifestyle and economic activities it offers. Ashland's location on the shores of Chequamegon Bay, in the heart of an outdoor recreational paradise centering on Lake Superior, defines the community of 8,200. Ashland utilizes the waterfront with a marina, walking/biking trails, parks, three beaches, boat launches, a pier and a vision for development of a nearly 2,000 foot ore dock base into a unique civic space. Historical influences shaping the present include educational institutions that reflect a commitment to ecology and place, including Northland College and Wisconsin Indianhead Technical College (WITC); a downtown filled with history and creativity, with numerous historical architectural landmarks, an historic district on the National Register, and a growing tradition of local public art; and a grid street network that provides the building blocks for a walkable, neighborly and well-connected community.

PROPERTY DESCRIPTION

Property Summary

The Beaser Avenue Redevelopment Area consists of multiple parcels that combined create two adjacent development areas (Area 1 and Area 2 on the following map). The properties were vacated approximately ten years ago, deemed brownfields, and environmental remediation efforts commenced to allow for the redevelopment of the area to uses more compatible with the surrounding well-established residential neighborhood.

Area 1 is approximately 4.5 acres and is bound by Beaser Avenue on the west, 11th Avenue East on the east, single-family residential homes to the north and single-family residential homes and the 5th Street Corridor Trail to the south. Final environmental remediation activities were recently completed during the fall of 2016. The site has obtained closure from the Wisconsin Department of Natural Resources with continuing obligations for a small area of residual soil contamination located along the southern property boundary. The Final Case Closure letter is attached, along with a map that identifies the location of the residual soil contamination.

Area 2 is approximately 2.2 acres in size and is located along the east side of 11th Avenue East. It is also bound by established single-family residential homes to the north and the southeast side, the 5th Street Corridor on the south, and a commercial printing business (Printing Plus) on the east. This site has been remediated and received final closure in 2013; it is subject to a cap maintenance plan. A copy of the final case closure letter, Certificate of Completion, and associated Cap Maintenance Plan are attached to this RFP.

Respondents may offer to acquire and redevelop both project areas, or may offer to acquire and redevelop only one of the project areas.

Beaser Avenue Redevelopment Site
Ashland, Wisconsin



Property Ownership

The properties are currently owned by the City of Ashland and the Ashland Housing Authority. Those parcels under ownership by the Housing Authority are currently in the process of being transferred back to the City of Ashland. The various parcels that comprise the sites will then be combined so as to result in 2 tax parcels, one for each Area, prior to acquisition by a private developer. *The City will work with the selected developer to achieve any proposed subdivision of the property and/or dedication of desired right-of-way that may be necessary to carry out the proposed development.*

Zoning & Comprehensive Plan

The property is currently zoned Mixed Residential/Commercial (MRC), and continues to be identified for mixed residential/commercial use in the City of Ashland's draft comprehensive plan, *Authentic Ashland 2035*. It may be desirable to develop the site as a Planned Unit Development utilizing Traditional Neighborhood Design principles. This approach would allow for greater flexibility in site layout and design, and would help in achieving the desired project goals. A map identifying the zoning of the surrounding area is attached.

Authentic Ashland 2035 identifies some creative concepts the City would consider in the disposition and development of the subject property to help achieve overall community goals. The associated pages from the Comprehensive Plan are attached for review and consideration, and provide examples of unique development options that may be considered for the site.

Public Infrastructure and Utilities

The Beaser Avenue Redevelopment Site is served by existing street and utility infrastructure, and utilization of the existing infrastructure is encouraged to the extent possible. New street infrastructure should be minimal and limited to the extension of existing streets/alleys to connect the development to the existing residential areas on the north and south sides, continuing the traditional grid-pattern development. The arrangement of existing utilities is depicted on the following map, including streets, alleys, water, sanitary and storm sewer.

Existing Utility Locations



Water
Storm
Sanitary

PROPOSAL FORMAT AND REQUIREMENTS

Proposals that do not address the items listed in this Request for Proposals may be considered incomplete and may be deemed non-responsive by the City of Ashland at its sole discretion. It is the responsibility of the consultants submitting proposals to determine the actual efforts required to complete the project. Interested entities should submit a proposal that includes the following:

- 1) A cover letter indicating your interest in the project and identifying why the firm is uniquely qualified for this project.
- 2) A brief description of the firm including its structure, capabilities, length of time in business, and experience with similar projects. Provide the name, address, phone number and email address of the key contact person. Also identify any proposed subcontractors.
- 3) Provide information about relevant completed development projects undertaken with concentration on those comparable in scale, nature, process and function to this project. Provide the name, email address, and phone number of at least two community references.
- 4) Project Description: Provide a brief narrative describing what is proposed for construction, including as applicable: number of housing units, unit sizes, bedroom mix, for sale/rent, approximately sale/lease rates, incomes served, ages served. Include estimated timetable for construction and phasing plan. Also identify any commercial/institutional uses proposed and explain. Explain how the proposed project will achieve the desired project goals. Include approximate development costs anticipated to complete the project.
- 5) Identify the proposed purchase price for the land.
- 6) Concept plan: Submit a **conceptual** site plan showing initial ideas for site layout, uses, streets, access drives, parking, utilities/infrastructure, stormwater, landscaping and other features. Also provide conceptual elevations and floor plans.
- 7) Identify the anticipated financial investment required for the development (broken down by phases if applicable). Also provide a statement of Developer's financial ability.
- 8) If any responding firm wishes to subcontract any portion of this project, the information contained in item 3 should also be provided for the subcontractor.

SUBMITTAL REQUIREMENTS

Proposals must be received by 4 PM Local Time, Friday, March 31, 2017. The submittal must include ten (10) paper copies and one (1) Electronic File (email/pdf or flash drive preferred). Label submittal: Beaser Avenue Redevelopment.

Submit to: City of Ashland
Attn: April Kroner, Planning & Dev Director
601 Main Street West
Ashland, Wisconsin 54806
akroner@coawi.org

EVALUATION AND SELECTION PROCESS

The City of Ashland Housing Committee will evaluate proposals and make a recommendation to the City Plan Commission and Council for award based on a variety of factors, such as:

- Overall Concept Plan proposed and satisfaction of goals for the project area
- Extent to which proposed development maximizes the use of the site and provides for taxable value
- Qualifications and Experience of the firm and key personnel
- Demonstrated relevant experience in similar development projects and positive references

- Estimated level of investment and financial capability of developer
- Anticipated project timeframe for completion/phasing

The City's Housing Committee will evaluate the proposals received and conduct any desired interviews. The Housing Committee will then recommend one proposal to the Plan Commission, which will then make a final recommendation to the Common Council. If interviews are desired by the Housing Committee, firms will be given ample time to prepare.

