

**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 CITY COUNCIL MEETING
Tuesday, July 26, 2022 – 5:30 PM**

Please silence all cell phones during the meeting

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A. July 12, 2022 City Council and Committee of the Whole Meeting Minutes

4. CITIZEN PARTICIPATION PERIOD

5. MAYOR'S REPORT

A. Announcements

B. Appointments

6. CONSENT AGENDA

A. Miscellaneous Meeting Minutes

7. OLD BUSINESS

A. Approve a Resolution to Approve the Start Time for Combined Ashland City Council and Committee of the Whole Meetings (Clerk) Roll

B. Approve an Ordinance to Amend Chapter 51 (1814) City Council Procedures, Ashland City Ordinances (Clerk) Roll

- C. Approve a Resolution to Reaffirm and Accept the Nine Tools of Civility Concerning Conduct of the Common Council and Committee of the Whole (*Mayor*) Roll**

8. NEW BUSINESS

- A. Approve to Waive the Provisions of Chapter 194.04 Procurement of Goods and Services, Purchases of More than \$30,000, Ashland City Ordinances, and Approve the Ashland Waste Water Utility to Purchase from the Public Works Department a 1996 John Deere 544G Front End Loader #1851 (*Public Works*) Roll**
- B. Approve Final Payment to Ruotsala Construction, Inc for the 2021 Watermain Improvements Project (*Public Works*) Roll**
- C. Approve to Accept a Bid from Ritola, Inc. and Award a Contract for the 2022 Sewer Replacement Project (*Public Works*) Roll**
- D. Approve a Resolution to Issue a Conditional Use Permit (CUP) to Install a Rooftop Sign at 210 5th Avenue East, Ashland, Parcel No.#201-01591-0000, Zoned City Center (C-C), Applicant: Chequamegon Theatre Association (*Planning*) Roll**
- E. Approve a Resolution to Issue a Conditional Use Permit (CUP) to Allow a 26' Tall Accessory Structure at 1002 Willis Avenue, Ashland, Parcel #201-02728-0100, Zoned Single & Two-Family Residential (R-2), Applicant: Marty Reykdal (*Planning*) Roll**
- F. Approve of a Wisconsin Department of Natural Resources (WI DNR) Outdoor Recreation Aids Grant Agreement for the Ashland Oredock Redevelopment Trail Access Project (*Parks and Recreation*) Roll**
- G. Discussion and Possible Action Regarding the Potential Purchase of Property at 501 3rd Street East (*Administration*) Roll**

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

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

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

- C. Report of Action Taken During Open Session**

10. ADJOURNMENT

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

NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or

to request this service, contact Denise Oliphant at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

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ASHLAND CITY COUNCIL MEETING MINUTES

Tuesday, July 12, 2022 – 5:30 PM

Ashland City Hall Council Chambers

Please silence all cell phones during the meeting

1. CALL TO ORDER

The Tuesday, July 12, 2022 Ashland City Council meeting was called to order by Mayor Matt Mac Kenzie at 5:30 p.m.

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

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

PRESENT: Kevin Seefeldt, Ana Tochtermann (5:40), Eric Lindell, Laura Graf, Charlie Ortman, Dick Pufall

ABSENT: Sarah Jackson (Excused)

ALSO PRESENT: Mayor Matthew MacKenzie, City Administrator Brant Kucera, City Clerk Denise Oliphant, City Attorney Tyler Wickman, Public Works Director John Butler, Parks and Recreation Director Sara Hudson, Fire Chief Stuart Matthias, and other concerned citizens.

2. APPROVAL OF AGENDA

MacKenzie requested to remove Item 7D. Lindell moved, seconded by Graf to approve the amended agenda. The motion carried unanimously by voice vote.

3. APPROVAL OF MINUTES

A. June 28, 2022 City Council and Committee of the Whole Meeting Minutes

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

4. CITIZEN PARTICIPATION PERIOD

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

Jeanne Olbekson, 24950 US Hwy 2, Ashland, asked for a discussion regarding allowing the homeless to tent at the campgrounds.

5. MAYOR'S REPORT

A. Announcements

MacKenzie offered reports from the Fire and Police Departments to update Council as to the projects and statistics in each of the departments. Congratulations were offered to Captain Scott Thimm who is retiring from the Fire Department after 39 years of service. MacKenzie attended a meeting of the North West Regional Housing Committee in Hayward, and was recently accompanied by the Secretary of the Department of Administration for a tour of Ashland.

B. Appointments

Pufall moved, seconded by Seefeldt to approve to appoint Philomena Kebec to the Parks and Recreation Committee for a term through April 30, 2025, and reappoint Pat Nemec to the Board of Review for a term through June 10, 2027. The motion carried unanimously by voice vote.

6. CONSENT AGENDA

A. Approve for the Ashland Fire Department to Submit an Application for a Wisconsin EMS Flex Grant (*Fire Department*)

B. Miscellaneous Meeting Minutes

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

7. NEW BUSINESS

A. Approve a Resolution to Acknowledge Review of the 2021 Compliance Maintenance Annual Report (CMAR) of the Ashland Wastewater Utility Pursuant to the Requirements of NR 208, Wisconsin Administrative Code (*Public Works*) Roll

Ortman moved, seconded by Graf to approve the resolution. The motion carried unanimously by roll call vote.

B. Approve a Grant Agreement between the State of Wisconsin-Department of Administration (WI-DOA) Wisconsin Coastal Management Program and the City of Ashland to Accept a Grant for \$10,520 for the Ashland Rails to Trails System: Waterfront Trail Repair Design, Engineering and Construction Document Creation (*Parks Director*) Roll

Lindell moved, seconded by Seefeldt to approve the grant agreement. The motion carried unanimously by roll call vote.

C. Approve to Submit a Wisconsin Department of Natural Resources (WI DNR) Forest Fire Protection (FFP) Grant Application *(Fire Department)* Roll

Tochterman moved, seconded by Seefeldt to approve. The motion carried unanimously by roll call vote.

8. CLOSED SESSION (ROLL CALL) Council may return to open session and take action on any item discussed during Closed Session

Wickman requested that Hudson remain during Closed Session. Council approved unanimously by voice vote.

Lindell moved, seconded by Ortman to enter Closed Session. The motion carried unanimously by roll call vote.

A. Pursuant to WI Stat. 19.85(1)(g): "Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation." *(Vourenmaa Tree)*

B. Pursuant to WI Stat. 19.85(1)(c): "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." *(Administration)*

C. RETURN TO OPEN SESSION *(Voice)*

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

D. REPORT OF ACTION TAKEN DURING OPEN SESSION

Item 8A: Council voted to allow Administration to sign the Settlement and Mutual Release agreement with Vuorenmaa.

Item 8B: Council approved to allow Administration to open contract negotiations with the Ashland Police Department.

9. ADJOURNMENT

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

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COMMITTEE OF THE WHOLE MEETING MINUTES

The Common Council of the City of Ashland will meet as the Committee of the Whole on **July 12, 2022** immediately following the City Council meeting which begins at **5:30 PM** in the Ashland City Hall Council Chambers.

The following items will be considered:

1. Roll Call

The Tuesday, July 12, 2022 City of Ashland Committee of the Whole Meeting was called to order by Council President Eric Lindell at 6:50 p.m.

2. Council President's Report

Lindell assured Council that he is working to address items brought forward for future discussion. The upcoming weekend featured Bay Days and the Ashland All-Class Reunion events. The date determined for the Public Listening Session was to be Thursday, July 27, 2022 beginning at 6:00 p.m.

3. Administrator's Report

Kucera joined the tour of Ashland with the Secretary of the Wisconsin Department of Administration. He will be attending a meeting with the EPA on Thursday, July 14, 2022 to discuss the brownfields in the City.

4. Approval of Agenda

Lindell requested to move Item 5C to the beginning of the agenda. Ortman moved, seconded by Seefeldt to approve the amended agenda. The motion carried unanimously by voice vote.

5. Discussion Items

A. Discussion and Possible Action Regarding the Ashland Rotary Sponsorship for the Construction of a Splash Pad in the City of Ashland (*Parks Director*)

Hudson introduced the agenda item, along with Blake Theison of Parkitecture, and Rotary Members Denise Kontny and Dale Kellman. After a brief presentation, Council agreed to allow Hudson to continue to work with the Rotary and Parkitecture for the development of a splash pad.

B. Discussion and Possible Action Regarding Recommended Amendments to Chapter 51: City Council Procedure (*Councilor Lindell*)

Ortman moved, seconded by Seefeldt to move forward with a resolution to change the start of the meetings to 6:00 p.m. The motion carried 5-1 by voice vote; Graf opposed.

Ortman moved, seconded by Seefeldt to move forward with an amendment to Chapter 51 to allow for virtual attendance during Closed Session. The motion carried 5-1 by voice vote; Graf opposed.

C. Discussion and Possible Action Regarding Use of American Rescue Program Act (ARPA) Funds to Offset the Cost of 6th Street East Sewer Assessments (Councilor Pufall)

Ortman moved, seconded by Pufall to move forward with the plan to use ARPA funds to pay for the full cost of the special assessments imposed on property owners affected by the 6th Street East Reconstruction Project.

Ortman offered an amendment to the motion, seconded by Pufall, to use ARPA funds to pay for half of the cost of the special assessments imposed on property owners affected by the 6th Street East Reconstruction Project. The motion failed 2-4 by roll call vote; opposed were Seefeldt, Tochtermann, Lindell, and Graf.

The original motion failed 2-4 by roll call vote; opposed were Seefeldt, Tochtermann, Lindell and Graf.

6. Adjournment

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

Respectfully Submitted,

Denise Oliphant,
City Clerk

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SUBJECT: Appointments

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Administrator

CLEARANCES: Mayor

EXHIBITS:

1. T Buzzi - Volunteer Form
2. L Cicero - Volunteer Form

EXPENDITURES REQUIRED:

AMOUNT BUDGETED:

**APPROPRIATION
REQUIRED:**

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

The Mayor requests approval of the following appointments:

Harbor Commission

Larry Cicero, term to expire July 31, 2025

Zoning Board of Appeals

David Siegler (member versus alternate), term to expire July 13, 2024

Tom Buzzi, term expires July 26, 2025

Find yourself next to the water.

ASHLAND

City of Ashland, Wisconsin

601 Main Street West — Ashland, WI 54806 — www.coawl.org

OFFER TO VOLUNTEER FORM

I would like to be considered a nominee for the following committee or committees:

Board of Zoning Appeals

Write a brief statement of education and training:

Northland College Grad. (1975). Over 25 yrs. as a Real Estate Agent in this area.

Biography: (Need a sense of who you are as an individual. For example, general background, work history, life experiences, volunteer activities, special interests, special skills, hobbies, personality, people skills, etc.)

Resident of Ashland since 1970. 38 years at MMC (Maintenance Mech.) Over 25 yrs as a Realtor. Dedicated volunteer for the Salvation Army. Love to hunt and fish. Very good at reading people and adapting to their likes.

Individual references/referred by (please include phone #):

Jay Emmert (Coldwell Banker Realty)
Matt Mackenzie (Mayor)

Contact information: Tom Bozzi

Name (Please print)

Phone #

800 - 11th St. W., Ashland

Address

Email

Date

7-15-22

Find yourself next to the water.

ASHLAND

City of Ashland, Wisconsin

601 Main Street West — Ashland, WI 54806 — www.coawi.org

OFFER TO VOLUNTEER FORM

I would like to be considered a nominee for the following committee or committees:

Harbor Commission

Write a brief statement of education and training:

High School Washburn WI

College UW Stout (Hospitality and Tourism)

Biography: (Need a sense of who you are as an individual. For example, general background, work history, life experiences, volunteer activities, special interests, special skills, hobbies, personality, people skills, etc.)

Self-employed, Contractor, landlord, hotelier,
life long boater currently boating out of the
Ashland marina

Individual references/referred by (please include phone #):

Contact information: Larry Cicero

Name (Please print)

Phone #

65736 Lake Park Rd Ashland

Address

Email

Date

2/18/22

CITY OF ASHLAND POLICE AND FIRE COMMISSION MEETING MINUTES

Monday, May 2, 2022 – 5:15 p.m.

Virtual Meeting - <https://meet.goto.com/438240229>

1. Call to Order

President, Kate Siegler called the meeting to order at 5:15 p.m.

2. Roll Call

Members Present: Kate Siegler, Ed Monroe, Matt Horning, Daryle Tucker, and Melissa O'Connor

Members Absent: None

Others Present: Police Chief Hagstrom, Fire Chief Matthias, and Mayor Matt MacKenzie

3. Approval of Agenda Items

A Motion was made by Ed Monroe, seconded by Melissa O'Connor to approve agenda as presented. Motion was passed unanimously.

4. Approval of Minutes

A Motion was made by Ed Monroe, seconded by Daryle Tucker to approve meeting minutes from March 7, 2022. Motion was passed unanimously.

5. Police & Fire Commission President Report

President Kate Siegler gave update on Use of Force incident reports. Internal Use of Force Instructor reviews all Use of Force reports, then they go into personal file. Police Chief Hagstrom was asked to give routine verbal report on all Use of Force forms that are completed during the reporting period, at each meeting. Use of Force discussion will be revisited at the next meeting.

6. Police Department Business

a. Administrative Report

Chief Hagstrom went over his report that was previously emailed to the Commissioners. His report consisted of the statistics from 3/1/2022 through 4/30/2022 and descriptions of some of the incidents that occurred during this time. He also gave department updates, training that has been completed, and anniversaries of employees.

7. Fire Department Business

a. Administrative Report

Chief Matthias discussed his report that was previously emailed to the Commissioners. His report consisted of the incidents that the department responded to from 3/1/2022 through 4/28/2022 and gave report on some of the more significant incidents that occurred. He updated the commission on trainings that occurred during this last reporting period. Discussed retirement of Julie LeBlanc, her ceremony will be held on May 31st and also reported that Open House & Car Seat Clinic, for the FD will be held on May 19th.

A motion was made by Matt Horning, seconded by Ed Monroe to approve both Chief Hagstrom's and Chief Matthias' reports and place them on file. Motion passed unanimously.

8. Next Regular Meeting Date

The next regular meeting for the Police and Fire Commission will be on Tuesday, July 5, 2022, at 5:15 p.m., at the Fire Dept. This meeting will hybrid, so that people can attend in person or virtual.

A motion was made by Melissa O'Connor, and passed unanimously by roll call vote to go into closed session, at 6:09 p.m.

President Kate Siegler announced the nature of business to be considered during the closed session and the specific exemption authorizing the closed session which is stated below, agenda item 9.

