



Take notice that a meeting of the Ashland City Council will be held on Tuesday, June 27, 2023 in- person in the City Hall Council Chambers, 601 Main Street W. Ashland, WI with the availability to attend virtually. Meeting will begin at 6:00 PM to consider and act upon the following agenda.

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

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

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

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

Tuesday, June 27, 2023 Ashland City Council Meeting Agenda

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

- A. June 13, 2023 City Council and Committee of the Whole Meeting Minutes

4. CITIZEN PARTICIPATION PERIOD

5. MAYOR'S REPORT

- A. Presentation from Millie Rounsville, Executive Director of Northwest Wisconsin Community Services Agency to Update Council on the Homeless Shelter, and the Future Transitional Housing Development, Located at 2300 Lake Shore Drive West, Ashland
- B. Announcements

6. CONSENT AGENDA

- A. Miscellaneous Minutes

7. OLD BUSINESS

- A. Approve an Ordinance to Amend Chapter 51 City Council Prodecures, Ashland City Ordiannces *(Roll)*

8. NEW BUSINESS

- A. Approve a Resolution to Issue a Conditional Use Permit (CUP) to Operate a Transitional Housing Facility at 2300 Lake Shore Dr. W, Parcel No. #201-



04746-0000, Zoned Regional Commercial (RC) with Waterfront Overlay (W-O), Gateway Overlay (GTWY-O), and Wetland Overlay (WET-O).

Applicant: Northwest Wisconsin Community Services Agency (*Planning & Development*) Roll

- B. Approve Amendment One to the Agreement between the State of Wisconsin Department of Administration (WI DOA) and City of Ashland, to Accept \$400,000 CDBG CV Grant for a Transitional Housing Facility at 2300 Lake Shore Drive West (*Administration*) Roll**
- C. Public Hearing Regarding Sidewalk Special Assessments for the 2023 MacArthur Ave Reconstruction Project (*Public Works*) Roll**
- D. Approve a Final Resolution Authorizing Public Improvement and Levying Sidewalk Special Assessments Against Benefited Property in the City of Ashland, Ashland County, Wisconsin for the 2023 MacArthur Ave Reconstruction Project (*Public Works*) Roll**
- E. Hearing on Intent Not to Renew 2023-2024 Alcohol Beverage License for EFM Holdings, LLC dba the Spot, 220 Main Street East, Ashland, Agent Nathan Moneklein, and Approve a Resolution of Intent Not to Renew 2023-2024 Alcohol Beverage License for EFM Holdings, LLC dba the Spot, 220 Main Street East, Ashland, Agent Nathan Monkelein (*Clerk*) Roll**
- F. Hearing on Intent Not to Renew 2023-2024 Alcohol Beverage License and Approve Resolution of Intent to Not Renew 2023-2024 Alcohol Beverage License for Elite Four, LLC dba Anchor Island, 315 Turner Road, Ashland, and Agent Ahron McCauliffe (*Clerk*) Roll**
- G. Approve an Agreement between the City of Ashland and Northwoods Paving Company for 2023 General Roadway Maintenance (*Public Works*) Roll**
- H. Approve Change Order No. 3 to Northwoods Paving Company for the 2022 Pavement Preservation Project (*Public Works*) Roll**
- I. Approve a Resolution to Acknowledge Review of the 2022 Compliance Maintenance Annual Report (CMAR) of the Ashland Wastewater Utility Pursuant to the Requirements of NR 208, Wisconsin Administrative Code (*Public Works*) Roll**
- J. Approval to Increase a Finance Department Position from Part-time to Permanent Full-time with a Wage Range Change (*Finance Director*) Roll**
- K. Approve Amendments to Ashland City Ordinances: Fire and Building Codes (*Planning & Zoning*) Roll**
- L. Approve a Resolution to Issue a Conditional Use Permit (CUP) to build an accessory structure over the 20ft. maximum allowed height at 709 2nd Ave E, Parcel No. #201-02343-0000, Zoned Single & Two-Family Residential (R-2). Applicant: Michelle Kainz (*Planning & Development*) Roll**



- M. **Approve a Resolution to Issue a Conditional Use Permit (CUP) to Build a Duplex at Parcel No. #201-00592-0000, Zoned Single-Family Residential (R-1). Applicant: Debra Eichman** (*Planning & Development*) Roll
- N. **Approve a Resolution to Approve a Requet to Transfer a Portion of City-Owned Former Railroad Right-of-Way (Parcel No. 201-01078-0000) and Convey Said Land Area to Florence Campbell** (*Planning & Zoning*) Roll
- O. **Approve a Resolution to Rezone Parcels #201-04774-0000, #201-04771-0000, #201-04779-2000, #201-04775-0000, & #201-04779-0000 from Future Development (FD) to Residential Estate (R-E). Applicants: BNG Properties LLC & Paschal & Sharon Hammond.** (*Planning & Zoning*) Roll

9. ADJOURNMENT

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

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

MEETING MINUTES
ASHLAND CITY COUNCIL
Tuesday, June 13, 2023 – 6:00 PM
Ashland City Hall Council Chambers

1. CALL TO ORDER

The Tuesday, June 13, 2023 Ashland City Council meeting was called to order by Mayor Matt MacKenzie at 6:00 p.m.

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

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

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

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

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

A. **May 30, 2023 City Council and Committee of the Whole Minutes**

Goyke moved, seconded by Jackson to approve the minutes. 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:

Zygmund Jablonski, 916 6th Avenue West, cited the 1st Amendment, and commented on the notification he received after Council's decision at the last City Council meeting.

Tyler Wickman, Member of the Ashland Foundation, commented on the outstanding season that area high school athletics participants had this spring.

5. MAYOR'S REPORT

A. **Announcements**

Mackenzie confirmed the closing of the purchase of 514 Main Street West. Governor Evers was in Ashland to view the progress of the Waterfront projects which were funded through grants. Evers also talked about the forecasted increase in shared revenue and what that would do for our area. Minneapolis-based Triumph Car Club was in town over the past weekend, as well as the Parks sponsored Bike Rodeo and the Farmer's Market. Work on the ore dock continues, weather-permitting.

B. **Appointments**

Jackson moved, seconded by Seefeldt to approve the appointment of Tricia Bowers to the Main Street Board, whose term would expire June 12, 2024. The motion passed unanimously by voice vote.

6. CONSENT AGENDA

A. **Miscellaneous Minutes**

B. **Approval of a Contract for Wisconsin Hazardous Materials Response System Services between Wisconsin Emergency Management and the City of Ashland Fire Department** (*Fire Chief*)

Seefeldt moved, seconded by Goyke approve the Consent Agenda. The motion passed unanimously by voice vote.

7. OLD BUSINESS

A. **Approve to Accept a Facility Condition Assessment Proposal from Kraus-Anderson Construction Company for a Building Facilities Master Plan, Phase 2** (*Public Works*) Roll

Seefeldt moved, seconded by Graf to approve the proposal for \$49,300. The motion passed unanimously by roll call vote.

B. **Approval to Enter into a Professional Services Agreement between the City of Ashland and EPLEX, LLC as the Delegated Agent with the Wisconsin DSPS for Plan Review Services** (*Planning Director*) Roll

Seefeldt moved, seconded by Goyke to approve the professional services agreement. The motion passed unanimously by roll call vote.

8. NEW BUSINESS

A. **Approve an Ordinance to Amend Chapter 165 (2021-1945) Comprehensive Fee Schedule, Ashland City Ordinances, to Include Fees Associated with Plan Review Services** (*Clerk*) Roll

Seefeldt moved, seconded by Goyke to approve the ordinance. The motion passed unanimously by roll call vote.

B. **Approve One Grant Agreement for Lighting Improvement Grant Program** (Main Street) Roll

Seefeldt moved, seconded by Tochterman to approve the grant agreement for \$4,547.78. The motion passed unanimously by roll call vote.

- C. **Approve a Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing through the State of Wisconsin Environmental Improvement Fund for Bipartisan Infrastructure Law (Bill) SFY2024 Lead Service Lateral Funding for the MacArthur Avenue Reconstruction Project** (*Public Works*) Roll

Seefeldt moved, seconded by Graf to approve the resolution. Butler requested to increase the principal amount to \$150,000. Seefeldt moved, seconded by Graf to accept the amendment. This motion passed unanimously by voice vote. The motion to approve the amended resolution passed unanimously by roll call vote.

File # 17722

- D. **Approve a Three Design Engineering Services Contract between the Wisconsin Department of Transportation, the City of Ashland, and Cedar Corporation for Design Engineering Services on the Cary Street Mill & Overlay Project** (*Public Works*) Roll

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

- E. **Approve a Three Design Engineering Services Contract between the Wisconsin Department of Transportation, the City of Ashland, and Cedar Corporation for Design Engineering Services on the Industrial Park Road Mill & Overlay Project** (*Public Works*) Roll

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

9. ADJOURNMENT

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

Respectfully Submitted,

Denise Oliphant,
City Clerk

MEETING MINUTES

COMMITTEE OF THE WHOLE MEETING **Tuesday, June 13, 2023 – 6:00 PM** Ashland City Hall Council Chambers

Meeting Items

1. **Roll Call**

The Tuesday, June 13, 2023 City of Ashland Committee of the Whole Meeting was called to order by Council President Charlie Ortman at 6:33 PM.

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

ALSO PRESENT: Mayor Matt MacKenzie, City Administrator Brant Kucera, City Clerk Denise Oliphant, Public Works Director John Butler, Utility Billing Clerk Megan Erickson, Parks Director Sara Hudson, Planning Director Steven Wiley, Fire Chief Stuart Matthias, and other interested citizens.

2. **Approval of Agenda**

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

3. **Council President's Report**

Ortman offered no report.

4. **Administrator's Report**

Kucera invited all to a ribbon cutting on June 15 at the EV Charging Station at 1:00 PM. He confirmed that the City closed on the purchase of 514 Main Street West, and noted there were recent improvements made at the former Baron site, adding gravel and picnic tables. He received the EPA site concept plans for the ore dock upland and will bring this back to Council for discussion. Plans are being made for music and beer garden events at Pearson Plaza over the summer.

5. **Discussion Items**

A. **Discussion on Revisions to City Policies and Ordinances Related to Special Assessments** *(Public Works)*

Butler and Erickson presented this item and answered questions from Council.

B. **Discussion and Possible Action Regarding a Resolution in Support of Vaughn Public Library Proposed Future Renovations** *(Councilor Ortman)*

Jackson moved, seconded by Seefeldt moved to accept the resolution presented. The motion carried 5-2 by voice vote to move this item forward to Council; Graf and Pufall opposed.

C. **Discussion and Possible Action Allowing the Fire Department to Apply for the FY2023 Forest Fire Protection Grant** *(Fire Department)*

Tochterman moved, seconded by Graf to approve. The motion carried unanimously by voice vote.

D. Discussion and Possible Action Regarding the Evaluation Process for the City Administrator *(Mayor)*

Seefeldt moved, seconded by Jackson to follow the process as presented. The motion carried unanimously by voice vote.

E. Discussion and Possible Action Regarding the Proposed *Good Governance for the City of Ashland* *(Councilor Ortman)*

Seefeldt moved, seconded by Jackson to approve to move the item forward to Council. The motion carried unanimously by voice vote.

6. Items for Future Discussion

Jackson requested an update regarding the housing development at the former Timeless Timber site.

Goyke suggested a field trip to view projects throughout the City.

Goyke requested a discussion of the waterfront development, especially the coal dock areas.

Jackson requested an update on the Bay View pier.

7. Adjournment

Jackson moved, seconded by Goyke to adjourn. The motion carried unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant,
City Clerk

SUBJECT: Presentation from Millie Rounsville, Executive Director of Northwest Wisconsin Community Services Agency to Update Council on the Homeless Shelter, and the Future Transitional Housing Development, Located at 2300 Lake Shore Drive West, Ashland

RECOMMENDATION: Presentation and Update

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Mayor

EXHIBITS:

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

**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:

SUMMARY STATEMENT:

Millie Rounsville, Executive Director, will be present to update Council and answer any questions they may have regarding the future development of a transitional housing facility, and a progress update of the homeless shelter. The City has been granted an extension of the CDBG-CV grant, on behalf of NWCSA, for an additional \$400,000 for rehabilitation of the two-story structure at 2300 Lake Shore Drive West, Ashland.

CITY OF ASHLAND
POLICE & FIRE COMMISSION MEETING
Monday, March 6, 2023 – 5:15 p.m.
Hybrid Meeting – Ashland Fire Dept. and GoTo Meeting

1. **CALL TO ORDER:**

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

2 **ROLL CALL:**

Members Attended: Kate Siegler, Ed Monroe, Matthew Horning and Melissa O'Connor
Daryle Tucker joined a few minutes after Roll Call

Others Attended: Police Chief Hagstrom, Fire Chief Matthias, Kelly Garro and Emily Hanson

3. **APPROVAL OF AGENDA ITEMS:**

A motion to approve the current agenda items was made by Ed Monroe, seconded by Melissa O'Connor, and passed unanimously.

4. **APPROVAL OF MINUTES FROM DECEMBER 5, 2022 MEETING**

A motion to approve the minutes from the previous meeting was made by Matt Horning, seconded by Ed Monroe, and passed unanimously.

5. **POLICE DEPARTMENT BUSINESS:**

Administrative Report

Chief Hagstrom went over the Police Department report that was emailed to the commission members and available at the meeting in hardcopy. The report consisted of statistics from December 1, 2022 through February 28, 2023. There was an average of 21.75 calls per day, there were 102 arrests, 4 emergency detentions and 85 accidents.

Chief Hagstrom stated that emergency detentions were down, which is most likely attributed to the safety plans that are put in place for many individuals.

Chief Hagstrom included and summarized some patrol/investigation incidents that involved the use of force by officers.

Chief Hagstrom stated that the department has received the body cams they purchased with grant money, and all officers will soon wear them in addition to their squad cameras as most incidents happen away from their vehicles.

6. **FIRE DEPARTMENT BUSINESS:**

Administrative Report

Chief Matthias went over the Fire Department report that was emailed to the commission members and available at the meeting in hardcopy. The report consisted of statistics from

CITY OF ASHLAND
POLICE & FIRE COMMISSION MEETING

Monday, March 6, 2023 – 5:15 p.m.

Hybrid Meeting – Ashland Fire Dept. and GoTo Meeting

December 1, 2022 through February 28, 2023. The department responded to 611 incidents, including 50 interfacility transfers and 409 911-EMS responses. The numbers are steady to slightly above average, though interfacility transfers are down due to the lack of staffing.

Chief Matthias reported that Essentia Health in Duluth has been sending letters of praise, as they are happy with the care the patients receive during transport and they are impressed with how efficient the crew is in getting the patients to Duluth. Doctors have also been doing follow-up calls letting us know what happened with the patient after we turned over care.

Chief Matthias relayed that they have interviewed five potential candidates, but none of them are fully qualified to start right away as they all still need to finish school, pass tests, enter into fire training, etc.

Chief Matthias stated that the department received two radios they were purchased with a grant they share with Bayfield County; the radios have been installed in two rigs. They also received the automatic CPR devices that are now available for use in the ambulances. The Fire Department has received an AFG Grant for EKG monitors in the amount of \$245,000, and Kwik Trip donated \$1,000 to be used for rescue suits.

During the nurses strike in Duluth, the Department offered on-call shifts. Some employees took advantage of the opportunity, but most did not.

Chief Matthias went to Wausau where Captain Kevin Alajoki was awarded the State Hazmat Award for writing curriculum that is used in technical colleges throughout the State.

State Board of Fire Chiefs

Chief Matthias reported that there is Trustee position open on the State Board of Fire Chiefs and he is interested, as he believes it will help him keep up with ever changing practices. The Board meets once per month with eight meetings being virtual and four being in person.

Changing Position of Captains to Battalion Chiefs

Chief Matthias is interested in changing the Captain's positions to Battalion Chiefs. This move would pull them out of the Union. The job would be the same, but the title would be different and there is potential to pay them more money. There is currently not enough support from the current Captains to move forward.

CITY OF ASHLAND
POLICE & FIRE COMMISSION MEETING

Monday, March 6, 2023 – 5:15 p.m.

Hybrid Meeting – Ashland Fire Dept. and GoTo Meeting

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

7. NEXT REGULAR MEETING DATE:

The next regular meeting will be held on Monday, June 5, 2023 at 5:15 p.m. This will be a hybrid meeting; those that choose to attend in-person can do so at the Ashland Fire Department, and others will have the option to attend virtually via GoTo Meeting.

8. CLOSED SESSION:

A motion to enter into closed session was made by Melissa O’Connor, seconded by Ed Monroe, and approved unanimously.

Kate Siegler, President, announced that they will enter into closed session per Wisconsin State Statute 19.85(1)(c). “To consider employment, promotion, compensation or performance evaluation data of any public employee over which the commission has jurisdiction or exercises responsibility.”

Chief Hagstrom and Chief Matthias attended the closed session due to their presence being necessary for the business at hand.

9. RETURN TO OPEN SESSION:

A motion to return to open session was made by Ed Monroe, seconded by Melissa O’Connor, and passed unanimously.

10. REPORT ACTION TAKEN IN CLOSED SESSION:

Probation and Personnel Reports were given by both Chief Hagstom and Chief Matthias. The reports were approved unanimously by the commission in closed session.

11. ADJOURNMENT:

A motion to adjourn the meeting was made by Ed Monroe, seconded by Daryle Tucker, and approved unanimously. Meeting was adjourned at 5:58 p.m.

Respectfully Submitted
Emily Hanson, Admin. Asst.

SUBJECT: Approve an Ordinance to Amend Chapter 51 City Council Prodecures, Ashland City
Ordiannces (*Roll*)

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Committee of the Whole unanimously approved, June 13, 2023

EXHIBITS: 1. Proposed Ordinance 2023-1982

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

**APPROPRIATION
REQUIRED:** NA

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

Councilor Ortman recommended Council to adopt a defining statement of good governance for the City of Ashland. After some review, the Council on June 13, 2023 as the Committee of the Whole, unanimously recommended adopting *What is Good Governance for the City of Ashland* as an addition to Chapter 51 City Council Procedures.

Sequential Ordinance No. 2023-1982
Chapter 51 (1841)

ORDINANCE TO AMEND CHAPTER 51 CITY COUNCIL PROCEDURES, ASHLAND CITY ORDINANCES

An ordinance adopted by the Common Council for the City of Ashland at a regular meeting of June 27, 2023 for the purposed of amending Chapter 51 (1841) City Council Procedures, Ashland City Ordinances.

Section I

51.255. Good Governance *shall be added to read as follows:*

- a) What is Good Governance for the City of Ashland.
 - 1. Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.
 - 2. Good governance aims to prevent corruption, take into account the opinions of minorities, listen to the voices of the oppressed people in the decision-making process, and respond actively to the needs of the community now and in the future.
 - 3. Good governance ensures the overall direction, effectiveness, supervision, and accountability of an organization. It demonstrates a willingness and ability to act in the best interests of the organization, ensuring the operation of effective, open and ethical processes which adhere to the law and stand up to scrutiny.
 - 4. Governance and governing are often confused and used interchangeably. Governance is about democracy, representation, accountability, institutions, choice and participation. It is the how we do what we do. For example, a company or country might have good governing arrangements (for recruitment, financial processes and other procedures) but might not be accountable (poor governance). Likewise, a village ‘government’ may (good governance) or may not (poor governance) respect formal and informal local institutions or traditional leaders and women. In this example, building on the comparative advantages of village government and customary institutions results in greater recognition and respect for each other, as well as their knowledge systems. This is good governance.¹
- (b) According to the United Nations, Good Governance is measured by eight factors:
 - 1. Participation requires that all groups, particularly those most vulnerable, have direct or representative access to the systems of government. This manifests as a strong civil society and citizens with the freedom of association and expression.
 - 2. Rule of Law is exemplified by impartial legal systems that protect the human rights and civil liberties of all citizens, particularly minorities. This is indicated by an independent judicial branch and a police force free from corruption.

3. Transparency means that citizens understand and have access to the means and manner in which decisions are made, especially if they are directly affected by such decisions. This information must be provided in an understandable and accessible format, typically translated through the media.
4. Responsiveness simply involves that institutions respond to their stakeholders within a reasonable time frame.
5. Consensus Oriented is demonstrated by an agenda that seeks to mediate between the many different needs, perspectives, and expectations of a diverse citizenry. Decisions needs to be made in a manner that reflects a deep understanding of the historical, cultural, and social context of the community.
6. Equity and Inclusiveness depends on ensuring that all the members of a community feel included and empowered to improve or maintain their well-being, especially those individuals and groups that are the most vulnerable.
7. Effectiveness and Efficiency is developed through the sustainable use of resources to meet the needs of a society. Sustainability refers to both ensuring social investments carry through and natural resources are maintained for future generations.
8. Accountability refers to institutions being ultimately accountable to the people and one another. This includes government agencies, civil society, and the private sector all being accountable to one another as well.

(c) As the Governing Body for the City of Ashland, the Common Council pledges to assume and encompass the principals of Good Governance as the manner in which deliberating and decision making is conducted for the City of Ashland, Wisconsin.

PASSED: June 27, 2023

PUBLISHED: July 7, 2023

ATTEST:

Alderperson

Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

Approved as to Form:

Max Lindsey, City Attorney

¹**RIGHTS + RESOURCES Governance Governing Government:** *The importance of governance has gained momentum and wider meaning, yet it remains a confusing concept. Edmund Barrow FRSA looks at what it means in practice and suggests some ideas for understanding and supporting local governance.*

SUBJECT: Approve a Resolution to Issue a Conditional Use Permit (CUP) to Operate a Transitional Housing Facility at 2300 Lake Shore Dr. W, Parcel No. #201-04746-0000, Zoned Regional Commercial (RC) with Waterfront Overlay (W-O), Gateway Overlay (GTWY-O), and Wetland Overlay (WET-O). Applicant: Northwest Wisconsin Community Services Agency (*Planning & Development*) Roll

RECOMMENDATION: The Planning Commission voted to recommend approval of the proposed Conditional Use Permit at the June 20th 2023 meeting. The Plan Commission recommended approval of the CUP request with the following conditions:

- No outdoor camping or other forms of occupation shall be allowed on the premises.
- The applicant shall obtain all necessary building permits for the proposed project.
- The building and grounds shall be maintained by the property owner or designated agent.
- Applicant shall work with residents and City staff to ensure that no inoperable vehicles, unlicensed vehicles, vehicles with expired registrations, or other items are stored in public view or within view of neighboring properties.
- An increase in intensity of the use or an expansion of the use must be approved by the Planning Commission and Common Council.
- If any changes in lighting are proposed, a lighting plan must be submitted to the Planning & Zoning Department.
- The applicant shall submit reports for the transitional housing facility in the same manner as the emergency shelter reports.

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Planning Commission (Approval Recommended June 20th, 2023 - approved via a 3 to 1 vote)

EXHIBITS:

1. Staff Report - NWCSA Transitional Housing CUP
2. 17725 Reso to Approve CUP for Transitional Housing at 2300 Lake Shore Dr. W E 6-27-2023

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED: NA

**APPROPRIATION
REQUIRED:** NA

**TREASURER'S
CERTIFICATE:**

NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: This transitional housing use is consistent with the goals of both the Comprehensive Plan and the 2018 Strategic Housing Plan. Both documents recognize the need for more supportive housing services within the community and both explicitly state that transitional housing is a necessity.

The Comprehensive Plan also indicates the existing Gateway area lacks-luster, needs to be more aesthetically pleasing, and has to signal to traffic that they are entering the City limits. Currently the existing two-story building that would be utilized as the housing facility is vacant and is need of remodeling to become habitable year round. NWCSA is committed to making the necessary interior changes to the building and continue upkeep on the property so that it does not sit vacant and become blight.

The Future Land Use Plan uses general descriptions of potential new zoning areas and thus does not explicitly state where a facility of this kind would be located. However, this generalization does allow for flexibility and when a use is not spelled out within a district we have to look to current zoning. According to the Future Land Use Plan the facilities area should remain a Downtown Core & Commercial Area. The current Regional Commercial zoning then would still be applicable in the future and this use is conditional within it. Thus there is compatibility.

SUMMARY STATEMENT:

Planning staff recommends approval of the Conditional Use Permit to allow the transitional housing use at 2300 Lake Shore Dr. W. An informational session for the proposed facility was hosted at the Vaugh Library on June 6th 2023. All the neighbors that received a discretionary public hearing notice letter also received an invitation to the informational session. There was low attendance to the session and only two citizens and several representatives from the BRICK and the New Day Shelter attended. The Planning Commission held a public hearing on June 20th 2023 in which one public commenter provided comments against the proposed development. The concerns of the citizen included issues with unregistered vehicles, vehicles on blocks, dumpsters overflowing, and concerns about residents from the existing emergency shelter going onto neighboring properties. The applicant is aware of the concerns and has been working with City Planning staff on potential solutions for the vehicles and is looking to install signs by the dumpsters regarding proper disposal of garbage. The applicant has continued to work with staff on any potential concerns.



DEPARTMENT OF
PLANNING &
DEVELOPMENT
601 Main Street West
Ashland, WI 54806

STAFF REPORT

Plan Commission – June 20th, 2023

Agenda Item # 5a: Conditional Use Permit Request to allow a Transitional Housing Facility

Zoning District: Regional Commercial with Waterfront Overlay, Gateway Overlay, and Wetland Overlay

Property Address: 2300 Lake Shore Dr. W

Parcel #: # 201-0476-0000

Applicant: Northwest Wisconsin Community Services Agency

Staff Contact: Steven Wiley & Mandelyn Lyons

Background

Northwest Wisconsin Community Services Agency (NWCSA) is requesting a Conditional Use Permit for a Transitional Housing Facility use at 2300 Lake Shore Dr. W. The transitional housing facility would be located in the two-story building adjacent to the existing emergency shelter that was approved by a prior CUP in 2021.

The existing site is 1.81 acres or approximately 78,844 square feet located on the western side of Ashland. The site has one two-story building that blends into the surrounding area. There is a one-story building to the east of the property that houses the existing emergency shelter and another one-story building that currently operates a restaurant. To the west there is a pole barn style building that is currently an auto sales and service area. Across the street is a two-story café. The current building does not look out of place in the area.

The applicant is proposing to renovate the existing two-story building to create 11 apartment style residences and convert the remaining room into a kitchen and laundry area for residents to share. There are minor exterior changes proposed, including reinforcing the existing balcony and leveling the sidewalk.

Transitional housing facilities provide longer term housing for those coming out of emergency situations. Only current residents of the abutting emergency shelter would be able to apply for a spot within the facility, therefore applicants would have already passed an initial background check. Each of the 11 apartments would house one family unit that would be allowed to stay for up to 24 months. Residents of the facility would be required to pay a portion of their income in rent and work with a case manager to establish a housing plan for when they leave.

Existing Land Use	Zoning
Vacant	Regional Commercial (RC) with Waterfront Overlay, Gateway Overlay, and Wetland Overlay

Existing Uses		Zoning
North	Superior Lake Shore & Coffee Shop	Waterfront Commercial (W-C) with Overlays
South	Former Railroad right-of-way, Single & Two family homes	Regional Commercial (R-C) Single & Two Family Res. (R-2)
East	Commercial uses, emergency shelter, hotels/motels	Regional Commercial (R-C) with Overlays
West	Commercial uses, City Park lands	Regional Commercial (R-C), Public Park (PP) with Overlays

Land Use Recommendation	Land Use
Future Land Use Map Recommendation	Downtown Core & Commercial District

Site Design and Parking





The above photo is of both the existing emergency shelter and the proposed transitional housing facility. They are in very close proximity, share the same driveway entrance from HWY 2, and are abutting parcels.

There are no proposed changes to the footprint of the existing two-story building on the property. Minor changes will be done to the exterior for safety purposes including re-enforcing the existing balcony and leveling the sidewalk.

Residents will utilize existing parking onsite located in the front of the building and enter the property through a shared driveway with the emergency shelter. Section 6.3 of the UDO outlines the parking requirements for a transitional living facility to be 1 space per employee at maximum shift and 1 visitor space for every 4 residents. Unlike the adjacent emergency shelter there are no staff proposed to be onsite, as the building functions like an apartment building. The site would follow required parking standards.

Landscaping

There are no current plans for landscaping onsite. There is currently a sapling planted in the green space on the side of the building that is not pictured in the aerial.

Lighting

There are no current plans for new lighting onsite.

Standards for Conditional Use Review

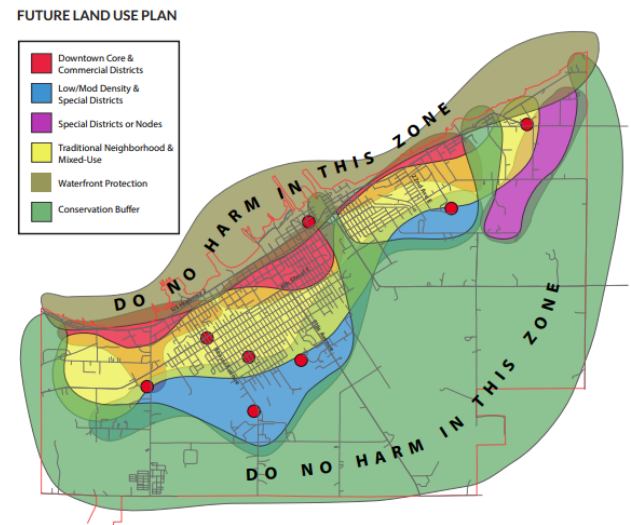
The City of Ashland's Unified Development Ordinance Section 3.9 (C) Conditional Use Permit – Approval Criteria (and all subsections thereof), create the legal framework to regulate, administer, and enforce the conditional use standards for the City of Ashland. The following decision criteria were used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



1. Consistency with Comprehensive Plan.

The Comprehensive Plan states, “There is also a growing need for transitional housing and services to deal with issues such as homelessness and domestic abuse” (Part Two, page 34). The proposed use is clearly identified within the comprehensive plan as a need for our area and thus is consistent with the City’s goals. The need for supportive housing is also echoed in the 2018 City of Ashland Strategic Housing Plan in which there is a section that recommends the City of Ashland and other authorities to collaborate to research, seek funding, and develop safe and affordable housing including, safe/sober housing, transitional housing, and permanent supporting housing.

The Future Land Use Plan does not explicitly list all the potential land uses that could be included within a district and this was done to allow flexibility. In cases where the Future Land Use Plan does not plainly express whether a use is allowed there is a need to turn to current zoning to determine appropriateness. The Future Land Use Plan does not clearly identify transitional housing as a use but the current Regional Commercial zoning district classifies this use as conditional. Thus, the use can be deemed compatible with conditions.



The Comprehensive Plan also calls for adaptive re-use of existing structures and infill when possible. Remodeling to make this vacant hotel into transitional housing is a reuse that is non-traditional but compatible with the adjacent use as well.

The Comp plan places emphasis on the need for Ashland to have more attractive gateways, “At present, the entryways into the community along Lake Shore Drive are understated at best, completely absent at worst” (Part One, pg. 48). The existing two-story building is vacant and needs extensive interior remodels for it to be operational, which is not creating an ideal or aesthetic entrance on the west side of the City. The proposed facility would remodel the building’s interior, give it a new purpose, and insure that the building does not sit idle or become blighted.

2. Compatibility.

The proposed transitional housing use is distinct from other more commercial or tourism centered businesses in the area, but it does complement the existing emergency shelter use that is adjacent. This site is surrounded by a variety of uses and is separated from the existing neighborhood to the south by wetlands and old railroad right-of-way.

The Comprehensive Plan specifies the need to creatively utilize existing sites and buildings for new needs and services. The building onsite was used as a hotel prior to it being vacant, which indicates that it easily could accommodate multi-family and transitional housing. This site is adjacent to the existing emergency shelter that is being operated by NWCSA thus staff and resources can manage the facility.

3. Importance of Services to the Community.

The need for transitional housing has been identified in both the Comprehensive Plan and the 2018 Strategic Housing Plan. Transitional housing facilities play a crucial role in supporting individuals and families who are experiencing homelessness. Facilities like these provide longer term housing options where residents are safe and able to access resources and services to help find permanent housing.

4. Neighborhood Protections.

The applicant is already operating the adjacent emergency shelter facility and operates several other facilities in the northern Wisconsin area. The transitional housing program that is proposed

by the applicant would only accept residents from the emergency shelter who have already passed an initial background check. Residents at the emergency shelter have to meet eligibility criteria to stay at the shelter and it would be no different for the transitional housing program. Each household or individual that will stay at the transitional housing facility will continue to work with a case manager. Residents will have their own apartment style unit and be responsible for rent based on a portion of their income.

5. Conformance with Other Requirements:

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

- Building codes, property maintenance ordinance, and all applicable sections of the Unified Development Ordinance.

Review Recommendation

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

- No outdoor camping or other forms of occupation shall be allowed on the premises.
- The applicant shall obtain all necessary building permits for the proposed project.
- The building and grounds shall be maintained by the property owner or designated agent.
- Applicant shall work with residents and City staff to ensure that no inoperable vehicles, unlicensed vehicles, vehicles with expired registrations, or other items are stored in public view or within view of neighboring properties.
- An increase in intensity of the use or an expansion of the use must be approved by the Planning Commission and Common Council.
- If any changes in lighting are proposed a lighting plan must be submitted to the Planning & Zoning Department.

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 issued on June 6th & June 13th and discretionary letters were sent to all surrounding property owners within 200 feet of the proposed development as well as residences to the south of the property on the north side of Prentice Heights Rd.

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.

RESOLUTION No. 17725

**RESOLUTION TO ISSUE A CONDITIONAL USE PERMIT (CUP) TO ALLOW A
TRANSITIONAL HOUSING FACILITY AT 2300 LAKE SHORE DRIVE W, ASHLAND,
(PARCEL # 201-04746-0000) ZONED REGIONAL COMMERCIAL (RC) WITH
WATERFRONT OVERLAY, GATEWAY OVERLAY, AND WETLAND OVERLAY
APPLICANT: NORTHWEST WISCONSIN COMMUNITY SERVICES AGENCY**

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 allow a Transitional Housing Facility on parcel 201-04746-0000, zoned Regional Commercial (R-C) with Waterfront Overlay, Gateway Overlay, and Wetland Overlay; and

WHEREAS, the Plan Commission held a Public Hearing on June 20, 2023 and has recommended approval of the Conditional Use Permit with the following conditions:

- No outdoor camping or other forms of occupation shall be allowed on the premises.
- The applicant shall obtain all necessary building permits for the proposed project.
- The building and grounds shall be maintained by the property owner or designated agent.
- Applicant shall work with residents and City staff to ensure that no inoperable vehicles, unlicensed vehicles, vehicles with expired registrations, or other items are stored in public view or within view of neighboring properties.
- An increase in intensity of the use or an expansion of the use must be approved by the Planning Commission and Common Council.
- If any changes in lighting are proposed a lighting plan must be submitted to the Planning & Zoning Department.
- The applicant shall submit reports for the transitional housing facility in the same manner as the emergency shelter reports.

- The development must conform to all other applicable City code requirements, including (but not limited to):
- Building codes, property maintenance ordinance, and all applicable sections of the Unified Development Ordinance.

- Any existing nonconformities (i.e., setbacks, lot coverage) shall not be expanded by new uses of the property. Based on staff's initial review, the standards appear to be met by the current structures.

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: June 27, 2023

Councilperson

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

SUBJECT: Approve Amendment One to the Agreement between the State of Wisconsin Department of Administration (WI DOA) and City of Ashland, to Accept \$400,000 CDBG CV Grant for a Transitional Housing Facility at 2300 Lake Shore Drive West (*Administration*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Administrator

CLEARANCES: Mayor

EXHIBITS: 1. Amendment One to the Agreement between the State of WI DOA and City of Ashland

EXPENDITURES REQUIRED:

AMOUNT BUDGETED: \$0

**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 Mayor and/or City Clerk has chosen to direct this item directly to Council pursuant to the authority granted to them 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.

SUMMARY STATEMENT:

At their February 28, 2023 Committee of the Whole meeting, Council discussed and approved City Administration to apply to the State of Wisconsin Department of Administration for a additional funds for renovations to create a transitional housing facility near the established emergency housing facility at 2300 Lake Shore Drive West, Ashland. The City received notice of \$400,000 granted to the City on April 3, 2023.

**AMENDMENT ONE
TO THE
AGREEMENT
BETWEEN
THE STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
AND
CITY OF ASHLAND**

This Sub-Award Agreement made and entered into by and between the State of Wisconsin, Department of Administration, and the **City of Ashland**, is hereby amended pursuant to Article 13 as follows:

The Performance Period end date is revised from 5/31/2023 to **12/31/2023**

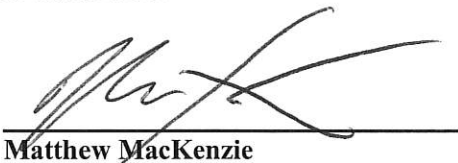
Attachment A – Scope of Work Time Table is modified as identified in the Attachment.

Attachment B – Project Budget is increased by \$400,000 for a total project award of \$1,150,000 as identified in the Attachment.

All other Terms and Conditions of the original agreement will remain as stated.

IN WITNESS WHEREOF, the Department and Grantee have executed this Agreement as of the date this Agreement is signed by the Department.

CITY OF ASHLAND

BY: 
Matthew MacKenzie

TITLE: Mayor

DATE: 4/03/2023

UEI Number: VCYWKD4B17Q9

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ENERGY, HOUSING &
COMMUNITY RESOURCES**

BY: _____
Chris Patton

TITLE: Deputy Secretary

DATE: _____

ATTACHMENT A

SCOPE OF WORK

In the event of conflict between the application and/or other supporting documents previously submitted to the Department by the Grantee, provisions of the Agreement shall take precedence.

1. Scope of Work:

City of Ashland Homeless Shelter

- Funds will be used to purchase a commercial building in the City of Ashland, WI, to be used as a 24 hour emergency homeless shelter.
- Installation of a boiler, renovation of 11 existing rooms into dwelling units and build out of the kitchen and laundry facilities at the emergency shelter.

2. Time Table:

Due Date	Activity
Prior to Construction and Acquisition and/or Start of Program	• Execute Grant Agreement. • Establish record keeping system. • Establish financial management system. • Procure engineering and administrative services, if contracting with third-party firm(s) for these services. • Submit draft or executed grant administration contract to DEHCR CDBG Project Representative for review, if contracting with a third-party for grant administration. • Enter into the grant administration contract, if contracting with a third-party for grant administration. • Complete Environmental Report and obtain official approval from DEHCR Environmental Desk. Submit copy of approval from DEHCR Environmental Desk to DEHCR CDBG Project Representative. • Submit "Notice of Acquisition/Relocation to DEHCR" form (if applicable) • Complete acquisition and relocation requirements for property purchase, easement(s), etc., if applicable to project. • Obtain federal Davis-Bacon wage rates if federal labor standards are applicable to project. • Complete Record of Wage Decision Selection Form prior to bidding if federal labor standards are applicable to project; and submit to DEHCR CDBG Project Representative for review. • Prepare and solicit construction and/or demolition related bids, if applicable. • Check for wage decision updates prior to bid opening and inform potential bidders of updates if federal labor standards are applicable to project. • Submit Notice of Contractor Award form(s) for prime contract(s) awarded, if applicable. • Submit detailed bid tabulation summary to DEHCR CDBG Project Representative, if applicable.

Due Date	Activity
	- Obtain all necessary permits. - Hold pre-construction meeting (pre-construction meeting is optional but strongly recommended). Submit meeting minutes/notes to DEHCR CDBG Project Representative, if a pre-construction meeting was held.
July 31, 2021	Begin Construction and/or Start Program. Document and report progress and/or delays to DOA.
September 25, 2021	Submit Semi-Annual LSER (if applicable) and MBE/WBE Report for the period of April 1, 2021 through September 30, 2021, and Annual Section 3 Report for the period of October 1, 2020 through September 30, 2021 [reporting activities August 4, 2021 (the Award Date) through September 30, 2021], unless notified by DEHCR CDBG Project Representative of another submission date.
October 15, 2021	- Submit Semi-Annual Report and supporting documentation for the period of April 1, 2021 through September 30, 2021 [reporting activities August 4, 2021 (the Award Date) through September 30, 2021]. Reporting must follow the guidance provided in the CDBG Implementation Handbook. - Submit Client Income Certification Report and supporting Client Income Certification Forms for the period of April 1, 2021 through September 30, 2021 [reporting activities August 4, 2021 (the Award Date) through September 30, 2021].
January 15, 2022	Submit Single Audit Statement for CY2021 to DEHCR CDBG Project Representative. Arrange for Single Audit, if required (Single Audit Report will be due to Federal Audit Clearinghouse within 30 days of Single Audit being completed or September 30, 2022, whichever date is <i>earlier</i>).
March 25, 2022	Submit Semi-Annual LSER (if applicable), MBE/WBE Report, and Section 3 Report for the period of October 1, 2021 through March 31, 2022, unless notified by DEHCR CDBG Project Representative of another submission date.
March 31, 2022	Complete Fair Housing Actions described in the attachments of the Grant Agreement.
April 15, 2022	- Submit Semi-Annual Report and supporting documentation for the period of October 1, 2021 through March 31, 2022. Reporting must follow the guidance provided in the CDBG Implementation Handbook. - Report Fair Housing Actions completed (in the Fair Housing section of the Semi-Annual Report Summary Narrative) and submit supporting documentation to DEHCR. - Submit Client Income Certification Report and supporting Client Income Certification Forms for the period of October 1, 2021 through March 31, 2022.

Due Date	Activity
September 25, 2022	• Submit Semi-Annual LSER (if applicable) and MBE/WBE Report for the period of April 1, 2022 through September 30, 2022, and Annual Section 3 Report for the period of October 1, 2021 through September 30, 2022, unless notified by DEHCR CDBG Project Representative of another submission date.
September 30, 2022	• Complete Single Audit and submit Single Audit Report for CY2021 to Federal Audit Clearinghouse (submit within 30 days of Single Audit completion or September 30, 2022, whichever date is <i>earlier</i>). Submit record of this submission to DEHCR CDBG Project Representative, if the Grantee was required to complete a Single Audit for CY2021. Reporting must follow the guidance provided in the CDBG Implementation Handbook. • Conduct second Public Hearing to report project progress to, and receive input from, local community regarding the CDBG project.
October 15, 2022	• Submit Semi-Annual Report and supporting documentation to DEHCR CDBG Project Representative for the period of April 1, 2022 through September 30, 2022. Reporting must follow the guidance provided in the CDBG Implementation Handbook. • Report status of second Public Hearing completion (in the 2nd Citizen Participation Public Hearing section of the Semi-Annual Report Summary Narrative) and submit second Public Hearing meeting notice, attendance list, and minutes to DEHCR CDBG Project Representative. • Submit Client Income Certification Report and supporting Client Income Certification Forms for the period of April 1, 2022 through September 30, 2022.
January 15, 2023	• Submit Single Audit Statement for CY2022 to DEHCR CDBG Project Representative. Arrange for Single Audit, if required (Single Audit Report will be due to Federal Audit Clearinghouse within 30 days of Single Audit being completed or September 30, 2023, whichever date is <i>earlier</i>).
March 25, 2023	• Submit Semi-Annual LSER (if applicable), MBE/WBE Report, and Section 3 Report for the period of October 1, 2022 through March 31, 2023, unless notified by DEHCR CDBG Project Representative of another submission date.
April 15, 2023	• Submit Semi-Annual Report and supporting documentation for the period of October 1, 2022 through March 31, 2023. Reporting must follow the guidance provided in the CDBG Implementation Handbook. • Report Fair Housing Actions completed (in the Fair Housing section of the Semi-Annual Report Summary Narrative) and submit supporting documentation to DEHCR. • Submit Client Income Certification Report and supporting Client Income Certification Forms for the period of October 1, 2022 through March 31, 2023.

Due Date	Activity
September 25, 2023	• Submit Semi-Annual LSER (if applicable) and MBE/WBE Report for the period of April 1, 2023 through September 30, 2023, and Annual Section 3 Report for the period of October 1, 2022 through September 30, 2023, unless notified by DEHCR CDBG Project Representative of another submission date.
September 30, 2023	• Complete Single Audit and submit Single Audit Report for CY2022 to Federal Audit Clearinghouse (submit within 30 days of Single Audit completion or September 30, 2023, whichever date is <i>earlier</i>). Submit record of this submission to DEHCR CDBG Project Representative, if the Grantee was required to complete a Single Audit for CY2022. Reporting must follow the guidance provided in the CDBG Implementation Handbook.
October 15, 2023	• Submit Semi-Annual Report and supporting documentation to DEHCR CDBG Project Representative for the period of April 1, 2023 through September 30, 2023. Reporting must follow the guidance provided in the CDBG Implementation Handbook. • Submit Client Income Certification Report and supporting Client Income Certification Forms for the period of April 1, 2023 through September 30, 2023.
October 31, 2023	• Complete all Construction. • End of Construction Period. <i>No construction expenses incurred after this date.</i>
December 31, 2023	• Submit Final Payment Request and supporting documents. • Submit Project Completion Report and supporting documents. • Submit Final Summary Narrative and supporting documents for the period of October 1, 2023 through October 31, 2023 (with the Completion Report). Reporting must follow the guidance provided in the CDBG Implementation Handbook. • Submit Semi-Annual LSER (if applicable) and MBE/WBE Report for the period of October 1, 2023 through October 31, 2023 (with Completion Report). • Submit Final Labor Standards Compliance Report (LSCR) for each prime contractor (with Completion Report), if applicable. • Submit Annual Section 3 Report for the period of October 1, 2023 through October 31, 2023 (with Completion Report). • Submit Client Income Certification Report and supporting Client Income Certification Forms for the period of October 1, 2023 through October 31, 2023.
January 15, 2024	• Submit Single Audit Statement for CY2023 to DEHCR CDBG Project Representative. Arrange for Single Audit, if required (Single Audit Report will be due to Federal Audit Clearinghouse within 30 days of Single Audit being completed or September 30, 2024, whichever date is <i>earlier</i>).

Due Date	Activity
September 30, 2024	• Complete Single Audit and submit Single Audit Report for CY2023 to Federal Audit Clearinghouse (submit within 30 days of Single Audit completion or September 30, 2024, whichever date is <i>earlier</i>). Submit record of this submission to DEHCR CDBG Project Representative, if the Grantee was required to complete a Single Audit for CY2023. Reporting must follow the guidance provided in the CDBG Implementation Handbook.

ATTACHMENT B**BUDGET**

In the event of conflict between the application and/or other supporting documents previously submitted to the Department by the Grantee, provisions of the Agreement, shall take precedence.

Project	CDBG Award Amount	Grantee Match Amount	Total
24 Hour Homeless Shelter and improvements	\$700,000	\$50,000	\$750,000
Amendment 1	\$400,000	\$0	\$400,000
Grant Total	\$1,100,000	\$50,000	\$1,150,000

Grantee Match:

No minimum match amount is required for the Grantee to be eligible for the total CDBG award.

Engineering/Architectural Costs:

No CDBG funds will be used for engineering/architectural costs. All engineering/architectural costs will be borne by the Grantee.

Administrative Costs:

No CDBG funds will be used for administration costs. All administration costs will be borne by the Grantee

Duplication of Benefits:

The Grantee agrees to establish and maintain adequate procedures to prevent any duplication of benefits as required by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254; 132 Stat.3442). A Grantee's policies and procedures are not adequate unless they include, at a minimum: (1) a requirement that any person or entity receiving CDBG-CV assistance (including subrecipients and direct beneficiaries) must agree to repay assistance that is determined to be duplicative; and (2) a method of assessing whether the use of CDBG-CV funds will duplicate financial assistance that is already received or is likely to be received by acting reasonably to evaluate need and the resources available to meet that need.

SUBJECT: Public Hearing Regarding Sidewalk Special Assessments for the 2023 MacArthur Ave Reconstruction Project (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
City Attorney
Public Works Director

EXHIBITS: 1. 2023 MacArthur Ave Reconstruction Project Special Assessment Preliminary Report

EXPENDITURES REQUIRED: \$139,818.38 Est. Construction Cost of Sidewalk Replacement
\$ 20,972.76 Est. Engineering Services
\$160,791.14 Total Estimated Cost

\$160,791.14 Total Est. Cost
\$113,958.87 City Portion
\$ 46,832.27 Special Assessments

AMOUNT BUDGETED: \$113,958.87 Fund 470 Street Improvements (City Portion of Sidewalk Construction)

APPROPRIATION REQUIRED: N/A

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 construction conforms to the goals and community values identified in the City of Ashland's Comprehensive Plan.

SUMMARY STATEMENT:

WI State Statute requires that the Governing Body conduct a Public Hearing whenever proposing special assessments for public improvements.

Preliminary assessment letters and a copy of the Public Hearing Notice have been sent to all affected property owners. The letter included the maximum anticipated special assessment amount to be charged to the property. The City's current policy for sidewalk special assessments was approved by Council in January 2022

and states that special assessments shall be calculated at the rate of 50% of the anticipated construction cost.

A Preliminary Report on Special Assessments associated with the 2023 MacArthur Ave Reconstruction Project has been completed by the Public Works Department, which includes details on the anticipated construction costs. A copy of this report has been made available for public review at City Hall.

The Preliminary Report will be revised to reflect any changes resulting from modifications approved by the City Council at the June 27, 2023 Public Hearing.

