

1. Packet

Documents:

[MARCH 27, 2018 COUNCIL PACKET.PDF](#)

2. Supporting Meeting Documents

Documents:

[MARCH 27, 2018 COUNCIL PACKET ATTACHMENT FOR 7A AND 8D.PDF](#)

ASHLAND CITY COUNCIL MEETING  
Tuesday, March 27, 2018 - 6:15 P.M.  
Ashland City Hall Council Chambers

**Please turn off all cell phones during the meeting.**

**1. CALL TO ORDER**

- A. Roll Call
- B. Moment of Silence
- C. Pledge of Allegiance

**2. APPROVAL OF AGENDA (Voice)**

**3. APPROVAL OF MINUTES** of the March 13, 2018 Council and Committee of the Whole Meetings  
**(Voice)**

**4. CITIZEN PARTICIPATION PERIOD (Clerk reads rules prior to public comments)**

**5. MAYOR'S REPORT**

A. Appointments

Housing Committee

Sam Ray, Term Expires: October 1, 2019

2018-2019 Election Inspectors

Robert Bassett, Cathy Peltonen, Richard Strauss, Victoria Stroshane, Sarah Szymaniak

B. Appointment of City Attorney (*Administration*) **Roll**

**6. CONSENT AGENDA** (*Includes items that were unanimously approved by Committee of the Whole*)  
**(Voice)**

A. Operator's Licenses

B. Miscellaneous Minutes

C. Discussion and Possible Action to Approve the City of Ashland Website Upgrade With CivicPlus and Authorize the City Administrator to Negotiate a Service Agreement for Website Service for up to a Five Year Period (*Clerk*)

**7. Old Business**

A. Approve a Resolution to Approve the Sale of City-Owned Property at 211 6<sup>th</sup> Street West, Parcel #201-01972-000 to the VFW/American Legion (*Councilor Kinney*) **Roll**

**8. New Business**

A. Discussion and Approval of the Resolution of the State of Wisconsin, Board of Commissioners of Public Lands, Application for State Trust Fund Loan for the Sum of \$550,000 for the Purpose of Financing Tax Increment District #10 Development Agreement and for No Other Purposes (*Finance*) **Roll**

- B. Approve a Request for Funding for the Feasibility Study for Lake Superior Center for Fisheries, Aquatic Science and Education Initiative from the City of Ashland’s Fund 453 (*Council President*) **Roll**
- C. Approve a Contract with Granger Builders for Construction of a New Salt Shed, and for the Public Works Personnel to Provide Construction in Accordance with Ordinance 194.05 (*Public Works*) **Roll**
- D. Approve Ordinance to Amend Chapter 781 (1764), Ashland City Ordinances, Unified Development Ordinance, to Comply with 2017 Wisconsin Act 67 (*Plan & Develop*) **Voice**
- E. Review of Chapter 28, Ashland City Ordinances, Discussion on the Qualities and Qualifications Desired for the City Administrator Position, and Direction on Recruitment to Fill the City Administrator’s Position in Preparation for the Replacement of the Current City Administrator (*Human Resources*) **Voice**

**9. ADJOURNMENT**

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

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

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**PRESENT:** Holly George, Richard Ketring, Ella Teague, Kate Ullman, Carl Doersch, David Mettille, Pat Kinney, Charles Ortman, Donna Williamson, Dick Pufall, Jackie Moore

**ABSENT:** None

**ALSO PRESENT:** Mayor Deb Lewis, City Administrator Mary Garness, City Attorney David Siegler, City Clerk Denise Oliphant, Parks & Recreation Director Sara Hudson, Planning & Development Assistant Megan McBride, Public Works Interim Director Sharon Campbell, Dan Maderich, and Other Concerned Citizens

**Agenda Item 1: Call to Order**

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

**Agenda Item 2: Approval of Agenda**

Ullman moved, Teague seconded a motion to approve the agenda as presented. The motion carried unanimously by voice vote.

**Agenda Item 3: Approval of Minutes of the February 27, 2018 Council and Committee of the Whole Meetings**

Pufall moved, Moore seconded a motion to approve the minutes of the February 27, 2018 Council and Committee of the Whole meetings. The motion carried unanimously by voice vote.

**Agenda Item 4: Citizen Participation Period**

*Bob Kreinbring, VFW member and Veteran,* spoke in favor of the VFW acquiring the City-owned building at 211 6<sup>th</sup> Street West.

*Donna Blazek, 222 Prentice Avenue,* reiterated her comments recently published in the Daily Press to make aware of the water contamination of the amount of fluoride added to the City's water.

*Cheryl Wallis, VFW Finance Officer,* advised Council of how the current VFW facility is not ADA compliant for the aging members to access, and asked Council to help the VFW find its new home.

**Agenda Item 5: Mayor's Report**

Mayor Lewis reported on a gathering of 24 stakeholders that she attended at Memorial Medical Center to discuss the opioid and meth addiction concerns in the community. There have been subcommittees formed to focus on education, prevention, and aftercare for those recovering. Administration will be conducting interviews for City Attorney to replace retiring Attorney David

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Siegler, and expect to bring a recommendation to Council on March 27. A trivia night is planned at the former Spot Bar on March 15 as a fundraiser for the ongoing ore dock project, with a thank you to Assistant Planner Megan McBride for her organizing of this event. There will be a concert on March 16 at the Presbyterian Congregational Church to benefit the Bad River youth. Lewis distributed a Great Lakes Water Quality Report for Council to review. Finally, there is an Anishinaabe Racial Justice Conference to be held on April 13 in the UP area.

**Agenda Item 5A: Appointments**

**2018-2019 Election Inspector**  
Bill Metzinger

George moved, Teague seconded a motion to approve the appointment. The motion carried unanimously by voice vote.

**Agenda Item 6: Consent Agenda**

Mettille moved, Moore seconded a motion to approve the Consent Agenda as presented. The motion carried unanimously by voice vote.

**Agenda Item 6A: Miscellaneous Minutes**

**Agenda Item 6B: Planning and Development Report – February, 2018**

**Agenda Item 7: Old Business**

**Agenda Item 7A: Discussion and Possible Action Regarding the VFW and American Legion Acquiring the Chequamegon Bay Engineering Building at 211 6<sup>th</sup> Street West (Councilor Kinney)**

The VFW and American Legion expressed an interest in acquiring the Chequamegon Bay Engineering building. The Chequamegon Bay Engineering building would provide improved access and use for veterans and the services that they provide to the community.

**Veterans of Foreign Wars (VFW)**

The information regarding the Veterans of Foreign Wars below is from <https://www.vfw.org/about-us>

**Our Mission:** To foster camaraderie among United States veterans of overseas conflicts. To serve our veterans, the military and our communities. To advocate on behalf of all veterans.

**Our Vision:** Ensure that veterans are respected for their service, always receive their earned entitlements, and are recognized for the sacrifices they and their loved ones have made on behalf of this great country.

**Who We Are**

The Veterans of Foreign Wars of the United States is a nonprofit veterans' service organization comprised of eligible veterans and military service members from the active, guard and reserve forces.

We trace our roots back to 1899 when veterans of the Spanish-American War (1898) and the Philippine

Insurrection (1899-1902) founded local organizations to secure rights and benefits for their service. Many arrived home wounded or sick. There was no medical care or veterans' pension for them, and they were left to care for themselves.

In their misery, some of these veterans banded together and formed organizations that would eventually band together and become known as the Veterans of Foreign Wars of the United States. After chapters were formed in Ohio, Colorado and Pennsylvania, the movement quickly gained momentum. Today, membership stands at nearly 1.7 million members of the VFW and its Auxiliary.

Our voice was instrumental in establishing the Veterans Administration, development of the national cemetery system, in the fight for compensation for Vietnam vets exposed to Agent Orange and for veterans diagnosed with Gulf War Syndrome. In 2008, we won a long-fought victory with the passing of a GI Bill for the 21st Century, giving expanded educational benefits to America's active duty service members, and members of the guard and reserves, fighting in Iraq and Afghanistan. We were the driving force behind the Veterans Access and Accountability Act of 2014, and continually fight for improved VA medical centers services for women veterans.

Besides helping fund the creation of the Vietnam, Korean War, World War II and Women in Military Service memorials, in 2005 the VFW became the first veterans' organization to contribute to building the new Disabled Veterans for Life Memorial, which opened in November 2010. And in 2015, we became the first supporter of the National Desert Storm War Memorial which is planned for construction at our nation's capital.

We have many programs and services that work to support veterans, service members and their families, as well as communities worldwide.

**American Legion (<https://www.legion.org/mission>)**

The American Legion was chartered and incorporated by Congress in 1919 as a patriotic veterans organization devoted to mutual helpfulness. It is the nation's largest wartime veterans' service organization, committed to mentoring youth and sponsorship of wholesome programs in our

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communities, advocating patriotism and honor, promoting strong national security, and continued devotion to our fellow service members and veterans.

Hundreds of local American Legion programs and activities strengthen the nation one community at a time. American Legion Baseball is one of the nation’s most successful amateur athletic programs, educating young people about the importance of sportsmanship, citizenship and fitness. The Operation Comfort Warriors program supports recovering wounded warriors and their families, providing them with "comfort items" and the kind of support that makes a hospital feel a little bit more like home. The Legion also raises millions of dollars in donations at the local, state and national levels to help veterans and their families during times of need and to provide college scholarship opportunities.

The American Legion is a nonpartisan, not-for-profit organization with great political influence perpetuated by its grass-roots involvement in the legislation process from local districts to Capitol Hill. Legionnaires’ sense of obligation to community, state and nation drives an honest advocacy for veterans in Washington. The Legion stands behind the issues most important to the nation's veterans’ community, backed by resolutions passed by volunteer leadership.

The American Legion’s success depends entirely on active membership, participation and volunteerism. The organization belongs to the people it serves and the communities in which it thrives.

At the February 27, 2018 Committee of the Whole meeting, Pufall moved, Ketring seconded a motion to instruct staff to research the giving of the City-owned building at 211 6<sup>th</sup> Street West to the VFW. Kinney offered a friendly amendment of assisting in fundraising, which was accepted. The motion to instruct staff to research the City giving the building to the VFW, and to assist in fundraising, was carried unanimously by roll call vote.

**Land Acquisition and Dispositions Policy**

The City Attorney has advised that the Council should either follow Chapter 478 in conveying the property to the Veteran’s organizations or should amend the ordinance to allow for a different procedure. Since there are any number of relatively easy ways to approve a conveyance to the Veteran’s organizations if that is the Council’s wish, it should not be necessary to take the time to amend the ordinance. Complying with existing procedures should take a shorter time than amending the ordinance.

The City can treat the request to convey the property as a “citizen initiated purchase request” under Sec. 478.07 of the City Ordinances. In that case, the applicant for the conveyance simply completes an application with the Planning and Development Department, and pays fees set under Chapter 165, which total \$650. The request is reviewed by City staff. The Plan Commission may be involved, but it is not required that the Commission be involved.

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Since the City has already determined that the CBE property is appropriate for sale, the conveyance can also be treated as a "city initiated land sale" under Sec. 478.06 of the City Ordinances. Of the three procedures given for this type of sale, the easiest procedure would be the "informal sales procedure" under Sec. 478.06(c). The introductory paragraph to this subsection says that this procedure will "generally be used" for parcels that are not generally marketable. This parcel is clearly marketable, but the use of the word "generally" in the phrase "generally be used" implies that there may be other situations where this procedure will be used. The Council could deem this to be one of those situations.

Under this procedure, City staff negotiate the terms of the sale, the Plan Commission reviews the sale, and the Council takes final action. The Council's action may include waiver of any of the transaction fees that would otherwise be charged under this procedure. There are no administrative fees charged under this procedure. The only fee that either the City or the Veteran's organizations would have to pay would be the recording fee of \$30 to the Register of Deeds.

**Summary of Investment in Property**

2000 Purchase	\$150,000
Rent Income	-52,000
Cash on Sale	-56,000
2015 Purchase	<u>\$182,030</u>
Net Cash Out	<u>\$224,030</u>
Services to Be Received	-\$94,000
Services Not Received	<u>24,547</u>
Value of Services Received	<u>\$69,453</u>
<b>Net Investment in Property</b>	<b><u>\$154,577</u></b>

Discussion began with Attorney Siegler clarifying Chapter 478, Ashland City Ordinances, as it relates to this item, and the options that Council has regarding this item. George asked to recognize Pat Pospychalla to speak for and answer questions for the VFW. This was approved unanimously by voice vote.

Doersch moved, George seconded a motion to refer this item to the next Plan Commission meeting. After conversation, George offered a friendly amendment, seconded by Ullman, to include a public hearing at the Plan Commission meeting. The amendment failed 4-7 by roll call vote; opposed were Ketring, Teague, Doersch, Kinney, Ortman, Williamson, and Pufall.

Kinney offered a friendly amendment to the motion for the VFW to offer a purchase price of \$50,000. This was accepted by Doersch and George. After much deliberation between Council and the

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Veterans who spoke for the VFW, Teague called the question. This motion carried 9-2 by voice vote; opposed were Ortman and Pufall.

The motion to refer this item to the next Plan Commission meeting without a public hearing including a suggested purchase price or offer of \$50,000 for the VFW to acquire the City-owned building at 211 6<sup>th</sup> Street West, and to return to Council at the March 27, 2018 meeting. The motion carried unanimously by roll call vote.

**Agenda Item 8: New Business**

**Agenda Item 8A: Approve to Accept a Grant Award from Wisconsin Department of Natural Resources Recreational Trails Program for the City of Ashland Waterfront Trail Repair (Parks & Rec)**

The City of Ashland had requested and has been awarded assistance from the Wisconsin DNR Recreational Trails Program to assist in fixing four sections of damaged waterfront trail. The request was approved by Council in April, 2017, and submitted on May 1, 2017, before the Nor'Easter storm of October 27, 2017.

Grant funds will be used to purchase 12"-plus size blasted rock to create a revetment (rip rap) along the Lake Superior shoreline in four areas, all along the waterfront trail: between Solstice Outdoors and Sanborn Avenue West, just east of the Hot Pond, west of the Boat House, and near the Water Utility.

The City will be receiving 1000 tons of heavy riprap from WisDOT and Ashland County to assist with the shoreline revetment. The City has also applied for a WisDOT TAP to assist with the revetment and fixing damages to the waterfront trail. City staff will continue to look for other funds for this project. Estimated cost to fix the 4 failing section of trail is approximately \$1 million.

Moore moved, Teague seconded a motion to approve to accept a grant award from Wisconsin Department of Natural Resources Recreational Trails Program for the City of Ashland Waterfront Trail repair in the amount of \$43,600. The motion carried unanimously by roll call vote.

**Agenda Item 8B: Approve a Resolution to Approve the Sale of City-Owned Land, Parcel #201-01224-0000, to Marlene Martin (Planning)**

Marlene Martin submitted an offer to purchase City-owned land directly adjacent to her parcel located at 705 Lake Shore Drive E. She is offering \$100 for this approximately 0.03 acre piece of land and is also requesting that the real estate taxes be prorated through the day prior to the sale closing.

The property in question was acquired by the City from the Railroad as part of the overall ore dock land transfer. Per state statutes, the City must retain property 33 feet from the centerline of each outermost track of where the railroad existed and all land in between. Therefore, this 17 foot wide

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section of land is all that the City is legally able to sell. This proposal has been brought forward through the citizen-initiated land purchase request process for non-essential City-owned land as detailed in Ordinance 478. All required City staff were notified of this purchase request and asked to identify concerns or additional conditions; no comments or concerns were identified.

The principal structure owned by Marlene Martin at 705 Lake Shore Drive East currently encroaches onto City-owned land, prompting this request to address this encroachment. This proposed land purchase would eliminate the encroachment and bring the principal structure into compliance with parcel setback requirements. The property owner plans to demolish the existing garage which also encroaches onto City-owned land.

Megan McBride, Planning Assistant, spoke to Council of the action taken at the recent Planning Commission meeting, explaining that the purchaser offered to amend her offer to purchase land extending to Highway 2. It was also noted that a neighbor who initially opposed to this sale, now feels that she was supportive of the offer to purchase.

Mettille moved, Kinney seconded a motion to approve the Resolution to approve the sale of City-owned land, Parcel #201-01224-0000, to Marlene Martin. The motion carried unanimously by roll call vote. **(File #17429)**

**Agenda Item 8C: Approve the State Municipal Agreement (SMA) Mill and Overlay and the State/Municipal Maintenance Agreement (SMMA) for the State Hwy 112 Project (Public Works)**

At the November 14, 2017 City Council meeting, the Council was informed that State Highway 112, also known as Sanborn Avenue, was slated for resurfacing by the Wisconsin Department of Transportation (WisDOT) in 2019 and that WisDOT was getting to the point where a State Municipal Agreement (SMA) was going to have to be approved by the City so that WisDOT can begin design engineering in 2018 for the 2019 project. The original estimate for the city share of the project was +/- \$70,000.

On February 7, 2018, Public Works staff had a teleconference with the WisDOT to discuss the scope of the project.

- The cost to widen the shoulder and the fog line markings will be completed at the City's cost, but a reduction was made to the original estimate since the Street Department will stencil the bike lane markings.
- Mid-block crosswalk removed: WisDOT does not recommend mid-block crosswalks (between 3<sup>rd</sup> St. W. and the 5<sup>th</sup> St. Corridor). City staff discussed the need for the crosswalk and agreed with WisDOT to remove it.
- Utility adjustments: The original estimate included the storm manhole adjustments as a City cost but the City is only responsible for the Ashland Utility valve and manhole adjustments. WisDOT reduced the original estimate.

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WisDOT provided a summary of costs for the City's share of the project. This includes the additional pavement for bicycles at \$27,500, urban fog line markings at \$4,500, and utility adjustments at \$12,500, as well as Preliminary Engineering and Plan Development at \$5,500, for a total of \$50,000.

The Public Works Department recommended that both the State Municipal Agreement and the State Municipal Maintenance Agreement be approved.

Doersch moved, George seconded a motion to approve the State Municipal Agreement Mill and Overlay and the State/Municipal Maintenance Agreement for the State Highway 112 Project. The motion carried unanimously by voice vote.

**Agenda Item 8D: Approve to Award the Base Bid Contract to Jake's Excavating & Landscaping, LLC for the 6<sup>th</sup> Street East Reconstruction Project (Public Works)**

Three bids were received and opened on March 1, 2018 for the 6th Street East Reconstruction Project. The project limits are Ellis Avenue to 7th Avenue East and is partially funded with CDBG funds.

The project consists of six City blocks of urban street reconstruction, storm sewer construction, water main construction, sanitary sewer construction, and new sidewalk along the north side of 6<sup>th</sup> Street East between Ellis Avenue and 7<sup>th</sup> Avenue East.

Bid Alternate 1 is to delay the final surface paving of the top 1-1/2 inches of pavement until not sooner than July 26, 2019. The Public Works staff was not recommending that the Bid Alternate is awarded.

It was the recommendation from the Department of Public Works to accept the low bid of \$1,151,087.10 submitted by Jakes Excavating & Landscaping, LLC.

George moved, Doersch seconded a motion to award the base bid contract to Jake's Excavating & Landscaping, LLC for the 6<sup>th</sup> Street East Reconstruction Project for the bid amount of \$1,151,087.10. The motion carried unanimously by roll call vote.

**Agenda Item 9: Closed Session**

George moved, Teague seconded a motion to move into closed session. The motion carried unanimously by roll call vote.

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Agenda Item 9A: CLOSED SESSION per Wisconsin Statute 19.85(1)(b) and (1)(c) "to consider dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission, or the investigation of charges against such person," and "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." (Reporting to the City Council on disciplinary action taken by City Administration with regard to the former Public Works Director; not an evidentiary hearing. The Council will not be asked to take any final action.) (Administrator)

**Agenda Item 9B: Return to Open Session**

Ortman moved, Moore seconded a motion to return to open session. The motion carried by voice vote.

A motion to adjourn was entertained but reconsidered as it was out of order of the agenda.

**Agenda Item 9C: Action and/or Reporting on Closed Session Discussion and Action**

Mayor Lewis reported that the discussion entailed updating Council regarding the grievance hearing and information being released regarding this issue due to open records requests made to the City. No action was taken at this time.

**Agenda Item 10: Adjournment**

George moved, Ketring seconded a motion to adjourn. The motion carried unanimously by voice vote.

Respectfully submitted,

Denise Oliphant  
City Clerk

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**PRESENT:** Holly George, Richard Ketring, Ella Teague, Kate Ullman, Carl Doersch, David Mettille, Pat Kinney, Charles Ortman, Donna Williamson, Dick Pufall, Jackie Moore

**ABSENT:** None

**ALSO PRESENT:** Mayor Deb Lewis, City Administrator Mary Garness, City Attorney David Siegler, City Clerk Denise Oliphant, and Other Concerned Citizens

**Agenda Item 1: Roll Call**

Roll call was taken by the Clerk.

**Agenda Item 2: Council President's Report**

Council President Pat Kinney reported on the ongoing fundraising efforts at the Lake Superior Science Center.

**Agenda Item 3: City Administrator's Report**

Garness reported that the Lead Lateral Replacement project for 2018 has double in applications from last year. The Bayview Pier was slated for replacement this coming summer. Attorney interviews will be conducted this week. Administration was working on the Ice Angel agreement with Bayfield and Ashland Counties. Position announcements went out for Summer LTE positions. An Engineer Consultant will soon be chosen for the 6<sup>th</sup> Street West investigation.

**Agenda Item 4: Approval of the Agenda**

Ortman moved, Moore seconded a motion to approve the agenda as presented. The motion carried unanimously by voice vote.

**Agenda Item 5: Discussion and Possible Action to Approve the City of Ashland Website Upgrade With CivicPlus and Authorize the City Administrator to Negotiate a Service Agreement for Website Service for up to a Five Year Period (Clerk)**

The need for government transparency and relevance in the community is imperative to maintain public trust and respect. The current City of Ashland website was developed in 2014. Due to the technological complexity of working with this site, it has been difficult to update the website to keep the site current. The necessary time commitment on the staff's end has prevented ongoing general use and updating, limiting the cost effectiveness of doing so.

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### Who Is CivicPlus

CivicPlus is a municipal-focused website host company who boasts as the #1 provider for local government websites, including 60+ in Wisconsin. The company employs over 200 professionals with a focus on local government organizations for 20+ years, and have expanded to more than 2700 clients throughout the U.S. and Canada. Founded and centered in Manhattan, Kansas, they have multiple locations across the U.S. to house their security systems. CivicPlus has staff on hand 24/7/365 for live support and assistance at any time, as well as online chat and video guidance to access at any time for all staff using the system.

### Where We Are Now

As technology continues to change the means for communication and information, local government has not been unaffected. Mobile devices have become a household staple and the main resource for social media, news, and data. The current city website is below internet and mobile use standards that is needed to sustain the expectations of the public. When the City of Ashland redesigned its official website in 2014, the initial investment was over \$10,000. The face of this site has yet to be changed or updated, and it is cluttered and dated making it difficult for visitors to navigate. Staff are unable to publish documents of certain sizes due to the current limitations causing a roadblock in getting updated information to the public. Due to the structure of the site background, staff are required to rely on the site host to post information or make seemingly simple changes to the site. Staff have encountered hours and even days of delay to post, update or correct issues due to the sluggish response time to their requests. Our current system requires two servers for our IT personnel to monitor and maintain beyond the website host, consuming approximately 25% of that person's staff time. By utilizing CivicPlus, a cloud-based hosted system, we would no longer need two servers for the one program, and could free up valuable staff time.

### Looking Into the Future

While conceding to frustrations of the current website, alternatives have been sought out to investigate options for a workable and effective website. After researching a multitude of hosts of various systems, the Clerk and Administrator narrowed the options to three. Of these three, CivicPlus has stood out in customer service, experience, and security to be the top choice. Although not the least expensive, Administration trusts CivicPlus to be the ideal fit to enhance the website experience for visitors, staff, potential businesses and citizens, and other municipalities in a way that will prove to represent the City of Ashland in the light that Council and staff would be proud.

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CivicPlus boasts options and modules that are included in the contracted costs:

- ✓ Employment and RFP announcements
- ✓ Responsive request center
- ✓ Alert and Emergency news center
- ✓ Automatic ADA and translating compliance
- ✓ GIS and mapping capable
- ✓ Document and archive center
- ✓ Multilevel calendar
- ✓ Bid notice and postings
- ✓ 100% mobile responsive
- ✓ Business and resource directory
- ✓ How Do I...
- ✓ Customizable forms creation
- ✓ Payment center
- ✓ Online permit and license applications
- ✓ Community voice and surveys
- ✓ Drag-n-drop editing
- ✓ Photo Gallery
- ✓ Meeting notices
- ✓ Analysis and auditing statistics
- ✓ Simple, do-it-for-you formatting

These and more are highlighted further in the CivicEngage Premium Package Modules attachment. Also included in the contract is a guaranteed facelift and redesign after the fourth year of service at no additional charge. Additional available modules include that to serve Parks & Rec, Human Resources and Meetings and Agendas for staff efficiency and effectiveness. If either of these modules were to be utilized through the Civic Plus system, separate software licenses could be eliminated in the long run.

Noteworthy

- *Responsive Request Center:* The City of Ashland has a current software program beyond the City website, which includes a module to handle and track citizen complaints and requests. Though in process of implementing for some time, practical use of this system has not been achievable due to the staff time required to train and utilize it. Through CivicPlus, there is no staff time required as any complaints or comments through the website will be automatically directed to the appropriate department(s), responded back to the citizen as being received, and trackable by mapping the location of the issue. The citizen can return to the site to view any progress on his/her initial problem, and

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will receive a message when the item is completed. An analysis can be done at any time to locate problem areas to promote preventative maintenance.

- *Alert and Emergency News Center:* Visitors of the City website would be able to choose to be alerted as to meeting notices and cancellations by logging in and choosing what type of notices they are interested in (meetings, RFPs, fire or police reports, etc.) and how they would like to receive them (by email, mobile text, etc.). Messages will be directed to the citizen the moment they are posted to the website with no additional work by staff. More importantly, emergent and urgent alerts can be funneled to the local medias, schools, medical centers, and neighboring emergency centers in the same manner, for instance Amber Alerts, School Closings, Storm Warnings, Road Closures, and water contamination notices. In many instances, time can make an incredible difference for our communities safety and security, and with CivicPlus, we can eliminate delays, phone calls, and individual email messaging.
- *ADA Compliance:* Local governments are not excused from compliance requirements to be accessible to any persons with disabilities, whether they are hearing or visually impaired or require a language interpreter. Non-compliance creates a barrier that impacts information translation and transparency. CivicPlus has the trained personnel who will help guide Ashland's staff to create a website that will be completely accessible throughout its design and translation capabilities to ensure compliance is maintained throughout its site.

The Options

Listed below are quotes from three of the website companies researched.

<b>CivicPlus</b>	<b>Granicus</b>	<b>Civic Live</b>
\$26,160/\$4850 per year	\$36,900/\$4950 per year	\$16,000/\$2800 per year

CivicPlus offers an Advantage Payment plan, which would allow the initial investment to be spread over four years bringing the payments down to \$10,178 per year for the first four years. The ease of paying over time would prevent a strain on the already tight budget in the near future and allow for unexpected and necessary expenditures.

Support and Security

In an effort to prepare for the inevitable advances of technology, we must be prepared to retain the security of the City of Ashland and its citizens. Hacking is ever present and will be more so as hot-button issues arise such as elections and identity theft. At the time of recent

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hacking attempts on our current website, it was not made known to the City until a citizen made an inquiry to City Hall after having difficulty navigating our site. The process of identifying and correcting the issue was excessively timely and could have been potentially costly. With CivicPlus, we are assured of virus and hacking protection 24/7/365 with constant monitoring and testing, and frequent intervals of backup in the case of a disturbance that should require shutdown. We would also have continuous software and system upgrades as they become available without interruption to our service automatically.

Support is never more than a click or phone call away at literally any time of the day or night. CivicPlus is well versed in supplying expertise in the development and implementation throughout the entire project and beyond. After implementation, continuous training will be available by a simple phone call, chat request or guided step-by-step help menus and videos. The availability of live customer service 24/7/365 is critical for both troubleshooting and training.

### Bringing Us All Together

The current City of Ashland official website was laid out to be able to reach each department and outlet that the City has to offer. Due to the aforementioned complexity to use the system, several departments chose to create their own separate websites, including Parks and Rec, both Police and Fire departments, and the Library. This translates to the public that these are separate or conflicting departments from City Hall, which could not be further from reality. CivicPlus will help the City of Ashland reconnect and display cooperation and communication as it integrates those individual sites to develop a single incorporated site.

### Staff Use and Policy

It is anticipated that all of the departments will have a designated website user to maintain their page and information. Along with a fresh look will come the ease and compliance for every department to check in consistently to be certain their pages are well kept up and current. Users will have permissions and/or limitations according to their responsibilities. This would allow any edited material to be passed to authorized personnel for proofing and approval before posting onto the site. It will be determined by administration as to what these limitations consist of and how they are applied.

Staff have also been responsible to maintain their departments' pages, to keep the information organized and the public consistently informed. This also fell to the wayside as the current site is extremely difficult and time consuming to work with, again requiring the site host or IT personnel to do the work and correct errors. The ease of CivicPlus will require minimal time to review and bring up to date on a regular basis.

**COMMITTEE OF THE WHOLE MEETING**

**Tuesday, March 13, 2018**

**Ashland City Hall Council Chambers**

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Recommended Motion

To approve the City of Ashland website upgrade with CivicPlus and authorize the City Administrator to negotiate a service agreement for website service for up to a five year period.

Mettile moved, Moore seconded a motion to approve the City of Ashland website upgrade with CivicPlus and authorize the City Administrator to negotiate a service agreement for website service for up to a five year period for the annual amount of \$10,178 for four years, reducing to \$4,850 on year five. The motion carried unanimously by voice vote.