RIGHTS RESERVED by the CITY OF ASHLAND

This Request for Proposals does not commit the City to enter into a contract, nor does it obligate the City to pay for any costs incurred in preparation and submission of proposals in anticipation of a contract.

The City of Ashland reserves the right to:

- Make the selection based on its sole discretion
- Reject any and all proposals without prejudice
- Issue subsequent Requests for Proposal
- Postpone opening for its own convenience
- Remedy technical errors in the Request of Proposal process
- Approve or disapprove the use of particular sub-consultants
- Negotiate with any, all, or none of the Proposers
- Solicit best and final offers from all or some of the Proposers
- Accept other than the lowest offer
- Waive informalities and irregularities in the proposal
- Request clarification of the information submitted
- Request additional information

INQUIRIES

Questions regarding this RFP must be in writing and sent via the U.S. Mail or e-mail to April Kroner (akroner@coawi.org) up to ten (10) days before the proposal is due. After this date questions involving the content or intent of the proposal will not be answered. All questions will be responded to in writing, provided to all parties requesting an RFP for which the City has contact information, and treated as an addendum to the proposal packet.

PROPOSER RESPONSIBILITY

Interested proposers have the responsibility of understanding what is required by this solicitation. The City shall not be held responsible for any firm's lack of understanding. This solicitation contains a brief description of the project site. The City makes no representations as to the conditions of the project site and no employee or any other representative of the City of Ashland has authority to make any oral or written representations as to the conditions of the project site. Proposers are responsible to assure delivery prior to the deadline. Do not assume that a guarantee by a mailing service will ensure that the proposal is received by the deadline.

CONTRACT

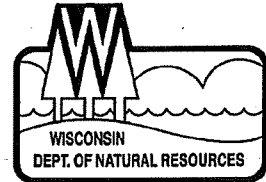
No contract shall be in effect until the City executes a signed contract agreement.

Additional Information

1. Area 1: Final Case Closure Letter and Map of Residual Soil Contamination
2. Area 2: Final Case Closure Letter, Certificate of Completion, and Cap Maintenance Plan
3. Existing Zoning Map of Surrounding Area
4. Excerpts from Authentic Ashland 2035 Comprehensive Plan Regarding Site Disposition
5. Vicinity Map

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Wausau Service Center
5301 Rib Mountain Drive
Wausau, Wisconsin 54401
Telephone 715-359-4522
FAX 715-355-5253

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



February 3, 2017

AREA 1

MR BOB MILLER
CITY OF ASHLAND
601 W MAIN ST
ASHLAND WI 54806

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Former Roffers Construction Co., Beaser Avenue, Ashland, Wisconsin
DNR BRRTS Activity #02-02-555437

Dear Mr. Miller:

The Department of Natural Resources (DNR) considers the former Roffers Construction Co. site closed, with continuing obligations. No further investigation or remediation is required at this time. However, you, future property owners, and occupants of the property must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attachments listed at the end of this letter to anyone who purchases, rents or leases this property from you. For residential property transactions, you may be required to make disclosures under section 709.02, Wisconsin Statutes.

This final closure decision is based on the correspondence and data provided, and is issued under chapters NR 726 and 727, Wisconsin Administrative Code. The Northern Region Closure Committee reviewed the request for closure on February 2, 2017. The DNR Closure Committee reviewed this environmental remediation case for compliance with state laws and standards to maintain consistency in the closure of these cases.

Contaminated soil was excavated from this former railroad yard and construction company facility and transported off-site for disposal. The conditions of closure and continuing obligations required were based on the property being used for residential purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- If a structural impediment that obstructed a complete site investigation and/or cleanup is removed or modified, additional environmental work must be completed.

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet is attached and may also be obtained at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

GIS Registry

This site will be included on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at <http://dnr.wi.gov/topic/Brownfields/clean.html>, to provide public notice of residual contamination and of any continuing obligations. The site can also be viewed on the Remediation and Redevelopment Sites Map (RRSM), a map view, under the Geographic Information System (GIS) Registry layer, at the same web address.

DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

All site information is also on file at the Northern Region DNR office, at 107 Sutliff Avenue in Rhinelander. This letter and information that was submitted with your closure request application, including any maintenance plan and maps, can be found as a Portable Document Format (PDF) in BRRTS on the Web.

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which the City of Ashland and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter are met. If these requirements are not followed, the DNR may take enforcement action under s. 292.11, Wis. Stats., to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources
Attn: Remediation and Redevelopment Program Environmental Program Associate
107 Sutliff Ave.
Rhinelander, WI 54501

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)

Soil contamination remains along the southern property boundary as indicated on the attached Figure B.2.b., Residual Soil Contamination, prepared by Ayres Associates and dated January 2017. If soil in the specific locations described above is excavated in the future, the property owner or right-of-way holder at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner or right-of-way holder at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval.

In addition, all current and future owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Structural Impediments (s. 292.12 (2)(b), Wis. Stats., s. NR 726.15, s. NR 727.07, Wis. Adm. Code)

The house, tree and overhead power lines shown on the attached Figure B.2.b., Residual Soil Contamination, prepared by Ayres Associates and dated January 2017, made complete investigation and/or remediation of the soil contamination on this property impracticable. If the structural impediments are to be removed, the property owner shall notify the DNR at least 45 days before removal, and conduct an investigation of the degree and extent of soil contamination below the structural impediments. If contamination is found at that time, the contamination shall be properly remediated in accordance with applicable statutes and rules.

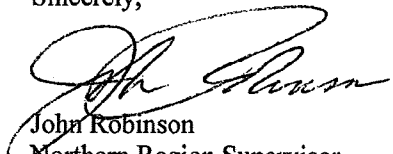
In Closing

Please be aware that the case may be reopened pursuant to s. NR 727.13, Wis. Adm. Code, for any of the following situations:

- if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment,
- if the property owner does not comply with the conditions of closure, with any deed restrictions applied to the property, or with a certificate of completion issued under s. 292.15, Wis. Stats., or
- a property owner fails to maintain or comply with a continuing obligation (imposed under this closure approval letter).

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact DNR Project Manager Chris Saari at 715-685-2920, or by email at Christopher.Saari@Wisconsin.gov.

