



Take notice that a meeting of the Ashland City Council will be held on Tuesday, October 24, 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, October 24, 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. **October 10, 2023 City Council and Committee of the Whole Meeting Minutes**
- B. **October 19, 2023 Committee of the Whole Budget Work Session Meeting Minutes**

4. SWEARING IN APPOINTED DISTRICT 5 ALDERPERSON

5. CITIZEN PARTICIPATION PERIOD

6. MAYOR'S REPORT

- A. **Recognition of Beautification Council and Beauty Spot Award Winners**
- B. **Announcements**

7. CONSENT AGENDA

- A. **Miscellaneous Minutes**

8. NEW BUSINESS

- A. **Hearing and Possible Action Considering a Denied Alcohol Server License for Applicant Sherry Lasko (Clerk) Roll**



- B. **Consider a Resolution Authorizing the Issuance of \$1,365,000 General Obligation Promissory Notes and the Issuance and Sale of a \$1,365,000 Note Anticipation Notes in Anticipation Thereof** *(Finance) Roll*
- C. **Presentation and Discussion of the Pre-Sale Report and Consider a Resolution Providing for the Sale of Approximately \$3,065,000 General Obligation Promissory Notes, Series 2023A** *(Finance) Roll*
- D. **Consider a Resolution Providing for the Sale of Approximately \$1,615,000 Water System Revenue Bonds, Series 2023B** *Finance(Roll)*
- E. **Consider an Ordinance to Amend Chapter 705 (1415) Water Utility Rules, Rates, and Regulations, Ashland City Ordinances** *(Clerk) Roll*
- F. **Consideration of Revision #2 State Municipal Agreement (SMA), Dated August 16, 2023, for the State Highway 13 Pavement Replacement Project** *(Public Works) Roll*
- G. **Consider a Resolution in Support of the Vaughn Public Library Renovation** *(Library Director) Roll*
- H. **Consideration of a Resolution to Approve a Preliminary and Final Condominium Plat for the Property at 806 and 808 Main Street West (Parcels # 201-00198-0000 and 201-00199-0000), Zoned City Center (CC)** *(Planning Director) 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, October 10, 2023 – 6:00 PM
Ashland City Hall Council Chambers

1. CALL TO ORDER

The Tuesday, October 10, 2023 Ashland City Council meeting was called to order by Mayor Matt Mac Kenzie 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, 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, Fire Chief Stuart Matthias, Treasurer Jacey Dean, and other interested citizens.

2. APPROVAL OF AGENDA

The Mayor asked to amend Item 5A to correct the vacant district from District 4 to District 5. Seefeldt moved, seconded by Ortman to approve the amended agenda. The motion carried unanimously by voice vote.

3. APPROVAL OF MINUTES

A. September 21, 2023 Committee of the Whole Budget Work Session

B. September 26, 2023 City Council and Committee of the Whole Meeting Minutes

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

4. CITIZEN PARTICIPATION PERIOD

There were no Citizens present wishing to address the Council.

5. CONSIDERATION AND APPROVAL OF FILLING DISTRICT 5 COUNCIL SEAT VACANCY

Seefeldt moved, seconded by Goyke to approve to fill the District 5 vacancy. The motion carried 5-1 by roll call vote; Pufall opposed.

A. **Consideration and Approval of District 5 Alderperson Applicant** *(Roll)*

Seefeldt moved, seconded by Tochtermann to accept and approve applicant James Gregoire as District 5 Alderperson. This motion carried 5-1 by roll call vote; Pufall opposed.

6. MAYOR'S REPORT

A. **Announcements**

MacKenzie passed to the Councilors, the 2024 Evaluation Goals for the City Administrator, asking for comments or questions before the October 24, 2023 Council meeting. A listening session will be held on Thursday, October 12, 2023 beginning at 6:00 pm in the Chambers regarding the proposed funding for the Vaughn Public Library renovation project. The Chambers is hosting the Whistlestop this coming weekend. Staff continue to work on the budget. The Superior Days event in 2024 will be focused on the City of Superior and Douglas County, and the Mayor does not plan to attend this as in the past.

7. CONSENT AGENDA (Voice)

A. **Approve an Agreement by and between the City of Ashland and Town of Marengo for Emergency Medical Services** *(Fire Department)*

B. **Approval of Ashland's Parks and Recreation Policy 612: Overflow Camping** *(Parks & Recreation)*

C. **Miscellaneous Minutes**

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

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

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

A. **Pursuant to WI Stat. 19.85(1)(g): "Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation."** *(6th Street West - Coleman Engineering) (City Attorney)* Roll

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

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

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

MacKenzie noted there was no action taken during Closed Session.

9. ADJOURNMENT

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

Respectfully Submitted,

Denise Oliphant,
City Clerk

MEETING MINUTES
COMMITTEE OF THE WHOLE MEETING
Tuesday, October 10, 2023 – 6:00 PM
Ashland City Hall Council Chambers

1. Roll Call

The Tuesday, October 10, 2023 City of Ashland Committee of the Whole Meeting was called to order by Council President Charlie Ortman at 7:35 pm.

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

ALSO PRESENT: Mayor Matt MacKenzie, City Administrator Brant Kucera, City Clerk Denise Oliphant, Finance Director Julie Vaillancourt, Public Works Director John Butler, and other interested citizens.

2. Approval of Agenda

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

3. Council President's Report

Ortman recognized the situation in Israel and asked that we all keep them in our thoughts.

4. Administrator's Report

Kucera reported that he sent a letter to the WI Department of Administration, rescinding the City's request for the additional \$400,000 CDBG CV grant to be used for the transitional housing project. NWCSA Executive Director Millie Rounsville informed the City that she was pursuing WHEDA funding instead as a simpler option. The solid waste RFP was ready to go out as the City's contract with Republic was expiring at the end of 2023. He and the Mayor met with the fire department union to begin collective bargaining agreement discussions. Conversation with the police department's union would begin in the near future. Budgeting for 2024 has been challenging and moving slower than in previous years. The City-sponsored city-wide clean up was scheduled for October 21, 2023, 8:00 am to 1:00 pm.

5. Discussion Items

A. Continued Presentation and Discussion of the 2024 City of Ashland Budget, and Confirmation of Date and time of Future Budget Work Sessions

Kucera offered a Power Point presentation to introduce the budget to Council. Vaillancourt discussed the debt levy and answered questions for Council. Future meeting dates are as scheduled with the exception of moving the Public Hearing and request for final approval of the 2024 budget to November 28, 2023.

6. Items for Future Discussion

Pufall requested a development update regarding former the Baron Radiator site.

7. Adjournment

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

Respectfully Submitted,

Denise Oliphant,
City Clerk

MEETING MINUTES
COMMITTEE OF THE WHOLE MEETING
Thursday, October 19, 2023 – 6:00 PM
Ashland City Hall Council Chambers

1. ROLL CALL

The Thursday, October 19, 2023 City of Ashland Committee of the Whole Budget Work Session Meeting was called to order by Council President Charlie Ortman at 6:00 p.m.

PRESENT: Kevin Seefeldt, Andrew Goyke, Charles Ortman, Dick Pufall.

ABSENT: Sarah Jackson (excused), Ana Tochtermann (excused)

ALSO PRESENT: Mayor Matt MacKenzie, City Administrator Brant Kucera, City Clerk Denise Oliphant, Finance Director Julie Vaillancourt

2. APPROVAL OF THE AGENDA

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

3. CONTINUED PRESENTATION AND DISCUSSION OF THE PROPOSED 2024 BUDGET

Vaillancourt introduced the summary worksheet and general fund revenues, and Kucera explained how they worked to balance the budget.

To be discussed at future work session meetings: Individual Departments , Water/Wastewater, Airport, Marina, and Capital Projects budgets. It was anticipated the need for an additional meeting on Thursday, November 2, 2023 to complete discussions.

4. ADJOURNMENT

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

Respectfully Submitted,

Denise Oliphant,
City Clerk

AIRPORT COMMISSION MEETING MINUTES: **Thursday, July 27, 2023**

1. Roll Call

The Thursday, July 27, 2023 JFK Airport Commission meeting was called to order by Chair Lloyd Orensten at 4:30p.m.

PRESENT: Lloyd Orensten, Carol Ortman, John Coffey,

ABSENT: Blake Ellefson (Excused), Richard Huber (Excused)

ALSO PRESENT: Bill Moore, Dick Pufall, Cary Bouchard

2. Approval of Minutes

a. Thursday, April 27, 2023 Minutes

John Coffey moved, seconded by Carol Ortman to approve the minutes. The motion carried unanimously by voice vote.

3. Citizen Participation Period

There were no Citizens present wishing to address the Airport Commissioners.

4. Commission Items

a. Remaining ARPA Funds

Moore explained that the JFK Airport had starting funds of \$76,000 from ARPA. The JFK Airport has \$12,623.12 of these funds remaining. The Bureau of Aeronautics sent a recommendation to Moore about use of the remaining funds. They suggested purchasing the next order of fuel with the remaining funds, since funds expire after 3 years and the expiration date is approaching. Commissioners agreed that this is a good use of the remaining funds and approved for Moore to use these funds to purchase 100 low lead fuel and then submit the invoice for reimbursement. The motion passed unanimously by voice vote.

b. Middle Airport Road/Taxiway Gate

Recently there has been problems with the middle gate. Periodically, the gate will come out about 3 feet then go back. Moore has been trying to fix issues but hasn't been able to remedy the issue. Moore stated that the next step will be calling a local servicer to come out and fix the gate.

c. Terminal Proposal (Cary Bouchard)

Cary Bouchard gave a short presentation to the commission regarding his work with the Aviation Hall of Fame and resolution. He brought forward a resolution that looks to recognize Dave Oschenbauer, previous JFK Airport Manager for over 20 years by dedicating the terminal at the JFK Airport after him. John Coffey moved, seconded by Carol Ortman to approve the resolution brought forth by Cary Bouchard under

the condition that the commissioners approve signage and make sure it matches the airport's aesthetic. The motion passed unanimously by voice vote.

d. Airport Security

Recently, 6 LED lights stolen out of Randy Carson's hangar. Additionally, Allan Clapmeyer, is missing a headset and light was off that he typically leaves on, and suspects that someone was in his hangar at night. There has never been a problem with theft or break-ins at the Airport. Moore proposes that two trail camera, which were donated by Randy Carson are placed around the Airport. One camera being placed inside the maintenance hangar and the other somewhere around the property. These trail cameras would be in addition to the two security cameras already around the airport property. Moore is looking for suggestions if there should be more security inside the terminal, possibly a 24 hour camera that can be accessed off site. These cameras could also be used to see the weather at the Airport. Commissioners recommend to continue monitoring the airport and putting up the two trail cameras. If issues with theft continue, Commissioners will come back to this item.

e. Runway Light Maintenance

All runway lights except for two are functional right now and the two no currently working have bad transformers which are under the ground. Rehab of these lights is scheduled for next year.

f. Rates Discussion (Jet A, 100LL and Hangar Ground Lease)

Currently, the JFK Airport charges \$5.75 per gallon for Jet A and 100LL fuel. With this pricing, the Airport makes 94 cents per gallon. The commissioners voted and approved to allow Moore to use his discretion about fuel prices and keeping the fuel prices at JFK Airport competitive for the region.

g. 2023 JFK Memorial Airport Crackseal Program

Bureau of Aeronautics has asked that the Airport provides \$3,500 upfront for the Ashland part of the Crackseal Program. The Airport will be reimbursed after the project is completed. Commissioners agreed to this program.

h. Expired Lease Renewal (Jeff Radosevich)

Before issuing a new lease to Radosevich, Airport Manager, Moore would like to complete a hangar inspection with a member of the Airport Commission to make sure the hangar is in compliance with the lease stipulations. Commissioners asked that Moore talk with Mayor Matt Mackenzie about sending a letter or ask that the City Attorney send out a letter regarding the hangar inspection that Airport Manager Moore, and Commissioners Orensten and Coffey would conduct and ask the question: What is your intent for aviation with this hangar? The motion passed unanimously by voice vote.

i. New Lease Approval (Randy Carson)

Randy Carson has stated that he will be using the hangar in the spirit of aviation and is looking to make improvements to the hangar. Motion to approve a lease to Randy Carson passed unanimously by voice vote.

5. Airport Manager's Report

- a. Flail Mower
The flail mower, which is used to mow grass strips, has a shaft that is worn out. Cost estimate is around \$4,000 for a new shaft and shipping. City mechanics suggested that the mower be taken to Brettings Manufacturing to see if they would be able to provide a fix before purchasing a new part.
- b. New Crew Car
Moore bought a car for \$100 from a pilot. Car is licensed and insured just waiting on a new plate.
- c. Auto Cross Event
Event was a success; over 100 participants.
- d. SRE Building Boiler Inspection
Contacted the HVAC company and they confirmed that they will get the boiler inspected before the winter.
- e. Flag Pole
Flag pole is scheduled to be installed either Friday July 28 or Saturday July 29, 2023. The new pole is 40 ft tall and 8 inches in diameter, Moore has a new flag in his office ready to be flown once the pole is installed.
- f. Airport Commission Meeting Scheduling Discussion
The Commissioners discussed the meeting schedule. Meetings are fine being scheduled every two months unless a meeting is canceled and is delayed. If a meeting needs to be rescheduled they ask that Moore try and reschedule for the next week not pushing all topics to the next meeting two months away.
- g. Bayfield County Funding Request
Moore has not heard back from Bayfield County about funding.
- h. Swiderski Proposal for Activation of GPS on T-8 Newholland
The GPS can be used to navigate the tractor and automate the process of snow removal. The cost is \$12,000 to activate the GPS then there is an annual service fee. The commission agrees with Moore that if the plow can still be preformed without the use of GPS to not install this feature on the tractor.

6. Approval of Bills

Bills totaled \$35,922.43. Large costs were fuel and the new flag pole. Flag pole costs will hopefully be reimbursed by insurance. Carol Ortman moved, seconded by John Coffey to approve the bills as presented. The motion passed unanimously by voice vote.

7. Set Next Meeting Date

The next Airport Commission meeting will be held on September 28, 2023 at 4:30pm, at JFK Airport.

8. Adjournment

John Coffey moved, seconded by Carol Ortman to adjourn. The motion carried unanimously by voice vote.

Respectfully Submitted,

Chelsea List, Deputy Clerk

HARBOR COMMISSION MEETING MINUTES: **Wednesday, August 16, 2023**

1. CALL TO ORDER - ROLL CALL

Chair Dick Pufall called the August 16, 2023 Harbor Commission Meeting to order at 5:30.

PRESENT: Shawn Brede, Alan Smiles, Thomas Yankee, Gary Leino, Peter Herlevi, Dick Pufall

ABSENT: Randy Harvey

ALSO PRESENT: Scott Stegman and other concerned citizens

2. APPROVAL OF AUGUST 16, 2023 MEETING AGENDA

Thomas Yankee moved, seconded by Shawn Brede to approve the agenda as presented. The motion carried unanimously by voice vote.

3. APPROVAL OF MINUTES

a. May 24, 2023 Meeting Minutes

Gary Leino moved, seconded by Thomas Yankee to approve the May 24, 2023 meeting minutes. The motion carried unanimously by voice vote.

4. PUBLIC COMMENT

Brian Kerr *805 MacArthur Ave.* spoke about weed concerns at the Ashland Marina B dock. Weeds are impeding safe and free passages in the Ashland Marina. Kerr also asked the Harbor Commission to implement a formal system for marina customers to write and address the commissioners about their concerns.

5. FINANCIAL STATEMENT REVIEW

a. Financials

Commissioners had no questions for Stegmann or the Finance Department regarding the 2022 Financial Report, Stegmann stated that there were no changes since the last time information was presented to the Commission.

Stegmann explained 2023 financials, cash analysis, and budget comparison; commissioners discussed. Stegmann will talk with the Finance Department regarding the propane amounts and get information updated to present to

commissioners at the next meeting.

6. UNFINISHED BUSINESS

- a. Super Fund Site / Boat Launch - WI Waterways Commission Meeting 8/9/2023 Grant Funding

Stegmann hasn't yet received a report from Sara Hudson, Parks and Recreation Director, who attended the Wisconsin Waterways Commission meeting. Stegmann has reached out and received support from State Representative Chanz Green about a boat launch at the Ashland Superfund site and receiving funding from the Wisconsin Waterways Commission.

7. NEW BUSINESS

- a. Manager's Report

Eurasian water milfoil weeds were vast this year in the Ashland Marina. The Ashland Marina hasn't had a professional weed cutter visit the Ashland Marina in over twelve years and are unable to get their service in Ashland this year. Brede presented an idea about weed control with the product ,Sonar, a treatment he believes is approved by Wisconsin DNR. Commissioners would like to look into taking a more aggressive approach to the weeds for the next summer season.

- b. Marina Rules - Updated Storage Contract

Contract was drafted by Stegmann and the City Attorneys office, the contract is to be revised and discussed at the next Harbor Commission meeting. The contract is recommended for approved by City Staff.