Agenda Item 6: Adjournment

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

Respectfully submitted,

Denise Oliphant  
City Clerk



# AGENDA BILL

Ref: 063

COMMITTEE AGENDA:  
COUNCIL AGENDA: 5A (3/27/18)

**SUBJECT:** Mayoral Appointments

**RECOMMENDATION:** Approval

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**DATE SUBMITTED:** March 21, 2018

**CLEARANCES:** NA

**EXHIBITS:** Volunteer Forms

**EXPENDITURES REQUIRED:** NA

**AMOUNT BUDGETED:** NA

**APPROPRIATION REQUIRED:** NA

**STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:** NA

**SUMMARY STATEMENT:** The Mayor is recommending the appointments as listed:

**HOUSING COMMITTEE**

Sam Ray, replacing Joel Langholz (resigned), term expires: October 1, 2019

**2018-2019 Election Inspectors**

Robert Bassett, Cathy Peltonen, Richard Strauss, Victoria Stroshane, Sarah Szymaniak

# OFFER TO VOLUNTEER FORM

Mayor Debra Lewis, City of Ashland, 601 Main Street West, Ashland, WI 54806  
Phone: 715-682-7071 Fax: 715-682-7048 dlewis@coawi.org

**I would like to be considered a nominee for the following Committee or Committees:**

\_\_\_\_ City of Ashland Housing Committee \_\_\_\_\_

**Brief statement of education and training:**

\_\_\_\_ I have a Bachelor of Science in Business Administration from the University of Tennessee at Martin and 20 years of management experience. In the time working with The BRICK Ministries, Inc., as the Benevolence Manager, I have participated in several training programs offered through UW-Extension with a focus on Human Services, including Financial Management Coaching. I received a certificate through UW Superior for Motivational Interviewing. \_\_\_\_\_

**Biography:**

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

I started my career with Manpower Temporary Services, connecting people with jobs. At the time of my departure, I had become Branch Manager over five offices. I was the Director of the Bookstore at the University of Tennessee at Martin, employed by Barnes & Noble College, Inc., for 10 years. When my husband and I moved to Ashland, Wisconsin, I wanted to become civically engaged with our community. I started volunteering at The BRICK Ministries, Inc., and was soon invited to join the organization as the Benevolence Manager. I have always been involved with my local library, and I am currently the Vice President for the Friends of the Vaughn Library. I am an avid reader and life-long learner. I enjoy studying many topics, but Theology is my favorite subject. I attend two Bible study groups during the week. I sing with The Accidentals Chorus. I love Ashland and want to contribute my talents to this beautiful place.

**Individual References or Referred by (include phone #):**

\_\_\_\_ Liz Seefeldt, (715) 682-7425 \_\_\_\_\_

\_\_\_\_ Kathy Allen, (715) 682-5883 \_\_\_\_\_

<b>Contact Information:</b>	____ Sam Ray _____	(731) 514-6849 _____
	Name (Print)	Phone Number
	____ 609 3 <sup>rd</sup> Street West, Ashland _____	
	Address	
	____ sray0806@gmail.com _____	03/21/2018 _____
	Email:	Date



# AGENDA BILL

**Ref: 060**

**COMMITTEE AGENDA:  
COUNCIL AGENDA: 5B (03/27/2018)**

**SUBJECT:** **Appointment of City Attorney**

**RECOMMENDATIONS:** Approval

**City Attorney**

Tyler W. Wickman, Attorney-at-Law, one year term effective May 26, 2018 to May 24, 2019 (replaces retiring City Attorney David Siegler)

**DEPARTMENT OF ORIGIN:** City Administrator's Office  
Mayor

**DATE SUBMITTED:** March 21, 2018

**CLEARANCES:** City Administrator  
Mayor  
Ad Hoc Employee Interview Committee

**EXHIBITS:** A-Attorney Services Request For Proposals  
B-Wickman Cover Letter  
C-Dallenbach, Anich, and Wickman, S.C. Proposal  
D-Haukaas Cover Letter  
E-Haukaas Law Office, S.C. Proposal  
F-Minutes from Internal Ad Hoc Employee Interview Committee Meeting on 3/15/18 and Minutes from Internal Ad Hoc Employee Interview Committee Meeting on 3/19/18  
G-Treasurer's Certificate of Compliance

**EXPENDITURES REQUIRED:**

**AMOUNT BUDGETED:** The annual budget provides for legal service expenses.

**APPROPRIATION REQUIRED:** N/A

**STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:** N.A.

**SUMMARY STATEMENT:**

Attorney David Siegler informed the Common Council on November 14, 2017 that after five years of dedicated service to the community, he will be retiring as City Attorney effective May 25, 2018. In response to his announcement, the City assembled an RFP for legal services which required proposals to be submitted by the end of business on Wednesday, February 14, 2018.

The solicitation of proposals was advertised in the local newspaper, on the web, and with the Wisconsin League of Municipalities.

Two proposals were received by the City, both from local firms. The first firm, Dallenbach, Anich, & Wickman, S.C., consists of four attorneys, Matt Anich, Tyler Wickman, Monica Chase, and Max Lindsey, and three full-time support staff. The firm is a general practice firm that provides legal services on nearly all areas of law that arise in northern Wisconsin. Attorney Tyler W. Wickman is designated as the lead attorney in the first proposal. Wickman has been in the legal profession for nearly ten years and has practiced in downtown Ashland since 2008. Wickman has served as the City Attorney for Mellen for the past two years. Attorney Anich has extensive history as Ashland County Corporation Counsel and as Counsel for the Town of LaPointe. Attorney Lindsey is designated in the proposal as the second attorney on all City Attorney responsibilities. Lindsey was born and raised in Washburn and started his legal career in Albany, New York in 2015 where he worked in the area of environmental and land use practices. He recently returned "home" to this area to raise his family here. Either Lindsey or Wickman will have access to any other attorney in the firm for reference or for consultation on matters specific to the other attorney's prior experience. In the event of a conflict of interest on the rare occasion when a matter involves Ashland County and the City of Ashland, the firm has indicated that they would likely rescue themselves from those situations and assist the City in obtaining other representation for such matters. This is a common practice in the legal profession.

The second local firm, Haukaas Law Office, S.C., currently consists of Craig Haukaas, admitted to the practice of law in 1987, and Vincent Kurta, admitted to the practice of law in 2015, paralegal Stefanie Coleman, who joined the firm in 2015, two support staff, a part-time investigator, and a part-time intern. Blake Gross is expected to join the firm in June of 2018 as an attorney, and the firm anticipates hiring another part-time attorney, an additional full-time paralegal and an additional full-time support staff member in 2018. The firm currently represents several towns in Ashland and Bayfield County including Barksdale, Bayfield, Cable, Eileen, Gingles, Pilsen, and White River. Attorney Haukaas is designated in the proposal as the lead contact for the City Attorney position with the understanding that the entire resources of the firm would be hired by the City.

Interviews with representatives of both firms were held in the Council Chambers on Thursday, March 15, 2018. Each firm was interviewed for one hour with opportunities for questions and answers. Representing Haukaas Law Office, S.C. were Craig Haukaas and Vincent Kurta. Representing Dallenbach, Anich, and Wickman, S.C. were Tyler Wickman and Max Lindsey. Representing the City of Ashland at the interviews were Chief of Police Jim Gregoire, Captain Bill Hagstrom, Planning and Development Director April Kroner, City Administrator Mary Garness, and Mayor Debra Lewis. Following the interview, the Ad Hoc Interview Group met for a preliminary discussion. The group agreed to reconvene on Monday, March 19, 2018 to reach a final consensus to recommend to Council. The group met on March 19, 2018 and after considering the strengths and weaknesses of both firms, reached a consensus to support a recommendation to choose Tyler Wickman. See minutes of both meetings attached, Exhibits F & G.

The Mayor, after consulting with city employees who participated in the interviews with both firms, recommends that Tyler Wickman be hired as the City Attorney for Ashland on a contract basis, with the initial contract term of one year.

Attorney Wickman will be available at the Council meeting for questions the Council may have related to the Mayor’s appointment. Upon completion of the discussion, the Council will be asked to confirm the Mayor’s appointment via a roll call vote.

The City has budgeted funds of \$64,430 for attorney services. The following analysis provides an estimate of costs to provide services from each firm based on the actual average hours worked (based on a four year average):

<b>Firm</b>	<b>Hourly Rate</b>	<b>Average Hours 423</b>	<b>Low Hours 325</b>	<b>High Hours 503</b>
Haukaas	\$175	\$74,025	\$56,875	\$88,025
Wickman	\$150	\$63,450	\$48,750	\$75,450

Depending on the level of services that are required of the attorney of choice, the City may or may not need to appropriate additional funds to ensure adequate funding is appropriate for services rendered.

**Recommended Motion:**

At this time, the City Administrator and Mayor are recommending approval of the following contractual terms with Tyler Wickman:

- Fees billed as per the attached Request for Proposals – Hourly Fee of \$150.00 per hour for time spent providing legal services to the City;
- Initial contract term of one year with re-negotiation of contract terms with consideration of the following: whether an hourly rate, flat fee/retainer or a combination of both is in the best interest of the City; review and consideration of work flow and work assignments to ascertain whether the interests of the City are being addressed in a manner that is consistent with the City goals;
- Approval of any other contract terms that City Administration deems appropriate to ensure that the best interests of the City are addressed.

*Find yourself next to the water.*

**ASHLAND**

*City of Ashland, Wisconsin*

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

City of Ashland  
 REQUEST FOR PROPOSALS (RFP)  
 for  
 City Attorney  
 RFP #18-01  
 January 11, 2018

The City of Ashland, Wisconsin will be receiving proposals for the above noted service until 4 PM, Wednesday, February 14, 2018. Proposals must be in sealed envelopes clearly identifying the request for proposal title. **No faxed or electronic proposals will be accepted.** Proposal Documents can be picked up at the Office of the City Clerk, 601 Main Street West, Ashland, WI 54806 or found on the Ashland City website at [www.coawi.org](http://www.coawi.org).

Mail or Deliver Proposals to:

City of Ashland  
 Attn: Mary Garness  
 601 Main Street West  
 Ashland, Wisconsin 54806

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

  
 Mary Garness  
 City Administrator

Questions or further information on this RFP may be directed to:

City of Ashland  
 Attn: Mary Garness  
 601 Main Street West  
 Ashland, Wisconsin 54806  
 715.682.7071  
 mgarness@coawi.org

## I. STATEMENT OF PURPOSE

The City of Ashland (the "City") invites attorneys qualified to practice law in the state of Wisconsin, to submit a proposal to provide legal and prosecution services to the City. Proposals are due to the City Administrator by 4:00 PM on February 14, 2018. The City seeks services encompassing complex and varied executive and professional level work as legal advisor to the Mayor and Council, City staff and various boards and commissions of the City. The City Attorney is appointed by, serves at the pleasure of, and reports directly to the Mayor and Council. This position requires a highly experienced executive level attorney who can provide expert assistance and solid legal advice. Responsibilities include planning, developing, implementing, and evaluating a legal services program for the City. Generally, the duties and responsibilities for the City Attorney position are set forth in Wisconsin Statute Section 62.09(12).

### Minimum Qualifications:

- A. Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association;
- B. Each attorney in the proposed team must be a member in good standing of the State Bar of Wisconsin;
- C. The successful individual/firm must have a thorough knowledge of modern principles and practices of law and have the ability to analyze complex issues and present findings in an orderly manner. Must exercise good judgment. Ability to manage/process the City's business in a timely fashion often with short turnaround times; therefore, flexibility is a must.
- D. Preferred experience includes eight to ten years of increasingly responsible experience in the practice of municipal law. Experience working directly with a municipality in Wisconsin is desirable.

## II. GENERAL INFORMATION

The City of Ashland is a municipal corporation which was incorporated as of March 25, 1887. The City of Ashland has a Mayor/Council form of government, with a part-time Mayor (elected once every four years), eleven (11) Council members (elected from each ward with staggered two-year terms), and a full-time City Administrator.

The City of Ashland is a full service community located on the south shore of Lake Superior which covers 13.9 square miles in northern Ashland County. The municipal services provided to the community include law enforcement, fire protection, emergency medical services, water and sanitary sewer services, public works, airport, recreation, marina, library planning and community development. The population, based on the 2010 census, was 8,216. For more information about the City of Ashland please visit the City's website at [www.coawi.org](http://www.coawi.org)

On average, the general attorney services average 423 hours annually with a range of hours from 325 – 503 hours yearly. Based solely on 2017 numbers, the percentage of time spent on specific duties is as follows: advising City department - 35%; advising City Council, Mayor and central administration – 28%; litigation/negotiation – 15%; prosecutions – 9%; public records/open meetings issues – 8%; Misc. (real estate, collective bargaining) – 5%.

City Council meetings are held on the second and last Tuesday of the month. Meetings are open to the public, and public comments are invited at each regular meeting.

**Terms and Conditions:**

- A. The City reserves the right to accept or reject any or all proposals, waive technicalities or irregularities, and to accept any proposal if such action is believed to be in the best interest of the City. Additionally, the City reserves the right to award a contract to the next most qualified attorney/firm if the successful attorney/firm does not execute a contract within thirty (30) days after award of the proposal.
- B. The City reserves the right to request additional written or oral information to supplement or request clarification of any or all written proposals. Interviews are anticipated.
- C. All costs associated with the preparation of a submission in response to this request shall be the responsibility of the attorney/firm submitting.
- D. While the City Attorney position is an at will appointment, the City feels it is in the best interest of the City to execute an agreement with the individual/firm acting as the City Attorney. The essence of the agreement is an indefinite period with opportunities to renegotiate terms every two years. The agreement also calls for a sixty day written notice “without explanation” clause. The City reserves the right to segment legal services by general municipal law, prosecution, and special legal matters among various legal firms as deemed in the best interest of the City.
- E. Submission of a proposal indicates acceptance by the firm of the conditions contained in this Request for Proposals unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City and the firm selected.

**III. SERVICES TO BE PROVIDED**

The scope of the prospective engagement will be to provide legal services as City Attorney and prosecuting attorney for the City. Attendance at all meetings of the Ashland Common Council and Committee of the Whole are expected, unless the City Administrator grants the City Attorney leave not to attend. The City Attorney should be available to attend meetings of various committees, boards and commissions upon request. Additionally, the City Attorney shall provide the following services:

- A. Represent and provide legal advice and opinion to the City in all aspects of Municipal law, including land use, real estate transactions, planning, zoning and development, personnel/employment and policy issues, contracts, civil service, municipal liability, open government, purchasing and all other legal matters facing the City.
- B. Perform complex legal research, analyze and prepare formal legal opinions in response to proposals, questions and issues presented to the City Attorney's Office from the City Council,

- City Administrator, boards, commissions and City departments.
- C. Provide legal advice, opinions and recommendations, communicated both orally and in writing, to other city departments regarding various legal issues facing the City.
  - D. Represent the City in labor and personnel issues and matters of negotiations with labor unions;
  - E. Draft and review various legal documents relating to municipal operations including contracts, ordinances, resolutions, releases, agreements, deeds, leases and other legal documents as required.
  - F. Prepare and/or review contract documents for construction projects and for the purchase, lease, or sale of goods, services and professional services including specifications, bid documents, requests for proposals, request for qualifications, bonds, and contractual agreements.
  - G. Review and prepare various items for City Council Agendas.
  - H. Review and provide advice to City staff regarding responses to open records requests.
  - I. Attend City Council meetings as legal advisor.
  - J. Provide representation in general civil litigation administrative hearings and dispute resolution and prepare pleadings, briefs, motions and other documents as required.
  - K. Coordinate with law firms and attorneys providing representation for the City in litigation and other matters.
  - L. Participate and act as legal advisor to municipal staff.
  - M. Provide legal representation and participate in meetings with outside individuals and entities in connection with City interests and issues.
  - N. Review and provide interpretation and opinions relating to legislation and case law directly or indirectly affecting all aspects of Municipal interest; keep abreast of court decisions and legislative changes.
  - O. Prosecute municipal ordinance violations.
  - P. Prepare court cases for trial and advise police officers and other enforcement personnel on specific cases.
  - Q. Performs other legal services and tasks, as assigned by the Common Council or City Administrator.
  - R. Provides periodic training to City Councilors and members of City staff, boards and commissions regarding compliance with Wisconsin Open Meetings, Public Records Law or other matters as requested by the City Council or City Administrator.

The above description of legal services to be provided is illustrative and comprehensive, but is not intended to be all-inclusive or to limit the potential extent of services to be provided. The City reserves the right to employ any legal counsel when there is a conflict of interest or if an attorney with special expertise in a given area is required. A determination as to when this should occur shall be at the

discretion of the Common Council and/or City Administrator. The attorney also will be able to withdraw from a matter where there is a conflict of interest.

**IV. PROPOSAL REQUIREMENTS**

**Proposal Format and Due Date:** Please provide ten (10) copies of a written proposal, responding to each inquiry in the order below. Submittals must be signed by the proposing attorney or a qualified principal of the proposing firm. All submittals shall become the property of the City. No public opening will be held. Submittals must be received at the address below by 4 PM, Wednesday, February 14, 2018:

City of Ashland  
Mary Garness, City Administrator  
601 Main Street West  
Ashland, WI 54806

Attorney/firms are requested to provide information on the following in the order shown:

**A. Vendor Business History**

- 1. Location of the firm’s office and approximate driving distance and time from the office to Ashland City Hall, 601 Main Street West, Ashland, WI.
- 2. Administrative requirements, if any.
- 3. Please identify any existing municipal clients that may create a conflict of interest with the services to be rendered to the City of Ashland.

**B. Firm Experience**

- 1. Provide a narrative description of the firm.
- 2. Identify experience of the attorney/firm regarding municipal issues including land use, zoning, growth management, environmental law, municipal citation, human resource law, and complicated agreements including intergovernmental agreements, public works and other municipal specialties.
- 3. A listing of all current and past municipal government clients including the name and telephone number of the client contact.

**C. Proposed Attorney Team**

- 1. Provide a resume or similar description for each team member, with considerable detail in the experience and qualifications of the lead City Attorney and any significant assisting attorney(s) specifically as it relates to:
  - a. Municipal law issues.
  - b. Planning and zoning issues.
  - c. Negotiating, drafting and reviewing development agreements.
  - d. Economic development and tax incremental financing issues.

- e. Reviewing municipal infrastructure construction contracts.
- 2. Prosecuting Attorney (if different): Provide a resume or similar description highlighting the experience and qualifications of the attorney or attorneys assigned to this engagement as prosecutors of traffic and municipal ordinance violations.
- 3. If specialty attorney(s) or additional resources are available through your firm (in addition to the named team) to meet special or unusual needs, please briefly identify such individuals and specialties as well.
- 4. If the applicant is a firm with more than one lawyer, please describe how the City Attorney's duties will be allocated among lawyers in the firm, and the extent to which the City will be able to direct which attorney it wants to work in particular areas. If the applicant is a sole practitioner or a one lawyer firm, please describe how the city's legal affairs will be covered in the event the lawyer is temporarily unavailable.

**D. References**

- 1. Provide three (3) references for the lead City Attorney.
  - a. The City prefers references that include municipal government experience.
  - b. The City may contact any companies or individuals, whether offered as references or otherwise, to obtain information that will assist the City in evaluating the proposal. The City retains the right to use such information to make selection decisions. Submittal of a proposal is agreement that the City may contact and utilize such information.

**E. Billing/Cost Proposal**

- 1. Hourly fees for each attorney or paralegal assigned to the engagement, specifying if different hourly rates are charged for different activities (e.g., attending Council meetings, consulting with Mayor and/or City Administrator).
- 2. Would you and/or your firm be interested in working for a flat retainer fee or a combination retainer/hourly arrangement? If so, describe the parameters and charges.
- 3. The proposal shall state the cost of mileage reimbursement, if any, as well as any ancillary charges resulting from providing legal services to the City (e.g., photocopying, long-distance phone calls, postage) listed by item and rate. If the firm is not in Ashland, please state whether or not you would bill time or charge mileage for travel to and from Ashland.
- 4. The City will select the finalist by considering the proposed compensation as a "best and final offer." The City reserves the right to negotiate all elements, including costs, which comprise the apparent successful proposal.

**V. EVALUATION CRITERIA**

Proposals submitted will be evaluated by the City Administrator, Mayor and current City Attorney who will recommend finalists to the Common Council for interviews. It is anticipated that interviews will be conducted by the Common Council. Selection of attorney/firm for interview will be based on the following standards:

- A. Responsiveness of the written proposal to the purpose and scope of services.
- B. Location and accessibility of individual/firm. The City desires to have its City Attorney accessible.
- C. Experience of the individual/firm in general practice/municipal practice.
- D. Proven success in managing an array of City matters in a thorough and timely manner.
- E. Reputation and professional qualifications of the specific attorney or attorneys assigned to be the City Attorney or prosecuting attorney.
- F. Municipal client references: Experiences of other local governments receiving similar services from the firm based on references of former and/or current clients.
- G. Rate schedule and estimate of fees associated with the proposed work. Note: While cost is always important it will not be the most important selection criteria.

**VI. TENTATIVE SELECTION SCHEDULE**

The following tentative schedule will be followed for selection of an attorney/firm:

January 11, 2018	RFP Release Date
February 14, 2018	RFP Due Date (4:00 p.m.)
February/March 2018	Review/selection of attorney/firms for interviews – schedule dates
March 2018	Interviews with selected attorneys/firms
March 2018	Selection of attorney/firm to discuss terms/contract
April 2018	Common Council confirmation
May 2018	Term of appointment commences

**VII. CONTACT**

All inquiries on this RFQ are to be directed solely to:

City of Ashland  
 Attn: Mary Garness  
 601 Main Street West  
 Ashland, WI 54806  
 715-682-7071  
 mgarness@coawi.org

**DALLENBACH, ANICH & WICKMAN, S.C.**  
ATTORNEYS AT LAW  
220 SIXTH AVENUE WEST  
POST OFFICE BOX 677  
ASHLAND, WISCONSIN 54806-0677  
TELEPHONE (715) 682-9114  
FAX NO. (715) 682-9504

MATTHEW F. ANICH  
TYLER W. WICKMAN  
MONICA M. CHASE  
MAX T. LINDSEY

February 14, 2018

Mary Garness, City Administrator  
City of Ashland  
601 Main Street West  
Ashland, WI 54806

**RE: Proposal for Legal and Prosecution Services to City of Ashland**

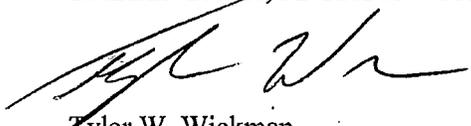
Dear Ms. Garness:

Enclosed please find ten (10) copies of our written proposal for legal and prosecution services to the City of Ashland.

Please contact me if you have any questions or need further information. We look forward to hearing from you.

Yours truly,

DALLENBACH, ANICH & WICKMAN, S.C.

  
Tyler W. Wickman

TWW/mm

Enclosures

**City of Ashland  
Proposal for City Attorney Position**

Attorney Tyler W. Wickman  
Dallenbach, Anich & Wickman, S.C.  
220 Sixth Avenue West  
P.O. Box 677  
Ashland, Wisconsin 54806  
715-209-2554  
twickman@ncis.net

**A. Vendor Business History**

1. Location of Firm

Dallenbach, Anich & Wickman (the "Firm") is located at 220 Sixth Avenue West, Ashland, Wisconsin. Travel distance from the office to Ashland City Hall is one (1) city block, and travel time is approximately one minute walking.

2. Administrative Requirements

The Firm does not have any specific administrative requirements. The Firm has a full administrative staff consisting of an office manager/legal secretary, receptionist/legal secretary, and legal secretary that serve four attorneys. We have a comprehensive print legal library and Westlaw service subscription to search Wisconsin and Federal law.

3. Potential Conflicts with Existing Municipal Clients

Current municipal clients include the City of Mellen, the Town of La Pointe, Ashland County, and Ashland County Housing Authority. In discussions with current City of Attorney attorney, David Siegler, it is not anticipated that any of these municipal clients would create conflicts of interest except for Ashland County which would be on specific case by case matters.

Tyler Wickman is a board member of the Ashland Area Development Corporation and that has the potential to create a conflict of interest due to duties and obligations to that entity. The firm has also represented numerous individuals and businesses in Ashland and conflicts may exist that would need to be reviewed on a case by case basis.

**B. Firm Experience**

1. Description of the Firm

The Firm consists of four attorneys, Matt Anich, Tyler Wickman, Max Lindsey, and Monica Chase, and three full-time support staff. The Firm is a general practice firm. Between each of the four attorneys, our Firm provides legal services on nearly all areas of law that arise in northern Wisconsin. We rely upon our long-proven track record in northern Wisconsin of providing quality representation for our clients to maintain a diverse and continuing client base. The Firm itself, as a legal entity, existed prior to any of the current attorneys practicing law. In addition to this longstanding track record, our Firm is equipped with modern legal research tools and technology that allow us to stay up-to-date in new legal developments and our attorneys are adept at using these resources to quickly and effectively research any new questions of law that may arise. In the event issues arise that may require legal specialization, we have working relationships with specialized attorneys in various practice areas. Our attorneys are licensed or allowed to practice in Wisconsin, New York, the United States Western District of Wisconsin, the United States

Northern District of New York, and the Bad River, Red Cliff, and Lac Courte Oreilles Tribal Courts.

## 2. Firm's Municipal Experience

The Firm's experience in municipal work arises from the different attorneys' several different backgrounds. Attorney Anich has extensive history as Ashland County Corporation Counsel providing legal services to the varied issues faced by Ashland County. He has experience drafting and negotiating intergovernmental agreements from his service as counsel for the Pikes Bay Sanitary District, which required coordination of the Sanitary District with the neighboring municipalities. Attorney Anich was involved in the drafting of several ordinances for Ashland County, including its mining ordinance. He has prosecuted ordinance violations for the Town of La Pointe for many years and also advises on zoning and other general matters.

Attorney Lindsey's municipal experience largely arises from his prior employment at the firm of Whiteman, Osterman & Hanna, in Albany, New York. Details of Attorney Lindsey's prior experience is contained in Section C.1, below.

Attorney Wickman has represented the City of Mellen for the past nearly two years. In that capacity he has prosecuted ordinance violations, dealt with nuisance abatement, sale of city property, and real estate leases, among other issues. He has represented clients in litigating a challenge to a real estate transaction with a development company's improper attempts to subdivide property. While this representation was not for a municipal client, Attorney Wickman gained in-depth knowledge of Wisconsin's subdivision requirements as a result of this litigation. He has further represented private clients in zoning matters and appeared before municipal boards as well. More specific information is contained in Section C.1., below.

In addition to Attorneys Anich and Wickman having prosecuted citations for the Town of La Pointe and City of Mellen, respectively, all of the attorneys in the Firm have defended several clients charged with municipal, traffic, and criminal violations, thus they are knowledgeable of defense tactics.

Both Attorneys Lindsey and Wickman studied multiple aspects of environmental law extensively in law school, and each have a Comment published in a law review journal that relates to environmental law concerns, as stated in their respective resumes. Attorney Lindsey received numerous recognitions during law school for his work in environmental and land use law and has published several other articles in various environmental and land use journals.

## 3. Current and Past Municipal Clients

City of Mellen – Joseph A. Barabe, Mayor, 715-274-2136

Ashland County Corporation Counsel– Jeff Beirl, County Administrator, 715-682-7015

Town of La Pointe – Jim Patterson, Town Board Chair, 715-747-6913

Ashland County Housing Authority – Denise Lutz, Executive Director, 715-274-8311 ext. 224

Crandon Area Rescue Squad, Inc.<sup>1</sup> – Harry Thurin, Service Director, and Jeanie Pitts, Vice-President and Billing Director, 715-478-3470

Pikes Bay Sanitary District (2003-2005) – Rex Dollinger, President, 715-730-1026

### **C. Proposed Attorney, Team**

#### **1. Resumes of Proposed Team**

Resumes of Tyler W. Wickman and Max T. Lindsey are attached as Exhibits A and B, respectively. Attorney Wickman would be the lead attorney. All attorneys work as a team though and will be involved in providing legal services as needed.

Tyler Wickman will be the lead attorney and will prioritize the City's work, using the other attorneys as needed. Prior to joining this Firm, Attorney Wickman was a summer associate at von Briesen & Roper, S.C., one of the largest law firms in Wisconsin. While working there, he worked on several projects involving open records, open meetings, the legal requirements for changing technical college districts, and other matters involving school districts. His published comment in the *Marquette Law Review* was about the Clean Water Act and recreational boats. As a private attorney, as indicated above, he has been representing the City of Mellen for nearly two years.

Since joining the Firm, Attorney Wickman has represented clients dealing with the Department of Natural Resources on issues pertaining to waterfront zoning and permitting, and has dealt with numerous real estate transactions and litigation. He has appeared before municipal bodies regarding conditional use permits and worked with zoning departments regarding compliance and various other issues. These conditional use permits included a permit for temporary use of land to assist in road construction. Specific details of most work cannot be disclosed in order to comply with Supreme Court rules. Atty. Wickman and Lindsey have also represented the Crandon Area Rescue Squad in contract negotiations with its billing service provider for ambulance services.

Attorney Wickman will be the main prosecuting attorney. Attorney Wickman has been prosecuting for the City of Mellen and Attorney Anich for the Town of La Pointe. Attorney Wickman has an extensive history of representing clients charged with municipal, traffic, and criminal violations, and has prosecuted violations as city attorney for the City of Mellen. Attorney Wickman has handled both civil and criminal jury trials, court trials, and administrative hearings before administrative law judges. His trials include both representing defendants and plaintiffs.

Attorney Wickman does not have direct experience negotiating, drafting, or reviewing development agreements for a municipal client. This is also true in regards to economic development and tax incremental financing issues. He has been involved in several private business transactions though and has assisted the city of Mellen regarding the sale and/or lease of real estate to private entities. Attorney Wickman is confident in his ability to research and analyze issues that relate to these areas of law to fulfill his responsibilities to his client. Both Attorney

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<sup>1</sup> Although not a municipal entity, Crandon Area Rescue Squad provides ambulance services to municipalities in Forest County and it is known the Ashland Fire Department provides similar services.

Wickman and Attorney Lindsey finished third in their respective law school classes and moved back to the region to be "home" and raise families. This academic achievement is indicative of their abilities to learn, research, analyze, and strategize legal issues and find practicable solutions.

In regards to municipal infrastructure construction contracts, Atty. Wickman does not have extensive experience. However, he has handled construction litigation related to residential projects, has reviewed construction projects, and anticipates reviewing contracts for the City of Mellen in the near future. While not legal experience, he did spend several summers during college working for Roffers Construction Company, Inc. of Ashland, which included labor work on road projects. While not legally related, he understands the perspectives of people in that field.