Sincerely,

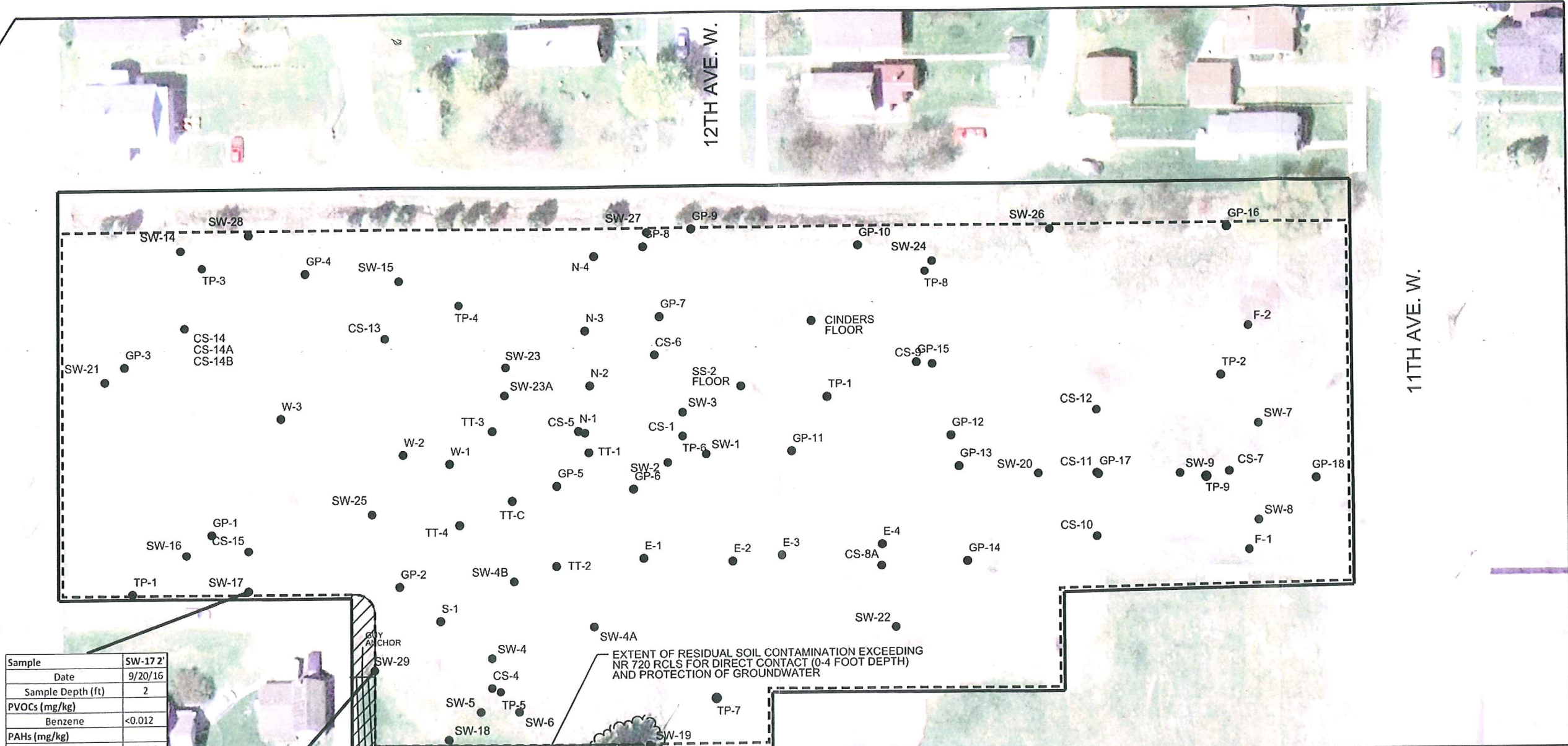

John Robinson
Northern Region Supervisor
Remediation & Redevelopment Program

Attachments: Figure B.2.b., Residual Soil Contamination, January 2017
RR-819 Continuing Obligations for Environmental Protection

cc: Mary Garness, City Administrator
City of Ashland
601 W. Main St.
Ashland, WI 54806

Lori Rosemore
Ayres Associates
3433 Oakwood Hills Pkwy.
Eau Claire, WI 54701

Chris Saari – DNR Ashland



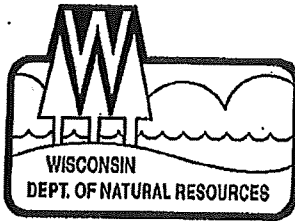
Sample	SW-19 1
Date	9/20/16
Sample Depth (ft)	1
PVOCs (mg/kg)	
Benzene	<0.012
PAHs (mg/kg)	
Benzo(a)anthracene	0.0934
Benzo(a)pyrene	0.178
Benzo(b)fluoranthene	0.235
Chrysene	0.178
Dibenzo(a,h)anthracene	0.0934
Indeno(1,2,3-cd)pyrene	0.162
Metals (mg/kg)	
Lead	61.9

LEGEND:

	APPROXIMATE PROPERTY LINE
	EXTENT OF RESIDUAL SOIL CONTAMINATION
	APPROXIMATE BOUNDARY OF REMEDIAL EXCAVATION
 TT-1	SOIL SAMPLE LOCATION

MAP SOURCE:
GOOGLE MAY 15, 2011 AERIAL PHOTOGRAPH

DRAWING NO.
B.2.b



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott Walker, Governor
Cathy Stepp, Secretary

Wausau Service Center
5301 Rib Mountain Drive
Wausau, Wisconsin 54401
Telephone 715-359-4522
FAX 715-355-5253

October 18, 2013

Area 2

MR. PETE MANN
CITY ADMINISTRATOR
CITY OF ASHLAND
601 W MAIN ST
ASHLAND WI 54806

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Former Chicago Iron & Supplies, 414 11th Avenue West, Ashland, Wisconsin
WDNR BRRS Activity #02-02-555159 and 06-02-558491

Dear Mr. Mann:

The Department of Natural Resources (DNR) considers the former Chicago Iron & Supplies site closed, with continuing obligations. No further investigation or remediation is required at this time. However, you and future property owners must comply with the continuing obligations as explained in the conditions of closure in this letter.

Please note that this letter is a revision to the final closure letter that the DNR sent to you dated February 15, 2013. This closure letter revision was necessitated by changes made by Ayres Associates to the attached Cap Maintenance Plan (revised September 20, 2013). The Cap Maintenance Plan changes were made in response to comments from the DNR related to the proposed future use of the property and the pending Voluntary Party Liability Exemption (VPLE) Certificate of Completion (COC). During revisions to the Cap Maintenance Plan, remaining soil contamination conditions were also re-evaluated using current assessment methods. As a result, there is a smaller total area of the site that exceeds applicable soil cleanup standards, also known as Residual Contaminant Levels (RCLs).

Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Because the City of Ashland ("City") intends to offer this property for development of housing units, it is very important that the City provide a copy of this letter and any attached maintenance plan to anyone who purchases all or any part of this property from the City. For residential property transactions, you are required to make disclosures under s. 709.02, Wis. Stats.