- c. Boat Storage Lot: Event usage and fee's associated

Item was not discussed.

- d. Fuel System: Schaper Estimate

Stegmann provided an estimate from Shaper Fuels for fuel tanks totaling \$58,986.84. The Ashland Marina is currently working with Shaper Fuels on an plan to install the new system and fuel lines above ground to save on costs. The Shaper Fuels estimate does not include the removal of old tanks as this must be done with a separate contract. More information will be presented to commissioners at the next Harbor Commission meeting.

- e. Overflow Parking: Location and Quantity

Since July 4, 2023 the Superfund site has been used as overflow parking for Kreher RV Park. The use for overflow parking has been going well for all. Stegmann did note that he has received both positive and negative comments regarding the overflow parking in this area. Commissioners would like to prioritize the Superfund site asphalt space in the winter for boat storage but agreed that using this space for overflow RV parking in the summer is fine use if area is not needed for Marina storage.

8. ITEMS FOR NEXT MEETING

Commissioners will review the storage contract and a vote to approve the contract will be held at the next meeting. Commissioners and Marina staff will continue to look into solutions for the weed issue, specifically looking into the possibility of using the product Sonar. Stegmann will contact the Apostle Islands Parks Service and ask if Ashland Marina can be added to the list of Marinas that have a fuel service. Stegmann is to talk with the Parks and Recreation director about the Wisconsin Waterways Commission meeting and report back on findings to commissioners at the next meeting. Commissioners would like to address customer suggestions about the Marina and how they can improve responding to these concerns. Commissioners would also like to implement a service that will allow for customers and residents to stay up to date about what is happening at the Marina.

The next Harbor Commission meeting is scheduled for September 20, 2023.

9. ADJOURNMENT

Thomas Yankee moved, seconded by Peter Herlevi to adjourn. The motion carried unanimously by voice vote.

SUBJECT: Hearing and Possible Action Considering a Denied Alcohol Server License for Applicant Sherry Lasko (*Clerk*) Roll

RECOMMENDATION: As Council Desires

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: City Attorney

EXHIBITS:

1. S Lasko Application - redacted
2. S Lasko Denial Letter 9.28.23
3. S Lasko request for hearing, 10.09.2023
4. Letter of procedure, set for 10-24-2023

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

**APPROPRIATION
REQUIRED:** NA

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

Ms. Sherry Lasko applied for a server (bartender) license with the City of Ashland in September 2023. The application requires that the applicant swear "...all statements are complete, true and accurate."

The City established uniform guidelines, approved by the Police Department, to assist the determination of a qualified applicant for a server/bartender license. Though an application may be denied for a number of reasons revealed by a background check, the reason for denying the application was not due to the record of convictions but due to the false response on the application by responding "No" when asked if there were any criminal charges pending against the applicant. The Ashland City Ordinance [Chapter 922.50](#) provides four reasons a license can be revoked, which includes (a) fraud, misrepresentation, or incorrect statement contained in the application for the license.

In accordance to [Wis. Stat 125.12\(3m\)](#), a certified letter was sent to Ms. Lasko notifying her of the denial and reason for this decision. Although it is not required, she was offered a hearing before Council to determine whether to uphold or reverse the decision to deny the application. Staff acknowledged this request for a hearing by confirming via a follow up letter of the date of this meeting for a hearing.

The process of this hearing shall be as follows:

- The City shall present its evidence
- The Alderpersons may ask questions of the City's witnesses
- The applicant may cross-examine the City's witnesses
- The applicant may testify and/or produce witnesses
- The City may cross-examine the applicant or witnesses
- Closing statement by the City
- Closing statement by the applicant
- Council will consider and act on the decision to deny the applicant a server license.

City of Ashland – Clerk's Office

Application – Operator's License

Chapter 922 (1488) Municipal Code



INSTRUCTIONS – Application must be completed and returned to the City Clerk's office. Applicant must be at least 18 years old, provide proof of Responsible Beverage Service Certificate of Completion from a Wisconsin Department of Revenue approved course (www.revenue.wi.gov/training) within the last two (2) years or copy of current license from a Wisconsin municipality, and pay a **non-refundable** application fee. Please allow at least one business day for processing. A criminal background check will be conducted by the City of Ashland Police Department. Further information is set forth in Ch. 922(1488) of the City Municipal Code.

TYPE OF LICENSE

☐ **One Year Operator License** - \$30.00

☒ **Two Year Operator License** - \$50.00

To serve fermented malt beverages and intoxicating liquors.
License will expire on June 30th of term.

☐ New Applicant ☐ Renewal Applicant

☐ **Provisional Operator License** - \$15.00

To serve fermented malt beverages and intoxicating liquors.
Licenses will expire 60 days after issuance. Contingent on
Responsible Beverage Certificate or Background Check from
Ashland Police Department.

APPLICANT INFORMATION

NAME (FIRST, MIDDLE, LAST)

SHERRY ANN LASKO

FORMER/MAIDEN NAME

ADDRESS

54997 KAGERVILLE RD

CITY

ASHLAND

STATE

WI

ZIP

54806

TELEPHONE NUMBER

DATE OF BIRTH

STATE OF BIRTH

WISCONSIN

DRIVER'S LICENSE NUMBER

STATE OF ISSUANCE

WI

QUESTIONS

1. How long have you lived at the above address? 10 YEARS

2. List all previous residences for the past ten (10) years. (only City/State)

3. What is the name of the establishment where you will be serving/selling malt beverages and/or intoxicating liquors?

OREDOCK SALOON

4. What is the status of the Responsible Beverage Server's Training Course? (Check one)

☒ I have completed the *Responsible Beverage Server's Training Course*. **Copy of Certificate required for new applicants.**

☐ I have enrolled in the *Responsible Beverage Server's Training Course*. **Copy of enrollment receipt required.**

5. Have you held an operator, premise or manager license within the past two (2) years? If so, indicate below. (Check one)

☒ City of Ashland

☐ Other Wisconsin Municipality - **Copy of License required.**

6. Answer questions 6.a. through 6.j. by indicating YES/NO as the questions pertain to any convictions relating to an alcohol beverage related offenses, as a juvenile or adult.

a. Illegal purchase, sale or providing of intoxicating liquor or beer?

YES NO
☐ ☒

b. Violation of closing hours at a licensed premise?

☐ ☒

c. Any other violation of laws pertaining to alcoholic beverages?

☐ ☒

d. Disorderly conduct or criminal damage to property that occurred at a licensed establishment?

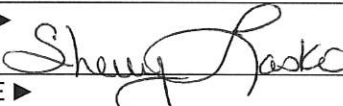
☐ ☒

e. Obstruction of a police officer while on a licensed premise for the sale of alcoholic beverages?

☐ ☒

f. Operating a motor vehicle while under the influence of alcohol or controlled substance or with a prohibited alcohol concentration (\$346.63 Wis. Stats.)?

☒ ☐

		YES	NO
g.	Operating a motor vehicle while under age Twenty-one (21) with a blood alcohol of more than .0% but not more than .1% (§346.63(2) (m) Wis. Stats.?	☐	☒
h.	Having alcohol beverages in your possession in a motor vehicle as a driver or a passenger (§346.935 Wis. Stats.)?	☐	☒
i.	Have you ever been convicted of a felony?	☐	☒
j.	Do you have any criminal or ordinance charges presently pending against you? *	☐	☒
k.	Do you presently have any overdue or outstanding forfeitures resulting from a violation of an ordinance of any county, city, village or town?	☐	☒
l.	If you have answered "YES" to any of the above questions, list the <u>date, nature of offense</u> and the <u>location of the offense (City, County, State)</u> . Attach additional pages if needed.		
	2019 - ?		
m.	List any other convictions or other pertinent information below		
	2012 - 1st 2018 - 2nd 2023 - 3rd ↑ pending		
CERTIFICATION & SIGNATURE			
I do hereby swear, under penalty of perjury as follows: I am the applicant of t		st eighteen (18) years of age; I	
am the person applying for a license to serve Fermented Malt Beverages and		ject to the limitations imposed	
by §125.32(2), and §125.68(2) Wis. Stats., and all acts amendatory and suppl		s, and hereby agree to comply	
with all laws, resolutions, ordinances and regulations, Federal, State or Local, i		verages and liquors if a	
license is granted to me; and all the statements made are complete, true and correct.			
APPLICANT SIGNATURE ► 		DATE ► 9-14-23	
CLERK STAFF SIGNATURE ►			
• All licenses expire on June 30th of each term, unless the license is revoked for cause by the City Council prior to that date. The date of the application will modify the length of the license. • Applications will be forwarded to the City of Ashland Police Department for investigation. • Upon recommendation from the City of Ashland Police Department to approve or deny the operator license, the City Clerk's Office will process the application. • If approved, the operator license will be issued to the applicant. If denied, applicant may appeal the decision.			
POLICE - BACKGROUND CHECK			
☐ APPROVED ☐ NOT APPROVED		DATE CHECKED	
BY			
REMARKS			
OFFICE USE ONLY			
☐ ONE YEAR \$30.00		RETURN APPLICATIONS TO ASHLAND CITY CLERKS OFFICE 601 MAIN ST W ASHLAND WI 54806 PHONE: 715-682-7071 EMAIL: CITYCLERK@ASHLAND.WI.GOV	
☐ TWO YEAR \$50.00			
☐ PROVISIONAL \$15.00			
TOTAL PAID \$	RECEIPT #		
REGULAR ☐ APPROVED ☐ REJECTED			
ISSUED DATE	LICENSE NO		
PROVISIONAL ☐ APPROVED ☐ REJECTED			
ISSUED DATE	LICENSE NO.		

Sherry Lasko
54995 Kagerville Rd
Ashland, WI 54806

September 28, 2023

Dear Sherry,

This letter is written in accordance with Wisconsin State Statute Section 125.12(3m) which requires that "If a municipal governing body or duly authorized committee of a city council decides not to issue a new license under this chapter; it shall notify the applicant for the new license of the decision not to issue the license."

I am writing to inform you that the City of Ashland Clerk's Office has denied your application under the recommendation of the City of Ashland Police Department. The reason for this denial was an untruthful answer to the question, "Do you have any criminal or ordinance charges presently pending against you?" The background check yielded information contrary to your response.

Pursuant to WI State Statute, upon refusal to issue or renew an alcohol license, the City of Ashland is required to notify you in writing, and offer an opportunity for a hearing. Should you wish to contest the above decision, you must notify the City Clerk in writing and deliver that notice to the Clerk's Office at 601 Main Street W. Ashland, WI 54806 before 4:00 p.m. on October 13, 2023.

If you choose to contest this decision you must do so in writing to the Clerk's Office for the matter to be placed on the City Council's October 24, 2023 agenda. Be advised this hearing will be held in a public forum, you may bring legal representation if you so choose, but the City is not required to provide you with legal representation. The City would be represented by the City Attorney's Office during these proceedings.

If you should have any further questions, please do not hesitate to contact me. Thank you for your understanding in this matter.

Respectfully,

Denise Oliphant, City Clerk

To: Office of City Clerk

Date: 10-9-23

From: Sherry Lasko

Re: Bartending License Request

I would like to request for a hearing regarding my request to renew my bartending license in Ashland.

Thank you for your time with this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sherry Lasko". The signature is written in dark ink and is positioned below the word "Sincerely,".

NOTES



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

October 16, 2023

CERTIFIED MAIL
VIA USPS

Sherry Lasko
54997 Kagerville Road
Ashland WI 54806

Dear Sherry,

As referenced in my September 28, 2023 letter to you, your application for a new alcohol operator's license was denied under the recommendation of the City of Ashland Police Department. The reason for this denial was an untruthful answer to the question, "Do you have any criminal or ordinance charges presently pending against you?" The background check yielded information contrary to your response. Specifically, the background check showed that you have a pending OWI 3rd from Ashland County.

Your October 9, 2023 request for a hearing on the decision not to issue you a new alcohol operator's license has been received. The hearing will be placed on the Ashland City Council's October 24, 2023 agenda to be heard at its meeting.

Be advised that this hearing will be held in a public forum. You may present evidence, rebut evidence, produce witnesses, cross-examine witnesses and be represented by counsel. The City is not required to provide you with legal representation. The City will be represented by the City Attorney's Office during these proceedings.

Please feel free to contact me should you have any questions or concerns.

Respectfully,

Denise Oliphant
Ashland City Clerk
715-682-7071
doliphant@coawi.org

CC Anich, Wickman & Lindsey SC

SUBJECT: Consider a Resolution Authorizing the Issuance of \$1,365,000 General Obligation Promissory Notes and the Issuance and Sale of a \$1,365,000 Note Anticipation Notes in Anticipation Thereof (*Finance*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Finance

CLEARANCES: Administrator

EXHIBITS: 1. Proposed Resolution No. 17747

EXPENDITURES REQUIRED: \$1,365,000

AMOUNT BUDGETED: \$0.00

**APPROPRIATION
REQUIRED:** \$1,365,000

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

The City's practice is to self-fund projects and equipment costs while awaiting reimbursement from grants, general obligation notes, clean water fund revenue bonds, etc. This reduces interest expense on projects and equipment purchases.

For 2023, a Note Anticipation Note (NAN) is needed to assist with the City's cash flow for capital projects until the project related grant funding and the issuance of the ten-year 2023 General Obligation Note (GON) for 2023 capital projects and equipment is received. The majority of these revenue sources will be received by December 15, 2023.

The City's bond council, Quarles and Brady, and Ehlers, the City's Municipal Advisor, are assisting the City with the structure and issuance of the NAN and the GON issues.

NANs are a short-term financing tool often used by municipalities for cash flow assistance during years with many large capital projects. The NAN is paid off with the issuance of General Obligation Notes.

The City Treasurer will be soliciting bids from various area banks to borrow the \$1.365 million NAN. Bids will be received by noon on October 24, 2023. The bids received and the resolution to borrow will be provided to Council at the October 24, 2023 meeting with a staff recommendation of acceptance of a bid.

The following is the distribution of the NAN:

- Ore Dock - diamond access/walkway - project payments \$865,000
 - *Reimbursement will be received from the Ashland Ore Dock Charitable Trust and State grants*
- MacArthur Ave Reconstruction - project payments \$500,000
 - *Reimbursement will be through the issuance of the 2023 General Obligation Note Issue of approximately \$3,065,000, of which the sale is scheduled to be approved at the November 28, 2023 Council meeting*

RESOLUTION NO. 17747

RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,365,000
GENERAL OBLIGATION PROMISSORY NOTES AND THE
ISSUANCE AND SALE OF A \$1,365,000 NOTE ANTICIPATION
NOTE IN ANTICIPATION THEREOF

WHEREAS, the Common Council of the City of Ashland, Ashland and Bayfield Counties, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for public purposes, including paying the cost of the ore dock redevelopment and MacArthur Avenue projects (collectively, the "Project");

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Chapter 67, Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and covenant to issue general obligation promissory notes (the "Securities") to provide permanent financing for the Project;

WHEREAS, the Securities have not yet been issued or sold;

WHEREAS, cities are authorized by the provisions of Section 67.12(1)(b), Wisconsin Statutes, to issue note anticipation notes in anticipation of receiving the proceeds from the issuance and sale of the Securities;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance and sale of a note anticipation note pursuant to Section 67.12(1)(b), Wisconsin Statutes (the "Note" or "Notes"), in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay the cost of the Project; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell the Note to Northern State Bank (the "Purchaser"), pursuant to the terms and conditions of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Issuance of Securities. The City hereby authorizes the issuance and declares its intention and covenants to issue the Securities pursuant to the provisions of Chapter 67, Wisconsin Statutes, in an amount sufficient to retire the Note.

Section 2. Authorization and Sale of the Note. In anticipation of the sale of the Securities, for the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of ONE MILLION THREE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$1,365,000) from the Purchaser in accordance with the terms and conditions of this Resolution. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Note in the principal amount of ONE MILLION THREE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$1,365,000) for a purchase price equal to the principal amount.

Section 3. Terms of the Note. The Note shall be designated a "Note Anticipation Note"; shall be issued in the principal amount of \$1,365,000; shall be dated its date of issuance; shall be in the denomination of \$100,000 or more; shall be initially numbered R-1; and shall bear interest at the rate of 5.00% per annum and shall mature on December 21, 2023. Interest shall be payable at maturity. Interest shall be computed as set forth in the Note.

Section 4. Prepayment Provisions. The Note shall be subject to payment prior to maturity, at the option of the City, on any date. Said Note shall be prepayable as a whole or in part, at the principal amount thereof, plus accrued interest to the date of prepayment.