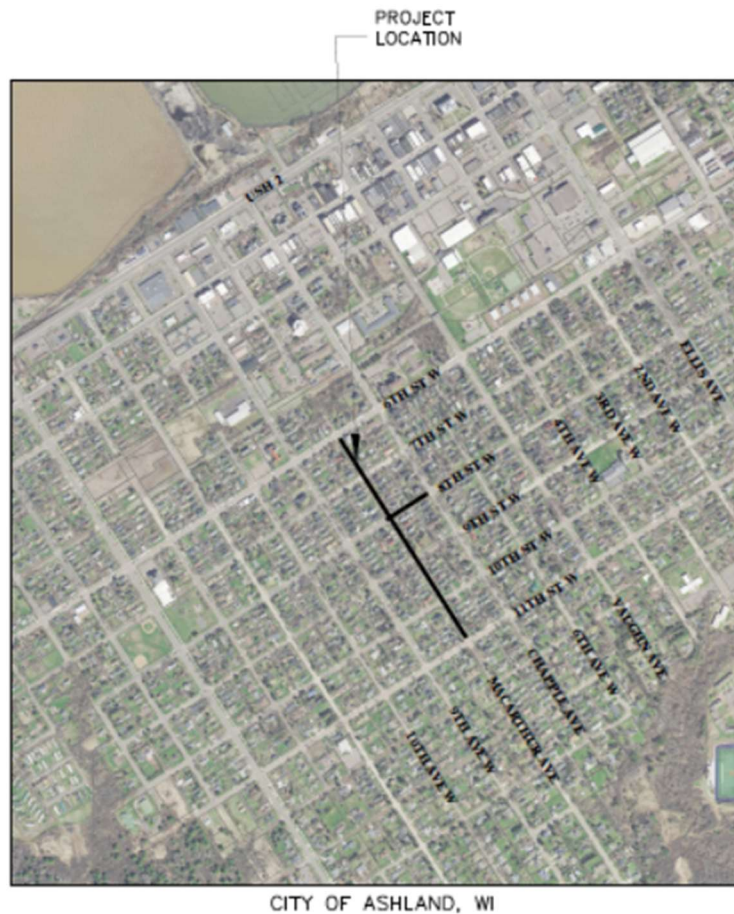
The Clerk's office has confirmed that proper notice has been made according to WI Statutes. The public hearing notice was published as a Class I notice on June 13, 2023 in the Ashland Daily Press.



City of Ashland, Wisconsin ~ Department of Public Works

SPECIAL ASSESSMENT PRELIMINARY REPORT for 2023 MACARTHUR AVE RECONSTRUCTION PROJECT

June 19, 2023



Prepared by the City of Ashland Public Works Department

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City of Ashland, Wisconsin ~ Department of Public Works
2020 6th Street East Ashland ~ WI 54806 ~ www.coawi.org

**PRELIMINARY REPORT
FOR
SIDEWALK SPECIAL ASSESSMENTS
2023 MACARTHUR AVE RECONSTRUCTION PROJECT**

JUNE 19, 2023

This report is submitted in accordance with the requirements of §66.0705 Stat., and the preliminary resolution of the City Council of Ashland, Wisconsin, dated May 9, 2023 determining to levy special assessments on benefited properties for public improvements related to construction of sidewalk in accordance with and at locations as further described in the following schedules:

SCHEDULE A: Project Plans and Specifications

SCHEDULE B: Opinion of Probable Cost for the Public Improvement;

SCHEDULE C: Schedule of Proposed Assessments Against Each Benefitted Parcel

The project includes reconstruction of MacArthur Avenue W from 6th St W to 11th St W and 8th St W from MacArthur Ave to Chapple Ave; replacing water main and services, replacement of storm sewer; and replacement of existing sidewalks as needed throughout the project area, determined by the Public Works Department and as shown on the plans.

A Public Hearing meeting is scheduled to be held during the City Council meeting on **Tuesday, June 27, 2023 at 6:00 p.m.** At the Public Hearing the Ashland Common Council will hear all interested persons, or their agents or attorneys, concerning the matter contained in the preliminary resolution authorizing the assessments and as contained in this report. All objections will be considered at this hearing and thereafter the amount of the assessments will be fully determined.

After the Public Hearing a Final Report will be produced that reflects any changes or modifications to the proposed special assessments as approved and authorized by the Ashland Common Council.

I hereby certify that the property against which assessments are proposed has been viewed in the field and found to be benefitted by said improvements under the City's police power.

John Butler, P.E.
Director of Public Works

RESOLUTION No. 17720

PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO SEC. 66.0703, WI STATE STATUTE FOR THE 2023 MACARTHUR AVE RECONSTRUCTION PROJECT

RESOLVED, by the Ashland Common Council, City of Ashland, Wisconsin, Ashland County, Wisconsin:

1. The Ashland Common Council hereby declares its intention to exercise its police power under §66.0703, Stats., to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by reason of the following public work and improvements:

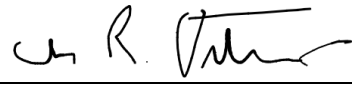
Concrete Sidewalk Installation and Replacement

2. The property to be assessed lies within the following described assessment district:
 - a. All properties adjacent to MacArthur Avenue from 6th Street West to 11th Street West, City of Ashland, Ashland County, Wisconsin.
 - b. All properties adjacent to 8th St W from MacArthur Ave to Chapple Ave, City of Ashland, Ashland County, Wisconsin.
3. The total amount assessed against the properties in the described assessment district shall not exceed 50% of the cost of the improvements.
4. The Ashland Common Council determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the municipality and its inhabitants.
5. The City Public Works Department shall prepare a report which shall consist of:
 - a. Preliminary plans and specifications for the improvements.
 - b. An estimate of the entire cost of the proposed improvements.
 - c. A statement that the property against which the assessment are proposed will be benefitted.
 - d. Schedule of proposed assessments
6. When the report is completed, the City Public Works Department shall file a copy of the report with the City Clerk for public inspection and, if state property is to be assessed, shall mail a copy of the report to the responsible state agency and, for assessments of \$50,000 or more, to the Wisconsin State Building Commission.
7. Upon receiving the report of the Public Works Department, the City Clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District, (including a small map thereof,) the time and place at which the report may be inspected, and the time and place of the public hearing on the matters contained in the preliminary resolution and the report. This notice shall be published as a class 1 notice under Ch. 985, Stats, and copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.

8. The hearing will be held at the Ashland City Hall, 601 West Main Street, Ashland, Wisconsin, at a time set by the City Clerk in accordance with §66.0703, Stats., which shall be not less than 10 nor more than 40 days after publication. People will be able to attend virtually or in person.

9. The number of installments in which the assessment against any parcel may be paid shall be determined at the hearing provided for in paragraph 7, above.

PASSED: May 9, 2023


Alderperson

ATTEST:


Denise Oliphant, City Clerk


Matthew MacKenzie, Mayor

APPROVED AS TO FORM:


Tyler W. Wickman, City Attorney

CITY OF ASHLAND, WISCONSIN SIDEWALK SPECIAL ASSESSMENT POLICY

(Dated: March 24, 2006)
(Referenced by Ordinance No. 530; Adopted May 9, 2006)

1.0 PURPOSE

The purpose of this Policy is to assure fair and equitable cost recovery for pedestrian infrastructure improvements and to set forth a methodology determining the amount of the assessment for the improvements and circumstances on a reasonable basis. It is the policy of the City of Ashland that all properties specially benefiting from sidewalk improvements pay a portion of their fair share of the cost of such improvements.

The policies contained herein are designed to serve as a general guide for the City Council in allocating benefit to properties. The City Council reserves the right to vary from these policies if the assessments derived by imposition of the policies create obvious inequities, where the assignment of benefit to a particular property is difficult to determine, or because of extreme or unusual circumstances, or for other good reason.

2.0 SPECIAL ASSESSMENT PROCEDURES

The Wisconsin Statutes prescribe the general procedures which cities must follow to specially assess property for local improvements. Typical public improvement projects for which special assessments are levied include sidewalks and related pedestrian infrastructure elements. Pertinent statute sections include §66.0703 and §66.0907. In accordance with §66.0907, municipalities may impose assessments for the costs of laying, removing, replacing, repairing, and maintaining sidewalks. Charges for sidewalk work are levied under police powers and do not require a showing of benefit to properties charged (*Lisbon Ave. v. Town of Lake*, 134 Wis. 470, 475, 113 N.W. 1099 (1908)).

The City of Ashland adopts, makes a part of this policy by reference, and incorporates the procedures for levying special assessments as contained in Wisconsin Statutes §66.0907. Whenever the provisions of this policy are contrary to those contained in §66.0703, §66.0907, or other applicable provisions of the Wisconsin Statutes or administrative regulations, the Wisconsin Statutes or administrative regulations shall control.

All special assessments levied in the City of Ashland shall be grounded in the exercise of police powers for the health, safety and welfare of the public.

It is hereby determined that all properties lying within the incorporated boundaries of the City of Ashland receive similar benefit for similar categories of improvements and therefore the rates established for the levy of special assessment shall be applied on a uniform basis throughout the City, for the benefits received, regardless of the location of the improvements and the method of financing. In no case shall the total special assessments exceed the total cost of all improvements constructed as part of the annual Capital Improvement Program (CIP).

3.0 ASSESSMENT BASIS

Special assessments are to be computed and based on a per linear foot of frontage basis (i.e., *front footage* basis), except in the case of residential corner lots.

The front footage of corner lots shall be determined by the side of the lot bearing the street address and front entrance of the home. All corner lots shall receive a 140 ft. *flankage credit* for sideyard sidewalk. The assessment for corner lots shall be limited to the front footage plus any remaining side footage after deducting flankage credit. All residential corner lots receive this 140 ft. flankage credit.

The following examples help to illustrate how corner lots are assessed:

- a) If a large 140' (front) by 150' (deep) corner lot is to receive all new sidewalks on both sides, then the assessment would be for 150 ft. total (140' of frontage plus 150' side yard minus the flankage credit of 140') = 150 ft. total).
- b) If a smaller 100' (front) by 140' (deep) corner lot is to receive all new sidewalks on both sides, then the assessment would be for 100 ft. total (100' of frontage plus 140' side yard minus the flankage credit of 140') = 100 ft. total). Likewise for a 50' or 75' wide lot.

If a corner lot did not have sidewalk on its frontage OR its frontage sidewalk is all in excellent shape, and the project calls for new sidewalk installation on its flanking side only; then the property would be assessed for only that portion of the flanking side that exceeds the 140 ft. flanking credit. For example,

- c) If a large 100' (front) by 150' (deep) corner lot is to receive a new side yard sidewalk (flanking side) only; then the special assessment would be for 10 feet (150' deep flanking side minus 140' flankage credit).

The flankage credit is determined to be 140 feet based on the fact that the typical Ashland lot is 140 ft. deep. The flanking side of a lot is not intended to be special assessed until the amount of sidewalk installed or replaced on the flank within any 20 year period exceeds 140 lineal feet.

4.0 ASSESSABLE PROJECT ELEMENTS AND COSTS

Recognizing that it is the policy of the City of Ashland to levy special assessments to recover approximately 50% of the cost of constructing sidewalk improvements. The City Council establishes the locations and priorities for sidewalk improvement projects as described in Ordinance 530, *Ordinance to Adopt a Sidewalk Construction, Maintenance, and Use Policy for the City of Ashland*.

The City Council establishes the assessment rates for sidewalk improvements. Annually the Director of Public Works/City Engineer will recommend adjustments in the special assessment rates based on construction costs experienced the previous construction season. This rate will be published in the Comprehensive Fee Schedule, adopted annually by City Council.

All construction shall be in accordance with standards as published in the most recent version of the *City of Ashland Standard Specifications for Sidewalk Construction*, unless otherwise approved in writing from the Director of Public Works/City Engineer.

Assessable project elements and costs to be included in the special assessment computations are described herein:

- a) Sidewalk Removal, Saw Cutting, and other associated demolition costs: Costs for removal, saw cutting, and other associated demolition costs of existing sidewalks is to be included with construction costs.
- b) Grading and Gravel Base: The grading and construction of a gravel base for sidewalk construction will be included with construction costs.
- c) Curb, Gutter, and Pedestrian Handicap Ramps: The construction or replacement of concrete curb and gutter associated with installation of pedestrian ramps and/or adjacent sidewalks will be included in cost computations, and shall be allocated evenly as part of general sidewalk improvement construction costs. This shall include the installation of color-contrasted truncated dome devices for visually impaired pedestrians.
- d) Sidewalk Construction Costs: New sidewalk construction, or complete replacement of existing sidewalk, is to be included in the costs for construction.
- e) Replacement Sidewalk and Repairs to Existing Sidewalk: Spot repairs of existing sidewalk, including grinding, milling, mud-jacking, or individual panel replacement is to be included in the costs for construction.
- f) Tie-in Sidewalks and Driveway Aprons: Sidewalks and driveway aprons that tie-in and connect to the public walkways (carriage and entrance walks) shall be included with construction costs and allocated to the property served by sidewalk and/or driveway apron. General improvements elected by the property owner are not included in the general project costs; and while encouraged by the City, all such improvements and related expenditures shall be independently borne by the property owner.
- g) Boulevard (Terrace) Restoration: For the purpose of this paragraph the word boulevard (terrace) means that area between the back of the curb and the sidewalk, or, in the absence of a sidewalk, the property line.

Boulevard (terrace) restoration, seeding or sodding will be included in the cost calculations. No assessments will be made for replacement of turf located outside the street right-of-way that is required to be replaced to facilitate the matching of the existing yard to the new street construction.

- h) Retaining Walls: When it is determined that the construction of retaining walls, as part of street improvements, has a shared benefit between the property owner and the City, in that the property owner usually has larger useable lot area than would be available in the absence of the wall. The cost of constructing a retaining wall will therefore be split, with 50% of the cost of constructing the first five feet (5') of height of the retaining wall special assessed to the abutting lot. The City will pay for 50% of the cost of the first five feet (5') of height and 100% of the cost above five feet (5') of height of a retaining wall. A retaining wall shall be assessed on a square foot basis for the amount of retaining wall constructed adjacent to the benefited property.

- i) Expected Service Life: Sidewalks and related infrastructure are judged to have a normal useable life expectancy. For the purposes of determining whether or not special assessments apply to properties, the expiration of an expected service life shall be the governing criterion. Sidewalks beyond the expected service life as noted below shall be assessed; those within the service life shall be exempt from assessments. For the purpose of this policy, the life expectancy for sidewalk improvements is as follows:

Pedestrian Handicap Ramps/Truncated Dome Devices – 20 years
Sidewalks – 20 years

5.0 ASSESSMENT AMOUNTS AND REPAYMENT

This section of the policy to sets forth the amounts and repayment terms of special assessments.

- a) Special assessments shall be for approximately 50% of the construction costs as determined by the criteria noted above. The actual assessment rate shall be set annually and adopted by Council as part of the Comprehensive Fee Schedule.
- b) Special assessments may be paid in full following completion of the work (with no interest), or through 10 equal annual installments.
- c) The interest rate shall be 1% above the City's borrowing rate (as determined by loan or bond issuance) to cover overhead expenditures associated with administration of the program.
- d) Assessments shall be due in full upon sale or transfer of the property.
- e) The payment of special assessments through installments may be extended in cases of hardship. Repayment terms may be extended to 20 years of equal installments (per 66.0715) if a resident so chooses.

6.0 MISCELLANEOUS PROVISIONS

It is the intention of this section of the policy to clarify special circumstances, which may arise in establishing the benefit to lots as a result of public improvements completed by the City of Ashland.

- a) The policies set forth in this document do not alter the requirements of the City's subdivision and zoning codes with regard to a developer's responsibility to provide and pay for required improvements at the time that any given property is to be improved.
- b) The City of Ashland shall special assess improvements to railroad property as permitted by the Wisconsin Statutes, except as may otherwise be determined by the City Council.

- c) The City of Ashland shall bear 100% of the costs associated with constructing sidewalks on city-owned properties.
- d) The City of Ashland's utilities shall bear 100% of the costs associated with constructing sidewalks on utility properties (allocated to the appropriate utility).
- e) Projects constructed by Federal or State monies/agencies that include full payment of sidewalk construction costs as part of the respective projects are not subject to special assessments. Those that provide partial or no payment of sidewalk construction costs will be special assessed, subject to the specific requirements of pertinent federal and state funding sources.
- f) Property owners undertaking their own work, or arranging for pre-approved contractors to do so, shall not be special assessed. However, they are responsible for completing all work as described herein and in accordance with Ordinance 530.

SECTION 32 16 23
CONCRETE SIDEWALKS AND DRIVEWAYS

PART 1 - GENERAL

1.01 SUMMARY

- A. Section Includes
 - 1. Excavating
 - 2. Aggregate Base Course
 - 3. Sidewalks and Steps Construction
 - 4. Curb Ramp Construction
 - 5. Curb Ramp Detectable Warning Fields
 - 6. Driveway Construction

1.02 REFERENCES

- A. American Society for Testing and Materials (ASTM)
 - ASTM A185 Specification for Welded Steel Wire Fabric for Concrete Reinforcement.
 - ASTM C31 Making and Curing Concrete Test Specimens in the Field.
 - ASTM C33 Specification for Concrete Aggregate.
 - ASTM C39 Test for Compressive Strength of Cylindrical Concrete Specimens.
 - ASTM C94 Specification for Ready-Mixed Concrete.
 - ASTM C143 Test for Slump of Portland Cement Concrete.
 - ASTM C150 Specification for Portland Cement.
 - ASTM C172 Sampling Fresh Concrete.
 - ASTM C231 Test for Air Content of Freshly Mixed Concrete by the Pressure Method.
 - ASTM C1116 Standard specification for Fiber-Reinforced Concrete
 - ASTM C1315 Specification for Liquid Membrane-Forming Compounds Having Special Properties for Curing and Sealing Concrete.
 - ASTM D1557 Test Methods for Moisture-Density Relations of Soils and Soils-Aggregate Mixtures Using 10-Lb. (4.54 Kg) Rammer and 18-In. (457 mm) Drop.
 - ASTM D1751 Specification for Preformed Expansion Joint Fillers for Concrete Paving and Structural Construction (Nonextruding and Resilient Bituminous Types)

- | | |
|--------------|---|
| ASTM E329 | Recommended Practice for Inspection and Testing Agencies for Concrete, Steel, and Bituminous Materials as Used in Construction. |
| ASTM C618-15 | Standard Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan for Use in Concrete |
- B. American Concrete Institute (ACI)
- | | |
|---------|---|
| ACI 304 | Measuring, Mixing, Transporting and Placing Concrete. |
| ACI 305 | Recommended Practice for Hot Weather Concreting |
| ACI 306 | Recommended Practice for Cold Weather Concreting |
| ACI 347 | Guide to Formwork for Concrete |
- C. American Association of State Highway and Transportation Officials (AASHTO)
- | | |
|-------------|---|
| AASHTO M105 | Standard Specification for Gray Iron Castings |
| AASHTO M148 | Curing Compounds |
- D. Americans with Disabilities Act (ADA): Accommodations Guidelines
- E. State of Wisconsin Department of Transportation (WisDOT):
Standard Specifications, WisDOT Section 501, Concrete

1.03 ALLOWANCES

- A. If so stated in the specification "Allowances", installation testing will be paid as an allowance. All other testing will be incidental to the Work.
- B. If there is no reference in the specification section to "Allowances", then testing costs will be incidental to other Work items.

1.04 SUBMITTALS

- A. Action Submittals
1. Current concrete design mix of composition and strength testing results for design mix for each type of concrete.
 2. Informational Submittals
 - a. Results of all Quality Control testing.

1.05 QUALITY CONTROL

- A. Employ an independent testing laboratory approved by the Owner to provide testing services as follows:

1. Material Acceptance Testing:
 - a. Design mix.
 2. Installation Testing:
 - a. Slump.
 - b. Air-entrainment.
 - c. Compressive strength test.
 3. Additional Testing:
 - a. Perform under following circumstances:
 - (1) Material failure.
 - (2) Change in ready-mix source.
 - (3) Design mix changes requested by Contractor.
- B. The following shall be in accordance with the stated references:
1. Inspection and Testing: ASTM E329.
 2. Sampling: ASTM C172.
 3. Slump: ASTM C143.
 4. Air-Entrainment: ASTM C231.
 5. Compressive Strength Test: ASTM C31 and C39.
- C. Perform tests required by this section with the following frequency:
1. Two tests daily or one per 100 cubic yards placed, whichever number is greater.
- D. Compressive strength test shall consist of four standard test cylinders made from a single batch of concrete:
1. Test one cylinder at 7 days.
 2. Test two cylinders at 28 days.
 3. Test remaining cylinder in the event prior tests fail.

4. Compressive strength tests shall be considered satisfactory when 28-day tests meet the following:
 - a. Test results equal or exceed specified compressive strength.
 - b. No individual test falls more than 500 psi below specified compressive strength.
5. Failure of compressive strength tests shall result in following additional testing:
 - a. Provide two core samples of each portion of work affected and perform compressive strength tests.
 - b. Replace work if core samples do not equal or exceed specified compressive strength.

PART 2 - PRODUCTS

2.01 CONCRETE

- A. Conform to ASTM C94 and the following:
 1. Concrete shall be Grade A, air-entrained, in conformance with WisDOT Section 501.
 2. High early strength concrete shall be Grade C in conformance with WisDOT Section 501, Concrete.
 3. Seven-Day Compressive Strength: 3000 psi Minimum.
 4. Twenty-eight Day Compressive Strength: 4000 psi Minimum.
 5. Maximum Aggregate Size: 1½ inches.
 6. Air Content: 6 percent ± 1.5 percent.
 7. Maximum Water-Cement Ratio: 0.44.
 8. Slump:
 - a. Slip-Formed Concrete Pavement: 2.5 inches or less.
 - b. Not Slip-Formed with Surface Vibration Concrete Pavement: 1.5 to 3 inches.
 - c. Not Slip Formed with Internal Vibration: 1 to 3 inches

- B. Admixtures to lower freezing point of concrete are not permitted.

2.02 AGGREGATES

- A. Conform to ASTM C33.

2.03 EXPANSION JOINT

- A. Conform with ASTM D1751.
- B. Thickness: 1/2 inch.

2.04 CURING MATERIALS

- A. Linseed Oil
 - 1. Furnish liquid membrane-forming curing compounds composed of a blend of boiled linseed oil and high viscosity, heavy bodied linseed oil emulsified in a water solution conforming to AASHTO M 148, Type 2 Class B. Test material at an application rate of 1 gallon per 200 square feet.
 - 2. Waive drying time requirements. The chemical requirements (volumes are exclusive of added pigments) are as follows:

<u>Oil Phase (50+/-4% by volume)</u>	<u>(Percent By Mass)</u>
Boiled Linseed Oil	80
Z-8 Viscosity Linseed Oil	20
Water Phase (50 +/-4% by volume)	100

2.05 CRUSHED AGGREGATE BASE MATERIAL

- A. Construct sidewalks and driveways on a layer of compacted base aggregate dense base course, placed to the thickness of:
 - 1. 4 inches for sidewalks, curb ramps and steps (excluding thickened sidewalk sections through driveways)
 - 2. 6 inches for driveways.
- B. Provide base material conforming:
 - 1. Use 1 1/4" crushed aggregate base course.
 - 2. Aggregates shall consist of hard, durable particles of crushed stone or crushed gravel and a filler of natural sand, stone sand or other finely divided mineral matter.

3. Remove oversize material by screening or by crushing to required sizes.
4. Composite material shall be free from organic matter, shale, and lumps or balls of clay and shall conform to the gradation requirements below.

2.06 DETECTABLE WARNING FIELDS

- A. Furnish warning field as listed within the WisDOT approved products list. Furnish warning fields with truncated domes and conforming to AASHTO M 105, Grade 30. Fields are to be provided in the lengths and widths shown on the drawings. Required field size may be achieved by use of segmented plate fields with all segments fastened to one another.
- B. Furnish warning field from the following manufacturer(s):
 1. Neenah Foundry Company
- C. Color: Provide warning field material in the following color:
 1. Natural Finish

PART 3 - EXECUTION

3.01 PREPARING THE FOUNDATION

- A. Prepare the foundation by excavating or filling to the required elevation of the subgrade. Tamp or compact the foundation to ensure stability. In cuts, make the foundation wide enough to allow placing forms and performing concrete placement and finishing. On embankments, construct the foundation at least 2 feet wider than the proposed concrete section and extend it at least one foot beyond each end of the concrete section.
- B. Unless specified otherwise, fill holes, ruts, and other depressions in the foundation with materials similar to those in the existing foundation. The contractor may use granular or aggregate base.

3.02 PLACING AND GRADING BASE COURSE

- A. Provide base material to the thickness specified within this Section.
- B. The subgrade shall be prepared by fine grading to the lines, grades, and cross-sections shown on the drawings.
- C. Compact to minimum 100 percent of maximum dry density as determined by AASHTO Method T99 (Standard Proctor) will be required.
- D. Excess material shall be disposed of at a site provided by Contractor.

3.03 FORMS

- A. Conform to ACI 347.
- B. Forms shall be of the size, shape, and depth to construct the sidewalk and driveway as required.
- C. Brace and tie together forms to maintain position and shape.
- D. Clean and coat forms with clear, non-staining mineral or paraffin base form oil prior to placement of concrete against forms.
- E. Surfaces in contact with concrete shall be free from frost, debris, and other deleterious material.
- F. Moisten the base prior to placement of concrete.
- G. Remove laitance and other unsound material before freshly placed concrete is placed against previously placed concrete.
- H. Protect concrete from damage until it has hardened sufficiently to resist damage.

3.04 CONCRETE THICKNESS

- A. Unless noted otherwise, furnish the following minimum thicknesses:
 - 1. Standard Sidewalks, Steps: 4 inches.
 - 2. Curb Ramps: 4 inches.
 - 3. Residential Driveway: 6 inches.
 - 4. Commercial and Industrial Driveway: 7 inches.
 - 5. Heavy Industrial Driveway: 9 inches.

3.05 TIE BARS

- A. Where sidewalk construction is not continuous, such that adjacent sections of sidewalk are constructed at different times, then the abutting sidewalk sections are to be joined together with tie bars.
- B. Place two #4 rebar 2.0 feet long by 2 feet apart centered in the walk (width and thickness). Install equal length (half of full length) into existing/abutting walk and new walk.

3.06 SLIPFORM CONSTRUCTION – SIDEWALK

- A. The use of slip form equipment will be acceptable.
- B. Coordinate the operations of mixing, delivering, and placing of the concrete to provide uniform progress with minimum stopping and starting of the sidewalk slip form machine.
- C. Slip form machine shall be capable of placing the specified sidewalk section with an adequate amount of vibration to preclude the possibility of honeycomb formation.

3.07 ENVIRONMENTAL REQUIREMENTS

- A. Hot Weather Concreting
 - 1. Follow ACI 305 whenever mean surrounding air temperature equals or exceeds 80°F (27°C).
 - 2. Do not place concrete whenever air temperature equals or exceeds 90°F (32°C).
- B. Cold Weather Concreting
 - 1. Follow ACI 306 whenever mean surrounding air temperature is below 40°F (4.5°C).
 - 2. Do not place concrete during rain, sleet, or snow unless protection is provided.

3.08 PLACING CONCRETE

- A. Conveying Concrete
 - 1. Convey concrete from mixer to place of final deposit by methods that will prevent separation or loss of materials.
 - 2. Equipment for chuting, pumping, or pneumatically conveying concrete shall be capable of providing a supply of concrete at site of work without separation of ingredients and without interruptions sufficient to permit loss of plasticity between successive placements.
- B. Depositing Concrete
 - 1. Place concrete on prepared and moistened foundation in a single lift.

2. Deposit concrete as nearly as practicable to its final position to avoid segregation due to rehandling or flowing.
3. Carry on concreting at such a rate that concrete is at all times plastic, and flows readily into spaces between reinforcing.
4. Do not deposit concrete that has partially hardened or that has been contaminated by foreign materials.
5. Do not use retempered or remixed concrete.
6. After concreting is started, it shall be carried on as a continuous operation until placing a section is completed.
7. Thoroughly consolidate concrete by suitable means during placement, and thoroughly work concrete around reinforcement and embedded fixtures, and into corners of forms.

3.09 CONTRACTION JOINTS

- A. Locate in accordance with details and following criteria:
 1. Through sidewalks at uniform intervals at a 5 foot typical spacing. Contraction joint spacing should typically match adjacent sidewalk sections.
 2. Driveways: Place contraction joints parallel to curb line at 6 foot maximum spacing. Place contraction joints at right angles to the curb line at an 8 foot maximum spacing. Center joints to create symmetrical sections.
 3. Joints shall not deviate more than five degrees from a right angle measured at intersecting joints or flatwork edge, and more than ½ inch from a straight line.
- B. Joint Dimensions
 1. Depth:
 - a. Minimum 1 inch or one-fifth of slab depth whichever is greater.
 2. Width:
 - a. Minimum ⅛ inch for sawed joints, ¼ inch for other types.
 - b. Maximum ¼ inch for sawed joints, ⅜ inch for other types.

3.10 EXPANSION JOINTS

- A. Install location and geometry of expansion joints as shown on the Drawings or according to the following criteria:
 - 1. At right angle or tee intersections.
 - 2. At sidewalk and stoop intersections.
 - 3. Where sidewalk and driveway adjoin vertical surfaces.
 - 4. Where sidewalk and driveway adjoin existing pavements.
 - 5. Maximum spacing 50 feet.
 - 6. Where miscellaneous structures impede sidewalk.
- B. Extend filler full width and depth of concrete, with top slightly below finished surface of concrete.

3.11 FINISHING

- A. Strike off concrete to a true and even surface.
- B. Finish float and trowel surface smooth.
- C. Brush or lightly broom surface at right angles to traffic.

3.12 CURING

- A. Start curing activities as soon as free water has disappeared from the surface of concrete after placing and finishing.
- B. Apply curing compound to all exposed surfaces by spraying a uniform coating in such a manner as to provide a continuous water impermeable surface. Apply in accordance with manufacturer's recommendations to limit loss of water to not more than 0.40 kg/m² in 72 hours.
- C. Maintain all exposed concrete surfaces moist for the first 7 days after placement
- D. Under hot weather conditions, conform to ACI 305.
- E. Under cold weather conditions, conform to ACI 306.
- F. During curing period, protect concrete from damaging mechanical disturbances, water flow, loading, shock, and vibration.

3.13 EXISTING CONCRETE FLATWORK

- A. When abutting to existing flatwork, provide the following:
 - 1. Saw cut existing concrete at construction limits.
 - 2. Install expansion joints between existing and new construction.

3.14 CURB RAMPS

- A. Install curb ramps in the locations shown on the Drawings.
- B. Provide ramp type, widths, cross slopes, running slopes and lengths as shown on the Drawings.
- C. Install detectible warning fields to the orientation shown on the Drawings for each ramp location. Install warning field plate in manner that all edges of the plate are flush with pavement.
- D. Ramps shall be constructed in accordance with current ADA requirements.

3.15 PROTECTION OF WORK

- A. Place and maintain suitable barricades and, if necessary, provide personnel to keep traffic off the newly constructed pavement until pavement is opened for service. Protect the pavement against both public traffic and construction activities. Repair or replace pavement damaged by traffic or otherwise damaged before acceptance as the Engineer directs. Arrange to have available materials for protecting the unhardened concrete against rain damage.
- B. If rain is pending, cover unhardened concrete immediately with plastic or other approved material secured along pavement edges. Provide drainage as required to protect the work.

3.16 OPENING TO TRAFFIC

- A. No pedestrian traffic allowed for a period of at least 3 days after placing concrete. No vehicular traffic allowed for a period of at least 7 days or until concrete has attained a compressive strength of at least 3,000 pounds per square inch.

END OF SECTION

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CITY OF ASHLAND

MACARTHUR AVENUE RECONSTRUCTION

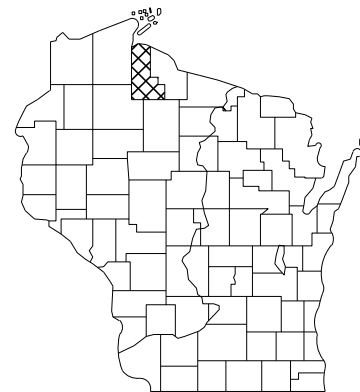
6TH STREET W – 11TH STREET W

8TH STREET W (MACARTHUR AVE – CHAPPLE AVE)

ASHLAND COUNTY, WISCONSIN

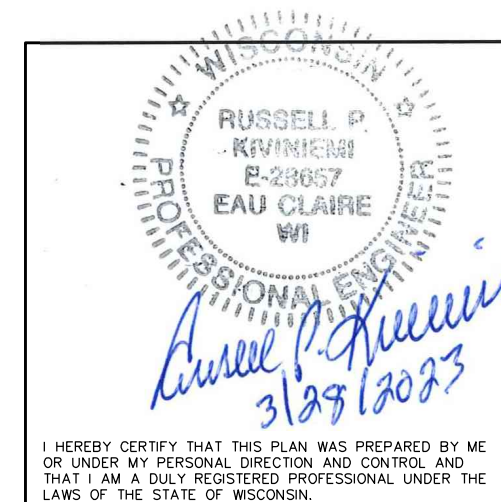
PROJECT
LOCATION

CITY OF ASHLAND, WI



WISCONSIN
ASHLAND COUNTY

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6	EROSION CONTROL
7	TRAFFIC CONTROL
8-9	INTERSECTION DETAILS
10-14	PLAN & PROFILE
15-19	CROSS SECTIONS



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CITY OF ASHLAND
MACARTHUR AVENUE RECONSTRUCTION
ASHLAND COUNTY, WISCONSIN
TITLE SHEET

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STANDARD SYMBOLS


EXISTING WATER VALVE


PROPOSED WATER VALVE


EXISTING CURBSTOP


PROPOSED CURBSTOP


PROPOSED MANHOLE


EX. SAN. MANHOLE


EXISTING STORM MANHOLE


PROPOSED CATCH BASIN OR INLET


EXISTING HYDRANT


PROPOSED HYDRANT


CLEANOUT


TELEPHONE PED


UTILITY POLE


GUY WIRE ANCHOR


ELECTRIC PEDESTAL


LIGHT POLE


CABLE TV PEDESTAL


CONFEROUS TREE


DECIDUOUS TREE


ANY STUMP


SHRUB


TREE LINE


PROPOSED CULVERT


1-POST SIGN


2-POST SIGN


TRAFFIC SIGNAL


IRON ROD


BENCHMARK OR SECTION CORNER LOCATION


SECTION CORNER


IRON PIPE


CONTROL POINT


R/W
EXISTING RIGHT OF WAY


R/W
PROPOSED RIGHT OF WAY


SOIL BORING


PIEZOMETER


MONITORING/WATER WELL


EXISTING CONTOURS


PROPOSED CONTOURS


COMBUSTIBLE FLUID


TREE LINE


TRAFFIC FLOW


CENTERLINE


HANDICAP


MAILBOX


MARSH/WETLAND


RAILROAD TRACKS


SILT FENCE
(SLOPE TOE)


BARBED WIRE FENCE


CHAINLINK FENCE


WOODEN FENCE


SHORELINE


STONEWALL


GUARDRAIL


TEXT
UTILITY LINE WITH TEXT


STM=STORM SEWER


SAN=SANITARY SEWER


TV=CABLE TELEVISION


UGE/OE=ELECTRIC


TEL=TELEPHONE


GAS=GAS


WTR=WATER


SAN
PROPOSED SANITARY SEWER


STM
PROPOSED STORM SEWER


WTR
PROPOSED WATERMAIN


FM
PROPOSED FORCEMAIN

GENERAL NOTES

- ADDITIONAL SIDEWALK SPOT REPLACEMENT WILL BE MARKED FOR REMOVAL & REPLACEMENT DURING CONSTRUCTION.
- ASPHALT, CURB & GUTTER, CARRIAGE WALKS, AND DRIVEWAY WITHIN BOULEVARD WILL BE REMOVED BY CITY PRIOR TO CONSTRUCTION.
- TREE CLEARING WILL BE COMPLETED BY CITY PRIOR TO CONSTRUCTION.
- 7.5' BURY HYDRANTS WILL BE PROVIDED BY CITY.
- FIELD ADJUST DRAIN-TILE CLEANOUTS TO MATCH EXIST DRAIN PIPES, AS REQ'D.

ABBREVIATIONS

AD	SLOPE CHANGE
ADJ	ADJUST
APPROX	APPROXIMATE
BC-BC	BACK OF CURB TO BACK OF CURB
BC	BACK OF CURB
BEG	BEGIN
BM	BENCH MARK
BR	BEGIN RADIUS
C&G	CURB AND GUTTER
CL	CENTERLINE
CONC	CONCRETE
CP	CONTROL POINT
CY	CUBIC YARD
DIA	DIAMETER
DWY	DRIVEWAY
EA	EACH
EL / ELEV	ELEVATION
ER	END RADIUS
EX	EXISTING
FL	FLOW LINE
FT	FEET
GRND	GROUND
HP	HIGH POINT
HYD	HYDRANT
INL	INLET
INV	INVERT
K	RATE OF VERTICAL CURVATURE
L	LENGTH
LAT	LATERAL
LF	LINEAR FEET
LP	LOW POINT
LT	LEFT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
MR	MID RADIUS
N.T.S.	NOT TO SCALE
OE	OVERHEAD ELECTRIC
O/S	OFFSET
PC	POINT OF CURVATURE
PCC	POINT OF COMPOUND CURVATURE
PI	POINT OF INTERSECTION
PR	PROPOSED
PT	POINT OF TANGENCY
PVC	POINT OF VERTICAL CURVATURE
PVC	POLY-VINYL CHLORIDE
PVI	POINT OF VERTICAL INTERSECTION
PVT	POINT OF VERTICAL TANGENCY
QTY	QUANTITY
RAD	RADIUS
RCP	RE-INFORCED CONCRETE PIPE
PL	PROPERTY LINE
RW	RIGHT-OF-WAY
RP	RADIUS POINT
RT	RIGHT
SAN	SANITARY
SDWK	SIDEWALK
SF	SQUARE FEET
STA	STATION
STH	STATE TRUNK HIGHWAY
STM	STORM
SY	SQUARE YARDS
TC	TOP OF CURB
TEL	TELEPHONE
TYP	TYPICAL
UGE	UNDERGROUND ELECTRIC
VAR	VARIES OR VARIABLE
VC	VERTICAL CURVE
WTR	WATERMAIN

ALIGNMENTS

MacArthur Ave			
Tangent Data			
Description	PT Station	Northing	Easting
Start:	10+00.000	320377.6470	499992.2230
End:	28+00.000	318857.9020	500956.7820
Tangent Data			
Parameter	Value	Parameter	Value
Length:	1800.0000	Course:	S 32° 24' 09.6459" E

8th Street			
Tangent Data			
Description	PT Station	Northing	Easting
Start:	30+00.000	319742.9570	500323.5660
End:	34+50.000	319983.3010	500704.0060
Tangent Data			
Parameter	Value	Parameter	Value
Length:	450.0000	Course:	N 57° 43' 01.9923" E

UTILITIES

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2020 6TH ST E
ASHLAND, WI 54806
JOHN BUTLER, PUBLIC WORKS DIRECTOR
PHONE: (715) 682-7061
CELL: (715) 681-0410
jbutler@coawi.org

XCEL ENERGY
2400 FARM ROAD
ASHLAND, WI 54806
DESIGN: MATT ROONI
(715) 209-0229
matthew.w.rooni@xcelenergy.com
GAS WORK CORDINATOR:
CHERI MARCHELLO
(715) 577-5825
cheri.j.marchello@xcelenergy.com
ELECTRIC WORK COORDINATOR:
BEN KOZAK
(715) 329-0497
benjamin.kozak@xcelenergy.com

SPECTRUM
1810 LAKE SHORE DR E
ASHLAND, WI 54806
RYAN NELSON, CONSTR COORD.
PHONE: (N/A)
CELL: 715-931-028
ryan.nelson@charter.com

LUMEN (CENTURYLINK)
425 ELLINGSON AVE
HAWKINS, WI 54530
BENJAMIN BAKER
715-567-0725
ben.baker@centurylink.com

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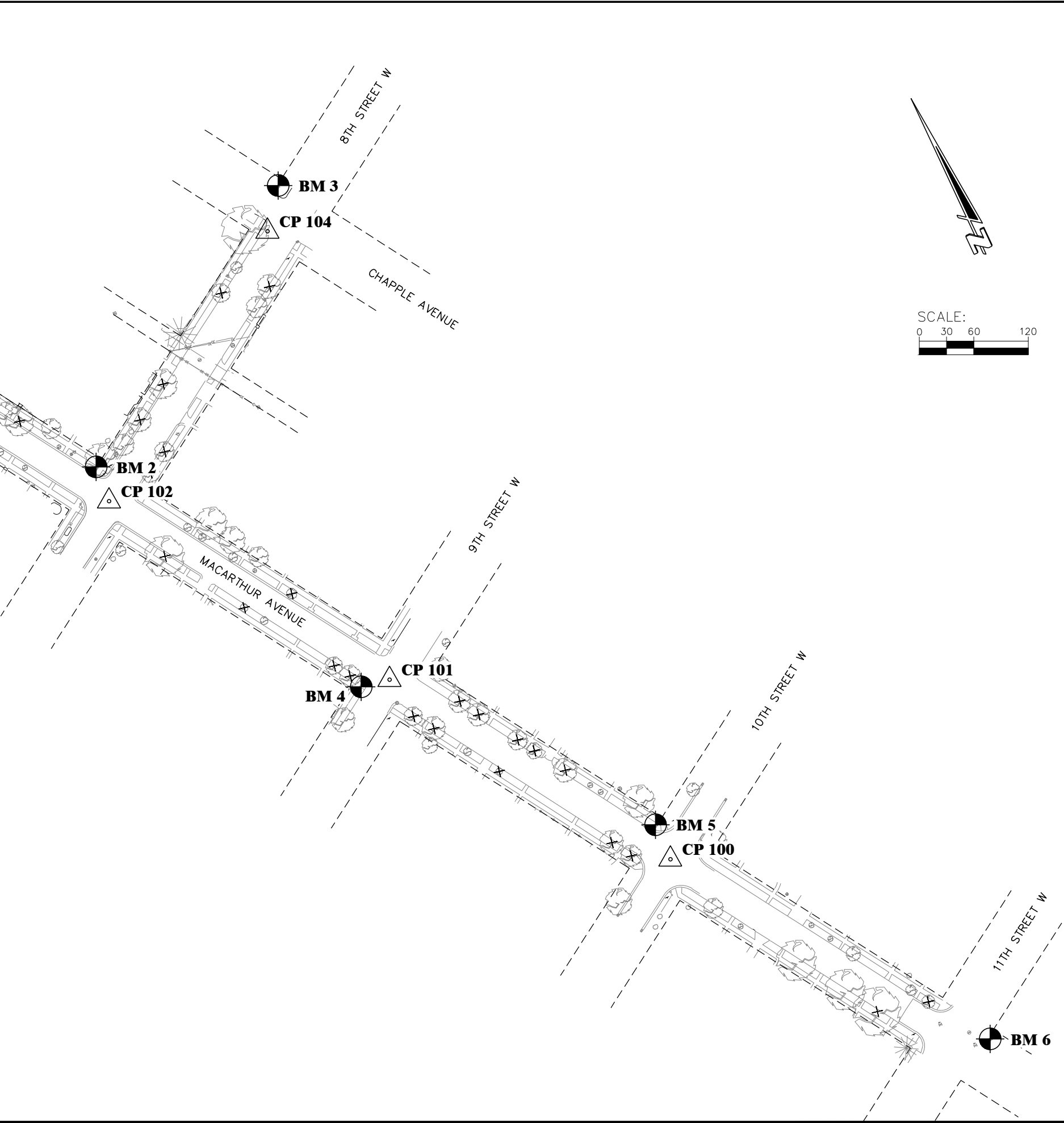
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ASHLAND COUNTY, WISCONSIN
GENERAL NOTES

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BENCHMARKS				
PNT	NORTHING	EASTING	ELEV	DESC
1	320124.9303	500179.9218	680.4200	TNH
2	319815.4436	500375.7806	686.7350	TNH
3	320011.0322	500688.0147	685.2435	TNH
4	319472.7752	500538.0977	688.9121	NAIL IN PP
5	319198.2796	500767.6957	696.4097	TNH
6	318829.0495	501001.8448	702.1638	TNH
CONTROL POINTS				
100	319156.9579	500766.3255	692.8685	NAIL
101	319466.6828	500569.6832	688.7729	NAIL
102	319775.2376	500372.8333	684.4411	NAIL
103	320084.5874	500178.7965	678.8537	NAIL
104	319970.6236	500656.3474	682.4385	NAIL



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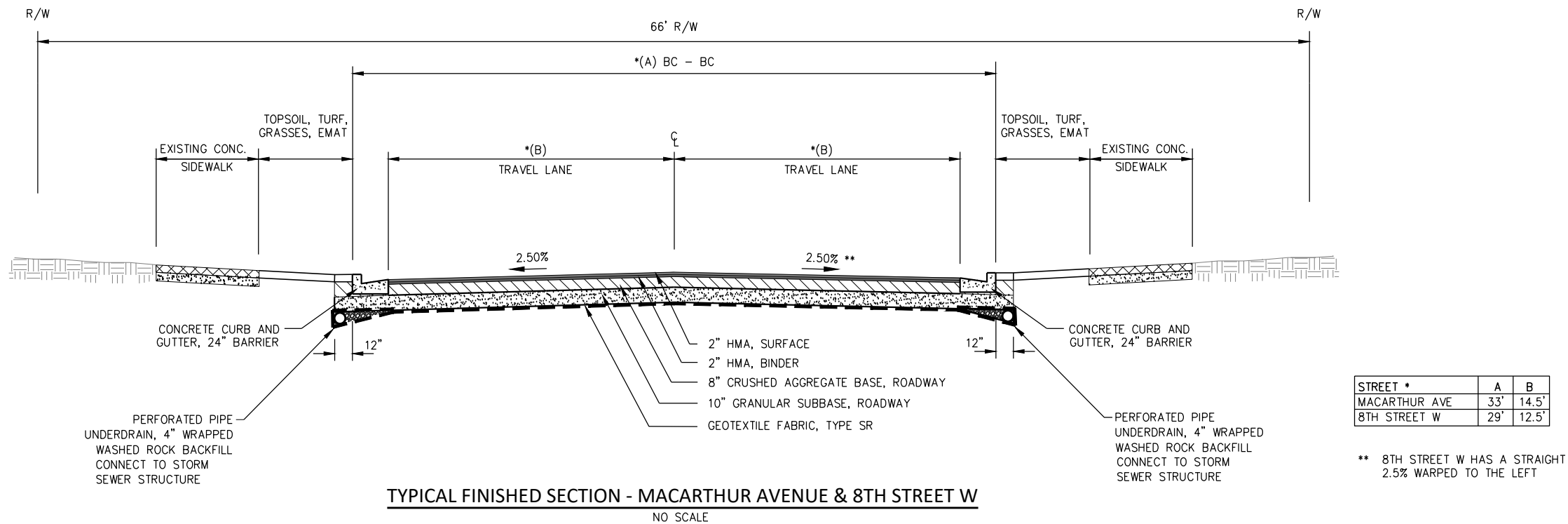
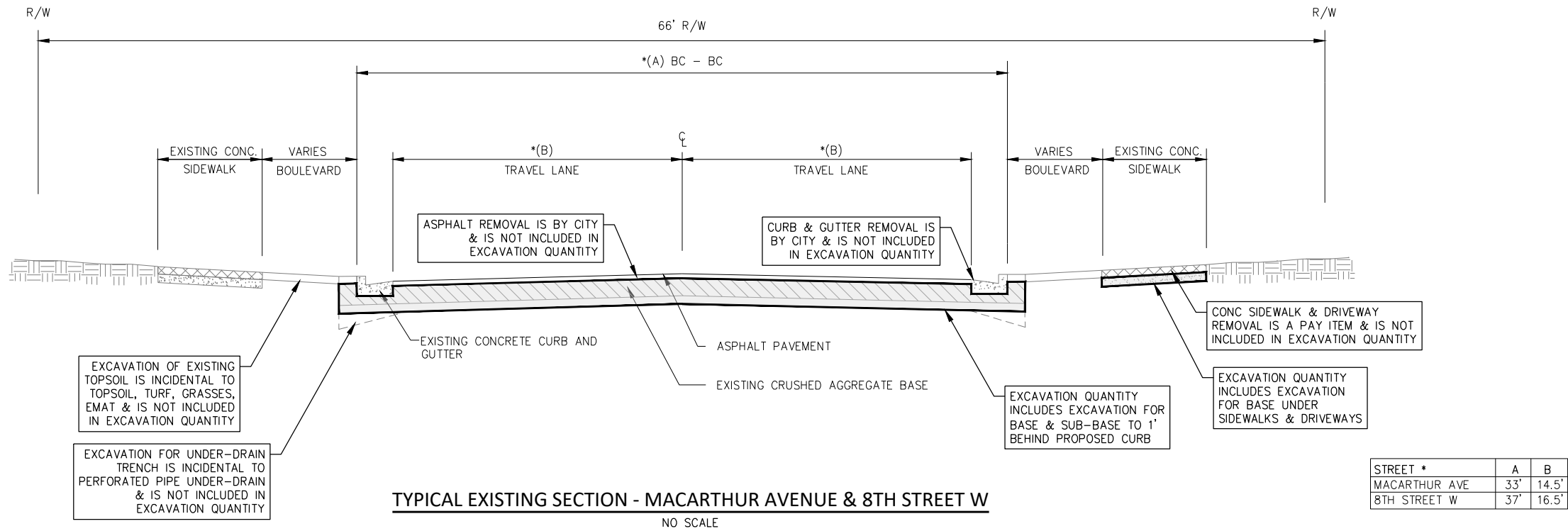
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PROJECT OVERVIEW

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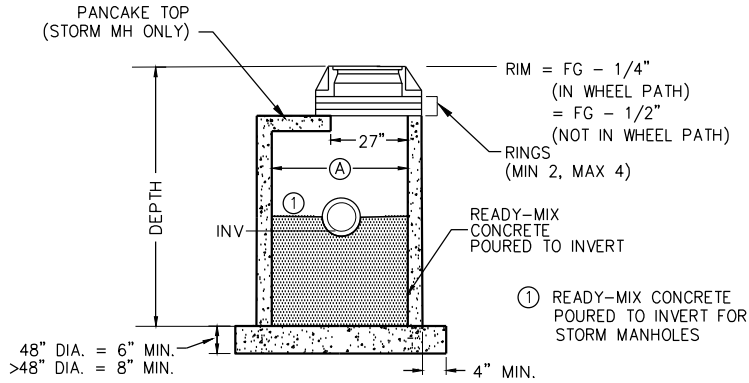
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TYPICAL SECTIONS

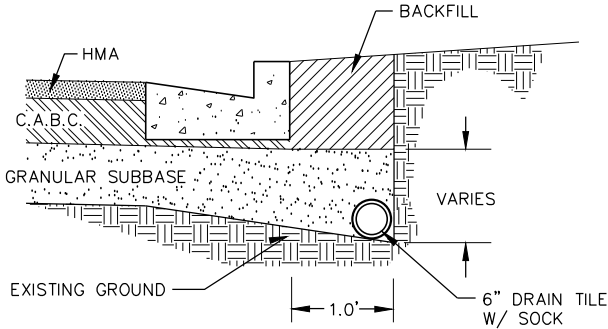
STR TYPE	A	B	COVER OPENING C
INL III	2'	3'	—
MH I	48" DIA.	48" DIA.	27" DIA.
MH II	60" DIA.	60" DIA.	27" DIA.