This final closure decision is based on the correspondence and data provided, and is issued under ch. NR 726, Wisconsin Administrative Code. The Northern Region (NOR) Closure Committee reviewed the request for closure on February 7, 2013. The Closure Committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases.

This property was previously used as a railroad yard and more recently as a salvage yard. The top two feet of soil, contaminated with polynuclear aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs) and metals, was excavated and replaced with an equivalent thickness of clean fill soil. The

conditions of closure and continuing obligations required took into account the property potentially being used for residential purposes in the future.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- A soil barrier or its equivalent must be maintained over contaminated soil and the DNR must approve any changes to this barrier.

GIS Registry

This site will be listed on the Remediation and Redevelopment Program's internet accessible Geographic Information System (GIS) Registry, to provide notice of residual contamination and of any continuing obligations. DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at the web address listed below for the GIS Registry or at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

All site information is also on file at the NOR Regional DNR office, at 107 Sutliff Avenue, Rhineland, WI 54501. This letter and information that was submitted with your closure request application, including the maintenance plan, will be included on the GIS Registry in a PDF attachment. To review the site on the GIS Registry, visit the RR Sites Map at <http://dnrmaps.wi.gov/imf/imf.jsp?site=brts2>.

Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the condition of closure requires notification of the DNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where the soil cover and demarcation layer is required, as shown on the figures from the attached Cap Maintenance Plan, prepared by Ayres Associates and revised on September 20, 2013: Figure 3 – RCL Cleanup Standard Exceedances Beneath Demarcation Layer By Grid, dated September 2013, and Drawing No. 1 Cap Maintenance Plan – Demarcation Layer and Topsoil Grades, dated November 2012, unless prior written approval has been obtained from the DNR:

- removal of the existing barrier;
- replacement with another barrier;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation; or
- construction or placement of a building or other structure.

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which the City of Ashland and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to

ensure that the conditions included in this letter and the attached maintenance plan is met. If these requirements are not followed, the DNR may take enforcement action under section 292.11, Wisconsin Statutes, to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)

Soil contamination remains at depths greater than two feet below grade as indicated on Figure 3 – RCL Cleanup Standard Exceedances Beneath Demarcation Layer By Grid, from the Cap Maintenance Plan referenced above. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

You should note also that soil contamination at concentrations less than the applicable RCLs is present at depths greater than two feet below grade beneath certain grid areas not highlighted on Figure 3. Similar to the requirements spelled out above, if soil in these specific locations is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation will need to ensure that any storage, treatment or disposal is in compliance with applicable standards and rules.

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats.)

The soil cover that exists in the location shown on the attached Cap Maintenance Plan's Drawing No. 1 Cap Maintenance Plan – Demarcation Layer and Topsoil Grades, shall be maintained in compliance with the attached Cap Maintenance Plan in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

A cover or barrier for industrial land uses, or certain types of commercial land uses may not be protective if use of the property were to change such that a residential exposure would apply. This may include, but is not limited to single or multiple family residences, a school, day care, senior center, hospital or similar settings. You must contact the DNR for approval prior to using the property for such purposes, to determine what, if any, additional response actions are warranted.

A request may be made to modify or replace a cover or barrier. The replacement or modified cover or barrier must be protective of the revised use of the property, and must be approved in writing by the DNR prior to implementation.

The attached Cap Maintenance Plan and inspection log are to be kept up-to-date and on file with the City's Building Inspector's office, as well as with any subsequent purchasers of all or any part of this property. Submit the inspection log to the DNR only upon request.

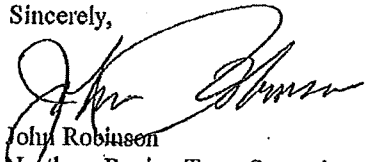
The following DNR fact sheet, "Continuing Obligations for Environmental Protection", RR-819, was included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. You may obtain additional copies at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

Please send written notifications in accordance with the above requirements to the NOR headquarters office at the address listed above, to the attention of the RR Environmental Program Associate.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please do not hesitate to contact project manager Chris Saari at 715-685-2920 or by e-mail at Christopher.Saari@Wisconsin.gov.

Sincerely,



John Robinson
Northern Region Team Supervisor
Remediation & Redevelopment Program

Attachments: Cap Maintenance Plan, Ayres Associates, revised September 20, 2013
Continuing Obligations for Environmental Protection, Publication RR-819

cc:

Robert Miller
City of Ashland
601 W. Main St.
Ashland, WI 54806

Gary and Kay LaPean
417 9th Ave. W.
Ashland, WI 54806

Dennis Johnson
Ayres Associates
3433 Oakwood Hills Parkway
Eau Claire, WI 54701-7698

Kyle Rogers
Superfund (SR-6J)
US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3590

Chris Saari – DNR Ashland

State of Wisconsin

Department of Natural Resources

CERTIFICATE OF COMPLETION OF RESPONSE ACTIONS UNDER SECTION 292.15(2)(a), WIS. STATS.

Whereas, the City of Ashland has applied for an exemption from liability under s. 292.15, Wis. Stats., for the property located at **414 11th Avenue West, Ashland**, Wisconsin, which is commonly referred to as the **former Chicago Iron & Supplies** site, further described in the legal description found on Attachment A (the "Property");

Whereas, an environmental investigation of the Property has been conducted and the Wisconsin Department of Natural Resources ("WDNR") has determined that environmental contamination exists at the Property;

Whereas, the City of Ashland has submitted to the WDNR certain investigation reports and a remedial action plan for the Property which comply with the requirements set forth in chs. NR 700-754, Wis. Adm. Code, consisting of the documents and reports listed in Attachment B;

Whereas, in accordance with s. 292.15(2)(a)1, Wis. Stats., the WDNR has determined that an environmental investigation has been conducted which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property. The WDNR approved of the site investigation on **November 18, 2010**;

Whereas, residual contamination remains at the Property and the approval of the response action by the WDNR is based on an industrial or commercial land use classification. This would allow for most industrial or commercial use of the Property, consistent with the limitations specified in this Certificate and in the attached documents. A new case closure letter, maintenance plan and Certificate may be required in the future based on the extent of changes to the Property's conditions. Further, before use of this property may be changed to residential use, or use by certain sensitive populations, such as a day care center, school, a senior center, hospital or a similar use, prior written approval by the Department is required. In this event, the Department would likely reopen the case closure and Certificate of Completion in order to determine if the cleanup is protective given the proposed development plans.