Section 5. Form of the Note. The Note shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

Section 6. Security. The Note shall in no event be a general obligation of the City and does not constitute an indebtedness of the City nor a charge against its general credit or taxing power. No lien is created upon the Project or any other property of the City as a result of the issuance of the Note. The Note shall be payable only from (a) any proceeds of the Note set aside for payment of interest on the Note as it becomes due and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds are hereby declared to constitute a special trust fund, hereby created and established, to be held by the City Clerk and expended solely for the payment of the principal of and interest on the Note until paid. The City hereby agrees that, in the event such monies are not sufficient to pay the principal of and interest on the Note when due, if necessary, the City will pay such deficiency out of its annual general tax levy or other available funds of the City; provided, however, that any such payment shall be subject to annual budgetary appropriations therefor and any applicable levy or revenue limits; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the City to make any such appropriation or any further payments.

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There shall be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Note Anticipation Note - 2023" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Note is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Note; (ii) any proceeds of the Note representing capitalized interest on the Note or other funds appropriated by the City for payment of interest on the Note, as needed to pay the interest on the Note when due; (iii) proceeds of the Securities (or other obligations of the City issued to pay principal of or interest on the Note); (iv) such other sums as may be necessary at any time to pay principal of and interest on the Note when due and which are appropriated by the Common Council for that purpose; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Note until all such principal and interest has been paid in full and the Note canceled; provided that such monies may be invested in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Said account shall be used for the sole purpose of paying the principal of and interest on the Note and shall be maintained for such purpose until the Note is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When the Note has been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 8. Covenants of the City. The City hereby covenants with the owners of the Note as follows:

(A) It shall issue and sell the Securities as soon as practicable, as necessary to provide for payment of the Note;

(B) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of principal of and interest on the Note until paid. After the payment of principal of and interest on the Note in full, said trust fund may be used for such other purposes as the Common Council may direct in accordance with law; and,

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or promissory notes or certificates of indebtedness and the \$1,365,000 authorized for the issuance of the Securities to provide for the payment of the Note shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Note; Segregated Borrowed Money Fund. The proceeds of the Note (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Note into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed or for the payment of principal and interest on the Note. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Note has been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 10. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Note, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Note to the Purchaser which will permit the conclusion that the Note is not an "arbitrage bond," within the meaning of the Code or Regulations.

Section 11. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Note and the ownership, management and use of the projects will not cause the Note to be a "private activity bond" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Note including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Note) if taking, permitting or omitting to take such action would cause the Note to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Note to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Note shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Note provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Note and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 12. Designation as Qualified Tax-Exempt Obligation. The Note is hereby designated as a "qualified tax-exempt obligation" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 13. Execution of the Note; Closing; Professional Services. The Note shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Note may be imprinted on the Note in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Note, at least one of the signatures appearing on the Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Note shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Note and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Note, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Note is hereby ratified and approved in all respects.

Section 14. Payment of the Note; Fiscal Agent. The principal of and interest on the Note shall be paid by the City Clerk or the City Treasurer (the "Fiscal Agent").

Section 15. Persons Treated as Owners; Transfer of Note. The City shall cause books for the registration and for the transfer of the Note to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 16. Record Date. The 15th day of the calendar month next preceding the interest payment date shall be the record date for the Note (the "Record Date"). Payment of interest on the Note on any interest payment date shall be made to the registered owners of the Note as they appear on the registration book of the City at the close of business on the Record Date.

Section 17. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the City and the owner or owners of the Note and after the issuance of the Note no change or alteration of any kind in the provisions of this Resolution may be made, until the Note has been paid in full as to both principal and interest. The owner or owners of the Note shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce his or their rights against the City.

Section 18. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Note in the Record Book.

Section 19. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded October 24, 2023.

Matthew MacKenzie
Mayor

ATTEST:

Denise Oliphant
City Clerk

(SEAL)

EXHIBIT A

(Form of Note)

UNITED STATES OF AMERICA

REGISTERED
NUMBER

STATE OF WISCONSIN
ASHLAND AND BAYFIELD COUNTIES
CITY OF ASHLAND

DOLLARS

R-1

NOTE ANTICIPATION NOTE

\$1,365,000

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE:

December 21, 2023

November 7, 2023

5.00%

REGISTERED OWNER: NORTHERN STATE BANK

PRINCIPAL AMOUNT: ONE MILLION THREE HUNDRED SIXTY-FIVE THOUSAND
DOLLARS (\$1,365,000)

FOR VALUE RECEIVED, the City of Ashland, Ashland and Bayfield Counties, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the registered owner identified above (or to registered assigns), solely from the funds specified herein, on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding payment prior to maturity. Interest shall be payable at maturity.

This Note is issued by the City pursuant to the provisions of Section 67.12(1)(b), Wisconsin Statutes, in anticipation of the sale of general obligation promissory notes (collectively, the "Securities"), to provide interim financing for public purposes, including paying the cost of the ore dock redevelopment and MacArthur Avenue projects (collectively, the "Project"), as authorized by a resolution adopted on October 24, 2023 (the "Resolution"). The Resolution is recorded in the official minutes of the Common Council for said date.

Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid to the registered owner in whose name this Note is registered on the Note Register maintained by the City Clerk or the City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the interest payment date. Principal is payable upon presentation and surrender hereof at the office of the Fiscal Agent.

This Note shall be payable only from (a) any proceeds of the Note set aside for payment of interest on the Note as it becomes due and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds have been declared to constitute a special trust fund and to be held by the City Clerk and expended solely for the payment of the principal of and interest on the Note until paid. In the event such monies are not sufficient to pay the principal and interest on this Note when due, if necessary, the City will pay such deficiency out of its annual general

tax levy or other available funds of the City; provided, however, that any such payment shall be subject to annual budgetary appropriation therefor and any applicable levy limits; and provided further, that no such payment nor any action authorizing this Note shall be construed as constituting an obligation of the City to make such appropriation or to make any further payment.

The City has authorized the issuance of the Securities and has covenanted to issue the Securities in an amount sufficient to repay the Note pursuant to the Resolution. **THE NOTE IS NOT A GENERAL OBLIGATION OF THE CITY AND DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATION OR PROVISION NOR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER. NO LIEN IS CREATED UPON THE PROJECT OR ANY OTHER PROPERTY OF THE CITY AS A RESULT OF THE ISSUANCE OF THE NOTE.**

The Note is subject to payment prior to maturity, at the option of the City, on any date. Said Note is prepayable as a whole or in part, at the principal amount thereof, plus accrued interest to the date of prepayment.

Before the prepayment of the Note, unless waived by the registered owner, the City shall give notice of such prepayment by registered or certified mail at least five (5) days prior to the date fixed for prepayment to the registered owner of each Note to be prepaid, in whole or in part, at the address shown on the registration books. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Note shall cease to bear interest on the specified prepayment date, provided that federal or other immediately available funds sufficient for such prepayment are on deposit with the registered owner at that time. Upon such deposit of funds for prepayment the Note shall no longer be deemed to be outstanding.

The Note is issued in registered form in the denomination of \$100,000 or more. This Note may be exchanged at the office of the City Clerk or City Treasurer for a like aggregate principal amount of Note of the same maturity in other authorized denominations.

This Note is transferable by a written assignment duly executed by the registered owner hereof or by such owner's duly authorized legal representative. Upon such transfer a new registered Note, in authorized denomination or denominations and in the same aggregate principal amount, shall be issued to the transferee in exchange hereof.

The City may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof, premium, if any, hereon and interest due hereon and for all other purposes, and the City shall not be affected by notice to the contrary.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time. The City has authorized and covenanted to issue and sell the Securities, the sale of which this Note anticipates, as soon as practicable and to set aside the proceeds of the Securities into a special trust fund for the payment of the principal of and interest on this Note.

This Note has been designated by the Common Council as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Ashland, Ashland and Bayfield Counties, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF ASHLAND
ASHLAND AND BAYFIELD COUNTIES,
WISCONSIN

By: _____
Matthew MacKenzie
Mayor

(SEAL)

By: _____
Denise Oliphant
City Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Registered Owner)

(Authorized Officer)

NOTICE: This signature must correspond with the name of the registered owner as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

*The Internal Revenue Code of 1986 (IRC Section 149) requires that for interest on a municipal obligation with a term greater than one year to be exempt from federal income tax, the obligation must be issued and remain in registered form.

Section 67.09, Wisconsin Statutes provides that the City Clerk of the City when acting as the registrar shall record the registration of each note or bond in its bond registrar. Therefore, if this Note is to be assigned, the City Clerk of the City should be notified and a copy of this Assignment should be sent to the City Clerk of the City for his or her records.

SUBJECT: Presentation and Discussion of the Pre-Sale Report and Consider a Resolution Providing for the Sale of Approximately \$3,065,000 General Obligation Promissory Notes, Series 2023A (Finance) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Finance

CLEARANCES: Administrator

EXHIBITS:

1. Proposed Resolution No. 17745
2. PreSale Report for \$3,065,000 General Obligation Promissory Notes

EXPENDITURES REQUIRED: \$3,065,000

AMOUNT BUDGETED: -0-

APPROPRIATION REQUIRED: \$3,065,000 - 2023 Capital Project Plan & Equipment Outlay

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

The Council approved the 2023 capital projects and equipment purchases budget that included funding from a 2023 General Obligation Note (GON) issue. The process of borrowing is starting late in the year because the 2022 audit was issued at the end of September 2023, and this is part of the information that investors review before submitting bids on the sale of GONs.

The estimated allocation of the \$3,065,000 GON per the approved capital plan is as follows:

- Public Works - heavy equipment purchases \$1,000,500
- Fire Department - equipment purchases \$288,000
- Street Projects - \$1,325,000
- Parks & Grounds - \$350,000
- Estimated Issue costs - \$101,500

City staff will be reviewing the budget to actual capital expenditures for 2023 and provide Council a report at the November 14, 2023 meeting which will update the allocation of the GON for Council approval. This updated allocation will be used for the distribution of the GON proceeds.

RESOLUTION No. 17745

RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$3,065,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2023A

WHEREAS the City of Ashland, Ashland and Bayfield Counties, Wisconsin (the "City") is presently in need of an amount of approximately \$3,065,000 for public purposes, including paying the cost of public works equipment, fire equipment, street improvement projects, building improvement projects, and parks and public grounds projects (collectively, the "Project") and refunding obligations issued to provide interim financing for the Project; and

WHEREAS it is desirable to borrow said funds through the issuance of general obligation promissory notes pursuant to Chapter 67, Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Issuance of the Notes. The City shall issue its General Obligation Promissory Notes, Series 2023A in the approximate amount of \$3,065,000 (the "Notes") for the purposes above specified.

Section 2. Sale of the Notes. The Common Council hereby authorizes and directs that the Notes be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Notes as may have been received and take action thereon.

Section 3. Notice of Sale. The City Clerk (in consultation with Ehlers & Associates, Inc. ("Ehlers")) be and hereby is directed to cause notice of the sale of the Notes to be disseminated in such manner and at such times as the City Clerk may determine and to cause copies of a complete Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk (in consultation with Ehlers) shall cause an Official Statement to be prepared and distributed. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Official Statement, such certification to constitute full authorization of such Official Statement under this resolution.

Section 5. Reimbursement. The Common Council hereby officially declares its intent pursuant to Treasury Regulation Section 1.150-2 to reimburse any expenditures made in connection with the Project prior to the issuance of the Notes with the proceeds of the Notes in an amount not to exceed \$3,065,000.

Adopted, approved and recorded October 24, 2023.

Matthew MacKenzie
Mayor

ATTEST:

Denise Oliphant
City Clerk

(SEAL)

October 24, 2023

PRE-SALE REPORT FOR

City of Ashland, Wisconsin

\$3,065,000 General Obligation Promissory Notes, Series 2023B



Prepared by:

Ehlers
3060 Centre Pointe Drive
Roseville, MN 55113

Advisors:

Sean Lentz, Senior Municipal Advisor
Brian Reilly, Senior Municipal Advisor
Josh Low, Associate Municipal Advisor

BUILDING COMMUNITIES. IT'S WHAT WE DO.

EXECUTIVE SUMMARY OF PROPOSED DEBT

Proposed Issue:

\$3,065,000 General Obligation Promissory Notes, Series 2023B

Purposes:

The proposed issue includes financing for the following purposes:

2023 Capital Projects and Equipment; including Street Improvements and refinancing 2023 Note Anticipation Note for MacArthur Avenue Reconstruction project; Public Works Equipment; Parks and Grounds Equipment; and Fire Equipment.

- Streets (\$1,370,000). Debt service will be paid from ad valorem property taxes. Streets portion includes refinancing of \$500,000 for 2023 Note Anticipation Note.
- Public Works Equipment (\$1,035,000). Debt service will be paid from ad valorem property taxes.
- Parks and Grounds Equipment (\$360,000). Debt service will be paid from ad valorem property taxes.
- Fire Equipment (\$300,000). Debt service will be paid from ad valorem property taxes.

Authority:

The Notes are being issued pursuant to Wisconsin Statute:

- 67.12(12)

The Notes will be general obligations of the City for which its full faith, credit and taxing powers are pledged.

The Notes count against the City's General Obligation Debt Capacity Limit of 5% of total City Equalized Valuation. Following issuance of the Notes, the City's total General Obligation debt principal outstanding will be \$14,112,948, which is 45% of its limit. Remaining General Obligation Borrowing Capacity will be approximately \$17,237,000.

Term/Call Feature:

The Notes are being issued for a term of 10 years. Principal on the Notes will be due on December 1 in the years 2024 through 2033. Interest is payable every six months beginning December 1, 2024.

The Notes will be subject to prepayment at the discretion of the City on December 1, 2029 or any date thereafter.

Bank Qualification:

Because the City is expecting to issue no more than \$10,000,000 in tax exempt debt during the calendar year, the City will be able to designate the Notes as “bank qualified” obligations. Bank qualified status broadens the market for the Notes, which can result in lower interest rates.

Rating:

The City’s most recent bond issues were rated by S&P Global Ratings. The current rating on those bonds is “A+”. The City will request a new rating for the Notes.

If the winning bidder on the Notes elects to purchase bond insurance, the rating for the issue may be higher than the City’s bond rating in the event that the bond rating of the insurer is higher than that of the City.

Basis for Recommendation:

Based on your objectives, financial situation and need, risk tolerance, liquidity needs, experience with the issuance of Notes and long-term financial capacity, as well as the tax status considerations related to the Notes and the structure, timing and other similar matters related to the Notes, we are recommending the issuance of Notes as a suitable option.

Method of Sale/Placement:

We are recommending the Notes be issued as municipal securities and offered through a competitive underwriting process. You will solicit competitive bids, which we will compile on your behalf, for the purchase of the Notes from underwriters and banks.

An allowance for discount bidding will be incorporated in the terms of the issue. The discount is treated as an interest item and provides the underwriter with all or a portion of their compensation in the transaction.

If the Notes are purchased at a price greater than the minimum bid amount (maximum discount), the unused allowance may be used to reduce your borrowing amount.

Premium Pricing:

In some cases, investors in municipal bonds prefer “premium” pricing structures. A premium is achieved when the coupon for any maturity (the interest rate paid by the issuer) exceeds the yield to the investor, resulting in a price paid that is greater than the face value of the bonds. The sum of the amounts paid in excess of face value is considered “reoffering premium.” The underwriter of the bonds will retain a portion of this reoffering premium as their compensation (or “discount”) but will pay the remainder of the premium to the City. The amount of the premium varies, but it is not uncommon to see premiums for new issues in the range of 2.00% to 10.00% of the face amount of the issue. This means that an issuer with a \$2,000,000 offering may receive bids that result in proceeds of \$2,040,000 to \$2,200,000.

The amount of premium can be restricted in the bid specifications. Restrictions on premium may result in fewer bids, but may also eliminate large adjustments on the day of sale and

unintended impacts with respect to debt service payment. Ehlers will identify appropriate premium restrictions for the Notes intended to achieve the City's objectives for this financing.

For this issue of Notes, any premium amount received that is in excess of the underwriting discount must be placed in the debt service fund and used to pay a portion of the interest payments due on the Notes.

Other Considerations:

The Notes will be offered with the option of the successful bidder utilizing a term bond structure. By offering underwriters the option to "term up" some of the maturities at the time of the sale, it gives them more flexibility in finding a market for your Notes. This makes your issue more marketable, which can result in lower borrowing costs. In the event that the successful bidder utilizes a term bond structure, we recommend the City retain a paying agent to handle responsibility for processing mandatory redemption/call notices associated with term bonds.

Review of Existing Debt:

We have reviewed all outstanding indebtedness for the City and find that there are no refunding opportunities at this time.

We will continue to monitor the market and the call dates for the City's outstanding debt and will alert you to any future refunding opportunities.

Continuing Disclosure:

Because the City has more than \$10,000,000 in outstanding debt (including this issue) and this issue is over \$1,000,000, the City will be agreeing to provide certain updated Annual Financial Information and its Audited Financial Statement annually, as well as providing notices of the occurrence of certain reportable events to the Municipal Securities Rulemaking Board (the "MSRB"), as required by rules of the Securities and Exchange Commission (SEC). The City is already obligated to provide such reports for its existing bonds, and prepares and files its own reports. The City may continue to prepare and file its own reports or contract with Ehlers to do so.