Max Lindsey will, in most cases, be the second attorney contacted on all City Attorney responsibilities if Attorney Wickman is unavailable. If Atty. Lindsey, or another attorney in the office, has more experience on any particular issue though, he or she may take lead to ensure the best and most efficient representation is being provided to the City. Prior to joining this Firm, Attorney Lindsey practiced in Albany, New York, for Whiteman Osterman & Hanna, working specifically for the environmental and land use practices of that firm. While the specifics of New York municipal law are understandably slightly different than those in Wisconsin, the general principles are comparable and he had extensive exposure to municipal clients at that firm. The main municipal clients that Attorney Lindsey worked with were the Town of Rotterdam (population 30,000), Town of Duanesburg (population 6,100), and the Village of Kiryas Joel (population 23,000), New York.

For the Town of Rotterdam, Attorney Lindsey drafted a proposed zoning and subdivision ordinance to accommodate a planned senior living development. The work on this proposed development required sewer connection agreements, subdivision proposals, public comment periods, several rounds of public hearings, and compliance with extensive notice requirements to neighboring municipalities. For the Town of Duanesburg, Attorney Lindsey revised several outdated town ordinances by drafting new ordinances and resolutions for adoption by the Town Board, drafted orders on several ordinance violations, and provided advice on procedures for filling vacancies of town officials. For the Village of Kiryas Joel, Attorney Lindsey worked as special counsel for a proposed annexation and on the permitting and extension of a water supply source for the expanding Village. The Village of Kiryas Joel water supply project involved numerous contractual disputes between the Village and the construction firm hired to expand the Village's water supply. Attorney Lindsey's work directly led to the completion of the water supply extension, which had been stalled for several months due to complaints by the contractor and their delays in getting required permits, and a reduction in the contractor's claims against the Village by more than \$1 million. The representation of Kiryas Joel also required repeated advisement to village officials on the requirements of the open meetings law, and the retention and production of public documents to comply with the freedom of information law. Representation of each of these municipal clients required extensive research and understanding of public notice, hearing, and comment requirements for official municipal actions, and the development and zoning work required compliance with both state and federal environmental permitting and reporting procedures.

Since joining the Firm, Attorney Lindsey has represented clients dealing with the Department of Natural Resources on issues pertaining to waterfront development and permitting. He has also represented the Crandon Area Rescue Squad in contract negotiations with its billing service provider for ambulance services. Attorney Lindsey has attended a training seminar provided by the Wisconsin Association of School Boards on complying with the requirements of the Wisconsin Open Meetings Law.

2. Allocation of Duties Among Attorneys

Tyler Wickman will be the lead attorney contacted on all City Attorney responsibilities. Max Lindsey will be the secondary attorney on all matters. Either Attorney Lindsey or Wickman will have access to any other attorney in the Firm for reference or for consultation on matters specific to the other attorney's prior experience. If Attorney Anich or Attorney Chase has specific experience on any issue, he or she will certainly be utilized to provide the best possible service to the City, including taking lead if in the City's best interest. The Firm's administrative staff has access to all of the attorneys' files, in the event one attorney is temporarily unavailable, work can be easily directed to a different attorney.

**D. REFERENCES**

**Tyler Wickman References**

Mayor Joe Barabe  
City of Mellen  
P.O. Box 708  
Mellen, WI 54546  
715-274-3707

Mayor Barabe has been the primary contact for Atty. Wickman for his work with the City of Mellen and thus has direct experience with Atty. Wickman providing legal services to a municipality.

Atty. John Carlson  
Spears, Carlson & Coleman, S.C.  
122 Bayfield St.  
Washburn, WI 54891  
715-373-2628  
[john@washburnlawyers.com](mailto:john@washburnlawyers.com)

Atty. Carlson serves as Bayfield County Corporation Counsel, as has represented the Town of Russell and other townships in Sawyer County. Atty. Carlson has been on numerous cases both opposing and working with Atty. Wickman and is familiar with his capabilities as a lawyer.

Greg Bebeau  
Retired Police Chief for the City of Ashland  
29295 Chapek Rd.

Ashland, WI 54806  
715-292-2346

Mr. Bebeau has known Atty. Wickman for many years as a youth growing up in Ashland and professionally as a lawyer while he was serving for the Ashland Police Department.

**Max Lindsey References**

Attorney Teresa Bakner<sup>2</sup>  
Whiteman Osterman & Hanna, LLP  
One Commerce Plaza  
99 Washington Avenue  
Albany, New York 12260  
518-487-7615  
tbakner@woh.com

Teresa Bakner was the lead municipal attorney representing the Town of Duanesburg, New York, and the lead attorney on the senior living development project in the Town of Rotterdam, New York.

Attorney Michael Sterthous  
Whiteman Osterman & Hanna, LLP  
One Commerce Plaza  
99 Washington Avenue  
Albany, New York 12260  
518-487-7620  
msterthous@woh.com

Michael Sterthous is the lead attorney as special counsel for the Village of Kiryas Joel, New York.

Crandon Area Rescue Squad, Harry Thurin, Operations Manager, and Jeanie Pitts, Vice-President and Billing Director.  
107 East Elm Street  
P.O. Box 302  
Crandon, Wisconsin 54520  
715-478-3470

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<sup>2</sup> Attorney Lindsey's municipal experience is mainly from his prior employment with Whiteman Osterman & Hanna, in Albany, New York. The business structure of this Firm is that the partners would have the contact with the municipal clients, and Attorney Lindsey would complete work assigned by the partner, who would present it to the municipality. Accordingly, the references listed herein are for the lead attorneys from these clients, rather than from the municipality itself.

Attorney Wickman and Attorney Lindsey have both advised the Crandon Area Rescue Squad on matters. Most recently, Atty. Lindsey took lead in a dispute with its billing service provider for ambulance services.

**E. Billing**

**1. Hourly Fees**

Each attorney on the billing team will charge a rate of \$150 per hour for time spent providing legal services to the City. This is a discount from their standard billing rates. Billable legal services include, but are not limited to: office conferences, other conferences, telephone conversations, communications by e-mail/fax or other electronic means, court appearances, appearances before public bodies, reading and writing correspondence, legal research, preparing and reviewing pleadings, documents and other papers, analyzing records and reports, participating in mediation or arbitration, and attending City Council or other City meetings. The time an Attorney spends providing such legal services will be billed in increments of one-tenth of an hour (6 minutes) with six minutes being the minimum time charged. Such time may be rounded to the next higher increment (e.g. 10 minutes would be billed as .2 of an hour). Administrative staff time will not be billed to the City. The Firm believes that the constant hourly rate is beneficial to both parties by providing a consistent and determinable rate for all work. It ensures that the City only pays for work that we provide, and it ensures that the Firm is only paid for work that is actually done on the City's behalf.

**2. Flat Fees and Retainer/Hourly Billing Arrangement**

The Firm is willing to consider working for a combination of flat or retainer/hourly billing arrangement. However, we would first request to review the specific time billed by the prior city attorney to be able to discuss an accurate identification of the value of our services.

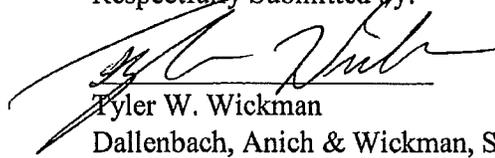
**3. Mileage and Costs**

The Firm would not charge for any time spent traveling between the Firm's office in Ashland and within the City of Ashland. For any required appearances outside of the City of Ashland, travel time would be billed at the attorney's hourly rate, and mileage expenses will be charged at the reimbursement rate set by the IRS, currently 54.5 cents per mile, measured from the Firm's office to the required appearance location.

There would be no charge for any in-house copying of 100 pages or less. Each copy in excess of the initial 100 pages would be \$0.10 per page. There would be no charge for postage sent by standard mail. Any postage sent by non-standard mail would be charged the actual rate of postage paid by the Firm. Other costs that may be billed back to the City may include parking, witness fees, filing fees, and similar costs that may be incurred in the course of representation and would be billed back at the actual cost paid by the Firm.

Dated this 14<sup>th</sup> day of February, 2018.

Respectfully Submitted by:



Tyler W. Wickman  
Dallenbach, Anich & Wickman, S.C.  
220 Sixth Avenue West  
P.O. Box 677  
715-682-9114  
twickman@ncis.net

**Tyler W. Wickman**  
 1222 10<sup>th</sup> Ave. W  
 Ashland, WI 54806  
 (715) 292-3315 (c), (715) 685-9997 (h), (715) 682-9114 (w)  
 twickman@ncis.net

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## Education

**Marquette University Law School**, Milwaukee, WI  
*Juris Doctor, magna cum laude*, May 2008, 3<sup>rd</sup> in class of approximately 190  
 Dean's List – All Semesters  
*Marquette University Law Review*- Member 2006-07, Articles Editor 2007-08  
 -Comment Published: *The Battle Against Invasive Species: The Clean Water Act and Environmental Protection Agency Regulation of Recreational Boats*, 91 Marq. L. Rev. 605  
 Client Skills Board – Vice President of Coaching, started first intramural negotiation competition.  
 Academic Support Program Leader 2006-08.  
 Regional Finalist, ABA negotiation competition 2007.

**St. Norbert College**, De Pere, WI, *Bachelor of Arts, summa cum laude*, May 2005  
 Major: Political Science, Early Adolescent/Adolescent Education Certification  
 Dean's List – Every semester  
 Student Teaching: Callington Community College, Cornwall, England Fall 2004 (middle school); De Pere High School, De Pere, Wisconsin Fall 2004.  
 United Nations Seminar: New York City 2004  
 Activities: Founder of local Phi Delta Theta Fraternity, Varsity Tennis

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## Professional Experience

**Dallenbach, Anich & Wickman, S.C.**, Ashland, WI, July 2008 – Present.  
 General legal practice ranging from civil litigation, family law, criminal defense, contracts, appellate work. Municipal client: City of Mellen, Notable Experience: argued criminal appeal before the Wisconsin Supreme Court.

**Northland College**, Ashland, WI, Adjunct Professor, January 2016 – April 2016, taught social studies teaching methods.

**von Briesen & Roper, S.C.** Milwaukee, WI, summer associate, May-Aug. 2007  
 researched and drafted legal memoranda, court briefs, client letters, marketing materials, attended various legal proceedings. Areas included asbestos defense litigation, school expulsion, school open records issue, personnel open records issues, school district technical college districts for taxation, banking, and construction matters.

**Hupy and Abraham, S.C.**, Milwaukee, WI, law clerk, April 2006-April 2007  
 Drafted complaints, legal briefs, discovery, legal research in a personal injury firm.

**United States District Court- Eastern Division, Hon. William C. Griesbach**  
 Legal Intern, summer 2006, Prepared draft opinion, legal research, observed court proceedings.

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## Community Involvement

**Oredocker Foundation**, current President. Education Foundation for the Ashland School District.

**Kiwanis Club of Ashland**, former President, current member. Civic club whose mission is to serve the children of the world. Various fundraising and community events held.

**Ashland Area Development Corporation**, board member

**Ashland Mural Walk Board, Inc.**, former member of board of directors, plans and maintains the murals in Ashland.

**Family Forum, Inc.**, former member of governing board, agency that operates Head Start in Douglas, Bayfield, Ashland, Iron, and Price Counties. (no longer on board).

**Municipal Experience**

**City of Mellen**, July 2016 – present: prosecuted ordinance violations, advised on real estate transactions, attended meetings, among other matters for the city.

**Ashland County Corporation Counsel**: filled in for Atty. Matt Anich when he has been unavailable

**Private Clients**: Have handled numerous open records issues, zoning issues (both in working with zoning administrators and appearing before governing bodies)

**Statement about Self and Firm**

To practice in a small area like the Chequamegon Bay region, one cannot specialize in one area of law. The practice of myself and my firm is broad. With that comes unique experiences and creativity to problem solving. I have prided myself on my ability to research and analyze a specific legal issue to properly advise my clients on issues. My ability to work hard, analyze issues, and vigorously advocate for clients is evidenced by my educational accomplishments and professional achievements.

My firm consists of four attorneys that live and work here due to their love of the region. This is our home, all having grown up in the region. I grew up in Ashland as well as Matt Anich. Max Lindsey grew up in Washburn and Monica Chase in Hayward. We practice in tribal, state, and federal court. We have an understanding of the people that live here and love this area and are committed to staying in this region and helping it thrive. While we have had wonderful opportunities to pursue our careers in different parts of the country, we chose northern Wisconsin.

# Max Lindsey

mlindsey@ncis.net • (715) 628-9114

220 Sixth Avenue West, Ashland, Wisconsin

## BAR ADMISSIONS

- Wisconsin State Bar, Passed July 2017 Bar Exam; United States District Court for the Western District of Wisconsin
- New York State Bar, Passed July 2015 Bar Exam; United States District Court for the Northern District of New York

## EDUCATION

### **Albany Law School of Union University, Albany, NY**

Juris Doctor, May 2015

- *Class Rank*: 3/185 (GPA: 3.98); *summa cum laude*; *Dean's List*, all 4 semesters
- *Associate Editor*, ALBANY LAW REVIEW
- *Student Editor-in-Chief*, NEW YORK STATE BAR ASSOCIATION: NEW YORK ENVIRONMENTAL LAWYER
- *Class President*, Student Bar Association, 2013-2015
- *Recipient*, Gregory M. Peck Environmental Prize; ABA State and Local Government Prize; Frederick J. Scullin Federal Practice Scholarship; Student Service Award (2014); Order of the Barristers Moot Court Recognition
- *Second Place*, New York State Bar Association Environmental Writing Competition
- *Commencement Speaker*, representing Albany Law's Class of 2015 at our Commencement Ceremony
- *Relevant Courses*: Land Use Planning, Grade A+

### **Western State Colorado University, Gunnison, CO**

Bachelor of Arts Political Science: Pre-Law; Minor - Geology; May 2011

- *magna cum laude* (GPA: 3.7); *Dean's List*: Final 4 semesters; Honors Department of Western State College
- *Member*, Western State Freeride Ski Team, 2009-2011

## LEGAL EXPERIENCE

**Dallenbach, Anich & Wickman, S.C.**, Ashland, Wisconsin, September 2017 – Present.

- General legal practice including contract disputes, family law, criminal defense, business transactions, and land sales

**Whiteman Osterman & Hanna, LLP**, Albany, NY

*Law Clerk*, Fall 2014 and Spring 2015; *Summer Associate*, Summer 2014; *Associate*, October 2016 – July 2017

- Conducted legal research and draft memorandum of law in advocacy of diverse group of clients.
- Participated in several local land use and environmental regulatory cases, advised municipalities and private clients on zoning and development requirements.

**United States District Court**, Northern District of New York, Albany, NY

*Judicial Clerk*, **The Honorable Mae D'Agostino**, October 2015 – September 2016

*Judicial Intern*, (Field Placement: Albany Law Clinic & Justice Center), Fall 2013

- Drafted judicial decisions on a wide variety of federal and state issues.
- Engaged in pre-trial conferences, observed court proceedings, and drafted jury instructions.

**United States District Court**, Northern District of New York, Albany, NY

*Judicial Intern*, **The Honorable Chief Judge Gary Sharpe**, Spring 2014

**State of Colorado Seventh Judicial District**, Gunnison, CO

*Judicial Intern*, **The Honorable Steven Patrick**, Summer 2013

## COMMUNITY INVOLVEMENT

**Washburn School Board of Education**, current member and clerk.

# Max Lindsey

[mlindsey@ncis.net](mailto:mlindsey@ncis.net) • (715) 628-9114  
220 Sixth Avenue West, Ashland, Wisconsin

## PUBLICATIONS

*When Every Drop Counts: Addressing Hydrologic Connectivity As A Climate Change Issue*, 78 ALB. L. REV. 623 (2015), reprinted in 35 N.Y. St. B. Ass'n: N.Y. Env'tl. Law. 62 (2015).

*Zoning In: Review of Comprehensive Plan Amendments Under Washington's Growth Management Act*, 35 OR. REAL ESTATE & LAND USE DIG., 5 (May 2013).

*No Damages From Delay in Plat Approval Process Prior to Agency's Final Decision*, 35 OR. REAL ESTATE & LAND USE DIG., 5 (Aug. 2013).

*SAFE HYDRATION IS AN AMERICAN RIGHT IN ENERGY DEVELOPMENT ACT OF 2013, H.R. 2983*, summary of legislation, 34 N.Y. St. B. Ass'n: N.Y. Env'tl. Law. 131 (2014).

*Chief Judge Lippman on Employee Benefits: A Consistent Supportive Vote*, Center for Judicial Process (Feb. 23, 2016), [www.judicialprocessblog.com/2016/02/chief-judge-lippman-on-employee-benefits.html](http://www.judicialprocessblog.com/2016/02/chief-judge-lippman-on-employee-benefits.html).

Haukaas Law Office, S.C.

*Superior Representation*

200 Chapple Avenue  
Ashland, Wisconsin 54806

Attorney Craig Haukaas

(715) 685-1001

Attorney Vincent Kurta

February 14, 2018

City of Ashland  
ATTN: Mary Garness  
601 Main Street  
Ashland, WI 54806

**Via: Hand Delivery**

RE: Request for Proposal for City Attorney Position

Dear Administrator Garness:

Enclosed please find ten (10) copies of the response of Haukaas Law Office, S.C. to the City of Ashland's Request for Proposals for the services of the City Attorney. We are honored to be considered for this position and hope to be able to provide the same Superior Representation to the City of Ashland that we offer all our clients.

Thank you again for this opportunity. We wish you well in your review process.

Sincerely,

Haukaas Law Office, S.C.

Craig Haukaas  
Enclosure  
CH/cd

**Information Requested**

**A. Vendor Business History**

**1. Location of firm's offices and approximate driving distance and time from the office to Ashland City Hall.**

**Response:** Haukaas Law Office, S.C. is located at 200 Chapple Avenue, Ashland, Wisconsin. The distance to the Ashland City Hall is one (1) block or less than five (5) minutes' time depending on weather and traffic.

**2. Administrative requirements, if any.**

**Response:** Haukaas Law Office, S.C. does not anticipate that it would require any administrative assistance from the City but would defer to the Administrator or Mayor as to the potential for large copying or mailing requirements. Haukaas Law Office, S.C. would be responsible for all continuing education, insurance and professional association fees. Costs for regular postage, copying and other ordinary costs would be billed in addition to attorney fees.

**3. Please identify existing municipal clients that may create a conflict of interest with the services to be rendered to the City of Ashland.**

**Response:** Haukaas Law Office, S.C. represents several towns in Ashland and Bayfield Counties, including; Barksdale, Bayfield, Cable, Eileen, Gingles, Pilsen and White River. It is not anticipated that there would be conflicts with these clients.

**B. Firm Experience**

**1. Provide a narrative description of the firm.**

**Response:** Haukaas Law Office, S.C. is comprised of three attorneys, Craig Haukaas admitted to the practice of law in 1987; Vincent Kurta, admitted to the practice of law in 2015; and Blake Gross (joining the firm in June of 2018) admitted to the practice of law in 2005. Our paralegal, Stefanie Coleman, joined the firm in 2015 and received her paralegal certification in 2016. In addition, we also have two support staff, a part time investigator, and a part time intern. We anticipate hiring another part time attorney, an additional full time paralegal, and an additional full time support staff member in 2018.

**2. Identify experience of the firm regarding municipal issues including land use, zoning, growth management, environmental law, municipal citation, human resource law and complicated agreements including intergovernmental agreements, public works, and other municipal specialties.**

**Response:** We have represented and continue to represent our municipal clients in a broad array of issues and matters affecting them. We recently concluded a two year negotiation with the City of Ashland over Fire and EMS contracts for five (5) of our clients. We have previously reviewed and consulted on infrastructure construction contracts (Ondossagon Road) and we are currently working on the creation of a TIF district through legislative action. Many years ago, Craig Haukaas was lead counsel for the codification and revision of the City of Sun Valley, Idaho municipal ordinances.

**3. A list of all current and past municipal government clients including the name and telephone number of the client contact.**

**Response:**

TOWN OF BARKSDALE  
Clerk: Lynn M. Divine  
117 E 5<sup>th</sup> St.  
Washburn, WI 54891-4522  
715.373.6100

TOWN OF BAYFIELD  
Clerk: Kelly Faye  
87550 Happy Hollow Road  
Bayfield, WI 54814  
715.799.3128

TOWN OF CABLE  
Clerk: Laura Bjork  
43395 Randysek Rd.  
Cable, WI 54821  
715.798.4440

TOWN OF EILEEN  
Clerk: Crystal Mattson  
29130 State Hwy 137  
Ashland, WI 54806-2693  
715.682.5070

TOWN OF GINGLES  
Clerk: Marjorie Bernhoft  
49833 State Hwy 112  
Ashland, WI 54806  
715.682.5343

TOWN OF PILSEN  
Clerk: Suzi Misun  
23700 Pilsen Hall Rd.  
Ashland, WI 54806  
715.746.2438

TOWN OF WHITE RIVER  
Clerk: Evie Roguski  
61939 State Hwy 112  
Ashland, WI 54806  
715.278.3752

C. Proposed Attorney Team

**1. Provide a resume or similar description for each team member, with considerable detail in the experience and qualifications of the lead City Attorney and any significant assisting attorney(s) specifically as it relates to: (a) Municipal law issues; (b) Planning and zoning issues; (c) Negotiating, drafting, and reviewing development agreements; (d) Economic development and tax incremental financing issues; (e) Reviewing municipal infrastructure construction contracts.**

**Response:** In addition to the above, our attorneys have appeared before the City of Ashland and other municipalities in regards to issues concerning municipal law and planning and zoning issues. We have the unique perspective of having experience on both sides of these topics.

**2. Prosecuting Attorney (if different): Provide a resume or similar description highlighting the experience and qualification of the attorney or attorneys assigned to the engagement as prosecutors of traffic and municipal ordinance violations.**

**Response:** Craig Haukaas was the District Attorney of Bayfield County for 12 years. During that period of time he prosecuted thousands of citations on behalf of the County of Bayfield and the State of Wisconsin. He has intimate knowledge of the State traffic code and those parts which have been adopted by the City of Ashland.

**3. If specialty attorney(s) or additional resources are available through your firm (in addition to the named team) to meet special or unusual needs, please briefly identify such individuals and specialties as well.**

**Response:** We prefer to develop close relations with our clients so that we can provide the Superior Representation they are entitled to. All inquiries are acknowledged within 24 hours of receipt from clients. Upon receipt, the matter will be referred to the party most able to immediately respond. That may be a paralegal if something within their realm of knowledge or an

attorney that has worked with the issue at hand in the past. We believe this enables us to meet unusual and special needs in an efficient and cost effective manner without sacrificing quality representation.

4. **If the applicant is a firm with more than one lawyer, please describe how City Attorney duties will be allocated among lawyers in the firm, and the extent to which the City will be able to direct which attorney it wants to work in particular areas. If the applicant is a sole practitioner or a one lawyer firm, please describe how the city's legal affairs will be covered in the event the lawyer is temporarily unavailable.**

**Response:** Craig Haukaas will be the lead contact for the City of Ashland, but absent concerns by the client, the City will be hiring the entire resources of the firm. Work load will be allocated as directed by the City if a particular individual is requested. Different attorneys may appear at city council meetings, depending on attorney availability, specific area(s) of expertise, and/or per the City's request.

D. References:

1. Provide three references for the lead City Attorney.

**a.) The City prefers references that include municipal government experience.**

**Response:** Dennis Pocerlich, Chairman  
Town of Barksdale  
715.682.3147

Art Hancock, Chairman  
Town of Cable  
715.209.1624

Thomas Gordon, Chairman  
Town of Bayfield  
715.779.3130

**b.) The City may contact any companies or individuals, whether offered as references or otherwise, to obtain information that will assist the City in evaluating the proposal. The City retains the right to use such information to make selection decisions. Submittal of a proposal is agreement that the City may contact and utilize such information.**

**Response:** a.) Chippewa Valley Bank  
Rick Forsythe, VP  
715.682.3485

b.) Carlson Building Supply, Inc.  
Ben Illick, President  
715.682.3222

c.) Up North Foods, LLC  
Jerry Henderson, President  
715.682.6414

E. Billing

1. **Hourly fees for each attorney or paralegal assigned to the engagement, specifying if different hourly rates are charged for different activities (e.g., attending Council meetings, consulting with Mayor and/or City Administrator).**

**Response:** Haukaas Law Office, S.C. will bill attorney time at the rate of \$175.00 per hour and paralegal time at the rate of \$100.00 per hour. Travel time to out of the area meetings shall be billed at \$100.00 per hour for attorneys and \$50.00 per hour for paralegals.

2. **Would you and/or your firm be interested in working for a flat retainer fee or a combination retainer/hourly arrangement? If so, describe the parameters and charges.**

**Response:** Yes. Haukaas Law Office, S.C. would accept a flat rate of \$6,250.00 per month. For this amount, Haukaas Law Office, S.C. will provide up to forty (40) hours of legal services each month. Time spent in excess of the 40 hours reserved for the City will be billed at \$150.00 per hour.

3. **The proposal shall state the cost of mileage reimbursement, if any, as well as any ancillary charges resulting from providing legal services to the City (e.g., photocopying, long-distance telephone calls, postage) listed by item and rate. If the firm is not in Ashland, please state whether or not you would bill time or charge mileage for travel to and from Ashland.**

**Response:** There shall be no mileage reimbursement or charge for phone calls, long distance or otherwise. Postage and copies shall be billed at the cost to Haukaas Law Office, S.C. Extraordinary copies or postage charges shall be considered for "in house" production by the City or other external service. "Cost" shall also include amounts paid to Courts and other public entities for filing fees, witness fees and other costs of litigation.

4. The City will select the finalist by considering the proposed compensation as a "best and final offer." The City reserves the right to negotiate all elements, including costs, which comprise the apparent successful proposal.

Response: Understood.

Thank you for your consideration of the Haukaas Law Office, S.C. as your next legal counsel. Should you have any questions or comments, please do not hesitate to contact us.

Haukaas Law Office, S.C.



Craig Haukaas

**MINUTES OF MEETING OF AD HOC EMPLOYEE INTERVIEW COMMITTEE FOR SELECTION OF CITY ATTORNEY**

March 15, 2018

Council Chambers at City Hall

Present: City Administrator Mary Garness, Police Captain Bill Hagstrom, Planning and Development Director April Kroner, Police Chief James Gregoire, and Mayor Deb Lewis

Attorneys Craig Haukaas and Vincent Kurta were interviewed by the group from 1 pm-2 pm. Attorneys Tyler Wickman and Max Lindsey were interviewed by the group from 2:30-3:30 p.m. A cordial discussion took place around a table with a question and answer period provided with both groups.

Following the second firm proposal, a preliminary discussion was held with the ad hoc employee committee. General first impressions were shared about the perceived strengths and weaknesses of both firms. No vote was taken at this time and the group elected to return to meet again on Monday, March 19, 2018 at 11:30 a.m. to finalize a decision about which firm to recommend to council.

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**MINUTES OF MEETING OF AD HOC EMPLOYEE INTERVIEW COMMITTEE FOR SELECTION OF CITY ATTORNEY**

March 19, 2018

Mayor's Office

Present: City Administrator Mary Garness, Police Captain Bill Hagstrom, Planning and Development Director April Kroner, Police Chief James Gregoire, and Mayor Deb Lewis

The Ad Hoc Employee Interview Committee met for approximately 30' to discuss the relative strengths and weaknesses of the two firms.

The Mayor shared the report she had been given by the Wisconsin State Bar Office of Lawyer Regulation concerning disciplinary records for each of the four attorneys who attended the interviews.

After the aforementioned conversations, the group agreed that their consensus choice was Wickman.

**Denise Oliphant**

---

**From:** Barbara Clement  
**Sent:** Wednesday, March 21, 2018 10:32 AM  
**To:** Mary Garness  
**Cc:** Denise Oliphant  
**Subject:** Ordinance Chapter 923

Mary,

Dallenbach, Anich & Wickman, SC at 220 6<sup>th</sup> Ave W., Ashland, WI is in compliance with City Ordinances Chapter 923.

Barbara Clement  
City of Ashland Treasurer  
601 Main St W  
Ashland, WI 54806

(715) 682-7056



# AGENDA BILL

Ref: 055

COMMITTEE AGENDA:  
COUNCIL AGENDA: 6A (03/27/18)

**SUBJECT:** Operator's Licenses

**RECOMMENDATION:** Approval

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**DEPARTMENT OF ORIGIN:** City Clerk

**DATE SUBMITTED:** March 19, 2018

**CLEARANCES:** Police Department

**EXHIBITS:** N.A.

**EXPENDITURES REQUIRED:** N.A.

**AMOUNT BUDGETED:** N.A.

**APPROPRIATION REQUIRED:** N.A.

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

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

**STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:** N.A.

**RECOMMENDATION:** Approve Operator's License

**SUMMARY STATEMENT:** The following individual has applied for an operator's license:

Amelia E. McPherson

**City of Ashland- Housing Committee Meeting Minutes**

A meeting of the Ashland Housing Committee was held on **Wednesday, February 14, 2018, at 8:30 a.m.** in the **Council Chambers at City Hall, 601 Main St. West**

**Committee Members Present:** Mayor Lewis, Ana Tochterman, Betty Harnisch, Ginger Nuutinen, Mark Hogle

**Excused:** Joel Langholz, Liz Franek, Jen Lucius, Bob Miller

**Staff Present:** Megan McBride

**In Attendance:** Sam Ray

Mayor Lewis opened the meeting at 8:30 a.m.

**Agenda**

1) **Consent Agenda**

Motion to approve the agenda by Betty Harnisch. Seconded by Ginger Nuutinen. Passed unanimously.

2) **Approval of minutes from January 10, 2018**

Motion to approve minutes by Betty Harnisch. Seconded by Ana Tochterman. Passed unanimously.

3) **Citizen Comments**

Sam Ray, the Benevolence Manager for the BRICK, asked what the process would be for her to become an official member of the Housing Committee.

Mayor Lewis explained that she would need to submit an application to start the process.

4) **Old business**

a) **Updates**

i. **Update on Property Maintenance**

April Kroner provided a written update on several ongoing property maintenance cases:

1. 612 6<sup>th</sup> St West: Bob Miller indicated the property has been sold to Emery Mattson. She will work with Bob Miller to reach out to Emery to establish a timeframe for making repairs on the property.
2. 16 St East property: No progress. She will work with Bob Miller to determine if the property has been turned over to the County. If not, he will work with the homeowner to establish a timeline for demolition or repair.