Additional sampling and/or cleanup may be required to ensure that the residual contamination levels, existing remedial action and land use is protective;

Whereas, the Property contains soil contamination including arsenic, chromium and lead; polynuclear aromatic hydrocarbon compounds including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)-perylene, benzo(k)fluoranthene, dibenzo(a,h) anthracene, and indeno(1,2,3-cd)pyrene; and the volatile organic compounds naphthalene and benzene that exceeds non-industrial, site-specific and/or generic residual contaminant levels ("RCLs") under ch. NR 720, Wis. Adm. Code. Therefore, the Property will be included on the WDNR's Geographical Information System data base ("the GIS Registry") pursuant to s. 292.12(3), Wis. Stats. **The City of Ashland** has submitted to the WDNR all the information necessary to be included on the GIS Registry, pursuant to Wis. Adm. Code;

Whereas, on October 18, 2013, the WDNR issued a case closure letter for the Property (Attachment C). The owner of this Property shall adhere to, abide by, and maintain the continuing obligations and other requirements that are specified in the attached state case closure letter and maintenance plan. The WDNR requires maintenance of a cover or barrier in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to public health, safety, welfare and the environment. The closure letter requires that if soil with residual contamination is excavated in the future, the Property owner at the time of excavation must manage the soil in accordance with applicable federal, state and local laws;

Whereas, if the requirements of this Certificate, the case closure letter or the maintenance plans are not followed, or if the land use changes, the WDNR may take actions under ss. 292.11 or 292.12, Wis. Stats., to ensure compliance with the specified requirements, and the person who owns or controls the Property may no longer qualify for the liability protections under s. 292.15, Wis. Stats.; and

Whereas, on October 18, 2013, the WDNR determined that response actions necessary to restore the environment were completed.

Therefore, based upon the information that has been submitted, the WDNR hereby certifies that the response actions set forth in the WDNR approved remedial action plan for the Property have been completed based on current use of the Property. Upon issuance of this Certificate, **the City of Ashland** and the persons qualified for protection under s. 292.15(3), Wis. Stats., are exempt from the provisions of ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to the existence of hazardous substances on or originating from the Property, the release of which occurred prior to the date the WDNR approved the environmental investigation required under s. 292.15(2)(a)1., Wis. Stats. However, the person who owns or controls the Property would no longer qualify for this liability exemption if that person fails to maintain or monitor the Property as required by the conditions in this Certificate, the

October 18, 2013 case closure letter, s. 292.12, Wis. Stats., and administrative rules promulgated by the WDNR. Any discharges of a hazardous substance to or from the Property that occur after the date that the environmental investigation was approved will be the responsibility of the current Property owner and any other person who possesses or controls that discharge and any person who caused the discharge.

The protection from liability provided under s. 292.15(2), Wis. Stats., does not apply to any person who has obtained a Certificate of Completion by fraud or misrepresentation, or by knowingly failing to disclose material information or under circumstances in which **the City of Ashland** knew or should have known about more discharges of hazardous substances than was revealed by the investigation approved by the WDNR.

Nothing in this Certificate or in s. 292.15, Wis. Stats., affects the authority of the WDNR to exercise any powers or duties under applicable laws other than ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to any release or threatened release of contaminants at the Property, or the right of the WDNR to seek relief available against any person who is not entitled to protection from liability under s. 292.15, Wis. Stats., with respect to such release or threatened release.

SIGNED AND CERTIFIED this 6th day of November, 2013.



Mark F. Giesfeldt, Director
Bureau for Remediation and Redevelopment
Wisconsin Department of Natural Resources

CAP MAINTENANCE PLAN

Date

December 14, 2012 – Revised September 20, 2013

Property Name/Location

Source Property

Former Chicago Iron & Supplies North and South Properties
414 11th Avenue West
Ashland, Wisconsin 54806

FID # 802000650
WDNR BRRTS #02-02-555159

TAX Parcel ID Nos. 201-00361-0000 and 201-00361-20000
(For property description see March 26, 2010, Warranty Deed Volume 0683, Page 112, Ashland County Register of Deeds and attached to this plan as Exhibit A)

Off-Site Property Names/Locations

There are no off-site property owners affected by the subject property.

Introduction

This document is the Cap Maintenance Plan for a cap constructed at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing cover soil and demarcation layer cap occupying the area over the contaminated soil on-site.

More site-specific information about this property may be found in:

- The case file in the DNR Northern Region office
- BRRTS on the Web (DNR's internet based data base of contaminated sites) <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>
- GIS Registry PDF file for further information on the nature and extent of contamination <http://dnrmaps.wisconsin.gov/imf/imf.jsp?site=brts2>
- The DNR project manager for Ashland County

Description of Contamination

The source property is the former Chicago Iron & Supplies North and South properties which were operated as a salvage yard. The east fence of the former salvage yard encroached a distance varying from 0 to 10 feet onto a portion of the former 10th Avenue right-of-way (ROW). Salvage yard operations on this encroachment also affected soil quality on this off-site property, a portion of which is now owned by Gary and Kay LaPean and a portion that remains as undeveloped City of Ashland 10th Avenue West right-of-way (ROW). Remediation was completed on both the source and two off-site properties.

In general, the contaminants of concern at the Chicago Iron properties include elevated levels of the RCRA metals arsenic, chromium and lead, elevated levels of various PAH compounds including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)-perylene, benzo(k)fluoranthene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene, the VOCs naphthalene and benzene, PCBs and DRO. The metals arsenic and lead are prevalent throughout the site. Toxicity Characteristic Leach Procedure (TCLP) testing of soil samples indicated that none of the soil contamination is considered a hazardous waste; however, concentrations exceed direct contact standards for non-industrial properties. Similarly, PAHs are present throughout the site and exceed direct contact guidelines for non-industrial properties. PCBs are present only in a localized area near the center of the sites. VOCs and DRO are also present to a limited extent.

The above contaminants were present in the 0- to 2-foot depth and to a lesser degree in the 2- to 4-foot depth below ground surface. Surface contamination is assumed to be confined to the operational boundaries of the former salvage yard site and does not extend off-site. The exception to this is the LaPean property and undeveloped City of Ashland 10th Avenue West ROW to the east where the salvage yard fence was positioned off the source property.

The remedial action that took place in August of 2012 removed all soils within the property limits (including a small portion of the LaPean property and the undeveloped City of Ashland 10th Avenue West ROW) from the ground surface to a depth of 2 feet below the existing ground surface. The exception to this is an area along the northwest property line where shallow buried utilities are located. The area where soils were not excavated is indicated on Figure 3 in Exhibit B and Figure 1 in Exhibit C. Contaminated soils that were deeper than 2 feet below the existing ground surface were not removed at any location across the site. Instead, the remediation included placement of an orange demarcation layer and backfilling with 2 to 2.25 of clean soil and topsoil to restore the ground surface to the approximate original grade. In the area where contaminated soils were not removed because of existing shallow buried utilities, the orange demarcation layer was placed on top of the existing ground surface and backfilled with 2 to 2.25 of clean soil and topsoil.