Arbitrage Monitoring:

The City must ensure compliance with certain sections of the Internal Revenue Code and Treasury Regulations ("Arbitrage Rules") throughout the life of the issue to maintain the tax-exempt status of the Notes. These Arbitrage Rules apply to amounts held in construction, escrow, reserve, debt service account(s), etc., along with related investment income on each fund/account.

IRS audits will verify compliance with rebate, yield restriction and records retention requirements within the Arbitrage Rules. The City's specific arbitrage responsibilities will be detailed in the Tax Exemption Certificate (the "Tax Compliance Document") prepared by your Bond Attorney and provided at closing.

The Notes may qualify for one or more exception(s) to the Arbitrage Rules by meeting 1) small issuer exception, 2) spend down requirements, 3) bona fide debt service fund limits, 4) reasonable reserve requirements, 5) expenditure within an available period limitations, 6) investments yield restrictions, 7) de minimis rules, or; 8) borrower limited requirements.

An Ehlers arbitrage expert will contact the City within 30 days after the sale date to review the City's specific responsibilities for the Notes. The City is currently receiving arbitrage services from Ehlers in relation to the Notes.

Investment of Note Proceeds:

Ehlers can assist the City in developing a strategy to invest your Note proceeds until the funds are needed to pay project costs.

Other Service Providers:

This debt issuance will require the engagement of other public finance service providers. This section identifies those other service providers, so Ehlers can coordinate their engagement on your behalf. Where you have previously used a particular firm to provide a service, we have assumed that you will continue that relationship. For services you have not previously required, we have identified a service provider. Fees charged by these service providers will be paid from proceeds of the obligation, unless you notify us that you wish to pay them from other sources. Our pre-sale bond sizing includes a good faith estimate of these fees, but the final fees may vary. If you have any questions pertaining to the identified service providers or their role, or if you would like to use a different service provider for any of the listed services please contact us.

Bond Counsel: Quarles & Brady LLP

Paying Agent: U.S. Bank Trust Company, National Association

Rating Agency: S&P Global Ratings (S&P)

PROPOSED DEBT ISSUANCE SCHEDULE

Pre-Sale Review by City Council:	October 24, 2023
Due Diligence Call to review Official Statement:	Week of November 6, 2023
Distribute Official Statement:	Week of November 13, 2023
Conference with Rating Agency:	November 13, 2023
City Council Meeting to Award Sale of the Notes:	November 28, 2023
Estimated Closing Date:	December 19, 2023
Estimated Pay Off of 2023 Note Anticipation Note:	December 20, 2023

Attachments

Estimated Debt Service Schedule and Sources and Uses of Funds

Estimated General Obligation Borrowing Capacity (Chart)

Estimated General Fund Debt Levy with Projected Future Debt Issuances (Chart)

EHLERS' CONTACTS

Sean Lentz, Senior Municipal Advisor	(651) 697-8509
Brian Reilly, Senior Municipal Advisor	(651) 697-8541
Josh Low, Associate Municipal Advisor	(651) 697-8596
Emily Wilkie, Senior Public Finance Analyst	(651) 697-8588
Beth Mueller, Senior Financial Analyst	(651) 697-8553

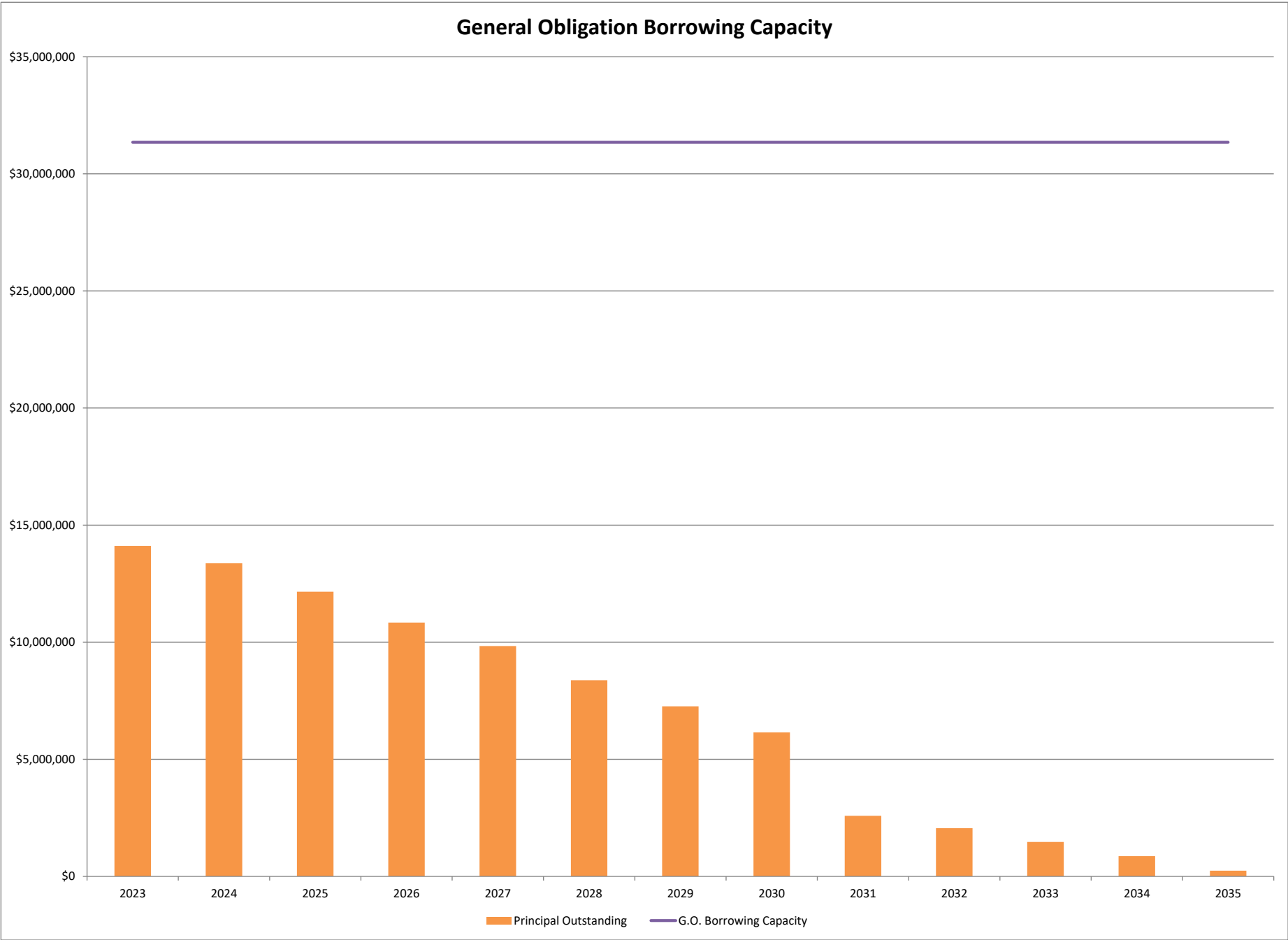
City of Ashland, WI

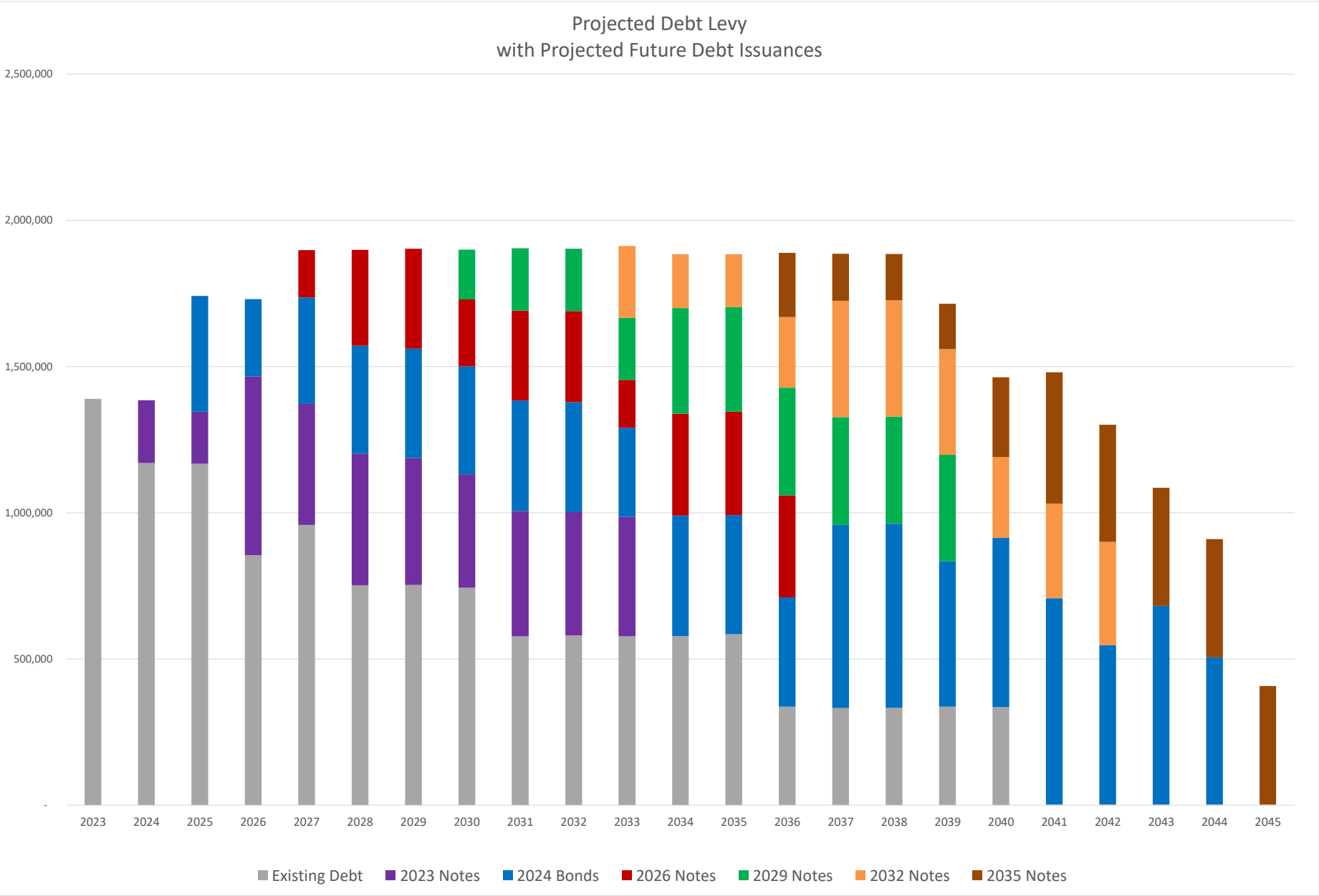
Estimated Debt Service and Capitalization Schedules

\$3,065,000 General Obligation Promissory Notes, Series 2023B

Year	Principal	Rate	Interest	Total P&I	Streets	Public Works Equipment	Parks and Grounds	Fire Equipment
2023								
2024	80,000	4.60%	134,494	214,494	60,099	70,434	45,796	38,165
2025	40,000	4.60%	137,893	177,893	103,263	46,675	15,248	12,708
2026	475,000	4.60%	136,053	611,053	361,423	156,675	50,248	42,708
2027	300,000	4.60%	114,203	414,203	162,623	156,615	53,638	41,328
2028	350,000	4.60%	100,403	450,403	197,333	156,325	51,798	44,948
2029	350,000	4.60%	84,303	434,303	190,203	150,805	49,958	43,338
2030	320,000	4.60%	68,203	388,203	148,073	150,285	48,118	41,728
2031	375,000	4.60%	53,483	428,483	182,553	154,535	51,278	40,118
2032	385,000	4.65%	36,233	421,233	180,193	153,325	49,208	38,508
2033	390,000	4.70%	18,330	408,330	167,520	151,815	47,115	41,880
Totals	\$3,065,000		\$883,594	\$3,948,594	\$1,753,279	\$1,347,489	\$462,401	\$385,425

Issue Summary					
<u>Key Dates</u>					
Dated Date:		12/19/2023			
First Interest Payment:		12/1/2024			
First Principal Payment:		12/1/2024			
<u>Projected Interest Rates</u>					
Assuming Current GO BQ "A+" Market Rates + 50 Bps					
True Interest Cost (TIC):		4.811%			
All Inclusive Cost (AIC):		5.240%			
<u>Sources and Uses</u>					
	Total	Streets	Public Works Equipment	Parks and Grounds	Fire Equipment
Par Amount of Notes	3,065,000	1,370,000	1,035,000	360,000	300,000
Total Sources	\$3,065,000	\$1,370,000	\$1,035,000	\$360,000	\$300,000
Underwriter's Discount (1.250%)	30,650	13,700	10,350	3,600	3,000
Costs of Issuance	67,250	30,060	22,709	7,899	6,582
Deposit to Project Fund	2,963,500	1,325,000	1,000,500	350,000	288,000
Rounding Amount	3,600	1,240	1,441	(1,499)	2,418
Total Uses	\$3,065,000	\$1,370,000	\$1,035,000	\$360,000	\$300,000





SUBJECT: Consider a Resolution Providing for the Sale of Approximately \$1,615,000 Water System Revenue Bonds, Series 2023B *Finance(Roll)*

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Finance

CLEARANCES: Administrator

EXHIBITS:

1. Proposed Resolution No. 17746
2. PreSale Report for \$1,615,000 Water System Revenue Bonds

EXPENDITURES REQUIRED: \$1,615,000

AMOUNT BUDGETED:

**APPROPRIATION
REQUIRED:** \$1,615,000

**TREASURER'S
CERTIFICATE:** NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

The Council approved two contracts on June 14, 2022 for the water meter changeout and water meter system upgrade project with water system revenue bonds as a source of funding. The estimated total revenue bond issue is as follows:

\$981,234 Dakota Supply Group - purchase of Kamstrup flowIQ Water Meters & AMI Fixed Network Sys
\$296,370 Water Meter Replacement Installation Services - HydroCorp
\$50,762 Project contingency
\$71,717 Cross connection devices
\$1,400,083 Estimated project total with contingencies
\$134,657 Required debt reserve for issuance
\$80,260 Issue costs
\$1,615,000 Approximate total of the Water Revenue Bond issue

This project is on-going and a project update will be given to Council at the meeting.

Resolution No. 17746

RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$1,615,000 WATER SYSTEM REVENUE BONDS, SERIES 2023B

WHEREAS the City of Ashland, Ashland and Bayfield Counties, Wisconsin (the "City") is presently in need of an amount of approximately \$1,615,000 for the public purpose of paying the cost of certain extensions, additions and improvements to the City's Water System including Meter and Meter System upgrades (collectively, the "Project"); and

WHEREAS it is desirable to borrow said funds through the issuance of revenue bonds pursuant to Chapter 66, Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Issuance of the Bonds. The City shall issue its Water System Revenue Bonds, Series 2023B in the approximate amount of \$1,615,000 (the "Bonds") for the purpose above specified.

Section 2. Sale of the Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Sale. The City Clerk (in consultation with Ehlers & Associates, Inc. ("Ehlers")) be and hereby is directed to cause notice of the sale of the Bonds to be disseminated in such manner and at such times as the City Clerk may determine and to cause copies of a complete Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk (in consultation with Ehlers) shall cause an Official Statement to be prepared and distributed. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Official Statement, such certification to constitute full authorization of such Official Statement under this resolution.

Section 5. Reimbursement. The Common Council hereby officially declares its intent pursuant to Treasury Regulation Section 1.150-2 to reimburse any expenditures made in connection with the Project prior to the issuance of the Bonds with the proceeds of the Bonds in an amount not to exceed \$1,615,000.

Adopted, approved and recorded October 24, 2023.

Matthew MacKenzie
Mayor

ATTEST:

Denise Oliphant
City Clerk

(SEAL)

October 24, 2023

PRE-SALE REPORT FOR

City of Ashland, Wisconsin

\$1,615,000 Water System Revenue Bonds, Series 2023C



Prepared by:

Ehlers
3060 Centre Pointe Drive
Roseville, MN 55113

Advisors:

Sean Lentz, Senior Municipal Advisor
Brian Reilly, Senior Municipal Advisor
Josh Low, Associate Municipal Advisor

BUILDING COMMUNITIES. IT'S WHAT WE DO.

EXECUTIVE SUMMARY OF PROPOSED DEBT

Proposed Issue:

\$1,615,000 Water System Revenue Bonds, Series 2023C

Purposes:

The proposed issue includes financing for the following purposes:

- Water Meters and Meter System Upgrades (\$1,615,000). Debt service will be paid from Water Utility revenues.

Authority:

The Bonds are being issued pursuant to Wisconsin Statute:

- 66.0621

The Bonds are not general obligations of the City but are payable only from and secured by a pledge of income and revenue to be derived from the operation of the Water Utility.

Term/Call Feature:

The Bonds are being issued for a term of 20 years. Principal on the Bonds will be due on May 1 in the years 2024 through 2043. Interest is payable every six months beginning May 1, 2024.

