Ashland City Council Meeting
Tuesday, February 13, 2024 – 6:00 PM
601 Main Street W. Ashland WI 54806

Take notice that the City of Ashland Common Council will meet in person in the City Hall Council Chambers, 601 Main Street W. Ashland, WI with the availability to attend virtually, 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, February 13, 2024 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. **January 30, 2024 City Council and Committee of the Whole Meeting Minutes**

4. CITIZEN PARTICIPATION PERIOD

5. MAYOR’S REPORT

A. **Announcements**

6. CONSENT AGENDA

A. **Approve to Hire a Part Time Laborer for the Water/Wastewater Utility** *(Public Works)*

B. **Approve an Agreement for Professional Services between the City of Ashland and Short Elliott Hendrickson Inc. (SEH) for the 2024 Water System Hydraulic Model Creation and Calibration** *(Public Works)*

C. **Miscellaneous Minutes**

7. OLD BUSINESS

A. **Approve a Resolution to Submit an Application to the Wisconsin Department of Natural Resources for State and Federals Aide for Recreation and Natural Resource Management Purposes** *(Parks and Recreation)* Roll

B. **Approve a Resolution to Vacate Undeveloped Right of Way Located at that Portion of 28th Avenue East between Lots Nine (9), Ten (10), and Eleven (11), and Lots One (1), and Two (2), Block Ninety-Seven (97) in the Lake Shore Addition to the North Line of Toll Road; Applicant Kevin Haas** *(Planning)* Roll

C. **Approve a Resolution to Approve a Request to Transfer City-Owned Property Parcels No. 201-03742-0000, 201-03743-0000, and 201-03744-0000, Zoned Single-Family Residential (R-1). Applicant: Kevin Haas** *(Planning)* Roll

D. **Approve a Resolution to Approve to Submit a Wisconsin Economic Development Corporation (WEDC) Community Development Investment (CDI) Grant Application to financially Assist with the 514 Main Street West Adaptive Reuse Project** *(Planning)* Roll

E. **Approve to Award a Contract to Republic Services, Inc. for Garbage and Recycling Service Provider for the City of Ashland** *(Administration)* Roll

F. **Approve an Ordinance to Amend Chapter 279 (1838) Citations for Violation of City Ordinances, Ashland City Ordinances** *(Administration)* Roll

G. **Approve an Ordinance to Amend Chapter 544 (1026) Vehicular Stopping and Parking, Ashland City Ordinances** *(Administration)* Roll

H. **Approve an Ordinance to Amend Chapter 51 (1814) City Council Procedure, Ashland City Ordinances** *(Clerk)* Roll

8. NEW BUSINESS

A. **Consideration to Approve a Resolution to Establish Water PropertyTax Equivalent for Water Utility, City of Ashland, Ashland and Bayfield Counties, Wisconsin** *(Public Works)* Roll

B. **Consideration of an Ordinance to Amend Chapter 194 (1848) Procurement of Goods and Services and Approval of Change Orders for Public Construction Projects** *(Clerk)* Roll

C. **Consideration of an Appointment of Successor Agent for Black Bears Hotel C, LLC dba Chequamegon Grille at 101 Lake Shore Drive West, Ashland, Applicant Natalie Skinnes** *(Clerk)* Voice

D. **Consideration of an Original Alcohol Beverage license Appliation for Frankie's Family Pizza, LLC dba Frankies Pizza at 1317 Lake Shore Drive East, Ashland, and Agent Michael Welty** *(Clerk)* Voice

9. CLOSED SESSION

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)***

B. **Return to Open Session**

C. **Report of Action Taken During Closed Session** *Council may return to Open Session and take action on any item discussed in Closed Session.*

10. ADJOURNMENT

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

NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact 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, January 30, 2024 – 6:00 PM
Ashland City Hall Council Chambers

1. CALL TO ORDER

The Tuesday, January 30, 2024 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 Tochterman, Andrew Goyke, James Gregoire, 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, Utility Supervisor Brian Ledin, Planning Director Steven Wiley, Library Director Sarah Adams, Finance Director Julie Vaillancourt, Parks Director Sara Hudson, Administrative Assistant Chianne Schweitzer, and other interested citizens.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

A. **January 9, 2024 City Council and Committee of the Whole Meeting Minutes**
Seefeldt moved, seconded by Goyke to approve the minutes. The motion carried unanimously by voice vote.

4. CITIZEN PARTICIPATION PERIOD

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

Zygmund Jablonski, 916 6th Avenue West, spoke of the proposed construction of an office at the Bretting Community Center.

5. MAYOR'S REPORT

A. **Presentation from Millie Rounsville, Executive Director of Northwest Wisconsin Community Services Agency to Update Council on the Homeless Shelter and Transition Housing Facility at 2300 Lake Shore Drive West, Ashland**

Executive Director Millie Rounsville offered a presentation to Council on the progress of the homeless shelter.

B. **Announcements**

Mac Kenzie noted that the Councilors were given mailings from Ashland County regarding a notice of a change of judge for a recent claim, results of a survey conducted by Ashland County related to the impact of alcohol policies in Northern Wisconsin, and a campaign asking for the community to submit photos of the area to be posted in City Hall. Work underneath the sidewalk in front of 514 Main Street West is complete. Workers at the Goodwill store found a hand grenade among some donations which required the Ashland County Bomb Squad to be called in. Wal-Mart is preparing for a major remodeling project, and the Superior Choice Credit Union held a Grand Re-Opening as their renovation project is complete.

C. **Appointments**

Gregoire moved, seconded by Pufall to approve the following reappointments:
Beautification Council: Beth Allison-Strauss, term to expire February 15, 2028, and Elaine Peterson, term to expire February 15, 2028; Board of Canvass: Eric Erickson, term to expire January 1, 2026; Ashland Housing Authority: Stewert Holman, (term to expire January 9, 2029. The motion passed unanimously by voice vote.

6. CONSENT AGENDA

A. **Miscellaneous Minutes**

B. **Approve a Memorandum of Understanding (MOU) between the City of Ashland and the School District of Ashland** *(Parks & Recreation)*

C. **Approve to Close Tax Increment Districts No. 6 and No. 9 as Required by the Wisconsin Department of Revenue** *(Finance)*

Ortman moved, seconded by Goyke to approve the Consent Agenda. After discussion, a motion by Jackson and seconded by Ortman was made to remove Item 6D from the Consent Agenda for further discussion. This motion passed unanimously by voice vote. The motion to approve the amended Consent Agenda was approved unanimously by voice vote.
File No. 17762, 17763

D. **Approve a Request for an Appropriation of Capital Projects Fund 450 for a Bretting Community Center Office Addition** *(Administration)*

Ortman moved, seconded by Goyke to table this item until a future Council agenda.

7. OLD BUSINESS

A. **Approve an Ordinance to Amend Chapter 501 (1882) Public Right of Way Regulation, Ashland City Ordinances** *(Public Works)* Roll

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

B. **Approve an Ordinance to Create Chapter 136 (2024-1994) Denial of City Permits, Ashland City Ordinances** *(Public Works)* Roll

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

C. **Approve the Purchase of Sewer Televising Equipment from Envirotech Equipment** *(Public Works)* Roll

Seefeldt moved, seconded by Pufall to approve the purchase for $150,177. The motion passed unanimously by roll call vote.

D. **Approve to Accept a Professional Services Proposal from Technical Design Services to Provide Geographic Information Systems Services** *(Public Works)* Roll

Seefeldt moved, seconded by Tochterman to approve the proposal for $73,580. The motion passed unanimously by roll call vote.

E. **Approve a Resolution to Allow the City of Ashland Vaughn Public Library Submit an Application to the Wisconsin Department of Administration (WI DOA) Non-State Local Projects Grant** *(Library)* Roll

Seefeldt moved, seconded by Pufall to approve the resolution. A motion to recognize Sarah Adams, Library Director to address Council, was made by Seefeldt, seconded by Ortman, and approved unanimously by voice vote. The motion to approve the resolution was passed unanimously by roll call vote.
File No. 17761

F. **Approve a Contract between the City of Ashland and MSA Professional Services, Inc. to Assist in the Creation of a City of Ashland Master Parks Plan** *(Parks and Recreation)* Roll

Seefeldt moved, seconded by Jackson to approve the contract for $58,000. The motion passed unanimously by roll call vote.

G. **Approve a Resolution to Partner with Ashland County in an EPA Community Change Grant Application** *(Planning Director)* Roll

Seefeldt moved, seconded by Jackson to approve the resolution. The motion passed unanimously by roll call vote.
File No. 17759

8. NEW BUSINESS

A. **Public Hearing Regarding a Request to Vacate of Undeveloped Right of Way Located at that Portion of 28th Avenue East between Lots Nine (9), Ten (10) and Eleven (11),**

and Lots One (1) and Two (2), Block Ninety-Seven (97) in the Lake Shore Addition to the North Line of Toll Road; Applicant Kevin Haas *(Planning) Roll*

Seefeldt moved, seconded by Ortman to enter into Public Hearing. The motion passed unanimously by roll call vote.

It was made known that a Class III notice was posted in the City's official newspaper, posted at the Vaughn Public Library, Ashland County Court House, and at City Hall, as well as noticed by mail to affected homeowners, according to Wisconsin State Statutes.

Wiley reported there were no concerns received by the Planning and Development office. As there were no citizens wishing to speak during the Public Hearing, Ortman moved, seconded by Seefeldt to close the Public Hearing. The motion passed unanimously by voice vote.

B. **Consideration of a Request to Purchase Three (3) Parcels of City-Owned Land, Parcel Nos. 201-03742-0000, 201-03743-0000, and 201-03744-0000, Zoned Single-Family Residential (R-1). Applicant: Kevin Haas** *(Planning Department)* Roll

Ortman moved, seconded by Seefeldt to approve the purchase for $9,000. The motion passed unanimously by roll call vote.

C. **Consideration to Approve an Ordinance to Amend Chapter 978 (1831) Burning of Grass, Leaves, and Garbage, Ashland City Ordinances** *(Clerk)* Roll

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

D. **Consideration of an Original Alcohol Beverage License Application from The Union on Main, LLC dba The Union, and Agent Jeanne Aspenson, at 100 West Main Street, Ashland** *(Clerk)* Roll

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

E. **Consideration to Approve a Resolution to Recognize World Migratory Bird Day and Renew the Annual Bird City Application** *(Parks and Recreation)* Roll

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

File No. 17760

9. CLOSED SESSION

A. **PER WI STATUTE 19.85(1)(e) "Deliberating or negotiating the purchasing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session."** *(514 Main Street West)*

Gregoire moved, seconded by Goyke to enter into Closed Session, and allow Wiley to remain during discusion. The motion passed unanimously by roll call vote.

B. **Return to Open Session**

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

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

MacKenzie reported that there was no action taken during Closed Session.

10. ADJOURNMENT

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

Respectfully Submitted,

Denise Oliphant,
City Clerk

The CITY of ASHLAND WISCONSIN

MEETING MINUTES

COMMITTEE OF THE WHOLE MEETING
Tuesday, January 30, 2024 – 6:00 PM
Ashland City Hall Council Chambers

The Tuesday, January 30, 2024 City of Ashland Committee of the Whole Meeting was called to order by Council President Charlie Ortman at 7:40 p.m.

1. **Roll Call**

PRESENT: Kevin Seefeldt, Sarah Jackson, Ana Tochterman, Andrew Goyke, James Gregoire, Charlie Ortman, Dick Pufall

ALSO PRESENT: Mayor Matthew MacKenzie, City Administrator Brant Kucera, City Clerk Denise Oliphant, Public Works Director John Butler, Utility Supervisor Brian Ledin, Planning Director Steven Wiley, Parks Director Sara Hudson, and other interested citizens.

2. **Approval of the Agenda**

In light of time, Ortman requested that Item 5 be removed from the agenda. A motion by Goyke, seconded by Tochterman to approve the agenda as amended, was approved unanimously by voice vote.

3. **Council President's Report**

Ortman asked that the issue of the area homeless be brought back to a future Committee of the Whole meeting for further discussion.

4. **Administrator's Report**

Kucera reported that the Thrive Grant was submitted to potentially benefit the former Baron Radiator site renovations. During the recent Book Across the Bay meeting, the group determined that the race may need to be altered but the event would not be canceled, despite the unusually warm weather.

5. **Committee Updates**

Removed from the agenda.

6. **DISCUSSION ITEMS**

A. **Discussion and Possible Action Regarding a Resolution to Submit an Application to the Wisconsin Department of Natural Resources for State and Federals Aide for Recreation and Natural Resource Management Purposes** *(Parks and Recreation)*

Hudson attended virtually to present the item and answer questions for Council. A motion by Pufall, and seconded by Seefeldt to move this item forward for formal approval, was approved unanimously by voice vote.

B. **Discussion and Possible Action Regarding a Contract for Garbage and Recycling Service Provider** *(Administration)*

Kucera offered a presentation and answered questions for Council. A motion by Seefeldt, seconded by Tochterman to allow Tyler Jacobson of Republic Services to address Council; this was approved unanimously by voice vote. Seefeldt moved, seconded by Goyke to allow Randy Ott of Waste Management to address Council; this was approved unanimously by voice vote. A motion made by Pufall, seconded by Seefeldt to move this item forward for formal approval, was approved unanimously by voice vote.

C. **Discussion and Possible Action to Approve to Hire a Part Time Laborer for the Water/Wastewater Utility** (Public Works)

Butler presented the item and answered questions from the Council. A motion by Pufall and seconded by Tochterman to move this item forward for formal approval, was approved unanimously by voice vote.

D. **Discussion and Possible Action Regarding a Contract between the City of Ashland and Short Elliot Hendrickson for the Development of a Drinking Water System Model** *(Public Works)*

Butler presented the item and answered questions from the Council. A motion by Pufall and seconded by Seefeldt to move this item forward for formal approval, was approved unanimously by voice vote.

E. **Discussion and Possible Action Regarding a Future Professional Services Agreement for Development of a Street Reconstruction Project for Community Development Block Grant Funding** *(Public Works)*

Butler presented the item and answered questions from the Council. A motion by Pufall and seconded by Seefeldt to move this item forward for formal approval, was approved unanimously by voice vote.

F. **Discussion and Possible Action Regarding an Amendment to Chapter 279 (1838) Citations for Violation of City Ordinances, Ashland City Ordinances** *(Administration)*

Kucera presented the item and answered questions from the Council. A motion by Pufall, and seconded by Seefeldt to move this item forward for formal approval, was approved unanimously by voice vote.

G. **Discussion and Possible Action Regarding Amending Chapter 544 (1026) Vehicular Stopping and Parking, Ashland City Ordinances** *(Administration)*

Kucera presented the item and answered questions from the Council. A motion by Pufall and seconded by Gregoire to move this item forward for formal approval, was approved unanimously by voice vote.

H. **Discussion and Possible Action Regarding an Amendment to Chapter 51 (1814) City Council Procedure, Ashland City Ordinances** *(Clerk)*

Oliiphant presented the item and answered questions from the Council. A motion by Gregoire and seconded by Pufall to move this item forward for formal approval, was approved unanimously by voice vote.

I. **Discussion and Possible Action to Approve a Resolution to Apply for a Wisconsin Economic Development Corporation (WEDC) Community Development Investment (CDI) Grant for 514 Main Street West Adaptive Reuse Project** *(Planning)*

Wiley presented the item and answered questions from the Council. A motion by Pufall and seconded by Seefeldt to move this item forward for formal approval, was approved unanimously by voice vote.

J. **Discussion and Possible Action to Submit an Application for a Rural Energy Startup Grant through the Public Service Commission's Office of Energy Innovation** *(Planning & Parks Departments)*

Wiley presented the item and answered questions from the Council. A motion by Pufall and seconded by Seefeldt to move this item forward for formal approval, was approved unanimously by voice vote.