3. Garages: Bob Miller has sent out notices to several owners where they have dilapidated accessory structures. These properties were identified by the Property Maintenance officer in 2017.
4. 509 Main St West: April Kroner will direct Bob Miller to work with the property owner (People's Bank) to remove the boarded up portions along the façade and replace with windows/glass.
5. 600 Main St East: This property was sold to D'anna Zakovec. Bob Miller met with her to discuss intent and timeframe for repairs. The owner is potentially working with Crossroads to redevelop this into transitional housing, which will require issuance of a Conditional Use Permit.

ii. Update on CDBG

Bob Miller provided a report detailing the current CDBG account balance in the Housing Committee packet prior to the meeting.

iii. Update on HIP Program

Megan McBride provided an update on the current budget for the program (\$18,819.56 total, approximately \$15,419.56 uncommitted), provided information about property owners who have been invited to apply to the HIP program, and also detailed the program goals for 2018 which include:

1. Begin implementing assessment tool
2. Determine sustainable sources for funding
3. Better outreach/marketing

b) Update on community housing initiatives in the city

Mayor Lewis described meetings she has attended with the goal of developing a transitional living facility in Ashland, with a primary focus on identifying potential houses that could be used for this purpose. There is a foundation which successfully manages facilities of this nature in other communities that is interested in assisting to develop a facility in Ashland. The model they utilize includes having a structured living environment with 4-6 residents and a supervisor on site. The intent of these facilities is to provide support to individuals coming out of recovery programs as they transition back into sober living in our community.

Betty Harnisch asked if 600 Main Street East is being renovated into a similar facility.

Mayor Lewis said that it may be similar. She also emphasized the great need in our community for this type of housing. She explained that she has been talking to Emery Mattson to identify homes that could be repurposed for transitional housing.

Ginger Nuutinen asked if there will be billable services provided on site in these facilities.

Mayor Lewis explained that residents would be required to attend counseling, but these services would not be provided on site. Some transitional living facilities do have group

counseling sessions in addition to requiring individuals to attend counseling off-site. She said that the foundation is currently trying to identify quality, 4-bedroom homes to purchase for transitional housing. She urged the committee members to contact her if they have suggestions for homes that would fit these criteria, or homes that could be utilized for this purpose if repairs were made.

Betty Harnisch asked if there would be a staff person to supervise the residents.

Sam Ray explained that the foundation would provide a supervisor who would likely also live in the home. She noted that the primary barrier to this project is not related to funding for staffing, but to identify funding for acquisition and maintenance of the building.

Mark Hoglund asked if this program would be similar to what Crossroads is planning to do.

Mayor Lewis said that it would be similar, with the primary distinction being that Crossroads provides faith-based services and this would not. She emphasized that there is a need for both of these types of services in our community.

c) Detailed discussion on strategic plan action items to address housing in the City

Ana Tochterman suggested that providing housing to meet the needs of special populations could be added as a goal to the strategic plan. Examples would include providing accessible housing for seniors, affordable options for low-income individuals, and supportive housing for people with mental health or substance abuse issues.

The committee agreed to each select one or more goals from the strategic plan to develop action item recommendations for implementation to discuss at the next meeting in March.

d) Update/discussion on Beaser Avenue redevelopment property

April Kroner provided the options for marketing the sale of City-owned property with her recommendation to utilize the Request for Proposals Procedure:

1. Request for Proposals Procedure (will generally be used when the City has a special interest in the particular use to which a property will be put)
2. Listing with a Real Estate Broker Procedure (will generally be used when the City does not have a special interest in the particular use to which a property will be put and when a parcel is deemed to be generally marketable)
3. Informal Sales Procedure (will generally be used when a parcel, for reasons of size, shape, location, value or otherwise, is not deemed to be generally marketable)

Motion to recommend to Plan Commission that the Request for Proposals Procedure be followed by Betty Harnisch. Seconded by Ana Tochterman. Passed unanimously.

**5) New business**

- a) Set next meeting date and discuss possible agenda items
  - The next meeting will take place on March 14<sup>th</sup>
  - The primary agenda items will include a presentation by Ana Tochterman about the completed housing study, and discussion about strategic plan action items.

**6) Announcements**

No additional announcements.

**7) Adjournment**

Motion to adjourn by Betty Harnisch. Seconded by Ginger Nuutinen. Passed unanimously.

*Meeting was adjourned at 9:30am. Minutes done by Megan McBride*

**Minutes of the City of Ashland Plan Commission**

A meeting of the Plan Commission was called to order on **Tuesday, March 6th, 2018**  
at 6:30 p.m. in the City Hall Council Chambers.

- PRESENT:** Mayor Lewis, David Mettill, Ernie Bliss, Mike Amman, Charmaine Swan, John Beirl, Katie Gellatly
- EXCUSED:**
- STAFF:** Megan McBride
- OTHERS:**

**MEETING AGENDA ORDER**

**1) Call to Order and Roll Call**

Mayor Lewis called the meeting to order at 6:30pm.

**2) Approval of Agenda**

Motion to approve the Agenda by John Beirl. Seconded by David Mettill. Passed unanimously.

**3) Consent Agenda**

Motion to approve minutes from February 20<sup>th</sup> by Ernie Bliss. Seconded by Charmaine Swan. Passed unanimously.

**4) Public Comment**

No public comments.

**5) Action Items**

- a) Public Hearing and Consideration on an offer to purchase a portion of city-owned land adjacent to 705 Lake Shore Drive East

Motion to go into Public Hearing by Katie Gellatly. Seconded by Ernie Bliss. Passed unanimously.

**Prior to the meeting:**

Rick Olivo called prior to the meeting to ask for more information about the proposed land sale. After learning more details, he did not have any concerns and voiced support for the sale.

Jennifer Rodriguez called prior to the meeting to ask for more information about the proposed sale.

Comments submitted by Donna Pearson Maday prior to the meeting were included in the Plan Commission packet.

**At the meeting:**

Megan McBride said that a Class 1 Public Hearing notice was given and letters were sent to all property owners within 200 feet of the subject parcel. She then explained that the original offer to purchase submitted by Marlene Martin extended to N 7<sup>th</sup> Avenue East, which would have allowed the possibility for a future driveway access in this location. Upon receipt of the letter from Donna Pearson Maday expressing concerns about this, McBride discussed the situation with her to attempt to identify a solution that would meet the needs of both property owners. Mrs. Maday expressed interest in purchasing the portion of land directly north of her parcel (701 Lake Shore Dr E), which Mrs. Martin agreed to

and amended her offer to purchase to include the land directly south of her own parcel (705 Lake Shore Dr E). McBride then went through the staff report which detailed the amended offer to purchase, recommending staff approval of the sale as the highest and best use for the land.

John Beirl pointed out that a case may be made for adverse possession.

Donna Blazek (222 Prentice Ave) urged the City to work with Marlene Martin to ensure she be able to obtain the necessary land to address marketability concerns of her property as she attempts to sell it.

Donna Pearson Maday (701 Lake Shore Dr E) explained that she was originally opposed to the sale due to concerns of having a driveway cut behind her yard as her granddaughter will be living in the home. She, Mrs. Martin and Megan

McBride discussed and came to the agreement that Mrs. Martin would amend her offer to purchase to include only land directly south of her own parcel (705 Lake Shore Dr E) to provide the opportunity for Mrs. Maday to submit an offer to purchase for the land directly behind her parcel (701 Lake Shore Dr E).

John Beirl asked why \$500 of earnest money was required if the offer amount was only \$100.

Megan McBride explained that \$500 of earnest money is required regardless of the offer amount, so if the \$100 offer is accepted the remaining \$400 will be returned to the applicant.

Mayor Lewis clarified that the reason Mrs. Martin is pursuing this sale is because she is attempting to sell her property.

Marlene Martin confirmed that this is correct, and that she was told by a realtor that the property would not be marketable with such a significant encroachment onto city-owned land.

Mayor Lewis said that the City Attorney will be consulted about making a case for adverse possession. She also asked Mrs. Martin if she intends to take down the garage as indicated in the staff report.

Marlene Martin explained that she does not want to reduce the size of the garage unless required to address the encroachment. If an alternative solution can be found that allows the garage to remain this would be her preference.

Mayor Lewis asked if the applicant would like to table the item to allow her more time to consult an attorney on the matter and resolve some of the outstanding questions.

Marlene Martin said she did not want this as her only concern is to ensure the marketability of her home. She also asked how she will obtain the legal description for exactly what land she would be purchasing if approved.

Megan McBride explained that the surveyor will determine the exact land she is purchasing and provide the legal description, which has been included as a condition of the sale. She noted that this survey work was not required prior to consideration of the request to prevent the property owner from bearing the cost of hiring a surveyor if the sale is not approved.

Mayor Lewis pointed out that this item will go to City Council on March 13<sup>th</sup>, allowing time for follow-up on some of the outstanding questions that have arisen through the Public Hearing comments and discussion.

Motion to go out of Public Hearing by Katie Gellatly. Seconded by Mike Amman. Passed unanimously.

Mayor Lewis suggested that staff work to address the outstanding questioned raised through the discussion prior to the Council meeting on March 13<sup>th</sup>.

Motion to approve the offer to purchase by John Beirl. Seconded by Ernie Bliss. Passed 6-1, Amman opposed.

**6) Discussion Items**

Charmaine Swan asked to have future discussion items related to proactive implementation of our Comprehensive Plan, particularly waterfront development.

Mayor Lewis provided an update and projected timeline for completion of the superfund site cleanup and implementation of the redevelopment plan that was approved last year by City Council. She also provided updates on community efforts to establish transitional housing options in Ashland.

Charmaine Swan described a model for transitional housing that utilizes tiny homes which gives tenants a sense of ownership, autonomy, and empowerment while also providing communal spaces and activities which are often part of more conventional transitional housing arrangements.

Katie Gellatly mentioned that related to Comp Plan implementation it was identified that the city should evaluate priority areas for possible zoning changes, particularly along the waterfront, and asked that this be brought as a discussion item for a future meeting.

**7) Announcements / reports / comments / questions**

**8) Adjournment**

Motion to adjourn made by David Mettille. Seconded by Ernie Bliss. Passed unanimously.

*The meeting was adjourned at 7:25p.m. Minutes by Megan McBride.*

POLICE AND FIRE COMMISSION MEETING  
ASHLAND FIRE DEPT MEETING ROOM

January 8, 2018

**1. Call to Order**

The meeting was called to order at 5:15 p.m. by Ed Monroe.

**2. Roll Call**

Present: Ed Monroe, Sarah Nelson Granley, Sara Lehr and Matt Horning

Excused-Absence: Gordon Gilbertson

Also present: Police Chief Gregoire, Fire Captain Bulovsky

**3. Approval of Agenda Items**

Agenda Items were reviewed and accepted by the commission.

**4. Approval/Review of Minutes from 11/6/2017 and 11/27/2017**

A motion was made by Sarah Nelson Granley, seconded by Sara Lehr, to approve the minutes from November 6, 2017 and November 27, 2017 as written. The motion passed unanimously.

**5. Police Department Report**

**A. Administrative Report**

Chief Gregoire stated he had sent his report by email for commissioners to review before the meeting. He said the past two months have calmed down a bit and have been relatively normal and not quite as stressful compared to the several months before that. He also handed out a hard copy which included his end of the year report for the Police Department.

A motion was made by Matt Horning, seconded by Sarah Nelson Granley to approve the Police Department reports. The motion passed unanimously.

**7. Fire Department Report**

**A. Administrative Report**

Captain Bulovsky gave a brief oral report in Chief Chenier's absence. He mentioned a few points of interest including:

- 2017 was a record year for EMS calls. He said the AFD had hired six extra personnel for inter-facility transfers. The revenues generated last year made up for this at a value rate of 6.8 employees, so it's working out well.
- There was a large home fire on New Year's Eve when it was below zero, thankfully no one was injured
- Joe Belany retired – new hire process has started
- Update handout was distributed regarding the Ice Angel refurb project

A motion was made by Sarah Nelson Granley, seconded by Sara Lehr to approve the report given by Captain Bulovsky. The motion passed unanimously.

**7. Next Meeting Date**

The next regular meeting for the Police and Fire Commission was scheduled for Monday, March 12, 2018, at 5:15 p.m. at the AFD meeting room.

- 8.- 10. Closed session as authorized by WI State Statute 19.85(1)(c) to discuss Fire Department personnel issues.** This item was postponed until the March meeting when Chief Chenier will be present.

**11. Adjournment**

A motion was made by Matt Horning, seconded by Sarah Nelson Granley to adjourn. The motion passed unanimously and the meeting adjourned at 5:28 p.m.

Respectfully Submitted,

Kathy Holevatz,  
Recording Secretary

Meeting notes for Vaughn Public Library Board January 11, 2018

Vaughn Public Library meeting room 5:30

Present were Dinny Bolka, Clarence Campbell, Teege Mettillie, Michelle Jardine, Rachel Coughtry and Janna Levings (Acting President) and Sarah Adams

5:30 called to order.

Approval of the agenda – motion Michelle, seconded Teege. Passed.

Motion to approve minutes from December 28 , 2017. Motion Clarence and seconded by Rachel. Passed

Public contribution – none

New business - Sarah asked for names from board for committee members for library renewal board. The person making suggestion is responsible for making 1<sup>st</sup> contact and Sarah will send formal letter.

Director's Report

January 11<sup>th</sup>, 2018 is next meeting.

Meeting adjourned at 6:47.

Vaughn Public Library Board Meeting Minutes 2/8/2018 Meeting Room 5:30

Present were: Clarence Campell, Michelle Jardine and Janna Levings (acting president), Teege Mettille, Kate Ulman, Sarah Allen, library director.

Called to order 5:30.

Motion to approve meeting agenda - made by Kate and seconded by Clarence. Passed.

Motion to approve minutes from last meeting made by Clarence and seconded by Kate. Passed

Public participation –none.

Discussion of policy review to eliminate overdue fines for children’s books.

Suggestion of a book drop box at Bad River to help with getting books back. Will be further looked into. Michelle will put information on the Peach Jar program through the school to get notification to parents about no fine for overdue children’s books. Motion to approve policy made by Kate and seconded by Michelle. Passed.

Continuing business – Board members need to contact people they nominated for the library renewal committee and let them know this. Sarah will send formal request letter on February 22.

Library Director’s report – statistical report will be shared with public via a flyer.

Meeting adjourned at 6:45.



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## AGENDA BILL

Ref: 052

COMMITTEE AGENDA: 5 (03-13-2018)  
COUNCIL AGENDA: 6C (03-27-2018)

**SUBJECT:** Discussion and Possible Action to Approve the City of Ashland Website Upgrade With CivicPlus and Authorize the City Administrator to Negotiate a Service Agreement for Website Service for up to a Five Year Period (*Passed unanimously at Committee of the Whole on March 13, 2018*)

**RECOMMENDATION:** Approval

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**DEPARTMENT OF ORIGIN:** City Clerk

**DATE SUBMITTED:** March 5, 2018

**CLEARANCES:** City Administrator

**EXHIBITS:** A-CivicPlus Services Agreement  
B-CivicPlus Statement of Work with Addendums

**EXPENDITURES REQUIRED:** \$10,178 Annual for 4 years, reducing to \$4,850 annually on year five

**AMOUNT BUDGETED:** \$10,178

**APPROPRIATION REQUIRED:** NA

**RECOMMENDED MOTION:** Council approval to allow administration to enter into agreement with CivicPlus for website restructuring and hosting for a minimum of five years.

### **SUMMARY STATEMENT:**

The need for government transparency and relevance in the community is imperative to maintain public trust and respect. The current City of Ashland website was developed in 2014. Due to the technological complexity of working with this site, it has been difficult to update the website to keep the site current. The necessary time commitment on the staff's end has prevented ongoing general use and updating, limiting the cost effectiveness of doing so.

### Who Is CivicPlus

CivicPlus is a municipal-focused website host company who boasts as the #1 provider for local government websites, including 60+ in Wisconsin. The company employs over 200 professionals with a focus on local government organizations for 20+ years, and have expanded to more than 2700 clients throughout the U.S. and Canada. Founded and centered in Manhattan, Kansas, they have multiple locations across the U.S. to house their security systems. CivicPlus has staff on hand 24/7/365 for live support and assistance at any time, as well as online chat and video guidance to access at any time for all staff using the system.

### Where We Are Now

As technology continues to change the means for communication and information, local government has not been unaffected. Mobile devices have become a household staple and the main resource for social media, news, and data. The current city website is below internet and mobile use standards that is needed to sustain the expectations of the public. When the City of Ashland redesigned its official website in 2014, the initial investment was over \$10,000. The face of this site has yet to be changed or updated, and it is cluttered and dated making it difficult for visitors to navigate. Staff are unable to publish documents of certain sizes due to the current limitations causing a roadblock in getting updated information to the public. Due to the structure of the site background, staff are required to rely on the site host to post information or make seemingly simple changes to the site. Staff have encountered hours and even days of delay to post, update or correct issues due to the sluggish response time to their requests. Our current system requires two servers for our IT personnel to monitor and maintain beyond the website host, consuming approximately 25% of that person's staff time. By utilizing CivicPlus, a cloud-based hosted system, we would no longer need two servers for the one program, and could free up valuable staff time.

### Looking Into the Future

While conceding to frustrations of the current website, alternatives have been sought out to investigate options for a workable and effective website. After researching a multitude of hosts of various systems, the Clerk and Administrator narrowed the options to three. Of these three, CivicPlus has stood out in customer service, experience, and security to be the top choice. Although not the least expensive, Administration trusts CivicPlus to be the ideal fit to enhance the website experience for visitors, staff, potential businesses and citizens, and other municipalities in a way that will prove to represent the City of Ashland in the light that Council and staff would be proud.

CivicPlus boasts options and modules that are included in the contracted costs:

- |  |  |
|--|--|
| ✓ Employment and RFP announcements         | ✓ How Do I...                            |
| ✓ Responsive request center                | ✓ Customizable forms creation            |
| ✓ Alert and Emergency news center          | ✓ Payment center                         |
| ✓ Automatic ADA and translating compliance | ✓ Online permit and license applications |
| ✓ GIS and mapping capable                  | ✓ Community voice and surveys            |
| ✓ Document and archive center              | ✓ Drag-n-drop editing                    |
| ✓ Multilevel calendar                      | ✓ Photo Gallery                          |
| ✓ Bid notice and postings                  | ✓ Meeting notices                        |
| ✓ 100% mobile responsive                   | ✓ Analysis and auditing statistics       |
| ✓ Business and resource directory          | ✓ Simple, do-it-for-you formatting       |

These and more are highlighted further in the attached CivicEngage Premium Package Modules attachment. Also included in the contract is a guaranteed facelift and redesign after the fourth year of service at no additional charge. Additional available modules include that to serve Parks & Rec, Human Resources and Meetings and Agendas for staff efficiency and effectiveness. If either of these modules were to be utilized through the CivicPlus system, separate software licenses could be eliminated in the long run.

### Noteworthy

- *Responsive Request Center*: The City of Ashland has a current software program beyond the City website, which includes a module to handle and track citizen complaints and requests. Though in process of implementing for some time, practical use of this system has not been achievable due to the staff time required to train and utilize it. Through CivicPlus, there is no staff time required as any complaints or comments through the website will be automatically directed to the appropriate department(s), responded back to the citizen as being received, and trackable by mapping the location of

the issue. The citizen can return to the site to view any progress on his/her initial problem, and will receive a message when the item is completed. An analysis can be done at any time to locate problem areas to promote preventative maintenance.

- *Alert and Emergency News Center:* Visitors of the City website would be able to choose to be alerted as to meeting notices and cancellations by logging in and choosing what type of notices they are interested in (meetings, RFPs, fire or police reports, etc.) and how they would like to receive them (by email, mobile text, etc.). Messages will be directed to the citizen the moment they are posted to the website with no additional work by staff. More importantly, emergent and urgent alerts can be funneled to the local medias, schools, medical centers, and neighboring emergency centers in the same manner, for instance Amber Alerts, School Closings, Storm Warnings, Road Closures, and water contamination notices. In many instances, time can make an incredible difference for our communities safety and security, and with CivicPlus, we can eliminate delays, phone calls, and individual email messaging.
- *ADA Compliance:* Local governments are not excused from compliance requirements to be accessible to any persons with disabilities, whether they are hearing or visually impaired or require a language interpreter. Non-compliance creates a barrier that impacts information translation and transparency. CivicPlus has the trained personnel who will help guide Ashland’s staff to create a website that will be completely accessible throughout its design and translation capabilities to ensure compliance is maintained throughout its site.

The Options

Listed below are quotes from three of the website companies researched.

CivicPlus	Granicus	Civic Live
\$26,160/\$4850 per year	\$36,900/\$4950 per year	\$16,000/\$2800 per year

CivicPlus offers an Advantage Payment plan, which would allow the initial investment to be spread over four years bringing the payments down to \$10,178 per year for the first four years. The ease of paying over time would prevent a strain on the already tight budget in the near future and allow for unexpected and necessary expenditures.

Support and Security

In an effort to prepare for the inevitable advances of technology, we must be prepared to retain the security of the City of Ashland and its citizens. Hacking is ever present and will be more so as hot-button issues arise such as elections and identity theft. At the time of recent hacking attempts on our current website, it was not made known to the City until a citizen made an inquiry to City Hall after having difficulty navigating our site. The process of identifying and correcting the issue was excessively timely and could have been potentially costly. With CivicPlus, we are assured of virus and hacking protection 24/7/365 with constant monitoring and testing, and frequent intervals of backup in the case of a disturbance that should require shutdown. We would also have continuous software and system upgrades as they become available without interruption to our service automatically.

Support is never more than a click or phone call away at literally any time of the day or night. CivicPlus is well versed in supplying expertise in the development and implementation throughout the entire project and beyond. After implementation, continuous training will be available by a simple phone call, chat request or guided step-by-step help menus and videos. The availability of live customer service 24/7/365 is critical for both troubleshooting and training.

### Bringing Us All Together

The current City of Ashland official website was laid out to be able to reach each department and outlet that the City has to offer. Due to the aforementioned complexity to use the system, several departments chose to create their own separate websites, including Parks and Rec, both Police and Fire departments, and the Library. This translates to the public that these are separate or conflicting departments from City Hall, which could not be further from reality. CivicPlus will help the City of Ashland reconnect and display cooperation and communication as it integrates those individual sites to develop a single incorporated site.

### Staff Use and Policy

It is anticipated that all of the departments will have a designated website user to maintain their page and information. Along with a fresh look will come the ease and compliance for every department to check in consistently to be certain their pages are well kept up and current. Users will have permissions and/or limitations according to their responsibilities. This would allow any edited material to be passed to authorized personnel for proofing and approval before posting onto the site. It will be determined by administration as to what these limitations consist of and how they are applied.

Staff have also been responsible to maintain their departments' pages, to keep the information organized and the public consistently informed. This also fell to the wayside as the current site is extremely difficult and time consuming to work with, again requiring the site host or IT personnel to do the work and correct errors. The ease of CivicPlus will require minimal time to review and bring up to date on a regular basis.

### Recommended Motion

To approve the City of Ashland website upgrade with CivicPlus and authorize the City Administrator to negotiate a service agreement for website service for up to a five year period.

At the March 13, 2018 Council meeting, Mettille moved, Moore seconded a motion to approve the City of Ashland website upgrade with CivicPlus and authorize the City Administrator to negotiate a service agreement for website service for up to a five year period for the annual amount of \$10,178 for four years, reducing to \$4850 on year five. The motion carried unanimously by voice vote.

**Master Services Agreement**

**THIS Master Services Agreement ("Agreement")** is agreed to by and between CivicPlus, Inc., d/b/a CivicPlus ("CivicPlus") and City of Ashland, Wisconsin ("Client") (jointly, "Parties") and shall be effective as of the later date of signing indicated at the end of this Agreement ("Effective Date").

**RECITALS**

**WHEREAS**, CivicPlus is engaged in the business of developing, marketing and selling custom community engagement and government management platforms and services that include but are not limited to web sites, web interfaces and portals and proprietary software systems and associated modules; in addition to project development, design, implementation, support and hosting services for same;

**WHEREAS**, Client wishes to engage in a relationship with CivicPlus for such services and/or license for use of proprietary software developed and owned by CivicPlus;

**WHEREAS**, Client and CivicPlus have agreed to certain terms as set forth in this Agreement by this written instrument duly executed by the Parties;

**NOW, THEREFORE**, Client and CivicPlus agree as follows:

**Term & Termination**

1. The term of this agreement shall be the later of 1 year from the Effective Date or the termination or expiration of any associated Statement of Work ("SOW").
2. Either Party may terminate this Agreement or any associated SOW at the end of the Agreement term by providing the other Party with 60 days' written notice prior to the contract renewal date.
3. Unless terminated by either Party pursuant to Section 2, this Agreement will renew another 1-year term.
4. Notwithstanding the above, in the event this Agreement or any SOW is terminated, any outstanding invoices for Project Development shall become due in full and any outstanding Annual Services shall be prorated from the beginning of the renewal term to the date of termination.

**Statements of Work**

5. CivicPlus agrees to perform services and/or produce deliverables in accordance with the Statement(s) of Work in consideration of the fees described in the same Statement(s) of Work. Multiple and successive Statement(s) of Work may be entered into hereto. Such Statement(s) of Work are incorporated into this Agreement by reference and subject to the terms & conditions contained herein pursuant to Section 23.

**Invoicing & Payment Terms**

6. Invoices shall be sent electronically in the manner described in the relevant Statement of Work. Upon request CivicPlus will mail invoices and the Client will be charged a \$5.00 convenience fee.
7. Payment shall be due 30 days from date of invoice. Unless otherwise limited by law, a finance charge of 1.5 percent (%) per month or \$5.00, whichever is greater, will be added to past due accounts. Payments received will be applied first to finance charges, then to the oldest outstanding invoice(s).
8. If a client change in timeline causes CivicPlus to incur additional expenses (i.e. airline change fees), Client agrees to reimburse CivicPlus for those fees. Not to exceed \$1,000 per CivicPlus resource per trip.

**Ownership & Content Responsibility**

9. Upon full and complete payment of submitted invoices for any SOW Project Development Fees, Client will own the Customer Content (defined as any website graphic designs, webpage or software content, module content, importable/exportable data, and archived information as created by CivicPlus on behalf of Client pursuant to this Agreement).
10. Upon completion of any SOW Project Development, Client will assume full responsibility for website, software or module content maintenance and administration. Client, not CivicPlus, shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, appropriateness, and intellectual property ownership or right to use of all Customer Content.
11. Client agrees that CivicPlus shall not migrate, convert, or port content or information that could reasonably be construed to be time-sensitive, such as calendar or blog content, in any project.



**Master Services Agreement for City of Ashland, WI**

- 12. Client will make a reasonable attempt to work with CivicPlus, if requested, to create a news item to be released in conjunction with their project Go-Live date. Client will provide CivicPlus with contact information for local and regional media outlets. CivicPlus may use the press release in any marketing materials as desired throughout the term of this Agreement.

**Intellectual Property & Ownership**

- 13. Intellectual Property of any software or other original works created by CivicPlus prior to the execution of this Agreement ("CivicPlus Property") will remain the property of CivicPlus.
- 14. Client shall not (i) license, sublicense, sell, resell, transfer, assign, distribute or otherwise commercially exploit or make available to any third party any CivicPlus Property in any way; (ii) modify or make derivative works based upon any CivicPlus Property; (iii) create Internet "links" to the CivicPlus Property software or "frame" or "mirror" any CivicPlus Property administrative access on any other server or wireless or Internet-based device; or (iv) reverse engineer or access any CivicPlus Property in order to (a) build a competitive product or service, (b) build a product using similar ideas, features, functions or graphics of any CivicPlus Property, or (c) copy any ideas, features, functions or graphics of any CivicPlus Property. The CivicPlus name, the CivicPlus logo, and the product and module names associated with any CivicPlus Property are trademarks of CivicPlus, and no right or license is granted to use them.

**Indemnification**

- 15. To the extent permitted by the law of Client's state, Client and CivicPlus shall defend, indemnify and hold the other Party harmless, its partners, employees, and agents from and against any and all lawsuits, claims, demands, penalties, losses, fines, liabilities, damages, and expenses including attorney's fees of any kind, without limitation, in connection with the operations of and installation of software contemplated by this Agreement, or otherwise arising out of or in any way connected with the CivicPlus provision of service and performance under this Agreement. This section shall not apply to the extent that any loss or damage is caused by the gross negligence or willful misconduct on the part of either party.

**Liabilities**

- 16. CivicPlus will not be liable for any act, omission of act, negligence or defect in the quality of service of any underlying carrier or other service provider whose facilities or services are used in furnishing any portion of the service received by the Client.
- 17. CivicPlus will not be liable for any failure of performance that is caused by or the result of any act or omission by Client or any entity employed/contracted on the Client's behalf.
- 18. Client agrees that it is solely responsible for any solicitation, collection, storage, or other use of end-users' Personal Data on any website or online service provided by CivicPlus. Client further agrees that CivicPlus has no responsibility for the use or storage of end-users' Personal Data in connection with the website or the consequences of the solicitation, collection, storage, or other use by Client or by any third party of Personal Data.
- 19. To the extent it may apply to any service or deliverable of any SOW, user logins are for designated individuals chosen by Client ("Users") and cannot be shared or used by more than one User. Client will be responsible for the confidentiality and use of User's passwords and user names. Client will also be responsible for all Electronic Communications, including those containing business information, account registration, account holder information, financial information, Client Data, and all other data of any kind contained within emails or otherwise entered electronically through any CivicPlus Property or under Client's account. CivicPlus will act as though Client will have sent any Electronic Communications it receives under Client's passwords, user name, and/or account number. Client shall use commercially reasonable efforts to prevent unauthorized access to or use of any CivicPlus Property and shall promptly notify CivicPlus of any unauthorized access or use of any CivicPlus Property and any loss or theft or unauthorized use of any User's password or name and/or user personal information.
- 20. Client shall comply with all applicable local, state, and federal laws, treaties, regulations, and conventions in connection with its use of any CivicPlus Property.

**Force Majeure**

- 21. No party shall have any liability to the other hereunder by reason of any delay or failure to perform any obligation or covenant if the delay or failure to perform is occasioned by force majeure, meaning any act of God, storm, fire, casualty, unanticipated work stoppage, strike, lockout, labor dispute, civic disturbance, riot, war, national emergency, act of public enemy, or other cause of similar or dissimilar nature beyond its control.