The Bonds will be subject to prepayment at the discretion of the City on May 1, 2029, or any date thereafter.

Bank Qualification:

Because the City is expecting to issue no more than \$10,000,000 in tax exempt debt during the calendar year, the City will be able to designate the Bonds as “bank qualified” obligations. Bank qualified status broadens the market for the Bonds, which can result in lower interest rates.

Rating:

We recommend selling this issue non-rated as the cost of the rating would not be expected to be offset by the potential lower interest rates resulting from obtaining a rating.

Basis for Recommendation:

Based on your objectives, financial situation and need, risk tolerance, liquidity needs, experience with the issuance of Bonds and long-term financial capacity, as well as the tax status considerations related to the Bonds and the structure, timing and other similar matters related to the Bonds, we are recommending the issuance of Bonds as a suitable option.

Method of Sale/Placement:

We are recommending the Bonds be issued as municipal securities and offered through a competitive underwriting process. You will solicit competitive bids, which we will compile on your behalf, for the purchase of the Bonds from underwriters and banks.

An allowance for discount bidding will be incorporated in the terms of the issue. The discount is treated as an interest item and provides the underwriter with all or a portion of their compensation in the transaction.

If the Bonds are purchased at a price greater than the minimum bid amount (maximum discount), the unused allowance may be used to reduce your borrowing amount.

Premium Pricing:

In some cases, investors in municipal bonds prefer “premium” pricing structures. A premium is achieved when the coupon for any maturity (the interest rate paid by the issuer) exceeds the yield to the investor, resulting in a price paid that is greater than the face value of the bonds. The sum of the amounts paid in excess of face value is considered “reoffering premium.” The underwriter of the bonds will retain a portion of this reoffering premium as their compensation (or “discount”) but will pay the remainder of the premium to the City. The amount of the premium varies, but it is not uncommon to see premiums for new issues in the range of 2.00% to 10.00% of the face amount of the issue. This means that an issuer with a \$2,000,000 offering may receive bids that result in proceeds of \$2,040,000 to \$2,200,000.

The amount of premium can be restricted in the bid specifications. Restrictions on premium may result in fewer bids, but may also eliminate large adjustments on the day of sale and unintended impacts with respect to debt service payment. Ehlers will identify appropriate premium restrictions for the Bonds intended to achieve the City’s objectives for this financing.

For this issue of Bonds, any premium amount received may be used to pay for certain issuance costs and project expenses. These adjustments may slightly change the true interest cost of the original bid, either up or down. We anticipate using any premium amounts received to reduce the issue size.

Other Considerations:

The Bonds will be offered with the option of the successful bidder utilizing a term bond structure. By offering underwriters the option to “term up” some of the maturities at the time of the sale, it gives them more flexibility in finding a market for your Bonds. This makes your issue more marketable, which can result in lower borrowing costs. In the event that the successful bidder utilizes a term bond structure, we recommend the City retain a paying agent to handle responsibility for processing mandatory redemption/call notices associated with term bonds.

Review of Existing Debt:

We have reviewed all outstanding indebtedness for the City and find that there are no refunding opportunities at this time.

We will continue to monitor the market and the call dates for the City’s outstanding debt and will alert you to any future refunding opportunities.

Continuing Disclosure:

Because the City has more than \$10,000,000 in outstanding debt (including this issue) and this issue is over \$1,000,000, the City will be agreeing to provide certain updated Annual Financial Information and its Audited Financial Statement annually, as well as providing notices of the occurrence of certain reportable events to the Municipal Securities Rulemaking Board (the “MSRB”), as required by rules of the Securities and Exchange Commission (SEC). The City is already obligated to provide such reports for its existing bonds, and prepares and files its own reports. The City may continue to prepare and file its own reports or contract with Ehlers to do so.

Arbitrage Monitoring:

The City must ensure compliance with certain sections of the Internal Revenue Code and Treasury Regulations (“Arbitrage Rules”) throughout the life of the issue to maintain the tax-exempt status of the Bonds. These Arbitrage Rules apply to amounts held in construction, escrow, reserve, debt service account(s), etc., along with related investment income on each fund/account.

IRS audits will verify compliance with rebate, yield restriction and records retention requirements within the Arbitrage Rules. The City’s specific arbitrage responsibilities will be detailed in the Tax Exemption Certificate (the “Tax Compliance Document”) prepared by your Bond Attorney and provided at closing.

The Bonds may qualify for one or more exception(s) to the Arbitrage Rules by meeting 1) small issuer exception, 2) spend down requirements, 3) bona fide debt service fund limits, 4) reasonable reserve requirements, 5) expenditure within an available period limitations, 6) investments yield restrictions, 7) de minimis rules, or; 8) borrower limited requirements.

An Ehlers arbitrage expert will contact the City within 30 days after the sale date to review the City’s specific responsibilities for the Bonds. The City is currently receiving arbitrage services from Ehlers in relation to the Bonds.

Investment of Bond Proceeds:

Ehlers can assist the City in developing a strategy to invest your Bond proceeds until the funds are needed to pay project costs.

Risk Factors:

Utility Revenue: The City expects to pay the Bond debt service with:

- Water Revenues

In the event utility revenues are insufficient to pay debt service, the City Council is committing to consider appropriating funds from any other available sources in an amount sufficient to cover the shortfall. If it chooses to do so, the City may levy a tax to make up a shortfall. Any amount levied for this purpose is exempted from levy limits. While the City is not required to appropriate the funds necessary to remedy any shortfall in revenues needed to pay debt service, failure to do so would result in either a lack of access to capital markets in the future, or access at a substantially higher cost.

Other Service Providers:

This debt issuance will require the engagement of other public finance service providers. This section identifies those other service providers, so Ehlers can coordinate their engagement on your behalf. Where you have previously used a particular firm to provide a service, we have assumed that you will continue that relationship. For services you have not previously required, we have identified a service provider. Fees charged by these service providers will be paid from proceeds of the obligation, unless you notify us that you wish to pay them from other sources. Our pre-sale bond sizing includes a good faith estimate of these fees, but the final fees may vary. If you have any questions pertaining to the identified service providers or their role, or if you would like to use a different service provider for any of the listed services please contact us.

Bond Counsel: Quarles & Brady LLP

Paying Agent: U.S. Bank Trust Company, National Association

Rating Agency: This issue will not be rated.

PROPOSED DEBT ISSUANCE SCHEDULE

Pre-Sale Review by City Council:	October 24, 2023
Due Diligence Call to review Official Statement:	Week of November 6, 2023
Distribute Official Statement:	Week of November 13, 2023
Tentative City Council Meeting to Award Sale of the Bonds:	November 28, 2023
Estimated Closing Date:	December 19, 2023

Attachments

Estimated Debt Service Schedule and Sources and Uses of Funds
Water Utility Debt Service Coverage

EHLERS' CONTACTS

Sean Lentz, Senior Municipal Advisor	(651) 697-8509
Brian Reilly, Senior Municipal Advisor	(651) 697-8541
Josh Low, Associate Municipal Advisor	(651) 697-8596
Emily Wilkie, Senior Public Finance Analyst	(651) 697-8588
Beth Mueller, Senior Financial Analyst	(651) 697-8553

City of Ashland, WI

Estimated Debt Service and Capitalization Schedules

\$1,615,000 Water System Revenue Bonds, Series 2023C

Year	Principal	Rate	Interest	Debt Service Reserve	Total P&I
2024					
2025	60,000	4.95%	73,209		133,209
2026	50,000	4.95%	81,978		131,978
2027	50,000	4.95%	79,503		129,503
2028	55,000	4.95%	76,904		131,904
2029	60,000	4.95%	74,058		134,058
2030	60,000	4.95%	71,088		131,088
2031	65,000	4.95%	67,994		132,994
2032	65,000	4.95%	64,776		129,776
2033	70,000	5.00%	61,418		131,418
2034	75,000	5.05%	57,774		132,774
2035	80,000	5.15%	53,820		133,820
2036	80,000	5.20%	49,680		129,680
2037	85,000	5.35%	45,326		130,326
2038	90,000	5.45%	40,600		130,600
2039	95,000	5.55%	35,511		130,511
2040	100,000	5.60%	30,075		130,075
2041	110,000	5.65%	24,168		134,168
2042	115,000	5.70%	17,783		132,783
2043	120,000	5.75%	11,055		131,055
2044	130,000	5.85%	3,803	(134,658)	(855)
Totals	\$1,615,000		\$1,020,519	(\$134,658)	\$2,500,861

Issue Summary	
Key Dates	
Dated Date:	12/19/2023
First Interest Payment:	5/1/2024
First Principal Payment:	5/1/2024
Projected Interest Rates	
Assuming Current GO BQ "Non-Rated" Market Rates + 50 Bps	
True Interest Cost (TIC):	5.64%
All Inclusive Cost (AIC):	6.11%
Sources and Uses	
Sources	Total
Par Amount of Bonds	1,615,000
Transfers from Prior Issue Debt Service Reserve Funds	224,195
Total Sources	\$1,839,195
Uses	
Underwriter's Discount (1.250%)	22,610
Costs of Issuance	57,650
Deposit to Debt Service Reserve Fund (DSRF)	358,853
Deposit to Construction Fund	1,400,000
Rounding Amount	83
Total Uses	\$1,839,195

Exhibit 2

For Discussion Only

City of Ashland, WI

Water Utility - Debt Service Coverage Projection

Year	Revenue Available for Debt Service	REVENUE DEBT AND COVERAGE								G. O. DEBT	TOTAL COVERAGE	
		\$4,350,000	\$442,199	\$345,701	\$1,883,000	\$3,315,000	\$1,615,000	Total Revenue Debt Service	Revenue Debt Coverage	2020 G.O. Prom Note \$700,000	Total Debt Service	Total Debt Coverage
		USDA 1999	SDWL 2008	SDWL 2009	USDA 2016	Water Sys Ref. Bond 2017	Water Sys Ref. Bond 2023					
2022	908,718	239,997	26,541	21,094	66,686	217,545		571,863	1.59	79,437	651,301	1.40
2023	933,106	240,013	26,539	21,092	66,725	220,025		574,393	1.62	78,962	653,355	1.43
2024	933,106	239,993	26,536	21,089	66,751	217,190	133,209	704,768	1.32	78,464	783,231	1.19
2025	933,106	240,027	26,534	21,087	66,764	219,025	131,978	705,414	1.32	78,943	784,357	1.19
2026	933,106	240,003	26,531	21,084	66,763	220,460	129,503	704,344	1.32	79,376	783,721	1.19
2027	933,106	239,911	26,529	21,082	66,750	221,513	131,904	707,687	1.32	78,765	786,452	1.19
2028	933,106	239,940		21,079	66,723	217,275	134,058	679,075	1.37	79,130	758,205	1.23
2029	933,106	239,972			66,684	217,775	131,088	655,518	1.42	78,450	733,968	1.27
2030	933,106	239,996			66,730	217,930	132,994	657,649	1.42	78,748	736,397	1.27
2031	933,106	239,898			66,761	217,688	129,776	654,123	1.43		654,123	1.43
2032	933,106	240,064			66,778	217,075	131,418	655,334	1.42		655,334	1.42
2033	933,106	239,973			66,680	221,035	132,774	660,462	1.41		660,462	1.41
2034	933,106	240,018			66,767	219,555	133,820	660,160	1.41		660,160	1.41
2035	933,106	239,978			66,738	217,710	129,680	654,106	1.43		654,106	1.43
2036	933,106	240,035			66,694	220,395	130,326	657,450	1.42		657,450	1.42
2037	933,106	240,035			66,694	217,598	130,600	654,926	1.42		654,926	1.42
2038	933,106	240,035			66,694	219,300	130,511	656,540	1.42		656,540	1.42
2039	933,106				66,694		130,075	196,769	4.74		196,769	4.74
2040	933,106				66,694		134,168	200,862	4.65		200,862	4.65
2041	933,106				66,694		132,783	199,477	4.68		199,477	4.68
2042	933,106				66,694		131,055	197,749	4.72		197,749	4.72
2043	933,106				66,694		(855)	65,839	14.17		65,839	14.17

Cont'd 2056

	Water Audit 2021	Water Audit 2022
Operating Revenues	2,343,756	2,330,664
Operation & Maintenance	1,004,472	1,027,029
Depreciation	485,153	496,029
Taxes	-	2,256
Operating Expenses	1,489,625	1,525,314
Operating Income	854,131	805,350
Plus: Investment Income	2,796	2,473
Miscellaneous Revenue (Expense)	7,606	10,277
Less: Tax Equivalent	(440,968)	(381,023)
Plus: Depreciation	485,153	496,029
Amount Available for Debt Service	908,718	933,106

SUBJECT: Consider an Ordinance to Amend Chapter 705 (1415) Water Utility Rules, Rates, and Regulations, Ashland City Ordinances (*Clerk*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: City Attorney

EXHIBITS: 1. Proposed Ordinance 2023-1990

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 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:

Chapter 705 (1415) of the Ashland City Ordinances refers to the Water Utility Rules, Rates and Regulations. While reviewing this ordinance, the City Attorney noted that the State Statute referred to in [Section 705.25](#) was outdated and incorrect. It currently reads as below:

[705.25 Charges Are A Lien On Property](#)

All water services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which water services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the City Clerk to be placed on the tax roll for collection as provided by Section [66.069 \(1\)](#) of Wisconsin Statutes.

To maintain accuracy, the Clerk is asking Council to approve an ordinance to amend this chapter to correct the Statute reference, which is [66.0809](#).

Sequential Ordinance No. 2023-1990
Chapter 705 (1415) Water Utility Rules, Rates and Regulations

**ORDINANCE TO AMEND CHAPTER 705 (1415) WATER UTILITY RULES, RATES,
AND REGULATIONS, ASHLAND CITY ORDINANCES**

An ordinance adopted by the Common Council for the City of Ashland at a regular meeting of October 24, 2023, for the purpose of amending Chapter 705 (1415) Water Utility Rules, Rates, and Regulations, Ashland City Ordinances.

Section I:

705.25 Charges are a Lien on Property *shall be amended as follows:*

All water services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which water services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the City Clerk to be placed on the tax roll for collection as provided by Section 66.0809 of Wisconsin Statutes.

Section II:

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

PASSED: October 24, 2023

PUBLISHED: October 31, 2023

Councilperson

ATTEST:

Denise Oliphant, City Clerk

Matthew Mac Kenzie, Mayor

APPROVED AS TO FORM:

Max Lindsey, City Attorney

SUBJECT: Consideration of Revision #2 State Municipal Agreement (SMA), Dated August 16, 2023, for the State Highway 13 Pavement Replacement Project (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
Public Works Director

EXHIBITS: 1. Revision #2 State Municipal Agreement, August 16, 2023

EXPENDITURES REQUIRED: \$ 7,293.00 Additional Design Engineering
\$ 244,770.00 Parking Lanes
\$ 51,850.00 Utilities (Roadway Lighting)
\$ 37,221.00 Sidewalks
\$ 341,134.00 Total Fund 470 Street Improvements

\$809, 935.00 Watermain Replacement Fund 680 Water Utility

\$1,151,069.00 Total City Share of Project Costs

AMOUNT BUDGETED: \$341,134.00 Fund 470 Street Improvements (to be included in 2024 Capital Improvement Plan)
\$809,935.00 WI Safe Drinking Water Loan Project (SDWLP)

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:

At the January 14, 2020 City Council meeting the Council approved a State Municipal Agreement (SMA) for the State Highway 13 Pavement Replacement Project. After further discussions with Wisconsin Department of Transportation (WisDOT), it was determined that WisDOT did not adequately scope the project in the original agreement so at the June 30, 2020 meeting the Council approved revision #1 to the SMA.

WisDOT's project limits are Highway 13 from Butterworth Road to US Highway 2, a length of 3.7 miles. The

connecting highway within the City of Ashland is .81 miles, or 22.1% of the total project length. The proposed roadway improvements include rural resurfacing and urban pavement replacement work along with culverts, water main, storm sewer, concrete curb & gutter, streetlight adjustments, signing, pavement markings, gravel shouldering, and turf restoration. Pavement replacement will result in bicycle lanes and a corresponding reduction in traffic lanes with dedicated turn lanes provided at intersections.

The watermain work is defined by WisDOT as non-participating work and will be 100% municipal funding. This includes water main and water service lateral, including lead replacement, and work from US 2 to 3rd Street and from 6th Street to 11th Street. This work is expected to be completed as part of the WisDOT project.

The WisDOT project is expected to be bid on and awarded for the 2025 construction season.

In the WisDOT project process, it is typical for an SMA to be executed early on to allow for long term project planning and revised as the scope of the project is better developed. Revision #2 to the SMA updates estimated costs and incorporates additional roadway lighting requested by the City. Estimated costs have increased since the SMA was originally developed and additional lighting is proposed from 11th St W to 16th St E (entrance of Northland college). In addition, the watermain and water service lateral replacement work from US 2 to 3rd St was originally excluded from the project but is now being incorporated for ease of construction.