7. **Items for Future Discussion**

Seefeldt requested to begin planning for a spring retreat.
MacKenzie asked to address the homeless issue in the near future.
Gregoire requested a report of the savings the solar panels have made at the police facility.
Ortman noted to address potential solar lots in the city.
MacKenzie added that zoning for solar lots needed to be researched.

8. **Adjournment**

A motion by Pufall and seconded by Goyke to adjourn, was approved unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant,
City Clerk

SUBJECT: **Approve to Hire a Part Time Laborer for the Water/Wastewater Utility *(Public Works)***

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: Approved Unanimously by Committee of the Whole, January 30, 2024

EXHIBITS:

EXPENDITURES REQUIRED: $19,500.00 Fund 690 Wastewater Utility- Wages
$13,000.00 Fund 680 Water Utility- Wages
$32,500.00 Total Expenditures Required

AMOUNT BUDGETED: $16,650.00 Fund 690 Wastewater Utility- Wages
$13,000.00 Fund 680 Water Utility- Wages

APPROPRIATION REQUIRED: $ 2,850.00 Fund 690 Wastewater Utility Fund Balance

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

The City of Ashland Water/Wasterwater Utility (Utility) has historically budgeted for a limited term employee (LTE) to work as a laborer. The position has only been filled once since 2019 due to a lack of applicants. The position would assist qualified operators with maintenance tasks such as sanitary sewer collection system cleaning and distribution system flushing and perform basic maintenance tasks such as hydrant painting.

Levi Tikka was hired as a limited-term employee by the Public Works Department in a grounds-keeping role in June 2023. Following completion of the summer season, he was hired by the Utility to fill the above-described role.

Levi has performed well in this role and the Utility is requesting approval to create a permanent part-time laborer position in lieu of the LTE role included in the budget. The City's employee handbook makes a clear distinction between LTEs and part-time employees, with part-time employment being defined as "regularly scheduled" ie not seasonal.

Creation of this position would assist the Utility in completing more maintenance tasks and also work to develop a younger employee in the Utility field. The position would be staffed at 32 hours per week and the total annual cost would be $32,500, split as 60% Wastewater and 40% Water Utility budgets. The annual cost to the Wastewater Utility would be $19,500 and the annual cost to the Water Utility would be $13,000.

Funds in this amount are available in the 2024 Water Utility budget. Funds in the amount of $16,650 are available in the Wastewater Utility budget and approval would require an appropriation of $2,850 from Wastewater pooled cash.

SUBJECT: **Approve an Agreement for Professional Services between the City of Ashland and Short Elliott Hendrickson Inc. (SEH) for the 2024 Water System Hydraulic Model Creation and Calibration *(Public Works)***

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: Approved Unanimously by Committee of the Whole, January 30, 2024

EXHIBITS:

1. Agreement for Professional Services between City of Ashland and Short Elliott Hendrickson Inc.

EXPENDITURES REQUIRED: $ 38,200.00 Fund 680 Water Utility

AMOUNT BUDGETED: $ 38,200.00 WI DNR Safe Drinking Water Loan Program

APPROPRIATION REQUIRED: -$0-

TREASURER'S CERTIFICATE: The Treasurer's Office has certified on February 6, 2024, that Short, Elliott Hendrickson Inc. is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

The City of Ashland Water Utility (Utility) has managed disinfection by products (DBPs) in recent years. In 2023 and 2019, the Utility received a Notice of Noncompliance (NON) from the Wisconsin Department of Natural Resources (WI DNR) due to DBP levels exceeding maximum contaminant levels (MCLs) established by the WI DNR. The DNR MCL is .080 mg/L and the results reported to the DNR by the Utility averaged .082 mg/L.

DBPs are formed in association with chemical disinfection processes that are necessary to ensure the delivery of safe drinking water. Within the water distribution system, chlorine added at the water plant continues to react with dissolved organic matter in the water and the associated chemical process generates DBPs, which are known to be hazardous to human health.

Many, and often times complex, factors go into the formation of DBPs, including water temperature, water age, and water chemistry. Generally speaking, it takes time for DBPs to form, so the generally accepted practice to avoid DBP formation is to manage the age of water in the drinking water system. These practices generally consist of seasonal flushing of water mains and effective management of storage facilities to ensure regular turnover of water (ie avoid stagnation). DBPs are a relatively new and emerging contaminant and practices to effectively manage DPBs continue to evolve.

Following the 2019 NON, Utility staff determined that increased flushing and the installation of mixing devices in both storage facilities would be effective in minimizing DBPs below the MCL established by the DNR. This approach was approved by the WI DNR and was effective for 2-3 years.   However, the results from 2023 DPP sampling indicate that additional measures are necessary to ensure compliance.

On January 3, 2024 City staff, including the Public Works Director, Utility Manager, and Water Foreman, met with WI DNR staff to determine next steps, as described below.
The installation of mixing devices in Ashland's storage facilities may not be effective in ensuring adequate water turnover. Further analysis is required to ensure that water storage is turned over in the shortest amount of time possible while maintaining the necessary minimum water pressure and fireflow throughout the system,

While the Utility has increased the frequency of watermain flushing activities, the approach being taken may not be the most efficient use of staff time and resources.   Some areas of the distribution system, such as dead ends or areas of low flow or pressure, may be more susceptible to DBP formation than other areas, where high water demand may be sufficient to prevent DBP formation.

City staff suggested that the development of a water model would be highly beneficial to inform this analysis and develop specific corrective actions. Due to the complexity and size of Ashland's water system, a water model is recommended to analyze the impact of certain changes to the system prior to implementing them.   Specifically, staff would use the water model to identify changes in water storage levels and identify priority areas for watermain flushing.

The City had developed a water model in years past, but it was not maintained over time and technology for water models has changed significantly since then.   Short Elliott Hendrickson Inc. (SEH) had developed the previous water model and has familiarity with Ashland's water system.   The proposed cost of $38,500 for development of the water model is reasonable and the WI DNR has agreed to include the cost in the forthcoming loan for the replacement water intake.

Agreement for Professional Services

This Agreement is effective as of November 27, 2023, between City of Ashland (Client) and Short Elliott Hendrickson Inc. (Consultant).

This Agreement authorizes and describes the scope, schedule, and payment conditions for Consultant's work on the Project described as: **2024 Water System Hydraulic Model Creation and Calibration**.

Client's Authorized Representative: John Butler, PE
Address: 2020 6th Street East
Ashland, WI 54806
Telephone: 715.685.1648 **email:** jbutler@coawi.org

Project Manager: Bryan Cunningham, PE
Address: 326 South Main Street, Suite 100
Rice Lake, WI 54868
Telephone: 715.861.4987 **email:** bcunningham@sehinc.com

Scope: The Basic Services to be provided by Consultant as set forth herein are provided subject to the attached General Conditions of the Agreement for Professional Services (General Conditions Rev. 05.15.22), which is incorporated by reference herein and subject to Exhibits attached to this Agreement.

This section describes SEH's proposed approach for the basic services required to create the City of Ashland's hydraulic model. This proposal is limited to the creation of a hydraulic model for Ashland's water supply, distribution and storage system, and analysis of water age and potential system improvements.

A new computer model of the water distribution system will be developed using Bentley WaterGEMS (WaterCAD v8i). SEH will work with existing City GIS data to import water infrastructure information into the proposed water system model. The model will be constructed on the same coordinate system as existing GIS data allowing for seamless export of model result data in GIS format as needed. This will also allow for updates in the future as system components are added or replaced.

Task 1 – Project Management

The primary goals of Task 1 are to clearly define your requirements and expectations in terms of deliverables and project schedule, and to manage the project to meet these requirements. Communication is a key to this process, and an important tool to facilitate this communication is the project Work Plan.

Project Work Plan: A formal Work Plan will be prepared during project initiation. In order to develop the Work Plan, key team members will complete an initial review of available information obtained from the City; and a meeting will be held with City staff to review and refine project issues, objectives and requirements. From this discussion, an approach will be finalized, including the required deliverables and milestones. An approach that focuses on specific deliverables helps you understand what to expect and helps you to monitor the project progress. The Work Plan will also clearly define individual team member responsibilities, including those of City staff who may be involved in the project.

Communication: Utility modeling projects require input from many sources, and experience has shown that communication is critical to develop a comprehensive and coordinated model. SEH will communicate with and solicit input from key representatives of the City during the entirety of the project.

Progress Reporting: A preliminary project schedule is included at the end of this scope. It will allow a baseline for the project team members to review and report on interim findings and the progress of the study. The SEH project manager will monitor the progress of the project, and the completion of project tasks, including schedule and budget compliance. Interim progress reports will be provided to the City summarizing the status of the project and planned activities.

Task 2 – Hydraulic Model

The model will be created using the most current GIS information, as provided by the City of Ashland. This will allow the model to accurately reflect the most current water system, so that all digital assets are represented and corelate directly with the GIS data. This step will be foundational to the overall success of the project and future usefulness of the model.

We will utilize Bentley WaterGEMS for all hydraulic modeling. The model will be done in a manner that is consistent with the American Water Works Association Manual M32 general standards for water modeling.

A completely new water system model will be developed. Previous versions of the City's water model may be referenced during construction of the model, however, a completely new model will be constructed and calibrated for the City.

The newest data available, such as the integration of diurnal demand curves and topographic elevations, will be incorporated into the model. The model will be constructed to reflect the two pressure zones within the City of Ashland, incorporating details of the water storage components and water treatment plant supply. Pipe age and material information will be used to determine pipe roughness "C-factor". Furthermore, composite demand curves will be developed for categorized customer groups in addition to specific large users with unique water use profiles to help distribute the water usage demand.

An important step in creating the model will be the proper assignment of current customer water use demands across the system. Where available, we will import demand information spatially from the City's billing software. Implementation of geo-located demand data will allow for the model to be used in a way that more closely matches current system operations.

Where geo-located data is not available, we will insert demand data from individual large water users, and divide other water use across the system in an average demand, based on areas of residential, commercial, or institutional land use. If geo-located data becomes available in the future, this can be incorporated into the model under separate future tasks.

Finally, a planned QA/QC review will be incorporated into the model development. In conjunction with the model creation, we will provide check-in documents for review by City staff to assure that the model completely reflects the real world water system.

Task 3 – Water System Field & Flow Testing

This work will provide the opportunity to evaluate the calibration of the model. Initial field testing will be conducted to collect information for evaluating model calibration and accuracy. Additional field testing will then be planned, which will be tailored to rectify system anomalies and bring the model to a level of calibration that is consistent with industry standards and the City's requirements. For the second "micro calibration" effort, scheduled field testing may include hydrant flow testing, C-factor testing and extended period simulation (EPS) pressure monitoring. The scope of field testing will include working with City staff to conduct pressure and flow tests under controlled conditions.

<u>Summary of Tasks:</u>

1. Prepare a field test work plan that will identify the following: test location, purpose, information to be collected, forms for recording test information, testing schedule, and field data collection system.
2. Identify locations for installation of continuous monitoring pressure devices (Telogs) for installation by City staff and the field-testing team.
3. Submit field testing work plan to City for discussion, agreement and modification prior to performing the field tests.
4. Conduct virtual meeting to review flow testing plan with City staff, revise as necessary.

5. Conduct 20+ Hydrant Flow (Fire Flow) tests as part of field-testing activities with assistance from City staff.
6. Collect extended period water system operation SCADA data during flow testing activities and beyond.

Task 4 – Hydraulic Model Calibration and Verification

With system demands incorporated into the City's hydraulic model, final calibration and model proofing efforts can then commence. For this effort, we will compare water system pressure and flow information to predict model results. The macro calibration effort will examine a combination of SCADA data, and the model will be set up to simulate operation over the same time. This will compare storage levels, pump measurements, and flow and pressure data , to those same metrics predicted in the model. Discrepancies between the model and new systemwide data will be documented and reviewed and the model adjusted accordingly. A parallel micro calibration effort will simulate the operation of each of the hydrant flow tests, to compare and adjust the model to reflect real-world performance. The model will be calibrated utilizing a genetic algorithm to optimize and provide accuracy within 5% of field-testing results, meeting industry standards for water distribution system computer models.

Summary of Tasks:

1. Prepare and set up the water model to develop modeling scenarios that represent each of the field tests performed.
2. Prepare a model calibration analysis spreadsheet that tabulates the field measurements and operations of tanks and pumps against those predicted by the hydraulic model.
3. Micro and Macro Calibration of the model
4. Prepare model calibration documentation and present the results of the calibration process to City staff with an opinion on the confidence of the level of calibration achieved and suggestions to improve calibration if necessary.

Task 5 – Results Summary and Model Results

The calibrated model will be utilized to model the adequacy of the distribution system and to recommend improvements. The model will simulate the operation of the Ashland water system during average day, maximum day and fire flow events. Water system operational flow capacities and system pressures will be examined to assure that the water system can deliver an effective level of service. Deliverable items such as maps and a descriptive memo will be provided to summarize the model creation and results.

Summary of Tasks:

1. Evaluate the capacities of the water system to ensure that there is adequate capacity to provide water to customers throughout the service area.
2. Perform both steady-state and extended-period simulation analyses to determine the required water storage needs.
3. Utilize the model to denote expected static pressures across the two pressure zones, and to simulate available fire flow in the water system. Prepare maps of water system pressures and available fire flows.
4. Identify system deficiencies on a map and discuss items with City staff.
5. Develop Average Summer Day and Average Winter Days Water Age scenarios within the model to identify areas within the system with elevated water age, in addition to identifying contributing factors.
6. Develop water age maps and associated water age results data for review with City staff.
7. Conduct a virtual review meeting with City staff to present the model results, maps, and identified water system deficiencies.
8. Develop list of potential general water system improvements.
9. Provide suggestions on a potential extension or loop in the hospital area near Maple Lane and Sanborn Avenue.
10. Provide a summary memo discussing the water model creation, calibration, results, deficiencies, and recommendations.

Items not included in this project:

1. DNR Safe Drinking Water Loan (SDWL) application, administration, or coordination to include costs for modeling work in the water intake project SDWL.
2. Evaluation or testing of water system chemical or biological factors.
3. Inspection, evaluation, or recommendations related to individual water system storage or treatment components, or individual water service laterals. Evaluation of water loss, water rates, billing, metering, or construction cost estimates.
4. Evaluation or recommendation of specific future improvement scenarios beyond those described.

Items to be provided by the City of Ashland:

1. Current GIS data files for pipes, hydrants, valves, and other water system infrastructure components in native GIS format (Shapefiles or database files).
2. Water meter and billing data and associated meter location information (address or geolocation), where available.
3. General water use and billing data for determining demand in non-geo-located areas.
4. Water facility records such as as-built drawings of storage tanks, valve vaults, treatment facility drawings, pump curve data and other information as available.
5. SCADA or other records from water reservoirs and treatment plant, both from general operation, and during the periods of calibration field testing
6. Review of calibration field testing plan, and assistance with performing approximately 20+ hydrant flow tests.

Schedule: The Consultant will commence work on the initial construction of the water model as soon as authorized by the City. Field testing and calibration is proposed to be completed when weather allows in later spring of 2024. The completion of the calibration and model analysis is proposed to be completed by August 31, 2024.
Payment: The total project fee is hourly estimated to be **$38,200**, including expenses and equipment.

The payment method, basis, frequency and other special conditions are set forth in attached Exhibit A-1.

This Agreement for Professional Services, attached General Conditions, Exhibits and any Attachments (collectively referred to as the “Agreement”) supersedes all prior contemporaneous oral or written agreements and represents the entire understanding between Client and Consultant with respect to the services to be provided by Consultant hereunder. In the event of a conflict between the documents, this document and the attached General Conditions shall take precedence over all other Exhibits unless noted below under “Other Terms and Conditions”. The Agreement for Professional Services and the General Conditions (including scope, schedule, fee and signatures) shall take precedence over attached Exhibits. This Agreement may not be amended except by written agreement signed by the authorized representatives of each party.