**Taxes**

- 22. It is CivicPlus' policy to pass through sales tax in those jurisdictions where such tax is required. If the Client is tax-exempt, the Client must provide CivicPlus proof of their tax-exempt status, within fifteen (15) days of contract signing, and this agreement will not be taxed. If the Client's state taxation laws change, the Client will begin to be charged sales tax in accordance with



**Master Services Agreement for City of Ashland, WI**

their jurisdiction's tax requirements and CivicPlus has the right to collect payment from the Client for past due taxes.

**Other Documents**

- 23. The following are to be attached to and made part of this Contract:
  - a. Exhibit A - Statement(s) of Work.
- 24. In the case of any conflict between the terms of this Agreement and any incorporated documents, such conflicts shall be resolved with the incorporated documents taking the following order of precedence:
  - a. This Master Services Agreement;
  - b. Exhibit A - Statement(s) of Work in descending order of execution (for example, the most recent SOW will control over other in the event of a conflict in terms).

**Interlocal Purchasing Consent**

- 25. This Agreement and any attached SOWs may be extended to any public entity in the State of Wisconsin to purchase at SOW prices in accordance with the terms stated herein.

**Miscellaneous Provisions**

- 26. The invalidity, in whole or in part, of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 27. No amendment, assignment or change to this Agreement or any included SOW shall be effective unless by a written instrument executed by each of the Parties.

**Acceptance**

We, the undersigned, agreeing to the conditions specified in this document, understand and consent to the terms & conditions of this Agreement.

<b>Client</b>	<b>CivicPlus</b>
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

**Sign and E-mail the entire contract with exhibits to:**  
[Contracts@CivicPlus.com](mailto:Contracts@CivicPlus.com)

We will e-mail a counter-signed copy of the contract back to you so we can begin your project.

**CivicPlus does not require a physical copy of the contract, however, if you would like a physical copy of the contract, mail one (1) copy of the contract with original signature to:**

CivicPlus Contract Manager  
 302 S. 4<sup>th</sup> Street, Suite 500  
 Manhattan, KS 66502

Upon receipt of signed original, we will counter-sign and return the copy for your files.



Contact Information

Organization City of Ashland, WI

URL https://www.coawi.org/

Street Address

Address 2

City State Postal Code

CivicPlus provides telephone support for all trained clients from 7am -7pm Central Time, Monday-Friday (excluding holidays). Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Billing Contact E-Mail

Phone Ext. Fax

Billing Address

Address 2

City ST Postal Code

Tax ID # Sales Tax Exempt #

Billing Terms Annual Account Rep Justin Blecha

Info Required on Invoice (PO or Job #)

Contract Contact Email

Phone Ext. Fax

Project Contact Email

Phone Ext. Fax



**Exhibit A.1 - CivicPlus Statement of Work #1**

All Quotes are in US Dollars and Valid for 45 Days from November 9, 2017

<b>Project Development and Deployment</b>	
<ul style="list-style-type: none"> <li>• First Year Annual Services (Initial GCMS® upgrades, maintenance, support and hosting)</li> <li>• Server Storage not to exceed <b>25 GB</b></li> <li>• Services and Deliverables as described in Addendum 1</li> <li>• Up to 115 pages of content migrated from <a href="https://www.coawi.org/">https://www.coawi.org/</a></li> <li>• Ongoing recurring 48-month redesign, as described in Addendum 2</li> <li>• 3 Years of Agendas &amp; Minutes in PDF or DOC format migrated</li> <li>• 3 Days Virtual Implementation Training for up to 6 Client staff members</li> </ul>	<b>\$25,860</b>
<b>Project Enhancements</b>	
<ul style="list-style-type: none"> <li>• Mobile Admin App for Alert Center</li> <li>• Design Essentials</li> </ul>	<b>Included</b>
<b>Total Fees Year 1</b>	
<b>\$25,860</b>	
<b>Annual Services (Continuing GCMS® Enhancements, Maintenance, Support and Hosting)</b>	
<i>Billed 12 months from SOW signing; subject to annual 5% increase year 5 and beyond</i>	
<b>\$4,700</b>	
<b>Total Annual Services</b>	
<b>\$4,700</b>	

At the request of Client, CivicPlus agrees to redistribute their standardized pricing as follows:

	<b>1<sup>st</sup> Year</b>	<b>2<sup>nd</sup> Year</b>	<b>3<sup>rd</sup> Year</b>	<b>4<sup>th</sup> Year</b>
<b>CivicPlus Advantage Annual Investment Payments</b>	<b>\$9,990</b>	<b>\$9,990</b>	<b>\$9,990</b>	<b>\$9,990</b>

1. Performance and payment under this SOW shall be subject to the terms & conditions of the Agreement by and between Client and CivicPlus, to which this SOW #1 is hereby attached.
2. This SOW #1 shall remain in effect for an initial term of four years (48 months) ("the SOW #1 Initial Term") from signing. In the event that neither party gives 60 days' notice to terminate prior to the end of the initial or any subsequent renewal term, this Agreement will automatically renew for an additional 1-year Renewal Term.
3. Invoicing shall begin upon the date of signing of this SOW #1 as detailed in CivicPlus Advantage Annual Investment Payments. Subsequent Annual Investment Payments shall be invoiced on the dates of signature of their respective calendar years.
4. Renewal Term Annual Services shall be invoiced on the date of signature of relevant calendar years. Annual services, including but not limited to hosting, support and maintenance services, shall be provisioned in accordance with Addendum 3 to this SOW #1 and shall be subject to a 5% annual increase beginning in Year 5 of service.
5. Client allows CivicPlus to display a "Government Websites by CivicPlus" insignia, and web link at the bottom of their web pages. Client understands that the pricing and any related discount structure provided under this SOW #1 assumes such perpetual permission.
6. After forty-eight (48) months of continuous service, Client is entitled to a no-cost redesign, details noted in Addendum 2. Redesigns that include additional features not available on the original website may be subject to additional charges. Additional features include, but are not limited to, additional modules and integration of third-party software.
7. The Client will be invoiced electronically through email. Upon request CivicPlus will mail invoices and the Client will be charged a \$5.00 convenience fee.



Exhibit A.1 for City of Ashland, WI

Acceptance

We, the undersigned, agreeing to the conditions specified in this document, understand and authorize the provision of services outlined in this Agreement.

Client

CivicPlus

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



Addendum 1 to Exhibit A.1 - Project Development Division of Work

<p><b>Kick-Off</b>  <u>Deliverable:</u> Project Timeline, training jump start information, online forms, kick-off meeting</p>	
<p>CivicPlus will:</p> <ul style="list-style-type: none"> <li>• assign a project manager to this project</li> <li>• conduct a Project Kick-off to review awarded contract</li> <li>• establish communication plan for the duration of the project effort</li> <li>• work with Client to identify all key internal and external project stakeholders</li> <li>• develop project timeline</li> <li>• provide access to CivicPlus University (online training manuals, videos and other resources) for the Client staff</li> </ul>	<p>Client will:</p> <ul style="list-style-type: none"> <li>• complete the following prior to Phase 1: Website Optimization Form, Content Form, and DNS Worksheet</li> <li>• review and approve of project timeline within 5 business days</li> <li>• attend a kick-off meeting with key stakeholders or decision makers</li> <li>• if modifications are required after the review of the initial project timeline, Client has 10 business days to address the modifications and come to a consensus</li> <li>• approve the project timeline (limited to two reviews) prior to proceeding with the project</li> <li>• update the current primary live website content and delete any pages from the website that are no longer wanted or needed</li> </ul>
<p><b>Phase 1: Website Optimization</b>  <u>Deliverable:</u> Website Optimization Meeting</p>	
<p>CivicPlus will:</p> <ul style="list-style-type: none"> <li>• communicate status to Client, key stakeholders and personnel via emails or phone calls as needed</li> <li>• review the goals and expectations submitted on the forms Client completed to ensure Client needs are clearly understood</li> <li>• gather preliminary design data for use</li> </ul>	<p>Client will provide:</p> <ul style="list-style-type: none"> <li>• statistics from the current website from the past 12 months (optional)</li> <li>• pictures to be used in the overall design of the new website</li> <li>• a list of all divisions and/or departments within the organization</li> <li>• a list of third-party and in-house developed applications presently being utilized on the current website</li> <li>• a site map or outline of the current website's navigational structure if possible</li> <li>• a list of any content on the current primary website that must remain as is (verbatim) because of legal requirements</li> </ul>
<p><b>Phase 2: Website Layout</b>  <u>Deliverable:</u> Website grayscale layout and mood board color pallet presentation</p>	
<p>CivicPlus will:</p> <ul style="list-style-type: none"> <li>• present one custom layout in grayscale form and one mood board color palette based on the goals determined in the previous phase. The presented layout will show the placement of the navigation, graphic button and feature areas. The mood board will reflect the color and imagery that will represent the tone of the design</li> <li>• begin development of the website design upon layout and mood board approval</li> </ul>	<p>Client will:</p> <ul style="list-style-type: none"> <li>• approve one layout and the mood board</li> <li>• review marketing packet material and guidelines</li> <li>• Website Layout billing milestone complete</li> </ul>



<p><b>Phase 3: Website Reveal</b>  <u>Deliverable:</u> Website design and production website.</p>	
<p>CivicPlus will:</p> <ul style="list-style-type: none"> <li>• present a fully functional website on a production URL</li> <li>• migrate content pages to the production URL as described in Exhibit A.1 Statement of Work.</li> <li>• conduct a quality review of the website to ensure the functionality and usability standards are met</li> <li>• work with Client to prepare for training</li> <li>• migrate Agendas &amp; Minutes in Microsoft Word.DOC or Adobe PDF format as described in Exhibit A.1 Statement of Work.</li> </ul>	<p>Client will:</p> <ul style="list-style-type: none"> <li>• evaluate the website design and content and provide CivicPlus with feedback</li> <li>• collaborate with CivicPlus on proposed changes</li> <li>• revise the design according to the approved timeline</li> <li>• if revised design changes are requested after the design approval timeline date, the project's Go Live date will be adjusted out (training and billing milestones will remain as per approved timeline)</li> <li>• provide CivicPlus will all the necessary DNS items identified for the website</li> </ul>
<p><b>Phase 4: Implement Training (See Exhibit A.1 Statement of Work for details)</b>  <u>Deliverable:</u> Train System Administrator(s) on GCMS@ Administration, permissions, setting up groups and users, module administration. Basic User training on pages, module entries, applying modules to pages. Applied use and usability consulting to result in effective communication through your website.</p>	
<p>CivicPlus will:</p> <ul style="list-style-type: none"> <li>• provided training to Client before the website goes live</li> <li>• train staff members based on internal daily tasks and workflow</li> <li>• train staff members on how to use the GCMS@, update content pages and modules</li> </ul>	<p>Client will:</p> <ul style="list-style-type: none"> <li>• provide a location for training in Client with internet access</li> <li>• provide computers for staff to be trained on</li> <li>• Phase 4: Training billing milestone complete</li> </ul>
<p><b>Phase 5: Go Live</b>  <u>Deliverable:</u> Custom website launched to the public.</p>	
<p>CivicPlus will:</p> <ul style="list-style-type: none"> <li>• address system issues and bugs that Client finds</li> <li>• redirect the domain name to the newly developed website as per approved timeline</li> </ul>	<p>Client will:</p> <ul style="list-style-type: none"> <li>• test and update the final site as per approved timeline</li> <li>• notify CivicPlus on any system issues or bugs found in the website</li> </ul>

**Addendum 2 to Exhibit A.1 - Redesign Details**

CivicPlus Project Development Services & Scope of Services for CP Basic Redesign
<ul style="list-style-type: none"> <li>• New design for all items originally contracted for (main site, department headers and subsites)</li> <li>• Redevelop banner</li> <li>• Redevelop navigation method (may choose top drop-down or other options)</li> <li>• Design setup - wireframe</li> <li>• Redevelop graphic elements of website (Newsflash, FAQs, Calendar, etc.)</li> <li>• Project Management</li> <li>• Testing</li> <li>• Review</li> <li>• Content Migration – Includes retouching of all existing published pages to ensure proper formatting, and application of new site styles. Note: Content will <b>not</b> be rewritten, reformatted or pages broken up (shortened or re-sectioned)</li> <li>• Site styles and page layouts will be touched so all pages match the new design and migrate cleanly</li> <li>• Spelling and broken links will be checked and reported if unable to correct</li> </ul>

### Addendum 3 to Exhibit A.1 – Hosting, Support and Service Level Agreement

#### Hosting Details

<b>Data Center</b>	<ul style="list-style-type: none"> <li>• Highly Reliable Data Center</li> <li>• Managed Network Infrastructure</li> <li>• On-Site Power Backup &amp; Generators</li> <li>• Multiple telecom/network providers</li> <li>• Fully redundant Network</li> <li>• Highly Secure Facility</li> <li>• 24/7/365 System Monitoring</li> </ul>
<b>Hosting</b>	<ul style="list-style-type: none"> <li>• Automated GCMS® Software Updates</li> <li>• Server Management &amp; Monitoring</li> <li>• Multi-tiered Software Architecture</li> <li>• Server software updates &amp; security patches</li> <li>• Database server updates &amp; security patches</li> <li>• Antivirus management &amp; updates</li> <li>• Server-class hardware from nationally recognized provider</li> <li>• Redundant firewall solutions</li> <li>• High performance SAN with N+2 reliability</li> </ul>
<b>Bandwidth</b>	<ul style="list-style-type: none"> <li>• Multiple network providers in place</li> <li>• Unlimited bandwidth usage for normal business operations (does not apply in the event of a cyber attack)</li> <li>• 22 Gb/s burst bandwidth</li> </ul>
<b>Disaster Recovery</b>	<ul style="list-style-type: none"> <li>• Emergency After-hours support, live agent (24/7)</li> <li>• On-line status monitor at data center</li> <li>• Event notification emails</li> <li>• Guaranteed recovery TIME objective (RTO) of 8 hours</li> <li>• Guaranteed recovery POINT objective (RPO) of 24 hours</li> <li>• Pre-emptive monitoring for disaster situations</li> <li>• Multiple data centers</li> <li>• Geographically diverse data centers</li> </ul>
<b>DDoS Mitigation</b>	<ul style="list-style-type: none"> <li>• Defined DDoS Attack Process             <ul style="list-style-type: none"> <li>• Identify attack source</li> <li>• Identify type of attack</li> </ul> </li> <li>• Monitor attack for threshold engagement</li> </ul>



## Support and Maintenance

### Support Services

CivicPlus' on-site support team is available from 7:00 am to 7:00 pm CT to assist clients with any questions, concerns or suggestions regarding the functionality and usage of CivicPlus' GCMS® and associated applications. The support team is available during these hours via CivicPlus' toll-free support number and e-mail. Support personnel will respond to calls as they arrive (under normal circumstances, if all lines are busy, messages will be returned within four hours; action will be taken on e-mails within four hours), and if Client's customer support liaison is unable to assist, the service escalation process will begin.

Emergency support is available 24-hours-a-day for designated, named Client points-of-contact, with members of both CivicPlus' project management and support teams available for urgent requests. Emergency support is provided free-of-charge for true emergencies (ie: website is down, applications are malfunctioning, etc.), though Client may incur support charges for non-emergency requests during off hours (ie: basic functionality / usage requests regarding system operation and management). The current discounted rate is \$175/hour.

CivicPlus maintains a customer support website that is accessible 24-hours-a-day with an approved client username and password.

### Service Escalation Processes

In the event that CivicPlus' support team is unable to assist Client with a request, question or concern, the issue is reported to the appropriate CivicPlus department.

Client requests for additional provided services are forwarded to CivicPlus' Client Care personnel.

Client concerns/questions regarding GCMS® or associated application errors are reported to CivicPlus' technical team through CivicPlus' issue tracking and management system to be addressed in a priority order to be determined by CivicPlus' technical team.

All other requests that do not meet these criteria will be forwarded to appropriate personnel within CivicPlus' organization at the discretion of the customer support liaison.

<b>Included Services:</b>	
<b>Support</b>	<b>Maintenance of CivicPlus GCMS®</b>
7 a.m. – 7 p.m. (CST) Monday – Friday (excluding holidays)	Install Service Patches for OS
24/7 Emergency Support	System Enhancements
Dedicated Support Personnel	Fixes
Usability Improvements	Improvements
Integration of System Enhancements	Integration
Proactive Support for Updates & Fixes	Testing
Online Training Manuals	Development
Monthly Newsletters	Usage License
Routine Follow-up Check-ins	
CivicPlus Connection	



## CivicPlus Service Level Agreement

CivicPlus will use commercially reasonable efforts to make the GCMS® available with a Monthly Uptime Percentage (defined below) of at least 99.9%, in each case during any monthly billing cycle (the "Service Commitment"). In the event CivicPlus does not meet the Service Commitment, you will be eligible to receive a Service Credit as described below.

### Definitions

- "Monthly Uptime Percentage" is calculated by subtracting from 100% the percentage of minutes during the month in which the CGMS, was "Unavailable." Monthly Uptime Percentage measurements exclude downtime resulting directly or indirectly from any Exclusion (defined below).
- "Unavailable" and "Unavailability" mean:
  - The HTML of the home page of the site is not delivered in 10 seconds or less 3 times in a row when tested from inside our network and returns a status of 200.
  - The Main page of the site returns a status other than 200 or 302 3 times in a row.
- A "Service Credit" is a dollar credit, calculated as set forth below, that we may credit back to an eligible account.

### Service Commitments and Service Credits

Service Credits are calculated as a percentage of the total charges paid by you (excluding one-time payments such as upfront payments) for the month, beginning with the first full month of service, in accordance with the schedule below.

Monthly Uptime Percentage	Service Credit Percentage
Less than 99.9%	1% of one month's fee

We will apply any Service Credits only against future payments otherwise due from you. Service Credits will not entitle you to any refund or other payment from CivicPlus. A Service Credit will be applicable and issued only if the credit amount for the applicable monthly billing cycle is greater than one dollar (\$1 USD). Service Credits may not be transferred or applied to any other account. Unless otherwise provided in the Client Agreement, your sole and exclusive remedy for any unavailability, non-performance, or other failure by us to provide the service is the receipt of a Service Credit (if eligible) in accordance with the terms of this SLA.

### Credit Request and Payment Procedures

To receive a Service Credit, you must submit a claim by opening a case with Support. To be eligible, the credit request must be received by us by the end of the second billing cycle after which the incident occurred and must include:

1. the words "SLA Credit Request" in the subject line;
2. the dates and times of each Unavailability incident that you are claiming;
3. the affected Site domains; and
4. Any documentation that corroborate your claimed outage.

If the Monthly Uptime Percentage of such request is confirmed by us and is less than the Service Commitment, then we will issue the Service Credit to you within one billing cycle following the month in which your request is confirmed by us. Your failure to provide the request and other information as required above will disqualify you from receiving a Service Credit.

### SLA Exclusions

The Service Commitment does not apply to any unavailability, suspension or termination of GCMS®, or any other GCMS® performance issues: (i) that result from a suspension; (ii) caused by factors outside of our reasonable control, including any force majeure event or Internet access or related problems beyond the demarcation point of CivicPlus; (iii) that result from any actions or inactions of you or any third party; (iv) that result from your equipment, software or other technology and/or third party equipment, software or other technology (other than third party equipment within our direct control); (v) that result from any maintenance as provided for pursuant to the Client Agreement; or (vi) arising from our suspension and termination of your right to use the GCMS® in accordance with the Client Agreement (collectively, the "SLA Exclusions"). If availability is impacted by factors other than those used in our Monthly Uptime Percentage calculation, then we may issue a Service Credit considering such factors at our discretion.



### Disaster Recovery Feature Service Commitment

CivicPlus will use commercially reasonable efforts to insure that in the event of a disaster that makes the Primary data center unavailable (defined below) Client site will be brought back online at a secondary data center (the "Service Commitment"). In the event CivicPlus does not meet the Service Commitment, you will be eligible to receive a Service Credit as described below.

#### Definitions

- "Datacenter availability" is determined by inability to provide or restore functions necessary to support the Service. Examples of necessary functions include but are not limited Cooling, Electrical, Sufficient Internet Access, Physical space, and Physical access.
- A "Service Credit" is a dollar credit, calculated as set forth below, that we may credit back to an eligible account.
- Recovery Time Objective (RTO) is the most anticipated time it will take to bring the service back online in the event of a data center event.
- Recovery Point Objective (RPO) the amount of data lost that is considered acceptable.

#### Service Commitments and Service Credits

Service Credits are calculated as a percentage of the total charges paid by you (excluding one-time payments such as upfront payments) for the month accordance with the schedule below.

<b>Recovery Time Objective</b>	<b>Service Credit Percentage</b>
8 Hours	10% of one month's fee
<b>Recovery Point Objective</b>	<b>Service Credit Percentage</b>
24 Hours	10% of one month's fee



# AGENDA BILL

**Ref: 064**

**COMMITTEE AGENDA:  
COUNCIL AGENDA: 7A (03-27-2018)**

**SUBJECT:** **Approve a Resolution to Approve the Sale of City-Owned Property at 211 6<sup>th</sup> Street West, Parcel #201-01972-000 to the VFW/American Legion** *(Approved 4-1 by Plan Commission 03/20/18, Gellatly opposed, Beirl abstained)*

**RECOMMENDATIONS:** Approval

**DEPARTMENT OF ORIGIN:** Department of Planning and Development

**DATE SUBMITTED:** March 22, 2018

**CLEARANCES:** Department of Planning & Development  
Plan Commission

**EXHIBITS:**  
A- Proposed Resolution  
B- Planning and Development Staff Report and Attachments  
C- Unofficial Minutes, March 20, 2017 **Will be distributed before meeting**

**EXPENDITURES REQUIRED:** N/A

**AMOUNT BUDGETED:** N/A

**APPROPRIATION REQUIRED:** N/A

**STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:** N/A

**SUMMARY STATEMENT:**

See Plan Commission staff report for staff review and recommendation.

There was extensive public comment, followed by discussion among the Plan Commission members, as the Plan Commission meetings (detailed in the attached Unofficial Minutes from the 3-20-18 meeting). The Plan Commission voted differently than what was recommended by staff; specifically they recommended to City Council that the subject property be sold to the VFW/American Legion for a price to be determined by the Council.

**RESOLUTION**

No. \_\_\_\_\_

**RESOLUTION TO APPROVE THE SALE OF CITY-OWNED PROPERTY AT 211 6<sup>th</sup> STREET WEST, PARCEL #201-01972-0000 TO THE VFW/AMERICAN LEGION**

*WHEREAS*, the VFW/American Legion indicated an interest in purchasing City-owned property located at 211 6<sup>th</sup> Street West in the City of Ashland as a new facility for their organizations; and

*WHEREAS*, the City Council directed staff to use the City-Initiated Informal Sales Procedure to consider the sale of the subject property to the VFW/American Legion; and

*WHEREAS*, on March 20, 2018, the Plan Commission recommended approval of the sale of the subject property to the VFW/American Legion with the sale price to be determined by the City Council.

***NOW, THEREFORE, BE IT RESOLVED***, that the Common Council of the City of Ashland, hereby directs and approves that the subject parcel located at 211 6<sup>th</sup> Street West, Parcel #201-01972-0000, City of Ashland be sold to the VFW/American Legion for \$50,000.

\_\_\_\_\_  
Councilperson

PASSED: March 27, 2018

ATTEST: \_\_\_\_\_  
Denise Oliphant, City Clerk

\_\_\_\_\_  
Debra S. Lewis, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
David Siegler, City Attorney

*Find yourself next to the water.*



**DEPARTMENT OF  
PLANNING &  
DEVELOPMENT**

*City of Ashland, Wisconsin*

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

601 Main Street West  
Ashland, WI 54806

## STAFF REPORT

Plan Commission – March 20th, 2018

**Agenda Item # 5a: Sale of City-Owned Property at 211 6<sup>th</sup> Street West (former Chequamegon Bay Engineering)**

**Applicant:** Veterans of Foreign Wars (VFW) Chequamegon Memorial Post 690/American Legion Kelly-Johnson Post 90

**Parcel No:** 201-01972-0000

**Zoning District:** City Center

**Staff Contacts:** April Kroner

**Attachments:** 2-27-18 Committee of the Whole meeting agenda, related agenda bill, and meeting minutes; 3-13-18 City Council meeting agenda, related agenda bill, and draft meeting minutes; Chapter 478, Land Acquisitions and Dispositions Ordinance; 3-15-18 email from VFW/American Legion

### Background

- February 27, 2018: Discussion and possible action of the Applicant acquiring the subject site was brought to the Committee of the Whole by Councilor Kinney (see attached agenda bill and meeting minutes). At that meeting, the VFW/American Legion (the 'Applicant') requested that the City give the subject property to the organizations due to their growth and need for improved access for aging members. It was added they intended to sell their current facility and use the proceeds from that sale towards renovations at the subject site.
  - The ultimate outcome of the COW meeting was a motion instructing staff to research the process of the City giving the building to the applicant and to assist in fundraising, and to bring the item forward for Council consideration at the March 13<sup>th</sup>, 2018 meeting. The motion was approved unanimously.
- March 13, 2018: Item was brought to the City Council (see attached agenda bill and summary notes from the meeting). It was determined there are several ways to approve a conveyance to the applicant if that was the Council's desire, including amending the

City's Land Acquisition and Disposition Ordinance (Ord 478 – attached). At the meeting, a representative of the Applicant indicated they would pay \$50,000 for the property. In addition, the Applicant added they are not interested in a lease arrangement.

- Council directed the process should proceed as a “city-initiated land sale, informal sales procedure” per Sec. 478.06 (c). Under this process, City staff is to negotiate the terms of the sale, the Plan Commission is to review the possible sale and make a recommendation to Council, and Council is to take final action. There is no public hearing. The Council requested this item to return to Council at the March 27<sup>th</sup>, 2018 meeting.
- A summary of the City's investment in the subject property was provided to the Council in the Agenda Bill. *The City's total net investment in the subject property is \$154,577.*

#### History of VFW/American Legion Location(s) Since 1990

- In 1990, the City entered into an agreement with the Applicant to lease them the basement of the building that was located at 222 Ellis Avenue, the City's former Leisure Services Building.
- In 1997, the City terminated the lease and sold the Leisure Service Building to M&I Bank. It was agreed the City would pay the Applicant \$75,000, and the Applicant would release the City's obligation to provide the Applicant a comparable alternative home.
- At the same time in 1997, the City entered into an agreement to lease the Applicant the City property at 220 Main Street east (parcel #201-01624-0000, former Water Utility Building). The agreement identified rent to be \$100/month, and provided the Applicant an option to purchase the premises for \$25,000 (and deducting any lease payments that had been paid).
- The Applicant exercised their option to purchase the property in May of 1998, and no money was exchanged as part of the purchase per available records.

#### Former Chequamegon Bay Engineering Building (subject site) Information

- The City of Ashland purchased the subject site in 2000, rented the building for a while, and then sold the building (in part for services). The subject site was most-recently owned and occupied by Chequamegon Bay Engineering, Inc. In 2015, the business closed and the City purchased the property back. As indicated previously, the City's net investment in the property is \$154,577.
- Upon acquisition in 2015, the City considered using the subject site as the new home for the Ashland Police Department, but in 2017 determined the building was not feasible for the long-term interest/needs of the City with regards to a police station.
- The last Assessment summary for the subject site was for the 2014 tax year, and the property was assessed at a value of \$210,900 (\$16,000 land, \$194,900 improvements). At that time, the estimated fair market value of the building was deemed \$199,100 by the City Assessors. Note, this is not a property appraisal, nor does the value reflect current conditions/recent land sales that occurred in the vicinity of the site. Upon the City taking ownership in 2015, the site has been off the property tax roll.

### Offer Details

Per the discussion at the March 13, 2018 Council meeting, the Applicant offers to purchase the subject property for \$50,000.

Per the informal sales procedure identified in Ordinance 478, the purchaser is to be responsible for all costs involved with the sale as they are needed, including but not limited to appraisal, title insurance, recording fees, and other related closing costs. However, such transaction fees may be waived by the Common Council.

### Review Criteria for City-Initiated Land Sales, Informal Sales Procedure, Sec 478.06(c)(1) (Procedure Selected by Council):

#### 1. Staff Review:

Staff is to consider the proposed purchase price, proposed future use, the factors that make the informal sales procedure appropriate for the parcel, and other relevant factors in making its recommendation. Staff may also recommend a waiver of any the transactions costs.

- Purchase Price: The purchase price of \$50,000 is considerably lower than the City's current net investment into the property of \$154,577. The City would be left with a *deficit* of \$104,577 if the property is sold for the offered price. In addition, based on the most recent information/identification of assessed (\$210,900) and fair market (\$199,100) value made by the City's assessor from 2014, the property should be able to be sold for at least the City's net investment, or potentially more.
- Proposed Future Use: The proposed use of the property for a civic club or association is a permitted use in the City Center (CC) zoning district.
- Factors that make the informal sales procedure appropriate for the parcel: Per the ordinance, the 'informal sales procedure' is one of 3 means the City may use to initiate a sale of property. This procedure is to "*generally be used when a parcel, for reasons of size, shape, location, value, or otherwise, is not deemed to be generally marketable.*" Staff considers the subject property to clearly be a marketable property, and therefore does not believe the informal sales procedure is the appropriate method for the City to use to initiate the sale of this property. In addition, the site doesn't have any unusual size or shape characteristics that limit its use or marketability; its location is along a major, highly visible corridor (6<sup>th</sup> Street) in the City so is not in a remote or undesirable location; the property has significant value and the City has invested money into the property that it would be in the best interest to recoup fully, or at least the majority of the value. Staff recommends that either the 'Request for Proposals Procedure' or 'Listing with Real Estate Broker Procedure' would be appropriate for the sale of the subject site, with the 'Request for Proposals Procedure' being preferred.
  - 'Request for Proposals Procedure' is generally to be used when the City has a special interest in the particular use to which a property will be put. This method includes entertaining proposals for reuse of the property, advertising the availability of the property via wide distribution and a legal notice, and that proposals be submitted by all interested parties within the same timeframe. This allows for consideration of multiple offers at one time, and thus the ability for the City to select the offer that presents the

best outcome for the City in terms of recouping its investment in the property and to consider alternative uses and their benefit to the community.