- 9. Closed Session as Authorized by Wisconsin State Statute 19.85(1)(c) for:** "To consider employment, promotion, compensation or performance evaluation data of any public employee over which the commission has jurisdiction of exercises responsibility".

a. Fire Dept – Personnel Probationary Reports, Personnel Discussion, & Hiring Status

b. Police Dept – Personnel Probationary Reports & Personnel Discussion

10. Return to Open Session

Motion was made by Melissa O'Connor, seconded by Daryle Tucker to return to open session at 6:21 p.m. Motion passed unanimously.

11. Report action taken in Closed Session

- Approve and accept the Fire Department's Personnel Probationary Report.
- Approve and accept the Police Department's Personnel Probationary Report.

12. Adjournment

A motion was made by Ed Monroe, seconded by Matt Horning to adjourn meeting at 6:24 p.m. Motion passed unanimously.

Kelly Garro

Recording Secretary

SUBJECT: Approve a Resolution to Approve the Start Time for Combined Ashland City Council and Committee of the Whole Meetings (*Clerk*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Committee of the Whole

EXHIBITS: 1. Proposed Resolution

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

**APPROPRIATION
REQUIRED:** NA

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

On July 12, 2022, the Committee of the Whole approved by a 5-1 voice vote, moving forward with altering the start time for the Council and Committee of the Whole meetings. The recommendation is to start at 6:00 p.m. instead of 5:30 p.m.

It was clear during discussion that the duration of the meeting of three hours would not change unless voted on by Council during the meeting.

RESOLUTION No. 17688

RESOLUTION TO APPROVE THE START TIME FOR COMBINED ASHLAND CITY COUNCIL AND COMMITTEE OF THE WHOLE MEETINGS

WHEREAS, the Common Council of the City of Ashland meets on the 2nd and last Tuesdays of each calendar month; and,

WHEREAS, the Council has deemed it in the best interest for the Community that Council meetings to commence at 6:00 p.m.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Ashland, that all future meetings of the Council shall commence at 6:00 p.m. on the 2nd and last Tuesdays of each month, unless otherwise specified by the Mayor.

PASSED: July 26, 2022

Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Matt MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

SUBJECT: Approve an Ordinance to Amend Chapter 51 (1814) City Council Procedures, Ashland City Ordinances (*Clerk*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Approved 5-1 by Committee of the Whole, July 12, 2022

EXHIBITS:

1. Proposed Ordinance
2. Chapter 51 City Council Procedure - Redlined to show changes

EXPENDITURES REQUIRED:

AMOUNT BUDGETED: NA

**APPROPRIATION
REQUIRED:**

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

The Committee of the Whole discussed potential updates to Chapter 51 City Council Procedures at both the June 14 and July 12, 2022 meetings. The conversation included addressing virtual attendance during a closed session, updating the introduction of business for agendas, and pushing back the start time for the meetings.

Due to the Covid pandemic, Council moved to remote/virtual only meetings from April 2020 through August 2021. Upon returning to meeting in person, the City Attorney advised Council regarding the conduct of closed session as some Councilors continued to attend virtually. Wickman recommended amending Chapter 51 requiring in person attendance for closed sessions in order to secure the subject matter of such issues. At rare times, a closed session item needed to be deferred due to lack of a quorum once Council entered closed session. For this reason, Mayor MacKenzie asked Council to consider removing this stipulation of Chapter 51 to maintain a quorum during closed session, and the Council as Committee of the Whole approved to move forward with this amendment, 5-1, at their July 12, 2022 meeting.

The Clerk has also recommended to update the section of Chapter 51 relating to *Introduction of Business* to reflect the implementation of the agenda software already in place.

Approval of a resolution will need to be passed by Council in order to address the start time change for Council meetings.

Sequential Ordinance No. 2022-1966
Chapter No. 51 (1814)

**ORDINANCE TO AMEND CHAPTER 51 (1814) CITY COUNCIL PROCEDURES,
ASHLAND CITY ORDINANCES.**

An ordinance adopted by the Common Council for the City of Ashland at a regular meeting of July 12, 2022, for the purpose of amending Chapter 51 (1814) City Council Procedures, Ashland City Ordinances.

Section I

51.03(3)(e). Meeting, Time, Date and Notice. *The following paragraph will be stricken in its entirety:*

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.

Section II

50.10. Introduction of Business. *shall be amended to read as follows:*

(a) Council and Committee of the Whole Agendas

1. All items for Council consideration shall be submitted to the City Clerk, and accompanied by such explanatory materials as appropriate, together with the name of the authors presenting the same.
2. All items for Committee of the Whole consideration shall be prepared as follows: Councilors will submit to the Council President a statement regarding the intent and/or direction of the agenda item which shall be reviewed by 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 item could then be directed to the appropriate Committee or Board, staff member or department, the next future City Council agenda, or returned to a future Committee of the Whole agenda.

(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 draft may be reviewed by the City Attorney for accuracy and legal correctness.

(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 Mayor's or Clerk's discretion without referral to committee.

(f) A committee shall take action on any matter referred to it within a period determined by Council.

Section III:

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

PASSED: July 26, 2022
PUBLISHED: August 2, 2022

Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

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~~ submitted to the City Clerk, and be 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 submit to the Council President, a statement regarding the intent and/or direction of the agenda item which shall be reviewed by ~~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 Board, staff member or department, the next future City Council agenda, or to the Councilor if he/she desires to be responsible for writing the agenda bill. returned to a future Committee of the Whole agenda~~ 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. a draft may be reviewed by the City Attorney for accuracy and legal correctness.~~
- (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 Mayor's or 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 determined by Council 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: Approve a Resolution to Reaffirm and Accept the Nine Tools of Civility Concerning Conduct of the Common Council and Committee of the Whole (*Mayor*) Roll

RECOMMENDATION: Approval by Roll Call Vote

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: Mayor

EXHIBITS: 1. Proposed Resolution

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

**APPROPRIATION
REQUIRED:**

**TREASURER'S
CERTIFICATE:** NA

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

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

Each Spring, the Nine Tools of Civility had been brought forward to refresh this resolution.

This resolution has been used as a reminder of the value of respectful conduct expected not only during meetings, but within the community, as examples of courtesy and cooperation amongst the City's leaders.

RESOLUTION No. 17868

RESOLUTION TO APPROVE TO REAFFIRM AND ACCEPT THE NINE TOOLS OF CIVILITY

WHEREAS, the residents of Ashland place a high value of respect and civility in their lives and they understand that their characteristics are essential to any healthy community; and

WHEREAS, the Ashland City Council supports opportunities for civil discourse and discussion in the community; and

WHEREAS, the Ashland City Council addresses sometimes controversial issues about which people often feel passionately, which at times leads to uncivil behavior; and

WHEREAS, an atmosphere of incivility and disrespect can have a damaging effect on the proceedings on the quality of debate, and on the practice of democracy itself.

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Ashland hereby recognizes Nine Tools of Civility that will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face our community. These tools include:

1. Pay attention. Be aware and attend to the world and the people around you.
2. Listen. Focus on others in order to better understand their points of view.
3. Be Inclusive. Welcome all groups of citizens working for the greater good of the community.
4. Don't Gossip. And don't accept when others choose to do so.
5. Show Respect. Honor other people and their opinions, especially in the midst of a disagreement.
6. Be Agreeable. Look for opportunities to agree; don't contradict just to do so.
7. Apologize. Be sincere and repair damaged relationships.
8. Give Constructive Criticism. When disagreeing, stick to the issues and don't make a personal attack.
9. Take Responsibility. Don't shift responsibility and blame onto others; share disagreements publicly.

BE IT FURTHER RESOLVED, that the Ashland City Council shall promote the use and adherence of these tools in conducting the business of the City of Ashland.

PASSED: January 25, 2022

Alderspersons:

Kevin Seefeldt, District 1

Sarah Jackson, District 2

Ana Tochtermann, District 3

Eric Lindell, District 4

Laura Graf, District 5

Charlie Ortman, District 6

Dick Pufall, District 7

ATTEST:

Denise Oliphant, City Clerk

Matt MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

SUBJECT: Approve to Waive the Provisions of Chapter 194.04 Procurement of Goods and Services, Purchases of More than \$30,000, Ashland City Ordinances, and Approve the Ashland Waste Water Utility to Purchase from the Public Works Department a 1996 John Deere 544G Front End Loader #1851 (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: Director of Public Works

EXHIBITS: 1. Sam Lulich Email

EXPENDITURES REQUIRED: \$37,000.00 Fund 690 Waste Water Utility

AMOUNT BUDGETED: -\$0-

APPROPRIATION REQUIRED: \$37,000.00 Fund 690 Waste Water Utility

TREASURER'S CERTIFICATE: N/A

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

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

SUMMARY STATEMENT:

The Waste Water Utility is interested in selling a JD (John Deere) 624E loader through Wisconsin Surplus and replacing it with a 1996 JD544G from the Public Works Department. The JD624E has exceeded its life expectancy. Sam Lulich from McCoy provided a statement with the current value of \$37,000 for the Public Works JD 544G. It is anticipated the sale of the JD624E will cover the purchase price of the JD544G.

The Waste Water Utility uses a loader in the summer to move and haul sludge; the JD544G will meet these needs. In the winter, the JD544G, which is currently set up with a wing and plow, will be used for snow removal.

The Public Work Department's plan was to sell the 1996 JD544G after purchasing a new JD 544P Wheel Loader earlier this year. The Waste Water Utility will benefit by having a newer loader. The Public Works Director recommends the Waste Water Utility purchase of the JD 544G from the Public Works Department in the amount of \$37,000.

From: Samuel Lulich <samlulich@mccoycf.com>
Sent: Thursday, June 2, 2022 1:51 PM
To: Greg Ledin <gledin@coawi.org>
Subject:

Curley

Per our conversation today, the current value of your 1996 John Deere 544G is \$37,000

Any questions let me know

Thank you

Sam Lulich | General Manager

310 Industrial Park Drive

Ashland WI 54806

Office 715-682-5522

Cell 715- 492-7238

<http://mccoycf.com>

SUBJECT: Approve Final Payment to Ruotsala Construction, Inc for the 2021 Watermain Improvements Project (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: Public Works Director
Finance Director

EXHIBITS: 1. Memo from Cedar Corporation and Application for Payment No. 3

EXPENDITURES REQUIRED: \$ 51,378.21 **Final Work Completed & Retainage Due**

\$ 97,969.48	Fund 470 Street Improvements
\$ 243,349.93	Fund 680 Water Utility
\$ 341,319.41	Final Project Cost (including final amount due)

AMOUNT BUDGETED:

\$ 90,969.48	Fund 470 Street Improvements
\$ 271,962.74	Fund 680 Water Utility
\$ 362,932.22	

APPROPRIATION REQUIRED: \$ 7,472.22 Fund 470 Street Improvements

TREASURER'S CERTIFICATE: N/A

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

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

SUMMARY STATEMENT:

At the May 11, 2021 City Council meeting, Council approved entering into an agreement with Ruotsala Construction, Inc. for the 2021 Watermain Improvements Project.

The project involved partial street reconstruction of 3.5 blocks on Chapple Avenue south of 11th Street West, one block on Front Street between 11th Avenue East and 12th Avenue East, and one block on 12th Avenue East between Front Street and Main Street. The partial street reconstruction on Chapple Avenue included replacement of watermain, storm sewer structures, curb and gutter, concrete driveway/walkway restoration, and a new street surface. Work on Front Street and 12th Avenue East included watermain replacement and a new street surface. The new street surfaces are supported by new base material installed as part of the project but do

not include full depth reconstruction and installation of an underdrain system, as is typical with full street reconstruction in the City.

The project scope was expanded to include paving of the portion of Chapple Avenue south of 14th Avenue West, which was originally a gravel surface. As a result, the overall project cost for street improvements has increased beyond the original approved expenditure.

The Public Works Department recommends approval of the final payment of \$51,378.21 due for the 2021 Watermain Improvements Project.

DATE: July 1, 2022
TO: City of Ashland, DPW, Mayor and Council Members
FROM: Brian Chapman
REGARDING: 2021 Watermain Improvements Project
Application for Payment No. 3 (Final)

Attached is a copy of the Application for Payment No. 3 (Final) request from Routsala Construction, Inc for the 2021 Watermain Improvements Project.

The project went well. It went slightly (13%) over budget with the necessary additional work. It is our opinion that the City has received a quality project.

We recommend final payment of Application for Payment No. 3 (Final) to Routsala Construction, Inc. for the amount of \$51,378.21.

APPLICATION FOR PAYMENT NO.

3 (Final)

To: CITY OF ASHLAND (Owner)

From: ROUTSALA CONSTUCTION, INC. (Contractor)

Project: 2021 WATERMAIN IMPROVEMENTS PROJECT 470202103

For Work Period: From: October 1, 2021 Thru: June 24, 2022

1.	Original Contract Price:	\$302,050.00
2.	a) Net change by Change Orders and Written Amendments (+ or -)	\$30,881.21
	b) Net change by Quantity Variances (+ or -)	\$0.00
3.	Current Contract Price (Line 1 plus Line 2):	\$332,931.21
4.	Total completed and stored to date:	\$341,319.42
5.	Retainage (per Agreement):	
	0.00% of completed Work:	
	0.0% of stored material:	\$0.00
	Total Retainage:	\$0.00
6.	Total completed and stored to date less retainage (Line 4 minus Line 5):	\$341,319.42
7.	Less previous Payments:	\$289,941.21
8.	DUE THIS APPLICATION (6 MINUS 7):	\$51,378.21

Accompanying Documents:
Itemization of Quantities

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated 7.1.2022

By: ChrisJ Boyd VP

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated _____

By: John Butler, Public Works Director

Dated _____

By: Brant Kucera, City Administrator

Dated _____

By: _____, Mayor

Dated _____

By: _____ Comptroller

Dated _____

By: Denise Oliphant, City Clerk

CITY OF ASHLAND

Pay Quantity Tabulation For: 2021 Water Main Replacement Project (Chapple, Front and 12th Ave E.) 470202103

Pay Request No.