The extent of remaining soil contamination is shown on Figure 3 in Exhibit B. Figure 1 (Exhibit B) shows the regional location of the site and Figure 2 (Exhibit B) shows the location of historical soil borings and monitoring wells. Residual contaminant concentrations on the site are shown on Tables 1 to 4. All laboratory results previously shown in the tables for the 0- to 2-foot depth were removed from the table because these soils were removed during the August 2012 remedial action. Laboratory results shown in the tables for depths greater than 2 feet below ground surface can be assumed to be present on the property. As shown on Figure 3 (Exhibit B), residual contamination that exceeds current WDNR standards for PAHs and metals is present in 12 of the grids and portions of 2 other grids within the property limits. Residual contamination exceeding standards for DRO, VOCs, and PCBs does not remain on the property in the locations sampled.

Description of the Cap to be Maintained

In August 2012, buildings and pavement areas were demolished, the upper 2 feet of contaminated soil was removed and a cap was constructed. The cap consists of an orange-colored fabric demarcation layer, approximately 21 inches of fine-grained sand material and 6 inches of topsoil. The minimum cover soil layer should be 2 feet thick above the demarcation layer. The limits of the demarcation layer and cap are shown on Figure 1 in Exhibit C. The limits shown pertain only to the source property. No residual soil contamination exceeding RCL values is present on the off-site adjoining properties (LaPean and City of Ashland 10th Street ROW).

This figure also includes a table of reference point locations, benchmark elevations and demarcation layer and top of topsoil elevations at an approximately 50-foot grid across the site. Figure 1 shows the grid point locations that correspond to elevations listed in the table. A copy of the demarcation layer specification is included in Exhibit C. There are no specific soil type requirements for the cover soil over the demarcation layer as the cap is not designed to reduce surface water infiltration.

Cap Purpose

The cap over the contaminated soil area will serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. Because the residual soil contaminants have low mobility and historical groundwater sampling has not shown impact on groundwater quality, the cap is not designed to reduce surface water infiltration. Based on the current and future use of the property, the cap should function as intended unless disturbed.

Annual Inspection

The cap overlying the contaminated soil, as depicted on Figure 1 in Exhibit C, will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause exposure to underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age, and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit D, Cap Inspection and Maintenance Log. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be kept at the Ashland City Hall, 601 West Main Street, Ashland, Wisconsin, and made available for submittal or inspection by Wisconsin Department of Natural Resources ("WDNR") representatives upon their request. If required in the case closure letter, a copy of the inspection log will be submitted to the WDNR at least annually after every inspection.

Maintenance Activities

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling or larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE").

The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored, and disposed of by the owner in accordance with applicable local, state, and federal law. The existing contamination information contained in the Table and Figures in Exhibit B can be referenced for residual contamination concentrations at various locations on the property.

In the event the cap overlying the soil is removed or replaced, the demarcation layer must be replaced and a minimum cover soil thickness of 2 feet placed over the top of the demarcation layer replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Cap Maintenance Plan unless indicated otherwise by the WDNR or its successor.

The property owner, in order to maintain the integrity of the cap, will maintain a copy of this Cap Maintenance Plan at the Ashland City Hall, 601 West Main Street, Ashland, Wisconsin, and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing. The City of Ashland will be responsible for maintenance and inspection activities on the source property and off-site properties.

Prohibition of Activities and Notification of DNR Prior to Actions Affecting the Cap

Future development of this property might involve excavation for utility installation, foundation/basement excavation, and/or surface paving. These activities should be coordinated with the City of Ashland and the WDNR. The following activities are prohibited on any portion of the source or off-site properties where the soil cover cap is required as shown on Figure 1 in Exhibit C, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface to a thickness less than 2 feet above the demarcation fabric layer; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure.

Future utility installations that require excavation to depths greater than 2 feet will likely encounter soils with residual contamination. Pending approval by the WDNR on a case-by-case basis, the soils might be able to be placed back into the excavation as long as excavated soil is consistent with what is expected, and the 2-foot clean soil and demarcation layers are restored. Similarly, this approach might be able to be used for foundation excavations. Excess soil with residual contamination will need to be disposed as described in the Maintenance Activities section above.

Amendment or Withdrawal of Maintenance Plan

This Cap Maintenance Plan can be amended or withdrawn by the property owners and their successors with the written approval of WDNR.

Contact Information

(As of September 20, 2013)

Property Owner and Operator:

Mr. Robert Miller, City of Ashland
Grants Administrator
601 West Main Street
Ashland, WI 54806
Phone: 715.682.7002
bmiller@coawi.org