- 'Listing with Real Estate Broker Procedure' is generally to be used when the City does not have a special interest in the particular use to which a property will be put, and when a parcel is deemed to be generally marketable. This method also includes marketing the property more actively to solicit interest in the site. However, offers would come in one at a time for consideration, thereby the City would not have an ability to consider possible multiple offers at one time.
- \* Note: typically the Department of Planning & Development, under direction of the City Administrator, shall determine the appropriate procedure for the sale of any specific parcel (provided all are reviewed by Plan Commission and Council). However, the Common Council can direct staff to use a particular method if it desired. As such, while staff finds that there are no factors that would make the informal sales procedure appropriate based on when this method is generally to be used, Council has directed the Informal Sales Procedure to be used and therefore that is how it is moving forward.

- Other relevant Factors:

- Service to the Community and Civic Engagement: There is no disputing the immense service to the community by all members of the VFW and American Legion. Both the VFW and American Legion missions to serve veterans, their families, the military, and their communities is essential in Ashland and is a highly regarded, respected, and appreciated service. Staff cannot recognize enough the sacrifices that have been made by members of these organizations and their families, and the important role that is played by these honorable entities. The City should always work to support such service organizations in the community as it is able, and to encourage continued civic engagement by its community residents. The importance of these organizations to the Ashland community is significant, and the City should take actions to show its commitment and support of the VFW/American Legion, and the many other organizations that help make Ashland the neighborly and caring City that it is. However, the City must carefully balance its support of such organizations, while also ensuring sound financial decisions are made to reinforce the City's long-term fiscal health.
- Precedence-Setting: The City should be careful when making such decisions that it does not set a precedence, as there are numerous other admirable organizations in the community that are also in need of new buildings/property. The sale of the subject property as presented could set a precedent for other organizations to bring forward similar requests/expectations from the City.

**Staff Recommendation:**

Based on the Review Criteria to be considered for City-Initiated Land Sales, Informal Sales Procedure, staff recommends the following with regards to the sale of the City-owned property located at 211 6<sup>th</sup> Street West:

- 1) The sale of the subject property for the offered price of \$50,000 be denied;
- 2) Direct staff to work with the Applicant to explore alternative options/other sites that would satisfy the organization's needs now and into the future, and to identify means by which the City can assist with such site acquisition;
- 3) If determined no other viable sites exist, direct staff to work with the applicant to explore other potential ways to structure an offer that considers the financial situations of both parties;
- 4) Consider a more appropriate procedure be utilized for the sale of the subject property, such as 'Request for Proposals' or 'Listing with a Real Estate Broker' given the property's marketability, and the City's vested interest in the property that needs to be considered in approving a sale. Such options would allow greater exposure of the availability of the subject site, and would maximize the ability of the City to recoup the investment it has in the property which would be in the best interest of the overall community's fiscal health. The VFW/American Legion would be encouraged to submit a proposal to be considered with other potential interested parties.

*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 Site - 211 6<sup>th</sup> St West





## COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on **Tuesday, February 27, 2018** immediately following the City Council meeting which begins at **6:15** p.m. in the Ashland City Hall Council Chambers.

The following items will be considered:

1. Roll Call
2. Council President's Report
3. City Administrator's Report
4. Approval of the Agenda
5. Discussion and Possible Action Regarding the VFW and American Legion Acquiring the Chequamegon Bay Engineering Building at 211 6<sup>th</sup> Street West (*Councilor Kinney*)
6. Discussion and Possible Action Related to Approving, Disapproving, and Waiving of Permits and Fees (*Councilor Ortman*)
7. Adjournment

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

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

AGENDA



**AGENDA BILL**



Ref: 046

COMMITTEE AGENDA: 5 (02-27-2018)  
COUNCIL AGENDA:

**SUBJECT:** Discussion and Possible Action Regarding the VFW and American Legion Acquiring the Chequamegon Bay Engineering Building at 211 6<sup>th</sup> Street West

**RECOMMENDATION:**

- DEPARTMENT OF ORIGIN:** Councilor Kinney
- DATE SUBMITTED:** February 19, 2018
- CLEARANCES:** Council President
- EXPENDITURES REQUIRED:** NA
- AMOUNT BUDGETED:** NA
- APPROPRIATION REQUIRED:** NA
- RECOMMENDED MOTION:** NA

**SUMMARY STATEMENT:**

The VFW and American Legion have expressed an interest in acquiring the Chequamegon Bay Engineering building. The Chequamegon Bay Engineering building would provide improved access and use for veterans and the services that they provide to the community.

**Veterans of Foreign Wars (VFW)**

The information regarding the Veterans of Foreign Wars below is from <https://www.vfw.org/about-us>

**Our Mission:** To foster camaraderie among United States veterans of overseas conflicts. To serve our veterans, the military and our communities. To advocate on behalf of all veterans.

**Our Vision:** Ensure that veterans are respected for their service, always receive their earned entitlements, and are recognized for the sacrifices they and their loved ones have made on behalf of this great country.

**Who We Are**

The Veterans of Foreign Wars of the United States is a nonprofit veterans service organization comprised of eligible veterans and military service members from the active, guard and reserve forces.

We trace our roots back to 1899 when veterans of the Spanish-American War (1898) and the Philippine Insurrection (1899-1902) founded local organizations to secure rights and benefits for their service. Many arrived home wounded or sick. There was no medical care or veterans' pension for them, and they were left to care for themselves.

In their misery, some of these veterans banded together and formed organizations that would eventually band together and become known as the Veterans of Foreign Wars of the United States. After chapters were formed in Ohio, Colorado and Pennsylvania, the movement quickly gained momentum. Today, membership stands at nearly 1.7 million members of the VFW and its Auxiliary.

Our voice was instrumental in establishing the Veterans Administration, development of the national cemetery system, in the fight for compensation for Vietnam vets exposed to Agent Orange and for veterans diagnosed with Gulf War Syndrome. In 2008, we won a long-fought victory with the passing of a GI Bill for the 21st Century, giving expanded educational benefits to America's active duty service members, and members of the guard and reserves, fighting in Iraq and Afghanistan. We were the driving force behind the Veterans Access and Accountability Act of 2014, and continually fight for improved VA medical centers services for women veterans.

Besides helping fund the creation of the Vietnam, Korean War, World War II and Women in Military Service memorials, in 2005 the VFW became the first veterans' organization to contribute to building the new Disabled Veterans for Life Memorial, which opened in November 2010. And in 2015, we became the first supporter of the National Desert Storm War Memorial which is planned for construction at our nation's capital.

We have many programs and services that work to support veterans, service members and their families, as well as communities worldwide.

**American Legion**

(<https://www.legion.org/mission>)

The American Legion was chartered and incorporated by Congress in 1919 as a patriotic veterans organization devoted to mutual helpfulness. It is the nation's largest wartime veterans service organization, committed to mentoring youth and sponsorship of wholesome programs in our communities, advocating patriotism and honor, promoting strong national security, and continued devotion to our fellow servicemembers and veterans.

Hundreds of local American Legion programs and activities strengthen the nation one community at a time. American Legion Baseball is one of the nation's most successful amateur athletic programs, educating young people about the importance of sportsmanship, citizenship and fitness. The Operation Comfort Warriors program supports recovering wounded warriors and their families, providing them with "comfort items" and the kind of support that makes a hospital feel a little bit more like home. The Legion also raises millions of dollars in donations at the local, state and national levels to help veterans and their families during times of need and to provide college scholarship opportunities.

The American Legion is a nonpartisan, not-for-profit organization with great political influence perpetuated by its grass-roots involvement in the legislation process from local districts to Capitol Hill. Legionnaires' sense of obligation to community, state and nation drives an honest advocacy for veterans in Washington. The Legion stands behind the issues most important to the nation's veterans community, backed by resolutions passed by volunteer leadership.

The American Legion's success depends entirely on active membership, participation and volunteerism. The organization belongs to the people it serves and the communities in which it thrives.

MEETING MINUTES

**COMMITTEE OF THE WHOLE MEETING**

**Tuesday, February 27, 2018**

**Ashland City Hall Council Chambers**

**Page 1**

**PRESENT:** Richard Ketring, Ella Teague, Kate Ullman, Carl Doersch, David Mettille, Pat Kinney, Charles Ortman, Donna Williamson, Dick Pufall, Jackie Moore

**EXCUSED:** Holly George

**ALSO PRESENT:** Mayor Deb Lewis, City Clerk Denise Oliphant, Planning and Development Director April Kroner, and Other Concerned Citizens

**Agenda Item 1: Roll Call**

Roll call was taken by the Clerk.

**Agenda Item 2: Council President's Report**

Council President passed on offering a report.

**Agenda Item 3: City Administrator's Report**

City Administrator Mary Garness was not present to offer a report.

**Agenda Item 4: Approval of the Agenda**

Williamson moved, Ortman seconded a motion to approve the agenda as presented. The motion carried unanimously by voice vote.

**Agenda Item 5: Discussion and Possible Action Regarding the VFW and American Legion Acquiring the Chequamegon Bay Engineering Building at 211 6<sup>th</sup> Street West (Councilor Kinney)**

The VFW and American Legion had expressed an interest in acquiring the Chequamegon Bay Engineering building. The Chequamegon Bay Engineering building would provide improved access and use for veterans and the services that they provide to the community.

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**COMMITTEE OF THE WHOLE MEETING**  
**Tuesday, February 27, 2018**  
**Ashland City Hall Council Chambers**  
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**Who We Are**

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Our voice was instrumental in establishing the Veterans Administration, development of the national cemetery system, in the fight for compensation for Vietnam vets exposed to Agent Orange and for veterans diagnosed with Gulf War Syndrome. In 2008, we won a long-fought victory with the passing of a GI Bill for the 21st Century, giving expanded educational benefits to America's active duty service members, and members of the guard and reserves, fighting in Iraq and Afghanistan. We were the driving force behind the Veterans Access and Accountability Act of 2014, and continually fight for improved VA medical centers services for women veterans.

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**COMMITTEE OF THE WHOLE MEETING**

**Tuesday, February 27, 2018**

**Ashland City Hall Council Chambers**

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Comfort Warriors program supports recovering wounded warriors and their families, providing them with "comfort items" and the kind of support that makes a hospital feel a little bit more like home. The Legion also raises millions of dollars in donations at the local, state and national levels to help veterans and their families during times of need and to provide college scholarship opportunities.

The American Legion is a nonpartisan, not-for-profit organization with great political influence perpetuated by its grass-roots involvement in the legislation process from local districts to Capitol Hill. Legionnaires' sense of obligation to community, state and nation drives an honest advocacy for veterans in Washington. The Legion stands behind the issues most important to the nation's veterans' community, backed by resolutions passed by volunteer leadership.

The American Legion's success depends entirely on active membership, participation and volunteerism. The organization belongs to the people it serves and the communities in which it thrives.

Doersch requested, seconded by Williamson, for Council to recognize the Veterans present to speak to Council. The motion was approved unanimously by voice vote.

*Veteran Patrick Pospychalla* gave a presentation to Council as to the VFW's need for a new, updated and accessible facility due to the growth of the group and the aging members who attend events at the current facility. He cited an agreement between former Ashland City Administrator Tony Murphy and the VFW regarding providing a facility for the group that was not upheld at that time.

Ortman asked of the VFW's proposal. Pospychalla responded for the City of Ashland to give the group the former Chequamegon Bay Engineering building at 211 6<sup>th</sup> Street West. The VFW intends to sell their current facility and use the proceeds for renovations to the 6<sup>th</sup> Street building. Ortman then asked what the City acquired the building for upon purchase, and Lewis replied \$150,000. Ortman finally asked if the VFW would be required to pay property taxes on the 6<sup>th</sup> Street building. As the VFW is a nonprofit group, they would not be required to pay property taxes as other for-profit businesses would according to Lewis.

Doersch referenced Ordinance 478.07 as it explains the sale of City of Ashland owned property and the procedure to do so, and Lewis expressed her concern of how this ordinance applies and wanting to be sure Council proceeds properly and lawfully.

*Veteran Bob Kreinbring* explained to Council the finances of the VFW as they not only rely on donations, they generously donate to other community causes.

*Veteran Jason Janeczek* spoke of the VFW's role in Military Honors Funerals for not only its members but any serving veteran in Ashland and several surrounding communities.

*Veteran Frank Kostka* pointed out that the Ashland VFW will be reaching its 100 year mark in 2019.

**COMMITTEE OF THE WHOLE MEETING**  
**Tuesday, February 27, 2018**  
**Ashland City Hall Council Chambers**  
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Pospsychalla added the growing number of students in areas schools that have gotten involved in Veterans' programs, and the growing number of members to their VFW, and the need for a larger facility to accommodate them in the future.

Doersch expressed his gratitude to the services that the VFW has provided to him as a former serviceman, but also pointed out that there is a cost to maintaining the City as well that Council is responsible for. He added that he was willing to contribute his efforts to raise funding to help the VFW in the acquisition of the desired building.

Pufall moved, Ketring seconded a motion to instruct staff to research the giving of the City-owned building at 211 6<sup>th</sup> Street West to the VFW. Kinney offered a friendly amendment of assisting in fundraising, which was accepted.

Ortman asked what cost the City has invested in the 6<sup>th</sup> Street West building. Lewis answered that the City has not made any improvements to the site. Mettille inquired if this item would be run through the Plan Commission. Kinney felt that since the purchase from Chequamegon Bay Engineering did not, this would likely not either.

Ketring reiterated to the group that Council and the City have many priorities to keep in balance, and with that balance is a responsibility to the community. Lewis agreed that this facility is a prime location for the VFW and feels agreeable with this proposition as long as Council does not violate any laws or rules already set, and wants to do this right.

When asked by the veterans, Lewis explained Ordinance 478.07 in reference to the sale of the building and the role of the Plan Commission. She also noted that administration had not had time to research the proposal as of yet, or gotten the opinion of the City Attorney.

Williamson called the question, seconded by Pufall. The motion failed 5-6 by voice vote.

Mettille expressed his hesitation of Council "going around" the ordinance, and agreed that this needed to be done properly and within procedure. Kinney questioned if the motion mentioned the Planning Commission or reporting to Council. As the motion was read back, there was no mention of either.

Pospsychalla felt that the VFW may be able to come up with approximately \$30,000 to \$40,000 to put towards a purchase of the property.

*Donna Blazek, 222 Prentice Avenue*, was recognized to speak as the wife of a veteran, voiced that she would like to report back to her husband that this is a done deal.

Ullman reiterated the motion stating that she was in support of staff researching the request. Williamson called the question, seconded by Moore.

**COMMITTEE OF THE WHOLE MEETING**  
**Tuesday, February 27, 2018**  
**Ashland City Hall Council Chambers**  
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The motion to instruct staff to research the City giving the building to the VFW, and to assist in fundraising, was carried unanimously by roll call vote.

**Agenda Item 6: Discussion and Possible Action Related to Approving, Disapproving, and Waiving of Permits and Fees (Councilor Ortman)**

Councilor Ortman had requested a discussion related to the approving, disapproving, and waiving of permits and fees. In particular, he was interested in determining if the City has a clear written policy and if it was uniformly applied.

Upon further questioning, Ortman explained that he has found no clear policy as to who can or cannot waive requested permits, and the reasoning to do so. Lewis explained that the ordinance is basically policy and explains by department as several departments provide different permits.

Ketring further explained that Council is the only determining body regarding permit waiving. Moore added that there are different requirements attached to the different permits and this may not be obvious to everyone who applies. Williamson continued that the Council has in the past changed ordinances, etc., for certain requestors. Ortman stated he was satisfied with the discussion.

**Agenda Item 7: Adjournment**

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

Respectfully submitted,

Denise Oliphant  
City Clerk

**ASHLAND CITY COUNCIL MEETING**  
**Tuesday, March 13, 2018 - 6:15 P.M.**  
**Ashland City Hall Council Chambers**

**Please turn off all cell phones during the meeting.**

**1 CALL TO ORDER**

- A. Roll Call
- B. Moment of Silence
- C. Pledge of Allegiance

**2. APPROVAL OF AGENDA (Voice)**

**3. APPROVAL OF MINUTES** of the February 27, 2018 Council and Committee of the Whole Meetings  
**(Voice)**

**4. CITIZEN PARTICIPATION PERIOD (Clerk reads rules prior to public comments)**

**5. MAYOR'S REPORT**

- A. Appointments  
2018-2019 Election Inspector  
Bill Metzinger

**6. CONSENT AGENDA (Includes items that were unanimously approved by Committee of the Whole)**  
**(Voice)**

- A. Miscellaneous Minutes
- B. Planning and Development Report – February, 2018

**7. OLD BUSINESS**

- A. Discussion and Possible Action Regarding the VFW and American Legion Acquiring the Chequamegon Bay Engineering Building at 211 6<sup>th</sup> Street West (Councilor Kinney)

**8. NEW BUSINESS**

- A. Approve to Accept a Grant Award From Wisconsin Department of Natural Resources Recreational Trails Program for the City of Ashland Waterfront Trail Repair (Parks & Rec)  
**(Roll)**
- B. Approve a Resolution to Approve the Sale of City-Owned Land, Parcel #201-01224-0000, to Marlene Martin (Planning) **Roll**
- C. Approve the State Municipal Agreement (SMA) Mill and Overlay and the State/Municipal Maintenance Agreement (SMMA) for the State Hwy 112 Project (Public Works) **Voice**



**AGENDA BILL**

**Ref: 046**

**COMMITTEE AGENDA: 5 (02-27-2018)  
COUNCIL AGENDA: 7A (03-13-2018)**

**SUBJECT: Discussion and Possible Action Regarding the VFW and American Legion Acquiring the Chequamegon Bay Engineering Building at 211 6<sup>th</sup> Street West**

**RECOMMENDATION:** As Council Determines

**DEPARTMENT OF ORIGIN:** Councilor Kinney

**DATE SUBMITTED:** February 19, 2018

**CLEARANCES:** Council President

**EXHIBITS:**  
A-Chapter 478, Ashland City Ordinances  
B-Lease Agreement and Option to Purchase, September 25, 1997  
C-Agreement and Release, September 25, 1997

**EXPENDITURES REQUIRED:** NA

**AMOUNT BUDGETED:** NA

**APPROPRIATION REQUIRED:** NA

**RECOMMENDED MOTION:** NA

**SUMMARY STATEMENT:**

The VFW and American Legion have expressed an interest in acquiring the Chequamegon Bay Engineering building. The Chequamegon Bay Engineering building would provide improved access and use for veterans and the services that they provide to the community.

**Veterans of Foreign Wars (VFW)**

The information regarding the Veterans of Foreign Wars below is from <https://www.vfw.org/about-us>

**Our Mission:** To foster camaraderie among United States veterans of overseas conflicts. To serve our veterans, the military and our communities. To advocate on behalf of all veterans.

**Our Vision:** Ensure that veterans are respected for their service, always receive their earned entitlements, and are recognized for the sacrifices they and their loved ones have made on behalf of this great country.

**Who We Are**

The Veterans of Foreign Wars of the United States is a nonprofit veterans service organization comprised of eligible veterans and military service members from the active, guard and reserve forces.

We trace our roots back to 1899 when veterans of the Spanish-American War (1898) and the Philippine

Insurrection (1899-1902) founded local organizations to secure rights and benefits for their service. Many arrived home wounded or sick. There was no medical care or veterans' pension for them, and they were left to care for themselves.

In their misery, some of these veterans banded together and formed organizations that would eventually band together and become known as the Veterans of Foreign Wars of the United States. After chapters were formed in Ohio, Colorado and Pennsylvania, the movement quickly gained momentum. Today, membership stands at nearly 1.7 million members of the VFW and its Auxiliary.

Our voice was instrumental in establishing the Veterans Administration, development of the national cemetery system, in the fight for compensation for Vietnam vets exposed to Agent Orange and for veterans diagnosed with Gulf War Syndrome. In 2008, we won a long-fought victory with the passing of a GI Bill for the 21st Century, giving expanded educational benefits to America's active duty service members, and members of the guard and reserves, fighting in Iraq and Afghanistan. We were the driving force behind the Veterans Access and Accountability Act of 2014, and continually fight for improved VA medical centers services for women veterans.

Besides helping fund the creation of the Vietnam, Korean War, World War II and Women in Military Service memorials, in 2005 the VFW became the first veterans' organization to contribute to building the new Disabled Veterans for Life Memorial, which opened in November 2010. And in 2015, we became the first supporter of the National Desert Storm War Memorial which is planned for construction at our nation's capital.

We have many programs and services that work to support veterans, service members and their families, as well as communities worldwide.

#### **American Legion (<https://www.legion.org/mission>)**

The American Legion was chartered and incorporated by Congress in 1919 as a patriotic veterans organization devoted to mutual helpfulness. It is the nation's largest wartime veterans service organization, committed to mentoring youth and sponsorship of wholesome programs in our communities, advocating patriotism and honor, promoting strong national security, and continued devotion to our fellow service members and veterans.

Hundreds of local American Legion programs and activities strengthen the nation one community at a time. American Legion Baseball is one of the nation's most successful amateur athletic programs, educating young people about the importance of sportsmanship, citizenship and fitness. The Operation Comfort Warriors program supports recovering wounded warriors and their families, providing them with "comfort items" and the kind of support that makes a hospital feel a little bit more like home. The Legion also raises millions of dollars in donations at the local, state and national levels to help veterans and their families during times of need and to provide college scholarship opportunities.

The American Legion is a nonpartisan, not-for-profit organization with great political influence perpetuated by its grass-roots involvement in the legislation process from local districts to Capitol Hill. Legionnaires' sense of obligation to community, state and nation drives an honest advocacy for veterans in Washington. The Legion stands behind the issues most important to the nation's veterans community, backed by resolutions passed by volunteer leadership.

The American Legion's success depends entirely on active membership, participation and volunteerism. The organization belongs to the people it serves and the communities in which it thrives.

At the February 27, 2018 Committee of the Whole meeting, Pufall moved, Ketring seconded a motion to instruct staff to research the giving of the City-owned building at 211 6<sup>th</sup> Street West to the VFW. Kinney offered a friendly amendment of assisting in fundraising, which was accepted. The motion to instruct staff to research the City giving the building to the VFW, and to assist in fundraising, was carried unanimously by roll call vote.

**Land Acquisition and Dispositions Policy**

The City Attorney has advised that the Council should either follow Chapter 478 in conveying the property to the Veteran’s organizations or should amend the ordinance to allow for a different procedure. Since there are any number of relatively easy ways to approve a conveyance to the Veteran’s organizations if that is the Council’s wish, it should not be necessary to take the time to amend the ordinance. Complying with existing procedures should take a shorter time than amending the ordinance.

The City can treat the request to convey the property as a “citizen initiated purchase request” under Sec. 478.07 of the City Ordinances. In that case, the applicant for the conveyance simply completes an application with the Planning and Development Department, and pays fees set under Chapter 165, which total \$650. The request is reviewed by City staff. The Plan Commission may be involved, but it is not required that the Commission be involved.

Since the City has already determined that the CBE property is appropriate for sale, the conveyance can also be treated as a “city initiated land sale” under Sec. 478.06 of the City Ordinances. Of the three procedures given for this type of sale, the easiest procedure would be the “informal sales procedure” under Sec. 478.06(c). The introductory paragraph to this subsection says that this procedure will “generally be used” for parcels that are not generally marketable. This parcel is clearly marketable, but the use of the word “generally” in the phrase “generally be used” implies that there may be other situations where this procedure will be used. The Council could deem this to be one of those situations.

Under this procedure, City staff negotiate the terms of the sale, the Plan Commission reviews the sale, and the Council takes final action. The Council’s action may include waiver of any of the transaction fees that would otherwise be charged under this procedure. There are no administrative fees charged under this procedure. The only fee that either the City or the Veteran’s organizations would have to pay would be the recording fee of \$30 to the Register of Deeds.

**Summary of Investment in Property**

2000 Purchase	\$150,000
Rent Income	-52,000
Cash on Sale	-56,000
2015 Purchase	<u>\$182,030</u>
Net Cash Out	<u>\$224,030</u>
Services to Be Received	-\$94,000
Services Not Received	<u>24,547</u>
Value of Services Received	<u>\$69,453</u>
<b>Net Investment in Property</b>	<b><u>\$154,577</u></b>

*Find yourself next to the water.*

# A S H L A N D

*City of Ashland, Wisconsin*  
601 Main Street West — Ashland, WI 54806 — [www.coawi.org](http://www.coawi.org)

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## **Draft minutes of Council Meeting March 13, 2018**

### **Agenda Item 7A: Discussion and Possible Action Regarding the VFW and American Legion Acquiring the Chequamegon Bay Engineering Building at 211 6<sup>th</sup> Street West (Councilor Kinney)**

Discussion began with Attorney Siegler clarified Ordinance under Chapter 478 as it relates to this item, and the options that Council has regarding this item. George asked to recognize Pat Pospychalla to speak for and answer questions for the VFW. This was approved unanimously by voice vote.

George asked if there were other options considered as a facility for the VFW's new home. Mayor Lewis recalled other locations to build such as 11<sup>th</sup> Avenue West, was discussed but there were no other buildings contemplated.

Mr. Pospychalla pointed out that a dollar amount should not be an issue of consideration as this property should be given to the VFW for the service that the Veterans have given and are continuing to give to the community.

Williamson inquired if there were another buyer interested in this particular building. Lewis answered she has no knowledge of anyone else interested.

Kinney reminded Council that the VFW chose this particular facility because of the accessibility it would allow the aging members.

Doersch moved, George seconded a motion to refer this item to the next Plan Commission meeting, which would not allow time to publish notice for a public hearing. After conversation, George offered a friendly amendment, seconded by Ullman, to include a public hearing at the Plan Commission meeting, which would need to wait until their April 3 meeting. Siegler reminded Council that a public hearing was not required through the City Ordinance.

Pufall noted this item that Council would send to Plan Commission should include a motion. Ortman questioned if it were legal to donate the building, which was confirmed by Siegler although this would still need to go through Plan Commission regardless. Williamson offered a friendly amendment to adopt the Council's recommendation. Doersch declined to accept.

Doersch admits he appreciates what the Veterans have done through their service and the breaks they are allowed for it elsewhere, but is not convinced that they should be given this building and the Veterans should be willing to give something. The City also needs to consider the costs to operate. Williamson interjected with the point that the VFW has previously stated are willing to offer \$50,000, being called out of order. Ortman urged Council not to vote for the motion on the table and would like to offer to charge the VFW \$1.00 per Chapter 478.06(c)(1) to send to the Planning Commission. Lewis reminded Council that the Plan Commission does not consider a price to sell a property, only if the offer is a suitable use of the building. Council can only ask PC if this is a suitable use.

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George considered possibly a public hearing may not be a bad idea, and would like to offer a friendly amendment for the motion to include requiring a public hearing. Ullman seconded. Kinney didn't feel it was necessary to hold a public hearing as Council meetings always allow the public to speak. Ketring also opposed to George's offer. George agrees with the intent of giving back to the VFW but also feels Council needs to consider the other taxpayers and the possibility of other options for a facility for the VFW. Ortman expressed that this is an opportunity for the City to give back to the Veterans and the economic impact should not be considered.

The vote for the amendment failed 4-7 by roll call vote; opposed were Ketring, Teague, Doersch, Kinney, Ortman, Williamson, and Pufall.

Kinney noted that what the Vets are willing to offer should be discussed. Pospychalla stated that the VFW has agreed to offer \$50,000, and offered to lease the building for 100 years from the City. Ketring spoke against the motion on the floor, and is in favor of a potential lease just as the Lakes Community Health Clinic and AADC does for payment in lieu of taxes. Pufall questioned if we went this route, this would not need to go to Plan Commission. Mettill reminded Council of the process of the Ordinance.

Ullman spoke in favor of referring this item to Plan Commission to let them explore the options under the informal sales procedure as noted by the Ordinance. Ortman questioned if was appropriate for the Plan Commission to draw up a lease agreement. Siegler said no although it would need to return to Council as that lease would need to be negotiated. Moore pointed out the irony that if the VFW were to accept the option of a lease agreement, they may be in the same predicament in the distant future as they had been in the past by being removed by the City again, and she did not feel that the VFW would be in favor of this. Veteran Jason Janecek agreed that the VFW prefers to purchase versus lease a facility. Ketring added to include an offer to purchase and first right of refusal in such lease should VFW agree. Lewis reiterated the VFW does not wish to lease.

Kinney offered a friendly amendment to the motion for the VFW to include a sale price of \$50,000. This was accepted by Doersch and George. After much deliberation between Council and the Veterans who spoke for the VFW, Teague spoke in favor of this item going to Plan Commission, and called the question. This motion carried 9-2 by voice vote; opposed were Ortman and Pufall.

The motion to refer this item to the next Plan Commission meeting without a public hearing including a suggested purchase price or offer of \$50,000 for the VFW to acquire the City-owned building at 211 6<sup>th</sup> Street West, to return to Council at the March 27, 2018 meeting. The motion carried unanimously by roll call vote.

**CHAPTER 478. LAND ACQUISITIONS AND DISPOSITIONS.**

**478.01. Intent.** This chapter outlines the process by which the City of Ashland reviews and approves land sales and acquisitions. This ordinance shall be consistent with State Statute 62.23 (5).

**478.02. Property Inventory.** The Department of Planning & Development shall maintain a detailed Property Inventory of all City-owned parcels, including location, acreage, current use(s) and reasons for City ownership, if applicable. All parcels inventoried shall be designated as either essential, essential with conditions, or non-essential. The Plan Commission and City Council shall review the detailed Property Inventory annually and approve the listing of essential, essential with conditions, and non-essential City owned properties.

**478.03. Essential Properties.** Essential properties shall be kept in City ownership and not be available for purchase. Essential properties are:

- (a) Part of an existing or planned park, trail, or public open space;
- (b) Necessary for public utility or stormwater management;
- (c) Necessary for existing or future public rights-of-way (roadways, alleys, sidewalks); or
- (d) Adjacent to or provides access to Lake Superior;
- (e) Public Facilities.

**478.04. Essential Properties with Conditions.** Essential properties shall be kept in City ownership until such time a proposal for redevelopment is approved. Properties listed as essential with conditions are:

- (a) Part of a planned redevelopment project; or
- (b) Available in whole or in part when certain conditions are met; and

**478.05. Non-Essential Properties.** Non-essential properties are City owned parcels not deemed necessary for use by the City of Ashland or for any current or future public purpose, are available for purchase.