Pay Period:

Schedule A: Chapple Ave					Ruotsala Construction						
					Ironwood, MI		PAY REQUEST CALCULATION				
PAY ITEM		Item Description	Unit	Qty	Unit Price	Total Cost	QTY. PREV. PAY REQUEST	QTY. THIS PAY REQUEST	TOTAL COMPLETED QUANTITY	TOTAL THIS PAY REQUEST	TOTAL WORK COMPLETED
1	M	Water Main, PVC, C900, 6"	L.F.	75	\$30.00	\$2,250.00	42.00		42.00	-	1,260.00
2	M	Water Main, PVC, C900, 8"	L.F.	1315	\$38.00	\$49,970.00	1315.00		1,315.00	-	49,970.00
3	SRVC	Water Service Pipe & Tubing, Copper, 1.0"	L.F.	1033	\$30.00	\$30,990.00	1054.00		1,054.00	-	31,620.00
4	SRVC	Water Service Pipe & Tubing, Copper, 1.0" (Pulled)	L.F.	27	\$30.00	\$810.00			-	-	-
5	SRVC	Water Service Corporation & Curb Valves, 1.0"	E.A.	32	\$500.00	\$16,000.00	31.00		31.00	-	15,500.00
6	H	Fire Hydrant	E.A.	3	\$4,000.00	\$12,000.00	4.00		4.00	-	16,000.00
7	M	Valves, 6"	E.A.	3	\$1,300.00	\$3,900.00	4.00		4.00	-	5,200.00
8	M	Valves, 8"	E.A.	3	\$2,000.00	\$6,000.00	4.00		4.00	-	8,000.00
9	M	Connect to Existing Water Mains	E.A.	1	\$1,500.00	\$1,500.00	1.00		1.00	-	1,500.00
10	M	Remove/Abandon Water Main & Valves	L.F.	1300	\$3.00	\$3,900.00	1300.00		1,300.00	-	3,900.00
11	H	Salvage Hydrant	E.A.	3	\$250.00	\$750.00			-	-	-
12	M	Insulation, 4"	S.F.	96	\$5.00	\$480.00			-	-	-
13	M	Maintain Water Service	L.S.	1	\$1,500.00	\$1,500.00	1.00		1.00	-	1,500.00
Subtotal Schedule A Chapple Ave: Water Main					\$130,050.00					-	134,450.00
Street Construction											
14	G	Traffic Control	L.S.	1	\$500.00	\$500.00	1.00		1.00	-	500.00
15	ST	Temporary Storm Drain Inlet Protection & Erosion Control	E.A.	6	\$40.00	\$240.00	9.00		9.00	-	360.00
16	G	Temporary Stone Tracking Pad	E.A.	1	\$700.00	\$700.00	1.00		1.00	-	700.00
17	G	Sawcut	L.F.	420	\$1.00	\$420.00			-	-	-
18	R	Hot Mix Asphalt Pavement, Binder, 1.5" (2021)	S.Y.	3450	\$8.50	\$29,325.00	4126.89		4,126.89	-	35,078.57
19	R	Hot Mix Asphalt Pavement, Surface, 1.5" (2021) ALT BID INCL WORK TO BE COMPLETED IN 2022	S.Y.	3450	\$8.00	\$27,600.00	28.33	4022.00	4,050.33	32,176.00	32,402.64
20	R	Concrete Curb & Gutter, 24" Barrier	L.F.	2110	\$14.00	\$29,540.00	2137.00		2,137.00	-	29,918.00
21	SW	Concrete Sidewalk, 4"	S.F.	1130	\$6.00	\$6,780.00	1386.00		1,386.00	-	8,316.00
22	SW	Concrete Sidewalk, 6"	S.F.	780	\$7.00	\$5,460.00	749.00		749.00	-	5,243.00
Subtotal Schedule A Chapple Ave: Street Construction					\$100,565.00					32,176.00	112,518.21
Schedule B: Front St & 12th Ave East											
23	M	Water Main, PVC, C900, 6"	L.F.	30	\$30.00	\$900.00	17.00		17.00	-	510.00
24	M	Water Main, PVC, C900, 8"	L.F.	690	\$38.00	\$26,220.00	690.00		690.00	-	26,220.00
25	SRVC	Water Service Pipe & Tubing, Copper, 1.0" (Pulled)	L.F.	430	\$30.00	\$12,900.00	380.00		380.00	-	11,400.00
26	SRVC	Water Service Corporation & Curb Valves, 1.0"	E.A.	12	\$500.00	\$6,000.00	11.00		11.00	-	5,500.00
27	H	Fire Hydrant	E.A.	1	\$4,000.00	\$4,000.00	1.00		1.00	-	4,000.00
28	M	Valves, 6"	E.A.	1	\$1,300.00	\$1,300.00	1.00		1.00	-	1,300.00
29	M	Valves, 8"	E.A.	4	\$2,000.00	\$8,000.00	2.00		2.00	-	4,000.00
30	M	Connect to Existing Water Mains	E.A.	2	\$1,500.00	\$3,000.00	3.00		3.00	-	4,500.00
31	M	Maintain Water Service	L.S.	1	\$1,500.00	\$1,500.00	1.00		1.00	-	1,500.00
32	M	Remove/Abandon Water Main & Valves	L.F.	380	\$3.00	\$1,140.00	380.00		380.00	-	1,140.00
33	M	8" PVC Stub w/Valve & MJ Plug	L.S.	1	\$1,500.00	\$1,500.00	1.00		1.00	-	1,500.00
Subtotal Schedule B Front St & 12th Ave E: Water Main					\$66,460.00					-	61,570.00
Street Construction											
34	G	Traffic Control	L.S.	1	\$750.00	\$750.00	1.00		1.00	-	750.00
35	ST	Temporary Storm Drain Inlet Protection & Erosion Control	E.A.	2	\$50.00	\$100.00	2.00		2.00	-	100.00
36	R	Crushed Aggregate Base, Roadway (Trench)	E.A.	165	\$25.00	\$4,125.00	42.00		42.00	-	1,050.00
Subtotal Schedule B Front St & 12th Ave E: Street Construction					\$4,975.00					-	1,900.00

		Change Order 1									
CO1 Claim 1	ST	Hit Abandoned Storm Sewer - machine and crew downtime/pumps/materials			5807.50	5807.50		5,807.50	-	5,807.50	
CO1 Claim 2	SRVC	Unmarked Water Service			2116.00	2116.00		2,116.00	-	2,116.00	
CO1 Claim 3	M	Watermain Connection 16" not 12"			3496.00	3496.00		3,496.00	-	3,496.00	
CO1 Claim 4	R	Subcutting excavation; concrete removal on Chapple Ave			6106.50	6106.50		6,106.50	-	6,106.50	
Subtotal Schedule B Front St & 12th Ave E: Street Construction					\$17,526.00	17,526.00			-	17,526.00	
		Change Order 2									
CO2	R	Fine Grading for HMA Placement on Chapple Ave	S.Y.	4127	\$1.00	\$4,127.00	4127.00		4,127.00	-	4,127.00
CO2	R	Surface Asphalt on Chapple in 2022 plus fine grading & misc qty variances				\$9,228.21		9228.21	9,228.21	9,228.21	9,228.21
Subtotal Schedule B Front St & 12th Ave E: Street Construction						\$13,355.21	4,127.00			9,228.21	13,355.21
TOTAL SCHEDULE A- CHAPPLE AVE						\$230,615.00			\$ 41,404.21	\$ 246,968.21	
TOTAL SCHEDULE B- FRONT ST & 12TH AVE E						\$71,435.00			\$ -	\$ 63,470.00	
TOTAL CO1						\$17,526.00			\$ -	\$ 17,526.00	
TOTAL CO2						\$13,355.21			\$ -	\$ 13,355.21	
TOTAL CONTRACT						\$332,931.21			\$ 41,404.21	\$ 341,319.42	

37

R

ALTERNATE BID ITEM:				
Hot Mix Asphalt Pavement, Surface, 1.5" (2022)**INCL IN ROW 24	S.Y.	3450	\$8.00	\$27,600.00

		Allocate General		TOTAL
G	General	\$2,370.00		
R	Roadway	\$90,590.00	\$716.43	\$91,306.43
SW	Sidewalk	\$12,240.00	\$96.80	12,336.80
ST	Storm	\$340.00	\$2.69	342.69
H	Hydrant	\$16,750.00	\$132.47	16,882.47
M	Main	\$113,060.00	\$894.13	113,954.13
SRVC	Services	\$66,700.00	\$527.49	67,227.49
S	Sanitary Sewer	\$0.00	\$0.00	\$0.00
		\$299,680.00	\$2,370.00	\$302,050.00

SUBJECT: Approve to Accept a Bid from Ritola, Inc. and Award a Contract for the 2022 Sewer Replacement Project (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: Public Works Director
Finance Director

EXHIBITS:

1. Bid Recommendation from SEH, July 15, 2022
2. 2022 Sanitary Sewer Replacement Project Map

EXPENDITURES REQUIRED: \$ 914,641.35 Base Bid

\$ 914,641.35 Construction Contract Award

\$ 45,732.07 - Construction Contingency (5%)

\$ 98,753.63 - Design Engineering & Grant Administration (SEH as Approved by Council)

\$ 33,250.00 - Construction Engineering

\$1,092,377.05 TOTAL Project Expenditures

AMOUNT BUDGETED: \$1,092,377.05 WI DNR Clean Water Loan (FY 2022)

APPROPRIATION REQUIRED: \$1,092,377.05 WI DNR Clean Water Loan (FY 2022)

TREASURER'S CERTIFICATE: The Treasurer's Office has certified on July 18, 2022 that Ritola, Inc is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

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

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

SUMMARY STATEMENT:

Short Elliot Hendrickson (SEH), on behalf of the City of Ashland Public Works Department, received and opened two bids on July 14, 2022 for the 2022 Sanitary Sewer Collection System Replacement project.

The project consists of the replacement of approximately 0.39 miles (~6 blocks) of sanitary sewer mains and eight manholes. The sewer main is located in Districts 3 and 11, which previous studies have identified as significant contributors of infiltration and inflow (I&I) within the City of Ashland's sanitary sewer collection

system. A project location map is attached.

The project was bid on and awarded to Northern Interstate Construction in April 2022. However, following the award, City staff had reservations about disturbing a block of downtown street with significant amounts of traffic without providing more advanced notice to property owners, specifically commercial property owners, than the schedule required for 2022 construction would allow. Thus, the contract was not executed and the project was re-bid with the downtown portion of work deferred until 2023 to allow sufficient time for coordination with property owners.

This project will be funded by the Wisconsin Department of Natural Resources (WI DNR) Clean Water Loan Program (CWLP) and was approved as such in the City's 2022 Capital Improvement Plan. In November 2021, the WI DNR awarded CWLP funding to the City at an interest rate of approximately 1.5% and principal forgiveness of \$750,000. The City worked with Short Elliot Hendrickson (SEH) to submit the application for this funding.

The proposed 2022 project work consists of direct replacement via excavation of publicly owned sanitary sewer mains. It will also include replacement of privately owned sewer laterals as approved by Council via the Interim Policy for Level of Service Provided to Private Sewer Laterals during Capital Construction, which authorizes the replacement of privately owned sewer laterals for this project with costs paid by property assessment. Property assessments were previously approved by the Council at the February 8, 2021 meeting.

The lowest responsible bidder was Ritola, Inc. The Public Works Department, along with SEH, recommends awarding the contract to Ritola, Inc. Ritola, Inc. has successfully completed the 2021 Lead Service Lateral Replacement project and is under contract with the City for the 2022 Lead Service Lateral Replacement and 2021 Alley Sewer Replacement projects that are currently ongoing. In addition, City staff has verified that Ritola, Inc. successfully completed a similar project in Washburn in early summer 2022.



Building a Better World
for All of Us®

July 15, 2022

RE: 2022 Sanitary Sewer Replacement -
Districts 2, 3 and 11 - Rebid
Ashland, WI
SEH No. ASHLA 160411 14.00

City of Ashland
Denise Oliphant, City Clerk
601 Main Street W
Ashland, WI 54806

Dear Ms. Oliphant:

On Thursday, July 14, 2022 unit price bids were received for the 2022 Sanitary Sewer Replacement - Districts 2, 3 and 11- Rebid project. The attached Tabulation of Bids shows the unit price bids received from all bids submitted.

Two bids were received for the project. The bids ranged from \$914,641.35 to 947,175.00. The low bid was submitted by Ritola Inc., Mason, Wisconsin. Based on our experience and review, it is our opinion that Ritola Inc. has the required equipment and expertise to perform the work as outlined in the contract specifications. We, therefore, recommend award of the project in the low bid amount of \$914,641.35.

SEH retains electronic copies of bids and bonds of all bidders. The bid and bond of the low bidder will be incorporated into the contract documents after all applicable documentation has been signed by the Contractor and Owner and provided to SEH.

We hope this analysis of the bids is adequate for your needs. If you have any questions regarding this information, please contact me.

Sincerely,

Bryan Cunningham, PE
Project Manager
(Lic. WI)

hh

Enclosure

x:\ae\asha\160411\6-bid-const\ bidding documents - rebid open cut replacement\bidding documents\award letter_07.14.2022.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 326 South Main Street, Suite 100, Rice Lake, WI 54868-2238

715.236.4000 | 800.903.6970 | 888.908.8166 fax | sehinc.com

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer

Ashland, WI - Sanitary Sewer Replacement Rebid - Districts 2, 3 and 11 (ASHLA 160411) (#8243331)