Other Terms and Conditions: Other or additional terms contrary to the General Conditions that apply solely to this project as specifically agreed to by signature of the Parties and set forth herein:
Section IV Paragraph C. Limitations on Consultant’s Liability: Modify Paragraph 1. by changing the amount from five hundred thousand dollars ($500,000) to one million dollars ($1,000,000) at no additional cost to contract.

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Short Elliott Hendrickson Inc.		**City of Ashland**	
By:	Daniel A. Penzkover	By:	
	Daniel A. Penzkover PE (WI, MI)		
Title:	Client Service Manager	Title:	

General Conditions of the Agreement for Professional Services

SECTION I – SERVICES OF CONSULTANT

A. General

1. Consultant agrees to perform professional services as set forth in the Agreement for Professional Services or Supplemental Letter Agreement ("Services"). Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Client or the Consultant. The Consultant's services under this Agreement are being performed solely for the Client's benefit, and no other party or entity shall have any claim against the Consultant because of this Agreement or the performance or nonperformance of services hereunder.

B. Schedule

1. Unless specific periods of time or dates for providing services are specified, Consultant's obligation to render Services hereunder will be for a period which may reasonably be required for the completion of said Services.
2. If Client has requested changes in the scope, extent, or character of the Project or the Services to be provided by Consultant, the time of performance and compensation for the Services shall be adjusted equitably. The Client agrees that Consultant is not responsible for damages arising directly or indirectly from delays beyond Consultant's control. If the delays resulting from such causes increase the cost or the time required by Consultant to perform the Services in accordance with professional skill and care, then Consultant shall be entitled to a equitable adjustment in schedule and compensation.

C. Additional Services

1. If Consultant determines that any services it has been directed or requested to perform are beyond the scope as set forth in the Agreement or that, due to changed conditions or changes in the method or manner of administration of the Project, Consultant's effort required to perform its services under this Agreement exceeds the stated fee for the Services, then Consultant shall promptly notify the Client regarding the need for additional Services. Upon notification and in the absence of a written objection, Consultant shall be entitled to additional compensation for the additional Services and to an extension of time for completion of additional Services absent written objection by Client.
2. Additional Services, including delivery of documents, CAD files, or information not expressly included as deliverables, shall be billed in accord with agreed upon rates, or if not addressed, then at Consultant's standard rates.

D. Suspension and Termination

1. If Consultant's services are delayed or suspended in whole or in part by Client, or if Consultant's services are delayed by actions or inactions of others for more than 60 days through no fault of Consultant, then Consultant shall be entitled to either terminate its agreement upon seven days written notice or, at its option, accept an equitable adjustment of compensation provided for elsewhere in this Agreement to reflect costs incurred by Consultant.
2. This Agreement may be terminated by either party upon seven days written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination.
3. This Agreement may be terminated by either party upon thirty days' written notice without cause. All provisions of this Agreement allocating responsibility or liability between the Client and Consultant shall survive the completion of the Services hereunder and/or the termination of this Agreement.
4. In the event of termination, Consultant shall be compensated for Services performed prior to termination date, including charges for expenses and equipment costs then due and all termination expenses.

SECTION II – CLIENT RESPONSIBILITIES

A. General

1. The Client shall, in proper time and sequence and where appropriate to the Project, at no expense to Consultant, provide full information as to Client's requirements for the Services provided by Consultant and access to all public and private lands required for Consultant to perform its Services.
2. The Consultant is not a municipal advisor and therefore Client shall provide its own legal, accounting, financial and insurance counseling, and other special services as may be required for the Project. Client shall provide to Consultant all data (and professional interpretations thereof) prepared by or services performed by others pertinent to Consultant's Services, such as previous reports; sub-surface explorations; laboratory tests and inspection of samples; environmental assessment and impact statements, surveys, property descriptions; zoning; deed; and other land use restrictions; as-built drawings; and electronic data base and maps. The costs associated with correcting, creating or recreating any data that is provided by the Client that contains inaccurate or unusable information shall be the responsibility of the Client.
3. Client shall provide prompt written notice to Consultant whenever the Client observes or otherwise becomes aware of any changes in the Project or any defect in Consultant's Services. Client shall promptly examine all studies, reports, sketches, opinions of construction costs, specifications, drawings, proposals, change orders, supplemental agreements, and other documents presented by Consultant and render the necessary decisions and instructions so that Consultant may provide Services in a timely manner.
4. Client shall require all utilities with facilities within the Project site to locate and mark said utilities upon request, relocate and/or protect said utilities to accommodate work of the Project, submit a schedule of the necessary relocation/protection activities to the Client for review, and comply with agreed upon schedule. Consultant shall not be liable for damages which arise out of Consultant's reasonable reliance on the information or services furnished by utilities to Client or others hired by Client.
5. Consultant shall be entitled to rely on the accuracy and completeness of information or services furnished by the Client or others employed by the Client and shall not be liable for damages arising from reasonable reliance on such materials. Consultant shall promptly notify the Client if Consultant discovers that any information or services furnished by the Client is in error or is inadequate for its purpose.
6. Client agrees to reasonably cooperate, when requested, to assist Consultant with the investigation and addressing of any complaints made by Consultant's employees related to inappropriate or unwelcomed actions by Client or Client's employees or agents. This shall include, but not be limited to, providing access to Client's employees for Consultant's investigation, attendance at hearings, responding to inquiries and providing full access to Client files and information related to Consultant's employees, if any. Client agrees that Consultant retains the absolute right to remove any of its employees from Client's facilities if Consultant, in its sole discretion, determines such removal is advisable. Consultant, likewise, agrees to reasonably cooperate with Client with respect to the foregoing in connection with any complaints made by Client's employees.
7. Client acknowledges that Consultant has expended significant effort and expense in training and developing Consultant's employees. Therefore, during the term of this Agreement and for a period of two years after the termination of this Agreement or the completion of the Services under this Agreement, whichever is longer, Client shall not directly or indirectly: (1) hire, solicit or encourage any employee of Consultant to leave the employ of Consultant; (2) hire, solicit or encourage any consultant or independent contractor to cease work with Consultant; or (3) circumvent Consultant by conducting business directly with its employees. The two-year period set forth in this section shall be extended commensurately with any amount of time during which Client has violated its terms.

SECTION III – PAYMENTS

A. Invoices

1. Undisputed portions of invoices are due and payable within 30 days. Client must notify Consultant in writing of any disputed items within 15 days from receipt of invoice. Amounts due Consultant will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) for invoices 30 days past due. Consultant reserves the right to retain Services or deliverables until all invoices are paid in full. Consultant will not be liable for any claims of loss, delay, or damage by Client for reason of withholding Services, deliverables, or Instruments of Service until all invoices are paid in full. Consultant shall be entitled to recover all reasonable

costs and disbursements, including reasonable attorney's fees, incurred in connection with collecting amounts owed by Client.

2. Should taxes, fees or costs be imposed, they shall be in addition to Consultant's agreed upon compensation.
3. Notwithstanding anything to the contrary herein, Consultant may pursue collection of past due invoices without the necessity of any mediation proceedings.

SECTION IV – GENERAL CONSIDERATIONS

A. Standards of Performance

1. The standard of care for all professional engineering and related services performed or furnished by Consultant under this Agreement will be the care and skill ordinarily exercised by members of Consultant's profession practicing under similar circumstances at the same time and in the same locality. Consultant makes no warranties, express or implied, under this Agreement or otherwise, in connection with its Services.
2. Consultant neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform the work in accordance with its construction contract or the construction documents prepared by Consultant. Client acknowledges Consultant will not direct, supervise or control the work of construction contractors or their subcontractors at the site or otherwise. Consultant shall have no authority over or responsibility for the contractor's acts or omissions, nor for its means, methods, or procedures of construction. Consultant's Services do not include review or evaluation of the Client's, contractor's or subcontractor's safety measures, or job site safety or furnishing or performing any of the Contractor's work.
3. Consultant's Opinions of Probable Construction Cost are provided if agreed upon in writing and made on the basis of Consultant's experience and qualifications. Consultant has no control over the cost of labor, materials, equipment or service furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Consultant cannot and does not guarantee that proposals, bids or actual construction cost will not vary from Opinions of Probable Construction Cost prepared by Consultant. If Client wishes greater assurance as to construction costs, Client shall employ an independent cost estimator.

B. Indemnity for Environmental Issues

1. Consultant is not a user, generator, handler, operator, arranger, storer, transporter, or disposer of hazardous or toxic substances. Therefore the Client agrees to hold harmless, indemnify, and defend Consultant and Consultant's officers, directors, subconsultant(s), employees and agents from and against any and all claims; losses; damages; liability; and costs, including but not limited to costs of defense, arising out of or in any way connected with, the presence, discharge, release, or escape of hazardous or toxic substances, pollutants or contaminants of any kind at the site.

C. Limitations on Liability

1. The Client hereby agrees that to the fullest extent permitted by law, Consultant's total liability to the Client for all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to the Project or this Agreement from any cause or causes including, but not limited to, Consultant's negligence, errors, omissions, strict liability, breach of contract or breach of warranty shall not exceed five hundred thousand dollars ($500,000). In the event Client desires limits of liability in excess of those provided in this paragraph, Client shall advise Consultant in writing and agree that Consultant's fee shall increase by 1% for each additional five hundred thousand dollars of liability limits, up to a maximum limit of liability of five million dollars ($5,000,000).
2. Neither Party shall be liable to the other for consequential damages, including without limitation lost rentals; increased rental expenses; loss of use; loss of income; lost profit, financing, business, or reputation; and loss of management or employee productivity, incurred by one another or their subsidiaries or successors, regardless of whether such damages are foreseeable and are caused by breach of contract, willful misconduct, negligent act or omission, or other wrongful act of either of them. Consultant expressly disclaims any duty to defend Client for any alleged actions or damages.
3. It is intended by the parties to this Agreement that Consultant's Services shall not subject Consultant's employees, officers or directors to any personal legal exposure for the risks associated with this Agreement. The Client agrees that as the Client's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against Consultant, and not against any of Consultant's individual employees, officers or directors, and Client knowingly waives all such claims against Consultant individual employees, officers or directors.
4. Causes of action between the parties to this Agreement pertaining to acts or failures to act shall be deemed to have accrued, and the applicable statutes of limitations shall commence to run, not later than either the date of Substantial Completion for acts or failures to act occurring prior to substantial completion or the date of issuance of the final invoice for acts or failures to act occurring after Substantial Completion. In no event shall such statutes of limitations commence to run any later than the date when the Services are substantially completed.

D. Assignment

1. Neither party to this Agreement shall transfer, sublet or assign any rights under, or interests in, this Agreement or claims based on this Agreement without the prior written consent of the other party. Any assignment in violation of this subsection shall be null and void.

E. Dispute Resolution

1. Any dispute between Client and Consultant arising out of or relating to this Agreement or the Services (except for unpaid invoices which are governed by Section III) shall be submitted to mediation as a precondition to litigation unless the parties mutually agree otherwise. Mediation shall occur within 60 days of a written demand for mediation unless Consultant and Client mutually agree otherwise.
2. Any dispute not settled through mediation shall be settled through litigation in the state and county where the Project at issue is located.

SECTION V – INTELLECTUAL PROPERTY

A. Proprietary Information

1. All documents, including reports, drawings, calculations, specifications, CADD materials, computers software or hardware or other work product prepared by Consultant pursuant to this Agreement are Consultant's Instruments of Service ("Instruments of Service"). Consultant retains all ownership interests in Instruments of Service, including all available copyrights.
2. Notwithstanding anything to the contrary, Consultant shall retain all of its rights in its proprietary information including without limitation its methodologies and methods of analysis, ideas, concepts, expressions, inventions, know how, methods, techniques, skills, knowledge, and experience possessed by Consultant prior to, or acquired by Consultant during, the performance of this Agreement and the same shall not be deemed to be work product or work for hire and Consultant shall not be restricted in any way with respect thereto. Consultant shall retain full rights to electronic data and the drawings, specifications, including those in electronic form, prepared by Consultant and its subconsultants and the right to reuse component information contained in them in the normal course of Consultant's professional activities.

B. Client Use of Instruments of Service

1. Provided that Consultant has been paid in full for its Services, Client shall have the right in the form of a nonexclusive license to use Instruments of Service delivered to Client exclusively for purposes of constructing, using, maintaining, altering and adding to the Project. Consultant shall be deemed to be the author of such Instruments of Service, electronic data or documents, and shall be given appropriate credit in any public display of such Instruments of Service.
2. Records requests or requests for additional copies of Instruments of Services outside of the scope of Services, including subpoenas directed from or on behalf of Client are available to Client subject to Consultant's current rate schedule. Consultant shall not be required to provide CAD files or documents unless specifically agreed to in writing as part of this Agreement.

C. Reuse of Documents

1. All Instruments of Service prepared by Consultant pursuant to this Agreement are not intended or represented to be suitable for reuse by the Client or others on extensions of the Project or on any other Project. Any reuse of the Instruments of Service without written consent or adaptation by Consultant for the specific purpose intended will be at the Client's sole risk and without liability or legal exposure to Consultant; and the Client shall release Consultant from all claims arising from such use. Client shall also defend, indemnify, and hold harmless Consultant from all claims, damages, losses, and expenses including attorneys' fees arising out of or resulting from reuse of Consultant documents without written consent.

Exhibit A-1
to Agreement for Professional Services
Between City of Ashland, Wisconsin (Client)
and
Short Elliott Hendrickson Inc. (Consultant)
Dated November 27, 2023

Payments to Consultant for Services and Expenses Using the Hourly Basis Option

The Agreement for Professional Services is amended and supplemented to include the following agreement of the parties:

A. Hourly Basis Option

The Client and Consultant select the hourly basis for payment for services provided by Consultant. Consultant shall be compensated monthly. Monthly charges for services shall be based on Consultant's current billing rates for applicable employees plus charges for expenses and equipment.

Consultant will provide an estimate of the costs for services in this Agreement. It is agreed that after 90% of the estimated compensation has been earned and if it appears that completion of the services cannot be accomplished within the remaining 10% of the estimated compensation, Consultant will notify the Client and confer with representatives of the Client to determine the basis for completing the work.

Compensation to Consultant based on the rates is conditioned on completion of the work within the effective period of the rates. Should the time required to complete the work be extended beyond this period, the rates shall be appropriately adjusted.

B. Expenses

The following items involve expenditures made by Consultant employees or professional consultants on behalf of the Client. Their costs are not included in the hourly charges made for services and shall be paid for as described in this Agreement but instead are reimbursable expenses required in addition to hourly charges for services:

1. Transportation and travel expenses.
2. Long distance services, dedicated data and communication services, teleconferences, Project Web sites, and extranets.
3. Lodging and meal expense connected with the Project.
4. Fees paid, in the name of the Client, for securing approval of authorities having jurisdiction over the Project.
5. Plots, Reports, plan and specification reproduction expenses.
6. Postage, handling and delivery.
7. Expense of overtime work requiring higher than regular rates, if authorized in advance by the Client.
8. Renderings, models, mock-ups, professional photography, and presentation materials requested by the Client.
9. All taxes levied on professional services and on reimbursable expenses.
10. Other special expenses required in connection with the Project.
11. The cost of special consultants or technical services as required. The cost of subconsultant services shall include actual expenditure plus 10% markup for the cost of administration and insurance.

The Client shall pay Consultant monthly for expenses.

C. Equipment Utilization

The utilization of specialized equipment, including automation equipment, is recognized as benefiting the Client. The Client, therefore, agrees to pay the cost for the use of such specialized equipment on the project. Consultant invoices to the Client will contain detailed information regarding the use of specialized equipment on the project and charges will be based on the standard rates for the equipment published by Consultant.