The estimated cost increase for engineering, parking lanes, sidewalks and lighting is \$37,964. The estimated cost and associated scope increase for water main is \$809,935.

The Public Works Department recommends approval of Revision #2 to the State Municipal Agreement. Funds will be reserved for 2025 construction from the fund balance in Fund 470 Street Improvements and Public Works will pursue Wisconsin Department of Natural Resources (WI DNR) funding for the water main work through the Safe Drinking Water Loan Program (SDWLP).

 REVISION #2 STATE/MUNICIPAL FINANCIAL AGREEMENT FOR A STATE- LET HIGHWAY PROJECT <i>This agreement supersedes the agreement signed by the Municipality on July 30, 2020 and signed by DOT on August 4, 2020.</i>	Revision #2 Date: August 16, 2023 Revision #1 Date: May 20, 2020 Date: August 27, 2019 I.D.: 1610-00-07/27/77/80 Road Name: STH 13 Title: Mellen – Ashland Limits: Butterworth Road to USH 2 County: Ashland Roadway Length: 3.657 miles
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The signatory, **City of Ashland**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request: The existing facility is a connecting highway within the City of Ashland for 0.809 miles (from 13th Street W to USH 2), or 22.1% of the total project length of 3.657 miles. The facility is a NHS facility, and is a Federal and State long truck route. The existing pavement has reached the end of its useful life.

Proposed Improvement - Nature of work: The proposed roadway improvements include rural resurfacing and urban pavement replacement work.

Rural resurfacing (Butterworth Road to 360-FT south of 12th Street W.) is proposed to be a 3.25-IN mill and 3.25-IN HMA Overlay. Urban pavement replacement, including parking lanes (From 360-FT south of 12th Street W. to 6th Street) is proposed to be 9-IN of Concrete Pavement, 6-IN of Base Aggregate, and 12-IN of Granular Sub-base. Pavement replacement from 6th Street to USH 2 will be a 9-IN concrete replacement.

Other project work includes culverts, water main, storm sewer, concrete curb & gutter, street-light adjustments, signing, pavement markings, gravel shouldering, and turf restoration. The project is proposed to be staged under traffic utilizing lane closures and flagging operations.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: The City of Ashland will include water main and water services lateral utility work, from 6th Street to 11th Street, at 100% municipal funding. Any sidewalk replacement or repairs necessitated by City utility work will be 100% locally funded. Landscaping will not be included in this project. Should the City desire any future landscaping work, it will be undertaken independently by the City.

TABLE 1: SUMMARY OF COSTS					
PHASE	Total Est. Project Cost	Federal / State Funds	%	Municipal Funds	%
ID 1610-00-07 Preliminary Engineering:					
Plan Development & State Review	\$ 450,000.00	\$ 425,137.00	BAL	\$ 24,863.00	LS*
ID 1610-00-27					
Real Estate Acquisition**	\$ 71,000.00	\$ 71,000.00	100%	\$ -	0%
ID 1610-00-77 Construction:					
General Roadway Construction	\$ 9,157,966.78	\$ 9,157,966.78	100%	\$ -	0%
Parking Lanes***	\$ 244,770.00	\$ -	0%	\$ 244,770.00	100%
City Lighting & Utilities****	\$ 51,850.00	\$ -	0%	\$ 51,850.00	100%
ID 1610-00-80					
Utilities (Water Main)	\$ 809,935.00	\$ -	0%	\$ 809,935.00	100%
Sidewalks*****	\$ 37,221.00	\$ -	0%	\$ 37,221.00	100%
Total Est. Cost Distribution	\$ 10,822,742.78	\$ 9,654,103.78		\$ 1,168,639.00	

*LS = Lump Sum

The total project length is 3.657 miles. The Connecting Highway portion within the City of Ashland is approximately 0.809 miles, or 22.1% of the project. The Municipality share will be 25% of 22.1% of Design Costs.

** Real Estate necessitated by the roadway construction or for ADA curb ramp upgrades will be funded by the State. Acquisition of any parcels within the connecting highway limits will be done by State forces and will be purchased on behalf of the Municipality. Any real estate acquisition for Municipal utility work not necessitated by roadway construction will be funded and acquired by the Municipality.

***Costs for Parking Lanes will be 100% funded by the Municipality.

****Costs for Additional Lighting and Utilities will be 100% funded by the Municipality.

Non-Participating utility costs for Water Main will be 100% funded by the Municipality.

***** Costs for repairs or replacement of sidewalks due to water utility work and not necessitated by roadway construction will be 100% funded by the Municipality.

This request is subject to the terms and conditions that follow (pages 3 – 6) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State, and upon fully executed signature of applicable State Municipal Maintenance Agreement, and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of the City of Ashland		
Name	Title	Date
Signed for and in behalf of the State		
Name	Title	Date

TERMS AND CONDITIONS:

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement that exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement. The State will acquire the real estate necessitated by ADA curb ramp upgrades. Acquisition of parcels within the connecting highway limits will be done with State acting as agent on behalf of the Municipality.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and bridge costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and

traffic signals or devices. Alteration may include salvaging and replacement of existing components.

4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or Facility Owner includes the following items:
 - (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) Design of the City of Ashland water main work (provided by the City or hired consultant):
 1. 60% design plans, specifications and estimates along with the required real estate needs shall be provided by the City of Ashland to WisDOT no later than 7/1/2022. (4 months prior to DSR)
 - a. WisDOT will review and provide comments on the required documents. Updates to the documents shall be provided one month from when WisDOT provides the City of Ashland comments.
 2. 100% complete design plans, specifications and estimates shall be provided by the City of Ashland to WisDOT no later than 1/2/2024. (4 months prior to PSE)
 - a. WisDOT will review and provide comments on the required documents. Updates to the documents shall be provided one month from when WisDOT provides the City of Ashland comments.
 - (c) Real estate acquisition not necessary for roadway construction or ADA sidewalk. The Municipality shall pursue acquisition of any construction permits or temporary limited easements for any real estate needed for utility work.
 - (d) New installation or replacement of sidewalks not necessitated by roadway construction or for ADA compliance.
 - (e) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (f) Roadway and bridge width in excess of standards.
 - (g) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (h) Parking lane costs.
 - (i) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
 - (j) Damages to abutting property due to change in street or sidewalk widths, grades or drainage within the connecting highway portion of the project.
 - (k) Conditioning, if required and maintenance of detour routes.
 - (l) Repair of damages to roads or streets caused by reason of their use in hauling materials incidental to the improvement.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
7. The work will be administered by the State and may include items not eligible for federal/state participation.
8. The Municipality shall at its own cost and expense:
 - (a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory

requirements, in a manner satisfactory to the State and shall make ample provision for such maintenance each year. This agreement does not remove the current municipal maintenance responsibility.

- (b) Maintain all items outside the travel lane along the project, to include but not limited to parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, landscaping features and amenities.
- (c) Maintain and accept responsibility for the energy, operation, maintenance, repair, and replacement of the lighting system.
- (d) Maintain and accept responsibility for the energy, operation, maintenance, repair, and replacement of the traffic signal systems at the STH 13 and Main Street intersection and at the STH 13 and USH 2 intersection.
- (e) Prohibit angle parking.
- (f) Regulate parking along the highway. The Municipality will file a parking declaration with the State.
- (g) Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
- (h) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
- (i) Provide complete plans, specifications, and estimates for the water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the storm sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
- (j) Coordinate with the State on changes to highway access within the project limits.
- (k) In cooperation with the State, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.

9. Basis for local participation:

- (a) 1610-00-07 Design: Design costs for connecting highway are 75% funded with Federal/State funds when the Municipality provides the remaining 25%, based on the Department's policy for connecting highways. The portion of the project that is connecting highway is 22.1% (13th Street West to USH 2). Based on total estimate design costs of \$450,000, the Municipality will contribute a lump sum payment of \$24,863.
- (b) 1610-00-27 Real Estate: Real estate acquisition necessitated by the roadway construction for ADA curb ramps will be state/federally funded. The State will purchase on behalf of the Municipality for any acquisitions within the connecting highway limits. Any acquisition attributable to local need for utility work will be funded by the Municipality.
- (c) 1610-00-77 Construction: There is no cost share for the general roadway construction.
 - i. Parking Lanes: Costs for parking lanes from 6th Street to 350 feet south of 12th Street West will be funded 100% by the Municipality.
 - ii. City Lighting and Utilities: Costs for additional City lighting and adjustment/replacement of sanitary sewer manhole covers and water valves will be funded 100% by the Municipality.
- (d) 1610-00-80 Non-Participating Construction:

- i. Costs for City of Ashland water main utilities are ineligible for state/federal funding and will be 100% funded by the Municipality.
 - ii. Sidewalks: Replacement of sidewalks not necessitated by the roadway construction and due to City water utilities will be funded 100% by the Municipality.
- (e) The estimated costs shown on the funding table on page 2 of this document are based on preliminary data and may change significantly when based on completed bid documents and plans. Final local cost share will be determined by utilizing the stated cost share percentages applied to the actual cost of the phase/item.

[END]

SUBJECT: Consider a Resolution in Support of the Vaughn Public Library Renovation (*Library Director*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Library

CLEARANCES: Approved by Committee of the Whole, September 12, 2023

EXHIBITS: 1. Proposed Resolution 17744

EXPENDITURES REQUIRED: The specific amount of the general obligation bond to fund the library renovation will be determined when bids are complete in 2024. An estimate or target of \$4.2M - \$4.4M is expected.

AMOUNT BUDGETED: This funding is outside the general fund budget.

APPROPRIATION REQUIRED: The specific amount of the general obligation bond to fund the library renovation will be determined when bids are complete in 2024. An estimate or target of \$4.2M - \$4.4M is expected.

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 Common Council of the City of Ashland hereby supports the renovation of the Vaughn Building; acknowledging the obligation of the Common Council of the City of Ashland to be stewards of municipal assets and understanding a revitalized Vaughn Building is an essential part of re-making Downtown into a play, work, stay space attractive to all generations and one of the priorities of Ashland's Comprehensive Plan.

SUMMARY STATEMENT:

The Council met as Committee of the Whole on September 12, 2023 and unanimously approved to move forward to assist in funding the Vaughn Public Library Renovation Project.

RESOLUTION No. 17744

RESOLUTION IN SUPPORT OF THE VAUGHN PUBLIC LIBRARY RENOVATION

WHEREAS, as November 1888, the Vaughn Building opened with a free library on the second floor and commercial space on the first floor. Over the years, a variety of commercial tenants have existed in the building. But, for the last 135 years, the public library has been and continues to be the heart of the building on the corner of Vaughn and Main; and

WHEREAS, the last capital investment in the building was in the early 1980s. This plan created space for an elevator, shifted the entrance to Vaughn Ave, reduced the size of the children's area, enclosed the stairway connecting the first and second floor and added a series of small rooms to accommodate the Historical Museum on the second floor; and

WHEREAS, after 40 years of public use, the Vaughn Building is again in need of capital investments to address failing systems and best meet changing community use of the building. A 2018 structural and mechanical analysis of the building concluded the electrical, plumbing, lighting and HVAC systems and the windows are all due for replacement. The study also confirmed the capacity of second floor structures to support library material shelving. Based on professional and public input, Engberg Anderson Architects, led by Alexandra Ramsey, have designed schematic floor plans for a three-floor renovation, and including a cost estimate; and

WHEREAS, features of the renovation begin with basic capital improvements; addressing code compliance, introducing energy efficiencies, waterproofing the foundation, adding fire protection, electrical service upgrades, tuckpointing and life-cycle window replacement. All these improvements contribute to the health, safety, security and sustainability of the Vaughn Building; and

WHEREAS, to further invest in the Vaughn as a destination library and a cornerstone of the Historic 2nd Street District, the renovation design includes plans to reopen the Main Street entrance and move the Vaughn entrance to its original place under the brownstone arch. A central open stairway connecting the first and second floors will welcome everyone to all parts of the building, making better use of the building space, and

WHEREAS, it is understood the continued deferred maintenance of essential Vaughn Library building systems will result in costlier replacements over time, loss of public dollars due to heating, cooling and lighting inefficiencies and at worst will create an expensive, cobbled approach to addressing crisis repairs.

THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Ashland hereby supports the renovation of the Vaughn Building; acknowledging the obligation of the Common Council of the City of Ashland to be stewards of municipal assets and understanding a revitalized Vaughn Building is an essential part of re-making Downtown into a play, work, stay space attractive to all generations and one of the priorities of Ashland's Comprehensive Plan.

FURTHER BE IT RESOLVED, that the Common Council of the City of Ashland commits to funding the essential library services or phase one of the renovation plan with the understanding private and public fundraising will be leveraged to fund phase two, including an entrance on Main Street.

PASSED: October 24, 2023

Attest:

Councilperson

Denise Oliphant, City Clerk

Mathew MacKenzie, Mayor

Approved as to Form:

Max Lindsey, City Attorney

SUBJECT: Consideration of a Resolution to Approve a Preliminary and Final Condominium Plat for the Property at 806 and 808 Main Street West (Parcels # 201-00198-0000 and 201-00199-0000), Zoned City Center (CC) (*Planning Director*) Roll

RECOMMENDATION: Staff recommends Preliminary and Final Plat APPROVAL of the Condominium Plat proposed for the 806 and 808 Main Street West properties contingent on the following conditions:

1. Applicant to meet any requirements of the Water Utility and any other utilities for metering.
2. Applicant to submit a copy of the recorded plat to City staff once it is recorded at the Ashland County Register of Deeds.

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Plan Commission (Approved 10/17/2023)

EXHIBITS:

1. Proposed Resolution 17743
2. Deepwater Grill Combined Plat Flat
3. Plan Commission Staff Report, October 17, 2023 - Deepwater Condo Plat

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 existing property is a mixed-use development with commercial bar and restaurant uses on the ground floor and residential units on the second and third floors. The subject development includes parking in the rear. The existing land uses are consistent with the recommendations laid out in the Future Land Use Map (FLUM) of the Comprehensive Plan. The Downtown Core & Commercial Districts land use calls for mixed use development when possible. No changes are proposed to the existing land uses. The Condominium Plat is only intended to divide ownership of the subject property according to the different uses.

SUMMARY STATEMENT:

Pete Nelson of Nelson Surveying requests Preliminary and Final Plat review and approval of a Condominium Plat for the property at 806 and 808 Main Street West. The intent of this plat is to divide ownership of the restaurant, bar, and Alley businesses from the apartments on the second and third floors. No site modifications are planned.

RESOLUTION No. 17743

RESOLUTION TO APPROVE A FINAL CONDOMINIUM PLAT FOR PROPERTY AT 806 AND 808 MAIN STREET WEST, ASHLAND, PARCELS # 201-00198-0000 AND 201-00199-0000, ZONED CITY CENTER (CC), APPLICANT: PETER NELSON

WHEREAS, the Common Council of the City of Ashland is authorized to approve Final Plats; and

WHEREAS, the applicant has requested a Preliminary and Final Plat Approval per Chapter 781, Ashland City Ordinances, for a Condominium Plat for the properties at 806 and 808 Main Street West (Parcels # 201-00198-0000 and 201-00199-0000), zoned City Center (CC); and

WHEREAS, the Plan Commission held a Public Hearing on October 17, 2023 and has recommended approval of the Final Condominium Plat with the following conditions:

Staff and the Plan Commission recommend APPROVAL of the Final Condominium Plat contingent on the following conditions:

- Applicant to meet any requirements of the Water Utility and any other utilities for metering.
- Applicant to submit a copy of the recorded plat to City staff once it is recorded at the Ashland County Register of Deeds.