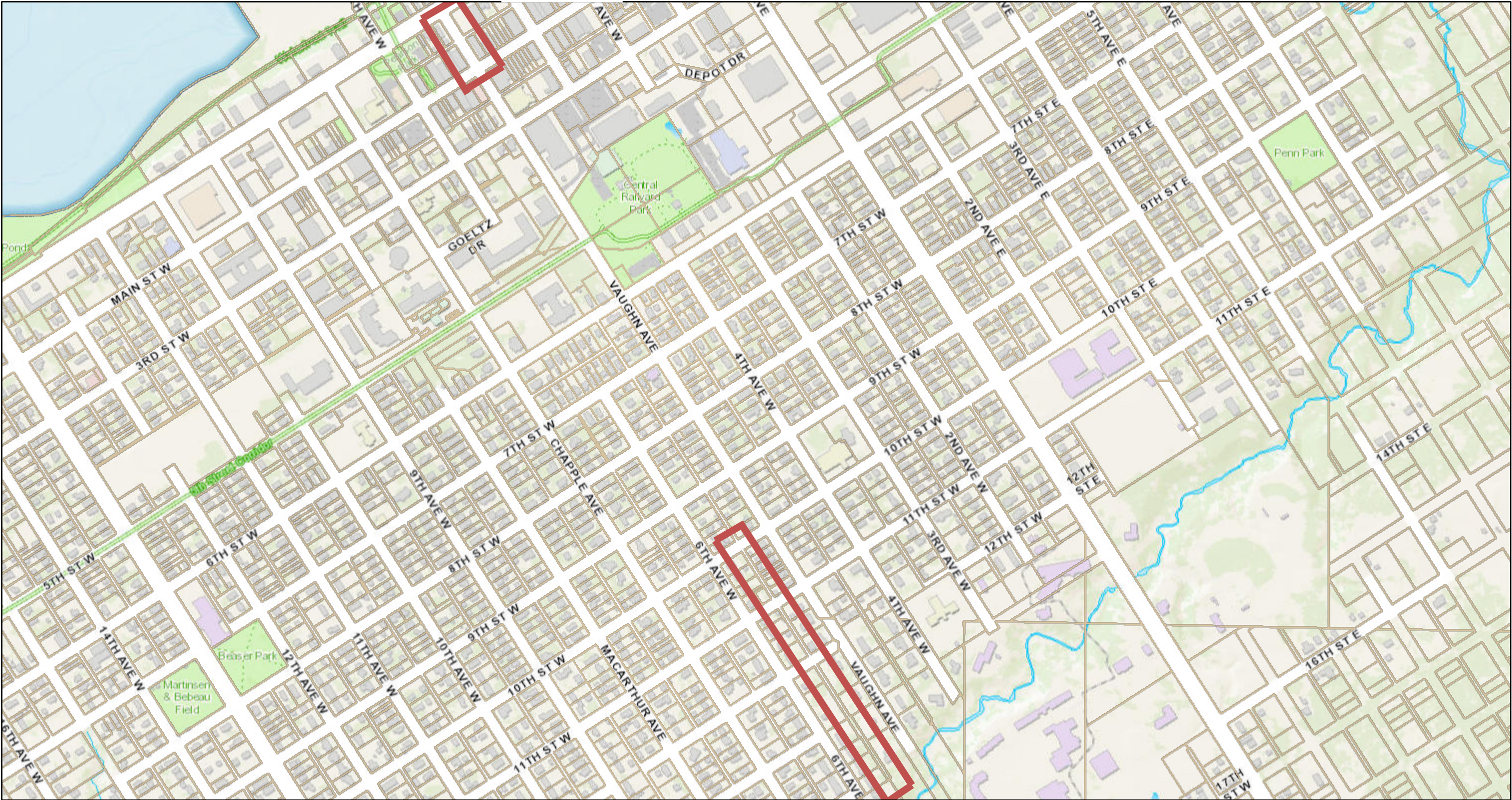
Owner: City of Ashland

Solicitor: SEH - Rice Lake, WI

07/14/2022 01:00 PM CDT

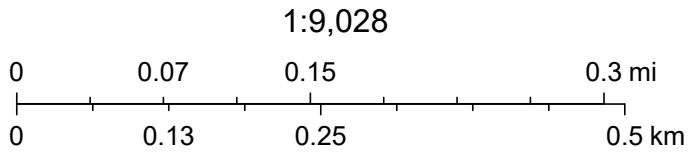
Line Item	Item Code	Item Description	UofM	Qty	Ritola Inc		Northern Interstate Construction, Inc.	
					Unit Price	Extension	Unit Price	Extension
1	01 55 25.1	Maintenance of Traffic	LS	1	\$12,000.00	\$12,000.00	\$20,000.00	\$20,000.00
2	01 71 13.1	Mobilization	LS	1	\$47,656.00	\$47,656.00	\$125,000.00	\$125,000.00
3	02 41 33.1	Remove Asphalt Pavement	SY	2570	\$6.00	\$15,420.00	\$5.00	\$12,850.00
4	02 41 33.2	Remove Curb and Gutter	LF	135	\$7.00	\$945.00	\$10.00	\$1,350.00
5	02 41 33.3	Remove Concrete Sidewalk or Driveway	SY	170	\$12.00	\$2,040.00	\$10.00	\$1,700.00
6	02 41 33.4	Remove Sanitary Manhole	Each	8	\$1,040.00	\$8,320.00	\$1,500.00	\$12,000.00
7	31 11 00.1	Clear and Grub Tree >12-inch Diameter	I.D.	120	\$57.00	\$6,840.00	\$50.00	\$6,000.00
8	31 11 00.2	Clear and Grub Small Trees and Brush	SY	600	\$28.00	\$16,800.00	\$20.00	\$12,000.00
9	31 23 10.1	Common Excavation	CY	2800	\$20.00	\$56,000.00	\$20.00	\$56,000.00
10	31 23 33.1	Crushed Rock for Pipe Stabilization	Ton	750	\$27.00	\$20,250.00	\$42.00	\$31,500.00
11	31 23 33.2	Exploratory Excavation	Each	4	\$3,399.00	\$13,596.00	\$10,000.00	\$40,000.00
12	31 25 10.1	Inlet Protection Type C	Each	5	\$57.00	\$285.00	\$150.00	\$750.00
13	31 25 10.2	Inlet Protection Type D	Each	6	\$127.00	\$762.00	\$150.00	\$900.00
14	31 25 10.3	Silt Fence, Delivered, Installed and Maintained	LF	120	\$3.00	\$360.00	\$4.00	\$480.00
15	31 25 10.4	Erosion Mat, CI 1 Type B	SY	500	\$3.00	\$1,500.00	\$5.00	\$2,500.00
16	31 25 10.5	Tracking Pad	Each	1	\$1,650.00	\$1,650.00	\$3,000.00	\$3,000.00
17	31 34 15.1	Geotextile Fabric Type SR	SY	3800	\$4.00	\$15,200.00	\$3.20	\$12,160.00
18	32 11 17.1	Granular Subbase Course	CY	1300	\$21.00	\$27,300.00	\$24.00	\$31,200.00
19	32 11 26.1	Dense Graded Crushed Base Course, 1-1/4 inch	Ton	1800	\$27.00	\$48,600.00	\$21.00	\$37,800.00
20	32 11 26.2	Dense Graded Crushed Base Course, 3/4-inch	Ton	180	\$29.00	\$5,220.00	\$23.00	\$4,140.00
21	32 12 18.1	Hot Mix Asphalt Pavement	Ton	650	\$127.25	\$82,712.50	\$125.00	\$81,250.00
22	32 12 18.2	Adjust Sanitary Manhole Casting with External Chimney Seal	Each	3	\$650.00	\$1,950.00	\$950.00	\$2,850.00
23	32 12 18.3	Adjust Storm or Telecom Manhole Casting	Each	4	\$231.00	\$924.00	\$950.00	\$3,800.00
24	32 12 18.4	Adjust Valve Box	Each	2	\$231.00	\$462.00	\$550.00	\$1,100.00
25	32 12 50.1	Saw Cut Asphalt Pavement	LF	900	\$3.00	\$2,700.00	\$6.00	\$5,400.00
26	32 12 50.2	Saw Cut Concrete Sidewalk or Driveway	LF	160	\$6.00	\$960.00	\$7.00	\$1,120.00
27	32 16 30.1	Patch Concrete Curb and Gutter	LF	135	\$54.75	\$7,391.25	\$75.00	\$10,125.00
28	32 18 40.1	6-inch Concrete Sidewalk/Driveway	SF	700	\$9.50	\$6,650.00	\$15.00	\$10,500.00
29	32 18 40.2	8-inch Concrete Alley Aprons	SF	830	\$9.50	\$7,885.00	\$17.00	\$14,110.00
30	32 92 12.1	Turf Establishment	SY	4000	\$7.00	\$28,000.00	\$5.00	\$20,000.00
31	33 01 30.1	Televise Inspection of Sanitary Sewers	LF	2100	\$4.00	\$8,400.00	\$5.00	\$10,500.00
32	33 11 00.1	Lower Water Main	Each	1	\$12,645.00	\$12,645.00	\$15,000.00	\$15,000.00
33	33 31 00.1	Sanitary Sewer Manhole, 48-inch Diameter with Casting	Each	8	\$12,026.00	\$96,208.00	\$1,500.00	\$12,000.00
34	33 31 00.2	Excess Manhole Depth, 48-inch Diameter	VF	11.4	\$952.00	\$10,852.80	\$2,000.00	\$22,800.00
35	33 31 00.3	Core Drill Connection to Existing Sanitary Manhole	Each	3	\$2,408.00	\$7,224.00	\$1,500.00	\$4,500.00
36	33 31 00.4	Connect to Existing Sanitary Sewer Pipe	Each	2	\$1,379.00	\$2,758.00	\$1,000.00	\$2,000.00
37	33 31 00.5	Connect to Existing Sanitary Sewer Manhole	Each	2	\$2,078.00	\$4,156.00	\$1,500.00	\$3,000.00
38	33 31 00.6	Reconstruct Manhole Invert Structure 203	LS	1	\$1,736.00	\$1,736.00	\$2,500.00	\$2,500.00
39	33 31 00.7	Reconstruct Manhole Invert Structure 203A	LS	1	\$1,736.00	\$1,736.00	\$2,500.00	\$2,500.00
40	33 31 00.8	Outside Drop Add-on to Existing Sanitary Manhole	VF	3.8	\$1,041.00	\$3,955.80	\$3,500.00	\$13,300.00
41	33 31 00.9	8-inch PVC Sanitary Sewer	LF	1720	\$90.00	\$154,800.00	\$85.00	\$146,200.00
42	33 31 00.10	18-inch PVC Sanitary Sewer	LF	350	\$172.00	\$60,200.00	\$150.00	\$52,500.00
43	33 31 00.11	8-inch by 6-inch Sanitary Wye	Each	40	\$417.00	\$16,680.00	\$750.00	\$30,000.00
44	33 31 00.12	4-inch PVC Sanitary Sewer Service	LF	160	\$72.00	\$11,520.00	\$50.00	\$8,000.00
45	33 31 00.13	6-inch PVC Sanitary Sewer Service	LF	500	\$78.00	\$39,000.00	\$56.00	\$28,000.00
46	33 31 00.14	Connect to Existing Sanitary Sewer Service	Each	40	\$435.00	\$17,400.00	\$500.00	\$20,000.00
47	33 31 00.15	Concrete Pipe Collar	Each	1	\$1,392.00	\$1,392.00	\$1,000.00	\$1,000.00
48	33 31 00.16	Abandon Sanitary Sewer	LS	1	\$21,199.00	\$21,199.00	\$7,770.00	\$7,770.00
49	33 31 00.17	Insulation Board Polystyrene, 2-inch	SY	60	\$30.00	\$1,800.00	\$35.00	\$2,100.00
50	33 46 40.1	4-inch Wrapped Pipe Underdrain	LF	60	\$10.00	\$600.00	\$32.00	\$1,920.00
Base Bid Total:					\$914,641.35		\$947,175.00	

2022 Sanitary Sewer Replacement



7/19/2022, 7:53:21 AM

- Override 1
- Parcel Mapping
- Parcel Labels



City of Ashland Public Works Department, GIS Division, Province of Ontario, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., Intermap, USGS, METI/NASA, EPA, USDA

SUBJECT: Approve a Resolution to Issue a Conditional Use Permit (CUP) to Install a Rooftop Sign at 210 5th Avenue East, Ashland, Parcel No.#201-01591-0000, Zoned City Center (C-C), Applicant: Chequamegon Theatre Association (*Planning*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Plan Commission

EXHIBITS:

1. Proposed Resolution
2. Plan Commission Staff Report, July 19, 2022
3. Chequamegon Theatre Association Sign Design Proof
4. Notification of a Conditional Use Permit and Request Letter, June 8, 2022
5. 210 5th Ave E - Cheq Theatre Assoc. Zoning Map
6. 210 5th Ave E - Cheq Theatre Assoc. Aerial Map

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

Please see Staff Report

RESOLUTION No. 17690

RESOLUTION TO ISSUE A CONDITIONAL USE PERMIT (CUP) TO INSTALL A ROOFTOP SIGN AT 210 5TH AVENUE EAST, ASHLAND, PARCEL #201-01591-0000 ZONED CITY CENTER (C-C), APPLICANT: CHEQUAMEGON THEATRE ASSOCIATION

WHEREAS, the Common Council of the City of Ashland is authorized to issue Conditional Use Permits; and

WHEREAS, the applicant has requested a Conditional Use Permit per Chapter 781, Ashland City Ordinances, to install a rooftop sign on parcel #201-01591-0000, zoned City Center (C-C); and

WHEREAS, the Plan Commission held a Public Hearing on July 19, 2022 and has recommended approval of the Conditional Use Permit with the following conditions:

- The applicant shall obtain a City Sign Permit

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Ashland that the Conditional Use Permit is in accordance with the Ashland Unified Development Ordinance and is hereby approved contingent upon compliance with the above listed condition.

PASSED: July 26, 2022

Aldersperson

ATTEST: _____
Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler Wickman, City Attorney

FOR APPLICANT:

Applicant understands and accepts the conditions of approval for the CUP as indicated within this resolution, and was provided notice of Common Council approval of this resolution within 5 business days of such approval.

Applicant (Print and signature)

Date

Find yourself next to the water.



City of Ashland, Wisconsin

601 Main Street West Ashland, WI 54806 www.coawi.org

**DEPARTMENT OF
PLANNING &
DEVELOPMENT**

601 Main Street West
Ashland, WI 54806

STAFF REPORT

Plan Commission – July 19th, 2022

Agenda Item # 5a:	Conditional Use Permit (CUP) Request to allow a Rooftop Sign
Zoning District:	City Center (CC)
Property Address:	210 5 th Ave E
Parcel #:	# 201-01591-0000
Applicant:	Chequamegon Theatre Association
Staff Contact:	Mandelyn Lyons & Brea Grace

Background

The Chequamegon Theatre Association is requesting a Conditional Use Permit to allow a rooftop sign, at 210 5th Ave E. The property is zoned City Center (CC). The UDO Section 6.6 (L.3.b.2), regarding allowable signage in the City Center zoning district states,

“No sign shall be placed above the first story of a building without the issuance of a conditional use permit pursuant to Section 3.9: Conditional Use Permit;”

The proposal would allow for a sign to be located above the first story of the theatre building. The applicant believes the sign will attract more patrons. The applicant has identified that the theatre building is not visible enough to be seen by traffic on Main St. E or 5th Ave E due to its location on the back corner of the lot and being blocked by a residence and a business on Main St. The theatre currently has no sign and visitors have stated they have difficulty finding the building when attending shows. The rooftop signage could allow the theatre to be better identified and allow them to reach more members of the community and visitors to the city.

The required notice of CUP application was posted in the Ashland Daily Press and was sent to neighboring property owners on July 8, 2022.

Standards for Conditional Use Review

The City of Ashland’s Unified Development Ordinance Section 3.9 (C) Conditional Use Permit – Approval Criteria (and all subsections thereof), create the legal framework to regulate, administer, and enforce the conditional use standards for the City of Ashland. The following decision criteria were used to review the submitted conditional use:

1. Consistency with Comprehensive Plan.

This proposal is consistent with the Comprehensive Plan, as it specifically states the City should be focused on the promoting the arts (Authentic Ashland, pg. 19). The Chequamegon Theatre is soon celebrating their 40th Anniversary and should be recognized in the community as a non-profit that allows its actors and theatre goers alike to experience culture and art within the community. A new sign on the building that can be viewed by the public will help the theatre expand, reaching more people and allowing them to participate in and view productions.