NOTE: STEPS REQUIRED WHEN D > 4'

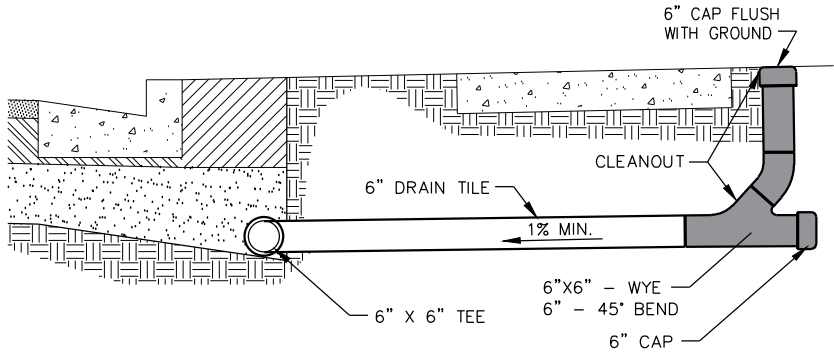
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NO SCALE



STORM MANHOLE
NO SCALE



DRAIN-TILE, WRAPPED
NO SCALE



DRAIN-TILE LATERAL DETAIL
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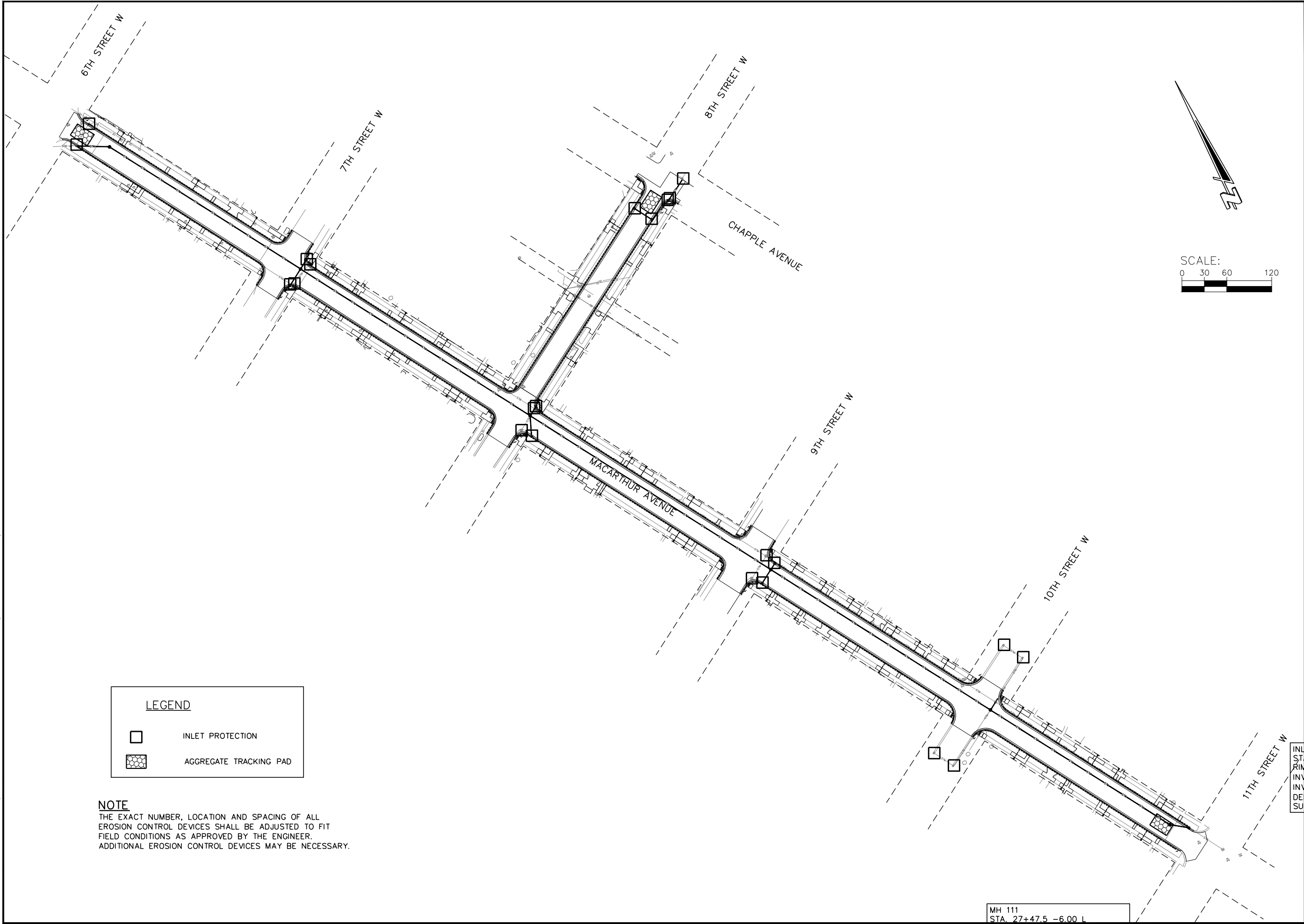
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LEGEND

	INLET PROTECTION
	AGGREGATE TRACKING PAD

NOTE
THE EXACT NUMBER, LOCATION AND SPACING OF ALL EROSION CONTROL DEVICES SHALL BE ADJUSTED TO FIT FIELD CONDITIONS AS APPROVED BY THE ENGINEER. ADDITIONAL EROSION CONTROL DEVICES MAY BE NECESSARY.

MH 111
STA. 27+47.5 -6.00 L

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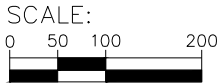
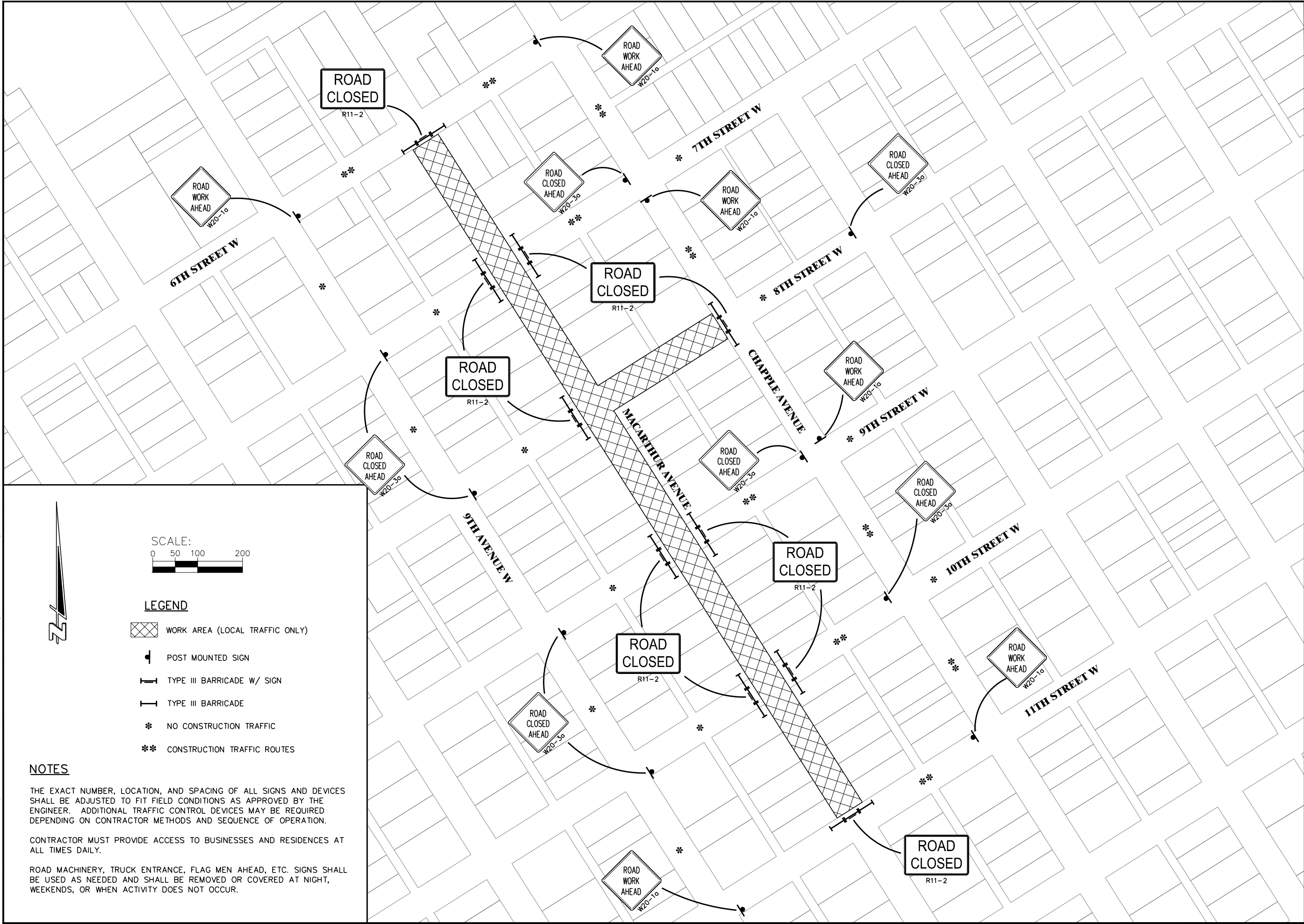
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EROSION CONTROL

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LEGEND

- WORK AREA (LOCAL TRAFFIC ONLY)
- POST MOUNTED SIGN
- TYPE III BARRICADE W/ SIGN
- TYPE III BARRICADE
- NO CONSTRUCTION TRAFFIC
- CONSTRUCTION TRAFFIC ROUTES

NOTES

THE EXACT NUMBER, LOCATION, AND SPACING OF ALL SIGNS AND DEVICES SHALL BE ADJUSTED TO FIT FIELD CONDITIONS AS APPROVED BY THE ENGINEER. ADDITIONAL TRAFFIC CONTROL DEVICES MAY BE REQUIRED DEPENDING ON CONTRACTOR METHODS AND SEQUENCE OF OPERATION.

CONTRACTOR MUST PROVIDE ACCESS TO BUSINESSES AND RESIDENCES AT ALL TIMES DAILY.

ROAD MACHINERY, TRUCK ENTRANCE, FLAG MEN AHEAD, ETC. SIGNS SHALL BE USED AS NEEDED AND SHALL BE REMOVED OR COVERED AT NIGHT, WEEKENDS, OR WHEN ACTIVITY DOES NOT OCCUR.

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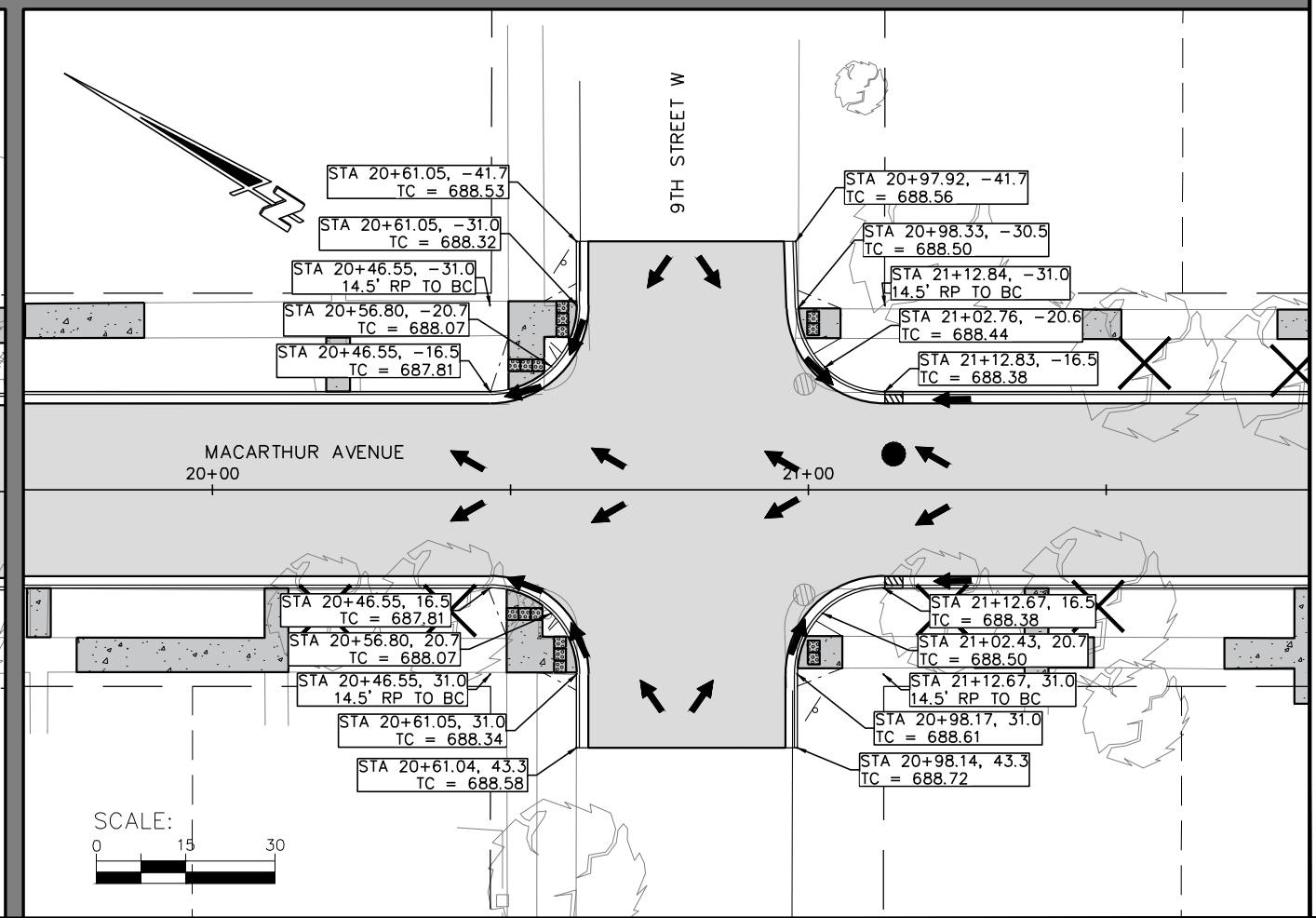
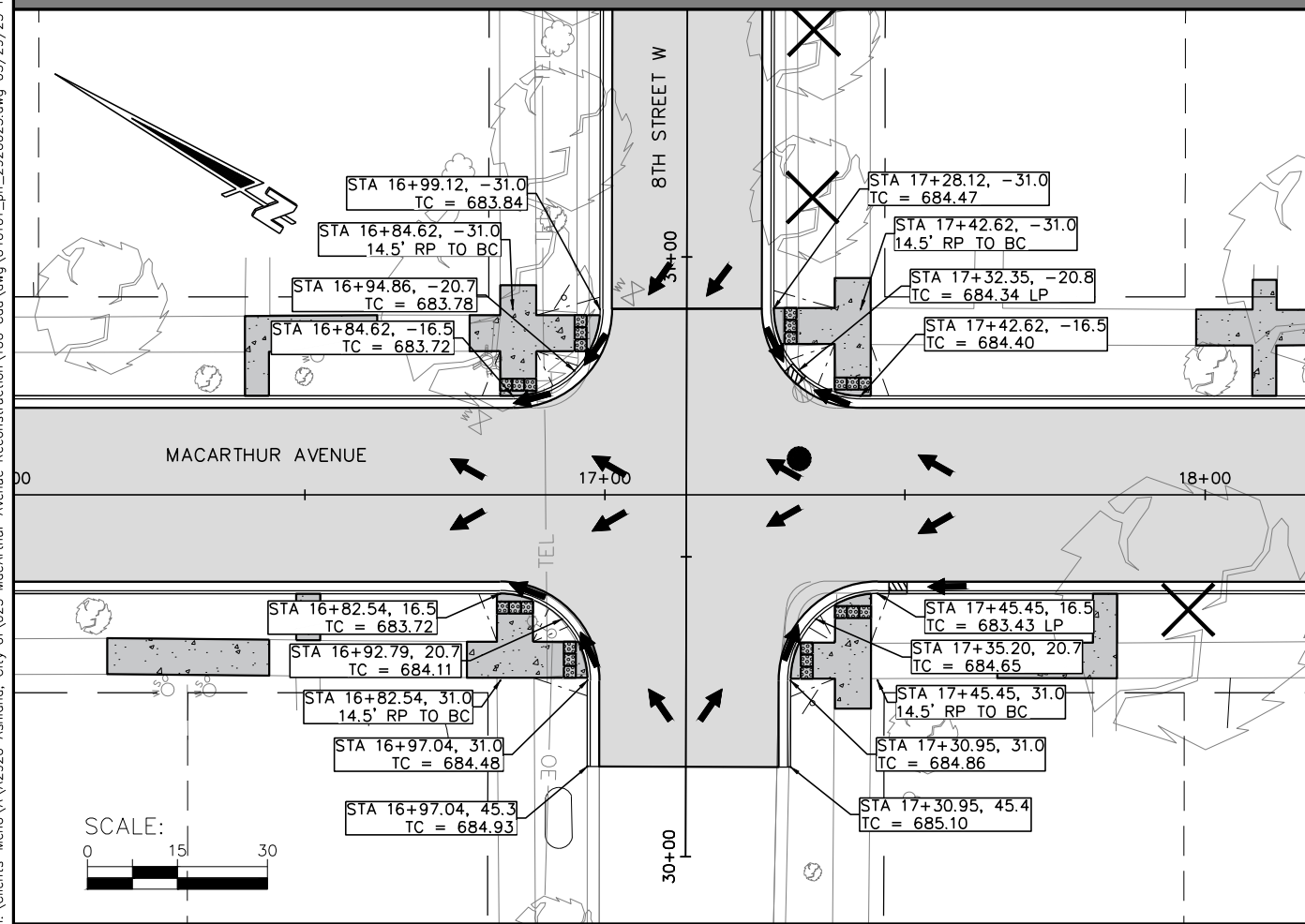
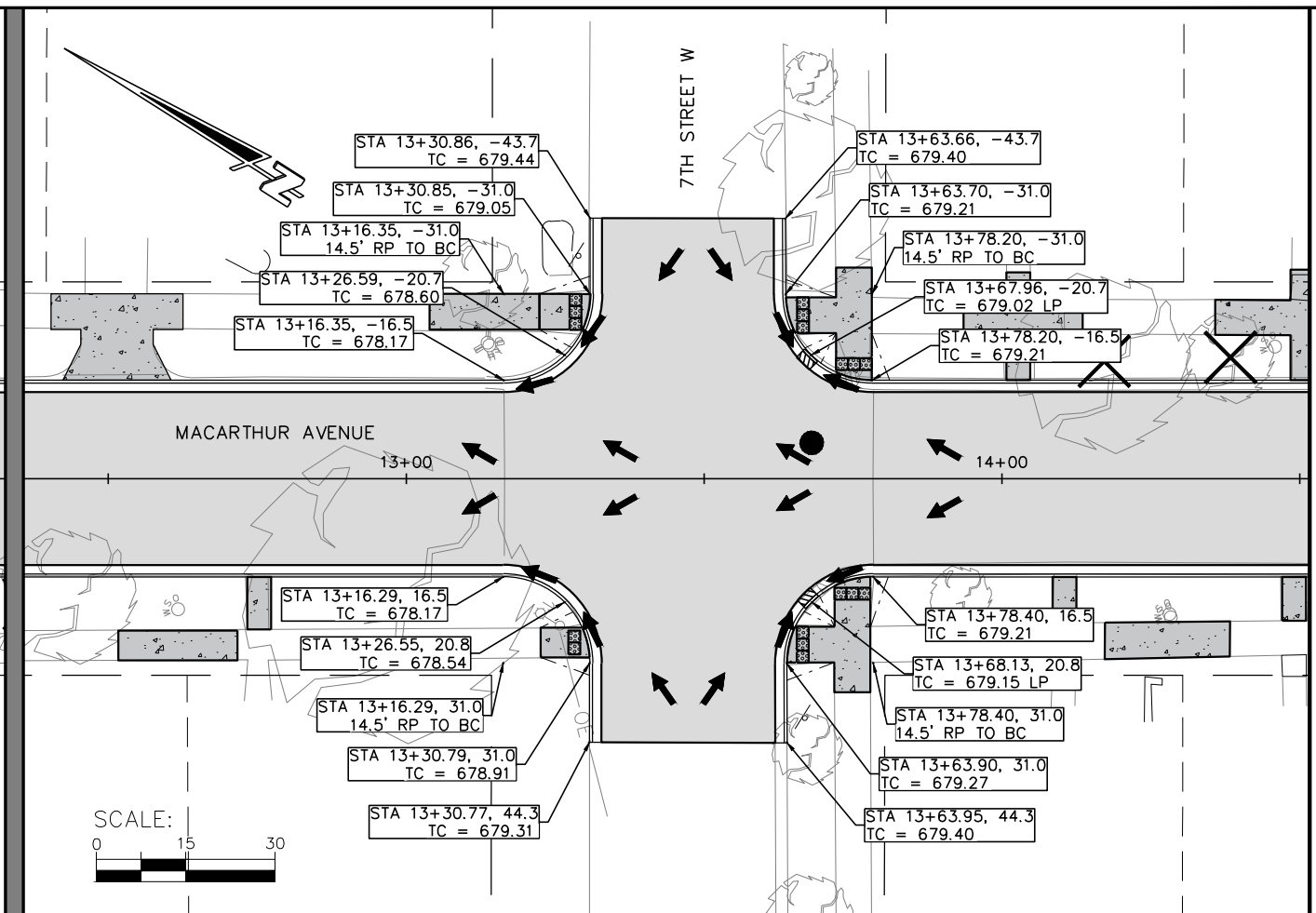
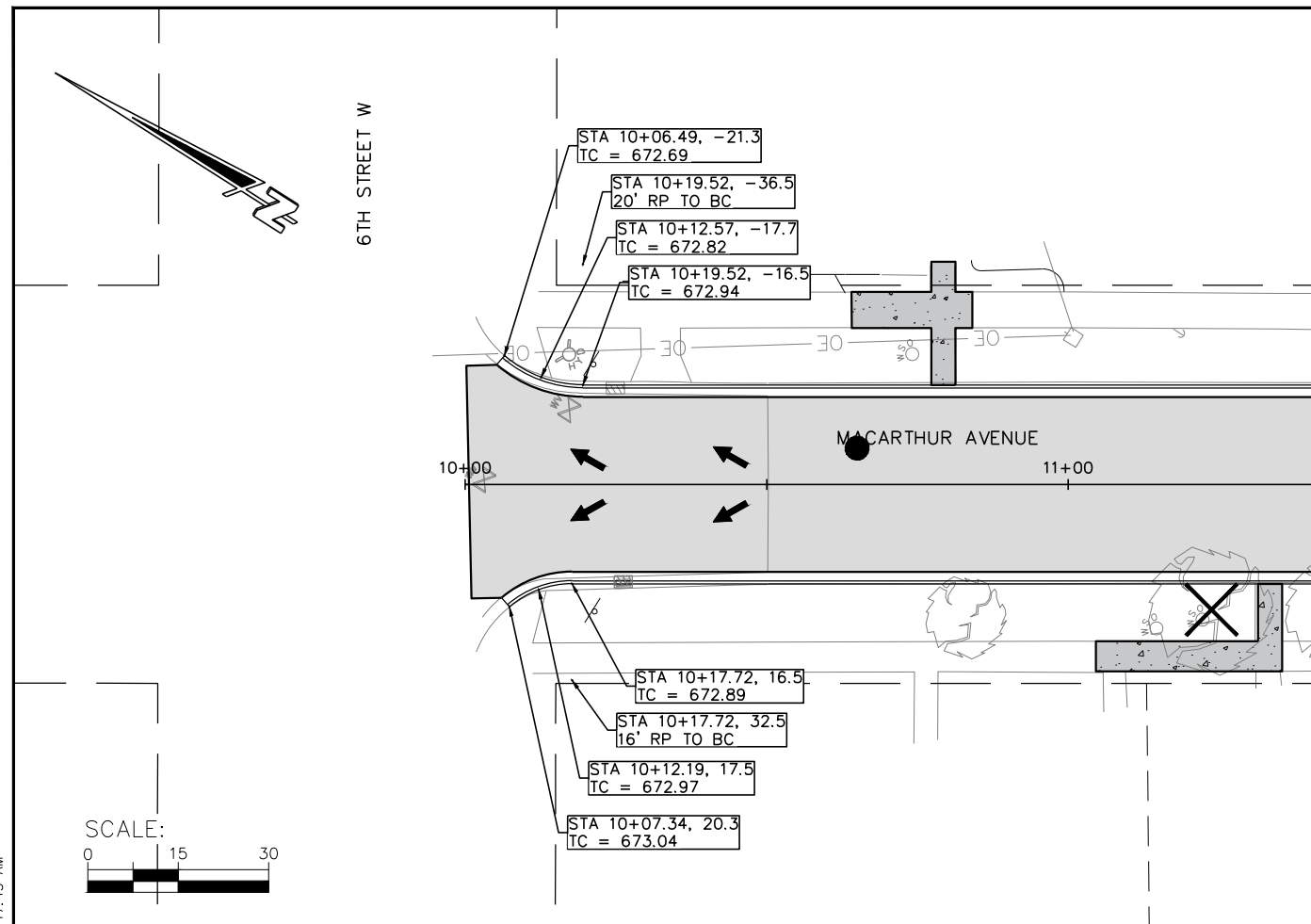
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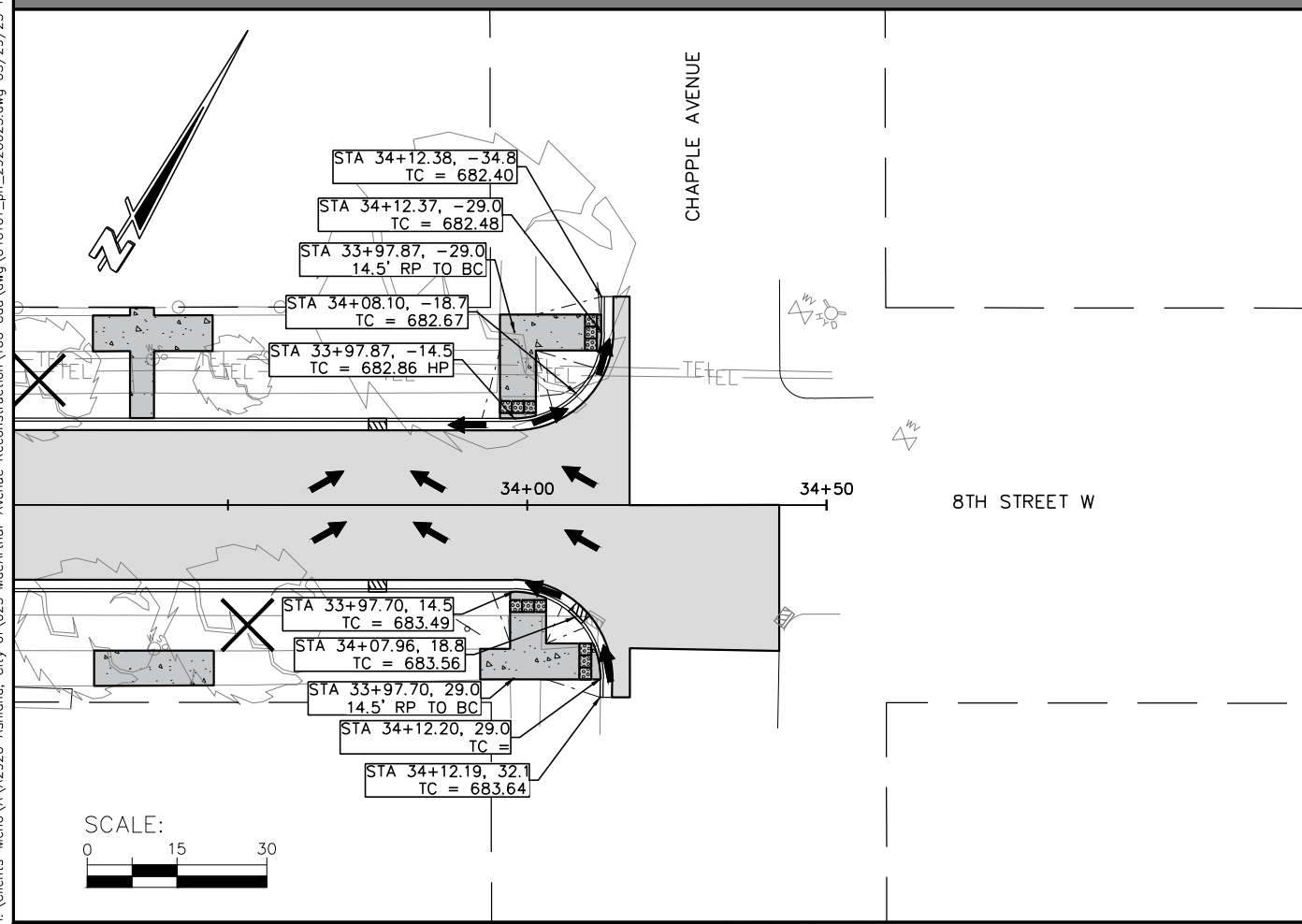
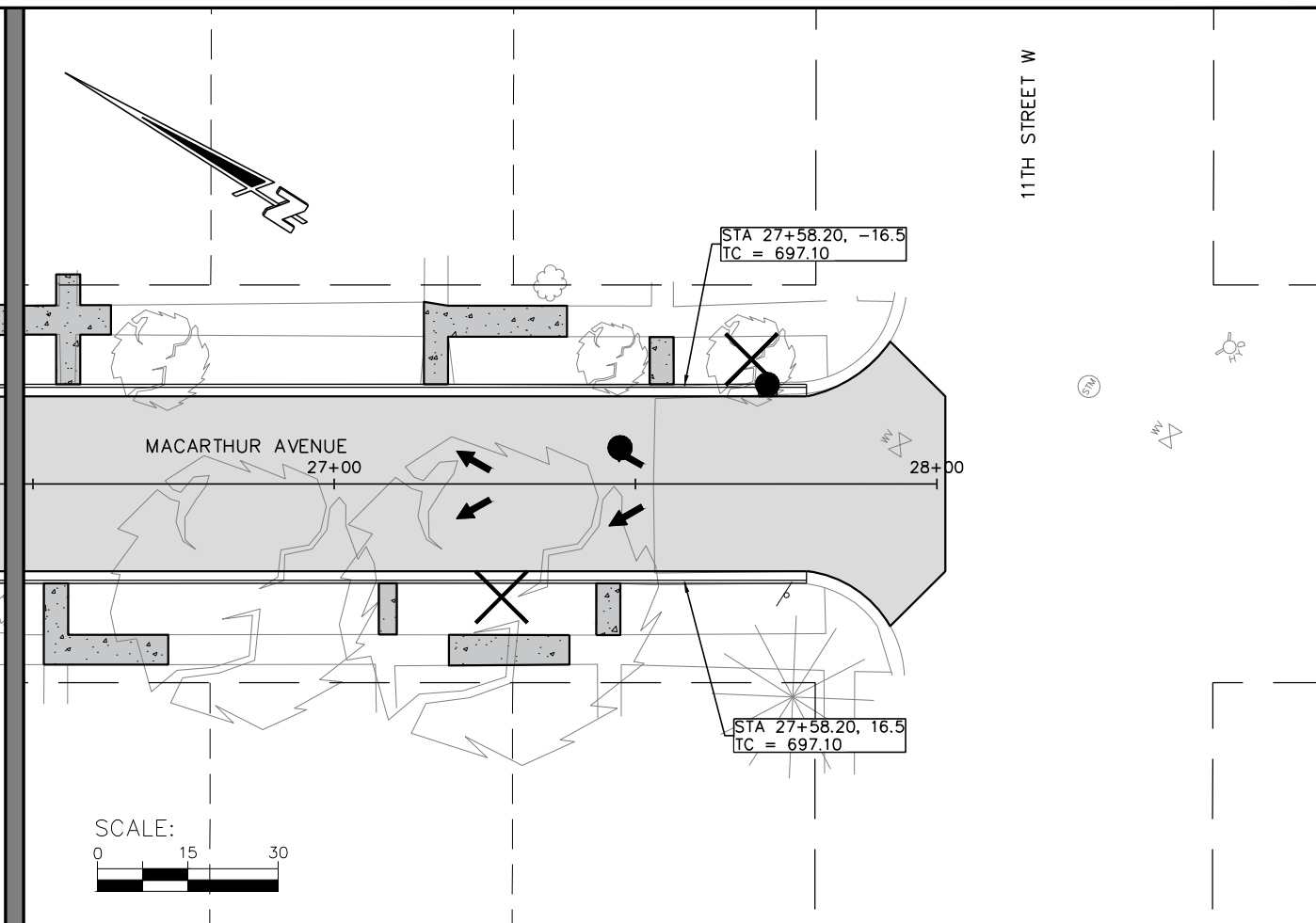
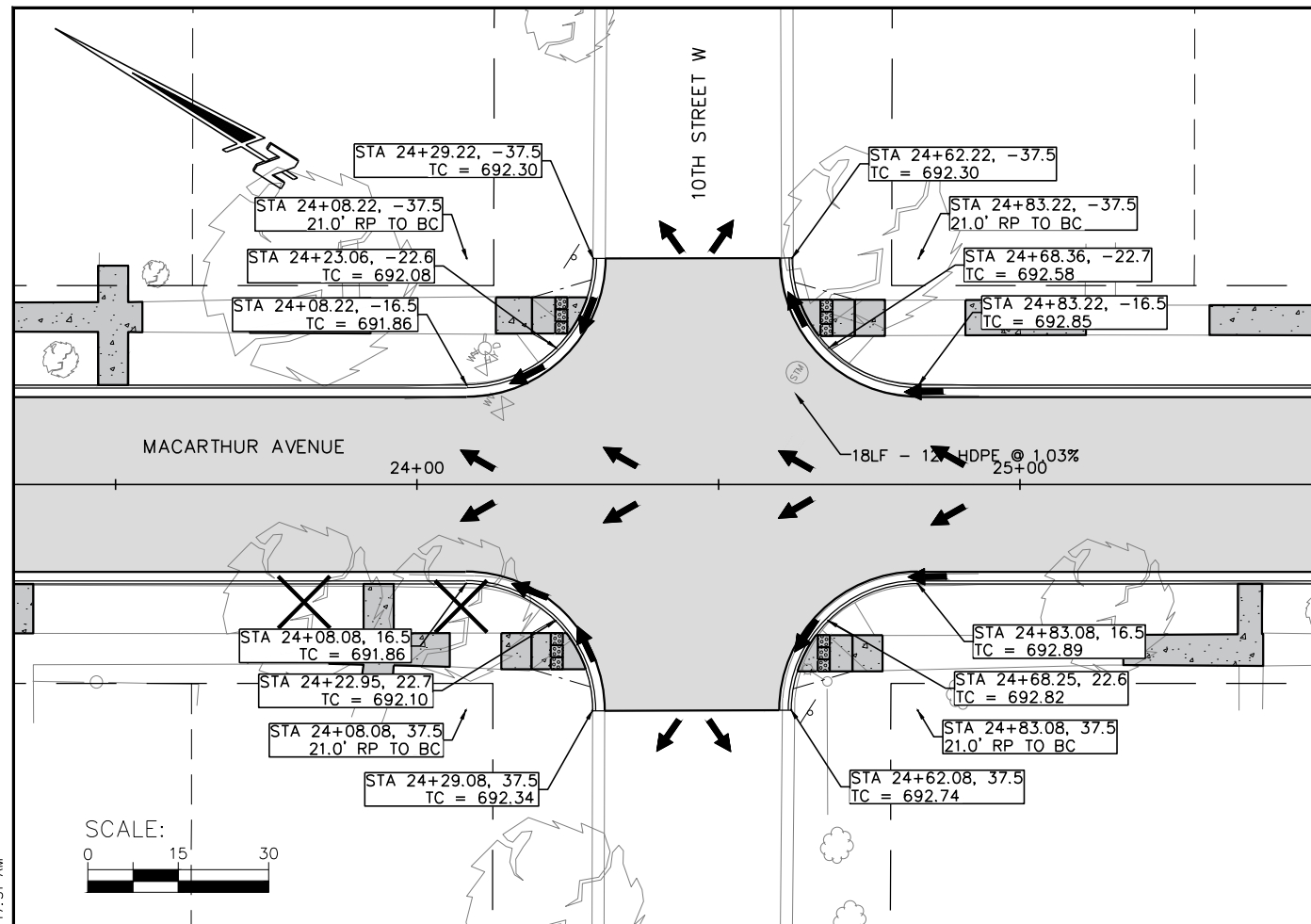
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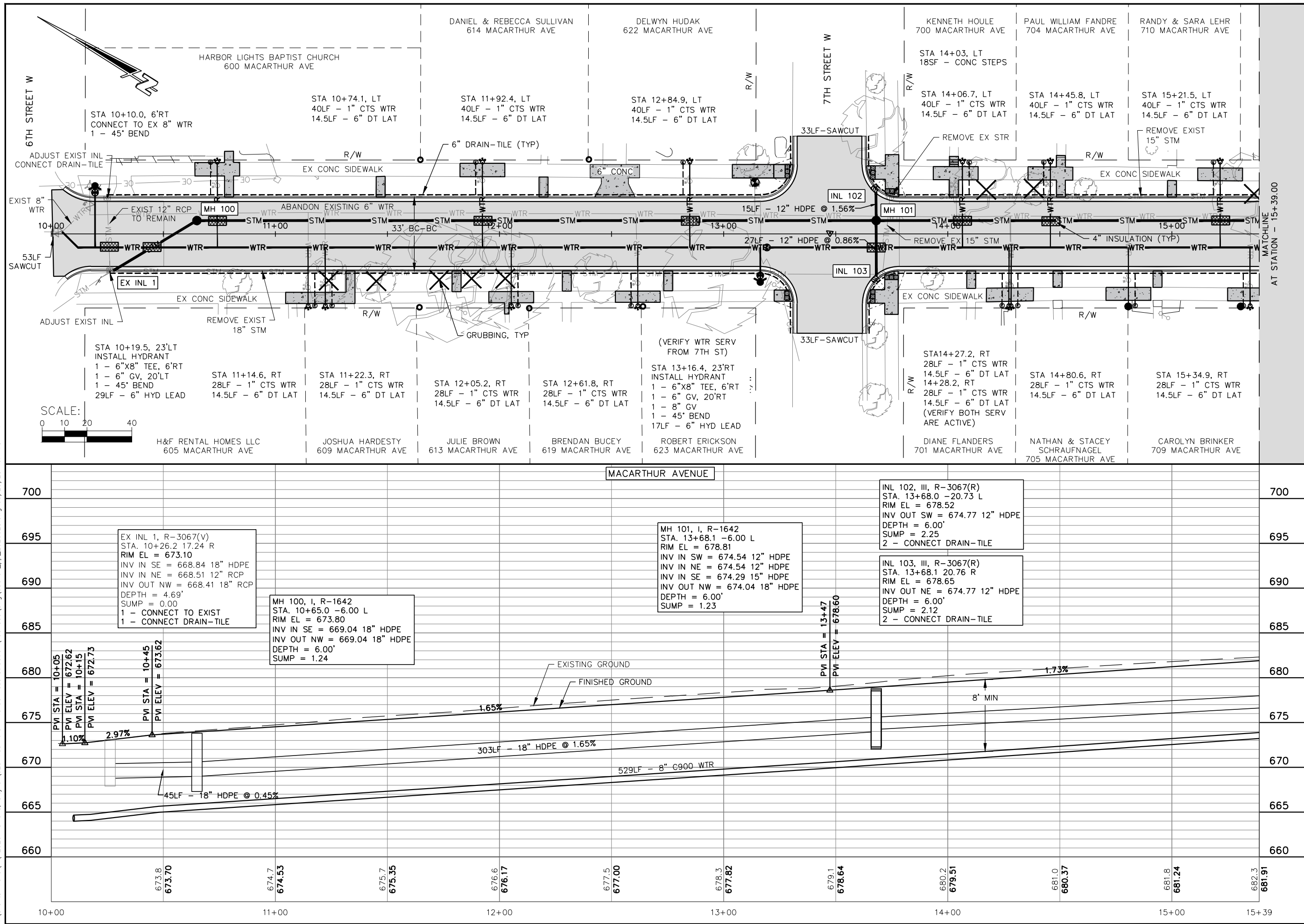
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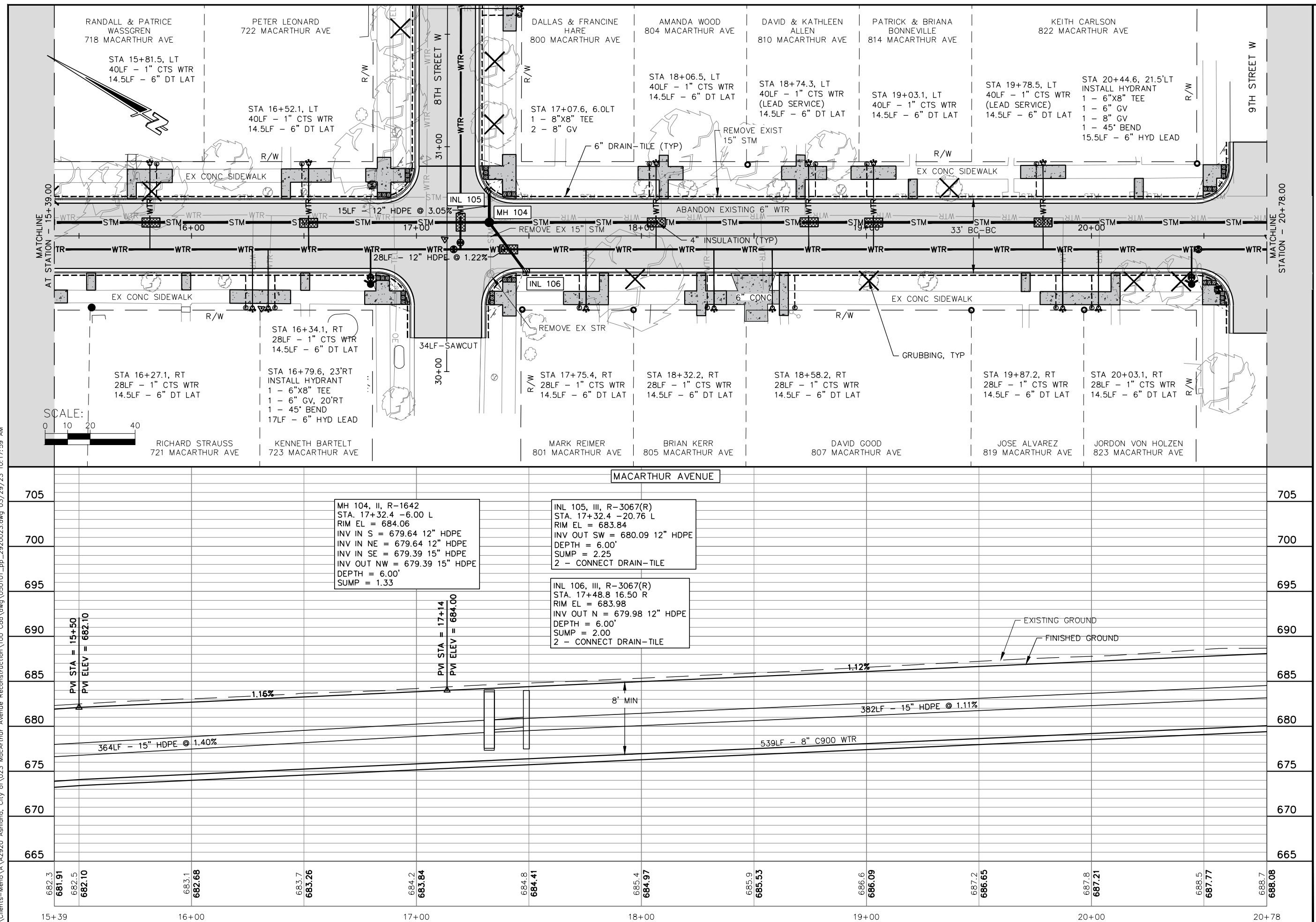
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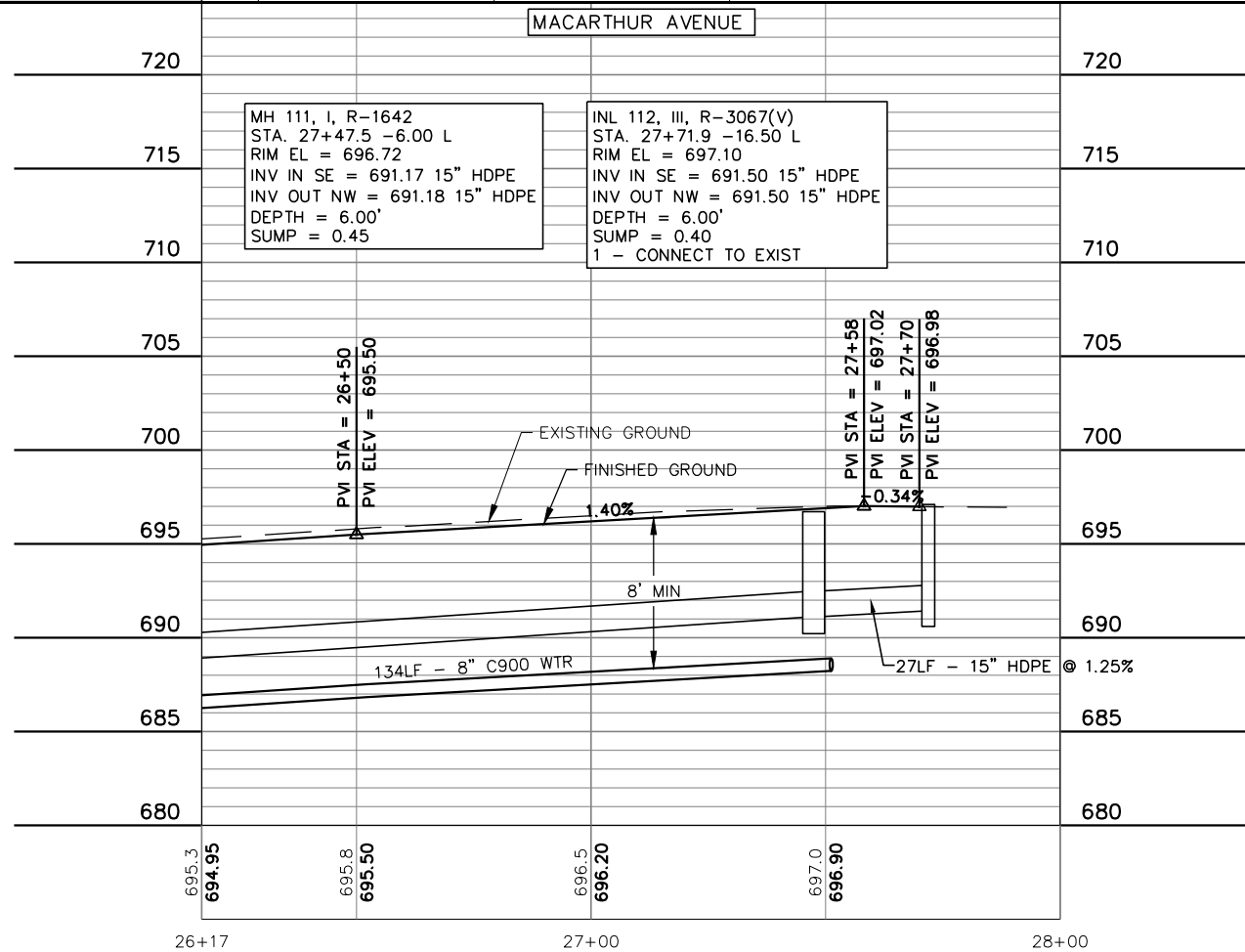
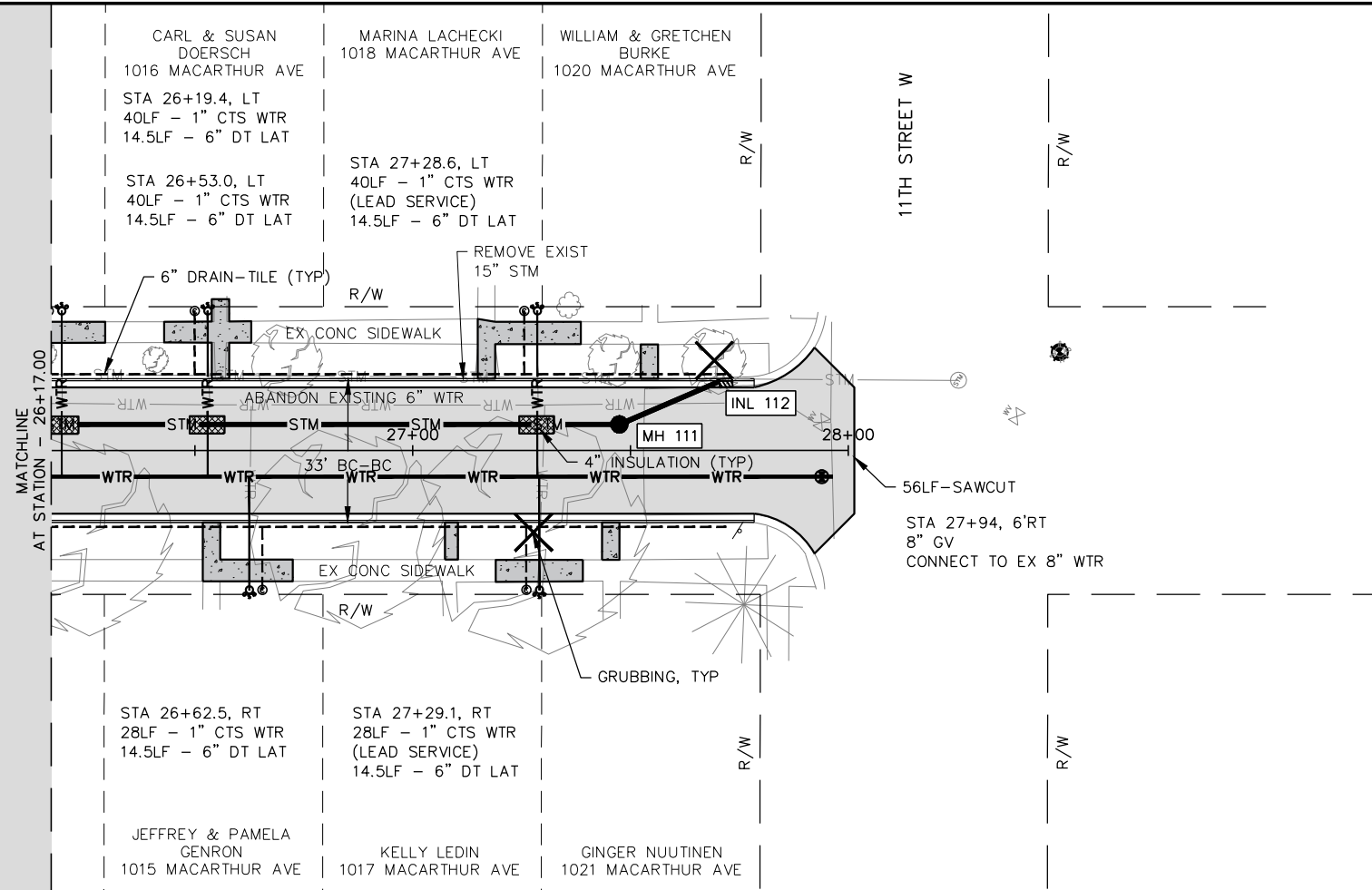
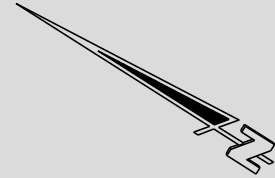
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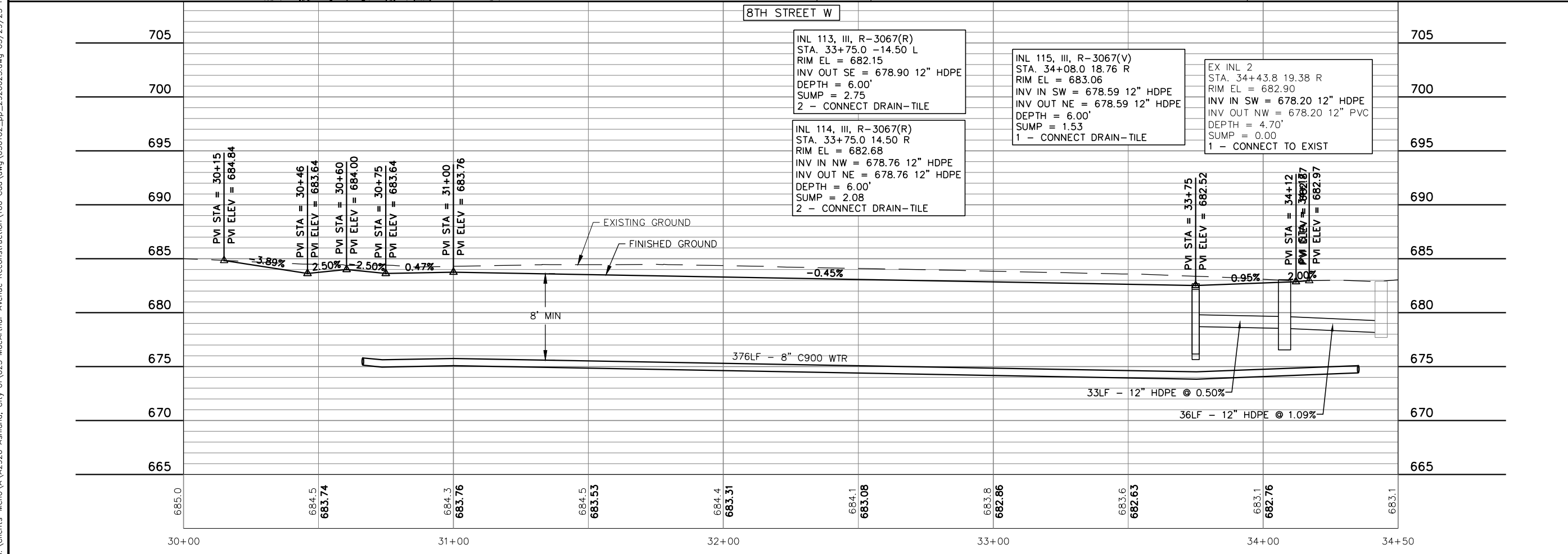
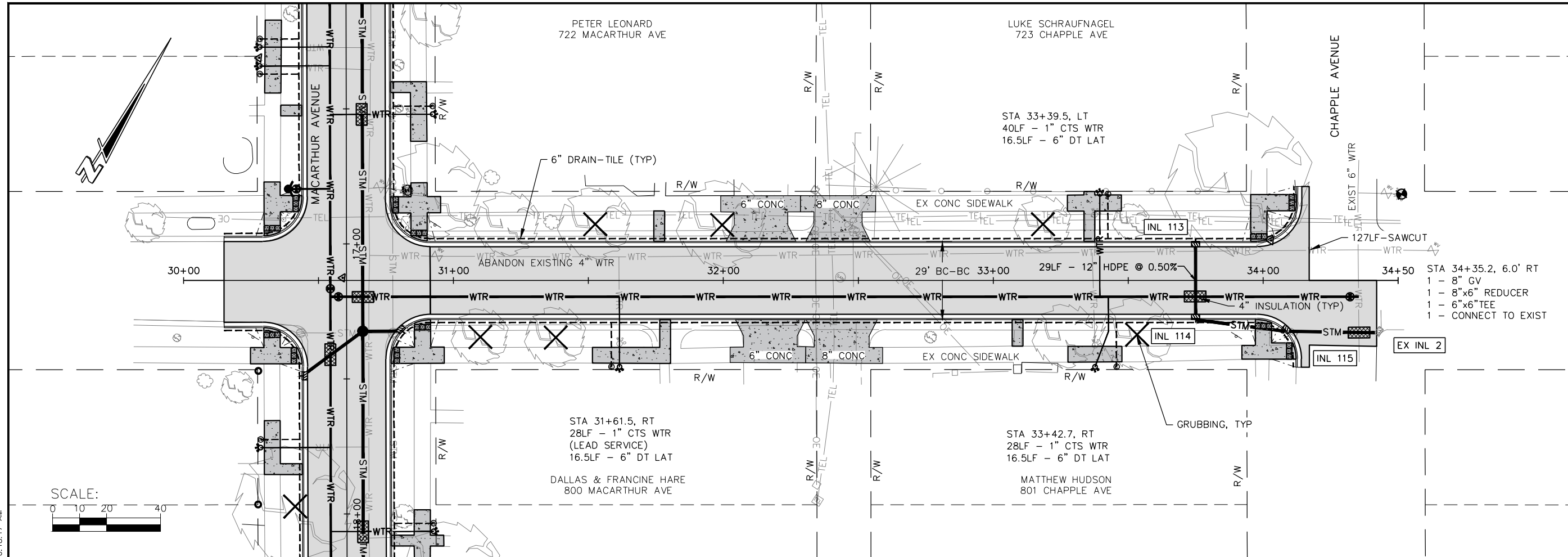
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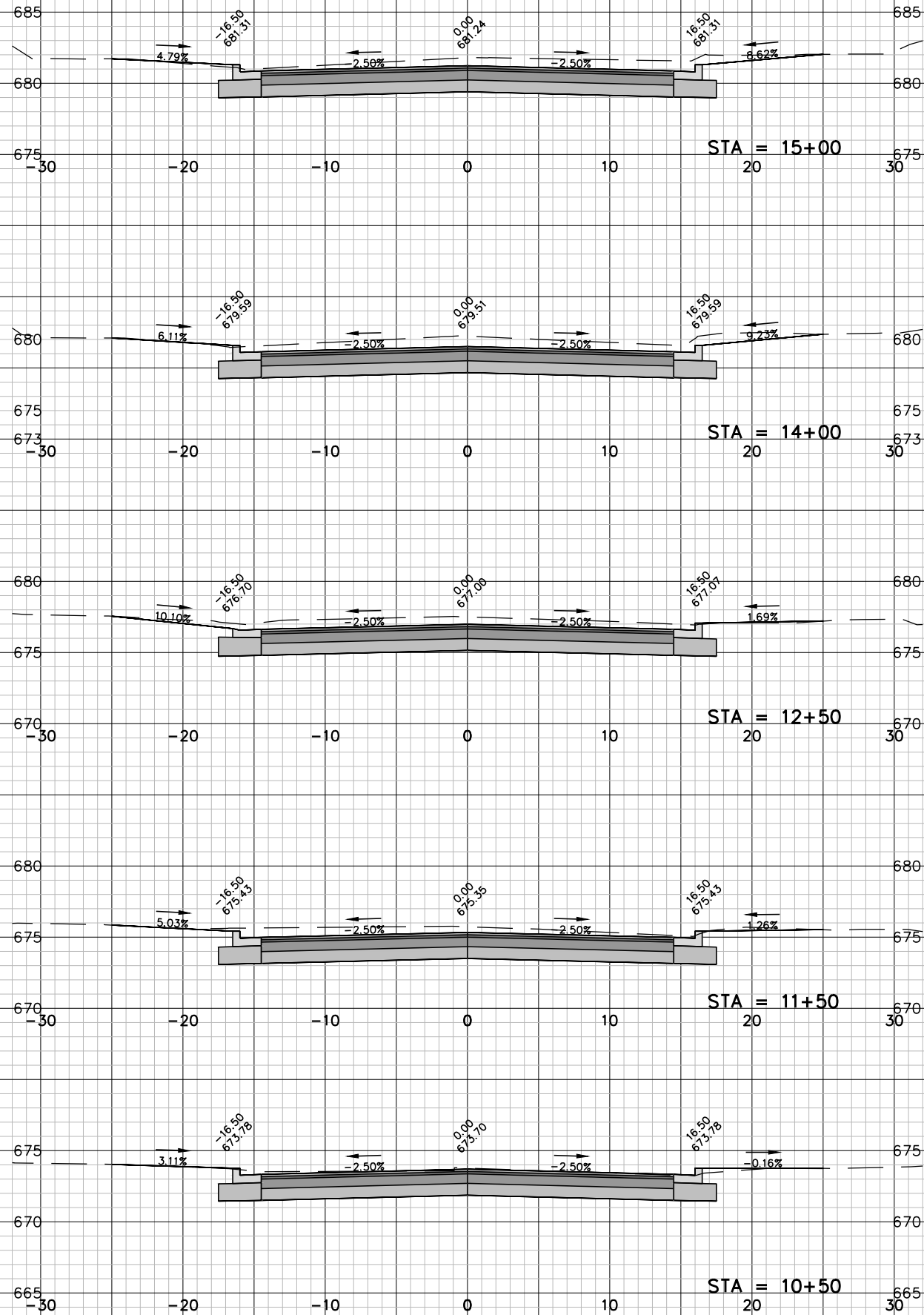
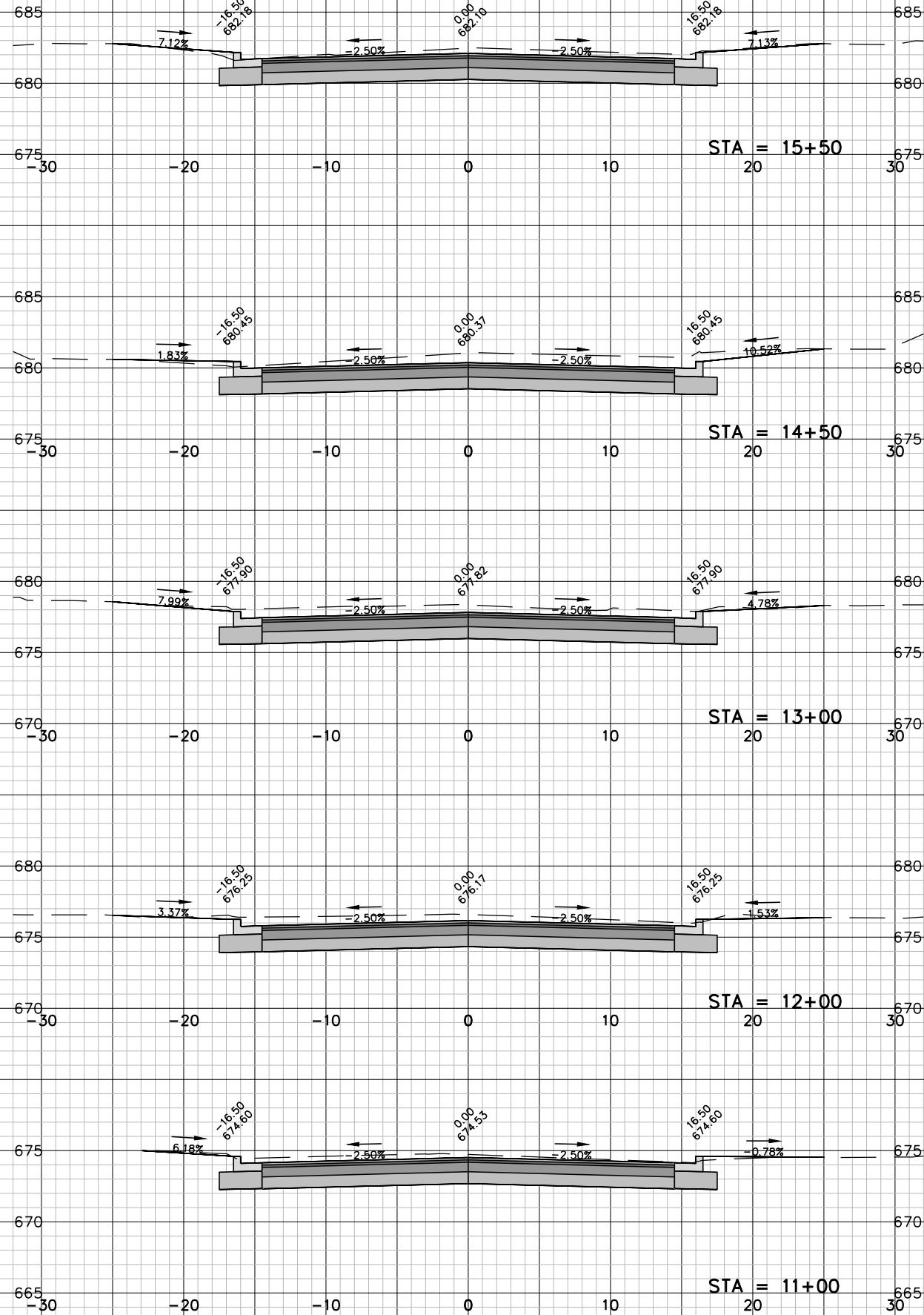
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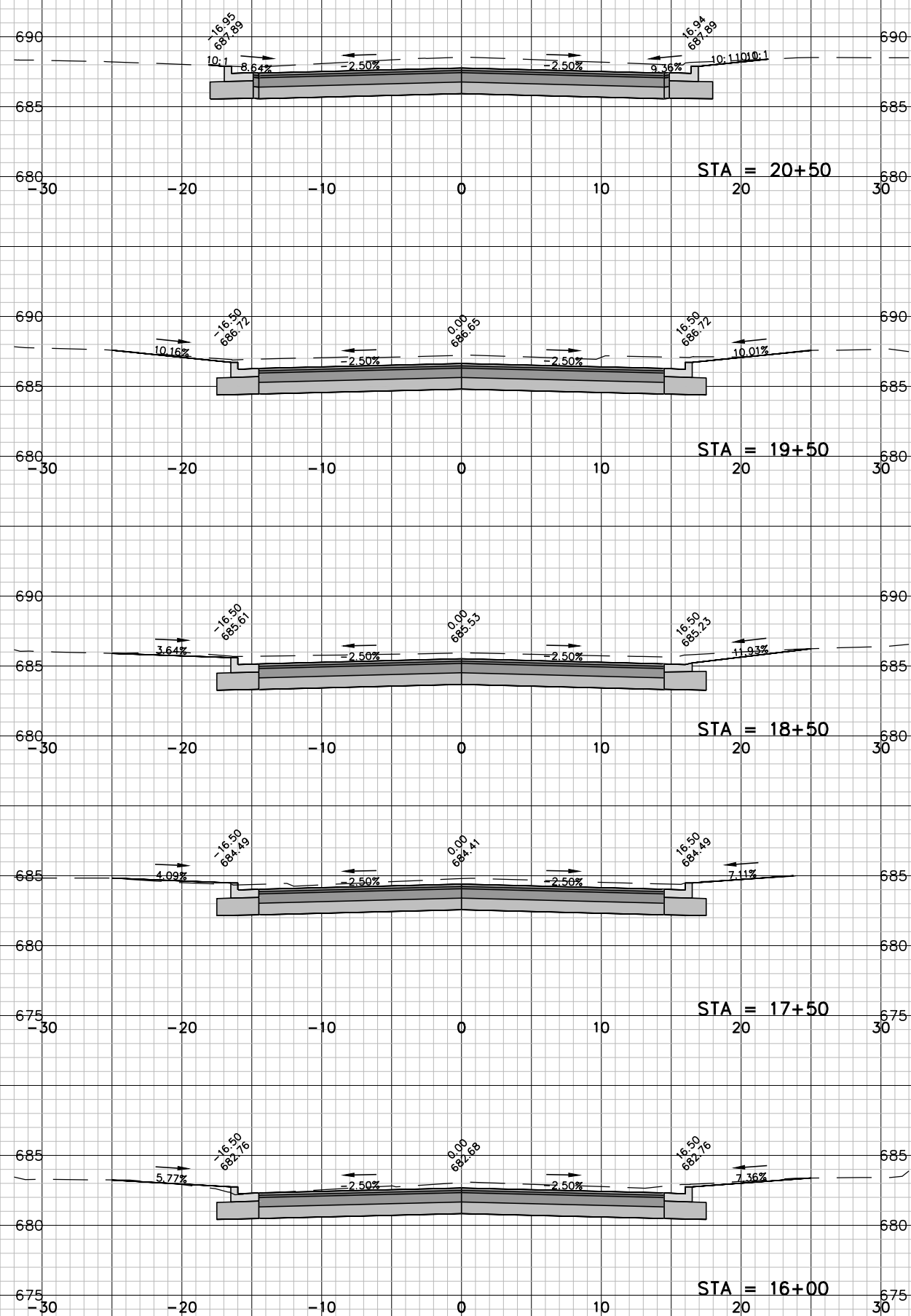
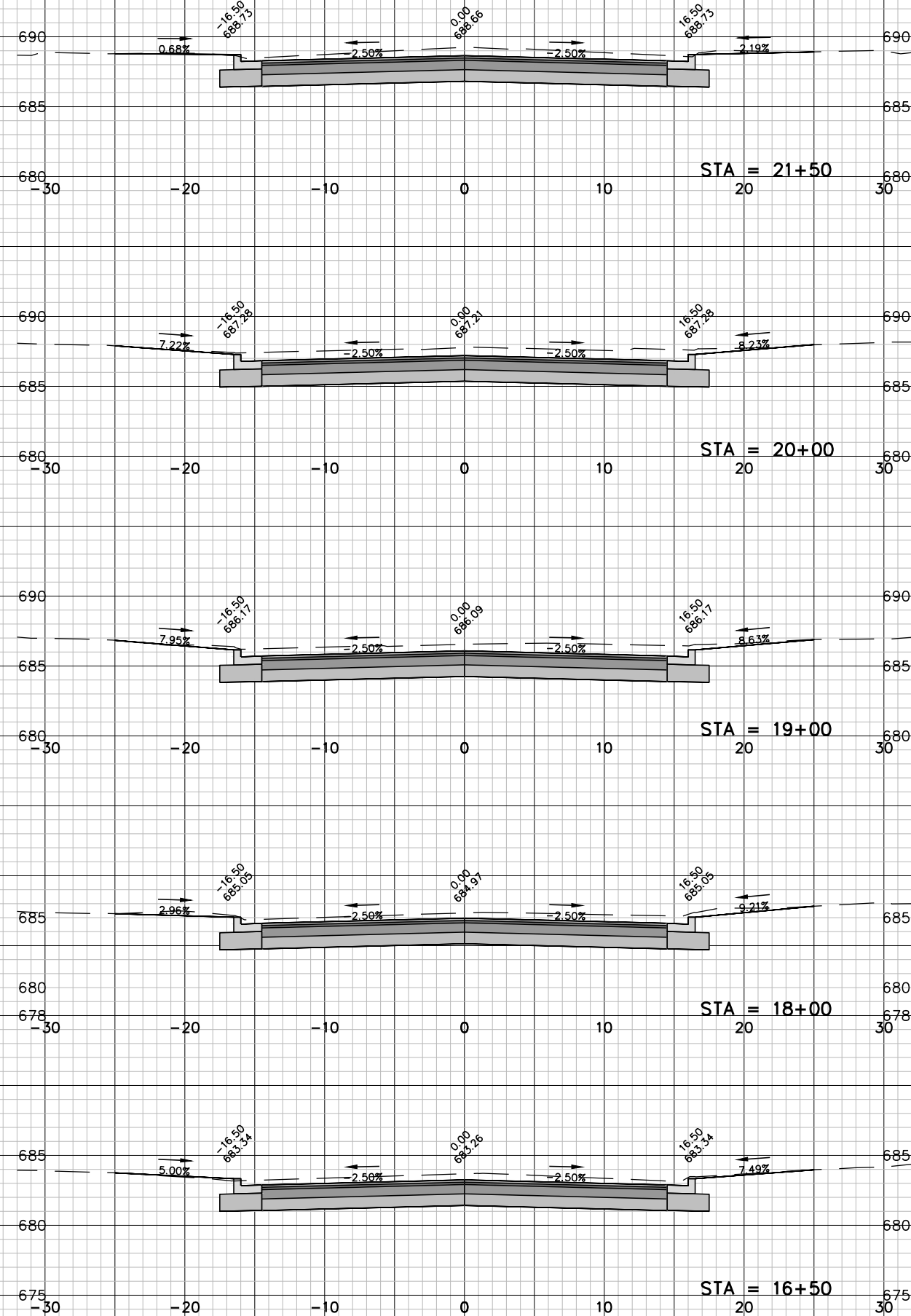
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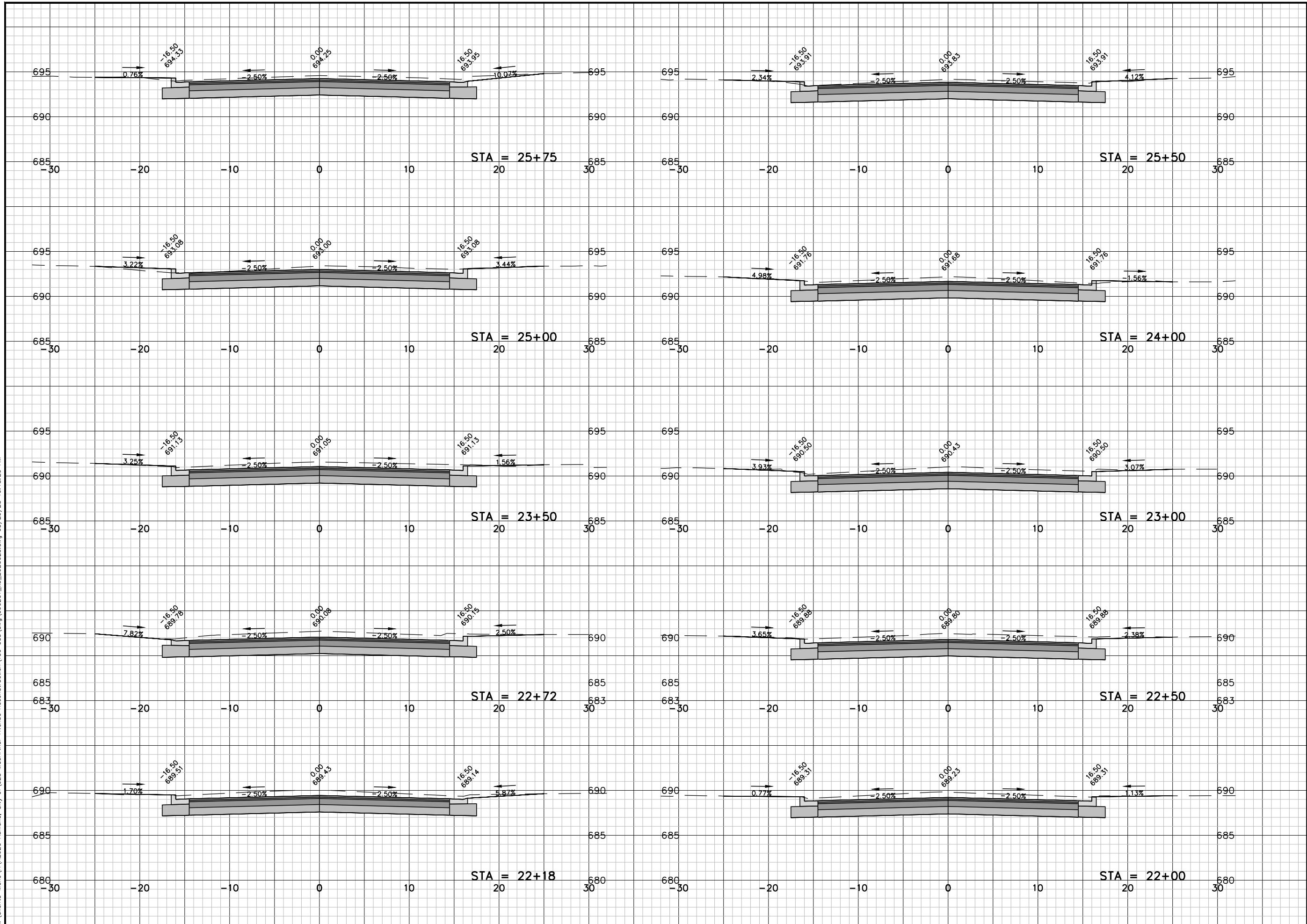
Community Infrastructure • Architecture • Environmental Services