Signature: _____

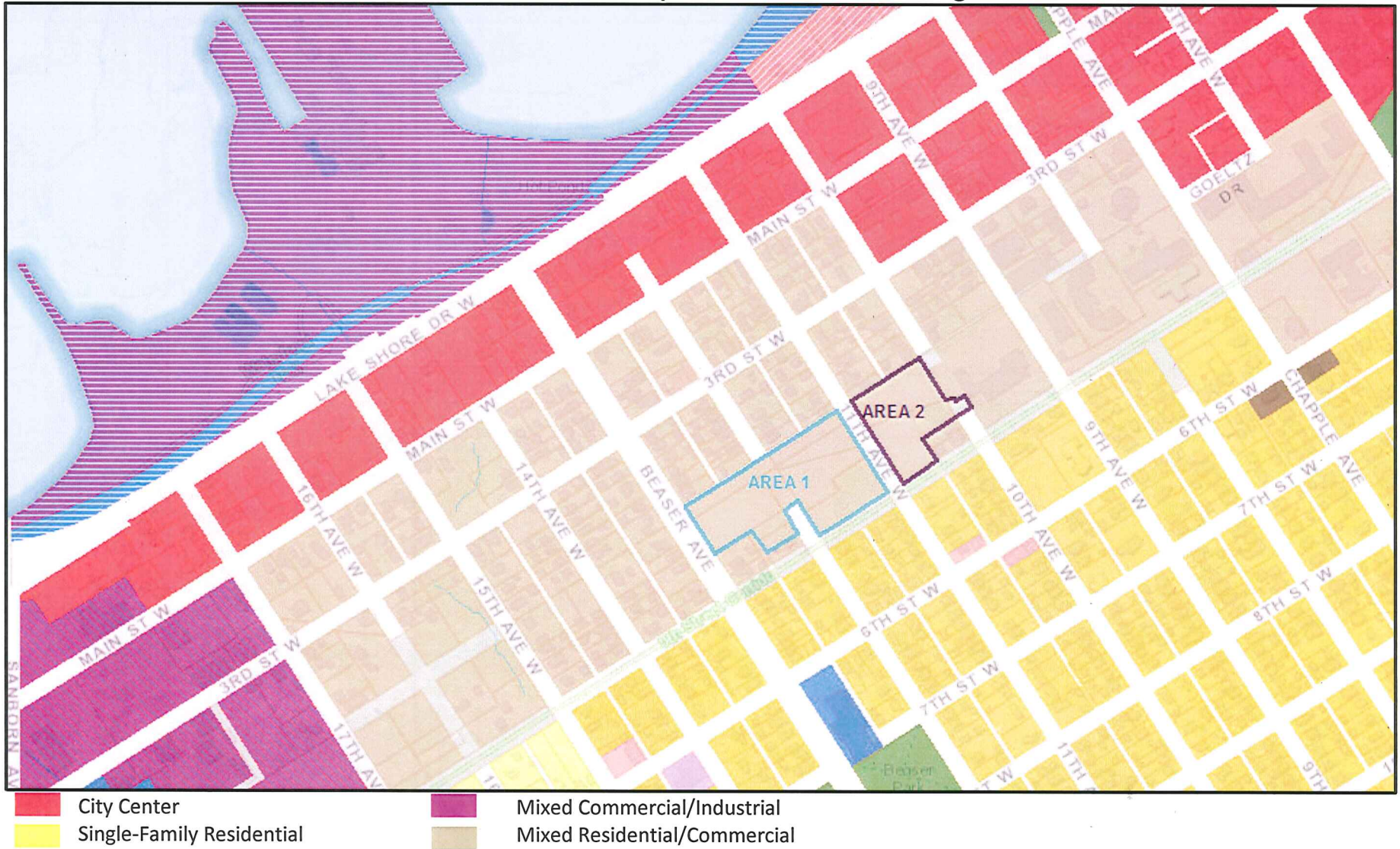
Consultant:

Mr. Dennis L. Johnson, PE
Ayres Associates
3433 Oakwood Hills Parkway
Eau Claire, WI 54701
Phone: 715.834.3161
Johnsond@ayresassociates.com

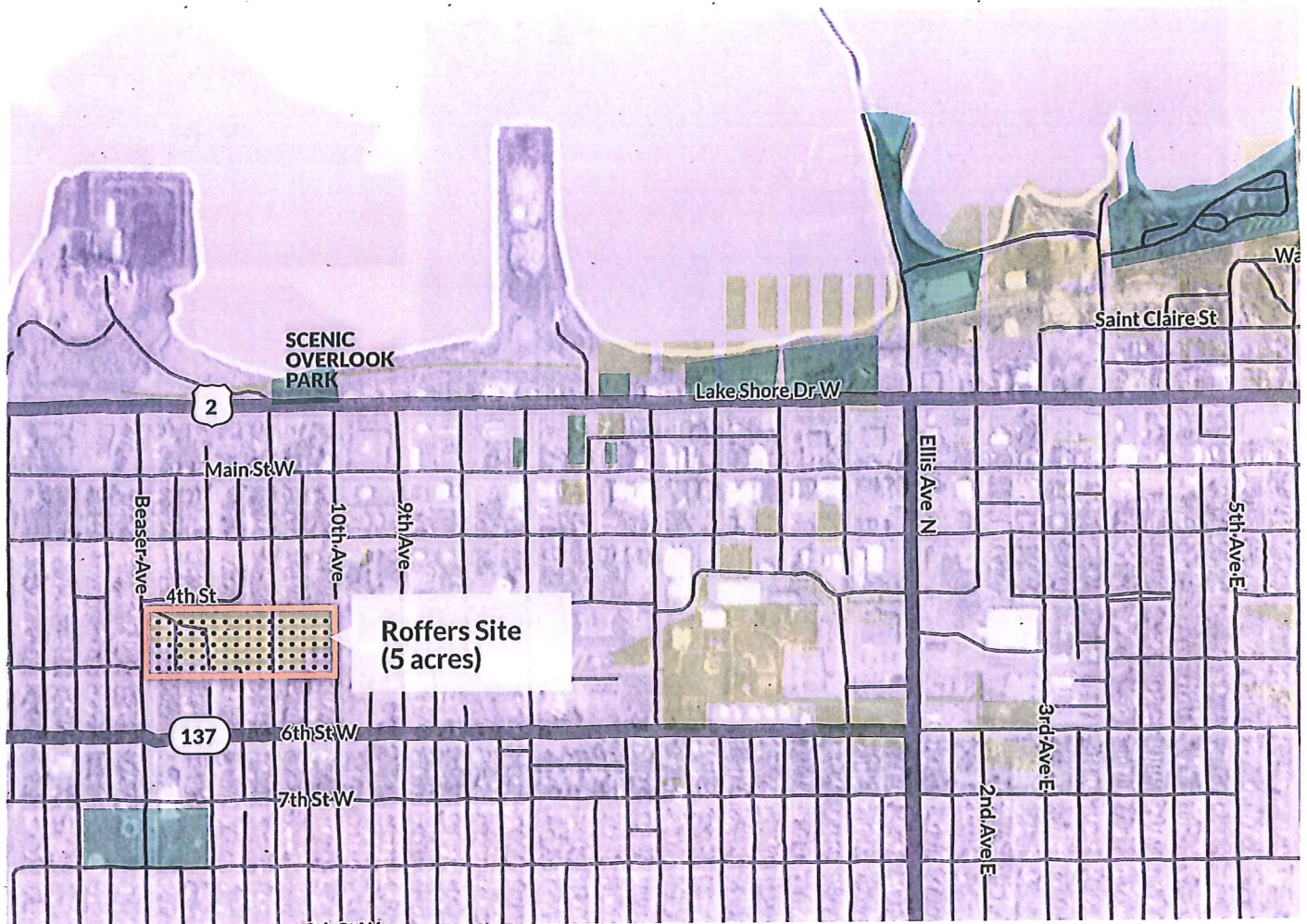
WDNR:

Mr. Christopher Saari
Wisconsin Department of Natural Resources
Division of Air and Waste – Remediation and Redevelopment
2501 Golf Course Road
Ashland, WI 54806
Phone: 715.685.2920
christopher.saari@wisconsin.gov

Existing Zoning
Beaser Avenue Redevelopment Site & Surrounding Area



Authentic Ashland - Comp Plan



6 Careful Disposition of Vacant Land

The City of Ashland owns the Roffers site (approximately five acres) located between 9th Avenue West, Beaser Street, 4th Street, and the Tri-County Corridor, as well as the Timeless Timbers site (approximately 35 acres) on the city's east side on Lake Shore Drive East, just west of 22nd Avenue East.