2. Compatibility.

The proposed sign is compatible with the use of the theatre and with other general sign standards for the City Center zoning district. The sign dimensions will be 3' x 8', externally illuminated with gooseneck LED overhead lighting, which are both permitted in the UDO (6.6 L.3.b.1 & 3). The proposed sign is 24 square foot and is under the maximum allowable sign area, considering a northern wall of at least 35' in length.

The gooseneck lights are proposed to be placed at the top of the sign with hoods to direct light down towards the sign. These hoods will allow the sign to be seen at night for late showings and shield light from surrounding properties, the road, and sky which is consistent with UDO Section 6.6 (E.6.j).

3. Importance of Services to the Community.

The Chequamegon Theatre Association is a local non-profit with a 40-year history in Ashland allowing patrons to experience productions and also cultivating the skills of performers. The theatre invites people of all ages and backgrounds to experience the arts and is a valuable asset to the community.

4. Neighborhood Protections.

The proposed sign design has been reviewed by the Planning Department and is appropriate for the site, will be made out of durable materials, and follows lighting standards in UDO Section 6.6 (E.6.j).

There are no other recommended neighborhood protections.

5. Conformance with Other Requirements:

The development must conform to all other applicable City code requirements, including (but not limited to):

- UDO Standards for signs in the City Center District (UDO Section 6.6 (L)).
- Lighting standards for signs in UDO Section 6.6 (E.6. j) regarding light trespass.
- Submit a completed sign permit application and install sign according to submitted plans.

Review Recommendation

Staff recommends APPROVAL of the Conditional Use Permit contingent on the following conditions:

- Applicant shall obtain a City Sign Permit.

Additionally, as a Public Hearing is scheduled for the proposed Conditional Use Permit, the Plan Commission should hear all input from the public prior to making a determination. The required Class 2 public hearing notice was published on July 8th & July 15th, and discretionary letters were sent to all surrounding property owners within 200 feet of the proposed development.

Approvals are based on background information provided by the applicant and known conditions. Deviations from this information may be considered a change in the application and reconsideration and possible revision to the approvals may be made by the Plan Commission and Common Council.



234 South 5th Street Butternut, WI 54514
pho. 715-769-3200
glenn@signaturesignwi.com
SignatureSignWi.com

Customer signature Katherine E. Swanson Date 5/18/22
Customer name (please print) Katherine E. Swanson Title Board Member-CTA

Please proof all contents and spelling. Signature Sign & Graphics, Inc. will not be held liable for any mistakes or misspelling once customer signs layout approval form. Any work needed to repair or remake sign due to error in content or spelling will be billed to customer.

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Designer Glenn Wegner

Date 5/9/22

Revision No 3





7/8/2022

RE: Notification of a Conditional Use Permit application for a property near your property.

Dear Neighbor,

The City of Ashland is writing to notify you that the Chequamegon Theatre Association has applied for a Conditional Use Permit (CUP) to install a rooftop sign use at 210 5th Ave E, parcel #201-01591-0000, zoned City Center (CC). **Please see the attached cover letter for additional details.**

The City of Ashland welcomes your input on this CUP, and invites you to appear before the Plan Commission with any comments at the Public Hearing scheduled for

Tuesday, July 19th, 2022 at 6:30 pm in person at the City Hall Council Chambers or via Go To meeting. You can join the meeting on a computer, smartphone or tablet using the link:

<https://meet.goto.com/142336189>. You can also join via phone at United States (Toll Free): [1 877 309 2073](tel:18773092073) using Access Code: 142-336-189.

If you have any questions, concerns, or would like more information prior to the meeting, or are unable to attend the meeting, please feel free to send comments or questions to Mandelyn Lyons at 715-682-7041 or mlyons@coawi.org. If you want to submit written comments to our office to be shared at the public hearing ahead of time please send them to 601 Main Street W, Ashland, WI 54806 attn: Planning Dept.

Sincerely,

Mandelyn Lyons
Department of Planning and Development
Administrative Assistant & Permit Technician

Email: mlyons@coawi.org

Phone: 715.682.7041



June 8, 2022

City of Ashland
Department of Planning & Development
601 West Main Street
Ashland, WI 54806

Re: Chequamegon Theatre Association—Conditional Use Permit Request

Dear Members of Planning & Development:

Please consider our conditional use permit request to construct a roof sign guiding patrons to our theater. Our non-profit community theater reaches hundreds of people in our area through the Arts every year. We currently have no sign and hear from visitors that they have difficulty finding our building. In honor of our 50th anniversary, the timing seems right to erect a sign.

We believe the design requires a roof mount—especially for visibility from Main Street.

1. The laundromat directly to the north of our building will block visibility if the sign is lower.
2. As our rendering shows, the sign mounting would be on the lower overhang “eyebrow” and not the main building. The height of the sign on the eyebrow would be lower than the total height of the main building’s roof.
3. The gooseneck overhead lights will reduce the impact on surrounding residents and businesses.

Thank you for considering our request. Please contact me directly if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Swanson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Katherine E. Swanson, Board of Trustees Member
715.292.0269 olsonk89@gmail.com

210 5th St. E - Cheq. Theatre Assoc. Zoning



7/20/2022, 11:38:32 AM

Parcel Mapping

Parcel Labels

Zoning

R-E
Residential Estate

R-1
Single Family Residential

R-2
Single & Two-Family Residential

R-4
High Density Residential

MHC
Manufactured Home Community

MRC
Mixed Residential/Commercial

PRI
Planned Residential/Institutional

NC, Neighborhood Commercial

RC, Regional Commercial

CC, City Center

MCI, Mixed Commercial/Industrial

LI, Light Industrial

HI, Heavy Industrial

W-SFR, Waterfront Single Family Residential

W-MRC, Waterfront Mixed Residential/Commercial

W-CRM, Waterfront Conference Residential Mix

W-C, Waterfront Commercial

W-CC, Waterfront City Center

W-I, Waterfront Industrial

W-PI, Waterfront Public/Institutional

PI, Public/Institutional

PP, Public Park

AIR, Airport

FD, Future Development

ROW, Right of Way

ROWUD, Undeveloped Right of Way

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00.010.020.04

mi

km

City of Ashland Public Works Department, GIS Division, City of Ashland Public Works and Planning Department, PICTOMETRY INTL

210 5th St. E - Cheq. Theatre Assoc.

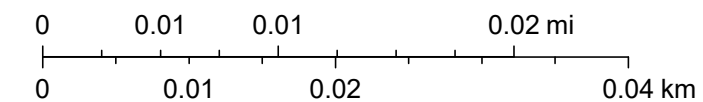


7/20/2022, 11:38:08 AM

Parcel Mapping

Parcel Labels

1:750



City of Ashland Public Works Department, GIS Division,
PICTOMETRY INTL

SUBJECT: Approve a Resolution to Issue a Conditional Use Permit (CUP) to Allow a 26' Tall Accessory Structure at 1002 Willis Avenue, Ashland, Parcel #201-02728-0100, Zoned Single & Two-Family Residential (R-2), Applicant: Marty Reykdal (*Planning*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Plan Commission

EXHIBITS:

1. Proposed Resolution
2. Plan Commission Staff Report, July 19, 2022
3. Letter of Request from M Reykdal, June 30, 2022
4. Notification of a Conditional Use Permit
5. Reykdal Site Plan - to scale
6. Reykdal Accessory Building Theme
7. 1002 Willis Ave - Reykdal Zoning Map
8. 1002 Willis Ave - Reykdal Aerial Map

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

**APPROPRIATION
REQUIRED:** NA

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

Please see Staff Report

RESOLUTION No. 17691

**RESOLUTION TO APPROVE TO ISSUE A CONDITIONAL USE PERMIT (CUP) TO ALLOW
A 26' TALL ACCESSORY STRUCTURE AT 1002 WILLIS AVENUE, ASHLAND, PARCEL
#201-02728-0100, ZONED SINGLE & TWO-FAMILY RESIDENTIAL (R-2), APPLICANT:
MARTY REYKDAL**

WHEREAS, the Common Council of the City of Ashland is authorized to issue Conditional Use Permits; and

WHEREAS, the applicant has requested a Conditional Use Permit per Chapter 781, Ashland City Ordinances, to construct an accessory structure of a maximum 26' in height, on parcel #201-02728-0100, zoned Single & Two-Family Residential (R-2); and

WHEREAS, the Plan Commission held a Public Hearing on July 19, 2022 and has recommended approval of the Conditional Use Permit with the following conditions:

- Renting out storage in the proposed accessory structure is not an allowable use.
- The accessory structure shall not exceed 26' in height.
- Construction of a primary structure shall start within two years.
- All development on site will comply with all applicable ordinance and code requirements.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Ashland that the Conditional Use Permit is in accordance with the Ashland Unified Development Ordinance and is hereby approved contingent upon compliance with the above listed conditions.

PASSED: July 26, 2022

Alderperson

ATTEST: _____
Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler Wickman, City Attorney

FOR APPLICANT:

Applicant understands and accepts the conditions of approval for the CUP as indicated within this resolution, and was provided notice of Common Council approval of this resolution within 5 business days of such approval.

Applicant (Print and signature)

Date

Find yourself next to the water.



City of Ashland, Wisconsin

601 Main Street West Ashland, WI 54806 www.coawi.org

**DEPARTMENT OF
PLANNING &
DEVELOPMENT**

601 Main Street West
Ashland, WI 54806

STAFF REPORT

Plan Commission – July 19th, 2022

Agenda Item # 5a: Conditional Use Permit (CUP) Request to allow a 26' Tall Accessory Building

Zoning District: Single & Two-family Residential (R-2)

Property Address: 1002 Willis Ave

Parcel #: #201-02728-0100

Applicant & Property Owner: Marty Reykdal

Staff Contact: Mandelyn Lyons & Brea Grace

Background

Marty Reykdal is requesting a Conditional Use Permit to allow a 26' tall accessory building, at 1002 Willis Ave. The property is zoned Single & Two-Family Residential (R-2). The UDO Section 5.6 A.7, regarding the maximum height of an accessory building states,

"No accessory building shall exceed twenty feet (20) feet in height, unless issued a conditional use permit pursuant to Section 3.9: Conditional Use Permit."

The applicant intends to use this building (the detached garage/accessory building) for personal storage of his RV and other items. He is requesting a taller height of the garage to accommodate the size of his RV. The applicant received a building permit for a proposed garage on this property on May 19th 2022. Since the City does not permit accessory structures as a principal use, a condition was added to the building permit that requires construction of a primary structure to begin within two years after the garage is complete. The applicant is planning to build a duplex, likely a two-story, on this property. He plans to live in one of the units and rent out the other unit.

The applicant is seeking a CUP to allow the garage to be constructed 6' taller than the maximum height permitted in the R-2 District (at 26' in height).

Standards for Conditional Use Review

The City of Ashland's Unified Development Ordinance Section 3.9 (C) Conditional Use Permit – Approval Criteria (and all subsections thereof), create the legal framework to regulate, administer, and enforce the conditional use standards for the City of Ashland. The following decision criteria were used to review the submitted conditional use:

1. Consistency with Comprehensive Plan.

The general proposed use of the garage and future duplex construction is consistent with the Comprehensive Plan. The Comprehensive Plan emphasizes the need for housing developments to match the diverse current demand, including rentals,

“Because Ashland’s city core is not overly dense, and because there are fairly sizable swaths of unused land (especially within only a few blocks of downtown), the strategic assembly of relatively few parcels and redevelopment at higher densities is possible. Redevelopment could take the form of apartments, townhomes, or other attached and/or new housing types in the local market” (Authentic Ashland pg.64).”

There are no specific goals within the Comprehensive Plan that address accessory structures.

2. Compatibility.

The City of Ashland’s UDO maximum accessory structure height is 20 feet. The proposed accessory structure would be 26 feet tall measured from the grade to the ridge of the roofline. This building would be significantly taller than other accessory buildings in the City’s residential neighborhoods and the properties adjacent to the subject site. For reference, the maximum height of principal structures in this zoning district is 35 feet. The height of this building may seem out of place, especially if the height of the principal structure on this property will be less than the accessory structure. Staff recommends that the height of the accessory structure be less than the proposed duplex, but details are not known by staff about the height of the proposed duplex.

The proposed aesthetic design of the garage seems to fit into the characteristics of the existing neighborhood. The applicant has verbally stated that the proposed duplex would also be built in a similar design to the garage, but no plans have been submitted.

It is staff’s understanding that the building will be used for personal use of the property owner. It should be noted that renting out storage in the proposed accessory structure is not a compatible or an allowable use in the R-2 zoning district. Rental of the garage would be considered a commercial use.

3. Importance of Services to the Community.

Permitting the accessory building to be constructed 6’ taller than the allowed height may provide individual benefits to the property owner, but it does not specifically have a direct positive impact on the services to the community overall.

4. Neighborhood Protections.

The applicant will be required to follow applicable building codes and UDO standards for accessory buildings. Neighbors are invited to provide comment regarding the proposed use or the requested CUP for the increased height of the accessory structure.

Without a detailed site plan, staff is unable to draw definitive conclusions about neighborhood protections that are planned. Site grading and stormwater impacts are unknown. Buffering and landscaping are also unknown. The impacts of a taller accessory structure on neighboring properties may include loss of daylight.

Comment from the public should be considered.

5. Conformance with Other Requirements:

The development must conform to all other applicable City code requirements, including (but not limited to):

- The accessory structure may not exceed 1,200 sq. ft. (UDO 5.6. A.10.c.(3)).

- Accessory buildings shall be at least six (6) feet from the principal building situated on the same parcel. (UDO 5.6. A.3.).
- No accessory building shall be permitted nearer to the front parcel line than the minimum allowed setback from the front parcel line in the subject zoning district for the principal buildings or the average setback of the principal buildings on parcels immediately adjoining the parcel on the same side of the street, whichever is less. (25' minimum from the front parcel line for the primary structure in the R-2 district) (UDO 5.6 A.4.a.)
- Building height is measured from grade level of front wall to highest point of roof. (UDO 6.1C.2.a.)
- Maximum allowable height for a primary structure in the R-2 District is 35' (UDO 4.4 C.3.a.). Ornamental feature may not exceed 5' in height (UDO 6.1. C.2.b.)
- Maximum 35% building lot coverage (5,910.87 sq. ft)
 - An accessory use may only occupy up to 25% of "required rear yard", if applicable (UDO Part 5.6. 1.a.)
- Maximum 40% impervious surface (6,755.28 sq. ft.)
 - Impervious coverage is measured as the percentage of a parcel that is covered by a material that releases as runoff all, or a large portion, of the precipitation that falls on it. Impervious coverage includes conventional roofs, driveways, sidewalks, patios, similar hard surfaced materials. (UDO 6.1. D.1.)
 - At discretion of zoning admin, this may be increased up by up to 5% if stormwater infiltration systems are incorporated into the site (ex. rain gardens, rain barrels, etc.) (UDO 6.1. D.2.)
- A total of 2 off street parking spaces required for the duplex.
- Accessory building interior side and rear setbacks. Accessory buildings shall not be located less than three (3) feet from the interior side or rear parcel lines.
 - Where a vehicle entrance to an accessory building faces an alley right-of-way, the accessory building shall not be located less than ten (10) feet from the parcel line abutting the alley. (UDO 5.6. 5.)
- All applicable building codes and UDO standards for all buildings constructed on the property.