2820 Walton Commons West
Suite 420
Green Bay, WI 54311
608-354-0337
FAX 608-354-0337

1695 Bellevue Street
Green Bay, WI 54311
608-354-0337
FAX 608-354-0337

604 Wilson Ave.
Menomonie, WI 54751
715-235-2727
FAX 715-235-2727

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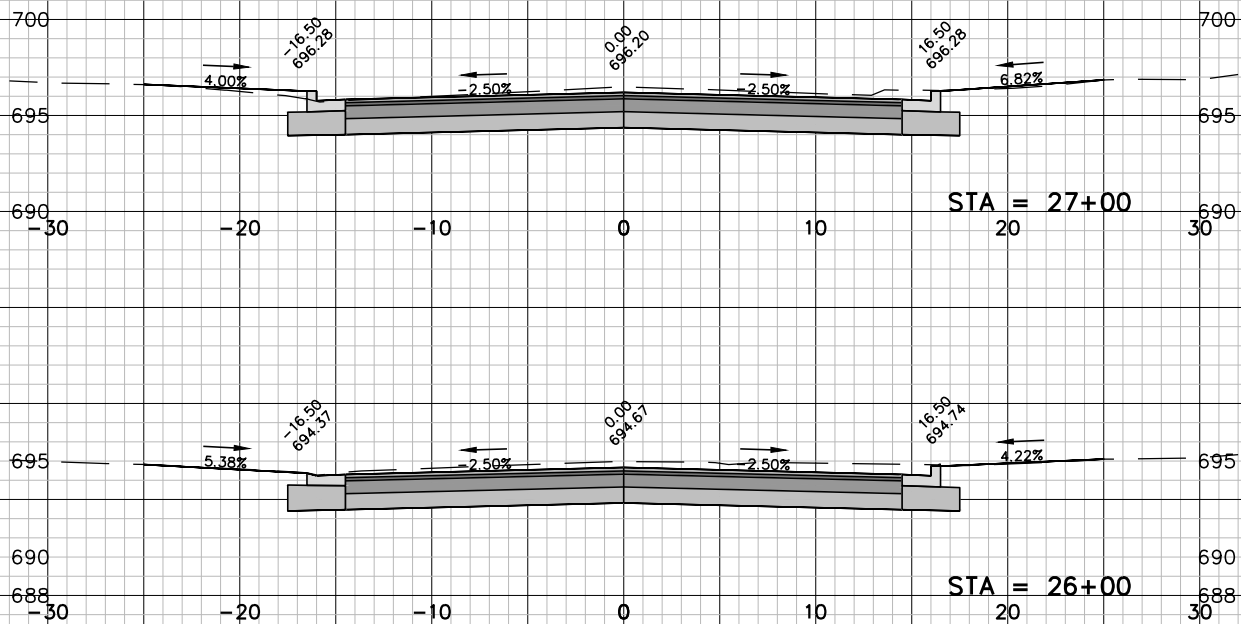
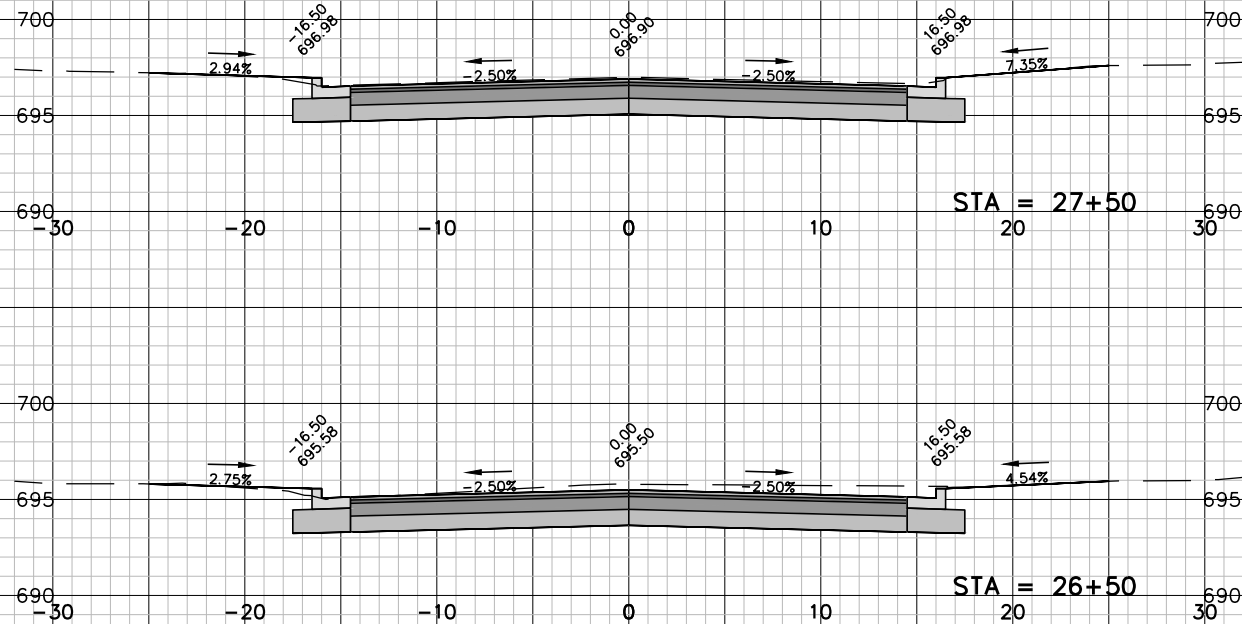
1695 Bellevue Street
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604 Wilson Ave.
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CITY OF ASHLAND
MACARTHUR AVENUE RECONSTRUCTION
ASHLAND COUNTY, WISCONSIN
CROSS SECTIONS - MACARTHUR AVE

SHEET NO.
17 OF 19
Page 37

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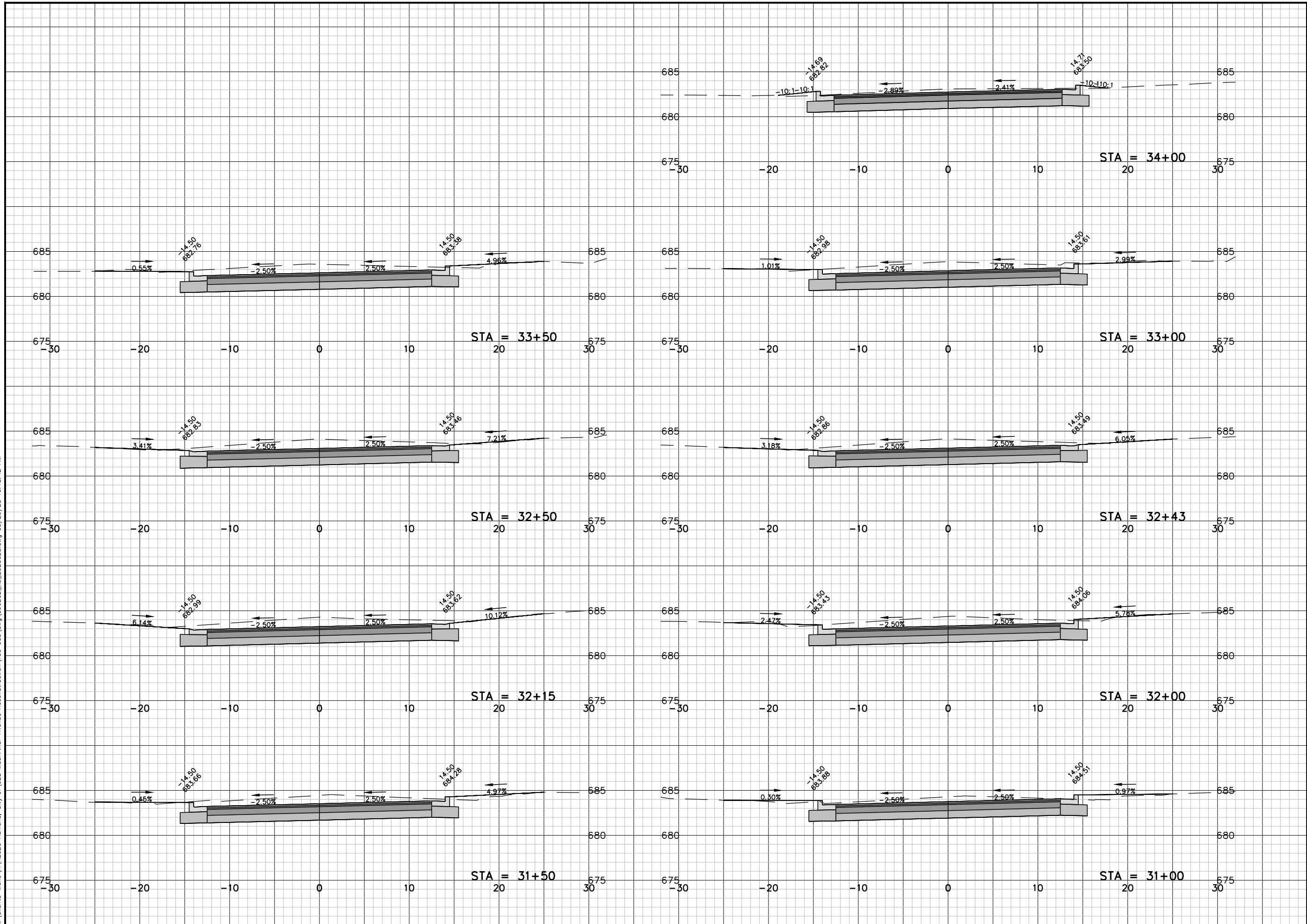
2820 Walton Commons West
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1695 Bellevue Street
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CITY OF ASHLAND
MACARTHUR AVENUE RECONSTRUCTION
ASHLAND COUNTY, WISCONSIN
CROSS SECTIONS – MACARTHUR AVE

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CITY OF ASHLAND
MACARTHUR AVENUE RECONSTRUCTION
ASHLAND COUNTY, WISCONSIN
CROSS SECTION - 8TH STREET

Cedar CORPORATION
Community Infrastructure • Architecture • Environmental Services

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2023 MACARTHUR AVE RECONSTRUCTION SPECIAL ASSESSMENT
OPINION OF PROBABLE COSTS - 6/12/23

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1	Detectable Warning Field	20	EA	\$310.00	\$6,200.00
2	Restoration	608	SY	\$2.50	\$1,520.75
3	Remove Sidewalk	1534	SY	\$2.00	\$3,068.89
4	Saw Cutting	487	LF	\$3.50	\$1,703.24
A. SIDEWALK CONSTRUCTION ASSOCIATED COSTS					\$ 12,492.88
5	4-IN Concrete Sidewalk	10566	SF	\$8.75	\$92,452.50
6.	6-IN Concrete Sidewalk	3244	SF	\$10.75	\$34,873.00
B. SIDEWALK INSTALLATION COST					\$ 127,325.50
8.	Engineering & Construction Admin. (15%)				\$20,972.76
C. ENGINEERING & ADMIS. COSTS					\$ 20,972.76
TOTAL ESTIMATED COST A+B+C					\$ 160,791.14

2023 MACARTHUR AVE RECONSTRUCTION SPECIAL
ASSESSMENT
PRELIMINARY COST PER SQUARE FOOT CALCULATION

	4" Concrete (SF)	6" Concrete (SF)
Projected Unit Bid Cost	\$8.75	\$10.75
Associated Construction	\$0.86	\$0.86
Administration & Engineering (15%)	\$1.44	\$1.44
Price Per SF*	\$11.00	\$13.00
50% Assessment	\$5.50	\$6.50

\$11,856.29

\$19,904.07

*Rounded down to nearest whole number

2023 MacArthur Special Assessments Quantities

PROPERTY OWNERSHIP DATA					FLANKAGE CREDIT CALCULATIONS & PREV ASSESS.				SPECIAL ASSESSMENT ESTIMATED QUANTITIES								COST BREAKDOWNS						SPECIAL ASSESSMENT CALCULATIONS	
PIN	OWNER	OWNER ADDRESS	CITY, STATE, ZIP	PROPERTY ADDRESS	FLANKAGE LENGTH	FLANKAGE SQ	TOTAL FLANKAGE CREDIT	PREV ASSESSMENT COST	4" CONCRETE				6" CONCRETE				4 INCH COST PER SQ FT	4 INCH COST	6 INCH COST PER SQ FT	6 INCH COST	Owner Credits Due for Flank and Prev Assessments	TOTAL COST	PROPERTY OWNER COST (50%)	CITY COST (50%)
									CARRIAGE WALK	4 INCH LENGTH	4 INCH WIDTH	4 INCH SQ FT	DRIVEWAY APPROACH	6 INCH LENGTH	6 INCH WIDTH	6 INCH SQ FT								
201-03007-0000	COREY M FIAMONCINI	923 MACARTHUR AVE	ASHLAND,WI 54806	923 MACARTHUR AVE			\$ -	\$ 750.00	57	34	5	227	0	0	0	0	\$ 11.00	\$ 2,497.00	\$ 13.00	\$ -	\$ 750.00	\$ 2,497.00	\$ 873.50	\$ 1,623.50
201-03008-0000	ELIZABETH C. HILLE	917 MACARTHUR AVE	ASHLAND,WI 54806	917 MACARTHUR AVE			\$ -	\$ 759.60	33	20	5	133	0	0	0	0	\$ 11.00	\$ 1,463.00	\$ 13.00	\$ -	\$ 759.60	\$ 1,463.00	\$ 351.70	\$ 1,111.30
201-03075-0000	HARRY L THEWIS	28315 US HWY 2	ASHLAND,WI 54806	1009 MACARTHUR AVE			\$ -	\$ -	41	32	5	201	103	20	5	203	\$ 11.00	\$ 2,211.00	\$ 13.00	\$ 2,639.00	\$ -	\$ 4,850.00	\$ 2,425.00	\$ 2,425.00
201-03076-0000	FLYNN FAMILY TRUST	12835 ARNOT LN	BRISTOW,VA 20136	1001 MACARTHUR AVE			\$ -	\$ 288.00	34	23	5	149	0	0	0	0	\$ 11.00	\$ 1,639.00	\$ 13.00	\$ -	\$ 288.00	\$ 1,639.00	\$ 675.50	\$ 963.50
201-03818-0000	JASON E. BRESLETTE	922 MACARTHUR AVENUE	ASHLAND,WI 54806	922 MACARTHUR AVE			\$ -	\$ 750.00	0	35	6	210	0	0	0	0	\$ 11.00	\$ 2,310.00	\$ 13.00	\$ -	\$ 750.00	\$ 2,310.00	\$ 780.00	\$ 1,530.00
201-03820-0000	GINGER G. NUUTINEN	1021 MACARTHUR AVE	ASHLAND,WI 54806	1021 MACARTHUR AVE			\$ -	\$ 255.00	34	9	5	79	0	0	0	0	\$ 11.00	\$ 869.00	\$ 13.00	\$ -	\$ 255.00	\$ 869.00	\$ 307.00	\$ 562.00
201-03821-0000	KELLY L. LEDIN	1017 MACARTHUR AVE	ASHLAND,WI 54806	1017 MACARTHUR AVE			\$ -	\$ 750.00	26	11	5	81	0	0	0	0	\$ 11.00	\$ 891.00	\$ 13.00	\$ -	\$ 750.00	\$ 891.00	\$ 70.50	\$ 820.50
201-03822-0000	JEFFREY & PAMELA GENDRON	1015 MACARTHUR AVE	ASHLAND,WI 54806	1015 MACARTHUR AVE			\$ -	\$ 525.00	34	24	5	154	0	0	0	0	\$ 11.00	\$ 1,694.00	\$ 13.00	\$ -	\$ 525.00	\$ 1,694.00	\$ 584.50	\$ 1,109.50
201-03825-0000	WILLIAM & GRETCHEN BURKE	1020 MACARTHUR AVE	ASHLAND,WI 54806	1020 MACARTHUR AVE			\$ -	\$ 792.48	31	9	6	85	0	0	0	0	\$ 11.00	\$ 935.00	\$ 13.00	\$ -	\$ 792.48	\$ 935.00	\$ 71.26	\$ 863.74
201-03826-0000	MARINA D LACHECKI	1018 MACARTHUR AVE	ASHLAND,WI 54806	1018 MACARTHUR AVE			\$ -	\$ 759.36	32	15	6	122	0	0	0	0	\$ 11.00	\$ 1,342.00	\$ 13.00	\$ -	\$ 759.36	\$ 1,342.00	\$ 291.32	\$ 1,050.68
201-03829-0000	CARL R. & SUSAN D. DOERSCH	1016 MACARTHUR AVE	ASHLAND,WI 54806	1016 MACARTHUR AVE			\$ -	\$ 750.00	54	20	5	154	0	0	0	0	\$ 11.00	\$ 1,694.00	\$ 13.00	\$ -	\$ 750.00	\$ 1,694.00	\$ 472.00	\$ 1,222.00
201-03830-0000	MATTHEW & KATRINA WEMBER	1010 MACARTHUR AVE	ASHLAND,WI 54806	1010 MACARTHUR AVE			\$ -	\$ 360.00	0	17	5	85	183	30	5	333	\$ 11.00	\$ 935.00	\$ 13.00	\$ 4,329.00	\$ 360.00	\$ 5,264.00	\$ 2,452.00	\$ 2,812.00
201-03831-0000	MARJORIE E HMIELEWSKI	1006 MACARTHUR AVE	ASHLAND,WI 54806	1006 MACARTHUR AVE			\$ -	\$ 150.00	33	20	6	153	0	0	0	0	\$ 11.00	\$ 1,683.00	\$ 13.00	\$ -	\$ 150.00	\$ 1,683.00	\$ 766.50	\$ 916.50
201-03832-0000	MALEIA FUHRMAN	1000 MACARTHUR AVE	ASHLAND,WI 54806	1000 MACARTHUR AVE			\$ -	\$ 413.64	0	34	6	204	0	0	0	0	\$ 11.00	\$ 2,244.00	\$ 13.00	\$ -	\$ 413.64	\$ 2,244.00	\$ 915.18	\$ 1,328.82
201-04360-0000	HARBOR LIGHTS BAPTIST CHURCH	600 MACARTHUR AVE	ASHLAND,WI 54806	600 MACARTHUR AVE			\$ -	\$ -	95	20	6	215	0	0	0	0	\$ 11.00	\$ 2,365.00	\$ 13.00	\$ -	\$ -	\$ 2,365.00	\$ 1,182.50	\$ 1,182.50
201-04361-0000	DANIEL & REBECCA SULLIVAN	614 MACARTHUR AVE	ASHLAND,WI 54806	614 MACARTHUR AVE			\$ -	\$ 1,125.00	36	20	6	156	0	0	0	0	\$ 11.00	\$ 1,716.00	\$ 13.00	\$ -	\$ 1,125.00	\$ 1,716.00	\$ 295.50	\$ 1,420.50
201-04362-0000	DELWYN K HUDAK	622 MACARTHUR AVE	ASHLAND,WI 54806	622 MACARTHUR AVE			\$ -	\$ 1,146.00	0	11	6	66	121	22	6	253	\$ 11.00	\$ 726.00	\$ 13.00	\$ 3,289.00	\$ 1,146.00	\$ 4,015.00	\$ 1,434.50	\$ 2,580.50
201-04363-0000	ROBERT A ERICKSON	42358 COUNTY HWY E	MASON,WI 54856	623 MACARTHUR AVE			\$ -	\$ 750.00	35	17	5	120	0	0	0	0	\$ 11.00	\$ 1,320.00	\$ 13.00	\$ -	\$ 750.00	\$ 1,320.00	\$ 285.00	\$ 1,035.00
201-04364-0000	BRENDAN T BUCEY	619 MACARTHUR AVE	ASHLAND,WI 54806	619 MACARTHUR AVE			\$ -	\$ 525.00	36	14	5	106	0	0	0	0	\$ 11.00	\$ 1,166.00	\$ 13.00	\$ -	\$ 525.00	\$ 1,166.00	\$ 320.50	\$ 845.50
201-04365-0000	JULIE B BROWN	613 MACARTHUR AVE	ASHLAND,WI 54806	613 MACARTHUR AVE			\$ -	\$ 750.00	47	18	5	137	0	0	0	0	\$ 11.00	\$ 1,507.00	\$ 13.00	\$ -	\$ 750.00	\$ 1,507.00	\$ 378.50	\$ 1,128.50
201-04366-0000	JOSHUA D HARDESTY	609 MACARTHUR AVE	ASHLAND,WI 54806	609 MACARTHUR AVE			\$ -	\$ 648.00	38	23	5	153	0	0	0	0	\$ 11.00	\$ 1,683.00	\$ 13.00	\$ -	\$ 648.00	\$ 1,683.00	\$ 517.50	\$ 1,165.50
201-04367-0000	H & F RENTAL HOMES LLC	2770 LAKE RD	BARNES,WI 54873	605 MACARTHUR AVE			\$ -	\$ 1,128.00	0	8	5	40	0	0	0	0	\$ 11.00	\$ 440.00	\$ 13.00	\$ -	\$ 1,128.00	\$ 440.00	\$ -	\$ 440.00
201-04405-0000	KENNETH J. BARTELT	723 MACARTHUR AVE	ASHLAND,WI 54806	723 MACARTHUR AVE			\$ -	\$ 234.00	31	17	6	133	0	0	0	0	\$ 11.00	\$ 1,463.00	\$ 13.00	\$ -	\$ 234.00	\$ 1,463.00	\$ 614.50	\$ 848.50
201-04406-0000	RICHARD M. STRAUSS	721 MACARTHUR AVENUE	ASHLAND,WI 54806	721 MACARTHUR AVE			\$ -	\$ 90.00	47	13	6	125	0	0	0	0	\$ 11.00	\$ 1,375.00	\$ 13.00	\$ -	\$ 90.00	\$ 1,375.00	\$ 642.50	\$ 732.50
201-04408-0000	KARY R BRINKER	709 1/2 MACARTHUR AVE	ASHLAND,WI 54806	709 MACARTHUR AVE			\$ -	\$ 234.00	48	30	6	228	0	0	0	0	\$ 11.00	\$ 2,508.00	\$ 13.00	\$ -	\$ 234.00	\$ 2,508.00	\$ 1,137.00	\$ 1,371.00
201-04409-0000	NATHAN & STACEY SCHRAUFNAGEL	270 W RYDER ST	JEFFERSON,WI 53549	705 MACARTHUR AVE			\$ -	\$ 576.00	29	28	6	197	0	0	0	0	\$ 11.00	\$ 2,167.00	\$ 13.00	\$ -	\$ 576.00	\$ 2,167.00	\$ 795.50	\$ 1,371.50
201-04410-0000	DIANE FLANDERS	701 MACARTHUR AVE	ASHLAND,WI 54806	701 MACARTHUR AVE			\$ -	\$ -	31	43.4	6	291.4	0	0	0	0	\$ 11.00	\$ 3,205.40	\$ 13.00	\$ -	\$ -	\$ 3,205.40	\$ 1,602.70	\$ 1,602.70
201-04421-0000	KENNETH A HOULE	700 MACARTHUR AVE	ASHLAND,WI 54806	700 MACARTHUR AVE			\$ -	\$ -	49	34	6	253	0	0	0	0	\$ 11.00	\$ 2,783.00	\$ 13.00	\$ -	\$ -	\$ 2,783.00	\$ 1,391.50	\$ 1,391.50
201-04422-0000	PAUL WILLIAM FANDRE	704 MACARTHUR AVE	ASHLAND,WI 54806	704 MACARTHUR AVE			\$ -	\$ 671.76	51	20	6	171	0	0	0	0	\$ 11.00	\$ 1,881.00	\$ 13.00	\$ -	\$ 671.76	\$ 1,881.00	\$ 604.62	\$ 1,276.38
201-04423-0000	RANDY A. & SARA H. LEHR	136 HERRINGTON DR	AUBURN,CA 95603	710 MACARTHUR AVE			\$ -	\$ 63.00	30	19	6	144	0	0	0	0	\$ 11.00	\$ 1,584.00	\$ 13.00	\$ -	\$ 63.00	\$ 1,584.00	\$ 760.50	\$ 823.50
201-04424-0000	RANDALL & PATRICE WASSGREN	718 MACARTHUR AVE	ASHLAND,WI 54806	718 MACARTHUR AVE			\$ -	\$ -	29	28	6	197	0	0	0	0	\$ 11.00	\$ 2,167.00	\$ 13.00	\$ -	\$ -	\$ 2,167.00	\$ 1,083.50	\$ 1,083.50
201-04425-0000	PETER M LEONARD	722 MACARTHUR AVENUE	ASHLAND,WI 54806	722 MACARTHUR AVE			\$ -	\$ 216.00	29	25	6	179	253	35	6	463	\$ 11.00	\$ 1,969.00	\$ 13.00	\$ 6,019.00	\$ 216.00	\$ 7,988.00	\$ 3,886.00	\$ 4,102.00
201-04440-0000	DALLAS & FRANCINE HARE	800 MACARTHUR AVE	ASHLAND,WI 54806	800 MACARTHUR AVE	140	560	\$ 6,160.00	\$ 750.00	41	59	6	395	218	28	6	386	\$ 11.00	\$ 4,345.00	\$ 13.00	\$ 5,018.00	\$ 6,910.00	\$ 9,363.00	\$ 1,226.50	\$ 8,136.50
201-04441-0000	AMANDA G WOOD	22939 8 MILE RD	MUSKEGO,WI 53150	804 MACARTHUR AVE			\$ -	\$ 90.00	20	20	6	140	0	0	0	0	\$ 11.00	\$ 1,540.00	\$ 13.00	\$ -	\$ 90.00	\$ 1,540.00	\$ 725.00	\$ 815.00
201-04442-0000	DAVID & KATHLEEN ALLEN	810 MACARTHUR AVE	ASHLAND,WI 54806	810 MACARTHUR AVE			\$ -	\$ 216.00	20	24	6	164	0	0	0	0	\$ 11.00	\$ 1,804.00	\$ 13.00	\$ -	\$ 216.00	\$ 1,804.00	\$ 794.00	\$ 1,010.00
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SUBJECT: Approve a Final Resolution Authorizing Public Improvement and Levying Sidewalk Special Assessments Against Benefited Property in the City of Ashland, Ashland County, Wisconsin for the 2023 MacArthur Ave Reconstruction Project (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
City Attorney
Public Works Director

EXHIBITS: 1. Resolution 17726 MacArthur Sidewalk Assessments

EXPENDITURES REQUIRED: \$139,818.38 Est. Construction Cost of Sidewalk Replacement
\$ 20,972.76 Est. Engineering Services
\$160,791.14 Total Estimated Cost

\$160,791.14 Total Est. Cost
\$113,958.87 City Portion
\$ 46,832.27 Special Assessments

AMOUNT BUDGETED: \$113,958.87 Fund 470 Street Improvements (City Portion of Sidewalk Construction)

APPROPRIATION REQUIRED: As Budgeted for 2021

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 construction conforms to the goals and community values identified in the City of Ashland's Comprehensive Plan

SUMMARY STATEMENT:

After Council has heard from citizens during the Public Hearing, Council shall direct staff to make any appropriate changes to the Preliminary Special Assessment Report and pass the final resolution authorizing public improvement and levying sidewalk special assessments against benefited property in the City of Ashland, Ashland County, Wisconsin.