**478.06. City-Initiated Land Sales.** This section applies to the offering of parcels for sale initiated by the City and not at the request of a purchaser. The City may use any of the three procedures described in Sections (a), (b), and (c), below, for the sale of parcels owned by the City. Unless otherwise directed by the Common Council, the Department of Planning and Development, under the general supervision of the City Administrator, shall determine the appropriate procedure for the sale of any specific parcel, provided that all sales must receive review by the Plan Commission and final approval by the Common Council.

*Staff Recommendation* →

(a) Request for Proposals Procedure. This procedure will generally be used when the City has a special interest in the particular use to which a property will be put.

(1) Staff shall develop a Request for Proposals (RFP), entertaining proposals from developers and adjacent property owners for the parcel's reuse. The RFP shall be written to reflect the goals of the City's 2004 Comprehensive Plan, as amended; goals as an Eco-Municipality; City of Ashland ordinances; and other City-adopted requirements. The RFP shall be sent out to potential developers and adjacent property owners, posted, and advertised as a legal notice in the City's

designated newspaper. Proposals shall be submitted to the Planning and Development Department.

(2) Upon receipt of a proposal or proposals, City staff shall review and make a recommendation to the Plan Commission. The offered purchase price, proposed future use, and other relevant factors shall be considered in the recommendation. Parcels not meeting the minimum lot size of the zoning district may only be (1) sold to adjacent property owners to be combined with another parcel or (2) if the City rezones the parcel to place it in an adjacent zoning district where the parcel would be in conformance.

(3) The Plan Commission shall review the proposal or proposals and forward a recommendation to the Common Council for review and final action.

(4) The purchaser shall be responsible for all costs involved with the sale, as the particular circumstances of the sale require, including but not limited to appraisal, title insurance, recording fees, and Certified Survey Map preparation.

(5) If applicable, easements for continued access to utilities or for other purposes shall be executed in conjunction with the land sale.

(6) Unless otherwise provided by the Common Council in its approval of the land sale, approval of the land sale shall be valid for six (6) months from the date of such approval. The closing of the sale shall occur within the period so provided unless an extension is granted by the Common Council.



(b) Listing with Real Estate Broker Procedure. This procedure will generally be used when the City does not have a special interest in the particular use to which a property will be put (beyond those interests expressed in the Uniform Development Ordinance, the Comprehensive Plan, and other relevant City policies), and when a parcel is deemed to be generally marketable:

(1) Staff shall develop a Request for Proposals (RFP) to accept proposals from local real estate brokers for the listing of City properties that are for sale. The listing contract may be for one or more parcels, and may grant exclusive listing rights for up to one year. The listing contract shall specify that the listing broker shall inform any potential purchaser of the special costs and procedures involved in the purchase of City property. The Common Council shall approve a listing contract based upon the qualifications, experience, and sales record of the brokerage, and the financial and other terms of the proposed contract. If more than one property is to be listed for sale, the Council, in its discretion, may enter into different listing contracts for different properties. Offers received by the listing broker shall be transmitted to the Planning and Development Department.

(2) All offers shall be accompanied by the down payment and a non-refundable fee as established in the City's Comprehensive Fee Schedule Codification Ordinance 165. Upon receipt of an offer to purchase, City staff shall review and make a recommendation to the Plan Commission. The offered purchase price, proposed future use, and other relevant factors shall be considered in the recommendation. Parcels not meeting the minimum lot size of the zoning district may only be (1) sold to adjacent property owners to be combined with another parcel or (2) if the City rezones the parcel to place it in an adjacent zoning district where the parcel would be in conformance.

(3) The Plan Commission shall review the offer to purchase and forward a recommendation to the Common Council for review and final action.

(4) The purchaser shall be responsible for all costs involved with the sale, as the particular

circumstances of the sale require, including but not limited to appraisal, title insurance, recording fees, and Certified Survey Map preparation.

(5) If applicable, easements for continued access to utilities or for other purposes shall be executed in conjunction with the land sale.

*Council recommendation*  
→

(6) Unless otherwise provided by the Common Council in its approval of the land sale, approval of the land sale shall be valid for six (6) months from the date of such approval. The closing of the sale shall occur within the period so provided unless an extension is granted by Common Council.

(c) Informal Sales Procedure. This procedure will generally be used when a parcel, for reasons of size, shape, location, value, or otherwise, is not deemed to be generally marketable.

(1) Staff will negotiate a proposed sale with a proposed purchaser, and recommend the sale to the Plan Commission. The proposed purchase price, proposed future use, the factors that make the informal sales procedure appropriate for the parcel, and other relevant factors shall be considered in the recommendation. Parcels not meeting the minimum lot size of the zoning district may only be (a) sold to adjacent property owners to be combined with another parcel or (b) if the City rezones the parcel to place it in an adjacent zoning district where the parcel would be in conformance. Staff may recommend waiver of any of the costs provided for in subsection (3), below.

(2) The Plan Commission shall review the proposed sale and forward a recommendation to the Common Council for review and final action.

(3) Except as waived upon recommendation of staff and approval by the Common Council, the purchaser shall be responsible for all costs involved with the sale, as the particular circumstances of the sale require, including but not limited to appraisal, title insurance, recording fees, and Certified Survey Map preparation. Upon recommendation of staff and approval by the Common Council, the down payment and non-refundable fee as established in the City's Comprehensive Fee Schedule Codification Ordinance 165 may also be waived.

(4) If applicable, easements for continued access to utilities or for other purposes shall be executed in conjunction with the land sale.

(5) Unless otherwise provided by the Common Council in its approval of the land sale, approval of the land sale shall be valid for six (6) months from the date of such approval. The closing of the sale shall occur within the period so provided unless an extension is granted by Common Council.

*Other option*  
→

**478.07. Citizen-Initiated Purchase Request.** If a party expresses an interest in a City-owned non-essential property or essential with conditions property, the party shall submit the appropriate application to the Department of Planning & Development indicating future use, offer price and other relevant information. The party shall be required to submit with the request a down payment and a non-refundable fee as established in the City's Comprehensive Fee Schedule Chapter 165.

(a) City staff (Director of Planning & Development, Zoning Administrator, Building Inspector, Director of Public Works, Parks & Recreation Department, City Administrator, and City Attorney) shall review the request and information about the proposed offer and land use. It may be necessary for additional City Committees to review the request if applicable.

(b) City staff shall provide a recommendation on the property's highest and best use, considering current uses and allowable uses according to City Ordinances and the 2004 Comprehensive Plan, as may be amended, and forward the recommendation along with any conditions, to the Plan Commission.

(c) The Department of Planning & Development shall publish a Class I Public Hearing notice and notify in writing all property owners within two hundred (200) feet of the parcel/s under the request.

(d) The Plan Commission shall review the proposal and forward a recommendation to the Common Council for review and final action to accept and transfer the land contingent on items established or to deny the request.

(e) If the sale of the property is denied by the Common Council, the down payment shall be refunded. The application fee shall not be refunded.

(f) The purchaser shall be responsible for all costs involved with the sale, as the particular circumstances of the sale require, including but not limited to appraisal, title insurance, recording fees, and Certified Survey Map preparation.

(g) If applicable, easements shall be drawn up and finalized in parallel to finalizing the closing documents on the land sale.

(h) Unless otherwise agreed to in writing by the Common Council and the purchaser, approval of the land sale shall be valid for six (6) months from the date of such approval. The closing of the sale shall occur within the period so provided unless an extension is granted by Common Council.

**478.08. Sale of Land in the Industrial Park.**

(a) City-owned lands in the Industrial Park shall continue to sell as currently regulated by Chapter 469.

(b) If a party expresses an interest in a City-owned property in the Industrial Park, the party shall submit a written request to the Department of Planning & Development indicating future use and other related information. The party shall submit a down payment and a non-refundable fee as established by the City's Comprehensive Fee Schedule Chapter 165 along with the request, for the purpose of public notification expenses.

(c) Review of the offer to purchase request shall follow Section 478.31 (a - h).

**478.09. Land Acquisition.** The City of Ashland may seek parcels for purchase or receive parcels from a tax deed transfer which would provide a public benefit.

**478.10. Land Acquisition Through Purchase or Tax Deed Transfer.** Properties that are identified by the City of Ashland for acquisition shall fit with the goals of the Comprehensive Plan and be for Right-of-Way or utility purposes, redevelopment, public recreation, or for another public purpose.

(a) The process for acquisition through purchase shall be as follows:

(1) City staff shall coordinate an offer to purchase on the property with the contingency that final approvals of the purchase are necessary from the Plan Commission and Common Council.

(2) The land acquisition shall be forwarded to the Plan Commission for review and recommendation, and to the Common Council for final action.

(3) Upon Common Council approval, the property closing shall be finalized by City staff and the City Attorney.

(b) The process for acquisition through tax deed transfer shall be as follows:

- (1) City staff shall work with Ashland County to acquire desirable land in the City of Ashland when parcels arrive on tax deed.
- (2) The land acquisition shall be forwarded to the Plan Commission for review and recommendation, and to the Common Council for final action.
- (3) Upon Common Council approval, the property closing shall be finalized by City staff and the City Attorney.

**478.11. Land Donations.** Property owners interested in offering a land donation to the City of Ashland shall provide a written letter of offer to the Department of Planning & Development including all details of the offer.

(a) City staff, including the Director of Planning & Development, Zoning Administrator, Building Inspector, Director of Public Works, Parks & Recreation Department, City Administrator, and City Attorney shall review information about the proposed land donation.

(b) City staff shall make a recommendation on the land acquisition, factoring in the property's highest and best use, current and allowable uses according to the City Ordinances and the Comprehensive Plan, as well as the assessed value. The land donation offer shall be forwarded to the Plan Commission for review and recommendation.

(c) The Plan Commission's recommendation shall be forwarded to the Common Council for review and final action.

(d) Upon Common Council approval, the property closing shall be finalized by City staff and the City Attorney.

**ADOPTED:** 478 (1807) 6/11/2013

**AMENDMENTS:** 478 (2016-1866) 01/26/2016

**Attachment: 3-15-18 email from VFW**

**From:** Jason Janecek <infsgt127@yahoo.com>

**Date:** March 15, 2018 at 8:05:48 PM CDT

**To:**

<dlewis@coawi.org>, <ward1@coawi.org>, <ward2@coawi.org>, <ward3@coawi.org>, <ward4@coawi.org>, <ward5@coawi.org>, <ward6@coawi.org>, <ward7@coawi.org>, <ward8@coawi.org>, <ward9@coawi.org>, <ward10@coawi.org>, <ward11@coawi.org>

**Cc:** <bkrbrg10@gmail.com>

**Subject:** American Legion and VFW comments

**Reply-To:** Jason Janecek <infsgt127@yahoo.com>

Madame Mayor and Council Members;

We just want to clear the air because we feel there may be some mixed signals from some of the comments at the City Council meeting.

First of all, the only people authorized to partake in any official negotiations are the two respective commanders. Up to now there has not been any official negotiating as the city council is still moving through the process to approve or disapprove a sale or other property transfer so we have largely stayed in the background.

We also want to clarify our organizational structure. The American Legion and Veterans of Foreign Wars are two distinct organizations, but here in Ashland we have for years worked as one common group under the umbrella name, United Chequamegon Veterans. A lot of our members are dual members in both organizations. While Ashland is not unique in having Legion and VFW posts work so seamlessly together, it also isn't the most common. Some towns I admit have Legion posts and VFW posts that don't work together like we do, to the detriment of one or the other. I'm proud to say that here in Ashland both organizations work together with one common goal, to serve our community and fellow Veterans.

It is no secret we have been wanting out of our current building for a considerable time. Different options were discussed over the years. The building on Sixth Street came to our attention and several of us toured the building with a city employee. At the time, we did not consider ourselves fiscally strong enough to make a serious bid on it. The subject was raised about asking the city if they would be willing to donate that property. Some members more intimately familiar with the council than us thought we would find a receptive city council, which we have. It is not a perfect building. It has some flaws but not as serious as the flaws in our current building.

We also understand you as council members have financial concerns. The people that elected you expect you to be responsible stewards of the taxpayer's money, just as our members expect us to be responsible stewards of our limited finances. We were being very upfront when Jason stated Tuesday night that we cannot even begin to come close to the estimated net value as listed in the council packet. We would in fact be extremely reckless with our organization's financial stability were we to do so.

111

We understand it is a political process that is moving along. I apologize if some of our members seem frustrated by it, but rest assured we are comfortable with the stage we're at and feel optimistic about our quest to acquire a new building. I will reiterate that we are interested in property ownership, not a lease arrangement. We have no doubt of the good intentions of this current city council, but city government's do change and neither of us are going to leave our future membership without a secure Post home. As Councilor Moore stated, we wish to be independent property owners.

We'd like to conclude by saying that we are heartened by the seriousness with which all of you approach your elected job and feel the citizens of Ashland are in good hands. If anyone on the council has further questions, please let us know beforehand and we will ensure that you will have an answer directly from us.

Thank you for your time and consideration in this matter.

Respectfully,

Robert Kreinbring, American Legion Kelly-Johnson Post 90 Commander  
[bkbrg10@gmail.com](mailto:bkbrg10@gmail.com) 715-682-9544

Jason A. Janecek, Veterans of Foreign Wars Chequamegon Memorial Post 690 Commander  
[infsgt127@yahoo.com](mailto:infsgt127@yahoo.com) 715-274-2803



# AGENDA BILL

Ref: 054

COMMITTEE AGENDA:  
COUNCIL AGENDA: 8A (3/27/2018)

**SUBJECT:** Discussion and Approval of the Resolution of the State of Wisconsin, Board of Commissioners of Public Lands, Application for State Trust Fund Loan for the Sum of \$550,000 for the Purposes of Financing Tax Increment District #10 Development Agreement and for No Other Purposes

**RECOMMENDATION:** Approval

**DEPARTMENT OF ORIGIN:** Finance

**DATE SUBMITTED:** March 2, 2018

**CLEARANCES:** Administrator

**EXHIBITS:** A-Application for State Trust Fund Loan and Included Resolution  
B-Board of Commissioners Fact Sheet – GO Loans  
C-2018 General Obligation Debt Schedule

**EXPENDITURES REQUIRED:** N/A

**AMOUNT BUDGETED:** N/A

**APPROPRIATION REQUIRED:** N/A

**TREASURER’S CERTIFICATE IN ACCORDANCE WITH ORDINANCE 923.10:** N/A

**STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:**

**RECOMMENDATION:** Approval of the State of Wisconsin, Board of Commissioners of Public Lands, Application for State Trust Fund Loan for the sum of \$550,000 for the purposes of financing tax increment district #10 development agreement and for no other purposes.

**SUMMARY STATEMENT:** The Council approved at the May 30, 2017 meeting, the Ashland Cobblestone, LLC development agreement for Tax Increment District No. 10. The City’s incentive payment for the Hotel project is \$800,000, of which \$250,000 is funded by a WEDC grant.

In the fall of 2017, during the preparation of the issuance of \$2,075,000 general obligation promissory notes, Sean Lentz, Senior Municipal Advisor from Ehlers, Inc., recommended to borrow the \$550,000 needed to fund the development agreement for Tax Increment District #10 from the State of Wisconsin Trust Fund for the following reasons:

A private activity use of borrowed funds will make a general obligation issue taxable which usually means a higher interest rate.

State Trust Fund Loans have no closing costs and may be prepaid without penalty.

The timeline is as follows:

- By April 23, 2018, return the Council-approved application to the Board of Commissioners.
- The Board of Commissioners will approve the application at a May 2018 meeting.
- The City has 4 months to draw the funds after the May 2018 approval.
- The City will submit a draw request on September 4, 2018.
- By submitting a draw request after September 1<sup>st</sup>, the first payment on the borrowing will be due March 15, 2020, which will be the first year of receiving tax increment in district #10.

This is a general obligation issue of the City, therefore the resolution contained in the application states that “there shall be raised and there is levied upon all taxable property....a direct annual tax for the purpose of paying interest and principal on the loan as they become due.” HOWEVER, the tax increment from district #10 is estimated to cover the annual principal and interest payment. Per the development agreement, the developer is required to supplement the annual tax increment if it would be below \$95,808. The estimated annual principal and interest payment is \$75,500 at a 4% interest rate.

The City has adequate internal cash flow to fund the project until the State Trust Fund Loan and grant funds are received.

The initial payment for the development agreement was issued December 20, 2017 in the amount of \$250,000.

**STATE OF WISCONSIN**  
**BOARD OF COMMISSIONERS OF PUBLIC LANDS**  
**101 EAST WILSON STREET, 2<sup>ND</sup> FLOOR**  
**POST OFFICE BOX 8943**  
**MADISON, WISCONSIN 53708-8943**

**APPLICATION FOR STATE TRUST FUND LOAN**

**CITY - 20 YEAR MAXIMUM**

**Chapter 24 Wisconsin Statutes**

**CITY OF ASHLAND**

**Date sent: February 23, 2018**

**Received and filed in Madison, Wisconsin:**

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**ID # 05604843**

RAS

**RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY**

A-1

TO: BOARD OF COMMISSIONERS OF PUBLIC LANDS

We, the undersigned **Mayor** and clerk of the City of **Ashland**, in the County(ies) of **Ashland**, Wisconsin, in accordance with the provisions of Chapter 24 of the Wisconsin Statutes, do hereby make application for a loan of **Five Hundred Fifty Thousand And 00/100 Dollars (\$550,000.00)** from the Trust Funds of the State of Wisconsin for the purpose of **financing TID #10 development agreement**.

The loan is to be continued for a term of **10** years from the 15th day of March preceding the date the loan is made. The loan is to be repaid in annual installments, as provided by law, with interest at the rate of **4.00** percent per annum.

We agree to the execution and signing of such certificates of indebtedness as the Board may prepare and submit, all in accordance with Chapter 24, Wisconsin Statutes.

The application is based upon compliance on the part of the City with the provisions and regulations of the statutes above referred to, as set forth by the following statements which we do hereby certify to be correct and true.

The meeting of the common council of the City of **Ashland**, in the County(ies) of **Ashland**, Wisconsin, which approved and authorized this application for a loan was a regularly called meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

At the aforesaid meeting a resolution was passed by a majority vote of the members of the common council approving and authorizing an application to the Board of Commissioners of Public Lands, State of Wisconsin, for a loan of **Five Hundred Fifty Thousand And 00/100 Dollars (\$550,000.00)** from the Trust Funds of the State of Wisconsin to the City of **Ashland** in the County(ies) of **Ashland**, Wisconsin, for the purpose of **financing TID #10 development agreement**. That at the same time and place, the common council of the City of **Ashland** by a majority vote of the members, adopted a resolution levying upon all the taxable property in the city, a direct annual tax sufficient in amount to pay the annual installments of principal and interest, as they fall due, all in accordance with Article XI, Sec. 3 of the Constitution and Sec. 24.66(5), Wisconsin Statutes.

A copy of the aforesaid resolutions, certified to by the city clerk, as adopted at the meeting, and as recorded in the minutes of the meeting, accompanies this application.

A statement of the equalized valuation of all the taxable property within the City of **Ashland**, certified to by the **Mayor** and clerk, accompanies this application.

Given under our hands in the City of **Ashland** in the County(ies) of **Ashland**, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Mayor, City of Ashland**

\_\_\_\_\_  
**Clerk, City of Ashland**

## FORM OF RECORD

The following preamble and resolutions were presented by Alderman \_\_\_\_\_ and were read to the meeting.

By the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and,

By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

THEREFORE, BE IT RESOLVED, that the City of Ashland, in the County(ies) of Ashland, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of **Five Hundred Fifty Thousand And 00/100 Dollars (\$550,000.00)** for the purpose of financing **TID #10 development agreement** and for no other purpose.

The loan is to be payable within **10** years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of **4.00** percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the City of Ashland, in the County(ies) of Ashland, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the City of Ashland by such loan from the state be applied or paid out for any purpose except financing **TID #10 development agreement** without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the Mayor and clerk of the City of Ashland, in the County(ies) of Ashland, Wisconsin, are authorized and empowered, in the name of the city to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the city pursuant to this resolution. The Mayor and clerk of the city will perform all necessary actions to fully carry out the provisions of Chapter 24, Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this city forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

**RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY**

A-3

Alderman \_\_\_\_\_ moved adoption of the foregoing preamble and resolutions.

The question being upon the adoption of the foregoing preamble and resolutions, a vote was taken by ayes and noes, which resulted as follows:

- 1. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 2. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 3. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 4. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 5. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 6. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 7. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 8. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 9. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 10. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 11. Alderman \_\_\_\_\_ voted \_\_\_\_\_
- 12. Alderman \_\_\_\_\_ voted \_\_\_\_\_

A majority of the members of the common council of the City of Ashland, in the County(ies) of Ashland, State of Wisconsin, having voted in favor of the preamble and resolutions, they were declared adopted.

STATE OF WISCONSIN

County(ies) of **Ashland**

I, \_\_\_\_\_, Clerk of the City of **Ashland**, in the County(ies) of **Ashland**, State of Wisconsin, do hereby certify that the foregoing is a true copy of the record of the proceedings of the common council of the City of **Ashland** at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, relating to a loan from the State Trust Funds; that I have compared the same with the original record thereof in my custody as clerk and that the same is a true copy thereof, and the whole of such original record.

I further certify that the common council of the City of **Ashland**, County(ies) of **Ashland**, is constituted by law to have \_\_\_\_\_ members, and that the original of said preamble and resolutions was adopted at the meeting of the common council by a vote of \_\_\_\_\_ ayes to \_\_\_\_\_ noes and that the vote was taken in the manner provided by law and that the proceedings are fully recorded in the records of the city.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of **Ashland** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk (Signature)

\_\_\_\_\_  
Clerk (Print or Type Name)

City of **Ashland**

County(ies) of **Ashland**

State of Wisconsin

**RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY**

A-5

101 E. Wilson Street  
2nd Floor  
PO Box 8943  
Madison, WI 53708-8943

608 266-1370 INFORMATION  
608 266-0034 LOANS  
608 267-2787 FAX  
bcpl.wisconsin.gov

Jonathan Barry, *Executive Secretary*

## Fact Sheet - General Obligation Loans

- Eligible Borrowers:** Wisconsin towns, villages, cities, counties, school districts, technical college districts, public inland lake protection and rehabilitation districts, town sanitary districts, metropolitan sewerage districts, metropolitan sewerage systems, joint sewerage systems, consortiums, cooperative educational service agencies (CESAs), federated public library systems, and drainage districts.
- Loan Process:** Simple and transparent, with funds available 30-45 days from initial application.
- Loan Security:** Loans become a general obligation of the borrower and require the borrower to levy a tax sufficient to make principal and interest payments when due.
- Loan Purpose:** Loans of 10 years or less may be made to facilitate the performance of any power or duty of the borrowing municipality, including operations and maintenance. Loans greater than 10 years are restricted to the financing or refinancing of public purpose projects including "the acquisition, leasing, planning, design, construction, development, extension, enlargement, renovation, rebuilding, repair or improvement of land, waters, property, highways, buildings, equipment, or facilities", or any purpose otherwise allowed by law.
- Economic Development Lending:** BCPL is a major source of funding for economic development projects throughout the State of Wisconsin including pass-through loans for private development, funding development incentives, TID infrastructure loans, land acquisition and development for business parks, and others. BCPL can provide critical flexibility in the repayment schedule if income projections are delayed.
- Payments:** Annual payments are due March 15 each year. Loans funded between September 1 and March 14 do not have a payment scheduled for the following March 15. BCPL can provide custom amortization schedules for projects that may take time to generate expected revenues, or that need coordination with other debt payment schedules.
- Prepayment:** Prepayments are allowed without penalty after January 1 and prior to September 1 each year, with 30 days prior written notice. This flexibility is extremely valuable, as future budget demands can be difficult to forecast. Many finance directors get stuck with higher rate bonds and are forced to wait years prior to refunding opportunities. This is never a problem if you borrow from BCPL.
- Terms:** 2 to 20 year fixed rate loans.
- Current Rates:**
- | Loan Term   | Rate  |
|-------------|-------|
| 2 years     | 3.50% |
| 3-5 years   | 3.75% |
| 6-10 years  | 4.00% |
| 11-20 years | 4.25% |
- Rate Lock:** Market-based interest rates are locked at the time of application for a period of 60 days at no cost to Borrower. This rate also remains locked following final board approval and throughout the 4-month draw period, which helps provide financial stability during the entire loan process.
- Fees:** No application fees, origination fees or prepayment fees. No fees period!
- Best Part:** Net interest earned by BCPL is distributed to communities statewide for the funding of public school library materials. Check out the BCPL website to see the annual contribution made to your school district. This annual payment effectively reduces local tax levies by providing schools another source of funding. How many bankers or bond dealers can say that?

**2018 GENERAL OBLIGATION DEBT SCHEDULE WITH PROPOSED 2018 STATE TRUST FUND LOAN**

CITY OF ASHLAND										TOTAL OUTSTANDING GO DEBT FOR ALL FUNDS COMBINED					TOTAL OUTSTANDING GO DEBT BY FUND				
Schedule of Outstanding Debt - 2018 Debt Service																			
Issue Date	Description	Interest Rate	Maturity Date	2018 Annual P&I	2018 Interest	2018 Principal	12/31/2017 Principal Bal.	12/31/2018 Principal Bal.	2018 Principal	12/31/2018 Principal Bal.	General Fund	General Government Funds	Enterprise Funds			Total all funds 12/31/2018			
											Tax Incremental Districts	Sidewalks	Marina	Water	Sewer	Principal Bal.			
<b>General Obligation</b>																			
7/21/2009	2009A GO Refunding Bonds - Ct	3.04%	10/1/2019	135,200.01	5,200.01	130,000.00	195,000.00	130,000.00	130,000.00	130,000.00	23,603.61	6,981.98	0.00	0.00	16,936.94	17,477.47	65,000.00		
7/21/2009	2009B Taxable GO Promissory N	3.08%	10/1/2019	1,340,502.50	95,502.50	1,245,000.00	2,545,000.00	1,245,000.00	1,245,000.00	1,300,000.00	622,896.63	351,758.78	53,995.49	62,378.35	141,665.12	67,305.63	1,300,000.00		
12/15/2011	2011 GO Promissory Note Bank	1.81%	12/1/2021	108,842.50	8,842.50	100,000.00	420,000.00	100,000.00	100,000.00	320,000.00	320,000.00	0.00	0.00	0.00	0.00	0.00	320,000.00		
4/1/2015	2015A CO Corporate Purposes E	2.81%	4/1/2035	215,281.26	120,281.26	95,000.00	4,275,000.00	4,180,000.00	95,000.00	4,180,000.00	4,180,000.00	0.00	0.00	0.00	0.00	0.00	4,180,000.00		
12/29/2015	2015B GO Note - Bremer Bank	2.59%	10/1/2025	50,176.10	20,176.10	30,000.00	779,000.00	749,000.00	30,000.00	749,000.00	749,000.00	0.00	0.00	0.00	0.00	0.00	749,000.00		
12/7/2017	2017B GO Promissory Notes	2.03%	12/1/2027	145,614.63	50,614.63	95,000.00	2,065,000.00	1,970,000.00	95,000.00	1,970,000.00	1,970,000.00	0.00	0.00	0.00	0.00	0.00	1,970,000.00		
<b>2018 To be approved - State Trust F</b>										<b>4.00%</b>	<b>550,000.00</b>						<b>550,000.00</b>		
										\$7,865,500.24	\$908,740.76	\$53,995.49	\$62,378.35	\$158,602.06	\$84,783.10	\$9,134,000.00			

**Equalized Value 1/1/16** \$ 430,803,200      **Equalized Value 1/1/17** \$ 441,493,900

Debt Limit = 5% of equalized value \$ 21,540,160      Debt Limit = 5% of equalized value \$ 22,074,695

Percent of debt limit utilized 47.72%      Percent of debt limit utilized 41.38%

General Obligation Debt Outstanding \$ 10,279,000      General Obligation Debt Outstanding \$ 9,134,000

**Available GO borrowing capacity** \$ 11,261,160      **Available GO borrowing capacity** \$ 12,940,695



# AGENDA BILL

Ref: 057

COMMITTEE AGENDA:  
COUNCIL AGENDA: 8B (03-27-2018)

**SUBJECT:** Approve a Request for Funding for the Feasibility Study for Lake Superior Center for Fisheries, Aquatic Science and Education Initiative from the City of Ashland's Fund 453

**RECOMMENDATION:** Council Approval

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**DEPARTMENT OF ORIGIN:** Councilor Kinney

**DATE SUBMITTED:** March 17, 2018

**CLEARANCES:** Mayor

**EXHIBITS:** Ashland Ore Dock Concept Design Report, page 14 map to show location

**EXPENDITURES REQUIRED:** \$10,000

**AMOUNT BUDGETED:** NA

**APPROPRIATION REQUIRED:** \$10,000 from Fund 453

**RECOMMENDED MOTION:** Approve request for \$10,000 from Fund 453 for the feasibility study for the Lake Superior Center for Fisheries, Aquatic Science and Education.

**SUMMARY STATEMENT:** In 2014, the City of Ashland acquired the ore dock and immediately began planning for the future use of the ore dock and the area near the base of the ore dock. The *Ashland Ore Dock Design Concept Report* was completed in September, 2016 and includes a site in the block south of the ore dock for a Research Center (p. 14). In May, 2016, a group of individuals from the region began meeting to explore how to make the Research Center a reality.

In about 2003, the City of Ashland and USGS were informed that the Research Vessel *Kiyi* would no longer be able to dock at the ore dock. If the *Kiyi* were to remain in Ashland, a new dock would need to be constructed. In 2004, the AADC and the City developed a proposal for a new dock and a Research Center and submitted it for Congressional funding. Funds became available for the dock and a new dock was constructed in 2005. Funding for the Research Center to support USGS did not materialize. The AADC and City have continued to look for a way to develop the Research Center. Given that Congressional earmarks are no longer a potential funding source, it is necessary to explore other avenues to construct the Research Center.

To support the effort to create the Research Center in August 2017, the AADC formed the Steering Committee for the Lake Superior Center for Fisheries, Aquatic Science and Education. The committee consists of a diverse group of individuals from the region interested in supporting the effort. The committee includes the current AADC Director and past AADC Director. The AADC is acting as a fiduciary for the project. Three grants totaling \$29,000 have been received and private donations are approximately \$4,000 at this time.