The Client shall pay Consultant monthly for equipment utilization.

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HARBOR COMMISSION MEETING MINUTES: **Wednesday, September 20, 2023**

1. CALL TO ORDER

The Wednesday, September 20, 2023 Harbor Commission meeting was called to order by Chair Dick Pufall at 5:30 p.m.

a. Roll Call

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

ABSENT: (Excused)

ALSO PRESENT: Mayor Matt Mackenzie, Marina Manager Scott Stegman (5:45 p.m.)

2. APPROVAL OF AGENDA

a. September 20, 2023 Meeting Agenda

Alan Smiles moved, seconded by Gary Leino to approve the agenda as presented. The motion carried unanimously by voice vote.

3. APPROVAL OF MINUTES

a. August 16, 2023 Meeting Minutes

Gary Leino asked that the item Manager's Report under new business be amended to state that commissioner Shawn Brede presented the idea about weed control using the product, Sonar, in the marina.

Thomas Yankee moved, seconded by Peter Herlevi to approve the August 16, 2023 minutes with the amendment to change the commission who presented the weed control product from Gary Leino to Shawn Brede. The motion carried unanimously by voice vote.

4. CITIZEN PARTICIPATION PERIOD

There were no Citizens present wishing to address the Harbor Commission.

5. FINANCIAL STATEMENT REVIEW

Commissioners were unable to discuss the Financial Statements as they did not have them by the time of the meeting.

6. WISCONSIN DNR PRESENTATION

a. Warden Jack Leussman

Warden Jack Leussman was called on assignment to Madison and was unable to attend the September 20, 2023 Harbor Commission meeting, but has asked to be moved to the next meeting agenda.

7. OLD BUSINESS

a. Superfund Site / Boat Launch - WI Waterways Commmission Meeting Grant Funding $700,000

The Ashalnd Marina was rewarded $700,000 and will present to the Wisconsin Waterways Commission again hoping to be rewarded $1.2 million. Sara Hudson will be presenting for the grant on behalf of the City of Ashland Superfund Site.

i. 9/27 WI Waterways Joint Finance Meeting for Additional Funding

Combined with Item 7a.

b. Marina Rules - Updated Storage Contract *(Roll)*

Thomas Yankee moved, seconded by Randy Harvey to approve the Storage Contract as written. The motion passed unanimously by voice vote.

c. Fuel Systems Update - Storage Tanks

No update provided to the commisison.

d. Fuel Additives - Valvetec

Stegmann will receive a quote for the product and provide it for the commission at the next meeting.

e. Weed Management *(Commissioner Brede)*

Commissioner Shawn Brede has left messages with WI DNR and WI Waterways Commission regarding possible solutions for weeds in the Ashland Marina. Commissionors will wait to hear from DNR representative, Jack Leussman, on solutions for the weeds. Pete Herlivi asked that the commission decides their stance and plan of action when it comes to weeds at the next meeting.

8. NEW BUSINESS

a. Managers Report

i. Vandalism

Stegmann reported that there has recently been willful destruction of property at the Marina including vandalism in the restrooms, pulling down posters, and destroying technology. Additionally the Ashland Marina has been experiencing WiFi issues due to destruction of the WiFi instruments. Stegmann and other City Staff are monitoring the destruction with a security camera.

b. Election of Harbor Commission Chair and Vice Chair

Randy Harvey moved, seconded by Gary Leino to nominate Tom Yankee as Vice Chair of the Harbor Commission. The motion passed unanimously by roll call vote. Randy Harvey moved, seconded by Shawn Brede to nominate Pete Herlevi as Chari of the Harbor Commission. The motion passed unanimously by roll call vote.

c. Federal Grant Funding

i. Congress Representative Tom Tiffany Letter

Discussion in regards to funding for Superfund Site and Boat Launch and gaining the attention of a State Representative to increase funding possibilities.

9. ADJOURNMENT

Tom Yankee suggested an item to be added to the next meeting. He would like the City of Ashland staff to create a clear definition of Harbor Commission member duties and present these duties at the next meeting. After the duties are discussed, he suggested creating a document that can be distributed to new commissioners once they are appointed.

The next meeting of the Harbor Commission is scheduled for November 8, 2023 at 5:30p.m. in the City Hall Council Chambers.

Thomas Yankee moved, seconded by Gary Leino to adjourn. The motion carried unanimously by voice vote.

AIRPORT COMMISSION MEETING MINUTES: **Thursday, September 28, 2023**

1. Roll Call

The Thursday, September 28, 2023 JFK Airport Commission meeting was called to order by Chair Lloyd Orentstein at 4:30 p.m.

PRESENT: Lloyd Orensten, Carol Ortman, Richard Huber

ABSENT: Blake Ellefson (Excused), John Coffey (Excused)

ALSO PRESENT: Bill Moore and Wayne Gureskey EAA

2. Approval of Minutes

a. Thursday July 27, 2023 Meeting Minutes
Carol Ortman moved, seconded by Richard Huber to approve the July 27, 2023 minutes. The motion carried unanimously by voice vote.

3. Citizen Participation Period

Wayne Gerskey, EAA representative, spoke in regards to an EAA Event taking place on October 21, 2023 from 11am-3pm at JFK Airport. This event will serve as an open house for the new EAA chapter home. The event will have brats, aircrafts, and people there to talk about what the chapter does. The EAA will advertise this event with flyers and social media, will possibly put in the local paper and on the local radio stations.

4. Commission Items

a. Remaining ARPA Funds
Moore spoke with the JFK representative from the Bureau of Aeronautics and confirmed that all the airport ARPA funding has now been spent.

b. Airport Rates and Charges Discussion
Discussion was held about current airport rates and the change in charges for 2024. Moore made a proposal to raise hanger rents at JFK Airport. Currently, hanger rates are at 11 cents per square foot, and have not been raised in 4 years. Moore recommends raising hanger rents to 13 cents per square foot in 2024. Moore recommends no increase in costs for fuel and oil at JFK Airport. Moore requests that the Commission updates the charges for holiday airport callout fees, increasing from the normal fee of $100 per callout to $150 per callout on federal holidays. Orenstein suggests adding this increased charge to one day before the holiday, the

holiday date, and one day after the holiday. Moore recommends increasing the City-owned hanger overnight fee from $30.00 plus tax per night to $40.00 plus tax per night. Moore recommends no fee increase for parking at the airport or for car rentals from JFK Airport.

Motion by Richard Huber, second by Carol Ortman to raise the callout fee for federal holidays from $100 to $150, with this fee increase including the day of the holiday along with the day before and day after the holiday, and raise hanger leases from 11 to 13 cents per square foot, and overnight hanger rent from $30 plus tax to $40 plus tax. Motion passed unanimously by voice vote.

c. Airport Hanger Ground Leases

Discussed with item 4b. Commissioners voted to increase hanger ground leases from 11cents per square foot to 13cents per square foot.

d. 2023 JFK Memorial Airport Crack Seal, Micro Surface, and Pavement Marking Update

Moore informed all parties that Runway 1331 at the JFK Airport will be closed October 2-5 to complete the crack seal project. New pavement markings on runway 1331 will be completed 10 to 14 days after the crack seal project is finished.

e. City Hanger Door Preventive Maintenance

Moore informed the commission that he will be inspecting the City Hanger door. He would like to make sure all cables and mechanics are working correctly.

f. T-8 New Holland Extended Warranty

Discussion was held about New Holland warranty options from two different vendors. Motion by Huber, seconded by Ortman to approve entering into a warranty agreement with Lulich for 15,413.00 for a 5 year warranty that includes time and travel. The motion passed unanimously by roll call vote.

g. Winter Prepping of Equipment Update

Moore is in the final steps of prepping equipment for the winter.

5. Airport Manager's Report

a. Flail Mower Update

Flail mower has been repaired and is being used.

b. Loftness Snow Blower Update

Airport employee David Skinnes is going to assist Moore with assembly of the two new augers for the snow blower.

c. Titan Aviation Fuels Inspection

Fuel inspection was completed on September 27, 2023, inspectors made some recommendations on how to improve the fuel truck and airport staff will begin to implement these suggestions.

d. 100 LL Fuctionality Test Results

Current on 100LL testing, all leak reports and inspections have been submitted.

6. Approval of Bills

Motion to approve to pay the bills from July and August 2023 totaling $49,000.00, biggest costs being fuel and new radio for the office, by Ortman, second by Huber. The motion passed unanimously.

7. Set Next Meeting Date

The next Airport Commission meeting will be held on, November 16 at 4:30pm at the JFK Airport.

8. Adjournment

Carol Ortman moved, seconded by Richard Huber to adjourn. The motion carried unanimously by voice vote.

AIRPORT COMMISSION MEETING MINUTES: **Thursday, November 16, 2023**

1. Roll Call

Present - J. Coffey, R. Huber, L. Orensten.
Absent - B. Ellefson, C. Ortman (Excused)
Also present - B. Moore (Airport Manager)

2. Approval of Minutes

a. September 28, 2023 Meeting Minutes
Item not considered.

3. Citizen Participation Period

No Public present for comment.

4. Commission Items

a. Hangar Lease Approvals - (Coffey, Carlson, Payne, Radosevich, Ochsenbauer, Rivard)
All hangars have been inspected and meet requirements. Radosevich sent a letter complaining about the length of time to process his lease, which was read into the record by Orensten.

- Motion – Huber – Approve all leases
- Second – Coffey
- Vote – Passes Unanimously (VOICE)

b. T-8 New Holland Extended Warranty and Repairs
B. Moore explained the work done by Lulich. He and city staff are satisfied with the work done. NO VOTE TAKEN.

c. 2023 JFK Memorial Airport Crack Seal and Micro Surface Update
B. Moore gave an update. Work is completed, but contractor is going to broom the surfaces they worked on in the spring, along with an inspection of work. NO VOTE TAKEN.

d. Pavement Marking Update (Crowly Construction)
B. Moore gave an update. Work is completed as of 11/15/23. NO VOTE TAKEN.

e. City Hangar Door Preventative Maintenance
B. Moore said the contractor is very busy, and there is nothing wrong with the door, but he would like to get it checked out before something goes wrong. A

question was asked about the cables on the door. Moore stated that they haven't been replaced since he started with the airport. Moore also would like the boiler to be inspected as well, and that is outstanding. NO VOTE TAKEN.

f. Request for Approval of 3% Raise for Airport Employees

Moore reported that a motion from the commission is required for this. Question was asked whether the airport is obligated to follow the city or county for staff raises, decided to go with recommended and adjust if needed.

1. Motion – Huber – Approve 3% Raise for airport employees
2. Second – Coffey
3. Vote – Passes Unanimously (VOICE)

g. Fuel Truck Meter Calibration and Operating License

Received the license, was the last license the airport needed for the year. NO VOTE TAKEN.

5. Airport Manager's Report

- Loftness Snow Blower Update – There were a few problems with the blower, but it has been serviced and it is ready to go for winter. Blades are mounted on the truck, and the other tractor.
- A part of the fence was cut open according to someone who called in while working on the snowmobile trail. It was determined that the fence was where two ends met and was not secured properly. It is now repaired.
- The Bureau of Airports visited and was satisfied with his visit.
- Moore attended a weather reporting webinar.
- A letter was received from David Ochsenbauer thanking the commission for the dedication of the Terminal in his name. Orensten read the letter into the record.

a. Loftness Snow Blower Update

6. Approval of Bills

Bills were announced with amounts by L. Orensten.

- Motion – Coffey - Approve all bills as stated
- Second - Huber
- Vote – Passes Unanimously (VOICE)

7. Set Next Meeting Date

Next meeting set for 1/25/2024 @ 4:30 at the JFK Memorial Airport.

8. Adjournment

- Motion – Huber
- Second – Coffey
- Vote Passes Unanimously

City of Ashland – Public Works Committee Meeting Minutes

A meeting of the Public Works Committee was held on **Thursday, December 14, 2023** at **5:00 PM** in the City Hall Council Chambers (601 Main St W).

1. Roll Call

The Thursday December 14, 2023 Public Works Committee meeting was called to order at 5:00pm. Roll call was taken.

PRESENT: Ed Calhan, Anne Chartier, Andy Goyke, Robert Klamerus, Phil Sorensen

ALSO PRESENT: Public Works Director John Butler, Public Works Administrative Manager David Garrington, Dave Ullman

2. Approval of Minutes

Sorensen moved, seconded by Chartier, to approve the minutes from the Thursday November 9, 2023 meeting. The motion carried unanimously by voice vote.

3. Citizen Participation Period

Dave Ullman passed on his appreciation for the City receiving funds from the bi-partisan infrastructure bill, the largest investment in clean drinking water and wastewater infrastructure. The City was able to utilize those funds for sewer main lining and replacement.

4. Unfinished Business

a. Discussion and Possible Recommendation on City of Ashland Bike Plan

   The committee further discussed bicycle infrastructure needs vs. cost of installation & maintenance. The committee would like public input before putting forth a recommendation, possibly partnering with Bay City Cycles to host an event. Calhan motioned, seconded by Goyke, to table the item for a future meeting. Motion carried unanimously by voice vote.

b. Discussion and Possible Recommendation on City Ord. 136 Denial of City Permits and City Ord. 501 Public Right-of-Way Regulation

   Calhan motioned, seconded by Goyke to approve recommended changes to Ord. 501 & 136. Motion carried unanimously by voice vote.

5. New Business

N/A

6. Items of Interest for Future Meetings

a. Public Works and Utility 2024 Budget Overview
Committee also sugested splash pad update and salt use on City streets.

7. Set Next Meeting Date

a. Thursday January 11, 2024

8. Adjournment

Sorensen moved to adjourn. Seconded by Chartier. Motion carries unanimously.

SUBJECT: **Approve a Resolution to Submit an Application to the Wisconsin Department of Natural Resources for State and Federals Aide for Recreation and Natural Resource Management Purposes *(Parks and Recreation)* Roll**

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Parks & Recreation

CLEARANCES: Unanimously Approved by Committee of the Whole, January 30, 2024

EXHIBITS: 1. State of Wisconsin Department of Natural Resources Resolution

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE:

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

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed agenda item conforms with the City of Ashland Strategic Goals 2022 - 2026.

SUMMARY STATEMENT:

The Wisconsin Department of Natural Resources (DNR) requires an annual resolution to be approved to apply for State and Federal funding. For 2024, the City of Ashland intends to apply for:

- Sport Fish Restoration (SFR) Grant due on February 1, 2024, for the construction of the new Kreher Park Boat Launch.
- DNR Stewardship Funds, Due May 1, 2024 to update the Comprehensive Outdoor Recreation Plan and the redevelopment of the Baron Radiator Site.
- DNR Recreational Trail Program, due May 1, 2024 for the reconstruction of the waterfront trail from the pig iron dock to the to the 22nd Ave outfall bridge.
- DNR Recreation Boating Facilities, due May 1, 2024 for the construction of the new Kreher Park Boat Launch (if the 2023 proposal is not funded)
- DNR Urban Forestry Grant, due October 1, to continue implementation of the EAB Readiness Plan and Reforestation

The City of Ashland is also seeking approval to apply for a Sport Fish Restoration Grant for the new Kreher Park Boat Launch. The City will be asking for up to $200,000 to assist with construction. The match for this grant will be coming from a pending DNR Recreational Boating Facilities Grant (RBF) or the approved 2024 CIP Fund 481 and 453. The SFR grant was due February 1, 2024.

Clear Data | Print... | Save...

Note: In order to fill and save this form electronically, it must be opened using Adobe Reader or Acrobat software. Save a copy of the file, open Adobe Reader, select File > Open and browse for the file you saved.