As proposed by City staff, the special assessments would total \$46,832.27. There are 52 properties in the

assessment district described in the preliminary resolution declaring the intent to levy special assessments.

For the 52 affected properties, the assessments range from a low of \$71.26 to a high of \$3,886.00, and the average assessment is \$1,040.72.

Per the City's Sidwalk Special Assessment Policy, Assessments may be paid in full or in ten annual installments to the City of Ashland. Deductions have also been made for previous sidewalk special assessments levied within the past 20 years.

Per Wisconsin Statute 66.0715, the repayment terms may be deferred on the terms and in the manner prescribed by the governing body. On March 29, 2023, City Council approved revisions to the Special Assessment Hardship Policy which, in short, allows qualifying property owners to apply for deferral of the special assessment if the property owner meets prescribed income requirements. For the duration of time that property owners meet these income requirements, the property would be eligible to have the annual special assessment payment deferred until the sale or transfer of the property. City funds would then be used to make the annual payments during the period of deferral. Property owners are required to annually certify their income via a copy of their federal tax return.

Staff is recommending approval of the final resolution authorizing public improvement and levying sidewalk special assessments against benefited property in the City of Ashland, Ashland County, Wisconsin for the 2023 MacArthur Ave Reconstruction Project.

RESOLUTION No. 17726

FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND LEVYING SIDEWALK SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY IN THE CITY OF ASHLAND, ASHLAND COUNTY, WISCONSIN FOR THE 2023 MACARTHUR AVE RECONSTRUCTION PROJECT

WHEREAS, the Common Council for the City of Ashland, Ashland County, Wisconsin, held a public hearing at the Ashland City Hall, 601 Main Street West, Ashland, Wisconsin, at 6:00 p.m. on June 27, 2023 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Ashland Department of Public Works, including preliminary assessments against benefited property, and heard all persons who desired to speak at the hearing.

NOW, THEREFORE, BE IT RESOLVED, the Common Council for the City of Ashland determines as follows:

1. The sidewalk special assessment report of the Ashland Department of Public Works, a copy of which is attached hereto and incorporated herein as if fully set forth herein, including the plans and specifications and assessments set forth therein, is adopted and approved.

2. The project engineer shall advertise for bids and supervise construction of the improvements in accordance with the report hereby adopted.

3. The estimated cost of the sidewalk improvements is \$160,791.03, the total assessable costs are \$127,155.40, and 50% shall be paid by special assessment against the property benefited as indicated in the report.

4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.

5. The final assessment shall be due within 45 days of the initial billing date. Assessments may be paid in cash or in ten annual installments to the City of Ashland Treasurer. Installments shall be placed on the next tax roll after the due date for collection and the interest rate will be the true interest cost of the 2020C general obligation promissory note (1.91%) issue plus 1% admin fee per annum on the unpaid balance from January 1 of the year following the levy. All assessments are due in full upon sale or transfer of property.

6. The City Clerk shall publish this resolution as a class 1 notice under ch. 985, Stats., and mail a copy of this resolution and a statement of the final assessment against the benefited property together with notice of installment payment privileges to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Ashland approve the final resolution authorizing public improvement and levying sidewalk special assessments against benefitted properties in the City of Ashland, Ashland County, Wisconsin for the 2023 MacArthur Ave Reconstruction Project.

PASSED: June 27, 2023

Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney

SUBJECT: Hearing on Intent Not to Renew 2023-2024 Alcohol Beverage License for EFM Holdings, LLC dba the Spot, 220 Main Street East, Ashland, Agent Nathan Monkelein, and Approve a Resolution of Intent Not to Renew 2023-2024 Alcohol Beverage License for EFM Holdings, LLC dba the Spot, 220 Main Street East, Ashland, Agent Nathan Monkelein (*Clerk*) Roll

RECOMMENDATION: Deny Renewal Application

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: City Attorney

EXHIBITS:

1. Proposed Resolution No. 17723
2. Notice of Intent Not to Renew Alcohol Beverage License and Opportunity for Hearing, May 25, 2023
3. Renewal Alcohol Beverage License Application (redacted)
4. AFD Inspection December 30, 2020
5. AFD Inspection April 7, 2021
6. AFD Inspection, March 2020, 2022
7. AFD Inspection, April 12, 2023
8. Summary from Building Inspector of 220 Main Street East
9. Photos of 220 Main Street East, Ashland

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

**APPROPRIATION
REQUIRED:**

**TREASURER'S
CERTIFICATE:** The Treasurer's Office has certified that EFM Holdings, LLC is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

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 Mayor and/or City Clerk has chosen to direct this item directly to Council pursuant to the authority granted to them in Chapter 51, Ashland City Ordinances.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

EFM Holdings, LLC, dba the Spot at 220 Main Street East, Ashland and agent Nathan Monkelein, are in violation of [922.40\(g\)](#) Failure to do Business, Alcohol Beverages Regulation, Ashland City Ordinances. It is stated:

Within one hundred eighty (180) days from the initial issuance of a Class A or Class B intoxicating liquor or fermented malt beverage license, a licensee shall be open for business with adequate stock and equipment or the license shall be revoked by the Common Council following a revocation hearing. If any Class A or Class B intoxicating liquor or fermented malt beverage licensee shall suspend or cease doing business for a period of 180 days, the license shall be revoked by the Common Council following a revocation hearing. For the purposes of this subsection, the licensed premises must be open for business a minimum of twenty (20) hours per week or the license will be subject to the failure to do business provisions. The 180 days shall not necessarily need to be successive to impose the provisions of this subsection.

This entity has not conducted business over the past year or longer, and has shown no progress in the planned renovations that were communicated to the City to open the establishment. A Notice of Intent Not to Renew was sent via Certified Mail, was emailed, and was delivered in person by the police department within the 20-day requirement, explaining their opportunity for a hearing as required by [WI State Statute 125.12\(3\)](#), to be held before Council during a regular meeting to determine the outcome of the respective alcohol license applications. The applicant will have a chance to argue to Council why their renewal application should be approved.

The renewal application for EFM Holdings LLC dba Spot Bar was not listed within the request for approval of licenses at the May 30, 2023 meeting.

The hearing procedure will be as follows:

- The city will present its evidence.
- The alderpersons may ask questions of the city's witness(es).
- The applicant may cross-examine the city's witness(es).
- The applicant may testify or produce witnesses.
- The city may cross-examine the applicant or witnesses.
- Closing statement by the city.
- Closing statement by applicant.
- The hearing is closed and the Council will consider and act on the proposed resolution renewing the 2023-2024 alcohol beverage license for the Spot.

Under the circumstances, it is recommended that Council approve the resolution and state their intent not to renew the 2023-2024 Renewal Alcohol Beverage license for EFM Holdings, LLC dba the Spot at 220 Main Street East, Ashland, and agent Nathan Monkelein.

RESOLUTION No. 17723

RESOLUTION OF INTENT TO NOT RENEW 2023-2024 ALCOHOL BEVERAGE LICENSE FOR EFM HOLDINGS, LLC DBA THE SPOT, 220 MAIN STREET EAST, ASHLAND, AGENT NATHAN MONKELEIN

WHEREAS, the City Clerk received a Renewal Alcohol Beverage License Application for a Class B Fermented Malt Beverage and Class B Intoxicating Liquor license for EFM Holdings, LLC dba the Spot at 220 Main Street East, Ashland, and Agent Nathan Monkelien; and

WHEREAS, the City of Ashland Common Council has been presented with information from the City Clerk and City Attorney indicating the applicant is in violation of Ashland City Ordinances Chapter 922.40(g) Failure to do Business, which states:

Failure to do Business. Within one hundred eighty (180) days from the initial issuance of a Class A or Class B intoxicating liquor or fermented malt beverage license, a licensee shall be open for business with adequate stock and equipment or the license shall be revoked by the Common Council following a revocation hearing. If any Class A or Class B intoxicating liquor or fermented malt beverage licensee shall suspend or cease doing business for a period of 180 days, the license shall be revoked by the Common Council following a revocation hearing. For the purposes of this subsection, the licensed premises must be open for business a minimum of twenty (20) hours per week or the license will be subject to the failure to do business provisions. The 180 days shall not necessarily need to be successive to impose the provisions of this subsection; and

WHEREAS, according to Ashland City Ordinances Chapter 922.50 Revocation of Licenses states:

Licenses issued under the provisions of this chapter may be revoked by the Council of the City of Ashland after notice and hearing for any of the following causes:

- 1. Fraud, misrepresentation, or incorrect statement contained in the application for license;*
- 2. Fraud, misrepresentation, or incorrect statement made in the course of carrying on his/her business;*
- 3. Any violation of this ordinance;*
- 4. Conviction of any crime or misdemeanor; and*

WHEREAS, the Ashland Common Council provided said licensee with an opportunity for hearing on its intent not to renew the license.

BE IT THEREFORE RESOLVED the Ashland City Council, compliant of Wisconsin State Statutes Section 125.12(3), intends not to renew the license for the above said applicant, pursuant to said Statutes and Municipal Code.

BE IT FURTHER RESOLVED the City Clerk shall provide written notice to such licensee of the action taken place by the Ashland Common Council not to renew its license pursuant to said Statutes and Municipal Code.

PASSED: June 27, 2023

ATTEST:

Councilperson

Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

Approved as to Form:

Max Lindsey, City Attorney



City Clerk
601 Main Street West
Ashland WI 54806
Phone 715-682-7071
doliphant@coawi.org

May 25, 2023

- | |
|--|
| DELIVERY VIA <ul style="list-style-type: none">• CERTIFIED MAIL• EMAIL• PERSONAL SERVICE |
|--|

NOTICE OF INTENT NOT TO RENEW ALCOHOL BEVERAGE LICENSE AND OPPORTUNITY FOR HEARING

EFM Holdings LLC
Nathan Monkelien, Agent
dba The Spot
220 Main Street East
Ashland WI 54806

PLEASE TAKE NOTICE that at its meeting on Tuesday, June 27, 2023, the Common Council of the City of Ashland, Wisconsin, it will be recommended to not renew the Class B Fermented Malt Beverage and Class B Intoxicating Liquor license due to the violation of the City of Ashland Municipal Code 922.40(g) Failure to do Business, as stated below:

"...For the purposes of this subsection, the licensed premises must be open for business a minimum of twenty (20) hours per week or the license will be subject to the failure to do business provisions. The 180 days shall not necessarily need to be successive to impose the provisions of this subsection..."

This notice is given pursuant to Wis. Stat. s. 125.12(3). Also pursuant to that statute, you are being provided with an opportunity for a hearing before the Common Council at which you may present evidence and argument to show cause that your license should be renewed by the Common Council. You may present witnesses and be represented by counsel at this hearing, if you desire.

This hearing is scheduled for the meeting of the City of Ashland Common Council to be held on Tuesday, June 27, 2023 at 6:00 p.m. in the City Hall Chambers at 601 Main Street West, Ashland, WI.

Dated this day of May 25, 2023.

City of Ashland, Wisconsin

by _____
Denise Oliphant, City Clerk

CC Tyler Wickman, City Attorney

Renewal Alcohol Beverage License Application

(Submit to municipal clerk. Read instructions on page 3.)

For the license period beginning: 7/01/2023 ending: 6/30/2024
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☒ City of } ASHLAND

County of ASHLAND Aldermanic Dist. No. _____
(if required by ordinance)

Check one: ☐ Individual ☒ Limited Liability Company
☐ Partnership ☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>MONKELIEN</u>	<u>NATHAN</u>		
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

B. LLC or Corporation (and Agent):

Full Legal Name of Corporation / Nonprofit Organization / Limited Liability Company	Address of Corporation / Limited Liability Company (if different from licensed premises)
<u>EFM HOLDINGS LLC</u>	<u>220 MAIN STE ASHLAND WI 54806</u>

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent.

Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>MONKELIEN</u>	<u>NATHAN</u>		

All Officer(s) Director(s) of Corporation and Members / Managers of Limited Liability Company:

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>MCGEE</u>	<u>NICK</u>		
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

C. Business Information

- Trade Name EFM HOLDINGS LLC Business Phone Number 715-659-0702
- Address of Premises 220 MAIN ST E. ASHLAND WI Post Office & Zip Code 54806
- Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No
- Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) MAIN STREET LEVEL AND STORAGE IN BASEMENT

Applicant's Wisconsin Seller's Permit Number	
FEIN Number	
TYPE OF LICENSE REQUESTED	FEE
☐ Class A beer	\$
☒ Class B beer	\$ <u>100</u>
☐ Class C wine	\$
☐ Class A liquor	\$
☐ Class A liquor (cider only)	\$ N/A
☒ Class B liquor	\$ <u>500</u>
☐ Reserve Class B liquor	\$
☐ Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$ <u>600</u>

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
MONNELIEN		NATHAN		FRANK	
Home Address (street/route)		Post Office	City	State	Zip Code
			ASHLAND	WI	54806
Home Phone Number		Age	Date of Birth	Place of Birth	
				FLORIDA	

The above named individual provides the following information as a person who is (check one):

☐ Applying for an alcohol beverage license as an **individual**.

☐ A member of a **partnership** which is making application for an alcohol beverage license.

☒ **AGENT** of **EFM HOLDINGS LLC**
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 4 YEARS
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, describe status of charges pending.

- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☒ Yes ☐ No
 If yes, identify. STOKED SMOKEHOUSE 315 MAIN ST E. CLASS BLIQUOR + BEER
(Name, Location and Type of License/Permit)

- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
 If yes, identify.
(Name of Wholesale Licensee or Permittee) (Address By City and County)

- Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
ASHLAND LOCK & KEY	522 SANBORN AVE	2019	PRESENT
BIDHIPUR BREWING CO.	N/A	2017	2019

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


 (Signature of Named Individual)



CITY OF ASHLAND FIRE DEPARTMENT
OFFICIAL NOTICE

December 30, 2020

Spot Bar
220 Main ST E
Ashland, WI 54806

Congratulations, an inspection of your facility on Dec 30, 2020 revealed no violations.

FIRE INSPECTION DIVISION
215 6th St. East
Ashland, WI 54806
715 682-7052

FF#19B Wade Koistinen1220
Inspector

Nathan Monkeliën



CITY OF ASHLAND FIRE DEPARTMENT
OFFICIAL NOTICE

April 7, 2021

Spot Bar
220 Main ST E
Ashland, WI 54806

Congratulations, an inspection of your facility on Apr 7, 2021 revealed no violations.

FIRE INSPECTION DIVISION
215 6th St. East
Ashland, WI 54806
715 682-7052

C-3

L-2 Kevin Alajoki160
Inspector

C-3

C3



CITY OF ASHLAND FIRE DEPARTMENT
OFFICIAL NOTICE

March 30, 2022

Spot Bar
220 Main ST E
Ashland, WI 54806

Congratulations, an inspection of your facility on Mar 30, 2022 revealed no violations.

Inspection Note Building under construction at time of inspection, business is not in operation at current time per owner.

FIRE INSPECTION DIVISION
215 6th St. East
Ashland, WI 54806
715 682-7052

FF#13 Matthew Spangler 1124
Inspector

Nathan M.

OFFICIAL NOTICE

220 Main St E

Owner/Occupant of the premises at

The Spot

Telephone

YOU ARE HEREBY NOTIFIED OF CONDITIONS CHECKED OR INDICATED BELOW

WHICH DO NOT COMPLY WITH FIRE PREVENTION ORDINANCES

1. **NFPA 11.1..... Electrical Fire Safety**-The ext. cords shall be maintained in good condition without splices, deterioration, or damage. Ext. cords and flexible cords shall not be affixed to structure; extend through walls, ceilings, or floors, or under doors or floor coverings; or be subject to environmental or physical damage
2. **NFPA 12.4.1..... Fire Doors and Other Opening Protectives**-The installation and maintenance of assemblies and devices used to protect openings in walls, floors, and ceilings against the spread of fire and smoke within, into, or out of buildings shall comply with section 12.4
3. **NFPA 13.1.4..... Integrated Fire Protection and Life Safety System Test**-A min. 36" of clear space shall be maintained to permit access to and operation of fire protection equipment, fire dept. inlet connections, or fire protection system control valves.
4. **NFPA 13.3.3.1... Inspection, Testing, and Maintenance**-A sprinkler system shall be properly maintained to provide at least the same level of performance and protection as designed.
5. **NFPA 13.6..... Portable Fire Extinguishers**-Extinguishers shall be maintained in a fully charged and operable condition. Shall be readily accessible and immediately available in the event of a fire. In rooms and locations where visual obstructions can not be completely avoided, signs or other means shall be provided to indicate extinguisher location.
6. **NFPA 13.6.9.3.3... Annual Maintenance Record Keeping**-Each Fire Extinguisher shall have a tag or label securely attached that indicates the month and year maintenance was performed.
7. **NFPA 13.7.1.4.9.1....Smoke Alarms**-Single station and Multi-station smoke alarms shall be in accordance with NFPA 72 unless otherwise provided in 13.7.1.8.3, 13.7.1.8.4, 13.7.1.8.5, 13.7.1.8.6
8. **NFPA 13.7.1.14....CO Detection and Warning Equipment**-CO detection and warning equipment shall be provided in accordance with NFPA 720.
9. **NFPA 14.14.1.2.1....Exits**-Exits, other than main exterior exit doors that obviously and clearly are identifiable as exits, shall be marked by approved sign that is readily visible from any direction of exit access.
10. **NFPA 20.6.2.3.1.....Maintenance of Exits**-Proper maintenance shall be provided to ensure the dependability of the method of evacuation selected.
12. **NFPA 16.2.3.1.1....Storage**-Storage of flammable and combustible liquids shall be in accordance with Chapter 66, unless otherwise modified by 16.2.3.
13. **NFPA 13.1.3....Fire Hydrants and Fire Dept. Connections**-Obstructions shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection control valves in a manner that would prevent such equipment or fire hydrants from being immediately visible.
14. **UDO Section 6.1.4.....Street Numbers**-Plainly seen from the street, minimum 2.5" in height.

No violations noted

Corrections shall be made on or before _____



Corrected



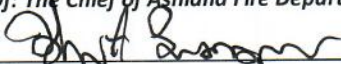
Not Corrected

VIOLATORS SUBJECT TO THE PENALTIES PROVIDED BY THE APPROPRIATE ORDINANCE

By Order Of: The Chief of Ashland Fire Department

Re-inspected by _____ Date _____

Inspector



Date

4-12-23

From: Stephen Schraufnagel <stephenschrauf@gmail.com>
Sent: Wednesday, June 14, 2023 2:48 PM
To: Denise Oliphant
Cc: Stephen Schraufnagel
Subject: Summary / Inspection at 220 Main Street East

Hi Denise,

Per your recent request, I wanted to provide you with an up to date summary of my recent inspection(s) at 220 Main Street East. The property was recently used as the Ashland Lock & Key business. I'm not sure who is the present owner or what entity is using it now.

I have been there twice over the past three (3) years with my most recent cursory inspection made on June 10, 2023, at 11:45 A.M. See the attached photos of the subject property.

My findings are that before a renewal of an alcohol license is allowed, there should be a detailed inspection made on the entire property by both the City of Ashland's Building Inspector and the Fire Department. This property, to the best of my knowledge, has not been used as an alcohol serving establishment for the past three (3) years. The following must be part of this inspection: Parking, ADA Accessibility, Fire and Safety issues, Exiting requirements, General Building condition, Equipment condition, etc.

If you should have any additional questions please let me know.

Regards,

Stephen G. Schraufnagel, AIA Architect/Commercial & Residential Building Inspector, City of Ashland Cell: 715-209-6372 Email: stephenschrauf@gmail.com







SUBJECT: Hearing on Intent Not to Renew 2023-2024 Alcohol Beverage License and Approve Resolution of Intent to Not Renew 2023-2024 Alcohol Beverage License for Elite Four, LLC dba Anchor Island, 315 Turner Road, Ashland, and Agent Ahron McCauliffe (Clerk) Roll

RECOMMENDATION: Deny Renewal Application

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: City Attorney

EXHIBITS:

1. Proposed Resolution No. 17724
2. Notice of Intent Not to Renew Alcohol Beverage License and Opportunity for Hearing, May 25, 2023
3. Renewal Alcohol Beverage License Application (redacted)
4. AFD Inspection, June 8, 2020
5. AFD Inspection, April 7, 2021
6. AFD Inspection, March 17, 2022
7. Summary Building Inspection at 315 Turner Road
8. Photos of 315 Turner Road, Ashland

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: The Treasurer's Office has certified that Elite Four, LLC is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

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 Mayor and/or City Clerk has chosen to direct this item directly to Council pursuant to the authority granted to them in Chapter 51, Ashland City Ordinances.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

Elite Four, LLC, dba Anchor Island and Agent Ahron McCauliffe, are in violation of [922.40\(g\)](#) Failure to do Business, Alcohol Beverages Regulation, Ashland City Ordinances. It is stated:

Within one hundred eighty (180) days from the initial issuance of a Class A or Class B intoxicating liquor or fermented malt beverage license, a licensee shall be open for business with adequate stock and equipment or

the license shall be revoked by the Common Council following a revocation hearing. If any Class A or Class B intoxicating liquor or fermented malt beverage licensee shall suspend or cease doing business for a period of 180 days, the license shall be revoked by the Common Council following a revocation hearing. For the purposes of this subsection, the licensed premises must be open for business a minimum of twenty (20) hours per week or the license will be subject to the failure to do business provisions. The 180 days shall not necessarily need to be successive to impose the provisions of this subsection.

This entity has not conducted business over the past year or longer, and has shown no progress in the planned renovations that were communicated to the City to open the establishment. A Notice of Intent Not to Renew was sent via Certified Mail, was emailed and delivered in person by the police department, explaining the opportunity of a hearing as required by WI State Statute [125.12\(3\)](#), to be held before Council during a regular meeting to determine the outcome of the respective alcohol license application. The applicant will have a chance to argue to Council why their renewal application should be approved.

The renewal application for Elite Four LLC dba Anchor Island was not listed within the request for approval of licenses at the May 30, 2023 meeting.

This procedure will be as follows:

- The city will present its evidence.
- The alderpersons may ask questions of the city's witness(es).
- The applicant may cross-examine the city's witness(es).
- The applicant may testify or produce witnesses.
- The city may cross-examine the applicant or witnesses.
- Closing statement by the city.
- Closing statement by applicant. The hearing is closed and the Council will consider and act on the proposed resolution renewing the 2023-2024 alcohol beverage license for Anchor Island.

Under the circumstances, it is recommended that Council approve the resolution and state their intent not to renew the 2023-2024 Renewal Alcohol Beverage license for Elite Four, LLC dba Anchor Island at 315 Turner Road, Ashland, and agent Ahron McCauliffe.

RESOLUTION No. 17724

RESOLUTION OF INTENT TO NOT RENEW 2023-2024 ALCOHOL BEVERAGE LICENSE FOR ELITE FOUR, LLC DBA ANCHOR BAR, 315 TURNER ROAD, ASHLAND, AND AGENT AHRON MCCAULIFFE

WHEREAS, the City Clerk received a Renewal Alcohol Beverage License Application for a Class B Fermented Malt Beverage and Class B Intoxicating Liquor license for Elite Four, LLC dba Anchor Island, Ashland, and Agent Ahron McCauliffe; and

WHEREAS, the City of Ashland Common Council has been presented with information from the City Clerk and City Attorney indicating the applicant is in violation of Ashland City Ordinances Chapter 922.40(g) Failure to do Business, which states:

Failure to do Business. Within one hundred eighty (180) days from the initial issuance of a Class A or Class B intoxicating liquor or fermented malt beverage license, a licensee shall be open for business with adequate stock and equipment or the license shall be revoked by the Common Council following a revocation hearing. If any Class A or Class B intoxicating liquor or fermented malt beverage licensee shall suspend or cease doing business for a period of 180 days, the license shall be revoked by the Common Council following a revocation hearing. For the purposes of this subsection, the licensed premises must be open for business a minimum of twenty (20) hours per week or the license will be subject to the failure to do business provisions. The 180 days shall not necessarily need to be successive to impose the provisions of this subsection; and

WHEREAS, according to Ashland City Ordinances Chapter 922.50 Revocation of Licenses states:

Licenses issued under the provisions of this chapter may be revoked by the Council of the City of Ashland after notice and hearing for any of the following causes:

- 1. Fraud, misrepresentation, or incorrect statement contained in the application for license;*
- 2. Fraud, misrepresentation, or incorrect statement made in the course of carrying on his/her business;*
- 3. Any violation of this ordinance;*
- 4. Conviction of any crime or misdemeanor; and*

WHEREAS, the Ashland Common Council provided said licensee with an opportunity for hearing on its intent not to renew the license.

BE IT THEREFORE RESOLVED the Ashland City Council, compliant of Wisconsin State Statutes Section 125.12(3), intends not to renew the license for the above said applicant, pursuant to said Statutes and Municipal Code.

BE IT FURTHER RESOLVED the City Clerk shall provide written notice to such licensee of the action taken place by the Ashland Common Council not to renew its license pursuant to said Statutes and Municipal Code.

PASSED: June 27, 2023

ATTEST:

Councilperson

Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

Approved as to Form:

Max Lindsey, City Attorney



City Clerk
601 Main Street West
Ashland WI 54806
Phone 715-682-7071
doliphant@coawi.org

May 25, 2023

DELIVERY VIA

- CERTIFIED MAIL
- EMAIL
- PERSONAL SERVICE

NOTICE OF INTENT NOT TO RENEW ALCOHOL BEVERAGE LICENSE AND OPPORTUNITY FOR HEARING

Elite Four LLC
Ahron McCauliffe, Agent
dba Anchor Island
315 Turner Road
Ashland WI 54806

PLEASE TAKE NOTICE that at its meeting on Tuesday, June 27, 2023, the Common Council of the City of Ashland, Wisconsin, it will be recommended to not renew the Class B Fermented Malt Beverage and Class B Intoxicating Liquor license due to the violation of the City of Ashland Municipal Code 922.40(g) Failure to do Business, as stated below:

"...For the purposes of this subsection, the licensed premises must be open for business a minimum of twenty (20) hours per week or the license will be subject to the failure to do business provisions. The 180 days shall not necessarily need to be successive to impose the provisions of this subsection..."

This notice is given pursuant to Wis. Stat. s. 125.12(3). Also pursuant to that statute, you are being provided with an opportunity for a hearing before the Common Council at which you may present evidence and argument to show cause that your license should be renewed by the Common Council. You may present witnesses and be represented by counsel at this hearing, if you desire.

This hearing is scheduled for the meeting of the City of Ashland Common Council to be held on Tuesday, June 27, 2023 at 6:00 p.m. in the City Hall Chambers at 601 Main Street West, Ashland, WI.

Dated this day of May 25, 2023.

City of Ashland, Wisconsin

by

Denise Oliphant, City Clerk

CC Tyler Wickman, City Attorney

Renewal Alcohol Beverage License Application

(Submit to municipal clerk. Read instructions on page 3.)

For the license period beginning: 07/01/2023 ending: 06/30/2024
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☒ City of } Ashland

County of Ashland Aldermanic Dist. No. _____
(if required by ordinance)

Check one: ☐ Individual ☒ Limited Liability Company
☐ Partnership ☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

B. LLC or Corporation (and Agent):

Full Legal Name of Corporation / Nonprofit Organization / Limited Liability Company	Address of Corporation / Limited Liability Company (if different from licensed premises)
<u>Elite Four LLC</u>	<u>315 Turner Road, Ashland, WI 54806</u>

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent.

Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>McAuliffe</u>	<u>Ahron</u>	<u>Patrick</u>	

All Officer(s) Director(s) of Corporation and Members / Managers of Limited Liability Company:

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>McAuliffe</u>	<u>Ahron</u>	<u>Patrick</u>	
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Lyman</u>	<u>Laina</u>		
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Beeksma</u>	<u>Alexander</u>		
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Nickels</u>	<u>Chase</u>		
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

C. Business Information

- Trade Name Anchor Island Business Phone Number 715-209-4485
- Address of Premises 315 Turner Road Post Office & Zip Code Ashland, WI 54806
- Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No
- Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Main dining room, back dining room, lounge, deck, server's room, kitchen, western section of basement, back bar

Applicant's Wisconsin Seller's Permit Number <u>456-1030986933-02</u>	
FEIN Number <u>87-4341954</u>	
TYPE OF LICENSE REQUESTED	FEE
☐ Class A beer	\$
☒ Class B beer	\$ <u>100</u>
☐ Class C wine	\$
☐ Class A liquor	\$
☐ Class A liquor (cider only)	\$ <u>N/A</u>
☒ Class B liquor	\$ <u>500</u>
☐ Reserve Class B liquor	\$
☐ Class B (wine only) winery	\$
Publication fee	\$ <u>50</u>
TOTAL FEE	\$ <u>650</u>

5. Legal description (omit if street address is given on previous page): _____
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? **If yes, complete page 3** ☐ Yes ☒ No
- b. Are **charges** for **any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? **If yes, explain fully on page 3.** ☐ Yes ☒ No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? **If yes, explain** ☐ Yes ☒ No
- _____

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? **If not, explain** ☐ Yes ☒ No
 No liquor purchased, no sales made

9. Does the applicant understand they must hold a Wisconsin Seller's Permit? ☒ Yes ☐ No
 [phone (608) 266-2776]
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No
12. Does the applicant owe municipal property taxes, assessments, or other fees? ☐ Yes ☒ No
 (Note: Renewal of licenses may be denied pursuant to a local ordinance, if the licensee owes municipal taxes, assessments or other fees).

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Contact Person's Name (Last, First, M.I.) McAuliffe, Ahron, P	Title / Member Member	Date 4/14/23
Signature 	Phone Number 715-209-4485	Email Address ahron@anchor-island.com

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 4/14/23	Date reported to council / board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk



CITY OF ASHLAND FIRE DEPARTMENT OFFICIAL NOTICE

June 8, 2020

Anchors Islands
315 Turner RD
Ashland, WI 54806

An inspection of your facility on Jun 8, 2020 revealed the violations listed below.

ORDER TO COMPLY: Since these conditions are contrary to law, you must correct them upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on/around 30 days.

Violations

51.22 Fire Extinguishers

Note Fire extinguishers must be serviced annually.

Fire extinguishers should be mounted on the wall to code.



54.14 Combustible Waste

Note Suppression system should be serviced and tagged annually.



64.52 Maintenance of Operation

Note Exhaust hood should be serviced annually.



Inspection Note Part of restaurant area currently under construction.

FIRE INSPECTION DIVISION
215 6th St. East
Ashland, WI 54806
715 682-7052

FF#46C Andrew Mayer1371
Inspector

Rick G.



CITY OF ASHLAND FIRE DEPARTMENT
OFFICIAL NOTICE

April 7, 2021

Anchors Islands
315 Turner RD
Ashland, WI 54806

Congratulations, an inspection of your facility on Apr 7, 2021 revealed no violations.

Inspection Note Entire building under construction.

FIRE INSPECTION DIVISION
215 6th St. East
Ashland, WI 54806
715 682-7052

FF#28 John Granger989
Inspector

Heidi Hicks



CITY OF ASHLAND FIRE DEPARTMENT
OFFICIAL NOTICE

March 17, 2022

Anchors Islands
315 Turner RD
Ashland, WI 54806

An inspection of your facility on Mar 17, 2022 revealed the violations listed below.

ORDER TO COMPLY: Since these conditions are contrary to law, you must correct them upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on/around 30 days.

Violations

51.15(3) Standard Exits

Note Building under renovation

52.21 Location and maintenance of Exits

Note Building under renovation.

53.63 Fire Stopping of Wood Construction

Note Building under renovation

64.52 Maintenance of Operation

Note Building under renovation

300-21 Electrical Installations

Note Building under renovation.

370-15 Outlet Boxes

Note Building under renovation

EXIT EXIT LIGHT VIOLATION

Note Building under renovation.

Inspection Note Building is under renovation without proper permits. City building inspector is aware and the situation is being dealt with by the city building inspector. The building does not pass fire inspection at this time. For liquor license renewal, all properties must pass a fire inspection by April 1st.

FIRE INSPECTION DIVISION
215 6th St. East
Ashland, WI 54806
715 682-7052



FF#27 Rayne Edinger980
Inspector



Not available

From: Stephen Schraufnagel <stephenschrauf@gmail.com>
Sent: Wednesday, June 14, 2023 4:29 PM
To: Denise Oliphant
Cc: Stephen Schraufnagel
Subject: Summary / Inspection at 315 Turner Road

Hi Denise,

Per your recent request, I wanted to provide you with an up to date summary of my recent inspection(s) at 315 Turner Road. The property was recently used as the Platter Restaurant business. It is presently being used as the Real Estate Agency of Anthony Jennings & Crew Real Estate.

I have been there several times over the past three (3) years with my most recent cursory inspection made on June 10, 2023, at 11:00 A.M. See the attached photos of the subject property.

My findings are that before a renewal of an alcohol license is allowed, there should be a detailed inspection performed on the entire property by both the City of Ashland's Building Inspector and the Fire Department. The property, to the best of my knowledge, has not been used as an alcohol serving establishment for the past three (3) years. The following must be part of this inspection: Parking, ADA Accessibility, Fire and Safety issues, Exiting requirements; Electrical, Plumbing and HVAC Systems; General Building condition, Equipment condition, etc.

If you should have any additional questions please let me know.

Regards,

Stephen G. Schraufnagel, AIA Architect/Commercial & Residential Building Inspector, City of Ashland Cell: 715-209-6372 Email: stephenschrauf@gmail.com









SUBJECT: Approve an Agreement between the City of Ashland and Northwoods Paving Company for 2023 General Roadway Maintenance (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
Public Works Director

EXHIBITS: 1. Northwoods Paving 2023 Roadway Maintenance Agreement

EXPENDITURES REQUIRED: \$107,500- Agreement Total (Not to Exceed)

AMOUNT BUDGETED: \$107,500.00- Fund 100 2023 Operating Budget (100-53311-340)

**APPROPRIATION
REQUIRED:** -\$0-

**TREASURER'S
CERTIFICATE:**

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:

Chipsealing is a construction technique that is considered roadway maintenance that extends the useful life of asphalt pavement. Chipsealing, along with other similar treatments including mill and overlays, are collectively referred to as "pavement preservation".

The Public Works Department recommends embracing the use of pavement preservation techniques in the City, as the difficulties associated with constructing roadways in clay soil and the limited availability of funds provide for a good return on investment in terms of maintaining satisfactory roadway conditions throughout the City.

The Public Works Department completed chip seals in 2021 but no funds were budgeted in 2022. The 2023 Public Works operating budget includes approximately \$90,000 in funds for chipsealing.

In addition, the 2023 Public Works operating budget includes another \$40,000 for thin overlays. Thin overlays are another construction technique considered to be roadway maintenance. However, rather than extending the useful life of asphalt pavement, a thin overlay is used to essentially patch back together failed asphalt pavement. The Public Works Department has found that thin overlays are the most efficient use of labor,

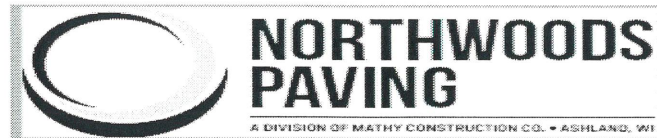
equipment and material in cases where an entire block of roadway, or several blocks of roadway, have failed and underlying utilities are either absent or in good condition.

A thin overlay would not be recommended in instances where the asphalt pavement has failed but the underlying utilities also require replacement.

The Public Works Department has been unable to prepare bidding documents for 2023 chipsealing work due to staff shortages and is requesting Council approval to reallocate funds to thin overlays at various locations throughout the City. Use of contracted services with Northwoods Paving is requested as the Public Works Department lacks the equipment necessary to apply thin overlays over large areas such as a block of roadway.

As allowed by City Ordinance Chapter 194, City staff negotiated the cost of the agreement with Northwoods Paving without the need for formal bidding.

610 Industrial Park Rd
Ashland, WI 54806
Phone (715) 682-4340
Fax (715) 682-6578



Thin Lift Maintenance Agreement 3212076

City of Ashland 2020 6th Street East Ashland WI 54806	Date	6/20/2023
	Attention	0
	Phone Number	715-682-7161
	Email / Fax Number	715-682-7907
	Daytime Phone Number	-

Job/Owner (s) Name:	Address:	
Thin Lift Maintenance Agreement	Various Streets	
Job Location	County	Plant Number
Ashland	Ashland	67

(WRITE IT DOWN - VERBAL OR WRITTEN TERMS AND CONDITIONS NOT CONTAINED HEREIN ARE NOT BINDING)

Northwoods Paving Company ("CONTRACTOR") proposes as follows:

2023 Maintenance Agreement

Northwoods paving not to exceed \$107,500.00

Northwoods sweep street to prepare for Asphalt Paving

Northwoods paving to tack with CSS1H

Northwoods paving to Place Hot Mix Asphalt 1.25" avg. compact thickness to streets.

5LT 58-28S per ton \$108.36

Water Valve adjustment \$50.00

Man Hole Riser Adjustment \$200.00

SPECIAL CONDITIONS:

This Maintenance method is to improve the ride and life of the road.

Reflective cracking may occur.

The undersigned ("PURCHASER") agrees to pay CONTRACTOR the total price of **\$107,500.00** and/or the unit prices specified above for the labor and materials specified above which payment shall be due upon completion of each stage of work. PURCHASER acknowledges that the specifications, conditions and price quotes specified above are satisfactory and hereby accepted.

Acceptance of this Proposal includes acceptance of all the terms and conditions on page 2.

CONTRACTOR:
Northwoods Paving Company

PURCHASER:
I have read and understand the terms and conditions on both pages of this contract. PURCHASER hereby acknowledges receipt of the Wisconsin Department of Commerce Right to Cure Law brochure, if applicable.

By: Scott Campbell
Print Name: Scott Campbell
Date: June 20, 2023

By: _____
Print Name: _____
Date of Acceptance: _____

Note: This proposal shall be automatically cancelled if written acceptance has not been received by Contractor on or before 5:00 PM on 7/4/2023, the Cancellation Date and/or at any time before performance of the work hereunder upon CONTRACTOR'S determination that there is inadequate assurance of payment. By my signature herein I authorize CONTRACTOR to review personal or business Credit Reports to evaluate financial readiness to pay amounts set forth in this Proposal/Contract.

If the work set forth in this contract is not completed through no fault of the Contractor in the construction season in which the contract is accepted, which ends November 1st, then Contractor reserves the right to adjust the prices.

AFTER SIGNING, PLEASE RETAIN ONE COPY AND FORWARD A COPY TO OUR OFFICE ON OR BEFORE THE CANCELLATION DATE

EOE, including disability/vets

TERMS AND CONDITIONS

NOTICE OF LIEN RIGHTS

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAWS, CONTRACTOR HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDING IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED CONTRACTOR, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN SIXTY (60) DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. CONTRACTOR AGREES TO COOPERATE WITH THE OWNER AND THE OWNER'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMS ARE DULY PAID.

ACCEPTANCE OF WORK

All labor and material is conclusively accepted as satisfactory unless accepted to in writing within seven (7) days of performance.

EXTRA WORK

All alterations or deviations from any of the terms of this contract shall be in writing and executed by the parties hereto. Any extra cost involved therein will become an extra charge to be paid by PURCHASER over and above the contract price.

PURCHASER'S RESPONSIBILITIES

PURCHASER acknowledges and understands that it shall be responsible for obtaining any and all permits which may be required in connection with performance of this Proposal/Contract. Where applicable, PURCHASER shall also be responsible for backfilling areas that border along the newly paved surface with appropriate material to eliminate potential cracking and uneven surface at the edge of the paved surface and for installing, replacing, maintaining and repairing shoulders. PURCHASER assumes all liability for any damages done to underground utilities and/or structures unless CONTRACTOR has been notified, upon acceptance of this Proposal, as to the specific location and depth of any such buried utility/structures.

INCLEMENT WEATHER

Inclement weather may alter the completion of the work to be furnished hereunder. Furthermore, special consideration should be given if work is to be performed before May 1 or after October 15 in light of less than desirable weather conditions which could potentially impair the quality of the work performed hereunder.

WARRANTY

All material is guaranteed to be as specified and all work is to be completed in a workmanlike manner according to standard practices. All labor and materials will be guaranteed against defect for one (1) year from date of installation. Due to Wisconsin winters and expansion and contraction of the ground, some cracking of the pavement may be experienced. There are no express or implied warranties of merchantability, quality, and quantity or of fitness for any particular purpose, which extend beyond those specifically set out in this document.

All warranties are void if payment is not made as stipulated.

DELINQUENCY CHARGE

Payment is due and payable upon completion of each stage of the work. If PURCHASER defaults on the payment required, PURCHASER will be liable for all costs of collection, including reasonable attorney's fees, and a delinquency charge on the balance at the maximum rates allowed by law. If PURCHASER is an organization as defined by Wis. Statutes, Section 421.301(28), the Delinquency Charge rate shall be 1.5% per month (18% APR) plus all costs of collection, including reasonable attorney's fees. CONTRACTOR retains title to all merchandise covered by this Agreement until full payment is received according to the above terms of sale. PURCHASER consents in any action or legal proceeding relating to this Contract commenced by the CONTRACTOR to the personal jurisdiction of any court that is either a court of record in the State of Wisconsin or a court of the United States located in the State of Wisconsin. It is hereby agreed that no legal action with respect to this contract may be brought by either party later than one (1) year after the cause of action accrues and that the party asserting such a legal action shall be barred from any remedy thereto.

INDIVIDUAL LIABILITY

The undersigned PURCHASER agrees to be individually liable for all terms of the Agreement, regardless of whether he or she signs individually or as an agent for the owner of the property upon which the work is being performed or for any other individual, partnership or corporation.

PRODUCT INFORMATION AND MAINTENANCE

Since the asphalt in blacktop needs time to harden and cure, usually 6-12 months, your asphalt pavement will remain soft and pliable during warm weather. During this time, don't park in the same spot every time and do not turn your steering wheel back and forth when your car is not moving. It is not unusual to experience some cracking over the winter due to the contraction and expansion of the ground, especially over culverts, pipes, electric wires, etc. Avoid gasoline and petroleum product spills as they will destroy your pavement. If spills do occur, immediately flush with lots of soapy water. If you decide to seal coat your pavement, wait until the summer following installation.

BINDING EFFECT

This Agreement shall be binding upon the parties hereto, their heirs, personal representatives, successors and assigns.

ENTIRE AGREEMENT

SUBJECT: Approve Change Order No. 3 to Northwoods Paving Company for the 2022 Pavement Preservation Project (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
Public Works Director

EXHIBITS: 1. Change Order #3 (for sig)

EXPENDITURES REQUIRED: \$217,618.50- Fund 470 Street Improvements (Original Contract Approved 6/28/22)

\$32,500.00- Change Order #3 Total Amount (Not to Exceed)

\$250,118.50 Total Revised Project Budget*

*(14.9% increase from Original Contract Price)

AMOUNT BUDGETED: \$32,500.00- Fund 100 2023 Operating Budget (100-53311-340)

**APPROPRIATION
REQUIRED:** -\$0-

**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 construction conforms to the goals and community values identified in the City of Ashland's Comprehensive Plan.

SUMMARY STATEMENT:

At the June 28, 2022 meeting, Council approved to award the 2022 Pavement Preservation Project to Northwoods Paving Company. The project is funded entirely by the City.

The project initially consisted of the resurfacing of Stuntz Avenue from Main St East to 6th Street East (including 1 block from Stuntz Avenue to 7th Avenue East), as well as the resurfacing of 3rd Street East from Stuntz Avenue to Ellis Avenue. The Public Works Department identified these locations as necessary for road resurfacing due to their status as designated Priority 1 emergency routes for winter maintenance (ie snow plowing) and their deteriorating condition.

The contract was previously extended to allow completion of the above described work in May 2023. Northwoods Paving Company maintained the same bid pricing provided in June 2022 and this work has

been satisfactorily completed.

Staff is requesting Council's approval of Change Order #3 to the contract to incorporate the resurfacing of 17th Ave W from Main St W to 6th St W. This work will be completed at the same unit pricing provided in June 2022 and in coordination with the resurfacing of 6th St W that is planned for August 2023.

Funds for Change Order #3 are available within the Public Work's Department budget for general roadway maintenance. This budget line item include funds for chip sealing, which is a pavement maintenance technique intended to extend the useful life of existing pavement in good condition. Engineering staff shortages have prevented the Public Works Department from developing a chipsealing contract package for bidding as of June 2023. The Department requests Council approval to utilize these funds on other roadway improvements as the cost of the proposed Change Order No. 3 exceeds the authority of staff as defined in City Ordinance 194.