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

PASSED: October 24, 2023

Attest:

Alderperson Signature

Denise Oliphant, City Clerk

Matt MacKenzie, Mayor

Approved as to Form:

Max Lindsey, City Attorney

FOR APPLICANT:

Applicant understands and accepts the conditions of approval for the Final Condominium Plat 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

DEEPWATER GRILL CONDOMINIUM

A CONDOMINIUM PLAT OF THE WEST 75 FEET OF LOTS 4, 5, AND 6, AND THE WEST 25 FEET OF THE EAST 75 FEET OF LOTS 4, 5 AND 6, BLOCK 25 OF ASHLAND CITY PROPER, CITY OF ASHLAND, ASHLAND COUNTY, WISCONSIN

UTILITIES LEGEND

- STORM SEWER GRATE
- A/C UNIT
- LIGHT POLE
- STEEL PLATE
- BALLARD
- SIGN
- WATER VALVE
- EXHAUST FAN/BLOWER
- ELECTRIC PANEL
- GAS REGULATOR/METER
- UTILITY PEDESTAL
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- OVERHEAD ELECTRIC LINE
- MANHOLE COVER
- TRAFFIC DIRECTION ARROW
- PARKING STRIPES

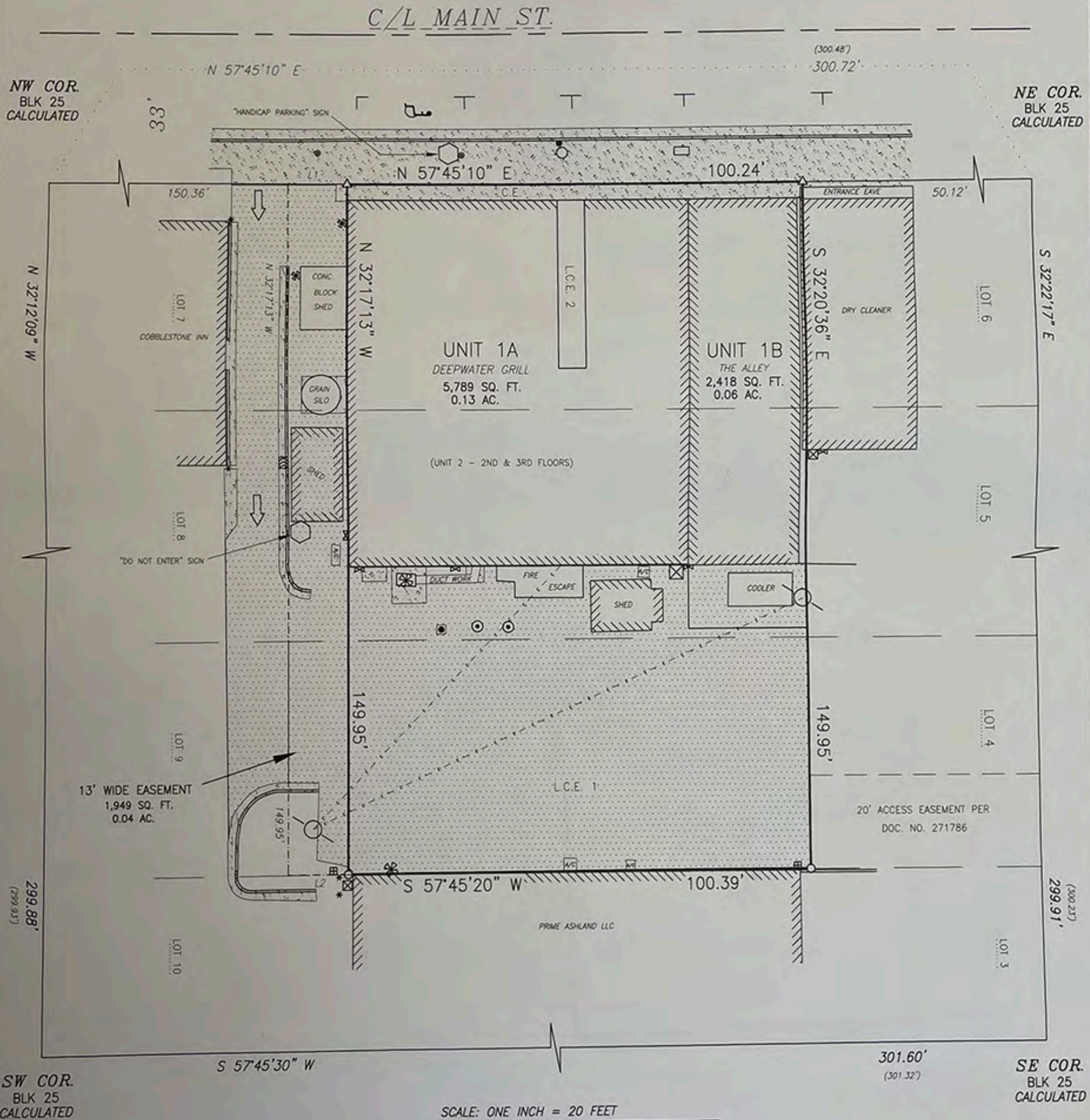
TOTAL AREA
15,042 SQ. FT.
0.35 AC.

LIMITED COMMON ELEMENT TOTAL = 6,485 SQ. FT., 0.15 AC.
COMMON ELEMENT TOTAL = 351 SQ. FT. 0.01 AC.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 57°45'20" W	13.00'
L2	N 57°45'10" E	13.00'

BEARINGS ARE REFERENCED TO
THE NORTH LINE OF BLOCK 25,
WHICH BEARS N 57°45'10" E



SCALE: ONE INCH = 20 FEET



LEGEND

- FOUND MONUMENT, AS NOTED
- 1" X 18" IRON PIPE (IP), SET THIS SURVEY
- △ MAGNAIL, SET THIS SURVEY
- () RECORDED INFORMATION

PIPE DIMENSIONS ARE OUTSIDE DIAMETER

CLIENT: MARK GUTTETER

JOB NO.: N23/142

SCALE: ONE INCH = 20 FEET

DATE: 8/28/2023

FIELD WORK COMPLETED: 8/23/2023

FILE: N/ASHLAND/ASHPROP/BLK25

ACAD: N23_142_GUTTETER

PSDATA: N23_142

NB. 424A PG. 118

DRAFTED BY: TZB

SHEET 1 OF 4 SHEETS

NELSON
SURVEYING
INCORPORATED

SURVEYING YOUR NECK OF THE WOODS SINCE 1954

101 W. MAIN STREET
ASHLAND, WISCONSIN 54806
(715) 682-2692
WWW.NELSONSURVEYING.COM

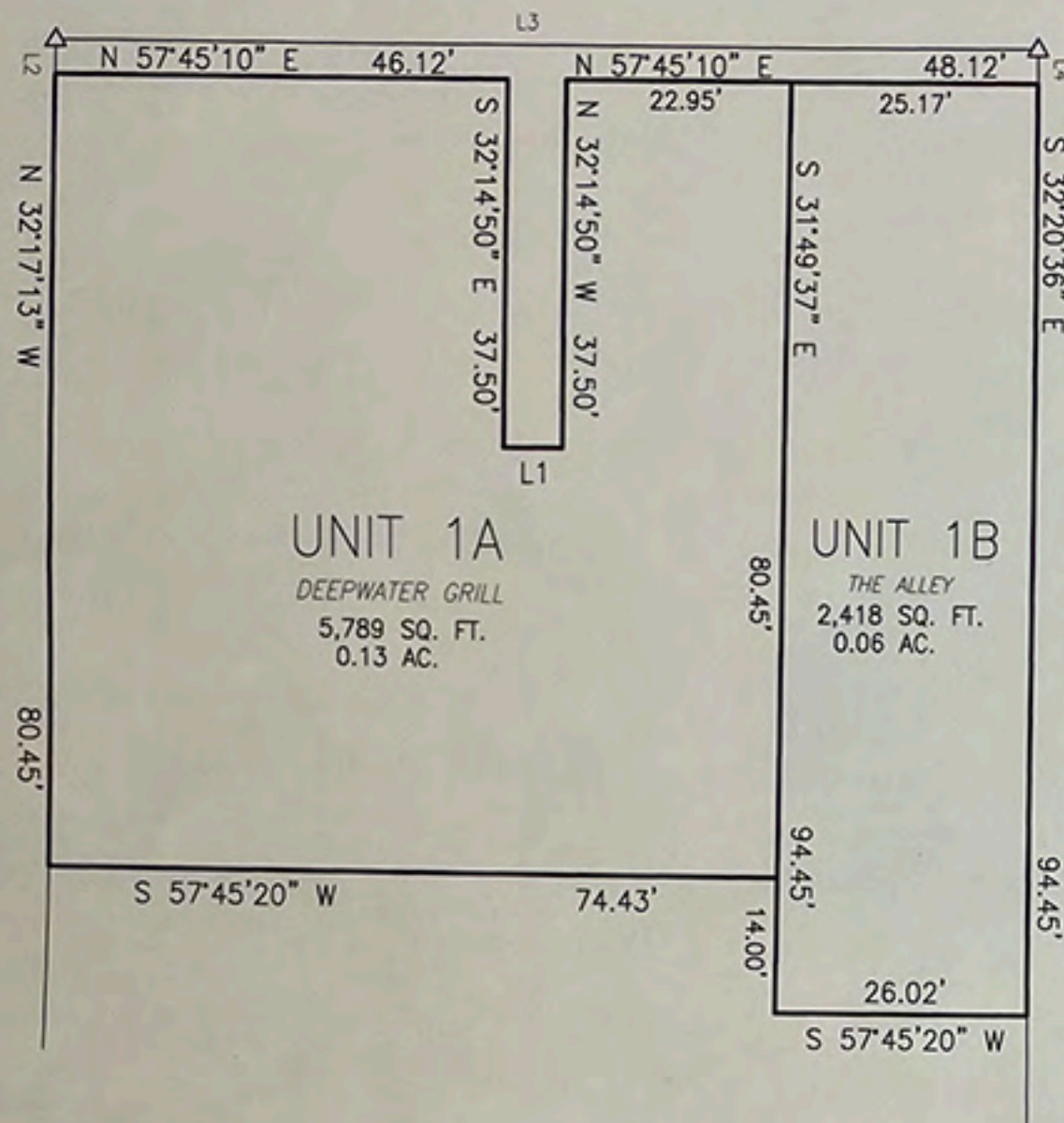
MAP NO. 5504

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UNIT 1 DETAIL

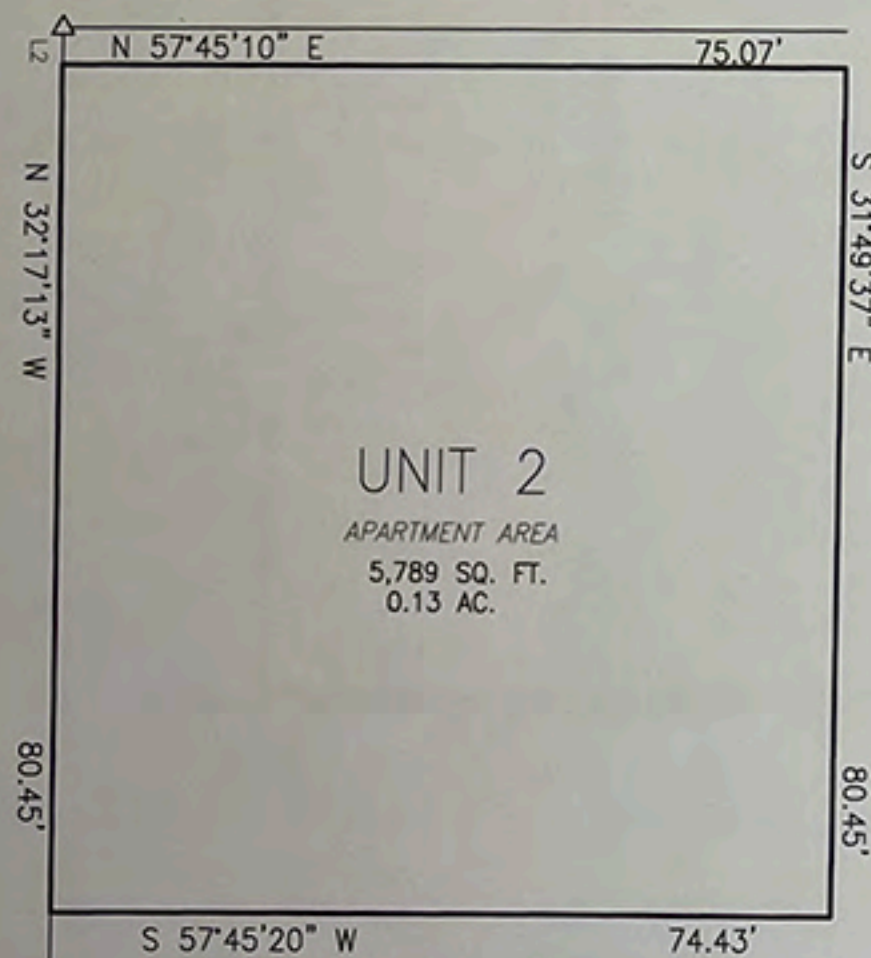


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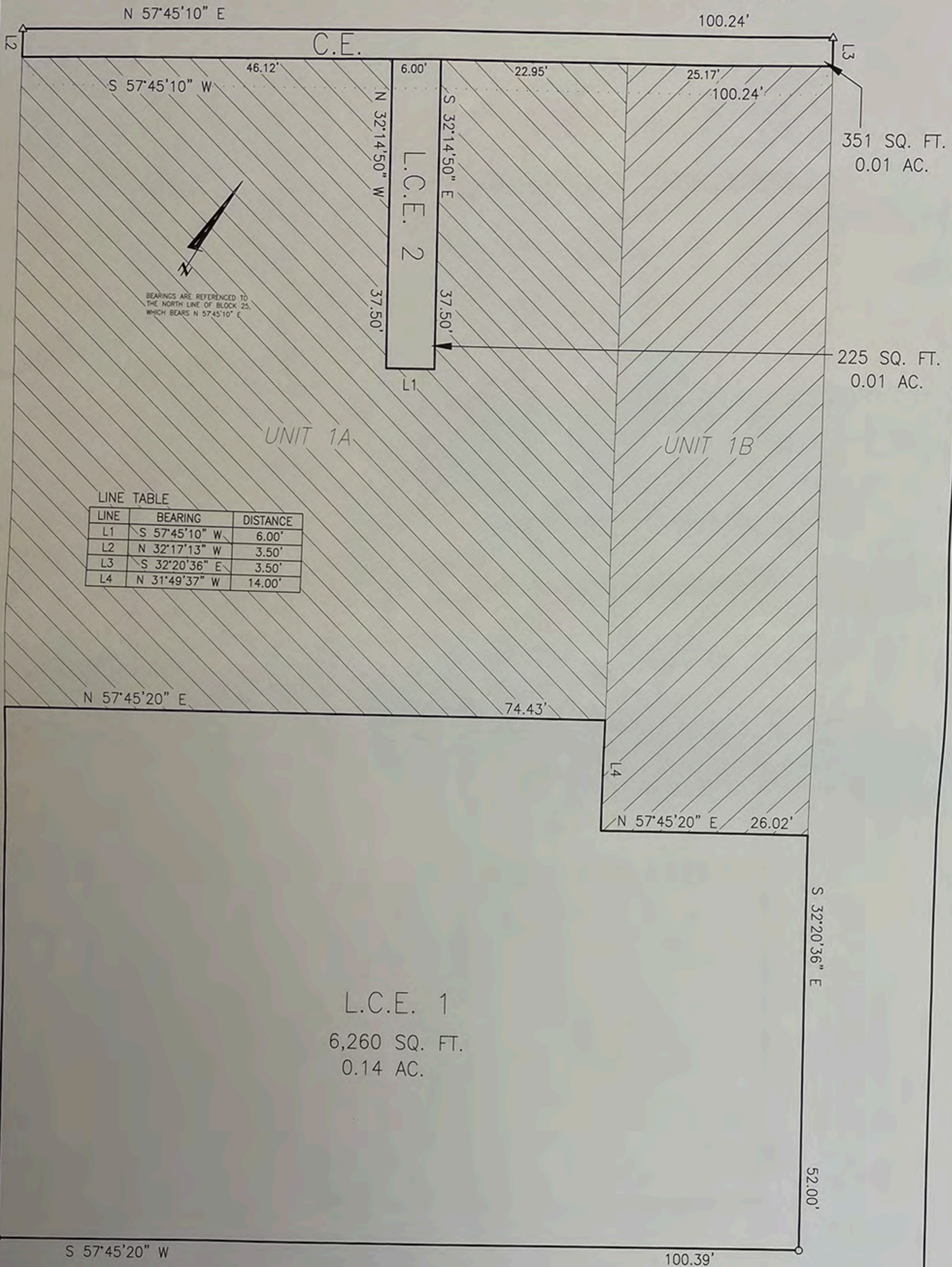
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SURVEYOR'S CERTIFICATE

I, PETER A. NELSON, PROFESSIONAL LAND SURVEYOR IN THE STATE OF WISCONSIN, HEREBY CERTIFY:

THAT ON THE ORDER OF MARK GUTTETER, I HAVE SURVEYED AND MAPPED DEEPWATER GRILL CONDOMINIUM, THE WEST 75 FEET OF LOTS 4, 5 AND 6, AND THE WEST 25 FEET OF THE EAST 75 FEET OF LOTS 4, 5 AND 6, BLOCK 25 OF ASHLAND PROPER, CITY OF ASHLAND, ASHLAND COUNTY, WISCONSIN;

SAID PARCEL CONTAINS 15,0452 SQUARE FEET, WHICH IS 0.35 ACRE.

SAID PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD OR USE, IF ANY.

THAT SAID SURVEY AND PLAT FULLY COMPLY WITH THE PROVISIONS OF CHAPTER 703 OF THE WISCONSIN STATUTES, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE CITY OF ASHLAND UNIFORM DEVELOPMENT ORDINANCE.

THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE DEEPWATER GRILL CONDOMINIUM AND THE IDENTIFICATION OF EACH UNIT AND COMMON ELEMENTS CAN BE DETERMINED FROM THE PLAT; AND

THAT SAID SURVEY AND PLAT ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PETER A. NELSON _____ DATED THIS _____ DAY OF _____, 2023
PLS - 3071

CITY OF ASHLAND PLANNING & DEVELOPMENT DEPARTMENT

THIS PLAT IS HEREBY APPROVED BY THE CITY OF ASHLAND PLANNING AND DEVELOPMENT DEPARTMENT.