State of Wisconsin
Department of Natural Resources
dnr.wi.gov

Grant Project Resolution

Form 8700-388 (08/21)

Instructions: Each applicant must submit to the Wisconsin Department of Natural Resources (DNR) an *Authorizing Resolution* that is approved by the governing body of the organization and indicates which officers or employees of the organization are authorized to do the following:

1. Sign and submit the grant application
2. Sign the Agreement/Contract between applicant and the DNR
3. Submit required reports to the DNR to satisfy the Agreement/Contract (See Agreement/Contract for Requirement, if any)
4. Submit reimbursement request(s) to the DNR
5. Sign and submit other required documentation that maybe required for your specific project.

We strongly recommend that the applicant indicates the authorized person(s) by the title of position in the Authorizing Resolution, rather than by the name of the employee or officer. Employees have been known to retire or change jobs in the middle of a project, and, were this to happen, your resolution would be ineffective if it only lists the employee by name. If your organization requires that a person be named in an Authorizing Resolution, then the resolution should also include the title of position and contact information for the named individual.

Note: *If applicant is required to submit a draft "intergovernmental agreement (IGA)" along with your agreement, an Authorizing Resolution is not a substitute for an IGA.*

STANDARD AUTHORIZING RESOLUTION

WHEREAS, *(applicant)* ______________________________ is interested in obtaining a cost-share grant from the Wisconsin Department of Natural Resources (DNR) for the purpose of ______________________________ (as described in the application);

WHEREAS, the respondent attests to the validity and veracity of the statements and representations contained in the application;

WHEREAS, an Agreement/Contract is required to carry out the project; and

NOW, THEREFORE, BE IT RESOLVED, that *(applicant)* ______________________________ will meet the financial obligations necessary to fully and satisfactorily complete the project and hereby authorizes and empowers the following officials or employees to submit the following documents to the DNR for financial assistance that may be available:

Task	Title of Authorized Representative	Email address and phone number if alternative is used
Sign and submit application		/
Enter into an Agreement/Contract with the DNR		/
Submit required reports to the DNR to satisfy the Agreement/Contract, as appropriate		/
Submit reimbursement request(s) to the DNR per the Agreement/Contract		/
Sign and submit other documentation as necessary to complete the project per the Agreement/Contract		/

BE IT FURTHER RESOLVED that respondent will comply with all local, state, and federal rules, regulations, and ordinances relating to this project and the cost-share Agreement/Contract.

I hereby certify that the foregoing resolution was duly adopted by ______________________________ at a legal meeting held on this ________ day of ______________, 20____.

Authorized Signature ______________________________ Date ______________

Title ______________________________

NOTE: The Authorized Signature and the Representative should not be the same person, unless minutes of the meeting where the resolution was adopted are attached.

SUBJECT: **Approve a Resolution to Vacate Undeveloped Right of Way Located at that Portion of 28th Avenue East between Lots Nine (9), Ten (10), and Eleven (11), and Lots One (1), and Two (2), Block Ninety-Seven (97) in the Lake Shore Addition to the North Line of Toll Road; Applicant Kevin Haas *(Planning)* Roll**

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Committee of the Whole Unanimously Approved, January 30, 2024
Plan Commission (Unanimously Recommended Approval January 16th, 2024)

EXHIBITS:
1. Proposed Resolution No. 17764
2. STAFF REPORT Haas ROW Vacation

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: N/A

COMPLIANCE WITH ORD. 51: N/A

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The Comprehensive Plan calls for careful disposition of vacant land. This includes making fiscally sound decisions with the land the City owns, and ensuring that the highest and best use for the land is achieved. The subject right-of-way and parcel #s 201-03744-0000 and 201-03742-0000 are currently vacant and are not considered essential parcels for the City. To staff's knowledge, the right-of-way area does not have easements or deed restrictions attached.

The requested right-of-way vacation is in conformance with the Future Land Use Map, and it supports the principles and goals of the Comprehensive Plan. The subject site is located within the overlap of multiple recommended land uses (Downtown Core & Commercial Districts, Traditional Neighborhood & Mixed-Use, and Conservation Buffer). The Comprehensive Plan allows some overlap of recommended land uses to allow flexibility for future development within some areas of the City. The applicant's plans to combine parcels and construct a single-family home are compatible with the flexibility afforded by the overlap of land uses recommended in the Future Land Use Map.

SUMMARY STATEMENT:

Applicant Kevin Haas has requested that the City vacate a section of platted 28th Avenue East adjacent to two vacant City-owned parcels he wishes to purchase. Please see the included Plan Commission staff report for information regarding this item. This item was included on the January 30, 2024 Council agenda and the Council held a public hearing at that time and voted to approve the right-of-way vacation. However, staff realized that the resolution approving the right-of-way vacation required by ordinance was not included in the packet for the January 30 meeting. Therefore, staff is placing formal approval of the accompanying resolution on the February 13, 2024 Council agenda. The Council expressed support at the January 30 meeting for the proposed right-of-way vacation. Staff requests approval of the resolution to allow the right-of-way vacation to occur.

RESOLUTION No 17764

RESOLUTION TO VACATE UNDEVELOPED RIGHT OF WAY LOCATED AT THAT PORTION OF 28TH AVENUE EAST BETWEEN LOTS NINE (9), TEN (10), AND ELEVEN (11), AND LOTS ONE (1) AND TWO (2), BLOCK NINETY-SEVEN (97) IN THE LAKE SHORE ADDITION TO THE NORTH LINE OF TOLL ROAD, APPLICANT KEVIN HAAS

WHEREAS, the Plan Commission has approved a request to vacate the portions of unimproved right-of-way known as:

- That Part of Platted but Not Open 28th Avenue East Adjacent To Lots 9, 10, and 11, and Adjacent To Lots 1 and 2, Block 97 of the Lake Shore Addition To The City Of Ashland, Wisconsin; and

WHEREAS, a public hearing was held on January 30, 2024, notification of which was given by publishing the notice of the hearing in the newspaper and notifying abutting property owners as required by Wisconsin Statute 66.1003, and the Common Council does deem it in the best interest of the City to vacate said right-of-way.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Ashland hereby vacates the above described undeveloped right-of-way, and relinquishes all claims and responsibilities pertaining thereto contingent upon the following conditions:

- The right-of-way vacation and land transfer request shall be contingent on one another. Both shall require approval in order for either to proceed.
- The applicant shall be responsible for the costs associated with the right-of-way vacation including but not limited to: Certified Survey Map, closing costs, Register of Deeds recording fees, etc.
- Purchase price shall be $0.25 per square foot as determined by ordinance. Based on an area of 9,124 square feet the purchase price shall be $2,281.00 for the right-of-way area.
- Pending approval of the land transfer request, the applicant shall combine the former right-of-way parcel with parcels 201-03742-0000, 201-03743-0000, and 201-03744-0000 via Certified Survey Map (CSM) to create one lot and City staff shall review and approve the CSM prior to recording at the County.
    - Vehicle access to the applicant’s property shall be determined through coordination with the Department of Public Works and applicant shall obtain all right-of-way approvals prior to constructing access to the property.
    - Applicant shall obtain required approvals and zoning and building permits prior to constructing any improvements on the resulting property.

PASSED: February 13, 2024

____
Councilperson

ATTEST:

____
Denise Oliphant, City Clerk

____
Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

____
Tyler Wickman, City Attorney

Find yourself next to the water.

ASHLAND

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

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

STAFF REPORT

Plan Commission – January 16, 2024

Agenda Item # 5b:	**Review and approval on a request to vacate City right-of-way on 28th Ave E between parcels 201-03744-0000 and 201-03742-0000**
Zoning District:	Single-Family Residential (R-1) adjacent to segment to be discontinued
Property Address:	N/A
Parcel #:	Between Parcels 201-03744-0000 and 201-03742-0000
Applicant:	Kevin Haas
Staff Contact:	Steven Wiley

Background

Kevin Haas is looking to acquire three (3) City-owned parcels located to the north of Toll Road on the east side of the city. If he is able to acquire the parcels he would like to combine them and construct a single-family home on the combined parcel. In order to do this, he would need the City to vacate the portion of 28th Ave E right-of-way between two of the parcels. Without the vacation of this right-of-way segment Mr. Haas cannot combine the parcels and would not have a buildable parcel. Currently 28th Ave E is platted but not developed between Toll Road on the south and Main St E on the north. Since Mr. Haas is interested in purchasing the three City-owned parcels he has applied for the right-of-way vacation in tandem with the potential land purchase request. The land purchase request and the right-of-way vacation would be contingent on each other. Without one the other would not occur. The City's Municipal Code Section 618.02 defines the process for discontinuing City rights-of-way when requested by property owners.

The portion of right-of-way Mr. Haas would acquire is approximately 9,124 square feet (0.21 acres) in area. This right-of-way was platted but never developed. Mr. Haas would acquire the three City-owned parcels and this portion of right-of-way and combine all of them into one parcel for a total lot size of approximately 31,935.2 square feet (0.73 acres). He would then construct a single-family home on the parcel. Many parcels in the immediate vicinity are platted but undeveloped except for along 26th Ave E. City staff informed Mr. Haas that he would need to acquire signatures in support from at least 1/3 of property owners whose properties abut the right-of-way within ½ mile of the ends of the segment requested for vacation. Mr. Haas has obtained the required signatures and has submitted a formal request to vacate the segment of right-of-way between the parcels he would like to purchase. In order to move forward the right-of-way vacation now requires Plan Commission and Common Council review and approval.

Existing Land Use	*Zoning*
Vacant: Platted street right-of-way	Single-Family Residential (R-1) (abutting)

Adjacent Land Use and Zoning

Existing Uses		*Zoning*
North	Vacant, platted	Single-Family Residential (R-1)
South	Vacant	Light Industrial (LI)
East	Vacant, platted	Single-Family Residential (R-1), Heavy Industrial (HI), Floodway Overlay
West	Vacant, platted	Single-Family Residential (R-1)

Land Use Recommendation	**Land Use**
Future Land Use Map Recommendation	Overlap of Traditional Neighborhood and Mixed Use, Downtown Core and Commercial Districts, Conservation Buffer

Mr. Haas has discussed his request with staff over the past several months and staff has placed it on for Plan Commission review. The segment of right-of-way in question is shown on the map below.

The above map shows in red the segment of right-of-way requested for vacation.

The City’s Municipal Code 618 allows for right-of-way vacations initiated by the City and right-of-way vacations initiated by property owners. In this case the prospective owner has initiated the request and sent letters with the map shown above to the property owners in the vicinity and owners whose properties abut the right-of-way within ½ mile of the subject segment. He has obtained more than 1/3 of the supporting signatures required. Ordinance sets the purchase price of vacated right-of-way at $0.25 per square foot of area. The area of the right-of-way segment in question is 9,124 square feet so the purchase price would be $2,281.00 for the right-of-way area. Planning staff has discussed the request with the City Administrator and Public Works Department. Approval of the right-of-way vacation would not cut off access to any neighboring parcels. The City does not have plans to extend streets along the subject right-of-way segment. Therefore, staff does not have concerns with the right-of-way vacation as requested. The applicant has requested and staff would recommend that the approval of the right-of-way vacation is contingent on the approval of the three-parcel land transfer.

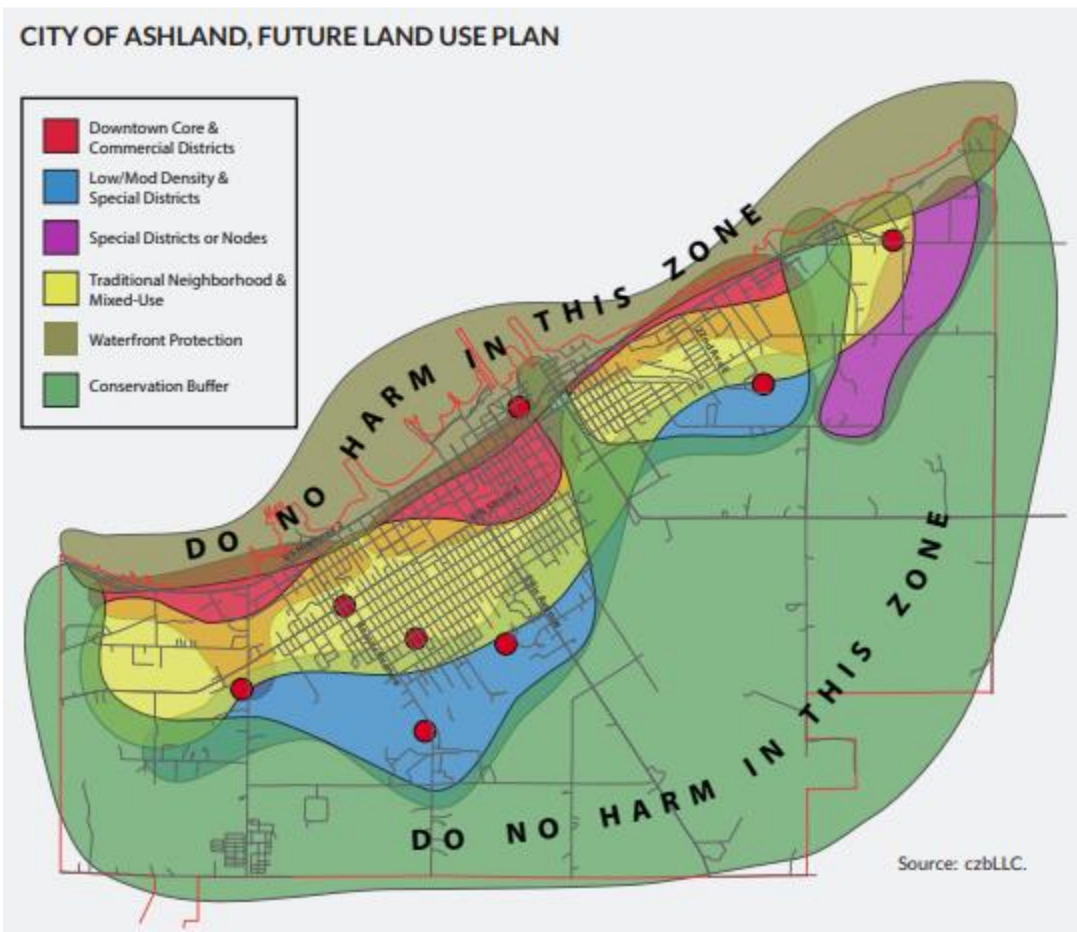
The Plan Commission can make a recommendation regarding the right-of-way vacation as requested. From there the request goes to the City Council who will hold a public hearing as required by ordinance. If the request and the land purchase request are approved staff will work with the applicant and City Attorney to get the request approved.

The above map shows outlined in purple the three City-owned parcels the applicant would like to acquire under the accompanying agenda item.

Consistency with the Comprehensive Plan

The Comprehensive Plan calls for careful disposition of vacant land. This includes making fiscally sound decisions with the land the City owns, and ensuring that the highest and best use for the land is achieved. The subject right-of-way and parcel #s 201-03744-0000 and 201-03742-0000 are currently vacant and are not considered essential parcels for the City. To staff's knowledge the right-of-way area does not have easements or deed restrictions attached.

The requested right-of-way vacation is in conformance with the Future Land Use Map, and it supports the principles and goals of the Comprehensive Plan. The subject site is located within the overlap of multiple recommended land uses (Downtown Core & Commercial Districts, Traditional Neighborhood & Mixed-Use, and Conservation Buffer). The Comprehensive Plan allows some overlap of recommended land uses to allow flexibility for future development within some areas of the City. The applicant's plans to combine parcels and construct a single-family home are compatible with the flexibility afforded by the overlap of land uses recommended in the Future Land Use Map.



Compatibility with Municipal Code

The abutting properties and many of the adjacent properties on the north side of Toll Road are platted but undeveloped. Municipal Code section 618 details the process that right-of-way vacations must follow. The applicant has submitted a formal application and obtained the required supporting signatures from property owners along 28th Ave E within ½ mile of the end of the segment to be discontinued. The required Class III public hearing notice was submitted to the local newspaper. The right-of-way vacation as proposed will not result in any landlocked parcels. Staff has determined that the request is compatible and in compliance with the Municipal Code.