CHANGE ORDER NO.3

Owner: City of Ashland
Engineer: Cedar Corporation
Contractor: Northwoods Paving
Project: 2022 Pavement Preservation
Contract Name:

Owner's Project No.:
Engineer's Project No.: A2920-025
Contractor's Project No.:

Date Issued: 6/27/2023

Effective Date of
Change Order: 6/27/2023

The Contract is modified as follows upon execution of this Change Order:

Description:

Increase contract price and extend contract times to allow for resurfacing of 17th Ave W in August 2023

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ \$217,618.50	Original Contract Times: Substantial Completion: October 1, 2022 Ready for final payment: October 15, 2022
[Decrease] from previously approved Change Orders No. 1 to No. 2 \$ -\$23,707	[Increase] from previously approved Change Orders No.1 to No. 2 Substantial Completion: July 1, 2023 Ready for final payment: July 15, 2023
Contract Price prior to this Change Order: \$ \$193,911.50	Contract Times prior to this Change Order: Substantial Completion: July 1, 2023 Ready for final payment: July 15, 2023
[Increase] this Change Order: \$ \$56,207.00	[Increase] this Change Order: Substantial Completion: October 15, 2023 Ready for final payment: November 1, 2023
Contract Price incorporating this Change Order: \$ \$250,118.50	Contract Times with all approved Change Orders: Substantial Completion: October 15, 2023 Ready for final payment: November 1, 2023

Recommended by Engineer (if required)

Accepted by Contractor

By: _____

Title: _____

Date: _____

Authorized by Owner

Approved by Funding Agency (if applicable)

By: _____

Title: _____

Date: _____

SUBJECT: Approve a Resolution to Acknowledge Review of the 2022 Compliance Maintenance Annual Report (CMAR) of the Ashland Wastewater Utility Pursuant to the Requirements of NR 208, Wisconsin Administrative Code (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: Public Works Director
Utility Operations Manager

EXHIBITS:

1. 2022 CMAR Report
2. 17727 Resolution to Acknowledge Review of 2022 CMAR for Wastewater Utility

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

**APPROPRIATION
REQUIRED:** N/A

**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 action conforms to the goals and community values identified in the City of Ashland's Comprehensive Plan.

SUMMARY STATEMENT:

Annually, since 1987, Chapter NR 208 of the Wisconsin Administrative Code requires publicly and privately owned domestic wastewater plants to complete a self-evaluation of the operations of their treatment works called the Compliance Maintenance Annual Report (CMAR). The purpose of the program is to prevent water quality degradation and prevent violations of Wisconsin Pollutant Discharge Elimination System (WPDES) permits. The CMAR describes wastewater management activities and performance of the treatment works during the previous calendar year.

The CMAR scores various aspects of the wastewater system in accordance with the requirements of NR 208. The report is scored on what the Wisconsin Department of Natural Resources (WDNR) refers to as a sectional scoring system that provides a grade for each aspect of the operation of the utility including collection, staffing, preventative maintenance, capacity, and plant loadings of the wastewater system. In addition, the report scores the financial position of the system and the certification of the operators.

The point score is then turned into an applicable grade. A response action is tied to the applicable grade of each section. The grades of the individual sections of the Utility's 2022 CMAR are summarized on page 1 of the report. The following table from NR 208 provides a translation of the scores:

Score	Grade	Grade Points	Grade Meaning	Response Range
91-100	A	4	Good	Voluntary
81-90	B	3	Satisfactory	Voluntary
71-80	C	2	Marginal	Recommendation
61-70	D	1	Poor	Action
<61	F	0	Fail	Action

The cumulative sum of these scores is compared to the WDNR scoring system to show if the Wastewater Utility should be considering and/or planning for treatment upgrades or adjustments in the operation of the utility.

The score has been modified by the introduction of a Capacity, Management, Operations, and Maintenance (CMOM), which is a planning initiative instituted by the WDNR in order to assist municipalities in the identification and incorporation of widely-accepted wastewater industry practices to:

- Better manage, operate, and maintain collection systems
- Investigate capacity constrained areas of the collection system
- Respond to sanitary sewer overflow (SSO) events.

The CMOM approach helps municipal wastewater utility operators provide a high level of service to customers and improve compliance with applicable regulations. CMOM can help utilities optimize use of human and material resources by shifting maintenance activities from “reactive” to “predictive”—often leading to cost savings through avoided overtime, emergency construction costs, increased insurance premiums, and the possibility of lawsuits. CMOM information and documentation can also help improve communications with the public, other municipal works and regional planning organizations, and regulators.

In CMOM planning, the utility selects performance goal targets, and designs CMOM activities to meet the goals. The CMOM planning framework covers operation and maintenance (O&M) planning, capacity assessment and assurance, capital improvement planning, and financial management planning. Information collection and management practices are used to track how well each CMOM activity is meeting the performance goals, and whether overall system efficiency is improving. On an ongoing basis, activities are reviewed and adjusted to better meet the performance goals. As the CMOM program progresses, performance goals can change. For instance, an initial goal may be to develop a geographic information system (GIS) of the system. Once the GIS

is complete, a new goal might be to use the GIS to track emergency calls and use the information to improve maintenance planning.

The City received a poor rating on Financial Management, with this rating being due to the fact that the Utility has not reviewed user charges or updated the equipment replacement fund in the last 3 years. Staff time in this regard has been focused on major drinking water projects and the associated financial management of the water system.

NR 208 requires that the City adopt a resolution that states the Council has reviewed the CMAR and identifies actions that the City will take to address the concerns arising in this year's self-evaluation. The resolution acknowledges that the Council has reviewed the CMAR and that the City continues to investigate I&I issues of the Utility along with the need for upgrades at the City's wastewater treatment plant (WWTP).

It is recommended that the Council approve the accompanying resolution.

Compliance Maintenance Annual Report

Ashland Sewage Utility

Last Updated: Reporting For:

6/20/2023

2022

Influent Flow and Loading

1. Monthly Average Flows and BOD Loadings

1.1 Verify the following monthly flows and BOD loadings to your facility.

Influent No. 701	Influent Monthly Average Flow, MGD	x	Influent Monthly Average BOD Concentration mg/L	x	8.34	=	Influent Monthly Average BOD Loading, lbs/day
January	0.5813	x	245	x	8.34	=	1,187
February	0.5722	x	316	x	8.34	=	1,507
March	1.3771	x	170	x	8.34	=	1,952
April	2.7424	x	72	x	8.34	=	1,656
May	1.3887	x	128	x	8.34	=	1,487
June	0.7434	x	190	x	8.34	=	1,176
July	0.8191	x	198	x	8.34	=	1,354
August	0.6233	x	239	x	8.34	=	1,243
September	0.7621	x	229	x	8.34	=	1,452
October	0.6152	x	267	x	8.34	=	1,371
November	1.1553	x	154	x	8.34	=	1,487
December	0.7361	x	172	x	8.34	=	1,053

2. Maximum Monthly Design Flow and Design BOD Loading

2.1 Verify the design flow and loading for your facility.

Design	Design Factor	x	%	=	% of Design
Max Month Design Flow, MGD	3.2	x	90	=	2.88
		x	100	=	3.2
Design BOD, lbs/day	3500	x	90	=	3150
		x	100	=	3500

2.2 Verify the number of times the flow and BOD exceeded 90% or 100% of design, points earned, and score:

	Months of Influent	Number of times flow was greater than 90% of	Number of times flow was greater than 100% of	Number of times BOD was greater than 90% of design	Number of times BOD was greater than 100% of design
January	1	0	0	0	0
February	1	0	0	0	0
March	1	0	0	0	0
April	1	0	0	0	0
May	1	0	0	0	0
June	1	0	0	0	0
July	1	0	0	0	0
August	1	0	0	0	0
September	1	0	0	0	0
October	1	0	0	0	0
November	1	0	0	0	0
December	1	0	0	0	0
Points per each		2	1	3	2
Exceedances		0	0	0	0
Points		0	0	0	0
Total Number of Points					0

0

Compliance Maintenance Annual Report

Ashland Sewage Utility

Last Updated: Reporting For:

6/20/2023

2022

3. Flow Meter

3.1 Was the influent flow meter calibrated in the last year?

- ☒ Yes Enter last calibration date (MM/DD/YYYY)

2022-05-12

☐ No

If No, please explain:

4. Sewer Use Ordinance

4.1 Did your community have a sewer use ordinance that limited or prohibited the discharge of excessive conventional pollutants ((C)BOD, SS, or pH) or toxic substances to the sewer from industries, commercial users, hauled waste, or residences?

☒ Yes

☐ No

If No, please explain:

4.2 Was it necessary to enforce the ordinance?

☐ Yes

☒ No

If Yes, please explain:

5. Septage Receiving

5.1 Did you have requests to receive septage at your facility?

Septic Tanks

Holding Tanks

Grease Traps

☒ Yes

☒ Yes

☐ Yes

☐ No

☐ No

☒ No

5.2 Did you receive septage at your facility? If yes, indicate volume in gallons.

Septic Tanks

☒ Yes

34678

gallons

☐ No

Holding Tanks

☒ Yes

4896274

gallons

☐ No

Grease Traps

☐ Yes

gallons

☒ No

5.2.1 If yes to any of the above, please explain if plant performance is affected when receiving any of these wastes.

Plant was not affected by receiving these wastes

6. Pretreatment

6.1 Did your facility experience operational problems, permit violations, biosolids quality concerns, or hazardous situations in the sewer system or treatment plant that were attributable to commercial or industrial discharges in the last year?

☐ Yes

☒ No

If yes, describe the situation and your community's response.

6.2 Did your facility accept hauled industrial wastes, landfill leachate, etc.?

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● Yes ○ No If yes, describe the types of wastes received and any procedures or other restrictions that were in place to protect the facility from the discharge of hauled industrial wastes. Our facility accepts leachate from Xcel Energy's fly ash and slag landfill, the capped City Landfill and the Ft. James Paper Mill Landfill. Our Lab monitors BOD, pH, TSS Temperature and conductivity on leachate entering the system.	
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Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Effluent Quality and Plant Performance (BOD/CBOD)

1. Effluent (C)BOD Results

1.1 Verify the following monthly average effluent values, exceedances, and points for BOD or CBOD

Outfall No. 001	Monthly Average Limit (mg/L)	90% of Permit Limit > 10 (mg/L)	Effluent Monthly Average (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance	90% Permit Limit Exceedance
January	30	27	5	1	0	0
February	30	27	5	1	0	0
March	30	27	6	1	0	0
April	30	27	9	1	0	0
May	30	27	8	1	0	0
June	30	27	7	1	0	0
July	30	27	6	1	0	0
August	30	27	5	1	0	0
September	30	27	6	1	0	0
October	30	27	4	1	0	0
November	30	27	5	1	0	0
December	30	27	5	1	0	0

* Equals limit if limit is ≤ 10

Months of discharge/yr	12		
Points per each exceedance with 12 months of discharge		7	3
Exceedances		0	0
Points		0	0
Total number of points			0

NOTE: For systems that discharge intermittently to state waters, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge. Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

1.2 If any violations occurred, what action was taken to regain compliance?

2. Flow Meter Calibration

2.1 Was the effluent flow meter calibrated in the last year?

- ☒ Yes Enter last calibration date (MM/DD/YYYY)

2022-05-12

- ☐ No

If No, please explain:

3. Treatment Problems

3.1 What problems, if any, were experienced over the last year that threatened treatment?

There were no problems that threatened treatment

4. Other Monitoring and Limits

4.1 At any time in the past year was there an exceedance of a permit limit for any other pollutants such as chlorides, pH, residual chlorine, fecal coliform, or metals?

- ☒ Yes

- ☐ No

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If Yes, please explain: There was an Effluent pH reading <6.00 on 10/24/2022 The E.coli geometric mean exceeded the 410 #/100ml limit in April 2022 4.2 At any time in the past year was there a failure of an effluent acute or chronic whole effluent toxicity (WET) test? ☐ Yes ☒ No If Yes, please explain: 4.3 If the biomonitoring (WET) test did not pass, were steps taken to identify and/or reduce source(s) of toxicity? ☐ Yes ☐ No ☒ N/A Please explain unless not applicable:	
--	--

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Effluent Quality and Plant Performance (Total Suspended Solids)

1. Effluent Total Suspended Solids Results

1.1 Verify the following monthly average effluent values, exceedances, and points for TSS:

Outfall No. 001	Monthly Average Limit (mg/L)	90% of Permit Limit >10 (mg/L)	Effluent Monthly Average (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance	90% Permit Limit Exceedance
January	30	27	9	1	0	0
February	30	27	9	1	0	0
March	30	27	9	1	0	0
April	30	27	9	1	0	0
May	30	27	8	1	0	0
June	30	27	7	1	0	0
July	30	27	8	1	0	0
August	30	27	9	1	0	0
September	30	27	8	1	0	0
October	30	27	6	1	0	0
November	30	27	7	1	0	0
December	30	27	6	1	0	0
* Equals limit if limit is <= 10						
Months of Discharge/yr				12		
Points per each exceedance with 12 months of discharge:					7	3
Exceedances					0	0
Points					0	0
Total Number of Points						0

0

NOTE: For systems that discharge intermittently to state waters, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

1.2 If any violations occurred, what action was taken to regain compliance?

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Effluent Quality and Plant Performance (Phosphorus)

1. Effluent Phosphorus Results

1.1 Verify the following monthly average effluent values, exceedances, and points for Phosphorus

Outfall No. 001	Monthly Average phosphorus Limit (mg/L)	Effluent Monthly Average phosphorus (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance
January	1	0.538	1	0
February	1	0.468	1	0
March	1	0.475	1	0
April	1	0.393	1	0
May	1	0.465	1	0
June	1	0.338	1	0
July	1	0.603	1	0
August	1	0.634	1	0
September	1	0.473	1	0
October	1	0.350	1	0
November	1	0.393	1	0
December	1	0.363	1	0
Months of Discharge/yr			12	
Points per each exceedance with 12 months of discharge:				10
Exceedances				0
Total Number of Points				0

0

NOTE: For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

1.2 If any violations occurred, what action was taken to regain compliance?

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Biosolids Quality and Management

1. Biosolids Use/Disposal

1.1 How did you use or dispose of your biosolids? (Check all that apply)

- ☒ Land applied under your permit
- ☐ Publicly Distributed Exceptional Quality Biosolids
- ☐ Hauled to another permitted facility
- ☐ Landfilled
- ☐ Incinerated
- ☐ Other

NOTE: If you did not remove biosolids from your system, please describe your system type such as lagoons, reed beds, recirculating sand filters, etc.

1.1.1 If you checked Other, please describe:

2. Land Application Site

2.1 Last Year's Approved and Active Land Application Sites

2.1.1 How many acres did you have?

139.9 acres

2.1.2 How many acres did you use?

20.48 acres

2.2 If you did not have enough acres for your land application needs, what action was taken?

We did hold onto 29 dry tons of sludge to spread in 2023

2.3 Did you overapply nitrogen on any of your approved land application sites you used last year?

o Yes (30 points)

● No

2.4 Have all the sites you used last year for land application been soil tested in the previous 4 years?

● Yes

o No (10 points)

o N/A

0

3. Biosolids Metals

Number of biosolids outfalls in your WPDES permit:

3.1 For each outfall tested, verify the biosolids metal quality values for your facility during the last calendar year.

Outfall No. 002 - Belt Filter Press Cake

Parameter	80% of Limit	H.Q. Limit	Ceiling Limit	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	80% Value	High Quality	Ceiling
Arsenic		41	75														0	0
Cadmium		39	85														0	0
Copper		1500	4300														0	0
Lead		300	840														0	0
Mercury		17	57														0	0
Molybdenum	60		75													0		0
Nickel	336		420													0		0
Selenium	80		100													0		0
Zinc		2800	7500														0	0

3.1.1 Number of times any of the metals exceeded the high quality limits OR 80% of the limit for molybdenum, nickel, or selenium = 0

Exceedence Points

● 0 (0 Points)

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- ☐ 1-2 (10 Points)
- ☐ > 2 (15 Points)
- 3.1.2 If you exceeded the high quality limits, did you cumulatively track the metals loading at each land application site? (check applicable box)

- ☐ Yes
- ☐ No (10 points)
- ☒ N/A - Did not exceed limits or no HQ limit applies (0 points)
- ☐ N/A - Did not land apply biosolids until limit was met (0 points)
- 3.1.3 Number of times any of the metals exceeded the ceiling limits = 0

Exceedence Points

- ☒ 0 (0 Points)
- ☐ 1 (10 Points)
- ☐ > 1 (15 Points)

3.1.4 Were biosolids land applied which exceeded the ceiling limit?

- ☐ Yes (20 Points)
- ☒ No (0 Points)

3.1.5 If any metal limit (high quality or ceiling) was exceeded at any time, what action was taken?
Has the source of the metals been identified?

0

4. Pathogen Control (per outfall):

4.1 Verify the following information. If any information is incorrect, use the Report Issue button under the Options header in the left-side menu.

Outfall Number:	002
Biosolids Class:	B
Bacteria Type and Limit:	Fecal Coliform
Sample Dates:	01/01/2022 - 12/31/2022
Density:	170
Sample Concentration Amount:	CFU/G TS
Requirement Met:	Yes
Land Applied:	Yes
Process:	Aerobic Digestion
Process Description:	Aerobic Digestion

0

4.2 If exceeded Class B limit or did not meet the process criteria at the time of land application.

4.2.1 Was the limit exceeded or the process criteria not met at the time of land application?

- ☐ Yes (40 Points)
- ☒ No

If yes, what action was taken?

5. Vector Attraction Reduction (per outfall):

5.1 Verify the following information. If any of the information is incorrect, use the Report Issue button under the Options header in the left-side menu.

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Outfall Number:	002	0
Method Date:	09/10/2022	
Option Used To Satisfy Requirement:	Volatile Solids Reduction	
Requirement Met:	Yes	
Land Applied:	Yes	
Limit (if applicable):	>=38	
Results (if applicable):	41.6	
5.2 Was the limit exceeded or the process criteria not met at the time of land application? ☐ Yes (40 Points) ☒ No If yes, what action was taken?		
6. Biosolids Storage 6.1 How many days of actual, current biosolids storage capacity did your wastewater treatment facility have either on-site or off-site? ☒ >= 180 days (0 Points) ☐ 150 - 179 days (10 Points) ☐ 120 - 149 days (20 Points) ☐ 90 - 119 days (30 Points) ☐ < 90 days (40 Points) ☐ N/A (0 Points) 6.2 If you checked N/A above, explain why.		
7. Issues 7.1 Describe any outstanding biosolids issues with treatment, use or overall management: There were no issues with biosolids treatment		

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Staffing and Preventative Maintenance (All Treatment Plants)

1. Plant Staffing 1.1 Was your wastewater treatment plant adequately staffed last year? ● Yes ○ No If No, please explain: Could use more help/staff for: 1.2 Did your wastewater staff have adequate time to properly operate and maintain the plant and fulfill all wastewater management tasks including recordkeeping? ● Yes ○ No If No, please explain:	
2. Preventative Maintenance 2.1 Did your plant have a documented AND implemented plan for preventative maintenance on major equipment items? ● Yes (Continue with question 2) ☐☐ ○ No (40 points)☐☐ If No, please explain, then go to question 3: 2.2 Did this preventative maintenance program depict frequency of intervals, types of lubrication, and other tasks necessary for each piece of equipment? ● Yes ○ No (10 points) 2.3 Were these preventative maintenance tasks, as well as major equipment repairs, recorded and filed so future maintenance problems can be assessed properly? ● Yes ○ Paper file system ○ Computer system ● Both paper and computer system ○ No (10 points)	0
3. O&M Manual 3.1 Does your plant have a detailed O&M and Manufacturer Equipment Manuals that can be used as a reference when needed? ● Yes ○ No	
4. Overall Maintenance /Repairs 4.1 Rate the overall maintenance of your wastewater plant. ○ Excellent ○ Very good ● Good ○ Fair ○ Poor Describe your rating:	

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Now that we are fully staffed, I feel our maintenance level has improved in early 2023, however much time was spent training of new personnel during 2022. Because of this lack of trained operators our maintenance schedule was good, but there were some items that did not get done. This year I would say we are on track to be "very good".

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Operator Certification and Education

1. Operator-In-Charge

1.1 Did you have a designated operator-in-charge during the report year?

- Yes (0 points)
- No (20 points)

Name:

BRIAN L LEDIN

Certification No:

34526

0

2. Certification Requirements

2.1 In accordance with Chapter NR 114.56 and 114.57, Wisconsin Administrative Code, what level and subclass(es) were required for the operator-in-charge (OIC) to operate the wastewater treatment plant and what level and subclass(es) were held by the operator-in-charge?

Sub Class	SubClass Description	WWTP	OIC		
		Advanced	OIT	Basic	Advanced
A1	Suspended Growth Processes	X			X
A2	Attached Growth Processes				
A3	Recirculating Media Filters				
A4	Ponds, Lagoons and Natural				
A5	Anaerobic Treatment Of Liquid				
B	Solids Separation	X			X
C	Biological Solids/Sludges	X			X
P	Total Phosphorus	X			X
N	Total Nitrogen				
D	Disinfection	X			X
L	Laboratory	X			X
U	Unique Treatment Systems				
SS	Sanitary Sewage Collection	X	NA	NA	X

0

2.2 Was the operator-in-charge certified at the appropriate level and subclass(es) to operate this plant? (Note: Certification in subclass SS is required 5 years after permit reissuance.)

- Yes (0 points)
- No (20 points)

3. Succession Planning

3.1 In the event of the loss of your designated operator-in-charge, did you have a contingency plan to ensure the continued proper operation and maintenance of the plant that includes one or more of the following options (check all that apply)?

- ☒ One or more additional certified operators on staff
- ☐ An arrangement with another certified operator
- ☐ An arrangement with another community with a certified operator
- ☐ An operator on staff who has an operator-in-training certificate for your plant and is expected to be certified within one year
- ☐ A consultant to serve as your certified operator
- ☐ None of the above (20 points)

If "None of the above" is selected, please explain:

0

4. Continuing Education Credits

4.1 If you had a designated operator-in-charge, was the operator-in-charge earning Continuing Education Credits at the following rates?

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OIT and Basic Certification: ○ Averaging 6 or more CECs per year. ○ Averaging less than 6 CECs per year. Advanced Certification: ● Averaging 8 or more CECs per year. ○ Averaging less than 8 CECs per year.	
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Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Financial Management

1. Provider of Financial Information		
Name:	Julie Vaillancourt	
Telephone:	(715) 682-7190	(XXX) XXX-XXXX
E-Mail Address (optional):		
2. Treatment Works Operating Revenues		
2.1 Are User Charges or other revenues sufficient to cover O&M expenses for your wastewater treatment plant AND/OR collection system ?		
● Yes (0 points) ☐		
○ No (40 points)		
If No, please explain:		
2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised?		
Year:	2017	20
○ 0-2 years ago (0 points) ☐		
● 3 or more years ago (20 points) ☐		
○ N/A (private facility)		
2.3 Did you have a special account (e.g., CWP required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?		
● Yes (0 points)		
○ No (40 points)		
REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]		
3. Equipment Replacement Funds		
3.1 When was the Equipment Replacement Fund last reviewed and/or revised?		
Year:	2018	
○ 1-2 years ago (0 points) ☐		
● 3 or more years ago (20 points) ☐		
○ N/A		
If N/A, please explain:		
3.2 Equipment Replacement Fund Activity		
3.2.1 Ending Balance Reported on Last Year's CMAR	\$	1,707,329.97
3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	\$	0.00
3.2.3 Adjusted January 1st Beginning Balance	\$	1,707,329.97
3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	+	\$ 185,712.35

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3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*)

- \$ 0.00

3.2.6 Ending Balance as of December 31st for CMAR Reporting Year

\$ 1,893,042.32

All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.

3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above.

3.3 What amount should be in your Replacement Fund?

\$ 1,893,042.32

20

Please note: If you had a CWFPP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the SectionInstructions link under Info header in the left-side menu.

3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)?

● Yes

○ No

If No, please explain.

4. Future Planning

4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system?

● Yes - If Yes, please provide major project information, if not already listed below. ☐ ☐

○ No

Project #	Project Description	Estimated Cost	Approximate Construction Year
1	I&I Sanitary Sewer CIPP	\$600,000	2026
2	Seal/Repair Retention Basin	\$928,000	2026
3	New Sludge Handling Equipment With Addition of Sludge Dryer	\$1,406,000	2025
4	Sludge Storage Tank Improvements	\$100,000	2025
5	Activated Sludge Piping and Valving	\$200,000	2026
6	Main Lift Station Pump Upgrades	\$1,000,000	2026
7	Annual Capital Plan for Infrastructure-Sanitary Sewer Replacment	\$500,000	2024
8	I&I Sewer Maintenance and Repairs	\$100,000	2024
9	Waste Water Treatment Plant Addition for More Administrative Space	\$250,000	2026
10	Pre-Treatment Upgrades and Additional Step Screen	\$424,000	2026
11	6th Ave Lift Station Upgrade (Additional Pump)	\$100,000	2024
12	Turner Rd Lift Station Replacement	\$300,000	2026

5. Financial Management General Comments

ENERGY EFFICIENCY AND USE

6. Collection System

6.1 Energy Usage

6.1.1 Enter the monthly energy usage from the different energy sources:

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COLLECTION SYSTEM PUMPAGE: Total Power Consumed

Number of Municipally Owned Pump/Lift Stations:

	Electricity Consumed (kWh)	Natural Gas Consumed (therms)
January	23,154	1,800
February	19,692	2,057
March	23,251	1,830
April	46,912	1,476
May	26,352	915
June	23,017	524
July	22,166	275
August	18,756	169
September	20,370	97
October	18,430	373
November	25,720	680
December	22,815	1,431
Total	290,635	11,627
Average	24,220	969

6.1.2 Comments:

6.2 Energy Related Processes and Equipment

6.2.1 Indicate equipment and practices utilized at your pump/lift stations (Check all that apply):

- ☒ Comminution or Screening
- ☐ Extended Shaft Pumps
- ☒ Flow Metering and Recording
- ☐ Pneumatic Pumping
- ☒ SCADA System
- ☒ Self-Priming Pumps
- ☒ Submersible Pumps
- ☒ Variable Speed Drives
- ☐ Other:

6.2.2 Comments:

6.3 Has an Energy Study been performed for your pump/lift stations?

☒ No

☐ Yes

Year:

By Whom:

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Describe and Comment:

6.4 Future Energy Related Equipment

6.4.1 What energy efficient equipment or practices do you have planned for the future for your pump/lift stations?

7. Treatment Facility

7.1 Energy Usage

7.1.1 Enter the monthly energy usage from the different energy sources:

TREATMENT PLANT: Total Power Consumed/Month

	Electricity Consumed (kWh)	Total Influent Flow (MG)	Electricity Consumed/ Flow (kWh/MG)	Total Influent BOD (1000 lbs)	Electricity Consumed/ Total Influent BOD (kWh/1000lbs)	Natural Gas Consumed (therms)
January	81,690	18.02	4,533	36.80	2,220	1,619
February	77,541	16.02	4,840	42.20	1,837	1,650
March	79,463	42.69	1,861	60.51	1,313	1,457
April	88,078	82.27	1,071	49.68	1,773	914
May	74,596	43.05	1,733	46.10	1,618	595
June	62,383	22.30	2,797	35.28	1,768	249
July	61,267	25.39	2,413	41.97	1,460	113
August	61,673	19.32	3,192	38.53	1,601	46
September	67,961	22.86	2,973	43.56	1,560	95
October	65,575	19.07	3,439	42.50	1,543	54
November	67,912	34.66	1,959	44.61	1,522	870
December	78,860	22.82	3,456	32.64	2,416	1,828
Total	866,999	368.47		514.38		9,490
Average	72,250	30.71	2,856	42.87	1,719	791

7.1.2 Comments:

7.2 Energy Related Processes and Equipment

7.2.1 Indicate equipment and practices utilized at your treatment facility (Check all that apply):

- ☒ Aerobic Digestion
- ☐ Anaerobic Digestion
- ☐ Biological Phosphorus Removal
- ☐ Coarse Bubble Diffusers
- ☒ Dissolved O2 Monitoring and Aeration Control
- ☒ Effluent Pumping
- ☒ Fine Bubble Diffusers
- ☐ Influent Pumping
- ☒ Mechanical Sludge Processing
- ☐ Nitrification

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- ☒ SCADA System
- ☒ UV Disinfection
- ☒ Variable Speed Drives
- ☐ Other:

7.2.2 Comments:

7.3 Future Energy Related Equipment

7.3.1 What energy efficient equipment or practices do you have planned for the future for your treatment facility?

A plant upgrade project is scheduled for 2025 that will include a new aeration system for the digester as well as new sludge handling equipment to replace the current sludge press with a sludge dryer.

8. Biogas Generation

8.1 Do you generate/produce biogas at your facility?

☒ No

☐ Yes

If Yes, how is the biogas used (Check all that apply):

- ☐ Flared Off
- ☐ Building Heat
- ☐ Process Heat
- ☐ Generate Electricity
- ☐ Other:

9. Energy Efficiency Study

9.1 Has an Energy Study been performed for your treatment facility?

☒ No

☐ Yes

☐ Entire facility

Year:

By Whom:

Describe and Comment:

☐ Part of the facility

Year:

By Whom:

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Describe and Comment:	

Total Points Generated	40
Score (100 - Total Points Generated)	60
Section Grade	F

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Sanitary Sewer Collection Systems

1. Capacity, Management, Operation, and Maintenance (CMOM) Program

1.1 Do you have a CMOM program that is being implemented?

☒ Yes

☐ No

If No, explain:

1.2 Do you have a CMOM program that contains all the applicable components and items according to Wisc. Adm Code NR 210.23 (4)?

☒ Yes

☐ No (30 points)

☐ N/A

If No or N/A, explain:

1.3 Does your CMOM program contain the following components and items? (check the components and items that apply)

☒ Goals [NR 210.23 (4)(a)]

Describe the major goals you had for your collection system last year:

Regular, preventative jetting (>20% of system/year)
Televising and rating of pipes and manhole structures
Continuing with replacement and CIPP projects
Manhole structure rehabilitation projects

Did you accomplish them?

☒ Yes

☐ No

If No, explain:

☒ Organization [NR 210.23 (4) (b)] ☐ ☐

Does this chapter of your CMOM include:

☒ Organizational structure and positions (eg. organizational chart and position descriptions)

☒ Internal and external lines of communication responsibilities

☒ Person(s) responsible for reporting overflow events to the department and the public

☒ Legal Authority [NR 210.23 (4) (c)]

What is the legally binding document that regulates the use of your sewer system?

Sanitary Sewer User Ordinance 711

If you have a Sewer Use Ordinance or other similar document, when was it last reviewed and revised? (MM/DD/YYYY) 2014-01-14

Does your sewer use ordinance or other legally binding document address the following:

☒ Private property inflow and infiltration

☒ New sewer and building sewer design, construction, installation, testing and inspection

☐ Rehabilitated sewer and lift station installation, testing and inspection

☐ Sewage flows satellite system and large private users are monitored and controlled, as necessary

☒ Fat, oil and grease control

☒ Enforcement procedures for sewer use non-compliance

☒ Operation and Maintenance [NR 210.23 (4) (d)]

Does your operation and maintenance program and equipment include the following:

☒ Equipment and replacement part inventories

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- ☒ Up-to-date sewer system map
- ☒ A management system (computer database and/or file system) for collection system information for O&M activities, investigation and rehabilitation
- ☒ A description of routine operation and maintenance activities (see question 2 below)
- ☒ Capacity assessment program
- ☒ Basement back assessment and correction
- ☐ Regular O&M training

☒ Design and Performance Provisions [NR 210.23 (4) (e)] ☐ ☐

What standards and procedures are established for the design, construction, and inspection of the sewer collection system, including building sewers and interceptor sewers on private property?

- ☒ State Plumbing Code, DNR NR 110 Standards and/or local Municipal Code Requirements
- ☒ Construction, Inspection, and Testing
- ☐ Others:

☒ Overflow Emergency Response Plan [NR 210.23 (4) (f)] ☐ ☐

Does your emergency response capability include:

- ☒ Responsible personnel communication procedures
- ☐ Response order, timing and clean-up
- ☒ Public notification protocols
- ☐ Training
- ☒ Emergency operation protocols and implementation procedures

☒ Annual Self-Auditing of your CMOM Program [NR 210.23 (5)] ☐ ☐

☒ Special Studies Last Year (check only those that apply):

- ☒ Infiltration/Inflow (I/I) Analysis
- ☒ Sewer System Evaluation Survey (SSES)
- ☐ Sewer Evaluation and Capacity Management Plan (SECAP)
- ☒ Lift Station Evaluation Report
- ☐ Others:

0

2. Operation and Maintenance

2.1 Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained.

Cleaning	23.7	% of system/year
Root removal	3.9	% of system/year
Flow monitoring	83	% of system/year
Smoke testing	0	% of system/year
Sewer line televising	5	% of system/year
Manhole inspections	0	% of system/year
Lift station O&M	1	# per L.S./year
Manhole rehabilitation	5.2	% of manholes rehabbed
Mainline rehabilitation	7.8	% of sewer lines rehabbed
Private sewer inspections		

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	0	% of system/year
Private sewer I/I removal	0	% of private services
River or water crossings	0	% of pipe crossings evaluated or maintained
Please include additional comments about your sanitary sewer collection system below:		

3. Performance Indicators

3.1 Provide the following collection system and flow information for the past year.

31.14	Total actual amount of precipitation last year in inches
30.36	Annual average precipitation (for your location)
53.6	Miles of sanitary sewer
11	Number of lift stations
1	Number of lift station failures
0	Number of sewer pipe failures
42	Number of basement backup occurrences
42	Number of complaints
	Average daily flow in MGD (if available)
	Peak monthly flow in MGD (if available)
	Peak hourly flow in MGD (if available)

3.2 Performance ratios for the past year:

0.09	Lift station failures (failures/year)
0.00	Sewer pipe failures (pipe failures/sewer mile/yr)
0.02	Sanitary sewer overflows (number/sewer mile/yr)
0.78	Basement backups (number/sewer mile)
0.78	Complaints (number/sewer mile)
	Peaking factor ratio (Peak Monthly:Annual Daily Avg)
	Peaking factor ratio (Peak Hourly:Annual Daily Avg)

4. Overflows

LIST OF SANITARY SEWER (SSO) AND TREATMENT FACILITY (TFO) OVERFLOWS REPORTED **

	Date	Location	Cause	Estimated Volume
0	11/10/2022 12:55:00 AM - 11/10/2022 1:45:00 AM	North 6th Ave W	Rain, Equipment Failure	50,000

** If there were any SSOs or TFOs that are not listed above, please contact the DNR and stop work on this section until corrected.

What actions were taken, or are underway, to reduce or eliminate SSO or TFO occurrences in the future?

We will be doing maintenance at our 6th Ave lift station to include replacing a small pump with a larger one to better handle high flows.
As we continue to replace or line sewer mains, the amount of I/I should decrease.

5. Infiltration / Inflow (I/I)

5.1 Was infiltration/inflow (I/I) significant in your community last year?

● Yes

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☐ No

If Yes, please describe:

With our aging system there is an ongoing problem of I/I, however we are continuing to replace or CIPP line the system to lessen the effects of I/I.

5.2 Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?

☒ Yes

☐ No

If Yes, please describe:

I/I lead to problems and the subsequent overflow that occurred at our 6th Ave lift station.

5.3 Explain any infiltration/inflow (I/I) changes this year from previous years:

Flow monitoring conducted by SEH has shown a reduction in flow in several sewer districts.

5.4 What is being done to address infiltration/inflow in your collection system?

We are continuing to improve our system through sewer/manhole replacement and CIPP projects.

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Grading Summary

WPDES No: 0030767

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Influent	A	4	3	12
BOD/CBOD	A	4	10	40
TSS	A	4	5	20
Phosphorus	A	4	3	12
Biosolids	A	4	5	20
Staffing/PM	A	4	1	4
OpCert	A	4	1	4
Financial	F	0	1	0
Collection	A	4	3	12
TOTALS			32	124
GRADE POINT AVERAGE (GPA) = 3.88				

Notes:

A = Voluntary Range (Response Optional)

B = Voluntary Range (Response Optional)

C = Recommendation Range (Response Required)

D = Action Range (Response Required)

F = Action Range (Response Required)

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Resolution or Owner's Statement

Name of Governing
Body or Owner:

City of Ashland

Date of Resolution or
Action Taken:

Resolution Number:

Date of Submittal:

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):

Influent Flow and Loadings: Grade = A

Effluent Quality: BOD: Grade = A

Effluent Quality: TSS: Grade = A

Effluent Quality: Phosphorus: Grade = A

Biosolids Quality and Management: Grade = A

Staffing: Grade = A

Operator Certification: Grade = A

Financial Management: Grade = F

We will make updating our equipment replacement a priority this next year.

Collection Systems: Grade = A

(Regardless of grade, response required for Collection Systems if SSOs were reported)

With our aging system there is an ongoing problem of I/I, however we are continuing to replace or CIPP line the system to lessen the effects of I/I.

We will be adding a pump at the 6th Ave lift station to help with future high flow events.

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS

(Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00)

G.P.A. = 3.88

RESOLUTION NO. 17727

RESOLUTION TO ACKNOWLEDGE REVIEW OF THE 2022 COMPLIANCE MAINTENANCE ANNUAL REPORT (CMAR) OF THE ASHLAND WASTEWATER UTILITY PURSUANT TO THE REQUIREMENTS OF NR 208, WISCONSIN ADMINISTRATIVE CODE

WHEREAS, it is a requirement of NR 208, Wisconsin Administrative Code, to file an annual self-evaluation of the operation of the City's Wastewater Utility to the Wisconsin Department of Natural Resources; and,

WHEREAS, this annual self-evaluation is known as a Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is a requirement of NR 208 for the governing body of the City of Ashland to acknowledge it has reviewed the CMAR.

NOW THEREFORE BE IT RESOLVED that the Common Council for the City of Ashland informs the Wisconsin Department of Natural Resources that it has reviewed the 2022 CMAR;

AND BE IT FURTHER RESOLVED that the following actions will be undertaken by the Common Council for the City of Ashland:

1. Continued review of the Utility's infiltration and inflow issues.
2. Support of necessary capital improvements, specifically upgrades at the wastewater treatment plant.

PASSED: June 27, 2023

Councilperson

ATTEST: _____

Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM

Tyler Wickman, City Attorney

SUBJECT: Approval to Increase a Finance Department Position from Part-time to Permanent Full-time with a Wage Range Change (*Finance Director*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Finance

CLEARANCES: Administrator

EXHIBITS:

EXPENDITURES REQUIRED: \$342,330 - Finance department personnel budget with full-time position

AMOUNT BUDGETED: \$326,880 - Current Finance department personnel budget

APPROPRIATION REQUIRED: \$15,450 - Reclass from Human Resources Personnel budget to Finance budget

TREASURER'S CERTIFICATE: NA

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

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

Per Ordinance 78.02: Compensation Schedule and Salary Allocations of the Non-Union, Non-Elected Officers and Employees:

The Compensation Plan shall be administered by the Mayor and the Clerk/Personnel Director and the Common Council shall review all proposed alterations, amendments, changes and/or deletions to the Compensation Plan...

Over the past several years, the finance department has been striving to provide timely and better financial reporting for the City Administration and staff. With the increase in audit reporting requirements such as GASB 87 for leases, GASB 96 for subscription-based IT arrangements, new staff, gaining ground toward this goal has been difficult. The finance director needs to have more time available for budget forecasting, debt management, and grant and contract oversight, etc.

The Finance Department's Accounting Assistant (AA) position was approved by Council as part of the 2023 budget at 30 hours per week. The primary duty of this part-time position is weekly processing of accounts payable and related functions. The Accounting Specialist (AS) was processing accounts payable and payroll and had very limited time to launch the electronic timesheet system (ETS). With the accounts payable duties moved to the AA from the AS, the ETS is now being implemented throughout 2023.

Once the ETS is in place and running smoothly, the AS will pick up general ledger, account reconciliation, and audit worksheet tasks, currently being performed by the finance director.

The AA will also assist with general ledger, account reconciliation, audit worksheet tasks and treasury tasks. The retired Treasurer/Comptroller has been assisting with Treasury functions off and on throughout this year. Use of technology, as it relates to the treasury functions of the municipality, does not always mean time savings and efficiencies for the Finance Department. The proper tracing and recording of these transactions still needs to be completed.

The AA will also be cross-trained and be a backup for payroll processing and treasury tasks. Currently, the Finance Director is the payroll backup and has had limited treasury receipting training.

At present, the 2022 financial statements and audit preparation work is still in progress. The audit field work date is the week of July 17th, with an estimated audit report issue date around September 25th. The 2023 financial statements have had minor progress so far this year.

Therefore, the Finance Director is asking for an increase in hours and wage range for the Accounting Assistant position to be able to perform additional tasks:

- Current Accounting Assistant position per the 2023 approved non-represented salary/hourly wage schedule - permanent part-time up to 1560 hours per year with a wage range of \$18-\$20
- Requesting approval for the following - permanent full-time up to 2080 hours per year with a wage range of \$19 - \$21.50 due to additional duties

SUBJECT: Approve Amendments to Ashland City Ordinances: Fire and Building Codes (*Planning & Zoning*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Committee of the Whole, City Administrator, Fire Chief, City Attorney, Building Inspector

EXHIBITS: 1. Fire and Building Code Revisions

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

**APPROPRIATION
REQUIRED:** N/A

**TREASURER'S
CERTIFICATE:** N/A

COMPLIANCE WITH ORD. 51: N/A

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: This item is not directly mentioned in the Comprehensive or Strategic Plans but will bring the City's ordinances in line with the Wisconsin Administrative Code. It will allow the City to finalize its Delegated Agent Status with the WI DSPS.

SUMMARY STATEMENT:

Recently the Planning and Development Department proposed to the City Council that the City of Ashland become a Delegated Agent under the WI Department of Safety and Professional Services (DSPS). The Council voted to approve pursuing Delegated Agent status at the June 13, 2023 Council meeting. At the June 13th meeting the Council also approved a professional services agreement between the City and E-Plan Exam for plan review services and a fee schedule addendum for plan review fees. Staff has worked with E-Plan Exam on finalizing the application materials to send to the WI Department of Safety and Professional Services (WI-DSPS) for review. Part of the process of seeking Delegated Agent status is ensuring the municipality's fire and building ordinances are up to date.

The revisions proposed for the City's fire and building codes are necessary to ensure that the City's ordinances are consistent with the WI Administrative Code. This is necessary to pursue Delegated Agent status and Etta Strey from the WI DSPS reviewed the ordinances. There were minor comments which staff has addressed. At the May 30th Committee of the Whole meeting, staff presented the COW with draft ordinance revisions for the City's fire and building ordinances. The COW voted to move the ordinance revisions forward to Council along with the rest of the Delegated Agent materials. The fire and building ordinances were reviewed by the City Attorney, Fire Chief, and Building Inspector. These staff along with the City Administrator were supportive of

moving the ordinance revisions forward. It appeared that the fire and building code updates were not included in the June 13th Council packet, so staff is including them here for review. Staff recommends approval of the ordinance updates as proposed.

Fire Code

221-260 Fire Department

245 Construction Limits, Adoption Of A Fire Code, And Authorization Of Fire Inspections

246 Contractual Fire Agreements Between The City Of Ashland And Neighboring Municipalities Authorized

245 Construction Limits, Adoption Of A Fire Code, And Authorization Of Fire Inspections

245.01 (Reserved)

245.02 Adoption Of A Fire Code

245.03 Fire Inspection Requirements

245.04 Enforcement

245.05 Forfeiture

245.01 (Reserved)

245.02 Adoption Of A Fire Code

Chapter SPS 314, Wisconsin Administrative Code, is hereby adopted as the Fire Code for the City of Ashland. Additionally, the following sections in the Wisconsin Administrative Code, as now written and as hereafter amended, are hereby adopted and by reference made a part of this chapter as if fully set forth in this chapter. Any act required to be performed or prohibited by any such administrative code provision incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the Wisconsin Administrative Code provisions incorporated in this section are intended to be made part of this Code: Wisconsin Administrative Code SPS 304; SPS 305; SPS 307; SPS 309; SPS 310; SPS 314; SPS 328; SPS 330; SPS 340; SPS 360—366; SPS 370 and SPS 375-379;

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245.03 Fire Inspection Requirements

1. Inspection of Public Buildings. The Chief of the Fire Department shall be responsible for having all public buildings and places of employment inspected for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.
2. Determining Public Building to Be Inspected. The Fire Chief shall be responsible for determining those public buildings and places of employment that are to be inspected.
3. Schedule of Inspections. Fire prevention inspections shall be conducted at least once per calendar year, provided the interval between those inspections does not exceed 15 months.

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245.04 Enforcement

Enforcement of this ordinance shall be accomplished through citations issued by the Fire Chief or the Chief's designee.

245.05 Forfeiture

Any violation of this Chapter or of any order of the Fire Department issued hereunder shall be subject to a forfeiture of not less than \$10 and not more than \$100. Each day that a violation of this Chapter or an order issued hereunder continues shall be a separate and distinct violation.

246 Contractual Fire Agreements Between The City Of Ashland And Neighboring Municipalities Authorized

246.01 Intent Of Chapter

246.02 Contracts Authorized

246.03 Resolutions

246.04 Records Of Contracts

246.01 Intent Of Chapter

It is the intent of this chapter to establish a system for providing fire protection to neighboring municipalities according to contractual agreements authorized by the Common Council of the City of Ashland and the municipality which is party to the contract.

246.02 Contracts Authorized

The Common Council of the City of Ashland is hereby authorized to contract with neighboring cities, towns, villages, and other municipalities to provide City of Ashland fire equipment and/or personnel in the event of fire emergency.

246.03 Resolutions

Contracts such as those described in section 246.02 shall be authorized and embodied in a Resolution of the Common Council of the City of Ashland and shall consist of terms negotiated with each individual municipality.

246.04 Records Of Contracts

Resolutions passed in accordance with the provisions of this chapter shall be kept on file in the office of the City Clerk in a file provided specifically for that purpose or in any manner as the Common Council may direct by resolution or ordinance.

Building Code

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741-780 Building And Electrical Inspectors And Codes

[744 Banning Use Of Coal Tar Sealant Products In The City Of Ashland](#)

[746 Prevention Of Clear Water Inflow To The Sanitary Sewer](#)

[748 Building Inspector And Building, Housing, Electrical And Plumbing Codes](#)

[750 Property Maintenance](#)

[751 Roof Drains Connections To Sanitary Sewers](#)

744 Banning Use Of Coal Tar Sealant Products In The City Of Ashland

[744.01 Definitions](#)

[744.02 Regulating The Application Or Sale Of Coal Tar And Other High PAH Sealant Products](#)

[744.03 Exemptions](#)

[744.04 Penalties](#)

HISTORY

Adopted by Ord. [2020-1925](#) on 2/11/2020

744.01 Definitions

As used hereinbelow, the following terms shall have the meanings indicated:

1. COAL TAR. A byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHs).
2. COAL TAR SEALANT PRODUCT. A pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatiles, RT- 12, Refined Tar, or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2, or related substances.
3. HIGH PAH SEALANT PRODUCT. Any pavement sealant product that contains greater than 0.1% polycyclic aromatic hydrocarbons (PAHs) by weight, including, but not limited to coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the Chemical Abstracts Service (CAS) numbers 64742-90-1, 69013-21-4, or related substances.
4. PAVEMENT SEALANT PRODUCT OR SEALCOAT. Any substance that is typically applied as a coating on paved surfaces to protect the surfaces from water, oils, and/or damage from ultraviolet light. This may include but is not limited to sealant products that are coal tar-based or asphalt based.
5. POLYCYCLIC AROMATIC HYDROCARBONS (PAHs). A group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.

HISTORY

Adopted by Ord. [2020-1925](#) on 2/11/2020

744.02 Regulating The Application Or Sale Of Coal Tar And Other High PAH Sealant Products

1. Except for those exemptions provided for in section 744.03, no person shall apply any coal tar sealant product or high PAH sealant product within the City limits.
2. No person shall sell, offer to sell, or display for sale any coal tar sealant product or high PAH sealant product within the City limits.

3. Any person who sells pavement sealant products shall prominently display, on the shelf, pallet, rack, display fixture or space where such pavement sealant products are sold, a legible written notice that contains the following language: "The application of coal tar sealant products or other high PAH sealant products on driveways, parking lots, and all other paved surfaces in the City is prohibited by chapter 744 of the Municipal Code. Polycyclic Aromatic Hydrocarbons (PAHs) are a group of organic chemicals that are known to cause cancer and are toxic to aquatic life. Coal tar and other high PAH sealant products are a major source of PAHs that can migrate into homes, buildings, and soils, or be carried by storm water and other runoff into the water resources of the City." No person shall allow a coal tar sealant product or other high PAH sealant product to be applied upon property that is under that person's ownership or control.
4. No person shall contract with a commercial applicator, residential or commercial developer, or any other person for the application of a coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the City.
5. No commercial applicator, residential or commercial developer, or other similar person or entity shall apply, or allow, cause or direct any employee, independent contractor, volunteer or other person to apply, a coal tar sealant product or high PAH sealant product to any driveway, parking lot or other surface within the City.