_____ DATED THIS _____ DAY OF _____, 2023
STEVEN WILEY
DIRECTOR OF PLANNING & DEVELOPMENT

RECORDING CERTIFICATE

STATE OF WISCONSIN)
COUNTY OF ASHLAND)

THIS PLAT WAS RECEIVED FOR RECORDING ON THE _____ DAY OF _____, 2023

AT _____ M. AND IS RECORDED IN VOLUME _____ OF CONDOMINIUM PLATS ON PAGES _____.

JULIE GLEESON
ASHLAND COUNTY REGISTER OF DEEDS

CERTIFICATES

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

STAFF REPORT

Plan Commission – October 17th, 2023

Agenda Item # 6a: Preliminary and Final Plat Review for a Condominium Plat

Zoning District: City Center (CC)

Property Address: 806 and 808 Main Street West

Parcel #: # 201-00198-0000 and 201-00199-0000

Applicant: Peter Nelson

Staff Contact: Steven Wiley

Background

Pete Nelson of Nelson Surveying requests Preliminary and Final Plat review and approval of a Condominium Plat for the property at 806 and 808 Main Street West. The intent of this plat is to divide ownership of the restaurant, bar, and Alley businesses from the apartments on the second and third floors. No site modifications are planned.

The subject sites of 806 and 808 Main Street West are approximately 0.086 and 0.258 acres (3,746 and 11,238.5 sq. ft.) respectively located on the western end of the Main Street commercial district. The condominium plat will allow for separate ownership of various spaces in the buildings on the subject site.

Existing Land Use	Zoning
Mixed Use – Commercial bars and restaurant, Residential Apartments	City Center (CC)

Existing Uses		Zoning
North	Commercial – Convenience Store and Fuel Station	City Center (CC) with Gateway Overlay (GTWY-O)
South	Commercial – Retail Store	City Center (CC)
East	Commercial – Laundry/Cleaners and Tool Sales and Service	City Center (CC)
West	Commercial - Hotel	City Center (CC)

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



The two subject properties are outlined in red in the above aerial.

Standards for Preliminary Plat Review

The City of Ashland's Unified Development Ordinance Section 3.23 (C) Preliminary Plat Approval Criteria (and all subsections thereof), create the legal framework for approving Preliminary Plats for the City of Ashland. The following decision criteria were used to review the submitted Condominium Plat:

1. Complete Application

The applicant submitted a complete application with the draft Condominium Plat and explained the reasoning for the proposed Condominium Plat. The Plat itself has the information necessary for staff, the Plan Commission, and the Common Council to review. The plat was drawn by a licensed surveyor and has a legal description, legend, scale, details, and areas of the portions of the subject property to be split into condominium units. Identification of each unit and common elements of the property are clear in the proposed Plat.

2. Consistency with Provisions of the Unified Development Ordinance and State Law

The Condominium Plat is consistent with Chapter 703 of the Wisconsin Statutes, Chapter A-E 7 of the Wisconsin Administrative Code, and City of Ashland Uniform Development Ordinance.

3. Consistency with City's Comprehensive Plan and other Adopted Plans and Standards

The UDO mentions consistency with the Comprehensive Plan and other plans as they relate to the City's current and future streets, sidewalks, bike lanes, alleys, parks, and public utility facilities.

The existing property is a mixed-use development with commercial bar and restaurant uses on the ground floor and residential units on the second and third floors. The subject development includes parking in the rear. The existing land uses are consistent with the recommendations laid

out in the Future Land Use Map (FLUM) of the Comprehensive Plan. The Downtown Core & Commercial Districts land use calls for mixed use development when possible. No changes are proposed to the existing land uses. The Condominium Plat is only intended to divide ownership of the subject property according to the different uses.

4. Extension, Improvement, or Widening of City roads

The extension, improvement, or widening of City roads, taking into account access to and extension of sewer, water and storm sewer mains and the instrumentality of public utilities.

The Condominium Plat does not include alterations to existing City infrastructure such as streets, sidewalks, bike lanes, alleys, parks, and public utility facilities. No extension, improvement, or widening of City streets or infrastructure are planned.

5. Preliminary Plat Promotes the Public Health, Safety, and General Welfare

The UDO includes a criterion of approval that a Preliminary Plat promotes the public health, safety, and general welfare; furthers the orderly layout and use of land; provides a balanced density of land, provides beneficial street layout and traffic flows; provides for adequate light and air; facilitates adequate provisions for water, sewerage, storm water management, and other public requirements; provides for proper ingress and egress; and promotes proper monumenting of land subdivided and conveyancing by accurate legal descriptions;

The intent of the section mentioned above is generally for subdivision plats. Since the proposed plat is a Condominium Plat intended to divide ownership of an existing property staff does not have concerns here.

6. Service by Public Improvements and Infrastructure

The tract of land subject to the application is adequately served by public improvements and infrastructure (as required by this Ordinance), or will be adequately served upon completion by the applicant of required improvements;

The subject property at 806 and 808 Main Street West is an existing mixed-use development already served by existing street and utility infrastructure. Staff does not have concerns here.

7. Schedule for Phasing of Improvements

The Plat submitted for review is a Condominium Plat and no changes are proposed to the subject properties other than dividing the property into condominium units to allow for separate ownership. This section is not applicable here.

FUTURE LAND USE PLAN



Final Plat Review

The UDO outlines the process for Final Plat Review. In the case of most subdivision plats, the Preliminary and Final Plat Reviews would occur separately. The staff and the Plan Commission would review the Preliminary Plat and approve it if the requirements of the WI Statutes, WI Administrative Code, and UDO are met. From there the developer and surveyor would finalize the Plat and submit for staff, Plan Commission, and Common Council review. In the case of this Condominium Plat, there is enough information in the submission for the reviews to occur simultaneously. The only change proposed with this plat is to divide ownership of the subject properties by splitting the properties into condominium units.

Planning staff has forwarded on the draft plat to the Public Works Director, Fire Chief, Police Chief, and Wastewater Operations Manager. The Fire Chief and Police Chief do not have concerns with the Condominium Plat as proposed. The Public Works Director explained that his only concern would be water metering so staff is seeking input from the Water Utility. Staff also inquired with the Wisconsin Department of Administration (DOA) on whether a DOA review is required. The DOA informed staff that they do not review condominium plats so nothing needs to be sent to them.

Final Plat Approval Criteria

The UDO provides that a final plat shall be approved if it meets the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient to allow adequate review and final action; and
2. The final plat must be consistent with the approved preliminary plat and all of the approval criteria of the preliminary plat.

In the case of the draft Condominium Plat submitted, staff is of the opinion that there is enough information for the Plan Commission to conduct a preliminary and final plat review together and forward a recommendation onto the City Council for review.

Review Recommendation

Staff recommends Preliminary and Final Plat APPROVAL of the Condominium Plat proposed for the 806 and 808 Main Street West properties contingent on the following conditions:

- Applicant to meet any requirements of the Water Utility and any other utilities for metering.
- Applicant to submit a copy of the recorded plat to City staff once it is recorded at the Ashland County Register of Deeds.

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. A Class 2 public hearing notice was issued on October 6th & October 10th 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.

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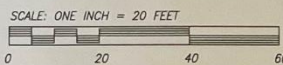
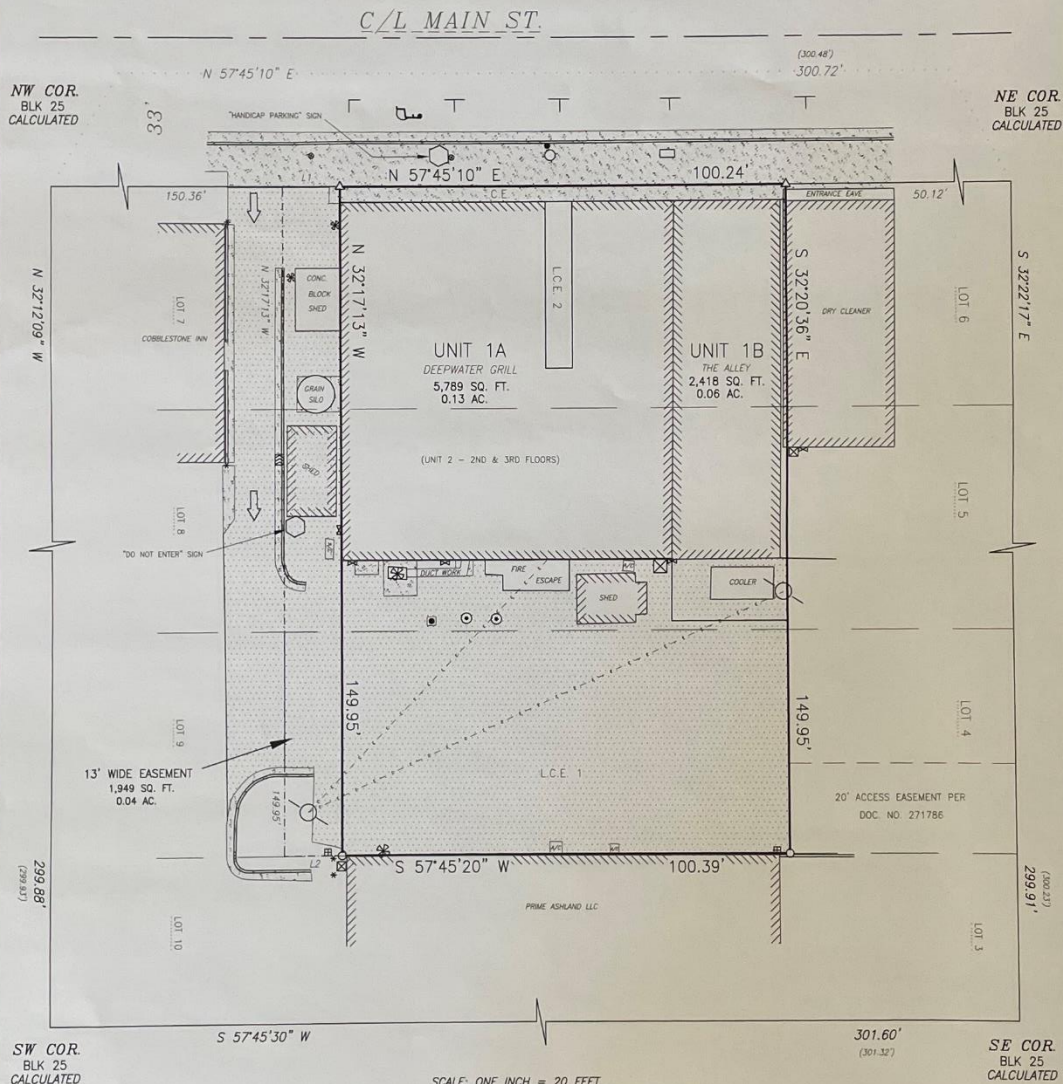
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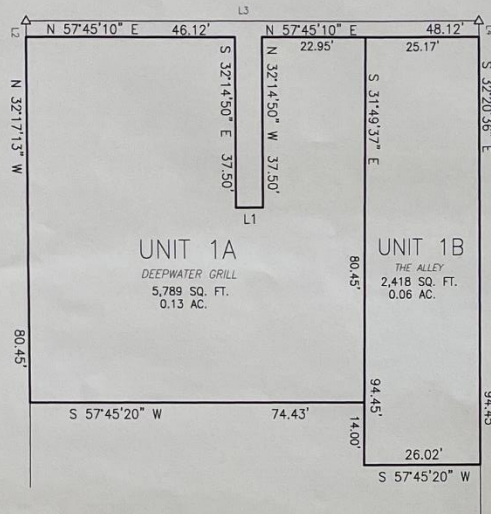
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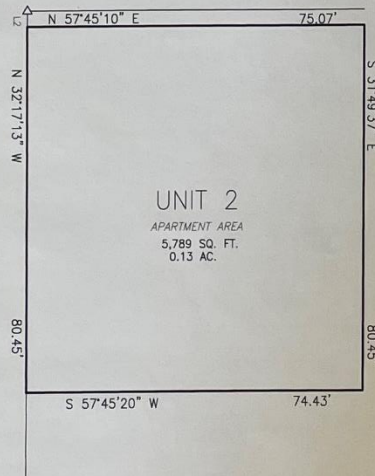
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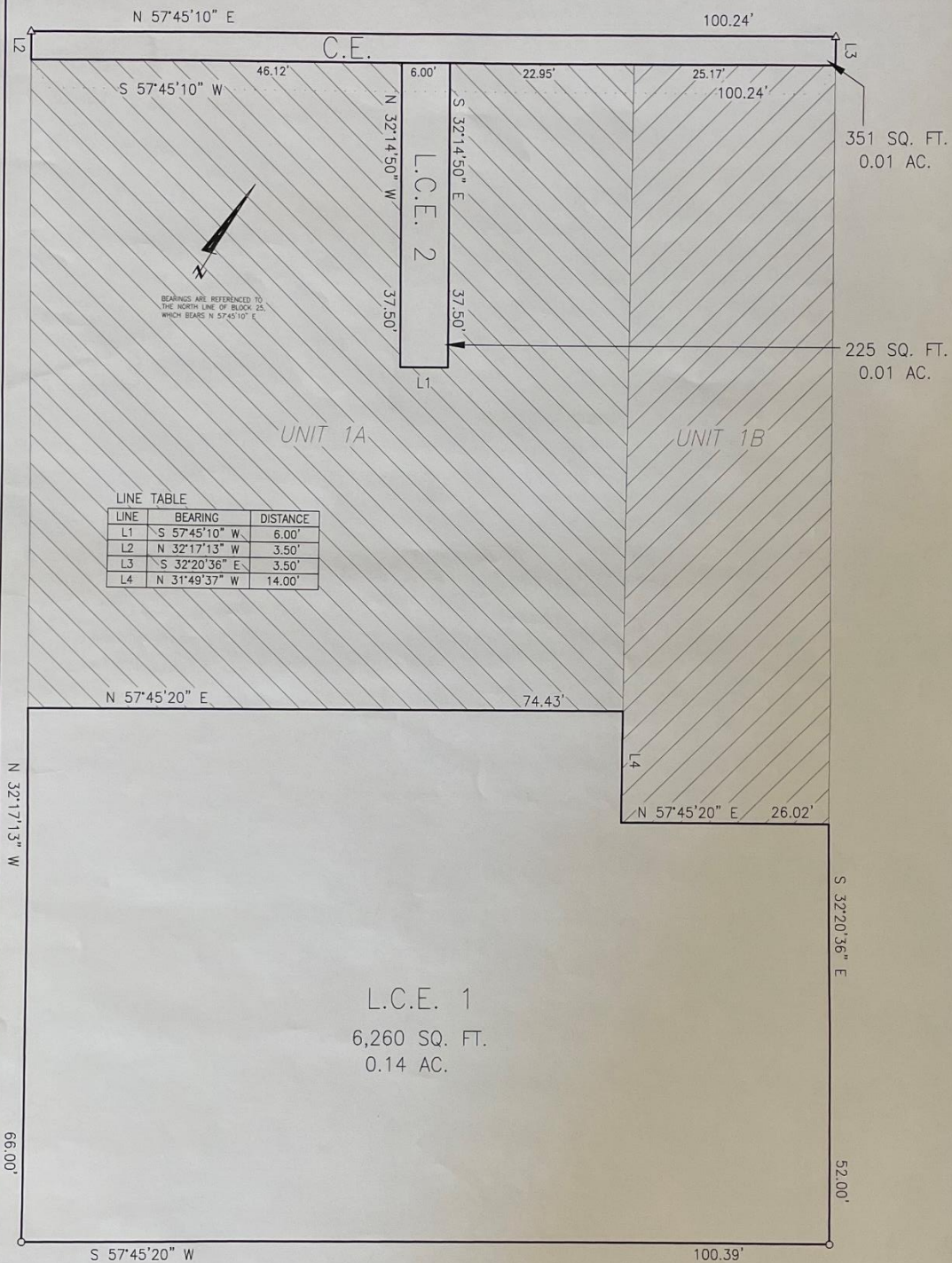
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PETER A. NELSON _____ DATED THIS _____ DAY OF _____, 2023
PLS - 3071

CITY OF ASHLAND PLANNING & DEVELOPMENT DEPARTMENT

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_____ DATED THIS _____ DAY OF _____, 2023
STEVEN WILEY
DIRECTOR OF PLANNING & DEVELOPMENT

RECORDING CERTIFICATE

STATE OF WISCONSIN)
COUNTY OF ASHLAND)

THIS PLAT WAS RECEIVED FOR RECORDING ON THE _____ DAY OF _____, 2023

AT _____ M. AND IS RECORDED IN VOLUME _____ OF CONDOMINIUM PLATS ON PAGES _____.

JULIE GLEESON
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