Review Recommendation

Staff recommends APPROVAL of the request to vacate City right-of-way on 28th Ave E between parcels 201-03744-0000 and 201-03742-0000 contingent on the following conditions:

- The right-of-way vacation and land transfer request shall be contingent on one another. Both shall require approval in order for either to proceed.
- The applicant shall be responsible for the costs associated with the right-of-way vacation including but not limited to: Certified Survey Map, closing costs, Register of Deeds recording fees, etc.
- Purchase price shall be $0.25 per square foot as determined by ordinance. Based on an area of 9,124 square feet the purchase price shall be $2,281.00 for the right-of-way area.
- Pending approval of the land transfer request, the applicant shall combine the former right-of-way parcel with parcels 201-03742-0000, 201-03743-0000, and 201-03744-0000 via Certified Survey Map (CSM) to create one lot and City staff shall review and approve the CSM prior to recording at the County.
  - Vehicle access to the applicant's property shall be determined through coordination with the Department of Public Works and applicant shall obtain all right-of-way approvals prior to constructing access to the property.
  - Applicant shall obtain required approvals and zoning and building permits prior to constructing any improvements on the resulting property.

Additionally, as a Public Informational Meeting is scheduled for the proposed Right-of-Way Vacation the Plan Commission should hear all input from the public prior to making a determination. The required Class 1 public informational meeting notice was issued on January 9th, and discretionary letters were sent to all surrounding property owners within 200 feet of the proposed development. The required Class 3 Public Hearing notice for the Council meeting was issued for January 9th, 16th, and 23rd, and information regarding the Public Hearing scheduled for the January 30th Council meeting was included in the discretionary letters that were mailed to surrounding property owners.

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.

SUBJECT: **Approve a Resolution to Approve a Request to Transfer City-Owned Property Parcels No. 201-03742-0000, 201-03743-0000, and 201-03744-0000, Zoned Single-Family Residential (R-1). Applicant: Kevin Haas *(Planning)* Roll**

RECOMMENDATION: Approval of Resolution

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Committee of the Whole Unanimously Approved, January 30, 2024
Plan Commission (Unanimously recommended approval January 16, 2024)

EXHIBITS:
1. Proposed Resolution 17765
2. STAFF REPORT Haas Land Transfer

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: N/A

COMPLIANCE WITH ORD. 51: N/A

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The Comprehensive Plan calls for careful disposition of vacant land. This includes making fiscally sound decisions with the land the City owns, and ensuring that the highest and best use for the land is achieved. The three parcels are currently vacant and are not considered essential parcels for the City. To staff's knowledge the parcels do not have easements or deed restrictions attached.

The proposed land transfer of Parcels # 201-03742-0000, 201-03743-0000, and 201-03744-0000 is in conformance with the Future Land Use Map, and it supports the principles and goals of the Comprehensive Plan. The subject site is located within the overlap of multiple recommended land uses (Downtown Core & Commercial Districts, Traditional Neighborhood & Mixed Use, and Conservation Buffer). The Comprehensive Plan allows some overlap of recommended land uses to allow flexibility for future development within some areas of the City. The applicant's plans to combine parcels and construct a single-family home are compatible with the flexibility afforded by the overlap of land uses recommended in the Future Land Use Map.

The land transfer would involve the City transferring ownership of vacant City-owned parcels and right-of-way to a buyer who would combine the parcels and construct a single-family home on the parcel. Much of the immediate area consists of vacant properties but some parcels along Toll Road are developed as single-family homes. The land transfer and planned land use are consistent with the Comprehensive Plan.

SUMMARY STATEMENT:

At the January 16, 2023 Plan Commission meeting, the Commission recommended approval of a land transfer request by Kevin Haas to purchase three (3) parcels of vacant City-owned land on the east side of the city. The City Council reviewed and approved the land transfer at the January 30 City Council meeting. Staff realized after the January 30 Council meeting that the required resolution was not included in the Council materials for review. The conditions approved by Council at the January 30, 2024 Council meeting are included in the resolution. Staff requests approval of the resolution to allow this land transfer request.

RESOLUTION NO 17765

<u>RESOLUTION TO APPROVE A REQUEST TO TRANSFER CITY-OWNED PROPERTY PARCELS NO. 201-03742-0000, 201-03743-0000, AND 201-03744-0000, ZONED SINGLE-FAMILY RESIDENTIAL (R-1), APPLICANT: KEVIN HAAS,</u>

WHEREAS, Kevin Haas has submitted a land transfer request for three (3) vacant City-owned properties, parcel IDs #201-03742-0000, 201-03743-0000, and 201-03744-0000 for the purpose of combining these parcels with adjacent platted right-of-way into a single buildable parcel; and,

WHEREAS, the Plan Commission held a Public Hearing on Tuesday, January 16, 2024 and has unanimously recommended approval of the Land Transfer; and,

WHEREAS, the applicant will be responsible for the costs associated with the Land Transfer; and

WHEREAS, the portion of land requested for transfer is approximately 22,811.2 square feet (0.52 acres) in size.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Ashland hereby directs that parcels #201-03742-0000, 201-03743-0000, and 201-03744-0000 be transferred to Kevin Haas for a price of $9,000 including the price charged for the accompanying right-of-way vacation and transferred to Mr. Haas contingent upon the following:

The right-of-way vacation and land transfer request shall be contingent on one another. Both shall require approval in order for either to proceed.

- The applicant shall be responsible for the costs associated with the land transfer including but not limited to: Certified Survey Map, closing costs, Register of Deeds recording fees, etc.
- Purchase price for the combined parcels including the right-of-way shall be $9,000.
- Pending approval of the right-of-way vacation, the applicant shall combine the former right-of-way parcel with parcels 201-03742-0000, 201-03743-0000, and 201-03744-0000 via Certified Survey Map (CSM) to create one lot and City staff shall review and approve the CSM prior to recording at the County.
- Vehicle access to the applicant's property shall be determined through coordination with the Department of Public Works and applicant shall obtain all right-of-way approvals prior to constructing access to the property.
- Applicant shall obtain required approvals and zoning and building permits prior to constructing any improvements on the resulting property.
- The applicant shall construct a home on the combined parcel within three (3) years of the land transfer closing date.
- The applicant may not sell the parcel(s) within three (3) years of the land transfer closing date.

PASSED: February 13th, 2024

____
Councilperson

ATTEST: ______________________________ ___________________________
Denise Oliphant, City Clerk Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

____

Tyler Wickman, City Attorney

Find yourself next to the water.

ASHLAND

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

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

STAFF REPORT

Plan Commission – January 16, 2024

Agenda Item # 5a:	**Public Hearing Vote on a Citizen Request to Purchase 3 parcels of City-owned land, (parcels 201-03742-0000, 201-03743-0000, and 201-03744-0000), zoned Single-Family Residential (R-1)**
Zoning District:	Single-Family Residential (R-1)
Property Address:	Vacant – No Address Number
Parcel #:	201-03742-0000, 201-03743-0000, 201-03744-0000
Applicant:	Kevin Haas
Staff Contact:	Steven Wiley

Background

Kevin Haas is interested in purchasing three (3) parcels of vacant City-owned property located on the north side of Toll Road on the eastern side of the city. Mr. Haas also requests that the City vacate the segment of 28th Ave E located between parcels 201-03744-0000 and 201-03742-0000. If the land transfer and right-of-way vacation are approved Mr. Haas would combine the three parcels with the discontinued right-of-way to create a buildable parcel. He would like to construct a single-family home on the combined parcel.

The three parcels are as follows in the table below:

Parcel #	Area	Zoning
201-03742-0000	4,080.4 sq. ft. (0.09 acres)	R-1
201-03743-0000	10,454.4 sq. ft. (0.24 acres)	R-1
201-03744-0000	8,276.4 sq. ft. (0.19 acres)	R-1

Based on the County GIS information City staff has estimated the overall square footage of the parcels to be 22,811.2 sq. ft. (0.52 acres in area). Mr. Haas is proposing a purchase price of $0.25 per sq. ft. for the three parcels. Based on staff's area calculations, this would equate to a price of $5,702.80 for the three parcels. The Plan Commission and City Council can determine whether or not to accept this price when considering the land transfer request.

All three parcels are zoned Single-Family Residential (R-1) and currently platted but undeveloped.

The applicant has discussed the land transfer and right-of-way vacation requests with Planning staff. Currently the properties are not on the tax roll since they are City-owned. The subject properties and all immediately surrounding parcels are vacant. The $0.25 per square foot purchase price proposed by the applicant is consistent with the price set by ordinance for vacated right-of-way. The land transfer request would be contingent on the City vacating the portion of 28th Ave E right-of-way that runs between parcels 201-03742-0000 and 201-03744-0000. Planning staff informed the applicant that the land transfer would require Plan Commission and Common Council review and approval.

Existing Land Use	***Zoning***
Vacant: City-owned (3 parcels)	Single-Family Residential (R-1)

Adjacent Land Use and Zoning

Existing Uses		***Zoning***
North	Vacant, platted	Single-Family Residential (R-1)
South	Vacant	Light Industrial (LI)
East	Vacant, platted	Heavy Industrial (HI), Floodway Overlay
West	Vacant, platted	Single-Family Residential (R-1)

Land Use Recommendation	**Land Use**
Future Land Use Map Recommendation	Overlap of Traditional Neighborhood and Mixed Use, Downtown Core and Commercial Districts, Conservation Buffer

The above map shows outlined in purple the three City-owned parcels the applicant would like to acquire. He would also like the City to vacate the segment of 28th Ave E between parcels 201-03742-0000 and 201-03744-0000.

Planning staff has discussed the proposal with Public Works. The Public Works Director does not have concerns with the land transfer request or proposed right-of-way vacation. Access to the subject property and properties to the north could come from the platted right-of-way that runs southwest-northeast just north of the subject parcels. No properties would lose right-of-way access due to the land transfer and right-of-way vacation. The applicant would combine the three parcels and vacated right-of-way and build a single-family home on the combined parcel. The right-of-way vacation will be considered under an accompanying agenda item.

The map above shows in red the segment of right-of-way requested for vacation under the accompanying agenda item.

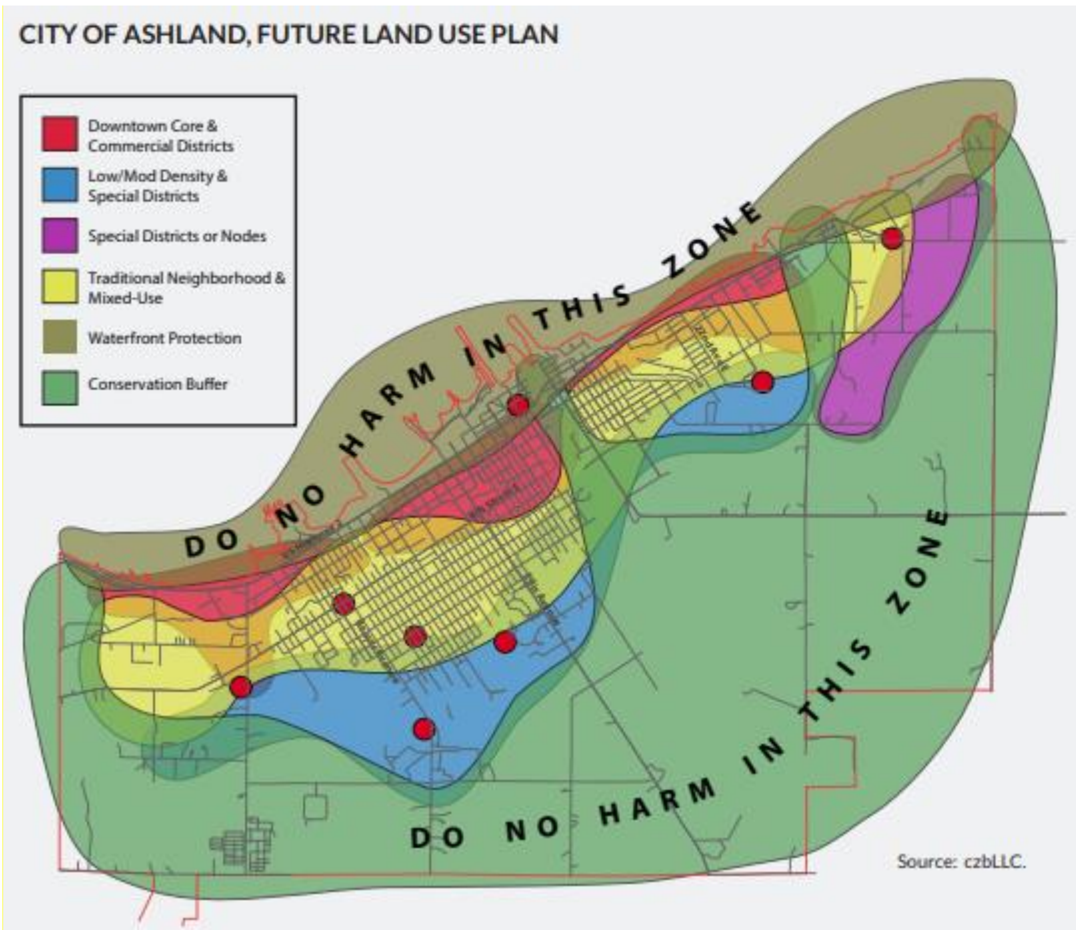
Review Criteria for Offer to Purchase and Sale of Land:

The following decision criteria were used to review the submitted land transfer request:

1. **Consistency with Comprehensive Plan.**

   The Comprehensive Plan calls for careful disposition of vacant land. This includes making fiscally sound decisions with the land the City owns, and ensuring that the highest and best use for the land is achieved. The three parcels are currently vacant and are not considered essential parcels for the City. To staff's knowledge the parcels do not have easements or deed restrictions attached.

The proposed land transfer of Parcels # 201-03742-0000, 201-03743-0000, and 201-03744-0000 is in conformance with the Future Land Use Map, and it supports the principles and goals of the Comprehensive Plan. The subject site is located within the overlap of multiple recommended land uses (Downtown Core & Commercial Districts, Traditional Neighborhood & Mixed Use, and Conservation Buffer). The Comprehensive Plan allows some overlap of recommended land uses to allow flexibility for future development within some areas of the City. The applicant's plans to combine parcels and construct a single-family home are compatible with the flexibility afforded by the overlap of land uses recommended in the Future Land Use Map.



The land transfer would involve the City transferring ownership of vacant City-owned parcels and right-of-way to a buyer who would combine the parcels and construct a single-family home on the parcel. Much of the immediate area consists of vacant properties but some parcels along Toll Road are developed as single-family homes. The land transfer and planned land use are consistent with the Comprehensive Plan.

2. **Consistency with the Unified Development Ordinance (UDO):**

A. Zoning District: Single-Family Residential (R-1)

The sale of Parcels # 201-03742-0000, 201-03743-0000, and 201-03744-0000 to a buyer who would like to combine them and construct a single-family use is consistent with the R-1 zoning and the UDO. The buyer does not propose a zone change or a land use inconsistent with the UDO or current zoning. A number of parcels that are developed nearby along 26th Ave E have single-family homes.

B. Compatibility of Proposed Development with Existing Development

The land requested for transfer by the applicant is currently vacant with no development plans proposed. The land transfer, right-of-way vacation, and combination of the parcels into a buildable lot for development as a residential property are compatible with the existing single-family uses nearby and would facilitate the development of property which would otherwise not be possible.

3. **<u>Consideration of Highest and Best Use:</u>**
Considering all factors as listed above, staff sees single-family residential as the highest and best use of the property. The City has no current or future plans for use of the parcel, and has deemed this land non-essential for future City needs. It is not shown as essential in City of Ashland Ordinance Chapter 478.