HISTORY

Adopted by Ord. [2020-1925](#) on 2/11/2020

744.03 Exemptions

The Director of Public Works may exempt a person from the restrictions or prohibitions under section 744.02 if the Director makes either of the following determinations:

1. The person is conducting bona fide research concerning the effects of a coal tar sealant product or high PAH sealant product on the environment; and the use of the coal tar product or high PAH sealant product is required for said research; and the Director determines that such research will not cause significant contamination of the surrounding environment, including soils and aquatic ecosystems, nor unduly endanger human health.
2. The person does not intend to apply the sealant product within the City's boundaries.

HISTORY

Adopted by Ord. [2020-1925](#) on 2/11/2020

744.04 Penalties

In addition to other action or relief to which the City may be entitled to prevent or remove a violation, penalties assessed for convictions of violating this ordinance shall be as follows:

1. Any person who violates section 744.02 by applying a coal tar sealant product or high PAH sealant product upon property that is his or her residence shall be subject to a forfeiture of up to \$500, plus the costs of prosecution, including reasonable attorney's fees.

2. Any commercial applicator, residential or commercial developer, industrial or commercial property owner or lessee, or any other person, other than a person identified under subsection (d) 1, who violates section 744.02 shall be subject to a forfeiture of up to \$5,000, plus the costs of prosecution, including reasonable attorney's fees.
3. Each violation, and each day that a violation occurs or continues, constitutes a separate offense and shall be punishable as such.

HISTORY

Adopted by Ord. [2020-1925](#) on 2/11/2020

746 Prevention Of Clear Water Inflow To The Sanitary Sewer

746.01 Discharges Prohibited

746.02 Citations

746.03 Violations

746.01 Discharges Prohibited

In accordance with the Wisconsin Administrative Code, the following shall not be discharged to a sanitary building drain or sewer, nor to a private sewage disposal system:

1. Roof conductors, surface drains, ground water drains, foundation footings drains,
2. Refrigerator cooling water drainage systems,
3. Storm water drains,
4. Drinking water foundations with continuous flowing water,
5. Air conditioning drains,
6. Building storm sewers, and
7. Other clear water drains not described herein.

746.02 Citations

The City Building Inspector are empowered to issue citations for violations of this ordinance.

746.03 Violations

Violations may be punishable by a fine of \$25.00 for each day the violation continues, each day being considered as a separate violation.

748 Building Inspector And Building, Housing, Electrical And Plumbing Codes

748.01 Definitions

748.02 Authority

748.03 Purpose

748.04 Wisconsin Uniform Dwelling Code

748.05 Adoption Of The Commercial Building Code

748.06 Adoption Of The Plumbing Code

748.07 Adoption Of The Electrical Code

748.30 Building Inspector

748.40 Building Permits

[748.50 Unsafe Buildings](#)

[748.90 Penalties](#)

748.01 Definitions

1. Accessory Building. A building subordinate to a principal building or use, located on the same parcel as and serves a purpose customarily incidental to the use of the principal building or land use. Accessory buildings include, but are not limited to, garages, carports, sheds, and greenhouses.
2. Accessory Structure. A structure subordinate to a principal building or use, located on the same parcel as and serves a purpose customarily incidental to the use of the principal building or land use. Accessory structures include but are not limited to utility or alternative energy structures, fuel tanks and storage canopies.
3. Addition. Any new construction performed on a building which increases the outside dimensions of the building.
4. Building. A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, and used or intended for supporting or sheltering any use or occupancy. See also, "structure."
5. Building Inspector. The Building Inspector of the City of Ashland. Any item in this Chapter to be completed by the Building Inspector may also be completed by a designee of the Building Inspector unless specifically stated otherwise. Such designee shall have any required credentials and/or certifications for any items the designee is completing.
6. Structure. That which is built or constructed, including, but not limited to, dwellings, buildings, fences, pergolas and arbors, canopies, fire escapes, chute escapes, railings, water or fuel tanks, towers, stairways, tents and anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground, including a mobile home, manufactured home, modular home or travel trailer.
7. Temporary. Lasting, designed, or intended to last for a limited time.
8. Unsafe Building. A building that is or becomes unsafe, or in noncompliance because of inadequate egress facilities, inadequate light, inadequate ventilation, or which constitutes a fire hazard or is otherwise dangerous to the public welfare, which involves illegal or improper occupancy, or which is vacant and not secured against entry.
9. Wisconsin Uniform Dwelling Code. Chapters SPS 320 to 325, of the Wisconsin Administrative Code.

Commented [MTL1]: I added this section so that there isn't any dispute that the review of plans for EPLEX was appropriate since they would not be done directly by the building inspector.

748.02 Authority

This chapter is adopted under the authority granted by Sec. 101.65, Wis. Stats.

748.03 Purpose

The purpose of this chapter is to promote the general health, safety and welfare within the City of Ashland, Wisconsin, and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code, Wisconsin Enrolled Commercial Building Code, State of Wisconsin Electrical Code, and State of Wisconsin Plumbing Code.

748.04 Wisconsin Uniform Dwelling Code Adoptions of Codes and Standards

1. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
2. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
3. Where enforcement of an Adopted and Referenced Code or Standard provision would violate the conditions of the listing of the appliance, equipment, or material, the conditions of the listing shall apply, with special attention given to the appliance, equipment, or material manufacturer's installation instructions.
4. The City does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.
5. Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code or as is deemed necessary by the Development Services Department for the general safety and welfare of the occupants and the public.
6. Additions and Alterations. Additions and alterations to any structure shall conform to the requirements pertaining to the code applicable to the type of structure, unless otherwise stated. Additions and alterations shall not cause an existing structure to become unsafe or adversely affect the performance of the building.
7. Change in Use. Changes in the character or use of an existing structure or space shall be governed by the applicable Adopted and Referenced Codes and Standards.

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2. Adopted Codes and Standards. The following Codes are adopted in their entireties:

1. New residential one-and two family dwellings: Wisconsin Uniform Dwelling Code
 1. SPS 320 Administration and Scope

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2. SPS 321 Construction Standards
3. SPS 322 Energy Conservation
4. SPS 323 Heating, Venting, and Air Conditioning
5. SPS 324 Electrical Standards
6. SPS 325 Plumbing
7. SPS 320-325 Appendix A
8. SPS 320-325 Appendix B
9. SPS 320-325 Appendix C
10. SPS 327 Camping Units

2. Commercial Buildings: Wisconsin Commercial Building Code

1. SPS 361 Administration and Scope
2. SPS 362 Buildings
3. SPS 363 Energy Conservation
4. SPS 364 Heating, Venting, and Air Conditioning
5. SPS 365 Fuel Gas
6. SPS 366 Existing Buildings
7. SPS 361-366 Appendix

- ~~1-3.~~ The Wisconsin Uniform Dwelling Code, SPS 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance. The scope of SPS 320-325 includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.
- ~~2-4.~~ Notwithstanding SPS 320-325, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per SPS 320.19 so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the Building Inspector is granted the power to apply the results to similar circumstances by precedent.
- ~~3-5.~~ Notwithstanding SPS 320-05, the scope also includes the construction and inspection of detached garages and accessory buildings throughout the City. The building structure and any heating, electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

748.05 Adoption Of The Commercial Building Code

~~The Wisconsin Enrolled Commercial Building Code Vol 1 & 2, SPS 361-366 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and~~

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Commented [DM2]: This is NOT critical to the delegation for commercial buildings - however DSPS has been requesting of us to make sure communities have it in there for when they come and do their UDC audits.

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~~incorporated by reference and shall apply to all commercial and multi-family buildings within the scope of this ordinance.~~

748.06 Adoption Of The Plumbing Code

The Wisconsin Uniform Plumbing Code, SPS 381-382 and 384 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance. The scope of this ordinance includes plumbing work completed on all residential and commercial structures within the City.

748.07 Adoption Of The Electrical Code

The Wisconsin Uniform Electrical Code, SPS 316 of the Wisconsin Administrative Code, and all amendments thereto, which adopts the National Electrical Code with amendments, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

748.30 Building Inspector

1. Position created. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Department of Safety and Professional Services, as specified by Wisconsin Statutes, Section 101.66(2). Specific duties of this position shall be further described and outlined in a Position Description which has been approved by the City.
2. Power and Duty of Inspectors. The Building Inspector shall have the authority to enforce the provisions of this ordinance and of all other laws and lawful orders of the State of Wisconsin and of all ordinances of the City of Ashland related to buildings and structures. The Building Inspector may appoint other designees who shall have the power and duty to enforce all, or specific portions of, said ordinance and laws. The Building Inspector shall have the authority to require the procurement of a building permit and to issue citations as necessary to compel compliance with this ordinance.
3. Authority for Inspector to Enter Premises. The inspectors provided by this section shall have the power and authority at all times during reasonable hours for any proper purpose to enter upon any public or private premises and make inspections thereof.

748.40 Building Permits

1. Permits required. No building or structure or any part thereof shall hereafter be built, enlarged, altered, moved, or demolished, or any plumbing or electrical work commenced within the City of Ashland, unless exempted by the Unified Development Ordinance, or as exempted in this Chapter, until a building permit is first obtained from the Building Inspector or Designated Authorized Agent.

Building permit fees and project cost minimums shall be set and identified in the City of Ashland's Comprehensive Fee Schedule. If the Building Inspector shall find at any time that ~~the above mentioned any~~ ordinance, laws, orders, plans or specifications ~~incorporated by this Chapter~~ are not being complied with, the building permit shall be revoked by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work upon such building until the permit is reissued, excepting such work as the Building Inspector shall order to be done as a condition precedent to the re-issuance of the permit.

2. Exceptions. A permit may not be required for repairs to an existing structure which does not change the area, structural strength, or level of occupancy, fire, protection, light or ventilation or the number of exits and where the total cost of the repairs including labor and materials, does not exceed the amount identified in the City of Ashland's Comprehensive Fee Schedule. Replacement of existing heating and air conditioning equipment to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements. Repainting of interior and exterior surfaces, replacement of existing floor coverings and basic interior decorating activities shall also be exempted from permit requirements. Installation of certain accessory structures such as playground equipment, utility equipment, temporary fabric structures or storage canopies may not require a permit.
3. Building Permit Fee. The Building Permit fees shall be as provided in the most current City of Ashland Comprehensive Fee Schedule. All permit fees shall be double the usual amount for any work commenced prior to obtaining a required permit.

Commented [MTL3]: We have these current exceptions from the building permit requirements. Can the consultant review this section to ensure that these exceptions are still allowed with this delegated community status? I added a cross-reference to these exemptions in the newly added 748.41(A)(4)(b)

748.50 Unsafe Buildings

Wisconsin State Statutes 66.0413 grants specific authority and outlines procedures to be followed when dealing with unsafe buildings. If a building is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair, the Building Inspector may order the owner to raze the building or, if the building can be made safe by reasonable repairs, order the owner to either make the building safe and sanitary or to raze the building, at the owner's option. In addition, failure to comply with such orders may cause the City Council to revoke any license that may be required by ordinance, until such orders are complied with.

748.90 Penalties

The enforcement of this chapter and all other laws and ordinances relating to building shall be by means of the withholding or revocation of building permits, and/or the imposition of forfeitures, and/or injunctive action against any person, contractor, company or agent who commences work without a valid permit. Forfeitures shall be not less than \$50.00 nor more than \$500.00 for each day of noncompliance. This chapter shall not be construed as assuming any liability on the part of the City for damages to

any injured person(s) or any property destroyed by any defect in any building or equipment.

~~Failure to secure any required permit prior to commencement of work on any given project for that scope shall result in fees for the permit to be doubled.~~

7489.4100 – Construction Documents

A. Submittal Documents.

1. ~~Plans for any work to a residential dwelling involving the alteration in, addition to or the new construction of shall be submitted to the Planning and Development Department for examination and approval prior to the issuance of the applicable building permit.~~
2. ~~Required plans for all new one-and two family dwellings and additions shall comply with the requirements of SPS 320.09(5).~~
3. ~~Plans for new decks, detached garages and accessory structures 300 sq. ft. and larger shall be submitted to the Planning and Development Department for examination and approval prior to the issuance of the applicable building permit.~~

4. ~~**Delegated Appointed Agent Municipality.** The City has adopted the Appointed Agent Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code and § 101.111(3g), Wis. Stats.~~

~~a) **Responsibilities.** The City shall assume the following responsibilities for the Department of Safety and Professional Services (Department):~~

- ~~1. Provide inspection of commercial buildings with certified commercial building inspectors.~~
- ~~2. Provide plan examination of commercial buildings with certified commercial building inspectors.~~

~~b) **Plan Examination.** Drawings, specifications and calculations for all the types of buildings and structures --, except state-owned buildings and structures, other structures exempted in SPS 361.03, and other work exempted by § 749.40(b) of this Chapter --, to be constructed within the City shall be submitted, if the plans are for any of the following:~~

- ~~1. A new building or structure.~~
- ~~2. An addition to a building, structure, or building system such as fire alarm, sprinkler, plumbing, or HVAC system.~~
- ~~3. An alteration of a building space, element, or structure. Including alteration of an existing fire alarm system, fire sprinkler system, plumbing system, HVAC system or replacement of equipment or fixtures within those systems.~~
- ~~4. The City may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in~~

Commented [DM4]: Recommended, not required. Most communities we work with double permit fees, some triple, and a couple use Quad fees.

Commented [MTL5R4]: This is already contained in our code at § 748.40(c)

Commented [MTL6]: I think this should be added as § 748.41, which is following the current building permit requirement so that we can just follow down the list of ordinances to see what is required for submittal and review, rather than creating a new chapter 749 and having to hop around from chapter 748.40 to 749 to see all of the relevant building permit requirements. The subparagraph numbering in this document is not consistent with the online codification, but I believe that our codifying company will make these consistent with the current code so I did not review that part.

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Commented [DM7]: While this can remain, we advise our communities adopt something similar to this. This was written by one of our communities and has since been adopted by several of our clients

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which case plans and specifications shall be submitted to the Department for review and approval.

c) **Plan Submission Procedures.** All new construction, additions, and alterations, commercial buildings, structures and alterations subject to review under this Chapter, including new buildings and additions require plan submission as follows:

1. **Building permit application.** Applications shall be made on State of Wisconsin forms as applicable based on trade submitted or other application form provided by the City's Planning and Development Department.
2. **Building Permit Fees as prescribed by the City's fee schedule.** Application for review – State of Wisconsin forms as applicable based on trade submitted or Municipal Equivalent.
 - a. **Fees per municipal fee schedule**
 - b. **Fees apply to all commercial projects**

AND one of the following options

3. **4 sets of plans**
 - a. **Signed and sealed per SPS 361.31**
 - b. **(1) set of specifications**
 - c. **Component and system plans**
 - d. **Calculations showing code compliance**

OR

4. **1 sets of plans with 3 Project cover sheets**
 - a. **Signed and sealed per SPS 361.31**
 - b. **(1) set of specifications**
 - c. **Component and system plans**
 - d. **Calculations showing code compliance**

Note: Nothing in this Chapter, or chs. SPS 361 to 366 is intended to prohibit the submission and acceptance of plans and construction documents in an electronic or digital media. However, if plans are approved electronically, City staff may require the submission of hard copies. ~~2 sets of hard copies bearing the approval stamp of the reviewer is still required to be submitted prior to permit issuance.~~

5. **The Planning and Development Department may require additional information that is specific to the desired project. All requested information is**

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Commented [DM8]: Feel free to amend to the extent you would like to.

Commented [MTL9R8]: I do not have an opinion on this and defer to Steven as to his opinion on whether we want submission of hard copies.
The separate agreement with EPLEX requires the submission of PDF plans and expressly states that the City shall allow for the ability for documents to be submitted via PDF.

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to be submitted electronically when requested in order to avoid permitting delays. No work is to begin on the desired project until the submitted documents have been reviewed for compliance.

~~Construction documents shall be drawn upon suitable material.~~

6. ~~Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the City's Building Inspector or designee.~~
7. ~~The construction documents shall be prepared by a registered design professional where required by this Chapter or any statutes, code, or other requirement incorporated herein.~~
8. ~~Where special conditions exist, the Building Inspector or designee is authorized to require additional construction documents to be prepared by a registered design professional.~~

Exception: A building inspector is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

7498.4201 Inspections

A. Protocol.

1. ~~Upon notification from the permit holder or his agent, the a-Building Inspector shall make or cause to be made any necessary inspections within five (5) business days of the notification, and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this codeChapter. In situations where the Wisconsin Statutes or Administrative Code impose a shorter time limit between notification from the permit holder or his agent and necessary inspections, the shorter time limit shall apply.~~
2. ~~The required inspections and number of inspections are dependent on the scope of work of the project.~~

B. Required Inspections.

1. ~~Residential -- inspections required as provided in SPS 320.10~~
2. ~~Non-residential~~
 - a. ~~Grading~~
 - b. ~~Rough~~
 - c. ~~Finish~~
 - d. ~~Footing~~

C. Inspection Agencies. A building inspector is authorized to accept reports of

Commented [MTL10]: This is not a clear standard. If it can be more clearly defined then we should add that definition. If there isn't a clear definition of what a "suitable material" is, then I think we should delete this section.

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Commented [MTL11]: Do we want to add a time requirement for how soon an inspection is to be done? I added 5 business days to be consistent with sps ch. 361 if the State is conducting the inspections. Leaving it without a time limit allows the City to act at any speed that it desires, but it also may create the impression from the public that the inspections will take place immediately. If we add some maximum amount of time (such as 5 days), it doesn't mean that we have to wait 5 days to get the inspection done, but it may alleviate some impression that the inspection will be conducted immediately.

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Commented [DM12]: Please take a look at this list of required inspections. This was copied from Marshfield who recently achieved delegation and it's a good starting point but can be expanded upon.

Commented [MTL13]: I would defer to the City's building inspector as to where we want inspections to be completed. If we stick with these recommended times for inspections, then we need to add a definition in for each of these to more clearly describe when the inspection is required to be completed.

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approved outside entities, provided such entities satisfy the requirements as to qualifications and reliability.

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Commented [MTL14]: What is an "approved agency" and what constitutes the "qualifications and reliability." Would this mean that a contractor can hire an independent building inspector? If so, does the City want that or do we want our inspector to conduct all inspections?

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D. Inspection Requests. It shall be the duty of the permit holder or their agent to notify the building inspector that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

E. Approval Required.

1. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of a building inspector. Any work requiring inspection shall not be covered or concealed until approved by the Building Inspector.
2. Upon notification, a building inspector shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code.
3. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by a building inspector.
4. In the event that uninspected and/or unapproved work has been concealed by subsequent construction, that work shall be uncovered for inspection and approval. The City shall not be responsible for any additional costs or delays resulting from any work that is required to be uncovered or removed for inspection.

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Note: Manufacturer's Installation Instructions. Manufacturer's installation instructions, as required by this codeChapter or any statute, code, or rule incorporated herein, shall be available on the job site at the time of inspection.

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750 Property Maintenance

[750.01 Adoption Of Pamphlet](#)

[750.02 Pamphlet On File](#)

[750.03 Repeal Of Former Pamphlet](#)

HISTORY

Adopted by Ord. [Ch 750](#) on 1/31/2012

750.01 Adoption Of Pamphlet

The "City of Ashland Property Maintenance Ordinance" is hereby adopted in pamphlet form, as authorized by Wisconsin State Statute [66.0103](#).

HISTORY

Adopted by Ord. [Ch 750](#) on 1/31/2012

750.02 Pamphlet On File

The “City of Ashland Property Maintenance Ordinance” pamphlet shall be permanently on file and open to public inspection in the office of the Clerk after its adoption.

HISTORY

Adopted by Ord. [Ch 750](#) on 1/31/2012

750.03 Repeal Of Former Pamphlet

Ordinance 750 (1673), Adoption of “City of Ashland Property Maintenance Ordinance” in pamphlet form, adopted in 2008, and subsequent amendments thereto, shall be repealed upon adoption of this amended ordinance.

HISTORY

Adopted by Ord. [Ch 750](#) on 1/31/2012

751 Roof Drains Connections To Sanitary Sewers

[751.01 Roof Drains](#)

[751.02 Public Nuisance](#)

[751.03 Disconnection](#)

[751.04 Fines And Liability](#)

751.01 Roof Drains

Roof drains on any building or structure in the City of Ashland which permits clear water inflow into the sanitary sewer system are prohibited. Any roof drain on any building or structure in the City of Ashland which permits clear water inflow into the sanitary sewer system is hereby declared a public nuisance.

751.02 Public Nuisance

Any roof drain on any building or structure in the City of Ashland which permits clear water inflow into the sanitary sewer system is hereby declared a public nuisance.

751.03 Disconnection

Any roof drain on any building or structure in the City of Ashland which permits clear water inflow into the sanitary sewer system shall be disconnected within 90 days of the effective date of the publication of this ordinance.

751.04 Fines And Liability

The owner of any building or structure with any roof drain which permits clear water inflow into the sanitary sewer system which is not disconnected in accordance with this chapter shall be subject to liability for a court order requiring disconnection and

abatement of the nuisance and forfeitures of \$100.00 per day until the disconnection is completed. The violator shall also be responsible to the City of Ashland for all costs of prosecution and enforcement including reasonable attorney's fees.

SUBJECT: Approve a Resolution to Issue a Conditional Use Permit (CUP) to build an accessory structure over the 20ft. maximum allowed height at 709 2nd Ave E, Parcel No. #201-02343-0000, Zoned Single & Two-Family Residential (R-2). Applicant: Michelle Kainz (*Planning & Development*) Roll

RECOMMENDATION: The Planning Commission voted to recommend approval of the Conditional Use Permit at the June 20th 2023 meeting. The Planning Commission and Planning staff recommend approval with the following conditions:

- The building shall be for personal use only, renting out storage is not an allowable use.
- The building shall not be used as a residence (accessory dwelling unit) unless permitted by another Conditional Use Permit.
- The height of the garage shall not exceed 24 ft.
- The applicant shall obtain all necessary building permits for the proposed project.
- The applicant shall submit a revised site plan showing garage dimensions and setbacks from property lines.

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Planning Commission (Approval on June 20th 2023)

EXHIBITS:

1. Staff Report - Kainz CUP
2. Resolution 17728 to Approve CUP for Accessory Structure Height at 709 2nd Ave E

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED: NA

**APPROPRIATION
REQUIRED:** NA

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The Comprehensive Plan does not have goals that are specific to accessory structures. However, the plan does place emphasis on resolving concerns about neighborhood values and aesthetics. The Comprehensive Plan indicates a need to beautify areas of the City and promote citizen investment into their individual properties. This new construction will add value to the applicant's property and improve the overall look of the area. This improvement in turn could

influence others in the area to make similar improvements, which is consistent with the cycle of investment and disinvestment that is discussed within the Comprehensive Plan.

The Future Land Use Plan indicates that this area will be zoned for Traditional Neighborhoods & Mixed-Use Districts. The type of accessory structure that the applicant is proposing is an allowable accessory use for this district.

SUMMARY STATEMENT:

Planning Staff recommends approval of the proposed Conditional Use Permit for the 24' Accessory Structure at 709 2nd Ave E (Kainz Residence). The Planning Commission voted to recommend approval at the June 20th 2023 meeting unanimously. The Planning Commission held a public hearing for the CUP and there was one comment in support as long as the applicant would not be using the garage as an Accessory Dwelling Unit. The applicant stated that she does not plan to use the garage as an Accessory Dwelling Unit and that use is not permitted without an additional CUP request.



DEPARTMENT OF
PLANNING &
DEVELOPMENT
601 Main Street West
Ashland, WI 54806

STAFF REPORT

Plan Commission – June 20th, 2023

Agenda Item # 5b: Conditional Use Permit Request to allow a 24' Tall Accessory Building

Zoning District: Single & Two-Family Residential (R-2)
Property Address: 709 2nd Ave E
Parcel #: # 201-02343-0000
Applicant: Michelle Kainz
Staff Contact: Steven Wiley & Mandelyn Lyons

Background

Michelle Kainz is requesting a Conditional Use Permit (CUP) to allow construction of a 24' tall accessory building at 709 2nd Ave E, zoned Single & Two Family Residential. UDO Section 5.6 (A., 7) regulates the height of accessory structures and states that no accessory building shall exceed 20' in height without a CUP. Per UDO standards the height of a building is measured from grade to the peak of a roof, in this case grade to gable.

The applicant's property is 0.161 acres (approximately 7,013 square feet). Existing on the property currently is a single-family two-story home with an attached garage. Vehicular access is via the alley in the rear of the property. The majority of surrounding homes are two-story and many have detached accessory structures on the alley side of their properties. Most of the detached accessory buildings in the area have a gabled roof consistent with what the applicant is proposing.

The applicant is requesting the increase in height for storage purposes and for an area to use as a crafting space. There is no intention of the second story of the structure to become a residence, and there is already a home on the property. The existing garage on the property will be demolished to make room for a new deck. A demolition permit for the existing garage was issued May 8, 2023.

The proposed garage will be 24' tall and adjacent to the alley at the rear property line of the home. This building will have a gable style roof, a garage door, and a main access door, and windows on the first and second story.

Existing Land Use	Zoning
Single Family Home	Single & Two-Family Residential (R-2)

Existing Uses		Zoning
North	Single & Two Family Homes and a Religious Institution	Single & Two Family Res. R-2 And Neighborhood Convenience (NC)
South	Single & Two Family Homes	Single & Two Family Res. (R-2)
East	Single & Two Family Homes	Single & Two Family Res. (R-2)
West	Single & Two Family Homes	Single & Two Family Res. (R-2)

Land Use Recommendation	Land Use
Future Land Use Map Recommendation	Traditional Neighborhood & Mixed Use



Pictures are described from left to right. The first picture is a view of the alley if you enter from 7th St. E facing south. The second and third pictures are views from the alley entered from 8th St. E and looking north.

Site Design and Parking



The applicant is proposing to demolish the existing attached garage on the house to make room for a deck. The new 24'x28' garage would be on the northwest side of the property with the garage door facing towards the south. The driveway would be curved and meet the garage door entrance. The proposed siding material is LP Smart wood siding which is an allowable material for accessory buildings.





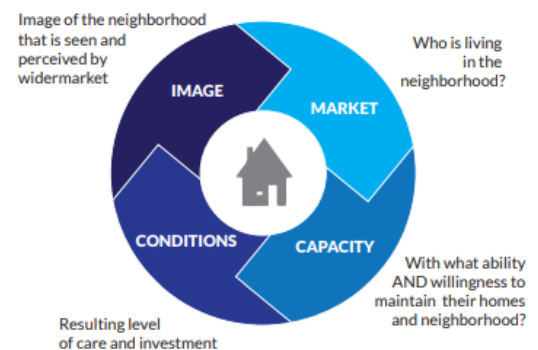
Standards for Conditional Use Review

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.

There are no specific goals within the Comprehensive Plan that address accessory structures. However, the Comprehensive Plan places emphasis on resolving concerns about neighborhood values and aesthetics. One of the goals outlined by the Comp Plan is to reinvest in existing neighborhoods and utilizing spaces for maximum impact. This new construction will add value to the applicant's property and improve the overall look of the area. This improvement in turn could influence others in the area to make similar improvements, which is consistent with the cycle of investment and disinvestment that is discussed within the Comprehensive Plan.

czb Cycle of Neighborhood Investment and Disinvestment

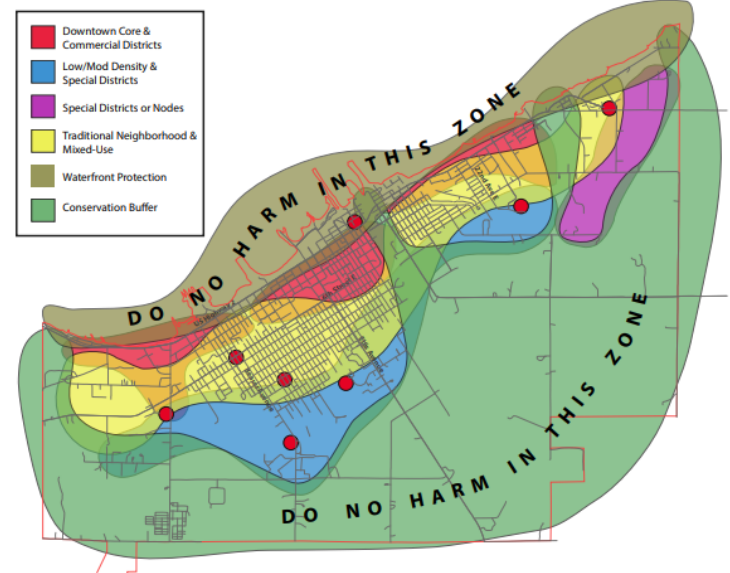


This use is consistent with the Future Land Use Plan, as the property will be within the Traditional Neighborhood & Mixed-Use districts. Acceptable uses within these districts would be, single family homes, two-family homes, and small-scale commercial uses all of which would allow an accessory structure similar to what is being proposed.

2. Compatibility.

The proposed accessory structure is compatible with the existing uses in the neighborhood. The maximum principal structure height allowed in this zoning district is 35ft. and the proposed accessory structure is over 10 ft. under that height limit. The majority of homes on this block are two-story and thus the extended height of the accessory building would not look out of place and likely will not be seen from the front property line since the proposed location is in line with the existing home. Other residences in the area have accessory structures in the form of sheds or garages that look similar to what the applicant is proposing.

FUTURE LAND USE PLAN



3. Importance of Services to the Community.

Increasing the height of an accessory structure for an individual property does not directly benefit the community. However, this building will add value to the applicant's property and the new building will increase the aesthetic value of the area.

4. Neighborhood Protections.

The applicant will be required to follow building code and all applicable standards within the UDO for accessory structures and driveways. One potential concern is a loss of daylight due to the extended height of the structure. Comments from neighbors and the public should be considered for this project.

5. Conformance with Other Requirements:

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

- The project must comply with all building codes and applicable UDO Sections
- Maximum 35% building coverage limit
- Maximum 40% impervious coverage limit
- Accessory building interior and rear setbacks per UDO Section 5.6:
 - 3 ft. from interior side parcel lines
 - 5 ft. from an alley
 - 6 ft. from the principal structure

Review Recommendation

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

- The building shall be for personal use only, renting out storage is not an allowable use.
- The building shall not be used as a residence (accessory dwelling unit) unless permitted by another Conditional Use Permit.
- The height of the garage shall not exceed 24 ft.
- The applicant shall obtain all necessary building permits for the proposed project.
- The applicant shall submit a revised site plan showing garage dimensions and setbacks from property lines.

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 issued on June 6th & June 13th 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.

RESOLUTION No. 17728

RESOLUTION TO ISSUE A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN ACCESSORY STRUCTURE HEIGHT EXCEEDING 20 FEET AT 709 2ND AVENUE E, ASHLAND, (PARCEL # 201-02343-0000) ZONED SINGLE & TWO-FAMILY RESIDENTIAL (R-2) APPLICANT: MICHELLE KAINZ

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 allow an accessory structure height exceeding 20 feet on parcel 201-02343-0000, zoned Single and Two-family Residential (R-2); and

WHEREAS, the Plan Commission held a Public Hearing on June 20, 2023 and has recommended approval of the Conditional Use Permit with the following conditions:

- The building shall be for personal use only, renting out storage is not an allowable use.
- The building shall not be used as a residence (accessory dwelling unit) unless permitted by another Conditional Use Permit.
- The height of the garage shall not exceed 24 ft.
- The applicant shall obtain all necessary building permits for the proposed project.
- The applicant shall submit a revised site plan showing garage dimensions and setbacks from property lines.
- The development must conform to all other applicable City code requirements, including (but not limited to):
 - The project must comply with all building codes and applicable UDO Sections
 - Maximum 35% building coverage limit
 - Maximum 40% impervious coverage limit
 - Accessory building interior and rear setbacks per UDO Section 5.6:
 - 3 ft. from interior side parcel lines
 - 5 ft. from an alley
 - 6 ft. from the principal structure
- Any existing nonconformities (i.e., setbacks, lot coverage) shall not be expanded by new uses of the property. Based on staff's initial review, the standards appear to be met by the current structures.

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: June 27, 2023

Councilperson

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

SUBJECT: Approve a Resolution to Issue a Conditional Use Permit (CUP) to Build a Duplex at Parcel No. #201-00592-0000, Zoned Single-Family Residential (R-1). Applicant: Debra Eichman (*Planning & Development*) Roll

RECOMMENDATION: The Planning Commission voted to recommend approval of the proposed Conditional Use Permit at the June 20th 2023 Planning Commission meeting. Staff and the Planning Commission recommend approval with the following conditions:

- The applicant shall add dimensions of the proposed structure and distances from lot lines to the site plan.
- The applicant shall submit the revised site plan and obtain any necessary permits for the proposed project
- The applicant shall have the property surveyed to confirm the size of the parcel and the property line locations
- The applicant shall record their rental property with the City of Ashland Rental Registration
- The site must be developed as proposed or with another permitted principal use or be vacant to come into conformance with current zoning ordinances
- If construction has not begun within one year of the Conditional Use Permit approval the permit is null and void

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Planning Commission (Approval recommended June 20th 2023)

EXHIBITS:

1. Staff Report - Eichman Duplex CUP
2. Resolution 17729 to Approve CUP for Two-family at 201-00592-0000

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED: NA

**APPROPRIATION
REQUIRED:** NA

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed duplex is consistent with the goals of the Comprehensive Plan. The Comprehensive Plan states that there is a need for

more diverse housing and the proposed duplex would address some of that need. The applicant plans to live in one side of the duplex and rent out the other side.

The Comprehensive Plan also asks for careful use of existing properties and promotes more dense housing if possible. The current site is over 10,000 square feet and a duplex is the largest residential use that is allowed in the R-1 zoning district, which makes it a great fit. The lot itself is also irregular and the proposed duplex fully utilizes the space onsite.

The proposed use is also consistent with the Future Land Use Plan, since the area will continue to be a Traditional Neighborhood & Mixed Use Zone.

SUMMARY STATEMENT:

Planning Staff recommends approval of the Conditional Use Permit for a duplex on parcel 201-00592-0000. The Planning Commission held a public hearing and there were no citizen comments. The Planning Commission recommended approval at their June 20th 2023 meeting.



DEPARTMENT OF
PLANNING &
DEVELOPMENT
601 Main Street West
Ashland, WI 54806

STAFF REPORT

Plan Commission – June 20th, 2023

Agenda Item # 5d:	Conditional Use Permit Request to allow for a duplex in the R-1 Single-Family Residential District
Zoning District:	Single-Family Residential (R-1)
Property Address:	N/A
Parcel #:	# 201-00592-0000
Applicant:	Debra Eichman
Staff Contact:	Steven Wiley & Mandelyn Lyons

Background

Debra Eichman is applying for a conditional use permit to allow construction of a duplex on parcel #201-00592-0000 zoned R-1 Single Family Residential. The approximately .517 acre (22,502.52 square foot) parcel is currently vacant except for an accessory structure towards the north of the property, which is not allowed per UDO Section 5.6. The applicant is proposing to keep the existing accessory structure if there is enough buildable area and construct an approximately 4,687 sq. ft. two-family home. The applicant is proposing the duplex and has intentions of living in one side. Each side of the duplex will have three bedrooms, two bathrooms, a covered porch, and an attached garage space. The proposed plans have the building with frontage on 17th Ave W.

The applicant has an accepted offer on the property which is contingent on approval of the Conditional Use Permit for the duplex. Surrounding uses are primarily single-family residences and manufactured homes. There is a mix of two-story and single-story homes around the area with a majority being two-story in the area and the manufactured home park to the south as an exception.

Existing Land Use	Zoning
Vacant	Single Family Residential (R-1)

Existing Uses		Zoning
North	Single Family Residences	Single Family Residential (R-1)
South	Single Family Residences & Manufactured Homes	Single Family Residential (R-1) & Manufactured Home Community (MHC)
East	Single Family Homes	Single Family Residential (R-1)
West	Single Family Homes	Single Family Residential (R-1)

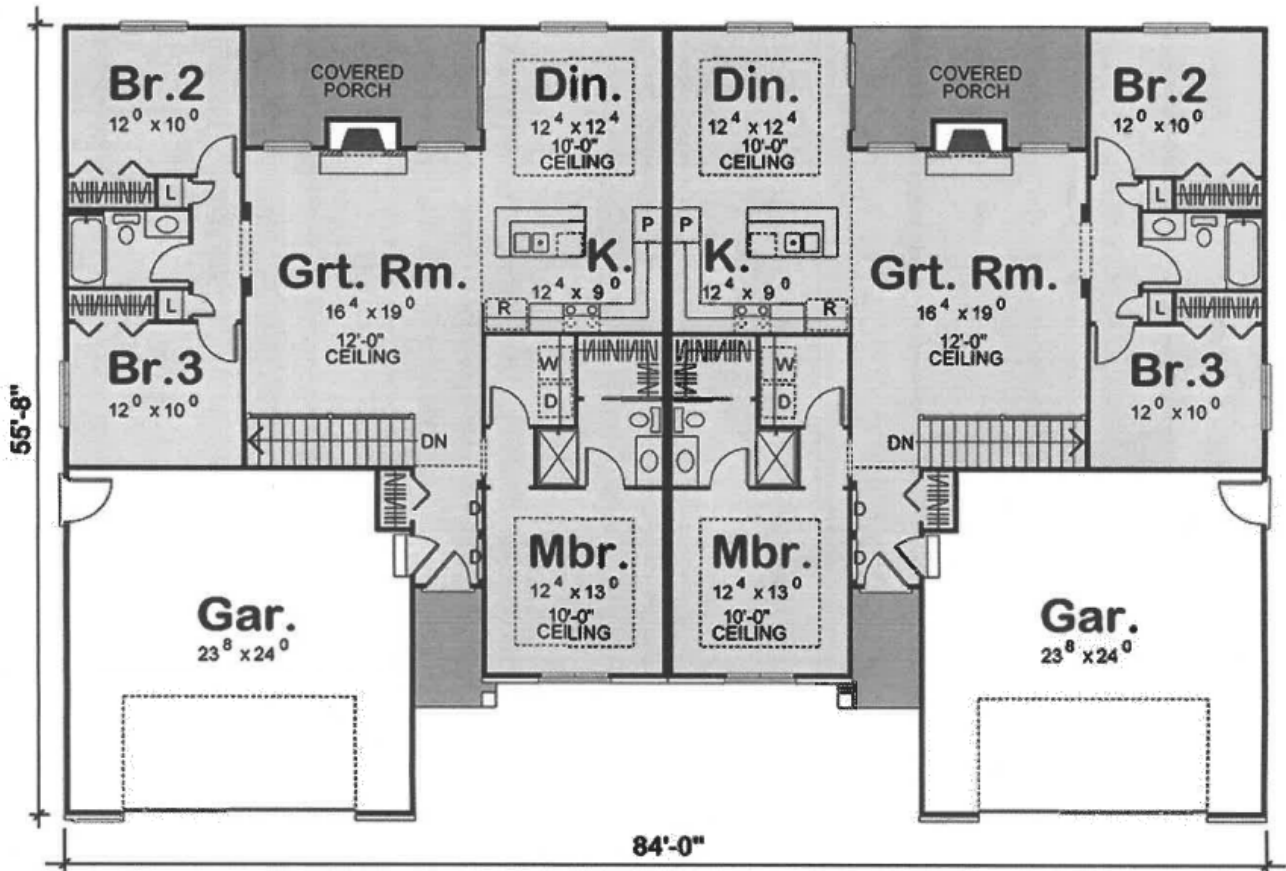
Land Use Recommendation	Land Use
Future Land Use Map Recommendation	Traditional Neighborhood & Mixed Use



Pictures are described left to right. The first picture is a view of the property facing straight on from the curb. The second photo is of the property closer towards the southern facing side of the property. The third picture shows the southern border of the property which is a diagonal line separating this property from the adjacent single-family home.

Site Design

The applicant is proposing to build an approximately 4,687 square foot duplex on the existing vacant property with frontage on 17th Ave W. The proposed floor layout is a mirrored design which includes three bedrooms, two bathrooms, a dining area, kitchen, great room, a laundry room, covered porch area, and an attached two-car garage. Each tenant would have their own driveway connected to the garage area that would have vehicular access from 17th Ave W. UDO Section 6.3 requires that a two-family home or duplex is required to have two parking spaces per dwelling unit, and the currently proposed layout would provide enough parking area with the garage and the driveway.



The proposed layout of the site would make use of the irregularly shaped lot with the bulk of the building being located in the rectangular area. The drawing below is not to scale. The applicant will have to conform to setbacks for principal structures in the Single-Family Residential zoning district which are 25 feet from the front property line, 8 feet from the interior parcel lines, and 35 feet from the rear parcel lines. The applicant will also be required to comply with maximum building coverage and impervious coverage percentages for the parcel.



Site Plan submitted by the applicant – Note that the plan is not to scale.

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.

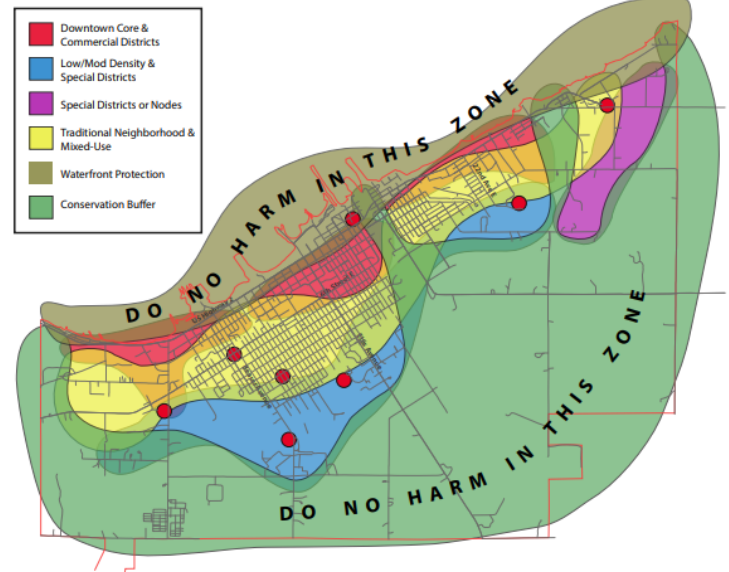
The proposed development is consistent with the Comprehensive Plan as it outlines the need for housing, for development towards the core of the city, and for higher density housing developments to maximize underutilized spaces. The applicant intends to live in one side of the duplex and rent the other side which will bring one new rental unit into a sparse market.

This development is also consistent with the recommendation of the Future Land Use Plan, as the proposed development area will be within the Traditional Neighborhood & Mixed-Use district. A duplex would be found in a traditional neighborhood and would not be an abnormal addition.

2. Compatibility.

The applicant's proposal is compatible with the surrounding uses within the area. The area has been able to accommodate single family homes and the manufactured home community to the south of the property. The duplex would work as a transitional point between the single-family homes in the area and the manufactured home community. The parcel itself is also large enough to accommodate the development. UDO Section 4.3 specifies that residential uses, that are not single-family homes, require a minimum parcel area of 10,500 square feet. This parcel surpasses that requirement, and a duplex is the largest residential development that is allowed within the zoning district.

FUTURE LAND USE PLAN



3. Importance of Services to the Community.

The City of Ashland's Comprehensive Plan speaks to the need of residential development in the area, especially development that is available to renters. This proposal also utilizes a previously vacant but developable parcel which adds to the tax base and overall investment to the area.

4. Neighborhood Protections.

The applicant will have to comply with all building codes and all applicable UDO sections. A more detailed site plan that depicts the proposed duplex, driveways, and other structures is required during submission of the building permit and UDC application.

The site has been determined to be large enough for the proposed development, however there is a discrepancy between the deeded/assessed acres (.517 acres) and the GIS calculated acres (.69 acres). While both acreage amounts are large enough for the development a survey is recommended to confirm the parcel size and property line locations.

5. Conformance with Other Requirements:

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

- City of Ashland Building Codes and applicable UDO Sections

Review Recommendation

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

- The applicant shall add dimensions of the proposed structure and distances from lot lines to the site plan. Applicant shall submit the revised site plan and obtain any necessary permits for the proposed project
- The applicant shall have the property surveyed to confirm the size of the parcel and the property line locations
- The applicant shall record their rental property with the City of Ashland Rental Registration
- The site must be developed as proposed or with another permitted principal use or be vacant to come into conformance with current zoning ordinances
- If construction has not begun within one year of the Conditional Use Permit approval the permit is null and void

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 issued on June 6th & June 13th 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.

RESOLUTION No. 17729

RESOLUTION TO ISSUE A CONDITIONAL USE PERMIT (CUP) TO ALLOW A TWO-FAMILY (DUPLEX) USE AT PARCEL # 201-00592-0000, ASHLAND, ZONED SINGLE-FAMILY RESIDENTIAL (R-1) APPLICANT: DEBRA EICHMAN

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 institute a two-family use on parcel 201-00592-0000, zoned Single-family Residential (R-1); and

WHEREAS, the Plan Commission held a Public Hearing on June 20, 2023 and has recommended approval of the Conditional Use Permit with the following conditions:

- The applicant shall add dimensions of the proposed structure and distances from lot lines to the site plan. Applicant shall submit the revised site plan and obtain any necessary permits for the proposed project
 - The applicant shall have the property surveyed to confirm the size of the parcel and the property line locations
 - The applicant shall record their rental property with the City of Ashland Rental Registration
 - The site must be developed as proposed or with another permitted principal use or be vacant to come into conformance with current zoning ordinances
 - If construction has not begun within one year of the Conditional Use Permit approval the permit is null and void
- Any existing nonconformities (i.e., setbacks, lot coverage) shall not be expanded by new uses of the property. Based on staff's initial review, the standards appear to be met by the current structures.

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: June 27, 2023

Councilperson

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

SUBJECT: Approve a Resolution to Approve a Request to Transfer a Portion of City-Owned Former Railroad Right-of-Way (Parcel No. 201-01078-0000) and Convey Said Land Area to Florence Campbell (*Planning & Zoning*) Roll

RECOMMENDATION: Approval recommended by Plan Commission at 06/20/2023 Plan Commission meeting

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Plan Commission, Mayor, City Administrator

EXHIBITS:

1. Staff Report - Campbell Land Transfer
2. Certified Survey Map
3. Resolution 17730 to Approve Land Transfer of Portion of 201-01078-0000 to Florence Campbell

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: N/A

COMPLIANCE WITH ORD. 51: N/A

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The Comprehensive Plan calls for careful disposition of vacant land. This includes making fiscally sound decisions with the land the City owns, and ensuring that the highest and best use for the land is achieved. Parcel # 201-01078-0000 is currently vacant and according to the last inventory of City-owned properties this parcel is considered non-essential. To staff's knowledge the parcel does not have easements or deed restrictions attached.

The proposed land transfer of a portion of Parcel # 201-01078-0000 is in conformance with the Future Land Use Map, and it supports the principles and goals of the Comprehensive Plan. The Waterfront Protection zone and Conservation Buffer comprise the areas surrounding the core of the community. The Comprehensive Plan recommends protecting these areas. The site is classified in the Future Land Use Map as Waterfront Protection Zone. The plan states: *The area surrounding the core of the community – the downtown, the neighborhoods, the institutions and industrial sites – should be protected from development for the foreseeable future. This will encourage and guide infill development that will be integrated with the existing built fabric as well as provide a buffer between Ashland and its neighbors* (Authentic Ashland, pg. 34).

The land transfer involves the City transferring ownership of a portion of former railroad right-of-way to a residential property owner. The property owner would combine the right-of-way with her existing parcel. The

property would remain residential. The land use would not intensify and the land transfer and combination would allow for a reduction in nonconformity of the residential parcel.

SUMMARY STATEMENT:

Florence Campbell is the owner of the property at 201 N 7th Avenue E and would like to acquire a portion of the former railroad right-of-way immediately south of her property. The parcel is currently vacant and is parcel # 201-01078-0000. It is a 0.44-acre parcel. Staff discussed the land transfer request with the applicant and with the Mayor. City Attorney Max Lindsey drafted a policy to address these types of land transfers. The policy would allow each property owner to acquire the portion of right-of-way that would complete his or her parcel for a price of \$0.25 per square foot. After further discussion among staff and the Mayor it was determined to transfer the property rather than sell it to incentivize placing these portions of former railroad rights-of-way back on the tax rolls. Ms. Campbell's current property and the immediately surrounding properties are all single-family uses or vacant.

The portion of right-of-way Ms. Campbell would acquire is approximately 7,457 square feet (0.17 acres) in area. The City acquired this right-of-way from the Wisconsin Central Railroad in 2014 after the railroad ceased operations in Ashland. Ms. Campbell would combine her existing parcel with the portion of the former right-of-way into one parcel for a total lot size of 10,492 square feet (0.24 acres). She would like to complete her parcel. Many parcels in the immediate vicinity are irregular-shaped and substandard in size due to losing portions of their area to the railroad. Property owners and tenants have often used the former right-of-way area as extensions of their yards. City staff informed Ms. Campbell that the requested land transfer would require Plan Commission and Common Council review.

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 – June 20, 2023

Agenda Item # 5e: Public Hearing Vote on a Citizen Request to Acquire Former Railroad Right of Way Owned by the City

Zoning District: Waterfront City Center (W-CC) District

Property Address: Vacant – No Address Number

Parcel #: Portion of Parcel # 201-01078-0000

Applicant: Florence Campbell

Staff Contact: Steven Wiley

Background

Florence Campbell is the owner of the property at 201 N 7th Avenue E and would like to acquire a portion of the former railroad right-of-way immediately south of her property. The parcel is currently vacant and is parcel # 201-01078-0000. It is a 0.44-acre parcel. Staff discussed the land transfer request with the applicant and with the Mayor. City Attorney Max Lindsey drafted a policy to address these types of land transfers. The policy would allow each property owner to acquire the portion of right-of-way that would complete his or her parcel for a price of \$0.25 per square foot. After further discussion among staff and the Mayor it was determined to transfer the property rather than sell it to incentivize placing these portions of former railroad rights-of-way back on the tax rolls. Ms. Campbell's current property and the immediately surrounding properties are all single-family uses or vacant.