Note: Staff is unable to determine whether future improvements with the principal and accessory structure will conform with all these ordinance requirements. A detailed site plan is needed for staff to make an informed recommendation regarding the siting and bulk characteristics of the proposed principal and accessory structures and off-street parking areas. Do keep in mind, the focus of the CUP request is the height increase for the accessory structure.

Review Recommendation

Staff recommends APPROVAL of the Conditional Use Permit to allow a 6-foot increase in the allowed height of the accessory structure, with the condition that:

- Renting out storage in the proposed accessory structure is not an allowable use.
- The accessory structure shall not exceed 26' in height.
- Construction of a primary structure shall start within two years.
- All development on site will comply with all applicable ordinance and code requirements.

A Public Hearing is scheduled for the proposed Conditional Use Permit. The Plan Commission should hear all input from the public prior to making a determination. The required Class 2 public hearing notice was published on July 8th & July 15th, and discretionary letters were sent to all surrounding property owners within 200 feet of the proposed development.

Approvals are based on background information provided by the applicant and known conditions. Deviations from this information may be considered a change in the application and reconsideration and possible revision to the approvals may be made by the Plan Commission and Common Council.

Marty Reykdal
211 7th Avenue E
Ashland WI 54806
715-209-8190

June 30, 2022

Ashland Planning Commission
Attn: Mandy Lyons, Administrative Assistant
601 Main St. W.
Ashland WI 54806

Dear Mandy Lyons:

I am writing to seek permission for a variance for my RV-style garage at 1002 Willis Avenue in Ashland, Wisconsin. Current zoning rules say that garages must not be more than 20 feet tall. I respectfully request to install a garage that is 26 feet tall. Thank you.

Sincerely,

Marty Reykdal



7/8/2022

RE: Notification of a Conditional Use Permit application for a property near your property.

Dear Neighbor,

The City of Ashland is writing to notify you that Marty Reykdal has applied for a Conditional Use Permit (CUP) to construct a 26' tall accessory building. This exceeds the 20' maximum height for accessory buildings, at 1002 Willis Ave, parcel #201-02728-0100, zoned Single & Two-Family Residential (R-2). **Please see the attached cover letter for additional details.**

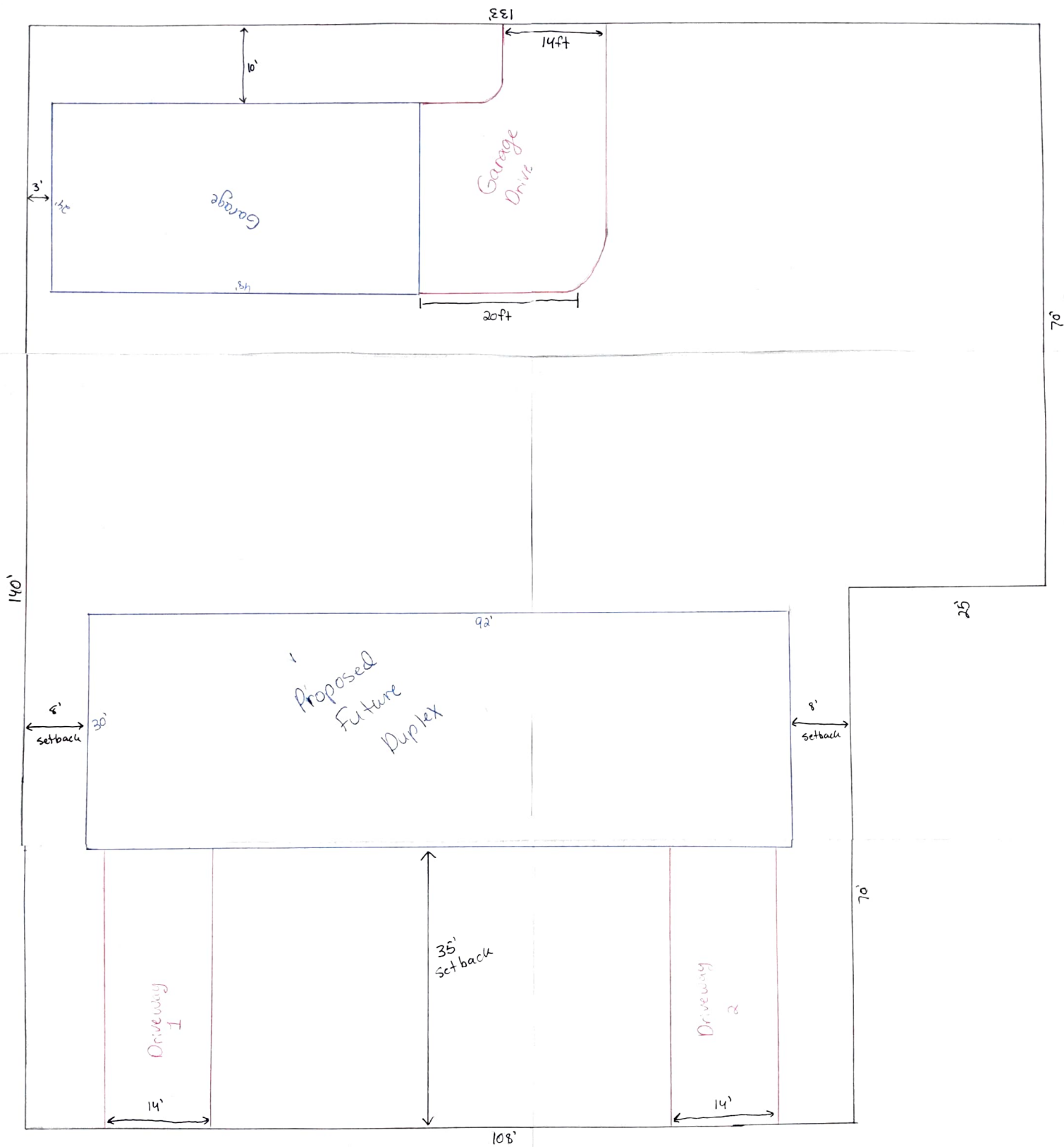
The City of Ashland welcomes your input on this CUP, and invites you to appear before the Plan Commission with any comments at the Public Hearing scheduled for **Tuesday, July 19th, 2022 at 6:30 pm** in person at the City Hall Council Chambers or via Go To meeting. You can join the meeting on a computer, smartphone or tablet using the link: <https://meet.goto.com/142336189>. You can also join via phone at United States (Toll Free): [1 877 309 2073](tel:18773092073) using Access Code: 142-336-189.

If you have any questions, concerns, or would like more information prior to the meeting, or are unable to attend the meeting, please feel free to send comments or questions to Mandelyn Lyons at 715-682-7041 or mlyons@coawi.org. If you want to submit written comments to our office to be shared at the public hearing ahead of time please send them to 601 Main Street W, Ashland, WI 54806 attn: Planning Dept.

Sincerely,

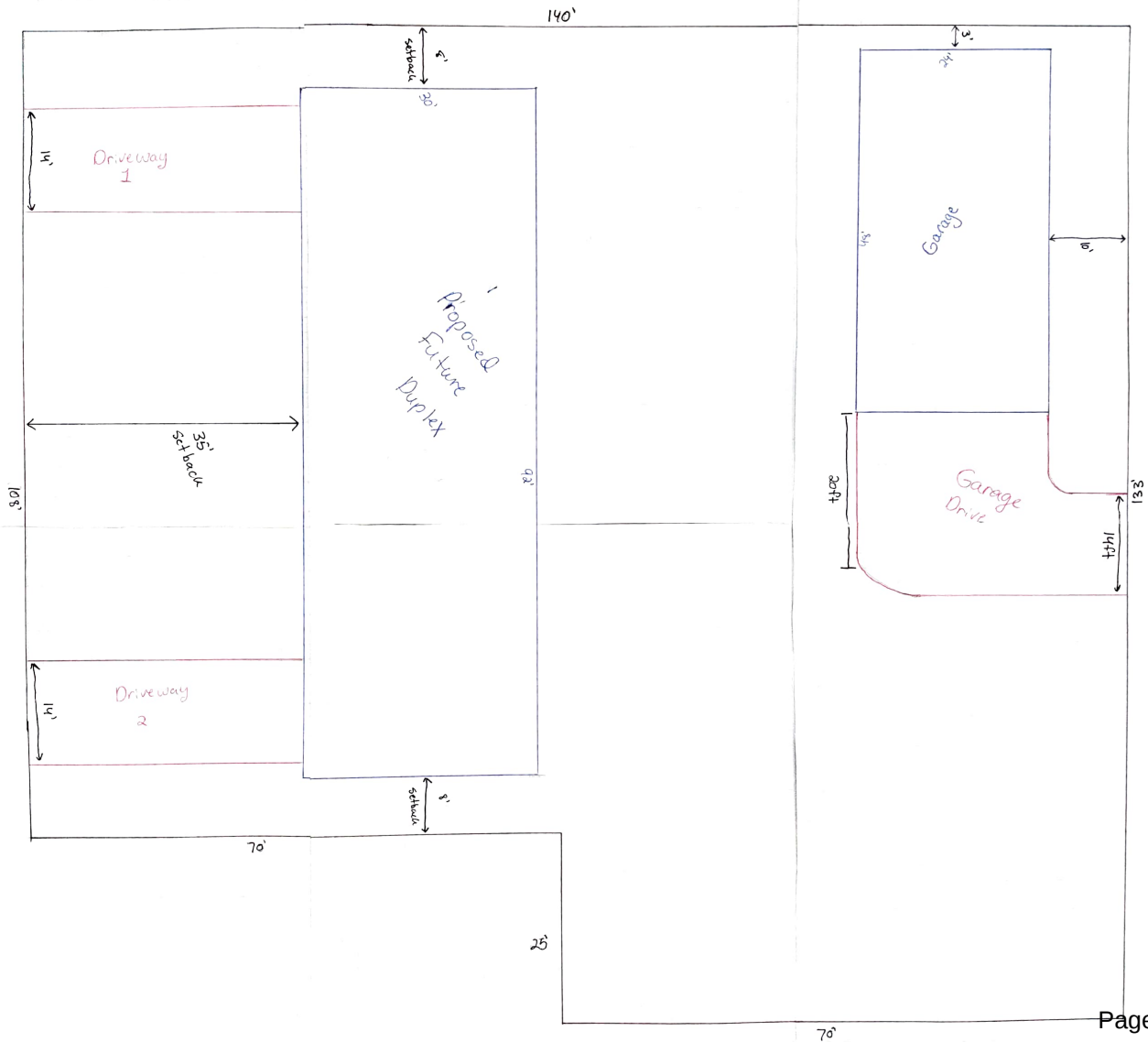
Mandelyn Lyons
Department of Planning and Development
Administrative Assistant & Permit Technician

Email: mlyons@coawi.org
Phone: 715.682.7041



1002 Willis Ave

1002 Willis Ave





Marty plans to only build the taller portion of this garage indicated by the measurements of 24' and 26'. He does not plan to build the other section. This picture is meant to indicate the style of the proposed garage.

1002 Willis Ave - Reykdal Zoning Map



7/20/2022, 11:41:20 AM

Parcel Mapping

Parcel Labels

Zoning

R-E
, Residential Estate

R-1
, Single Family Residential

R-2
, Single & Two-Family Residential

R-4
, High Density Residential

MHC
, Manufactured Home Community

MRC
, Mixed Residential/Commercial

PRI
, Planned Residential/Institutional

NC, Neighborhood Commercial

RC, Regional Commercial

CC, City Center

MCI, Mixed Commercial/Industrial

LI, Light Industrial

HI, Heavy Industrial

W-SFR, Waterfront Single Family Residential

W-MRC, Waterfront Mixed Residential/Commercial

W-CRM, Waterfront Conference Residential Mix

W-C, Waterfront Commercial

W-CC, Waterfront City Center

W-I, Waterfront Industrial

W-PI, Waterfront Public/Institutional

PI, Public/Institutional

PP, Public Park

AIR, Airport

FD, Future Development

ROW, Right of Way

ROWUD, Undeveloped Right of Way

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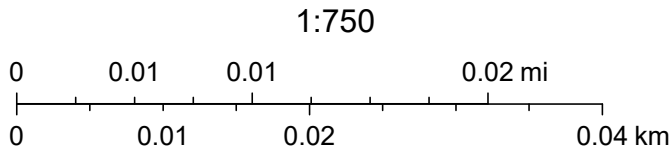
City of Ashland Public Works Department, GIS Division, City of Ashland Public Works and Planning Department, PICTOMETRY INTL

1002 Willis Ave - Reykdal Aerial Map



7/20/2022, 11:42:07 AM

 Parcel Mapping
Parcel Labels



City of Ashland Public Works Department, GIS Division,
PICTOMETRY INTL

SUBJECT: Approve of a Wisconsin Department of Natural Resources (WI DNR) Outdoor Recreation Aids Grant Agreement for the Ashland Oredock Redevelopment Trail Access Project (*Parks and Recreation*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Parks & Recreation

CLEARANCES: Administration

EXHIBITS:

1. Letter of Award from WI DNR, July 19, 2022
2. Stewardship Local Assistance, Federal Land & Water Conservation fund, & Recreational Trails Program Grant Application
3. LUG, LWCF and RTP Grant Program Ranking Questions & Criteria Responses
4. Ashland Oredock Redevelopment RTP Map

EXPENDITURES REQUIRED: \$200,000 - Match, Ashland Oredock Charitable Trust

AMOUNT BUDGETED:

\$	300,000.00	- 2019 WDNR Stewardship Grant
\$	50,757.00	- 2020 USFWS SRF Grant
~	\$1,900,000.00	- Ashland Oredock Charitable Trust Allocation
~	\$2,150,757.00	- Total

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

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

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed development conforms to the goals and community values identified in the City of Ashland's Comprehensive Plan, Ashland Oredock Redevelopment Concept Design, City of Ashland Waterfront Redevelopment Plan and City of Ashland Comprehensive Outdoor Recreation Plan.