The proposed use is compatible with the site and surrounding areas. The surrounding parcels are either vacant, residential, commercial, or industrial. The applicant would work with City staff on going through the approval process and obtaining permits for construction of a new home when he is ready.

4. **Additional Factors, including Compliance with other City Ordinances and State Statutes:**
    a. The applicant shall apply with Ashland County for combination of Parcels # 201-03742-0000, 201-03744-0000, and 201-03743-0000 along with the portion of right-of-way to be vacated via Certified Survey Map into a single tax parcel.
    b. Water and sanitary sewer run along Toll Road and are available near the subject site.

Review Recommendation

Staff recommends APPROVAL of the Land Transfer request to sell Parcels 201-03742-0000, 201-03743-0000, and 201-03744-0000 contingent on the following conditions:

- The right-of-way vacation and land transfer request shall be contingent on one another. Both shall require approval in order for either to proceed.
- The applicant shall be responsible for the costs associated with the land transfer including but not limited to: Certified Survey Map, closing costs, Register of Deeds recording fees, etc.
- Purchase price shall be $0.25 per square foot as proposed by the applicant. Based on an area of 22,811.2 square feet the purchase price shall be $5,702.80 for the 3 parcels.
- Pending approval of the right-of-way vacation, the applicant shall combine the former right-of-way parcel with parcels 201-03742-0000, 201-03743-0000, and 201-03744-0000 via Certified Survey Map (CSM) to create one lot and City staff shall review and approve the CSM prior to recording at the County.
    - Vehicle access to the applicant's property shall be determined through coordination with the Department of Public Works and applicant shall obtain all right-of-way approvals prior to constructing access to the property.
    - Applicant shall obtain required approvals and zoning and building permits prior to constructing any improvements on the resulting property.

Additionally, as a Public Hearing is scheduled for the proposed Land Transfer, the Plan Commission should hear all input from the public prior to making a determination. The required Class 1 public hearing notice was issued on January 9th 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.

SUBJECT: **Approve a Resolution to Approve to Submit a Wisconsin Economic Development Corporation (WEDC) Community Development Investment (CDI) Grant Application to financially Assist with the 514 Main Street West Adaptive Reuse Project *(Planning)* Roll**

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: Unanimously Approved by Committee of the Whole, January 30, 2024

EXHIBITS: 1. Proposed Resolution No. 17766

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The Authentic Ashland 2035 Comprehensive Plan includes a number of goals and recommendations for Ashland's Downtown. The plan recommends focusing resources to have a more rapid, transformative impact. The 514 Main St W property is a contributing structure in the W 2nd St Historic District. It is located in a key area among other amenities such as City Hall, the Post Office, the Vaughn Public Library, and the Baron Radiator site. An adaptive reuse of the 514 Main St W property in tandem with the reuse of the Baron Radiator site would provide the target investment the Comprehensive Plan recommends. The creation of a food and beverage-based use in a downtown currently lacking such uses would result in a destination which would attract people downtown and generate activity. The WEDC CDI Grant would assist the developers in the adaptive reuse of the 514 Main St W property by providing a key funding source for renovation costs. The City Council's support of this grant application and project is consistent with the goals for Downtown outlined in the Authentic Ashland Comprehensive Plan.

SUMMARY STATEMENT:

Alannah and Joe Belanger have continued to work with City staff on the acquisition of the 514 Main Street West property. Staff worked with the City Attorney on the creation of a development agreement to transfer the property. The Belangers have proposed a food and beverage-based use for the first floor and an event space for the second floor of the building. The developers have worked on their pro forma and business plan. Staff discussed the WEDC Community Development Investment (CDI) program with the developers. According to Wisconsin Economic Development Corporation (WEDC), the CDI program provides up to $250,000 for eligible costs of urban, small city, and rural community redevelopment efforts. Projects must show benefits in job opportunities, property values, and/or leveraged investment by local and private partners in at least one of the following efforts:

- Development of a significant destination attraction
- Rehabilitation and reuse of an underutilized or landmark building
- Infill development
- Historic preservation
- Infrastructure efforts to provide substantial benefits to downtown residents/property owners
- Mixed-use development

Eligible activities include the following:

- Building renovation
- Historic preservation
- Demolition
- New construction
- Infrastructure improvements

The 514 Main Street West project meets multiple grant criteria. It would result in the development of a significant destination attraction in Ashland's downtown through the rehabilitation of an unused contributing historic building on an infill site. Additionally, the developer is in the process of applying for historic tax credits for the project. The developer has expressed an interest in maintaining/restoring the historic character of the front façade of the building. The adaptive reuse project is a great opportunity for historic preservation in Ashland's downtown. The City is not obligated to match any grant funds received but Planning and Finance staff would assist by managing grant funds and complying with reporting requirements.

City staff have continued to work with Jeanne Aspenson on work she is doing at the Union Bank property downtown. Staff assisted Ms. Aspenson in securing a CDI grant for that project and the City Council supported her project and CDI application. It is anticipated that Alannah Belanger's proposed adaptive reuse of the 514 Main Street West property will have a similarly beneficial impact on Ashland's downtown. Staff requests the support of the Committee of the Whole for the proposed adaptive reuse of the 514 Main Street West property and associated CDI grant application and resolution.

RESOLUTION No. 17766

RESOLUTION TO APPROVE TO SUBMIT A WISCONSIN ECONOMIC DEVELOPMENT CORPORATION (WEDC) COMMUNITY DEVELOPMENT INVESTMENT (CDI) GRANT APPLICATION TO FINANCIALLY ASSIST WITH THE 514 MAIN STREET WEST ADAPTIVE REUSE PROJECT

WHEREAS, Alannah and Joe Belanger, local developers, are planning on acquiring and adaptively reusing the 514 Main Street West property in downtown Ashland for the purposes of establishing a food and beverage-based use and event space; and

WHEREAS, the developers have sought the support of the City of Ashland to assist with applying for funds to assist in the adaptive reuse project; and

WHEREAS, the Wisconsin Economic Development Corporation (WEDC) has funds available to support small city redevelopment efforts by providing financial incentives for shovel-ready projects with an emphasis on downtown community-driven efforts through their Community Development Investment (CDI) Grant; and

WHEREAS, the City is not obligated to match any grant funds received although Planning and Finance staff will assist by managing the grant funds and complying with reporting requirements.

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Ashland, Wisconsin, authorizes the Department of Planning and Development to submit a WEDC grant application on behalf of Alannah and Joe Belanger, for CDI grant funds in an amount of up to $250,000 to be used towards new construction and redevelopment costs for the 514 Main Street West property in Ashland's City-Center District.

PASSED: February 13, 2024	____________________________ Councilperson
ATTEST:	
____________________________ Denise Oliphant, City Clerk	____________________________ Matt Mackenzie, Mayor

APPROVED AS TO FORM:

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Tyler W. Wickman, City Attorney

SUBJECT: **Approve to Award a Contract to Republic Services, Inc. for Garbage and Recycling Service Provider for the City of Ashland *(Administration)* Roll**

RECOMMENDATION: Approve as Recommended

DEPARTMENT OF ORIGIN: Administrator

CLEARANCES: Unanimously approve by Committee of the Whole, January 30, 2024

EXHIBITS:

EXPENDITURES REQUIRED: As budgeted

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE: The Treasurer's Office has certified on February 8, 2024, that Republic Services, Inc. is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

The City's agreement for municipal waste and recycling collection expired on December 31, 2023 (Two subsequent extensions were signed to ensure there would be no interruption in service). The City advertised the new request for proposals (RFP) in November 2023 and received responses from Republic Services and Waste Management. Our current contract is with Republic Services, which bought Eagle Waste in 2020.

Staff is recommending signing a new 5-year contract with Republic Services for residential waste disposal based on the following:

- Republic offers a 48 gallon cart to encourage more recycling as supported by City Council, Waste Management does not have this smaller cart option;
- Overall, fees are slightly lower with Republic, therefore the cost of the contract will be lower over the five years; and
- Republic, as the incumbent provider, has provided the City with excellent service, changing providers will require a period of relearning the system for both the City and residents.

SUBJECT: **Approve an Ordinance to Amend Chapter 279 (1838) Citations for Violation of City Ordinances, Ashland City Ordinances *(Administration)* Roll**

RECOMMENDATION: Approve

DEPARTMENT OF ORIGIN: Administrator

CLEARANCES: Approved Unanimously at Committee of the Whole, January 30, 2024

EXHIBITS: 1. Proposed Ordinance No. 2024-1996

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

Chapter 279 (1838) Citations for Violation of City Ordinances lists who of City staff that has authority to issue citations, designating law enforcement officers, property maintenance, building inspector, and zoning administrator among other department managers.

Administration would like to amend this list to include a designer from the Public Works department to allow a public works personnel to issue winter parking tickets or enforce two-hour parking violations. Parking enforcement hasn't been kept a priority for the City's law enforcement because of the recent years of being short-staffed and the rise of more prominent calls to respond to. It is hoped that increased ticketing may also influence better compliance with the downtown and winter parking provisions.

Sequential Ordinance No. 2024-1996

ORDINANCE TO AMEND CHAPTER 279 (1838) CITATIONS FOR VIOLATION OF CITY ORDINANCES, ASHLAND CITY ORDINANCES

An ordinance adopted by the Common Council for the City of Ashland at a regular meeting of February 13, 2024, for the purpose of amending Chapter 279 (1838) Citations for Violation of City Ordinances, Ashland City Ordinances.

Section I:

279.04 Authority to Issue Citations *shall be amended as follows:*

Any law enforcement officer may issue a citation for any violation of any City ordinance. In addition, the following officials may issue citations with respect to ordinances which are directly related to the official responsibilities of the official:

a) Building Inspector
b) Zoning Administrator
c) Marina Manager
d) Park and Recreation Director
e) Fire Chief
f) Humane Officer
g) Public Works Director or designee
h) Property Maintenance/Weed Commissioner

Section II:

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

PASSED: February 13, 2024
PUBLISHED: February 20, 2024

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Councilperson

ATTEST:

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Denise Oliphant, City Clerk

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Matthew Mac Kenzie, Mayor

APPROVED AS TO FORM:

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Tyler W. Wickman, City Attorney

SUBJECT: **Approve an Ordinance to Amend Chapter 544 (1026) Vehicular Stopping and Parking, Ashland City Ordinances *(Administration)* Roll**

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Police Department

CLEARANCES: Approved Unanimously by Committee of the Whole, January 30, 2024

EXHIBITS: 1. Proposed Ordinance 2024-1997

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

Chapter 544 Vehicular Stopping and Parking details parking regulations throughout the City. Sections 544.81 and 544.82 outline the violations of certain parking regulations, including parking on Lake Shore Drive and on Main Street. Administration is asking Council's approval to raise the amount of the fine for violating the two-hour parking limit to raise awareness and compliance with this longstanding ordinance. The current amount of this violation is $5 as set in 1984. Several other parking violations, such as double-parking, parking in a crosswalk, and blocking an alley, tote a citation of $30. Administration is asking to bring this citation up to be more equivalent to those listed.

In order to cleanly make this amendment, staff is proposing to amend Section 544.81 and 544.82 aligning the violation amount with that of parking in a prohibited place (544.30), camper parking restrictions (544.31), and wrongly parking in a reserved space (44.70), which are each set currently at $30.

Sequential Ordinance No. 2024-1997

ORDINANCE TO AMEND CHAPTER 544 (1026) VEHICULAR STOPPING AND PARKING, ASHLAND CITY ORDINANCES

An ordinance adopted by the Common Council for the City of Ashland at a regular meeting of February 13, 2024, for the purpose of amending Chapter 544 (1026) Vehicular Stopping and Parking, Ashland City Ordinances.

Section I:

544.81 Violation of Sections 544.10, 544.40, 544.41, and 544.50 *shall be amended to read as follows:*

544.81 Violation of Sections 511.40, 544.41, and 544.50

Section II

544.82 Violation of Sections 544.30, 544.31, and 544.70 *shall be amended to read as follows:*

544.82 Violation of Sections 544.10, 544.30, 544.31, and 544.70

Section III:

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

PASSED: February 13, 2024
PUBLISHED: February 20, 2024

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Councilperson

ATTEST:

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Denise Oliphant, City Clerk

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Matthew Mac Kenzie, Mayor

APPROVED AS TO FORM:

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Tyler W. Wickman, City Attorney

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

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Approved Unanimously by Committee of the Whole, January 30, 2024

EXHIBITS: 1. Proposed Ordinance 2024-1995

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORD. 51: NA

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

Chapter 51 (1814) City Council Procedures regulates how the City conducts business via its City Council. Ch. 51.26 Committee of the Whole outlines how items are to be introduced for discussion, and the exceptions for directing items straight to the Council agenda.

Staff is asking Council to consider amending an exception that would allow staff to bring an item directly to the Council agenda. The following is the entirety of 51.26 Committee of the Whole, red-lined to show proposed changes:

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

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

1. Recommendations of the City Attorney relating to accounts and claims.

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

The proposed amendment of 51.26(b)(6) would eliminate repetitive conversation for projects that have been previously discussed with Council, thus minimizing the work load of the presenting staff and Council. Also, contractors are often work on a strict timeline and request better clarity for scheduling, and this would expedite the progress of the projects.

Sequential Ordinance No. 2024-1995

ORDINANCE TO AMEND CHAPTER 51 (1814) CITY COUNCIL PROCEDURE, ASHLAND CITY ORDINANCES

An ordinance adopted by the Common Council for the City of Ashland at a regular meeting of February 13, 2024, for the purpose of amending Chapter 51 (1814) City Council Procedure, Ashland City Ordinances.

Section I:

51.26 Committee of the Whole *shall be amended as follows:*

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

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

Section II:

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

PASSED: February 13, 2024
PUBLISHED: February 20, 2024

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Councilperson

ATTEST:

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Denise Oliphant, City Clerk

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Matthew Mac Kenzie, Mayor

APPROVED AS TO FORM:

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Tyler W. Wickman, City Attorney

SUBJECT: **Consideration to Approve a Resolution to Establish Water PropertyTax Equivalent for Water Utility, City of Ashland, Ashland and Bayfield Counties, Wisconsin *(Public Works)* Roll**

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
Public Works Director

EXHIBITS: 1. Proposed Resolution No. 17767

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: N/A

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: This item conforms to the Ashland Comprehensive Plan in that it is "...in accordance with existing and future needs, best promote public health, safety, morals, and the general welfare..." for the City's residents and community.

SUMMARY STATEMENT:

The City contracted with Ehlers for professional services to assist the City with completion of a rate case, which is required by the state of Wisconsin Public Service Commission (PSC) in order to increase user rates for the City's drinking water system. In Ashland's case, the rate case is necessary to provide additional revenue needed to cover debt service associated with major capital improvements, specifically the drinking water intake, ongoing distribution system improvements, replacement of filters at the treatment plant, and maintenance of storage facilities.

Ehlers staff presented Phase 1 of the rate case, which was a Long Range Cash Flow Analysis, at the July 25, 2023 Committee of the Whole meeting. Ehlers staff presented Phase 2 of the rate case, which included authorization from the Council to submit an application to the Public Service Commission (PSC) for drinking water rate increases, at the December 12, 2023 City Council meeting. The application has been submitted to the PSC and City staff are working with Ehlers and PSC staff to respond to questions received. The application proposed an approximately 35% rate increase.

As discussed at the December 12, 2023 City Council meeting, a component of the strategy developed to manage the impact of water rate increases on rate payers is "freezing" the amount or Payment In Lieu of Taxes (PILOT) paid by the Water Utility to the City and other taxing entities. Generally speaking, PILOT is made to taxing entities in order to compensate a unit of government for property taxes not collected due to property and/or real property being held in tax-exempt status. The City Water Utility is a tax-exempt entity and the PSC allows for PILOT payments on an annual basis. When evaluating rase cases, the PSC makes standard assumptions about the amount of the PILOT increasing with time due to either a change in millage rates and/or an increase in assessed property value.