The portion of right-of-way Ms. Campbell would acquire is approximately 7,457 square feet (0.17 acres) in area. The City acquired this right-of-way from the Wisconsin Central Railroad in 2014 after the railroad ceased operations in Ashland. Ms. Campbell would combine her existing parcel with the portion of the former right-of-way into one parcel for a total lot size of 10,492 square feet (0.24 acres). She would like to complete her parcel. Many parcels in the immediate vicinity are irregular-shaped and substandard in size due to losing portions of their area to the railroad. Property owners and tenants have often used the former right-of-way area as extensions of their yards. City staff informed Ms. Campbell that the requested land transfer would require Plan Commission and Common Council review.

<i>Existing Land Use</i>	<i>Zoning</i>
Vacant: Former Railroad Right of Way	Waterfront City Center

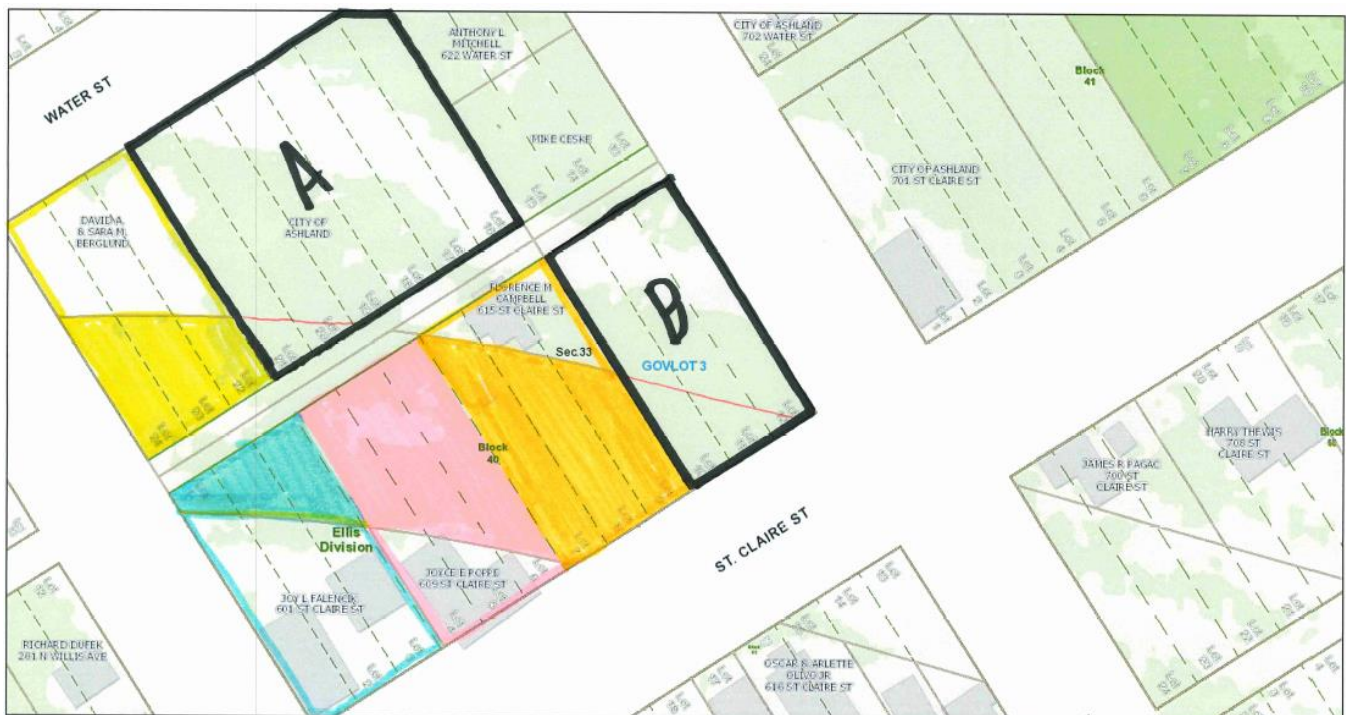
Adjacent Land Use and Zoning

Existing Uses		Zoning
North	Vacant, Single-family Residential	Waterfront City Center (W-CC)
South	Single-family Residential	Waterfront City Center (W-CC)
East	Vacant	Waterfront City Center (W-CC)
West	Vacant, Single-family Residential	Waterfront City Center (W-CC)

Land Use Recommendation	Land Use
Future Land Use Map Recommendation	Waterfront Protection

Staff introduced the land transfer to the Plan Commission at the December 20th meeting. City Attorney Max Lindsey explained his draft policy for the transfer of some City-owned former railroad rights-of-way. Mr. Lindsey explained that each property owner on the block could have an opportunity to acquire the portion of former right-of-way abutting his or her respective parcel (see map below).

Since the December 20th, 2022 Plan Commission meeting staff has had some discussions with Ms. Campbell regarding her land transfer request. Staff advised Ms. Campbell that she would have to work with a surveyor to complete a Certified Survey Map (CSM) combining the portion of former right-of-way with her current parcel. Ms. Campbell and her surveyor have completed a CSM showing the proposed final lot configuration and the CSM is included on an upcoming page.



The above map shows the City Attorney's proposed lot reconfiguration for the block where the subject property is located. Each property owner would have an opportunity to acquire the associated shaded portion of railroad right-of-way. Ms. Campbell's property and the associated railroad right-of-way are in orange.

Planning staff has discussed the proposal with Public Works. The Public Works Director informed planning staff that a sanitary sewer runs down the platted alley of the block. The alley right-of-way continues to exist and was never vacated. Public Works will require that access to the sanitary sewer is maintained. Ms. Campbell currently accesses her property via an access drive off of 7th Avenue East across the vacant City-owned parcel. Public Works would create an alley access from the west to allow access from the alley rather than the vacant City-owned parcel to the east of Ms. Campbell's property. The existing access road would be removed and this would free up the parcel for potential sale and development. Staff would recommend that as conditions of the land transfer the applicant combine the portion of former right-of-way with her parcel and that vehicle access would come through the alley from the west. The existing access drive from the east would be removed.

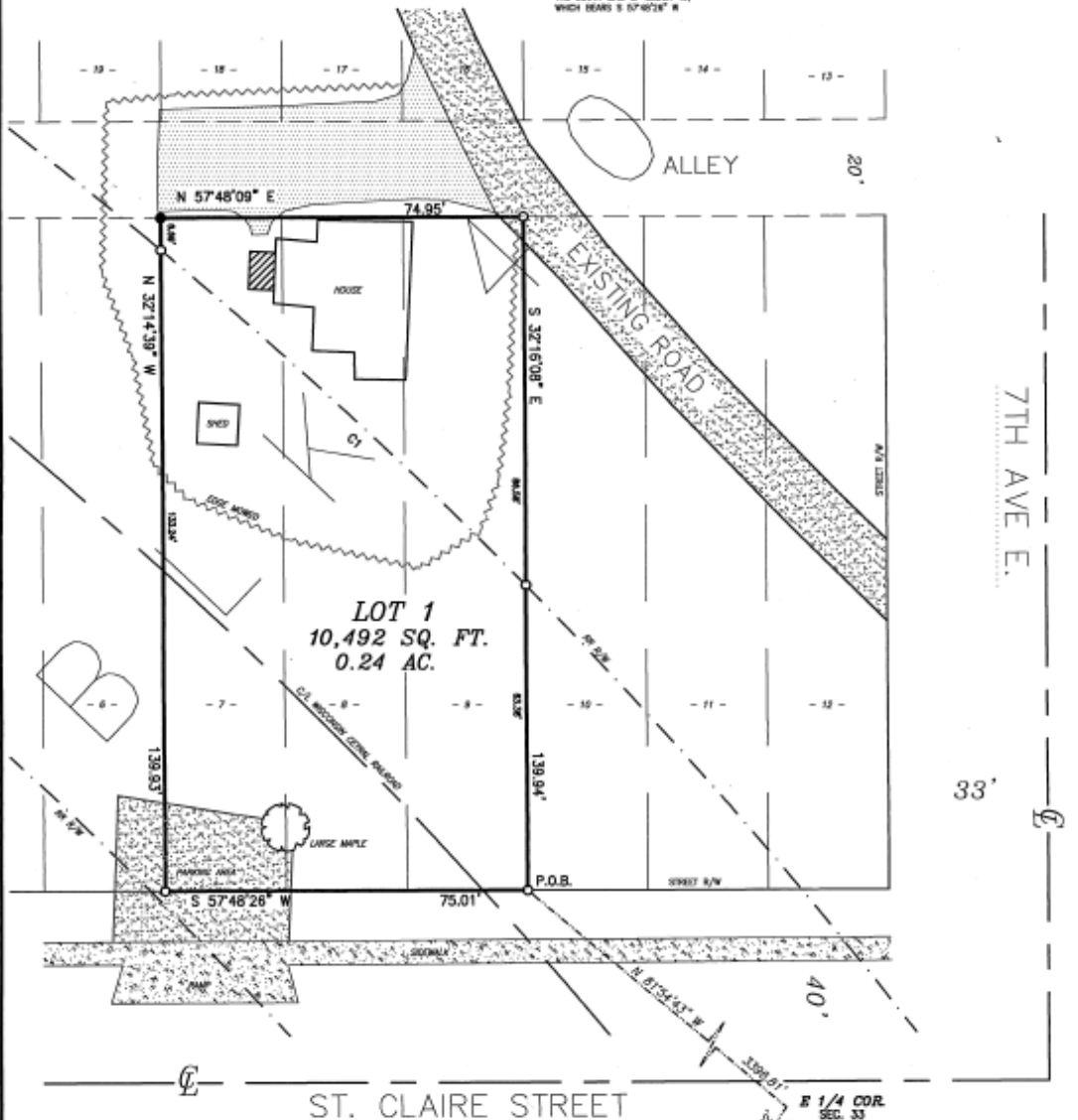
ASHLAND COUNTY CERTIFIED SURVEY MAP NO. _____

LOTS 7-9, INCLUSIVE, AND ADJOINING WISCONSIN CENTRAL
RAILROAD RIGHT OF WAY LOCATED IN BLOCK 40 OF ELLIS DIVISION,
RECORDED IN VOL. 2 OF PLATS ON PAGE 80, IN THE CITY OF
ASHLAND, ASHLAND COUNTY, WISCONSIN

CURVE TABLE

CURVE	ARC	DELTA	RADIUS	CHORD BEARING	CHORD DISTANCE
C1	102.58'	05°35'03"	1052.57'	N 79°14'01" W	102.54'

BEARINGS ARE REFERENCED TO
THE SOUTH LINE OF BLOCK 40,
WHICH BEARS S 07°40'28" W



- GRAVEL SURFACE
- BITUMINOUS SURFACE
- WOOD SURFACE
- CONCRETE SURFACE

SCALE: ONE INCH = 30 FEET



SE COR.
SEC. 33
ASH. CO. ALUM. MON.

LEGEND
● FOUND 1" IRON PIPE (IP), UNLESS NOTED
○ 1-1/4" X 18" IRON PIPE, WEIGHT 1.87 LBS/FT
SET THIS SURVEY
() RECORDED INFORMATION
PIPE DIMENSIONS ARE OUTSIDE DIAMETER

CLIENT: FLORENCE CAMPBELL
JOB NO.: N21/203
SCALE: ONE INCH = 30 FEET
DATE: 4/28/23
FIELD WORK COMPLETED: 4/14/2023

FILE: N/ASHLAND/ELLIS/BLOCK40
ACAD: N21_203 CAMPBELL
PSDATA: BLK40GPS
NO. 424A PG. 74
DRAFTED BY: T2B
SHEET 1 OF 2 SHEETS

NELSON
SURVEYING
INCORPORATED
SURVEYING YOUR NEEDS OF THE WORLD SINCE 1864

151 N. MAIN STREET
SUITE 110
ASHLAND, WISCONSIN 54806
(715) 835-3888
WWW.NELSONSURVEYING.COM
MAP NO. CSM 3314

Review Criteria for Offer to Purchase and Sale of Land:

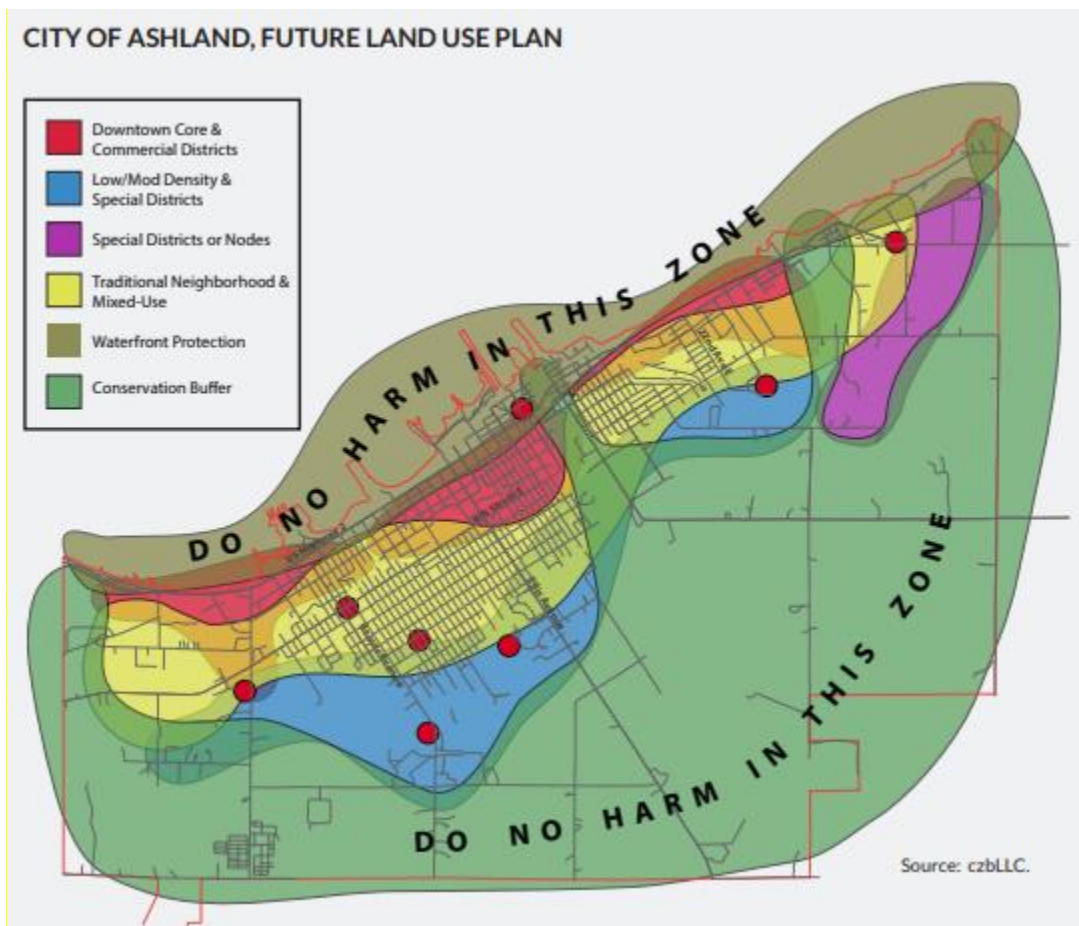
The following decision criteria were used to review the submitted land transfer request:

1. Consistency with Comprehensive Plan.

The Comprehensive Plan calls for careful disposition of vacant land. This includes making fiscally sound decisions with the land the City owns, and ensuring that the highest and best use for the land is achieved. Parcel # 201-01078-0000 is currently vacant and according to the last inventory of City-owned properties this parcel is considered non-essential. To staff's knowledge the parcel does not have easements or deed restrictions attached.

The proposed land transfer of a portion of Parcel # 201-01078-0000 is in conformance with the Future Land Use Map, and it supports the principles and goals of the Comprehensive Plan. The Waterfront Protection zone and Conservation Buffer comprise the areas surrounding the core of the community. The Comprehensive Plan recommends protecting these areas. The site is classified in the Future Land Use Map as Waterfront Protection Zone. The plan states:

The area surrounding the core of the community – the downtown, the neighborhoods, the institutions and industrial sites – should be protected from development for the foreseeable future. This will encourage and guide infill development that will be integrated with the existing built fabric as well as provide a buffer between Ashland and its neighbors (Authentic Ashland, pg. 34).



The land transfer involves the City transferring ownership of a portion of former railroad right-of-way to a residential property owner. The property owner would combine the right-of-way with her existing parcel. The property would remain residential. The land use would not intensify and the land transfer and combination would allow for a reduction in nonconformity of the residential parcel.

2. Consistency with the Unified Development Ordinance (UDO):

A. Zoning District: Waterfront City Center (W-CC)

The addition of the requested land for purchase (a portion of parcel # 201-01078-0000) to parcel 201-01082-0000 will not impact consistency with standards for the W-CC district. The applicant's current property (parcel 201-01082-0000 at 201 N 7th Ave E) is a nonconforming lot for the Waterfront City Center district due to its shape and narrow width at one end. The land transfer as requested and subsequent lot combination will restore the parcel to a conforming shape and dimensions.

B. Compatibility of Proposed Development with Existing Development

The land requested for transfer by the applicant is currently vacant with no development plans proposed. The land transfer and incorporation into the applicant's parcel to create a conforming lot are compatible with the existing uses and would facilitate the owner's future use of the property which would otherwise not be possible.

3. Consideration of Highest and Best Use:

Considering all factors as listed above, staff sees this as the highest and best use of the property. The City has no current or future plans for use of the parcel, and has deemed this land non-essential for future City needs. It is not shown as essential in City of Ashland Ordinance Chapter 478.

The proposed use is compatible with the site and surrounding areas. The surrounding uses are primarily residential. The applicant's existing home would remain and the intent is that this and similar land transfers would allow property owners to complete lots that were previously subdivided by the railroad. The parcels would remain residential. No changes in land use are proposed for the subject parcel or area.

- 4. Additional Factors, including Compliance with other City Ordinances and State Statutes:**
- a. The applicant shall apply with Ashland County for combination of the subject portion of Parcel # 201-01078-0000 with her existing property at Parcel # 201-01082-0000 via Certified Survey Map into a single tax parcel.

Review Recommendation

Staff recommends APPROVAL of the Land Transfer request contingent on the following conditions:

- The applicant shall be responsible for the costs associated with the land transfer including but not limited to: Certified Survey Map, closing costs, Register of Deeds recording fees, etc.
 - Applicant shall combine the former railroad right-of-way parcel with her existing property to create one lot and City staff shall review and approve the CSM prior to recording at the County.
 - Vehicle access to the applicant's property shall be through the alley from the west and existing access drive across the City-owned parcel on the east shall be removed.
 - Applicant shall obtain required approvals and zoning and building permits prior to constructing any improvements on the resulting property.
- Any existing nonconformities (i.e., setbacks, lot coverage) shall not be expanded by new uses of the property. Based on staff's initial review, the home is nonconforming in its placement off of the alley. It is almost on the property line which would not be permitted under current code. The detached shed would come into compliance once the owner's current parcel and the former railroad right-of-way are combined.

Additionally, as a Public Hearing is scheduled for the proposed Land Transfer, the Plan Commission should hear all input from the public prior to making a determination. The required Class 1 public hearing notice was issued on June 6th and June 13th, and discretionary letters were sent to all surrounding property owners within 200 feet of the proposed development.

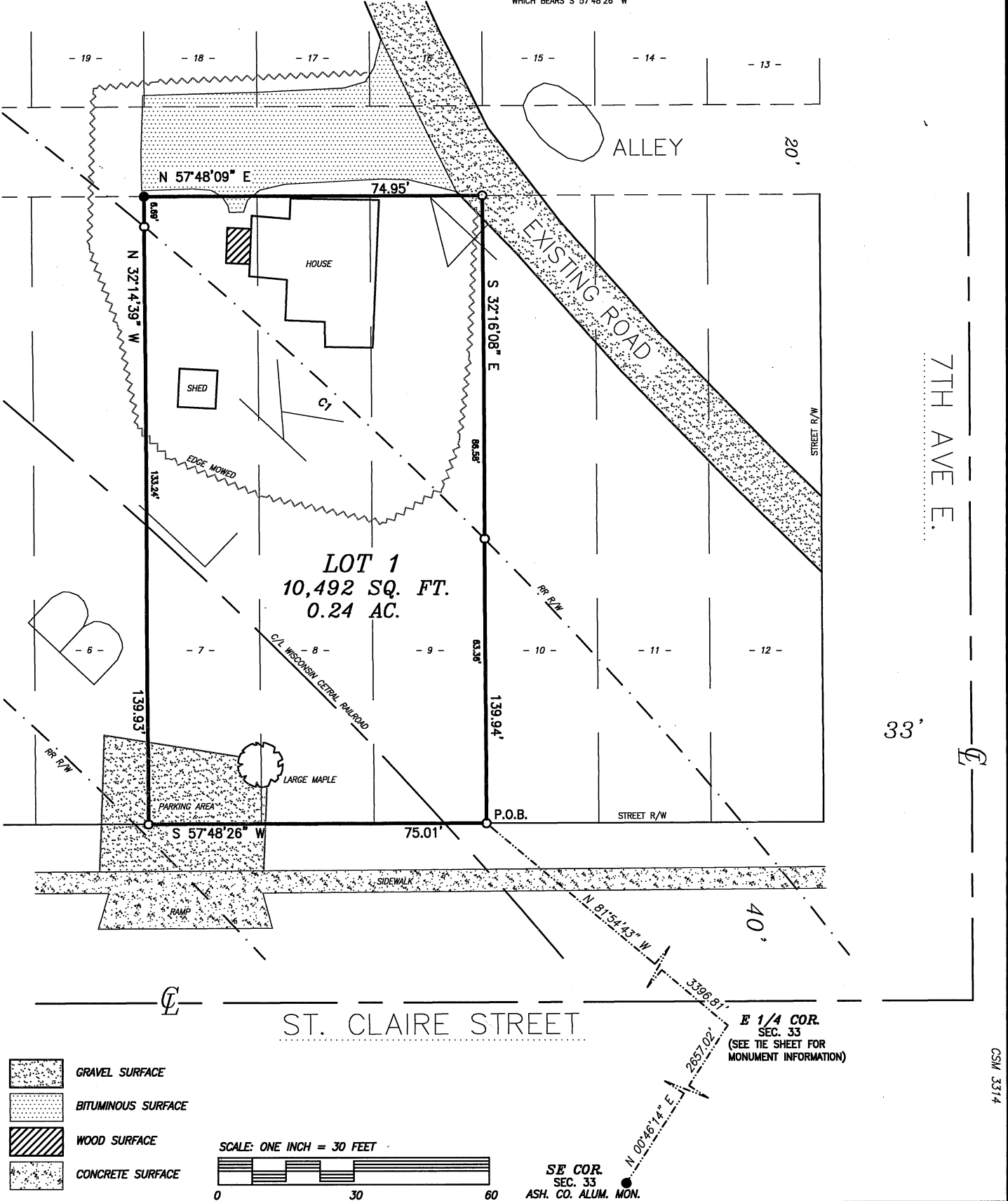
Approvals are based on background information provided by the applicant and known conditions. Deviations from this information may be considered a change in the application and reconsideration and possible revision to the approvals may be made by the Plan Commission and Common Council.

ASHLAND COUNTY CERTIFIED SURVEY
MAP NO. _____

LOTS 7-9, INCLUSIVE, AND ADJOINING WISCONSIN CENTRAL
RAILROAD RIGHT OF WAY LOCATED IN BLOCK 40 OF ELLIS DIVISION,
RECORDED IN VOL. 2 OF PLATS ON PAGE 80, IN THE CITY OF
ASHLAND, ASHLAND COUNTY, WISCONSIN

CURVE TABLE					
CURVE	ARC	DELTA	RADIUS	CHORD BEARING	CHORD DISTANCE
C1	102.58'	05°35'03"	1052.57'	N 79°14'01" W	102.54'

BEARINGS ARE REFERENCED TO
THE SOUTH LINE OF BLOCK 40,
WHICH BEARS S 57°48'26" W



LEGEND

- FOUND 1" IRON PIPE (IP), UNLESS NOTED
- 1-1/4" X 18" IRON PIPE, WEIGHT 1.67 LBS/FT SET THIS SURVEY
- () RECORDED INFORMATION

PIPE DIMENSIONS ARE OUTSIDE DIAMETER

CLIENT: FLORENCE CAMPBELL

JOB NO.: N21/203
SCALE: ONE INCH = 30 FEET
DATE: 4/28/23
FIELD WORK COMPLETED: 4/14/2023

FILE: N/ASHLAND/ELLIS/BLOCK40
ACAD: N21_203 CAMPBELL
PSDATA: BLK40GPS
NB. 424A PG. 74
DRAFTED BY: TZB
SHEET 1 OF 2 SHEETS

NELSON SURVEYING INCORPORATED

101 W. MAIN STREET
SUITE 100
ASHLAND, WISCONSIN 54806
(715) 622-2892
WWW.NELSONSURVEYING.COM
MAP NO. CSM 3314
SURVEYING YOUR NECK OF THE WOODS SINCE 1964

ASHLAND COUNTY CERTIFIED SURVEY MAP NO. _____

LOTS 7-9, INCLUSIVE, AND ADJOINING WISCONSIN CENTRAL RAILROAD
RIGHT OF WAY LOCATED IN BLOCK 40 OF ELLIS DIVISION, RECORDED
IN VOL. 2 OF PLATS ON PAGE 80, IN THE CITY OF ASHLAND,
ASHLAND COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, PETER A. NELSON, PROFESSIONAL LAND SURVEYOR IN THE STATE OF WISCONSIN, HEREBY CERTIFY:

THAT ON THE ORDER OF FLORENCE CAMPBELL, I HAVE SURVEYED AND MAPPED LOTS 7-9, INCLUSIVE, AND ADJOINING WISCONSIN CENTRAL
RAILROAD RIGHT OF WAY IN BLOCK 40 OF ELLIS DIVISION, RECORDED IN VOL. 2 OF PLATS OHN PAGE 80, IN THE CITY OF ASHLAND,
ASHLAND COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

TO LOCATE THE POINT OF BEGINNING, COMMENCE AT THE EAST 1/4 CORNER OF SECTION 33 AND RUN N 81°54'43" W, 3396.81 FEET TO
THE SOUTHEAST CORNER OF LOT 9 OF BLOCK 40, WHICH IS THE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING BY METES AND BOUNDS:

S 57°48'26" W, 75.01 FEET ON THE ON THE SOUTH LINE OF SAID BLOCK 40 TO THE SOUTHWEST CORNER OF LOT 7 OF SAID BLOCK 40.
THENCE LEAVING SAID SOUTH LINE AND ON THE WEST LINE OF SAID LOT 7, N 32°14'39" W, 139.93 FEET TO THE NORTHWEST CORNER OF
SAID LOT 7. -THENCE LEAVING SAID WEST LINE AND ON THE NORTH LINES OF SAID LOTS 7-9, N 57°48'09" E, 74.95 FEET TO THE
NORTHEAST CORNER OF SAID LOT 9. THENCE LEAVING SAID NORTH LINE AND ON THE EAST LINE OF SAID LOT 9, S 32°16'08" E, 139.94
FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10,492 SQUARE FEET, WHICH IS 0.24 ACRE.

SAID PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD OR USE, IF ANY;

THAT THIS MAP IS A TRUE REPRESENTATION OF SAID SURVEY;

THAT SAID SURVEY AND MAP FULLY COMPLY WITH SECTION 236.34 OF THE WISCONSIN STATUTES AND THE CITY OF ASHLAND UNIFIED
DEVELOPMENT ORDINANCE;

THAT SAID SURVEY AND MAP ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PETER A. NELSON PLS - 3071

CITY OF ASHLAND PLANNING AND DEVELOPMENT APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE CITY OF ASHLAND PLANNING AND DEVELOPMENT DEPARTMENT.

_____ DATED THIS _____ DAY OF _____, 2023.
STEVEN WILEY
PLANNING AND DEVELOPMENT DIRECTOR

CERTIFICATES

CLIENT: FLORENCE CAMPBELL
JOB NO.: N21/203
DATE: 4/28/23
FIELD WORK COMPLETED: 4/14/2023
DRAFTED BY: TZB

FILE: N/ASHLAND/ELLIS/BLOCK40
ACAD: N21_203 CAMPBELL
PSDATA: BLK40GPS
NB. 424A PG. 74
SHEET 2 OF 2 SHEETS

NELSON
SURVEYING
INCORPORATED
SURVEYING YOUR NECK OF THE WOODS SINCE 1954

101 W. MAIN STREET
SUITE 100
ASHLAND, WISCONSIN 54806
(715) 682-2592
WWW.NELSONSURVEYING.COM
MAP NO. CSM 3314

CSM 3314

RESOLUTION No. 17730

RESOLUTION TO APPROVE A REQUEST TO TRANSFER A PORTION OF CITY-OWNED FORMER RAILROAD RIGHT-OF-WAY (PARCEL NO. 201-01078-0000) AND CONVEY SAID LAND AREA TO FLORENCE CAMPBELL

WHEREAS, Florence Campbell has submitted a land transfer request for a portion of City-owned former Railroad Right-of-Way property, parcel ID #201-01078-0000 for the purpose of combining with her existing parcel #201-01082-0000 for the purpose of returning her parcel to a conforming size; and,

WHEREAS, the Plan Commission held a Public Hearing on Tuesday, June 20, 2023 and has unanimously recommended approval of the Land Transfer; and,

WHEREAS, the applicant will be responsible for the costs associated with the Land Transfer;

WHEREAS, the portion of land requested for transfer is 7,457 square feet (0.17 acres) in size;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Ashland hereby directs that a portion of parcel #201-01078-0000 be transferred to Florence Campbell for a price of \$0 and transferred to Ms. Campbell contingent upon the following:

1. The applicant shall be responsible for the costs associated with the land transfer including but not limited to: Certified Survey Map, closing costs, Register of Deeds recording fees, etc.
2. Applicant shall combine the former railroad right-of-way parcel with her existing property to create one lot and City staff shall review and approve the CSM prior to recording at the County.
3. Vehicle access to the applicant's property shall be through the alley from the west and existing access drive across the City-owned parcel on the east shall be removed.
4. Applicant shall obtain required approvals and zoning and building permits prior to constructing any improvements on the resulting property.
5. Any existing nonconformities (i.e., setbacks, lot coverage) shall not be expanded by new uses of the property. Based on staff's initial review, the home is nonconforming in its placement off of the alley. It is almost on the property line which would not be permitted under current code. The detached shed would come into compliance once the owner's current parcel and the former railroad right-of-way are combined.

PASSED: June 27, 2023

Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler Wickman, City Attorney

SUBJECT: Approve a Resolution to Rezone Parcels #201-04774-0000, #201-04771-0000, #201-04779-2000, #201-04775-0000, & #201-04779-0000 from Future Development (FD) to Residential Estate (R-E). Applicants: BNG Properties LLC & Paschal & Sharon Hammond. (*Planning & Zoning*) Roll

RECOMMENDATION: Plan Commission recommended approval on June 20, 2023.

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Plan Commission

EXHIBITS:

1. Staff Report - Rezoning Request Junction Road
2. Resolution 17731 to Approve CUP to Rezone Parcels on Junction Rd

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

**APPROPRIATION
REQUIRED:** N/A

**TREASURER'S
CERTIFICATE:** N/A

COMPLIANCE WITH ORD. 51: N/A

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed rezoning of the properties at 3100 Junction Road and along the Tri-County Recreational Corridor (parcels 201-04779-2000, 201-04779-0000, and 201-04775-0000) and properties at 3200 and 3212 Junction Road (parcels 201-04774-0000 and 201-04771-0000) from Future Development (FD) to Residential Estates (R-E) is consistent with the Future Land Use Plan identified in the City's Comprehensive Plan. The Future Land Use Plan identifies portions of this area for "Conservation Buffer" and "Traditional Neighborhood and Mixed Use" districts.

Conservation Buffer areas include "the area surrounding the core of the community – the downtown, the neighborhoods, the institutions, and industrial sites – should be protected from development for the foreseeable future. This will encourage and guide infill development that will be integrated with the existing built fabric as well as provide a buffer between Ashland and its neighbors."

Traditional neighborhood and mixed-use districts are recommended to include single-family housing, and "duplexes and townhouses are often interspersed within these areas and provide a greater range of housing options for households of various income levels." For mixed use opportunities, "it is strongly recommended that the community begin to consider small cafes (coffee shops, tea houses, bakeries, etc.) or a local mom-n-pop hardware store or pottery or art shop," and recognizes that "a community cannot always predict where a need, or opportunity, for such will arise but we should plan for it."

The Future Land Use Plan identifies the Conservation Buffer and Traditional Neighborhood and Mixed-Use

Districts but does not delineate firm boundaries for these zones. Rather, it includes some overlap to provide flexibility for future zoning and development decisions. The two districts identified in the Future Land Use Plan provide enough flexibility to accommodate the zone change request. The Residential Estates zoning is consistent with current Residential Estates zoning just east of the subject parcels and would allow increased flexibility for the current or future owners because of the reduced minimum parcel size (1/2 acre for the Residential Estate zoning versus 5 acres for the Future Development zoning). Lower intensity uses including the single-family residential permitted by the Residential Estates zoning are consistent with the Conservation buffer and Traditional Neighborhood and Mixed-Use recommendations. Staff is supportive of the zone change as requested.

SUMMARY STATEMENT:

Property owners Paschal and Sharon Hammond own properties at 3100 Junction Road and along the Tri-County Recreational Corridor (parcels 201-04779-2000, 201-04779-0000, 201-04775-0000) Property owners Brett and Gina Beeksma (BNG Properties) own the properties at 3200 and 3212 Junction Road (parcels 201-04774-0000 and 201-04771-0000). These owners have approached the City with a request to rezone their properties from their current Future Development (FD) zoning to Residential Estates (R-E). The subject parcels are located on the western edge of the City on the south side of Junction Road. Some of the parcel areas are residential and some are vacant or contain vacant areas. The land uses of the surrounding properties vary. Prentice Park is to the north, the Tri-County Recreational Corridor and single-family land uses to the south, and residential land uses to the east and west. The City boundary is the western edge of the western-most parcel.

The property owners applied for the zone change because some of the properties do not meet the minimum 5-acre lot size for the current Future Development District. Some of the parcels are therefore non-conforming and the options the property owners have are more limited due to the minimum 5-acre lot size. A zone change from Future Development to Residential Estates would establish a minimum ½ acre lot size which would increase the flexibility property owners have with the subject parcels.

STAFF REPORT - Plan Commission – June 20, 2023

**Agenda Item #5f: Public Hearing and Vote on a Request to Rezone Parcels
#201-04779-2000, 201-04779-0000, 201-04775-0000, 201-04774-0000,
and 201-04771-0000 (5 parcels) from Future Development (FD) to
Residential Estates (R-E)**

Current Zoning: Future Development (FD) (All 5 parcels)

Proposed Zoning: Residential Estates (R-E) (All 5 parcels)

Applicants: Paschal & Sharon Hammond, Brett and Gina Beeksma (BNG Properties)

Property Owner: Paschal & Sharon Hammond, Brett & Gina Beeksma (BNG Properties)

Staff Contact: Steven Wiley

Background and Property Location



The five subject parcels are highlighted in red in the above map. The City boundary lies at the western edge of the western-most parcel.

Property owners Paschal and Sharon Hammond own properties at 3100 Junction Road and along the Tri-County Recreational Corridor (parcels 201-04779-2000, 201-04779-0000, 201-04775-0000) Property owners Brett and Gina Beeksma (BNG Properties) own the properties at 3200 and 3212 Junction Road (parcels 201-04774-0000 and 201-04771-0000). These owners have approached the City with a request to rezone their properties from their current Future Development (FD) zoning to Residential Estates (R-E). The subject parcels are located on the western edge of the City on the south side of Junction Road. Some of the parcel areas are residential and some are vacant or contain vacant areas. The land uses of the surrounding properties vary. Prentice Park is to the north, the Tri-County Recreational Corridor and single-family land uses to the south, and residential land uses to the east and west. The City boundary is the western edge of the western-most parcel.

The property owners applied for the zone change because some of the properties do not meet the minimum 5-acre lot size for the current Future Development District. Some of the parcels are therefore non-conforming and the options the property owners have are more limited due to the minimum 5-acre lot size. A zone change from Future Development to Residential Estates would establish a minimum ½ acre lot size which would increase the flexibility property owners have with the subject parcels.

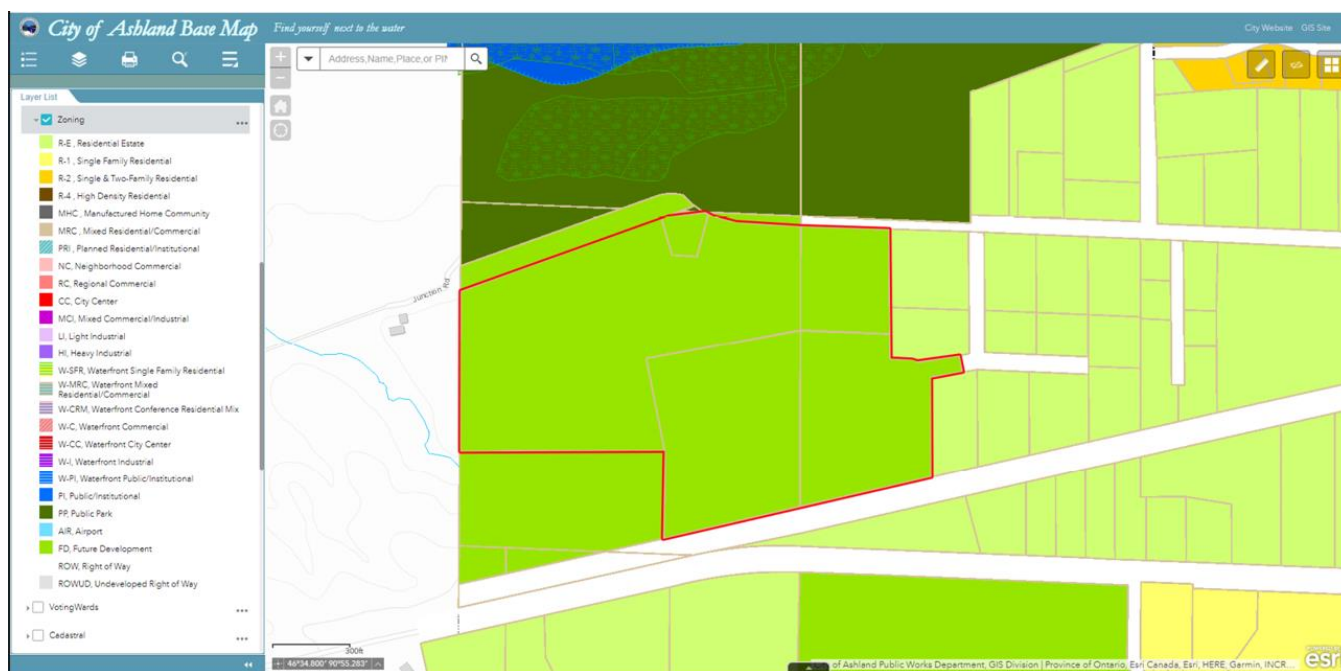
<u>Existing Land Use</u>	<u>Zoning</u>
Single-family Residential and Vacant	Future Development (FD)

Adjacent Land Use and Zoning

<u>Existing Uses</u>		<u>Zoning</u>
North	Prentice Park	Public Park (PP)
South	Tri-County Recreational Corridor, Single-family Residential	Future Development (FD), Residential Estates (R-E)
East	Single-family Residential	Residential Estates (R-E)
West	Town of Eileen	Town of Eileen – Bayfield County Zoning: Residential - 1 (R-1)

<u>Land Use Recommendation</u>	<u>Land Use</u>
Future Land Use Map Recommendation	Conservation Buffer, Traditional Neighborhood and Mixed Use

STAFF REPORT - Plan Commission – June 20, 2023



The subject properties are outlined in red above. Note the green which is the current Future Development (FD) zoning of the subject parcels. The light green is the Residential Estates (R-E) zoning of neighboring properties and requested for the subject parcels.

Standards for Review

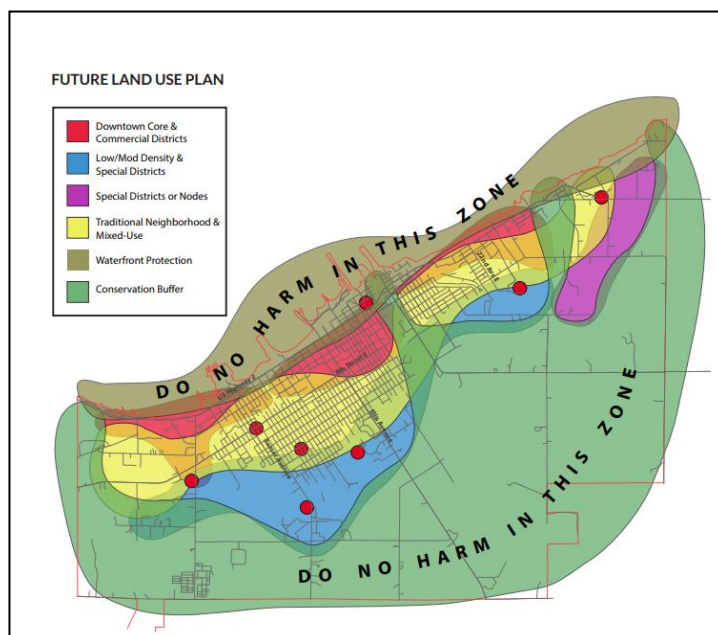
The City of Ashland's Unified Development Ordinance (U.D.O.) 781, Section 3.3: Zoning Map Amendment (Rezoning) creates the legal framework to regulate, administer, and enforce the rezoning process for the City of Ashland.

Decision Criteria

In determining whether to approve or deny an application for a zoning map amendment, the following criteria should be considered:

1. *The Zoning Map Amendment is consistent with the Comprehensive Plan.*

The proposed rezoning of the properties at 3100 Junction Road and along the Tri-County Recreational Corridor (parcels 201-04779-2000, 201-04779-0000, and 201-04775-0000) and properties at 3200 and 3212 Junction Road (parcels 201-04774-0000 and 201-04771-0000) from Future Development (FD) to Residential Estates (R-E) is consistent with the Future Land Use Plan identified in the City's Comprehensive Plan. The Future Land Use Plan identifies portions of this area for "Conservation Buffer" and "Traditional Neighborhood and Mixed Use" districts.



Conservation Buffer areas include “the area surrounding the core of the community – the downtown, the neighborhoods, the institutions, and industrial sites – should be protected from development for the foreseeable future. This will encourage and guide infill development that will be integrated with the existing built fabric as well as provide a buffer between Ashland and its neighbors.”

Traditional neighborhood and mixed-use districts are recommended to include single-family housing, and “duplexes and townhouses are often interspersed within these areas and provide a greater range of housing options for households of various income levels.” For mixed use opportunities, “it is strongly recommended that the community begin to consider small cafes (coffee shops, tea houses, bakeries, etc.) or a local mom-n-pop hardware store or pottery or art shop,” and recognizes that “a community cannot always predict where a need, or opportunity, for such will arise but we should plan for it.”

The Future Land Use Plan identifies the Conservation Buffer and Traditional Neighborhood and Mixed-Use Districts but does not delineate firm boundaries for these zones. Rather, it includes some overlap to provide flexibility for future zoning and development decisions. The two districts identified in the Future Land Use Plan provide enough flexibility to accommodate the zone change request. The Residential Estates zoning is consistent with current Residential Estates zoning just east of the subject parcels and would allow increased flexibility for the current or future owners because of the reduced minimum parcel size (1/2 acre for the Residential Estate zoning versus 5 acres for the Future Development zoning). Lower intensity uses including the single-family residential permitted by the Residential Estates zoning are consistent with the Conservation buffer and Traditional Neighborhood and Mixed-Use recommendations. Staff is supportive of the zone change as requested.

2. *The Zoning Map Amendment promotes public health, safety, morals, and the general welfare, as well as the efficiency and economy in the process of development.*

The proposed zoning amendment would promote public health, safety, morals and the general welfare of the area, which has existing residential uses directly to the east. Staff is not aware of development plans for the immediate area as of now. However, rezoning this property from its current FD zoning to R-E would allow more flexibility for single-family and some other development types. The FD zoning is meant as a placeholder to allow use of land that will not prevent future development at the location. The intent is that land in the FD zones is eventually rezoned consistent with the Comprehensive Plan.

Given the size and configurations of the subject parcels, R-E zoning would strike a balance between the Conservation Buffer and Traditional and Mixed-Use Neighborhood recommendations for the area identified in the Comprehensive Plan. It allows for single-family homes and other compatible uses on relatively large parcels. Uses in this district may or may not be served by City water and sewer. The larger parcel sizes (at least ½ acres in area) would ensure low density development in line with the recommendations laid out in the Comprehensive Plan. R-E zoning would increase the potential for efficient and economic uses/development of the subject parcels because it would allow the subdivision of currently large parcels into smaller, development-friendly lots. Lower density development is appropriate for the outer edges of the City and will reduce the chance of overwhelming existing infrastructure there.

3. *The Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.*

Parcels 201-04779-2000 and 201-04779-0000, currently zoned Future Development (FD), are located adjacent to Residential Estates (R-E) zoning on the east. The northern parcel has street

STAFF REPORT - Plan Commission – June 20, 2023

access from Junction Road and includes a single-family home, pole sheds, and woodland. The southern parcel has access from Victoria Lane and currently has a pole shed and a portion of another pole shed which straddles the northern property line. The southern portion of the parcel is vacant. The existing single-family residential uses directly east of the subject parcels have lot sizes between 0.75 to 2.24 acres. Therefore, the zone change would be consistent with the character of the existing neighborhood and surrounding uses. Current parcels of at least ½ acre in area that are nonconforming due to having lot sizes less than 5 acres under the current FD zoning would become conforming size-wise. The current owners would have increased flexibility with their properties and the R-E zoning would afford flexibility for future owners or potential subdivision of parcels for development. In rezoning all five subject parcels to R-E zoning, it would ensure consistent zoning among all five subject parcels and those to the east.

4. *The property to be amended (rezoned) is suitable* for the uses permitted by the Zoning District that would be applied by the proposed Zoning Map Amendment.*

The property is suitable for the uses permitted in the R-E zoning district, which include lower-density and several other residential uses. Single-family homes would be permitted by right, with duplexes and other residential uses allowed through a Conditional Use Permit (CUP). The developable area is more than sufficient to meet the minimum lot sizes of the R-E zoning district. None of the uses permitted by right or by conditional use in the R-E district are high intensity uses that would cause issues in the district.

5. *The Zoning Map Amendment is generally consistent with the principles of sustainability specified in Unified Development Ordinance (UDO) Section 1.4: Integration of Principles of Sustainability.*

Rezoning the subject parcels to R-E zoning would be consistent with the principles of sustainability specified in the UDO. One Principle of Sustainability is reduction in dependence on fossil fuels, with a strategy to “promote a sensitive mixture of uses and compact development in appropriate areas that reduce the need to drive fossil fuel vehicles.” Another Principle of Sustainability is reduction in dependence on activities that harm life-sustaining eco-systems” through encouraging “infill development and redevelopment at appropriate densities and locations to help reduce sprawl and encroachment on nature.” Rezoning the property to R-E would allow for potential additional uses of the parcels with the understanding that any changes in land use or subdivision of the parcels would require staff and possibly Plan Commission review. The minimum ½ acre parcel size would allow development on existing lots within the city rather than sprawl onto properties outside of the city. Staff does not have sustainability concerns about the potential for development in line with the R-E zoning.

Any future subdivision of parcels via plat will require Plan Commission review and public informational meetings as part of the process. Depending on the future uses proposed for the properties, public engagement with surrounding properties will be required.

Preliminary Staff Recommendation

Staff recommends APPROVAL of the request to rezone the properties at 3100 Junction Road and along the Tri-County Recreational Corridor (parcels 201-04779-2000, 201-04779-0000, and 201-04775-0000) and properties at 3200 and 3212 Junction Road (parcels 201-04774-0000 and 201-04771-0000) from Future Development (FD) to Residential Estates (R-E).

In addition to the Staff Report, Plan Commission and City Council should consider public input received through the Public Hearing. The required Class 2 public hearing notice was issued on June 6th and June 13th.

**Suitable as defined by Merriam Webster means "adapted to a use or purpose" or "able, qualified."*

6

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 may be made by the Plan Commission.

RESOLUTION No. 17731

APPROVE A RESOLUTION TO REZONE PARCELS #201-04779-2000, 201-04779-0000, 201-04775-0000, 201-04774-0000, AND 201-04771-0000 (5 PARCELS) FROM FUTURE DEVELOPMENT (FD) TO RESIDENTIAL ESTATES (R-E). APPLICANTS: PASCHAL & SHARON HAMMOND, BRETT & GINA BEEKSMA

WHEREAS, The Common Council of the City of Ashland is authorized to amend the City's adopted Zoning District Map (Unified Development Ordinance Chapter 781); and

WHEREAS, The applicants have requested that the City amend the zoning of applicant-owned parcels #201-04779-2000, 201-04779-0000, 201-04775-0000, 201-04774-0000, and 201-04771-0000 from Future Development (FD) to Residential Estates (R-E); and

WHEREAS, The Plan Commission held a Public Hearing at their June 20, 2023 Plan Commission meeting, and has recommended approval of the rezoning request;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Ashland that the amendment to the City's Zoning District Map (UDO Chapter 781) is in accordance with the Ashland Unified Development Ordinance and is hereby approved.

Passed: June 27, 2023

Councilperson

ATTEST: _____
Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler Wickman, City Attorney