SUMMARY STATEMENT:

In 2021, City staff applied for the Recreation Trails Program Grant from the Wisconsin Department of Natural Resources to rehabilitate and restore a section of the Ashland Rails to Trail System (ARTS) from Willis Avenue North to 9th Avenue East and restore/reroute/construct a trail section down along the Ashland Oredock

with an elevated walkway that extends the last 900 feet.

This project will rehabilitate 900' of the ARTS and restore/reroute/construct a segment of trail the entire length (1800') of the Ashland Oredock. Pedestrian access to the 1923 section will be achieved through the construction of an elevated concrete walkway located just above and adjacent to the existing concrete structure of the dock. The walkway will be 7' wide, with a 6"X18" bumper along the waterside of the walkway for safety. A required guardrail will be installed opposite the bumper. The guardrail on the diamond side of the walkway will have a slatted railing to allow visitors to view and fish the diamonds. The rehabilitation of the ARTS will include re-asphalting of the 8' wide trail for 900'.

The City was notified of this award in October 2021 and has been planning accordingly.

The match for this grant will come from the \$1,900,000 Trust allocated for the Ashland Oredock Development Project: Diamond Access that Council and the Ashland Oredock Charitable Trust approved in May 2022.

It is estimated that ~\$100,000 from this grant will be used on the Ashland Oredock Development Project: Diamond Access and the remaining funds (\$100,000) will be used on the waterfront trail rehabilitation and ADA access project.



July 19, 2022

► **REQUIRES IMMEDIATE ACTION** ◀
Recreational Trails Program
Grant# RTP-1049-21D
Grant Amount: \$200,000.00

Sara Hudson, Director of Parks
City of Ashland
601 W Main St
Ashland, WI 54806

Dear Ms. Hudson:

Congratulations! On behalf of the Governor, we are pleased to forward to you a grant agreement for financial assistance for the following project: **Ashland Oredock Redevelopment Trail Access**

Please review the agreement and return a copy signed by the authorized official **within 30 days of this letter's date** to Annie Loechler at the Northern Region, 810 W Maple St, Spooner, WI 54801. Your grant is not official until you have returned the signed copy. Please read the items checked below. They apply to your project and grant award.

☒ **Grant Award Time Period: October 1, 2021 through June 30, 2024.** All project activities must occur within this time period to be eligible costs for reimbursement.

☒ **Reimbursement Payment(s):** Reimbursement payment(s) will be sent via ACH transfer (electronic bank transfer). When the ACH transfer occurs, your city treasurer will receive an email from the State of Wisconsin with payment details, including a "memo" with details on the project to help them process the payment appropriately. The email address we have on file for the ACH payment is bzanella@coawi.org. Please let Annie know if this is incorrect!

☒ **Changes to the approved project scope** may not be made without prior approval from the Department.

☒ **Please note:** To simplify record keeping on chargebacks for equipment referenced in county machinery agreements, we will use rates established by the Department of Transportation (DOT). The correct version of the DOT rates will be indicated on your grant web page located at <http://dnr.wi.gov/Aid/Grants.html>.

Reimbursement claim forms and/or financial administration information can be found by going to: <http://dnr.wi.gov/Aid/Grants.html> and then selecting the Recreational Trails Program webpage. Please submit reimbursement claim forms for your project to Annie. Feel free to contact Annie at 715-416-5020, if you have any questions about your grant award or the reimbursement procedures. You may be contacted by the Office of the Governor or your state Legislator concerning the issuance of a press release to publicize the grant award. We are pleased to have the opportunity to participate with you on this project.

Sincerely,

FOR

Jim Ritchie, Director
Bureau of Community Financial Assistance

Notice: Collection of this information is authorized under ss. 23.09(11), 23.09(26), 350.12(4), 23.33, and 30.92, Wis. Stats., and chs. NR 7, NR 50, NR 51, and NR 64, Wis. Admin. Code. Personally identifiable information collected will be used for program administration and may be made available to requesters as required under Wisconsin's Open Records Law [ss.19.31 - 19.39, Wis. Stats].

Project Sponsor		Project Number	
City of Ashland		RTP-1049-21D	
Project Title			
Ashland Oredock Redevelopment Pedestrian Access			
Period Covered by This Agreement		Name of Program	
October 1, 2021 Through June 30, 2024		Recreational Trails Program - CFDA# 20.219	
Project Scope and Description of Project			
The City of Ashland will utilize federal Recreational Trails Program funding to restore a section of the Ashland Rails to Trails System (ARTS) from Willis Avenue north to 9th Avenue east and restore/reroute/construct a new trail section along the Ashland Oredock with an elevated walkway that extends the last 900 feet.			
PROJECT FINANCIAL ASSISTANCE SUMMARY:		The following documents are hereby incorporated into and made part of this agreement:	
Total Project Cost	\$2,900,757.00	1. Chapter NR 50, Wisconsin Administrative Code	
Cost-Share Percentage	Up to 50%	2. Application Dated 05/01/2021	
State Aid Amount	\$200,000.00		
Project Sponsor Share	\$2,700,757.00		

A. General Conditions:

1. The State of Wisconsin Department of Natural Resources (Department) and the Sponsor mutually agree to perform this agreement in accordance with the Recreational Trails Program and with the project proposal, application, terms, promises, conditions, plans, specifications, estimates, procedures, maps and also any assurances attached and made a part of this agreement.
2. This agreement, together with any referenced parts and attachments, shall constitute the entire agreement and previous communications or agreements pertaining to the subject matter of this agreement are superseded. Any revisions, including cost adjustments and scope changes, must be made by an amendment to this agreement or other written documentation, signed by both parties, prior to the termination date of the agreement. Time extensions to the agreement may be granted to the Sponsor by the Department in writing without the requirements of Sponsor signature.
3. Failure by the sponsor to comply with the terms of this agreement shall not cause the suspension of all obligations of the State if, in the judgment of the Secretary of the Department, such failure was due to no fault of the Sponsor. In such case, any amount required to settle at minimum costs any irrevocable obligations properly incurred shall be eligible for assistance under this agreement, at the Department's discretion.

The Project Sponsor:

4. Agrees to comply with all applicable state, local and federal statutes and regulations in fulfilling terms of this Agreement, including but not limited to, general and special zoning, land use permit requirements, disability access, environmental quality, historical and archeological preservation. In particular, the Sponsor agrees to comply with the provisions of Chapter NR 50, Wis. Adm. Code, as well as comply with all applicable local and state contract and bidding requirements. The Sponsor should consult its legal counsel with questions concerning Contracts and bidding.
5. May decline the offer of financial assistance provided through this agreement, in writing, at any time prior to the starting of the project and before expending any funds. After the project has been started or funds expended, this agreement may be rescinded, modified, or amended only by mutual agreement in writing.
6. Agrees, to save, keep harmless, defend and indemnify the Department and all its officers, employees and agents, against any and all liability claims, costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operation or performance of work in connection with this agreement or omissions of Sponsor's employees, agents or representatives.
7. Agrees to reimburse the Department of any and all funds the Department deems appropriate in the event the Sponsor fails to comply with the conditions of this agreement or project scope as described, or fails to provide public benefits as indicated in the project application, proposal description or this agreement. In addition, should the Sponsor fail to comply with the conditions of this agreement, fail to progress due to non-appropriation of funds, or fail to progress with or complete the project to the satisfaction of the Department, all obligations of the Department under this agreement may be terminated, including further project cost payment.
8. Agrees, in connection with the performance of work under this agreement, not to discriminate against any employee or applicant for employment because of age, race, religion, color, disability, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), Wis. Stats, sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Sponsor further agrees to take affirmative action to ensure equal employment opportunities, as required by law. The Sponsor agrees to post in conspicuous places available, for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
9. Agrees to conform to generally accepted accounting principles and practices for project funds and to record project funds in a separate account. All financial records, including invoices and canceled checks, that support all project costs claimed by the Sponsor, shall be kept and made available for inspection for three (3) years after final payment is issued by the DEPARTMENT.
10. Agrees to report data and information acquired as part of the project to the DEPARTMENT in the format specified by the DEPARTMENT's Coordinator (see Part 1 of this agreement for contact information).
11. Agrees to submit reimbursement request within two (2) months from the project end date. Reimbursement requests must be accompanied by proofs of purchase and proofs of payment for costs being claimed.

The Department:

12. Promises, in consideration of the covenants and agreements made by the Sponsor, to obligate for the Sponsor the amount of \$200,000.00, and to tender to the Sponsor that portion of the obligation which is required to pay the Department's share of the costs based upon the state providing 50 percent of eligible project costs. The Sponsor promises, in consideration of the promises made by the Department, to execute the project described in accordance with this agreement.
13. Agrees that the Sponsor shall have sole control of the method, hours worked, and time and manner of any performance under this agreement other than as specifically provided in this document. The Department reserves the right only to inspect the job site or premises for the sole purpose of insuring that the performance is progressing or has been completed in compliance with the agreement. The Department takes no responsibility of supervision or direction of the performance of the agreement to be

performed by the Sponsor or the Sponsor's employees or agents. The Sponsor is an Independent Contractor for all purposes, not an employee or agent of the Department. The Department further agrees that it will exercise no control over the selection and dismissal of the Sponsor's employees or agents.

B. Special Conditions:

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

1. The sponsor agrees that if any fees are to be imposed for use of the public access, such fees shall not exceed the fee charged for daily entrance to state parks and forest areas, unless a higher fee is approved by the Department under NR 1.91(11), Wis. Adm. Code.
2. Projects involving development or modification of facilities must comply with 2010 Americans with Disabilities Act requirements to the greatest extent practicable. DNR guidance is available at <http://dnr.wi.gov/files/PDF/pubs/cf/CF0031.pdf>.
3. If SPONSOR expends federal grant funds totaling \$750,000 or more during the fiscal year and those funds were received from a State or Federal agency, the SPONSOR agrees to have an annual audit performed in accordance with 2 CFR Part 200 Uniform -- Administrative Requirements, Cost Principles, & Audit Requirements for Federal Awards (also known as "Uniform Guidance") and WI State Single Audit Guidelines found at <http://www.doa.state.wi.us/Divisions/Budget-and-Finance/Financial-Reporting/state-controllers-office/state-single-audit-guidelines> issued by Wisconsin Department of Administration, State Controller's Office.
4. The sponsor shall implement and maintain proper soil erosion and sediment control best management (BMPs) practices during construction of the project. Erosion and sediment control BMPs shall be accomplished using the guidelines in the Wisconsin Stormwater Technical Standards available via the internet at https://dnr.wi.gov/topic/stormwater/standards/const_standards.html. Additional erosion control guidance can be found in the Wisconsin Construction Site Erosion Control Field Guide via the internet at <https://dnr.wi.gov/topic/stormWater/documents/WlconstECfieldGuide.pdf>. BMPs shall be properly installed and maintained to function as intended until the project site is stabilized. All temporary erosion and sediment control practices (e.g. silt fence, etc.) shall be removed once the construction site has undergone final stabilization.
5. Construction sites associated with land disturbing activities over one acre and grading sites of 10,000 sq. ft., or more on the bank of a navigable waterway require an erosion control and stormwater management plan prepared by the sponsor. Construction sites disturbing one or more acres of land require coverage under a construction site stormwater discharge permit prior to commencing any land disturbing construction activity.
6. This project is using Federal funds. As a result, you are required to complete DNR Form 9300-230 <http://intranet.dnr.state.wi.us/formscatalog/ffDispFormImage.aspx?FormID=2081>, titled Grant Partner Cost Sharing or Matching Report, and submit the completed form to the DNR along with each reimbursement request that you submit.
7. All regulatory permits and approvals, including water and wetland regulatory permits and approvals, required by federal, state or local agencies must be obtained prior to project construction and complied with fully during project construction.

C. Federal Grant Conditions

1. Disadvantaged Business Enterprises (DBE) in grant project related activities

- i. This requirement relies on your voluntary actions of project sponsors to demonstrate that they have taken affirmative steps to make DBE enterprises aware of project activities that are subject to public bidding or requests for proposals (RFP) for professional services. The current DBE eligibility directory is found on the Wisconsin Department of Transportation's website at: <http://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx>
- ii. RFP – Voluntary actions for RFPs for professional services such as engineering or design include making DBE enterprises aware of your services.
- iii. Public Bidding – There are two voluntary actions requested of project sponsors: (1) your bid specifications encourage general contractors to use DBE enterprises as subcontractors where appropriate, and (2) when you publicize bid specifications for any portion of your RTP grant, that you review the eligibility directory for appropriate DBE contractors and provide the bid announcement to them by direct mail. There are no additional requirements regarding the normal review and selection of the lowest responsible bidder.
- iv. Depending on your project, you can indicate your affirmative actions through the following items that would be appropriate:
 - i. Copies of correspondence that indicate DBE enterprises that were involved in the RFP process for professional services.
 - ii. Copy of the bid specifications that indicate your encouragement of general contractors utilizing DBE contractors as subcontractors.
 - iii. Copies of the direct mail letters to DBE contractors announcing the opportunity to provide a bid on the project construction activity.
 - iv. Copies of the DBE Contract Summary indicating DBE contractors solicited and contractor's follow-up.
- v. If the DBE Contractor is selected as the lowest responsible bidder, then it should be so noted as part of the project claim documentation. We will rely upon the project billing submission as the appropriate point to report on DBE participation.

2. Audit Requirements, Regulations and Financial Record Retention of Federal Funds

- i. If SPONSOR expends federal grant funds totaling \$750,000 or more during the fiscal year and the those funds were received from a State or Federal agency, the SPONSOR agrees to have an annual audit performed in accordance

with 2 CFR Part 200 Uniform -- Administrative Requirements, Cost Principles, & Audit Requirements for Federal Awards (also known as "Uniform Guidance") and WI State Single Audit Guidelines issued by Wisconsin Department of Administration, State Controller's Office and found at <https://www.ecfr.gov/cgi-bin/text-idx?SID=9b51e871f90641719d99f048171d1e3c&mc=true&node=sp2.1.200.e&rgn=div6>.

- ii. This grant is funded through Fixing America's Surface Transportation (FAST) Act which reauthorized the Recreational Trails Program (RTP) for Federal fiscal years 2016 through 2020 as a set-aside of funds from the Transportation Alternatives (TA) Set-Aside under the Surface Transportation Block Grant Program (STBG). This procurement shall be subject to the regulations contained Section 20.219, Recreational Trails Program, of the Catalog of Federal Domestic Assistance, (<https://sam.gov/fal/da11db47a0744886ad773a7a066ce9cb/view>).
- iii. The sponsor shall maintain the financial information and dated records used in the preparation or support of the cost submission for the grant in effect on the date of execution for this grant until three years after the final voucher has been approved by the Federal Highway Administration. The department, US Department of Transportation, or their agents, or any of their duly authorized representatives, shall have access to such books, records, documents, and other evidence for the purpose of inspection, audit and copying. The sponsor shall provide proper facilities for such access and inspection. In addition, they shall have access to all records which relate to any dispute, appeal, or litigation, or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken.