Council approval of the attached resolution is requested. The resolution states the City's intent to "freeze" PILOT payments and is required in order to allow Ehlers staff to work with the PSC to ensure that the impact of the proposed rate increase remains at the level, approximately 35%, that was communicated to the Council and public.

"Freezing" the PILOT does have the potential to impact the City's general fund but the proposed resolution allows the City to reevaluate the need to "freeze" the PILOT at a later date.

RESOLUTION No. 17767

<u>RESOLUTION TO ESTABLISH WATER PROPERTY TAX EQUIVALENT FOR WATER UTILITY, CITY OF ASHLAND, ASHLAND AND BAYFIELD COUNTIES, WISCONSIN</u>

WHEREAS, Wisconsin statute Section 66.0811(2) provides that the income of a municipal public utility is to be used to make payments to meet operation, maintenance, depreciation, interest, and debt service fund requirements, local and school tax equivalents, additions and improvements, and other necessary disbursements or indebtedness; and

WHEREAS, Wisconsin Administrative Code, Section PSC 109.02, establishes a methodology for calculating the local tax equivalent a municipality is to pay to a municipality; and

WHEREAS, the Common Council of the City of Ashland is willing to accept a lower tax equivalent payment from the water utility in order to reduce the water rate increase that will be needed as a result of the water utility's current operations, new drinking water intake construction, other necessary water system improvements, and resulting Revenue Requirement developed from the PSC; and

WHEREAS, by setting the tax equivalent payment from the water utility at the same dollar amount that will be collected in 2024, the City will receive tax equivalent payment revenue comparable to that collected from the water utility before the current rate study:

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Ashland, Wisconsin, does approve the following: That the tax equivalent payment from the water utility be set at $347,500.00 (three hundred forty seven thousand dollar five hundred) per year until revised in a subsequent resolution duly adopted by the Common Council of the City of Ashland in the future.

PASSED: February 13, 2024

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Councilperson

ATTEST:

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Denise Oliphant, City Clerk

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Matthew Mackenzie, Mayor

APPROVED AS TO FORM:

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Tyler W. Wickman, City Attorney

SUBJECT: **Consideration of an Ordinance to Amend Chapter 194 (1848) Procurement of Goods and Services and Approval of Change Orders for Public Construction Projects *(Clerk)* Roll**

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: City Attorney

EXHIBITS: 1. Proposed Ordinance 2024-1998

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORD. 51: Section 51.26 (b) of Chapter 51, Ashland City Ordinances, permit the Mayor and/or Clerk to schedule items directly for Council action when a timely decision is needed by the City. The Mayor and/or City Clerk have 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 194 (1848) Produrement of Goods and Services and Approval of Change Orders for Public Construction Projects, regulates how the City engages in purchases and construction projects. In particular, Chapter 194.05 Construction Contracts outlines the process for advertising and seeking proposals for bids, and at what point the City is able to utilize its own employees to complete the construction project.

The City Attorney recognized a formatting error within Chapter 194.05 that alters the intent of this subsection. Correcting this formatting error as shown below (by changing item 194.05(d) to instead be 194.05(c)(4), will provide the intent of 194.05(c) to include the ability for Council to approve by 3/4 vote, allow City employees to do some construction projects without having to seek proposals or advertise for bids.

194.05(c) Any of the following classes of public construction or any part thereof may be done by the City without submitting the same for bids:

1. Roadway work, including: Storm Water system repair, replacement and reconstruction; sidewalk repair, replacement and reconstruction; curb/gutter repair, replacement and reconstruction; replacement of street lighting; addition and replacement of street signage; street painting; and replacement and conditioning of gravel and paving.

2. Water utility work, including: Distribution system repair, replacement and reconstruction; treatment plant & storage facilities component repair and replacement.

3. Wastewater Work, including: Collection system repair, replacement and reconstruction; treatment plant & pumping facilities component repair and replacement.

~~(d)~~ 4. Any other class approved by a vote of three-fourths of the members-elect of the City Council.

Staff requests Council to approve this formatting amendment to correct Chapter 194 (1848).

Sequential Ordinance No. 2024-1998

ORDINANCE TO AMEND CHAPTER 194 (1848) PROCUREMENT OF GOODS AND SERVICES AND APPROVAL OF CHANGE ORDERS FOR PUBLIC CONSTRUCTION PROJECTS, ASHLAND CITY ORDINANCES

An ordinance adopted by the Common Council for the City of Ashland at a regular meeting of February 13, 2024, for the purpose of amending Chapter 194 (1848) Procurement of Goods and Services and Approval of Change Orders for Public Construction Projects Ashland City Ordinances.

Section I:

194.05 Construction Contracts *shall be amended as follows:*

(c) Any of the following classes of public construction or any part thereof may be done by the City without submitting the same for bids:

1) Roadway work, including: Storm Water system repair, replacement and reconstruction; sidewalk repair, replacement and reconstruction; curb/gutter repair, replacement and reconstruction; replacement of street lighting; addition and replacement of street signage; street painting; and replacement and conditioning of gravel and paving.
2) Water utility work, including: Distribution system repair, replacement and reconstruction; treatment plant & storage facilities component repair and replacement.
3) Wastewater Work, including: Collection system repair, replacement and reconstruction; treatment plant & pumping facilities component repair and replacement.
4) Any other class approved by a vote of three-fourths of the members-elect of the City Council.

Section II:

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

PASSED: February 13, 2024
PUBLISHED: February 16, 2024

____
Councilperson

ATTEST:

____
Denise Oliphant, City Clerk

____
Matthew Mac Kenzie, Mayor

APPROVED AS TO FORM:

____
Tyler W. Wickman, City Attorney

SUBJECT: **Consideration of an Appointment of Successor Agent for Black Bears Hotel C, LLC dba Chequamegon Grille at 101 Lake Shore Drive West, Ashland, Applicant Natalie Skinnes *(Clerk)* Voice**

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: NA

EXHIBITS: 1. Appointment of Successor Agent - N Skinnes

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORD. 51: Section 51.26 (b) of Chapter 51, Ashland City Ordinances, permit the Mayor and/or Clerk to schedule items directly for Council action when a timely decision is needed by the City. The 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:

Black Bear Hotel C LLC recently purchased the Chequamegon Hotel and Chequamegon Grille, intending to lease the Chequamegon Grille to continue operations. Natalie Skinnes has agreed to lease the restaurant and assume agent for the alcohol license already in place.

Form **AT-200**

Appointment of Successor Agent – Retail Licenses

Submit this form to your licensing authority with a $10 processing fee.

If there is a change in agent, each club, corporation, or limited liability company that holds a retail license to sell fermented malt beverages and/or intoxicating liquor must appoint a successor agent and have the appointment approved by the licensing authority pursuant to sec. 125.04(6), Wis. Stats. The following questions must be answered by the agent, and the appointment must be signed by an officer of the corporation/organization or one member of the limited liability company (only one signature is required).

Section 1: Licensee Information and Acknowledgement

Licensee Name

BLACK BEARS HOTEL C LLC (TRAVIS TURNER)

Reason for Cancellation of Appointed Agent

LEASING RESTAURANT AT PROPERTY

The undersigned appoints NATALIE SKINNES as agent in accordance with sec. 125.04(6), Wis. Stats.

Signature of President / Member — *Date* 2/1/2024

Section 2: Agent Information and Acknowledgement

Agent Name

Natalie Skinnes

Mailing Address	City or Post Office	State	Zip Code
77325 Big Rock Rd	Washburn	WI	54891

Agent Questions	Yes	No
1. Are you of legal drinking age?	✓	
2. Have you been a resident of Wisconsin for at least 90 continuous days prior to the date of appointment as agent?	✓	
3. Have you ever been convicted of a federal law violation?		✓
4. Have you ever been convicted of a state law violation?		✓
5. Have you ever been convicted of a local ordinance violation?		✓
6. Have you completed the required responsible beverage server training course per sec. 125.04(5)(a)5, Wis. Stats.?	✓	

UNDER PENALTY OF LAW, I declare that my answers above are true and correct to the best of my knowledge and belief.

I hereby accept appointment as agent for BLACK BEARS HOTEL C LLC dba CHEQUAMEGON GRILLE and assume full responsibility of the conduct of the business relative to fermented malt beverages and intoxicating liquors.

Signature of Agent — *Date* 02/01/24

Section 3: Licensing Authority Approval

Municipality Name

CITY OF ASHLAND

Signature of Official — *Date*

Title of Official

SUBJECT: **Consideration of an Original Alcohol Beverage license Appliation for Frankie's Family Pizza, LLC dba Frankies Pizza at 1317 Lake Shore Drive East, Ashland, and Agent Michael Welty *(Clerk)* Voice**

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: Police Department

EXHIBITS:

1. Original Alcohol Beverage License Application - Redacted
2. Supplement Questionnaire & Schedule of Appointment of Agent - Redacted

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: The Treasurer's Office has certified on February 8, 2024, that Frankie's Family Pizza LLC is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

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

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: NA

SUMMARY STATEMENT:

Frankie's Pizza, a longtime family operation, recently changed ownership within its family due to the loss of a family member and major business partner. Frankie's Family Pizza, LLC, is requesting to continue business as usual, including offering beer and wine to its patrons.

Frankie's Family Pizza, LLC has applied for an original alcohol beverage license to enable the sales of fermented malt beverages and wine to its dine-in customers. The agent would now be Michael Welty.

Staff recommends approval of the license application.

* Provisional Jan 25 → March 25

FOR CLERKS ONLY	
Municipality	Ashland
License Period	2023 - 2024

Form **AT-106**

Original Alcohol Beverage License Application

License(s) Requested (Prorated)

- ☐ Class "A" Beer .... $____
- ☒ Class "B" Beer $33.33
- ☒ "Class C" Wine $33.33
- ☐ Reserve "Class B" Liquor $____
- ☐ "Class A" Liquor .... $____
- ☐ "Class B" Liquor .... $____
- ☐ "Class A" Liquor (Cider Only) $____
- ☐ "Class B" (Wine Only) Winery $____

License Fees	$ 66.66
Publication Fee	$ 50.00
Background Check	$ —
Total Fees	$ 116.66

Part A: Premises/Business Information

1. Legal Business Name (registered entity name or individual's name if sole proprietorship)
Frankies Family Pizza LLC

2. Trade Name or DBA
Frankies Pizza

3. Premises Address
1315 Lake shore dR, East

4. County
Ashland

5. Municipality

6. Aldermanic District

7. Mailing Address (if different from premises address)
1317 Lake Shore dR East

8. FEIN
93 1996572

9. Wisconsin Seller's Permit Number
456-1031468934-04

10. Premises Phone
715 292 5753

11. [redacted]

12. Entity Type *(check one)*
☐ Sole Proprietor ☐ Partnership ☒ Limited Liability Company ☐ Corporation ☐ Nonprofit Organization

13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. Alcohol beverages may be sold and stored ONLY on the premises described in this application. Attach additional sheets if necessary.
House office, Hallway closet, Back Cooler, Dinning room

Part B: Questions

1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate .... ☒ Yes ☐ No

2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? ..... ☐ Yes ☒ No
If yes, please explain using the space below. Attach additional sheets if necessary.

Part C: For Corporate/LLC Applicants Only

1. State of Registration	2. Date of Registration
Wisconsin	6.21.23

3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors .... ☐ Yes ☒ No

Name of Parent Company	FEIN of Parent Company

4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? ☐ Yes ☒ No
If yes, please explain using the space below. Attach additional sheets if necessary.

5. Agent's Last Name	Agent's First Name	Phone

Part D: Individual Information

A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
Welty	Michael	Manager	715-292-5753

Part E: Attestation

Who must sign this application?

- sole proprietor
- one general partner of a partnership
- one corporate officer
- one managing member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000 if convicted.

Signature		Date
Michael Welty		1.25.24
Name (Last, First, M.I.) Welty Michael D		
Title: manager	Email: [redacted]	Phone: 715-292-5753

Part F: For Clerk Use Only

Date application was filed with clerk	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		

Form **AT-103**

Alcohol Beverage License Application Supplemental Questionnaire

Date 01-25-24

This form must be submitted to the municipal clerk, and be accompanied by one or more of the following forms: AT-104, AT-106, AT-108, AT-115, or AT-200. One Form AT-103 must be completed by each person involved in the applicant business or parent company including:

- sole proprietor
- all partners of a partnership
- all officers, directors, and agent of a corporation or nonprofit organization
- managing members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Supplemental Questionnaires are submitted.

Part A: Premises/Business Information

1. Registered Entity Name (or individual name if sole proprietor)
Frankies Family Pizza LLC

2. Trade Name or DBA
Frankies Pizza

3. Entity Type *(check one)*
☐ Sole Proprietor ☐ Partnership ☑ Limited Liability Company ☐ Corporation ☐ Nonprofit Organization

Part B: Individual Information

1. Name (Last, First, M.I.) Cheryle Motel		
2. Relationship to Registered Entity (Title) Agent	3. [redacted]	[redacted]

5. Home Address 1015 Front St E Ashland Wi 54806			
6. City Ashland	7. State Wi	8. Zip Code 54806	9. Date of Birth 1-23-59
10. Drivers License/State ID Number		11. Drivers License/State ID State of Issuance	

Part C: Address History

List in chronological order your last two residence addresses within the last 5 years.

Previous Address 1 1015 Front St E Ashland Wi 54806	
Previous City, State, Zip SAME	Dates (MM/YYYY - MM/YYYY)
Previous Address 2	
Previous City, State, Zip	Dates (MM/YYYY - MM/YYYY)

Part D: Employment History

List in chronological order your last two employers within the last 5 years.

Employer's Name Retired	
Employer's Address	Dates Employed (MM/YYYY - MM/YYYY)
Employer's Name	
Employer's Address	Dates Employed (MM/YYYY - MM/YYYY)

Part E: Criminal History		
1. Have you ever been convicted of any offenses (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? . . . . . . ☐ Yes ☒ No If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.		
Law/Ordinance Violated		Trial Date
Penalty Imposed	Was sentence completed? . . . . . ☐ Yes ☐ No	
Law/Ordinance Violated		Trial Date
Penalty Imposed	Was sentence completed? . . . . . ☐ Yes ☐ No	
2. Are charges for any offenses currently pending against you (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? . . . . . ☐ Yes ☐ No If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.		

Part F: Questions		
1. Have you lived in any state other than Wisconsin as an adult? If yes, please list them in the space below. If no, continue to question 2 . . . . . ☐ Yes ☒ No		
2. How long have you continuously lived in Wisconsin prior to the date of application?	Years 65	Months
3. Do you hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g. brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets as needed. ☐ Yes ☒ No		

Part G: Attestation	
READ CAREFULLY BEFORE SIGNING: I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000 if convicted.	
Signature Cheryl S Mitchell	Date 1-25-24

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☐ Village ☑ City of Ashland County of Ashland

The undersigned duly authorized officer/member/manager of Frankies Family Pizza LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Frankies Pizza
(Trade Name)

located at 1315 Lake Shore DR. E Ashland Wi 54806

appoints Micheal D. Welty
(Name of Appointed Agent)

1317 Lake shore dr. E Ashland Wi. 54806
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☑ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☑ Yes ☐ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 40 years

Place of residence last year 2107 5th St E Ashland Wi 54806

For: Frankies Family Pizza LLC
(Name of Corporation / Organization / Limited Liability Company)

By: Cheryle S Motel
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than $1,000.

ACCEPTANCE BY AGENT

I, Michael D. Welty, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Michael D. Welty — 1-25-24 — Agent's age 40
(Signature of Agent) (Date)

1317 LakeShore Dr E Ashland WI — Date of birth [redacted]
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on ________ by ____________________ Title ____________
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)