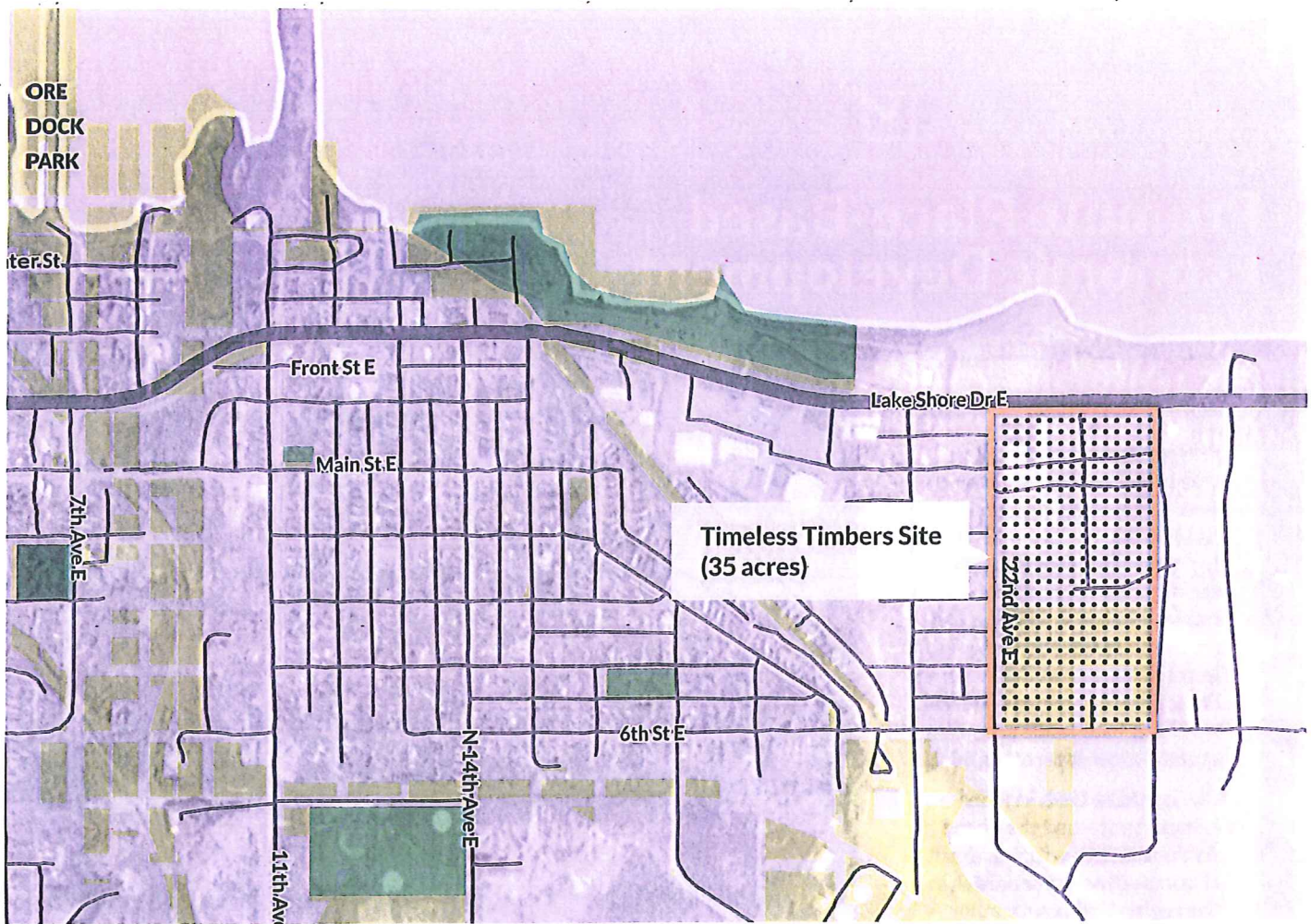
The city's ownership of land is a position of strength in terms of guidance and direction for future development. In this case, the City certainly has the opportunity to sell this land to a developer to build within the parameters of the Zoning Ordinance. Concerns regarding the weak market and the quality of development that may be adhered to upon the sale are valid. Market forces may not build what is in the city's best long-term interests.

To guide the destiny of these sites in ways that align with other strategies in this plan – to create new housing opportunities, to attract young

entrepreneurial talent, to refocus development into the core – the following concepts should be considered when discussing land disposition for these two strategic areas.

Community Land Trust

A community land trust (CLT) is an independent, not-for-profit corporation that is legally chartered in the state in which it is located. Typically, CLTs acquire land or are deeded land from a municipality to provide land for housing development that meets one or more local needs, including affordability. The CLT does not sell the land, but rather leases land to those who intend to build a house on the property. In this way, the CLT keeps the cost of homeownership to a minimum by taking land costs out of the mortgage equation. The CLT retains an option to repurchase any residential (or commercial) structures located upon its land, should their owners ever choose to sell. The resale price is set by a formula contained in the ground lease that is designed to give present homeowners a fair return on their investment, while giving future homebuyers fair access to housing at an affordable price. By design and by intent, a CLT



is committed to preserving the affordability of housing and other structures – one owner after another, one generation after another, in perpetuity. A CLT may be a viable option for land disposition from the city to qualified homeowners.

The Great Ashland “Land Rush”

The city’s ownership of land on the Roffers and Timeless Timber sites could also provide an opportunity to either give land away or sell at a discounted value to new residents. In an effort to attract young entrepreneurs to Ashland, the city could offer the land to potentially new residents that agree (1) to build a home on the property within a specified amount of time, (2) to live in the house for a minimum period of time, and (3) agree to work or start a business within the city. The city would maintain first right-of-refusal on sale of the property and would likely incorporate deed-restricted language similar to what is seen in most CLTs. Various cities throughout North America have looked to attract talent to their locality and grow their economy via land offerings of a similar nature.



Beaser Avenue Redevelopment Site – Area Vicinity Map



SUBJECT: Items for Potential Future Discussion

RECOMMENDATION: Discussion only

DEPARTMENT OF ORIGIN:

CLEARANCES:

EXHIBITS:

SUMMARY STATEMENT:

from May 31, 2022:

Ortman - "...hire for snow removal on priority routes..."

Jackson - requested a potential date for the meet & greet/listening session in September

Tochterman - "...define specific areas that need plan-ful snow removal..."

MacKenzie - asked for ideas of possible changes to Council procedure

Lindell - reminded Council of expected committee reports at the June 28 Committee of the Whole meeting