3. Data Universal Number System (DUNS) and Central Contractor Registration (CCR)

- i. All subrecipients of federal funds must have a nine-digit DUNS number in order. For more information: 1-866-705-5711 or <http://fedgov.dnb.com/webform>.
- ii. All subrecipients of federal funds must maintain annual registration in the CCR database: <https://uscontractorregistration.com/central-contractor-registration-ccr/>.

4. Transparency Act Reporting for Federal Funds

- i. The Federal Funding Accountability and Transparency Act (FFATA) requires WDNR to report on a federal website specific award and subrecipient identifying information for each award greater than \$25,000 WDNR makes with federal funds it received after October 1, 2010. Prior to receiving funds, each affected subrecipient must report certain information to the WDNR so that the WDNR can fulfill its FFATA reporting requirements. Data reported by the WDNR may be viewed at www.USASpending.gov.

5. Cost Principles for Federal Grants to State and Local Governments

- i. 2 CFR Part 225 (formerly known as OMB Circular A-87) (<https://www.govinfo.gov/content/pkg/CFR-2012-title2-vol1/xml/CFR-2012-title2-vol1-part225.xml>) requirements apply only to state and local government subrecipients. These regulations list and define general categories of costs that are both allowable and unallowable.
- ii. Examples are included below.
 - i. The cost of alcoholic beverages is unallowable.
 - ii. Costs incurred by advisory councils are allowable.
 - iii. Audit costs are allowable.
 - iv. Compensation costs are allowable so long as they are consistent with that paid for similar work in other activities of the local government.
 - v. Entertainment costs are unallowable.
 - vi. Travel costs are allowable if pre-approved by WDNR and if they are consistent with costs normally allowed in like circumstances for non-federally funded activities.
 - vii. If a subrecipient uses grant funds to pay its employees, the subrecipient must maintain timesheets for work performed with the grant funds. Timesheets must show the hours worked and must be signed by the employee paid with the grant funds.

6. Nondiscrimination Requirements

- i. If you receive federal funds, you must comply with, and you must require your subcontractors, if any, to comply with, all applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); Ex. Order 13279 (equal protection of the laws for faith-based and community organizations); and 28 C.F.R. pt. 38 (U.S. Department of Justice Equal Treatment for Faith-Based Organizations).
- ii. Per Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, you must take reasonable steps to provide meaningful access for persons with limited English proficiency.
- iii. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, you must forward a copy of the finding to the WDNR.
- iv. In accordance with federal civil rights laws, you shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

7. Required Contract Provisions Federal-Aid Construction Contracts (Form FHWA-1273)

- i. Form FHWA-1273 (<https://www.fhwa.dot.gov/construction/cqit/form1273.cfm>) must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal).

The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services)

8. Fair Labor Wages (Davis-Bacon Act)

Under current law, the prevailing rate of wage applies: "Construction work performed on highway projects on the Federal-aid highways" means any construction project that takes place in the right-of-way of a Federal-aid highway is subject to 23 U.S.C. 113. This would include work that may not appear to be highway construction (construction of wetlands, landscaping, etc.) but is an otherwise eligible project under Title 23. Thus, any Federal-aid construction project (regardless of Federal-aid funding source) physically located within the right-of-way of a Federal-aid highway is subject to 23 U.S.C. 113 requirements. Under title 23, all public roads are "Federal-aid highways", except those that are functionally classified as local roads or rural minor collectors. FHWA interprets the language of 23 U.S.C. 113 as applying only when a Federal-aid project takes place within the right-of-way of a Federal-aid highway. Therefore, if an RTP project is within the right-of-way of a Federal-aid highway, Davis-Bacon wage rates must be followed. If an RTP project is not within the right-of-way of a Federal-aid highway, then 23 U.S.C. 113(a) does not apply. See <https://www.fhwa.dot.gov/construction/cqit/dbacon.cfm>.

9. Buy America

Buy America requirements apply to steel and iron permanently incorporated in a project funded under title 23 (and associated eligible contracts: <https://www.fhwa.dot.gov/map21/qandas/qabuyamerica.cfm>). See FHWA's Buy America Construction Program Guide: <https://www.fhwa.dot.gov/construction/cqit/buyam.cfm>.

- a. FHWA Buy America requirements apply to all projects funded under title 23 U.S.C., including the RTP.
- b. The Buy America provision in 23 CFR 635.410 (b)(1)(ii) requires that steel/iron materials (including components and subcomponents) be melted and manufactured domestically.
- c. If documentation of domestic steel/iron manufacturing is not available, then a waiver request is necessary.
- d. FHWA processes quarterly Buy America waivers for vehicles and equipment, on the condition that the product has final domestic assembly (even if it is not possible to document the origin of the steel).
- e. Trail grooming vehicles and mechanized equipment primarily constructed with steel or iron must comply with Buy America requirements or must request a waiver.
- f. See FHWA's Buy America Q & A: (https://www.fhwa.dot.gov/construction/contracts/buyam_qa.cfm) for more information.

10. Uniform Relocation Assistance and Real Property Acquisition Policies Act

- i. All project sponsors must comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. This Act upholds the Fifth Amendment of the U.S. Constitution: "...nor shall private property be taken for public use, without just compensation". Regulations implementing this Act are found in 49 CFR Part 24 (<https://www.ecfr.gov/current/title-49/subtitle-A/part-24>). These regulations will be applied to evaluating the acquisition of real property and any potential displacement activities. See https://www.fhwa.dot.gov/real_estate/uniform_act/.
- ii. FHWA generally requires the State to "acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project" (23 CFR 1.23). Most significant Federal-aid investments require the public interest in and access to a Federal-aid project to be in perpetuity. However, the extent of real property interest needed to protect the public interest should relate to the nature and magnitude of the expenditure. For example, if the project has only a minimal investment, a limited property use agreement may be sufficient.

The persons signing for the Sponsor represents both personally and as an agent of his or her principal that he or she is authorized to execute this agreement and bind his or her principal, either by a duly adopted resolution or otherwise.

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
FOR THE SECRETARY**

By

(Signature)

(Title)

(Date)

By



FOR

**Jim Ritchie, Director
Bureau of Community Financial Assistance**

July 19, 2022

(Date)

**Stewardship Local Assistance, Federal Land & Water
Conservation Fund, & Recreational Trails Program
Grant Application**
Form 8700-191 (R 01/18)

Notice: Use of this form is required by the Department of Natural Resources (DNR) for any application filed pursuant to ss. NR 50.06, NR 50.21, and NR 51, Subchapters XI-XV, Wis. Adm. Code. Personal identifiable information will only be used in conjunction with the programs listed above. If you have any questions contact your local community service specialist. Personally identifiable information provided on this form will be used for program administration and will be available to requesters as required under Wisconsin's Open Records Law [ss. 19.31 - 19.39, Wis. Stats.].

Applicant		Individual Authorized to Act on Behalf of Applicant	
Street or PO Box		Title	
City, State, Zip Code		Telephone Number	Fax Number
County		E-Mail Address	

Mail Check to (If different from applicant):

Name		Address	
Organization:	City	State	ZIP Code

Section 1: Project Information

Project Title:						Financial Summary	
						Total Project Costs	Grant Request (up to 50%)
Project Type: (select one)						Sponsor Match Sources:	
☐ Development ☐ Acquisition ☐ Rehabilitation ☐ Maintenance						Sponsor Funds:	
						Cash	\$ _____
						Force Account Labor	_____
						Force Account Equipment	_____
						Force Account Materials	_____
						Donations (Non-Governmental)	
						Land	\$ _____
						Cash	_____
						Labor	_____
						Materials	_____
						Equipment	_____
Project Location						Other	
Township	Range	Section	¼	¼ ¼	County		
N							
GPS Coordinates:							
Congressional/Legislative District Numbers							
WI Senate		WI Assembly		US Congress			
D-U-N-S #						Total Sponsor Match:	

**Stewardship Local Assistance, Federal Land & Water
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Project Description

Provide a detail description of the project proposal that includes the primary purpose and goals; description of the project: public access and use; implementation and key partnerships; and operation and maintenance of the project.

**Stewardship Local Assistance, Federal Land & Water
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Grant Application**

Form 8700-191 (R 01/18)

Section 2: General Project Information

1. **Park/Trail/Recreational Area Name:** _____ (i.e. Lakeshore Park, Big Ben Recreational Area, Six Mile Wilderness Trail, etc.)
- Total Park Acreage:** _____ **Acreage for this Project:** _____
- ☐ Project site is undeveloped ☐ Project site is partially developed
2. **Are there any underground utility easements or overhead power lines on the property?** Explain: _____
3. **How will the public access the property?** (select all that apply)
- ☐ Roadway ☐ Trail ☐ Adjacent applicant property ☐ By Water
- ☐ Other _____
4. **When will the property or facility be open to the public?** _____
5. **Who is the primary project manager?** ☐ Applicant from Page 1 ☐ Other - Specify: _____
6. **Who is handling the financial administration of the project?** ☐ Applicant from Page 1
- ☐ Other - Specify: _____
7. **Estimated Project Timeline:**
- Acquisition:** Have you already purchased the property? If yes, date _____
- If so, have you received a DNR "letter of retroactivity" for the project? ☐ Yes ☐ No
- If no, anticipated closing date: _____
- Development:** Anticipated Start Date _____
- Anticipated Completion Date _____
8. **Describe the current project site and use.** (Include physical characteristics, topography, vegetation cover type, presence of any waterways/wetlands, current land use and zoning classification, etc.) _____
9. **Are there any known controversies/complications with the proposed project?** Are there any measures proposed to address the controversies/complications? _____
10. **Has the area been surveyed for endangered and rare species?** If yes, explain. _____
11. **Have you discussed the project with your regional DNR Community Services Specialist?** ☐ Yes ☐ No
- DNR Contact _____

**Stewardship Local Assistance, Federal Land & Water
Conservation Fund, & Recreational Trails Program
Grant Application**

Form 8700-191 (R 01/18)

IF ACQUISITION:

12. The landowner (seller) is a(an): ☐ Individual ☐ Developer ☐ Corporation ☐ Other: _____

13. Is the property located within the boundaries of another unit of government? ☐ Yes ☐ No
If yes, attach copy of approval resolution from other jurisdiction.

14. Is the property currently being leased or rented? ☐ Yes ☐ No

If yes, Date agreement expires: _____

If yes, explain and include copy of the lease.

15. Are there any buildings on the property? ☐ Yes ☐ No

If yes, explain what will be done with them.

16. After (or at the time of) the land purchase, will a conservation easement be executed on the property? ☐ Yes ☐ No

If yes, explain and attach draft easement.

17. Did the seller originally acquire property 3 or less years before expected date of purchase? ☐ Yes ☐ No

If yes, attach copy of seller's deed for potential grant calculation purposes.

18. Will the property be transferred to another eligible sponsor? ☐ Yes ☐ No

If yes, explain and provide the adopting resolution from the accepting sponsor

19. Is seller requiring payment for property over time? ☐ Yes ☐ No

If yes, explain.

IF DEVELOPMENT:

20. Does someone other than the applicant from page 1, own the site? ☐ Yes ☐ No

If yes, explain and attach easement or lease document.

21. Does the State of Wisconsin own the site? ☐ Yes ☐ No

If yes, explain and attach the land use agreement/memorandum of understanding.

22. What soil disturbance will be occurring on the site and what is the size of the total disturbed area?

Stewardship Local Assistance, Federal Land & Water Conservation Fund, & Recreational Trails Program Grant Application

Form 8700-191 (R 01/18)

Required Application Attachments

Please submit the following documents as attachments to the grant application. Note that some attachments are only applicable to select project types.

Acquisition Project	Development Project	Required Application Attachments
		Grant Application (Form 8700-191)
		Response to Ranking Questions & Criteria (Form 8700-338)
		Project Resolution from Grant Applicant
		Project Location Map
		Project Boundary Map
		Topographical Map
		Legal Description and GPS Coordinates
		Environmental Hazards Assessment Form (Form 1800-001)
		Cost Estimate Worksheet (Form 8700-014)
		Estimated Construction/Acquisition Timeline
		Site Plan (For Development projects -show facilities to be constructed with grant assistance; for Acquisition projects- identify planned trails or facilities.)
		Remediation Plan and (if available) signed DNR Final Close-Out Letter – Applicable only to projects with brownfields.
		Copy of related grant application and/or grant agreement (applicable only if applicant is proposing a grant as all or part of their local match)
	N/A	Public Access & Acceptable Uses Form (Form 8700-332)
		Appraisal (applicable to all acquisition projects and development projects that propose land donations as match)
		Offer to Purchase (if available)
		Relocation Plan (if applicable)
		Agricultural Impact Statement (if applicable)
		Copy of Seller's Deed (applicable only if seller has owned property for less than three years)
		Approval resolution from jurisdiction in which acquisition property is located (if property to be acquired is located outside of the applicant's jurisdiction)
		Agricultural resource impact determination document from DATCP (applicable only to acquisition projects with agricultural activity on the property)
N/A		Copy of Warranty Deed, Draft or Final Easement, Land Use Agreement, or Lease Document
		Required permits, if available
		Map showing the proposed project relative to the related larger trail system (for RTP trail projects only; map should identify roads and bridges).

Certification

I certify that information in this application and all its attachments are true and correct and in conformity with applicable Wisconsin Statutes.

Name of Authorized Representative	Title
Signature	Date Signed

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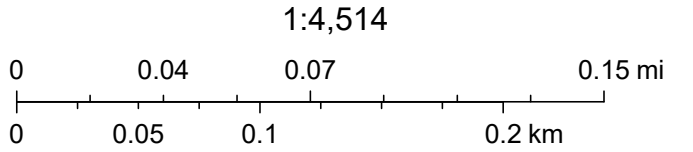
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City of Ashland Ashland Oredock RTP



8/24/2021, 8:40:12 AM

- Override 1
- Parcel Mapping
- Parcel Labels



City of Ashland Public Works Department, GIS Division, PICTOMETRY INTL

SUBJECT: Discussion and Possible Action Regarding the Potential Purchase of Property at 501 3rd Street East (*Administration*) Roll

RECOMMENDATION: Discussion and Possible Action

DEPARTMENT OF ORIGIN: Administrator

CLEARANCES: Mayor

EXHIBITS:

EXPENDITURES REQUIRED:

AMOUNT BUDGETED:

**APPROPRIATION
REQUIRED:**

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

Administration would like to update Council regarding the ongoing negotiations of this property.