The proposed Center would provide space for the United States Geological Survey (USGS), Fish and Wildlife

Service (FWS) and National Park Service (NPS), along with public space to support education related to Lake Superior and an area for outside researchers to rent. The Department of Interior prefers to collocate these agencies and they are currently collocated at another site. For USGS in particular, it is desirable to have facilities in close proximity to the *Kiyi*. Northland College has also been involved in the meetings and is welcome to consider how it could participate in the project.

The committee has recognized the need for a feasibility study to answer questions related to how the Center will be developed and operated. Two of the grants have deadlines of June 30, 2018 for the feasibility study to be completed. In February, the committee issued an RFP for the feasibility study and conducted interviews. The AADC Board has approved a contract for the feasibility study. The feasibility study will cost an amount not to exceed \$49,875.



# 4.1 UPLAND GATEWAY

Stuntz Avenue is extended to Highway 2. Native landscaping along a wide terrace cleans stormwater from upland development and hosts a trail that links to Bay City Creek and nearby neighborhoods leading to downtown. Restored light towers from the historic Ore Dock line Stuntz Avenue with views of the lake in the distance. Formerly undeveloped land vacated by the former trestle and approach are home to new residents and shops. Researchers at the new collaborative facility partner with federal agencies and international experts to develop new policies and recommendations key to defining a new "blue economy" and inform nearshore freshwater restoration efforts. New infrastructure including accessible walkways, drop-offs and parking areas support use of the Ore Dock by visitors of all ages and abilities and is part of the daily lives of Ashland residents and hosts large regional events and festivals.



- 1 Lakeshore Gateway
  - 2 Redevelopment
  - 3 Filtration Terrace
  - 4 8th Avenue Extension
  - 5 Research Center
  - 6 Drop-Off
  - 7 Trestle Overlook
  - 8 Amphitheater
  - 9 Kreher Drop-off
- Existing Elements
- a Wetland
  - b Tri-County Trail
  - c Residences





125

# AGENDA BILL

Ref: 061

**COMMITTEE AGENDA:**  
**COUNCIL AGENDA: 8C (03-27-2018)**

**SUBJECT:** Approve a Contract with Granger Builders for Construction of a New Salt Shed, and for the Public Works Personnel to Provide Construction in Accordance with Ordinance 194.05

**RECOMMENDATION:** Approval

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**DEPARTMENT OF ORIGIN:** Public Works Department

**DATE SUBMITTED:** March 20, 2018

**CLEARANCES:** Public Works Interim Director  
Public Works Street Foreman  
Finance Director

**EXHIBITS:** A-Bid Tabulation  
B-Treasurer's Certificate of Compliance

**EXPENDITURES REQUIRED:** \$194,675.00 Construction (Fund 450)  
4,950.00 Engineering/Admin (Fund 450)  
25,000.00 Public Works Labor/Materials for Site Prep (Fund 100)  
\$224,625.00

**AMOUNT BUDGETED:** \$130,000.00 (Fund 450 – 2017B GO Notes)  
25,000.00 (Fund 100)

**APPROPRIATION REQUIRED:** \$ 69,625.00 (Fund 450 – additional 2017B GO Notes)

**TREASURER'S CERTIFICATE:** The Treasurer's Office has certified that the provisions of Ordinance 923.10 have been complied with.

**COMPLIANCE WITH ORDINANCE 51:**

**STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:**

**RECOMMENDATION:** Approve entering into a contract with Granger Builders to construct a new salt shed to replace the existing salt shed at the Public Works facility. Also, to authorize Public Works to complete the site preparation work and demolition of the existing salt shed for work that may exceed the public construction threshold as stated in the Ashland City Ordinance, Chapter 194.05.

**SUMMARY STATEMENT:** The existing salt shed at Public Works is deteriorating and is in need of replacement. The design drawings and specifications were completed by C&S Design. Six bids were received for this project.

The project consists of reinforced concrete footings, 16 ft.-high concrete foundation walls, and a wood frame and roof system with prefinished steel siding and roofing for a new 32 ft. x 67 ft. salt shed. The project was bid with alternates. Alternate 1 requested to deduct the estimated amount for the wood framing and roof portion of the project. The Public Works Facilities Foreman estimated the amount of time and materials it would take for City staff to complete the work. Based on this estimate, it was determined it was cost effective for the contractor to complete this work. Alternate 2 and 3 asked to add a separate estimate for concrete flat work. Having further discussions with staff, it was determined to be more cost effective for the contractor to do this portion of the work as well.

The new structure will accommodate a larger quantity of salt and hold salt, sand, gravel and road patching materials in dry, clean separate bunkers. This will greatly improve the effective and efficient use of the materials year round by the Public Works and Utility crews.

The Public Works staff will demolish the existing salt shed and do the site preparation for the contractor. This can be done with existing equipment, internal labor hours and with the purchase of necessary sand and gravel. In accordance with Section 194.05 of Chapter 194, Ashland City Ordinances, as provided by Wisconsin Statute 62.15(1), *a three-fourths vote of all members-elect of the Common Council of the City of Ashland is required for the City to perform public construction projects.*

Staff recommends awarding the contract to the lowest responsible bidder, Granger Builders, and for the Public Works staff to complete the site preparation for the new salt shed.

Bid Tabulation Sheet

Project: City of Ashland Public Works - Salt Shed - Project No. 17-3106  
 Bid Opening: March 6, 2018 @ 10:00 a.m.

	Angelo Luppino, Inc.	Arnie Mackey Construction	Cedar Brook Construction	Granger Builders	Nasi Construction	Stack Brothers
<b>BASE BID:</b>	\$ 172,495.00	\$ 147,541.00	\$ 188,740.00	\$ 141,393.00	\$ 188,489.00	\$ 289,274.00
<b>Alternate No. 1</b> Deduct for wood framing and roof	\$ (50,877.00)	\$ (47,000.00)	\$ (64,590.00)	\$ (37,732.00)	\$ (58,206.00)	\$ (74,174.00)
<b>Alternate No. 2</b> Add for interior flat concrete work	\$ 23,200.00	\$ 29,000.00	\$ 27,060.00	\$ 26,750.00	\$ 27,541.00	\$ 34,147.00
<b>Alternate No. 3</b> Add for concrete aprons	\$ 23,823.00	\$ 24,000.00	\$ 29,200.00	\$ 26,532.00	\$ 34,817.00	\$ 25,966.00
<b>Base + Alt + 2 + 3</b>	<b>\$ 219,518.</b>	<b>\$ 200,541.</b>	<b>\$ 245,000.</b>	<b>\$ 194,675.</b>	<b>\$ 250,847.</b>	<b>\$ 349,387.</b>

Submitted by:

*Lauren E. DuCharme*

Lauren E. DuCharme, Principal  
 C&S Design & Engineering, Inc.

**Denise Oliphant**

---

**From:** Barbara Clement  
**Sent:** Tuesday, March 20, 2018 1:46 PM  
**To:** Sharon Campbell  
**Cc:** Patti Ekstrom; Denise Oliphant  
**Subject:** RE: Treasurers Certificate

Sharon,

Granger Builders of Marengo, WI is in compliance with City Ordinance, Chapter 923.

Barbara Clement  
City of Ashland Treasurer  
601 Main St W  
Ashland, WI 54806

(715) 682-7056

**From:** Sharon Campbell  
**Sent:** Tuesday, March 20, 2018 12:22 PM  
**To:** Barbara Clement  
**Cc:** Patti Ekstrom; Denise Oliphant  
**Subject:** Treasurers Certificate

Barb-

Can you please confirm that Granger Builders, 65166 Main Street, Marengo, WI 54855 is in compliance with Ordinance 923?

Thank you

Sharon Campbell  
Public Works Administrative Manager

City of Ashland Public Works Department  
2020 6<sup>th</sup> Street East  
Ashland, WI 54806  
Phone: 715.685.1646  
FAX: 715.682.7907  
Email: [scampbell@coawi.org](mailto:scampbell@coawi.org)



# AGENDA BILL

**Ref: 059**

**COMMITTEE AGENDA:  
COUNCIL AGENDA: 8D (03-27-2018)**

**SUBJECT:** **Approve Ordinance to Amend Chapter 781 (1764), Ashland City Ordinances, Unified Development Ordinance, to Comply with 2017 Wisconsin Act 67 (Approved Unanimously By Plan Commission 03/20/18)**

**RECOMMENDATIONS:** Approval

**DEPARTMENT OF ORIGIN:** Department of Planning and Development

**DATE SUBMITTED:** March 21, 2018

**CLEARANCES:** Department of Planning & Development  
Plan Commission (*Approved Unanimously on 03/20/2018*)

**EXHIBITS:**  
A-Proposed Ordinance  
B-Planning and Development Staff Report and Unofficial Minutes, March 20, 2017 (*Minutes will be distributed before meeting*)  
C-American Planning Assoc. Case Law Update, November 30, 2017

**EXPENDITURES REQUIRED:** N/A

**AMOUNT BUDGETED:** N/A

**APPROPRIATION REQUIRED:** N/A

**STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:** N/A

**SUMMARY STATEMENT:**  
See Plan Commission staff report.

**ORDINANCE TO AMEND CHAPTER 781 (1764), ASHLAND CITY ORDINANCES, UNIFIED DEVELOPMENT ORDINANCE**

An ordinance adopted by the Common Council for the City of Ashland at its regular meeting of March 27, 2018, for the purpose of amending the City’s Unified Development Ordinance (UDO) to comply with 2017 Wisconsin Act 67.

**SECTION 1:**

*Table 3.1.B is amended to replace “Class 1” with “Class 2” opposite the entry for “Conditional Use Permit.”*

**SECTION 2.**

*Section 3.9(C)(intro) is amended to read as follows:*

In determining whether to approve, approve with conditions, or deny a request for issuance of a conditional use permit, the Plan Commission and the Common Council shall consider all relevant factors specified in other sections of this Ordinance, including standards for specific requirements for certain land uses and activities. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this chapter or imposed by the city, the city shall grant the conditional use permit. The applicant must demonstrate by substantial evidence that the application and all requirements and conditions established by the city are or shall be satisfied. The decision to approve or deny the permit must be based on substantial evidence. In addition, the following approval criteria shall apply:

**SECTION 3.**

*Section 3.9(D)(intro) is amended to read as follows:*

The Common Council may attach any conditions to the approval of a conditional use permit that it deems necessary to address any of the following conditions or other applicable conditions not herein listed. Conditions as to the permit’s duration, transfer, or renewal may also be included. All conditions must be reasonable and, to the extent practicable, measurable. Any condition imposed must be related to the purpose of the evidence and be based on substantial evidence.

**SECTION 4.**

*Section 3.9(G) is created to read as follows:*

**G. Definition.**

“Substantial evidence” as used in this Section means facts and information, other than mere personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

**SECTION 5.**

*Section 10.3(D) is created to read as follows:*

**D. Exception to limits on development of nonconforming parcels.**

A nonconforming parcel may be used as a building site if:

- 1. The parcel does not have structures placed partly upon an adjacent parcel, and
- 2. The parcel is developed to comply with all other city ordinances.

**SECTION 6.**

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

PASSED: March 27, 2018

PUBLISHED:

ATTEST: \_\_\_\_\_  
Denise Oliphant, City Clerk

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Debra S. Lewis, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
David Siegler, City Attorney

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PLANNING &  
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## STAFF REPORT

Plan Commission – March 20th, 2018

**Agenda Item #5b: Public Hearing and Vote on Text  
Amendments to the Unified Development  
Ordinance # 781 to comply with WI Act 67**

**Staff Contact: Megan McBride & April Kroner**

### Background

2017 Wisconsin Act 67 included changes to Wisconsin law governing the issuance of conditional use permits. Such changes were made following a recent case law decision of the Wisconsin Supreme Court (AllEnergy Corp v. Trempealeau County). The case law limits local government discretion related to the issuance of conditional use permits, and is based on the premises that by 'adding a conditional use to a zoning district, the municipality rejects, by that very act, the argument that the listed use is incompatible with the district'. It further clarified that 'an application for a conditional use permit is not an invitation to re-open that debate. A permit application is, instead, an opportunity to determine whether the specific instantiation of the conditional use can be accomplished with the standards identified by the zoning ordinance'. In summary, the legislative changes resulted in the following items needing to be amended/added to the City's UDO:

- Added a definition of 'substantial evidence'.
- If an applicant for a CUP meets or agrees to meet all of the requirements and conditions specified in the ordinance or imposed by the City, the City shall grant the CUP.
- Any conditions imposed must be related to the purpose of the ordinance and be based on substantial evidence, and must be reasonable to the extent practicable, measureable, and may include conditions such as the permit's duration, transfer or renewal.
- Requires publication of a Class 2 notice for conditional use permit applications.

In addition to the proposed text amendments, the City should revisit the conditions listed in the ordinance to ensure that it will be able to review specific development proposals against the purpose of the ordinance and be able to support conditions imposed with substantial evidence. In addition, the City may want to reassess the listing of permitted and conditional uses within the zoning districts.

Also included is one proposed amendment to section 10.3(D) pertaining to legislation related to substandard lots. The ~~red with a strike out~~ indicates language that staff proposes should be eliminated from the UDO. Proposed language additions are indicated in **blue bold text**.

## Proposed Text Amendments

1. Table 3.1.B is amended to replace "Class 4" with "Class 2" opposite the entry for "Conditional Use Permit."

Application Procedure	Published	Mailed	Posted on Property	Posted in Public Place
Comprehensive Plan Amendment	Class 2	Discretionary	Discretionary	Discretionary
Zoning Map Amendment (Rezoning)	Class 2	Discretionary	Discretionary	Discretionary
Ordinance Text Amendment	Class 2	Discretionary	Discretionary	Discretionary
Floodplain Overlay Map or Text Amendment	Class 2	Discretionary	Discretionary	Discretionary
Wetland Overlay Map or Text Amendment	Class 2	Discretionary	Discretionary	Discretionary
PUD General Development Plan	Class 2	Discretionary	Discretionary	Discretionary
PUD Specific Implementation Plan (public hearing only if required)	Class 2	Discretionary	Discretionary	Discretionary
Conditional Use Permit	Class 1	Discretionary	Discretionary	Discretionary
Variance	Class 1	Discretionary	Discretionary	Discretionary
Appeal of a Administrative Decision	Class 1	Discretionary	Discretionary	Discretionary
Appeals, Variances, and Boundary Dispute Resolution relating to the Floodplain Overlay	Class 2	Discretionary	Discretionary	Discretionary
Appeals, Variances, and Conditional Use Permits relating to the Wetland Overlay	Class 2	Discretionary	Discretionary	Discretionary
Discontinuance or Vacation of a Public Way	Class 3	Required	Discretionary	Discretionary

2. Section 3.9(C)(intro):

~~In determining whether to approve, approve with conditions, or deny a request for issuance of a conditional use permit, the Plan Commission and the Common Council shall consider all relevant factors specified in other applicable sections of this Ordinance, including standards for specific requirements for certain land uses and activities. In addition, the following approval criteria shall apply:~~

Section 3.9(C)(intro) is amended to read as follows:

**In determining whether to approve, approve with conditions, or deny a request for issuance of a conditional use permit, the Plan Commission and the Common Council shall consider all relevant factors specified in other sections of this Ordinance, including standards for specific requirements for certain land uses and activities. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this chapter or imposed by the city, the city shall grant the conditional use permit. The applicant must demonstrate by substantial evidence that the application and all requirements and conditions established by the city are or shall be satisfied. The decision to approve or deny the permit must be based on substantial evidence. In addition, the following approval criteria shall apply:**

3. Section 3.9(D)(intro):

~~The Common Council may attach any conditions to the approval of a conditional use permit that it deems necessary to address any of the following conditions or other applicable conditions not herein listed:~~

Section 3.9(D)(intro) is amended to read as follows:

**The Common Council may attach any conditions to the approval of a conditional use permit that it deems necessary to address any of the following conditions or other applicable conditions not herein listed. Conditions as to the permit's duration, transfer, or renewal may also be included. All conditions must be reasonable and, to the extent practicable, measurable. Any condition imposed must be related to the purpose of the evidence and be based on substantial evidence.**

4. Section 3.9(G) is created to read as follows:

**G. Definition.**

"Substantial evidence" as used in this Section means facts and information, other than mere personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

5. Section 10.3(D) is created to read as follows:

**D. Exception to limits on development of nonconforming parcels.**

A nonconforming parcel may be used as a building site if:

1. The parcel does not have structures placed partly upon an adjacent parcel, and
2. The parcel is developed to comply with all other city ordinances.

**Recommendation**

Staff recommends APPROVAL of the suggested changes to comply with Wisconsin Act 67.

Additionally, as a Public Hearing is scheduled for the proposed text amendments, the Plan Commission should hear all input from the public prior to making a decision. The required Class 2 public hearing notice was given for this item.

*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.*



American Planning Association  
Wisconsin Chapter

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For more questions or comments about these cases, please contact:  
Brian W. Ohm, JD  
Dept. of Urban & Regional Planning, UW-Madison/Extension  
925 Bascom Mall  
Madison, WI 53706  
bwohm@wisc.edu

See pages 2-4

### November Case Law Update November 30, 2017

**A summary of Wisconsin court opinions decided during the month of November related to planning**

For previous Case Law Updates, please go to: [www.wisconsinplanners.org/learn/law-and-legislation](http://www.wisconsinplanners.org/learn/law-and-legislation)

There are no planning-related decisions to report for the month of November from the United States Supreme Court, the Wisconsin Supreme Court, or the Wisconsin Court of Appeals. **However, there was legislation enacted in Wisconsin during the month of November that changes the law related to recent U.S. Supreme Court and Wisconsin Supreme Court decisions reported in previous APA-WI case law updates over the past few months. This case law update summarizes the legislative changes to insure that members have the most current updates on the law in these areas.**

#### **New Legislation Affecting Substandard Lots: Responding to *Murr v. Wisconsin***

In November, the Wisconsin Legislature passed legislation in response to the United States Supreme Court decision last June in [Murr v. Wisconsin](#). The *Murr* decision, summarized in the [June 2017 APA-WI Case Law Update](#), involved a provision in the St. Croix County Zoning Ordinance that merged two substandard lots (referred to as “nonconforming lots” in many local ordinances) under common ownership for purposes of the application of the zoning ordinance and prohibited the owner from selling one of the substandard lots. The County’s ordinance followed rules promulgated by the Wisconsin Department of Natural Resources for protecting the Lower St. Croix River after its designation by Congress as a National Wild and Scenic River. The U.S. Supreme Court decision articulated a new test for determining the relevant parcel for regulatory takings analysis and concluded St. Croix County’s lot merger provision did not constitute a regulatory taking requiring the payment of just compensation. The new legislation, signed into law by Governor Walker as [2017 Wisconsin Act 67](#), places new limitations on the authority of local governments and state agencies to enact or enforce lot merger provisions similar to the one found in the St. Croix County Zoning Ordinance. In addition, Act 67 includes provisions affecting substandard lots in general.

The new substandard lot/lot merger limitations are found in Sections 23 through 26 of Act 67. Those sections create several additions to the existing section of the Wisconsin Statutes entitled “Limitation on Development Regulation Authority and Downzoning” found at section 66.10015 of the Wisconsin Statutes. Act 67 adds the following definition of a “substandard lot”: “A legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.” [Wis. Stat. § 66.10015\(1\)\(e\)](#).

Act 67 then prohibits cities, villages, towns, and counties from enacting or enforcing ordinances or taking any other action that prohibits a property owner from conveying an ownership interest in a substandard lot or from using a substandard lot as a building site if the substandard lot does not have any structures placed partly upon an adjacent lot *and* the substandard lot is developed to comply with all other ordinances of the political subdivision. Wis. Stat. § 66.10015(2)(e).

Finally, Act 67 prohibits cities, villages, towns, counties, and state agencies from enacting or enforcing any ordinance or administrative rule or taking any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged. Wis. Stat. § 66.10015(4).

While local governments did not need to make changes their ordinances in response to the *Murr* decision, Act 67, effective November 28th, should prompt local governments and state agencies to review their ordinances and rules as follows:

- Cities, villages, towns, counties, and state agencies need to review their ordinances and rules to insure they do not require the merger of lots (both substandard lots and lots that conform to current ordinances and rules) without the consent of the owners of the lots that are to be merged.

- Cities, villages, towns and counties need to review their ordinances and practices related to substandard lots to ensure that they do not prohibit a property owner from selling or otherwise conveying an ownership interest in a substandard lot to another person or entity.

- In addition, cities, villages, towns and counties need to review their ordinances and practices to ensure they allow the use of a substandard lot as a building site if the substandard lot has never had a structure straddling the substandard lot and an adjacent lot. Any development on the substandard lot must conform to all other applicable ordinances. The application of other ordinances may limit what can be built on a substandard lot.



#### **New Legislation Affecting Conditional Use Permits: Responding to *AllEnergy Corp. v. Trempealeau County***

[2017 Wisconsin Act 67](#) also includes changes to Wisconsin law governing conditional use permits following the recent decision of the Wisconsin Supreme Court in [AllEnergy Corp. v. Trempealeau County](#) reported in the [May 2017 APA-WI Case Law Update](#). The *AllEnergy* case involved the denial of a conditional use permit for a proposed frac sand mine in Trempealeau County. The County voted to adopt 37 conditions for the mine, which AllEnergy agreed to meet, but then the County voted to deny the conditional use permit in part relying on public testimony in opposition to the mine. A divided Wisconsin Supreme Court upheld the County's denial of the conditional use permit acknowledging the discretionary authority of local governments in reviewing proposed conditional uses.

Act 67 follows the line of reasoning articulated by the dissent in the *AllEnergy* decision and limits local government discretion related to the issuance of conditional use permits. According to the Dissent in *AllEnergy*: “When the Trempealeau County Board writes its zoning code, or considers amendments, . . . is the stage at which the County has the greatest discretion in determining what may, and may not, be allowed on various tracts of property.” “Upon adding a conditional use to a zoning district, the municipality rejects, by that very act, the argument that the listed use is incompatible with the district.” “An application for a conditional use permit is not an invitation to re-open that debate. A permit application is, instead, an opportunity to determine whether the specific instantiation of the conditional use can be accomplished within the standards identified by the zoning ordinance.”

Act 67 adds new sections governing the issuance of conditional use permits to the various general zoning enabling laws for cities, villages, towns, and counties. Until the addition of these sections, the law governing conditional use permits was based on court decisions. The various local general zoning enabling laws did not include any references to the term “conditional use.”

The new law adds the following definition of “conditional use” to the Statutes: “‘Conditional use’ means a use allowed under a conditional use permit, special exception, or other zoning permission issued by a [city, village, town, county] but does not include a variance.”

Act 67 also includes the following definition of “substantial evidence,” a term used in several places in the Act: “‘Substantial evidence’ means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.” This language softens the language of earlier versions of the bill that stated substantial evidence did not include “public comment that is based solely on personal opinion, uncorroborated hearsay, or speculation.” Public comment that provides reasonable facts and information related to the conditions of the permit is accepted under Act 67 as evidence.

Act 67 then provides that “if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the [city, village, town, county] ordinance or imposed by the [city, village, town, county] zoning board, the [city, village, town, county] shall grant the conditional use permit.” This new language follows the argument made by the plaintiffs and the dissenting opinion in the *AllEnergy* case. The use of the term “zoning board,” however, is at odds with current Wisconsin law that allows the governing body, the plan commission, or the zoning board of adjustment/appeals to grant conditional uses. This “zoning board” terminology may lead to some confusion.

Act 67 also provides that the conditions imposed “must be related to the purpose of the ordinance and be based on substantial evidence” and “must be reasonable and to the extent practicable, measurable and may include conditions such as the permit’s duration, transfer, or renewal.” In the past, sometimes there was confusion about whether local governments had the authority to place a time limit on the duration of a conditional use permit. This new

*We have language in our that a CUP must be consistent with the goals, objectives, policies of the Camp plan. So uses still need to comply with what camp plan recommends.*

statutory language clarifies that local government have that authority. Since local comprehensive plans can help articulate the purpose of ordinances that implement the plan, the requirement in Act 67 that the conditions relate to the purpose of the ordinance emphasize the importance of having a condition in the zoning ordinance that the proposed conditional use furthers and does not conflict with the local comprehensive plan.

Next, Act 67 provides that the applicant must present substantial evidence "that the application and all requirements and conditions established by the [city, village, town, county] relating to the conditional use are or shall be satisfied." The city, village, town or county's "decision to approve or deny the permit must be supported by substantial evidence."

*changed from class 1*

Under the new law, a local government must hold a public hearing on a conditional use permit application, following publication of a class 2 notice. If a local government denies an application for a conditional use, the applicant may appeal the decision to circuit court. The conditional use permit can be revoked if the applicant does not follow the conditions imposed in the permit.

The new conditional use law applies to applications for conditional use permits filed on and after November 28, 2017.

While local governments did not need to change their ordinances in response to the AllEnergy decision, Act 67 should prompt local governments to review their zoning ordinance to ensure they meet the new statutory requirements. Local governments should review the requirements of their ordinance to consider adding to or revising the conditions listed in the ordinance to ensure that the local government will be able to review specific development proposals against the purpose of the ordinance and be able to support conditions imposed on a specific application with substantial evidence. Act 67 may prompt some local governments to reconsider what might be listed as a conditional use in certain zoning districts and explore creating new districts or other ways to regulate the use.

**U.S. Court of Appeals for the 7<sup>th</sup> Circuit Opinions**

[No planning-related cases to report.]



# Legislature Curtails Municipal Conditional Use Permit Authority

Daniel M. Olson, Assistant Legal Counsel, League of Wisconsin Municipalities

The Wisconsin legislature enacted major changes to local zoning authority laws in 2017 that were urged and promoted by developers but described by its legislative supporters as a “homeowners” bill of rights. Nonetheless, the laws passed and the governor signed them. Significantly, the most important change to municipal land use powers included in the legislation, 2017 Wisconsin Act 67, impacts the conditional use permit (“CUP”) authority of all local governments, including cities and villages.

## Conditional Use Background

Zoning is a regulatory system designed to proactively improve the quality of land use patterns in communities and supplant the inefficient, expensive, and reactive nuisance litigation morass of the 19th century. These goals are typically accomplished by grouping compatible land use activities into zoning districts, which diminishes the negative impacts from incompatible uses.

Within the districts, certain land uses are deemed unlikely to adversely affect other uses in the district and are permitted without review. Other land use activities are only allowed as conditional uses in zoning districts even though they may be beneficial because they carry a high risk of negative external impacts on adjoining properties, neighborhoods or the whole community. These less compatible and less desirable land uses are commonly allowed only after individualized review by a zoning authority and subject to conditions designed to decrease the potential adverse impacts.

The traditional CUP system of the last 75-plus years provided cities and villages

with critical flexibility to accommodate risky land uses but protect the property values and investments of adjoining property owners, neighborhoods, and the whole community. The legislative changes to city and village CUP authority attacks that balance of interests by making the CUP decision process rigid and less able to protect other property owners and communities from the negative impacts of land uses traditionally categorized as conditional uses. A CUP system is now a much less desirable land use planning and regulation tool that cities and villages might reasonably abandon altogether.

## CUP Authority Changes

*The Municipality* published an article exploring the scope of CUP authority in 2008. See *Zoning 495*. Much of that article is still relevant and important to a full understanding of CUP authority in Wisconsin. However, the 2017 CUP law changes, a reaction to the Wisconsin Supreme Court’s 2017 decision in *AllEnergy v. Trempealeau County*, 2017 WI 52, 375 Wis. 2d 329, 895 N.W.2d 368, substantially altered CUP authority in several critical areas.

First, the law amends the zoning enabling statute to specify that any CUP “condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.” Wis. Stat. §62.23(7)(de)2.a. It also mandates that CUP requirements and conditions “must be reasonable and, to the extent practicable, measurable ....” Wis. Stat. §62.23(7)(de)2.b. These new obligations are problematic.

Prior to the change, general non-specific CUP requirements in zoning ordinances were reasonable and, thus legally permissible. Now, they must be based on substantial evidence and, where practicable, they must be measurable to be reasonable.

One challenge will be creating reasonable CUP requirements that are meaningful. Drafting an ordinance with reasonable requirements to govern the likely as well as all possible contingencies relating to a conditional use will be a very difficult task. A meaningful requirement that is legally reasonable in one circumstance may likely be unreasonable in another. That is due to the nature of conditional uses; their impacts vary based on location, which is why they were not classified as permitted uses in the first instance.

And, what should zoning officials make of the “substantial evidence” and “measurable” requirements? Must adoption or amendment of CUP ordinances be accompanied by a record that satisfies the substantial evidence threshold? Assuming we can figure out what “to the extent practicable” also means, how measurable does a CUP requirement have to be to comply with the new law? There are no answers to these questions in the statute and, the courts, through costly litigation, will likely be the only authority that might satisfy a disgruntled developer.

Second, what qualifies as substantial evidence – the information an administrative body is allowed to rely on in reaching its decision – is now defined by statute instead of case law. “Substantial evidence means facts and information,

# Legal

other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.” Wis. Stat. §62.23(7)(de)1.b.

While similar to what the substantial evidence test was, *see AllEnergy*, 2017 WI 52 at ¶ 76, it is clear that the change was enacted to try and limit the type of information a zoning authority can rely on in deciding whether to grant a CUP. It must not only be facts and information instead of personal preferences or speculation, but those facts and information must “directly pertain” to the requirements and conditions in the zoning ordinance or established by the zoning board.

It will be impossible to confine public hearing testimony from citizens to

only facts and information that directly pertains to CUP requirements and conditions. Most people do not have the kind of legal training or experience to provide wholly objective testimony at an informal zoning hearing. When this happens, are members of the zoning board legally permitted to redirect the testimony of the citizen without being challenged by the applicant as impermissibly biased? That is just one impact of the substantial evidence requirement.

The language prohibiting reliance on speculation for substantial evidence is another problem area. CUPs are inherently uses with higher risks of negative impacts on other uses. But, the negative impact varies from location to location. Therefore, is evidence about decreased property values or other negative impacts associated with a similar use at a different location speculation or

non-speculation about probable impacts at the proposed location?

Third, the city and village zoning enabling statute was amended to specify that “if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city *shall* grant the conditional use permit.” Wis. Stat. §62.23(7)(de)2.a. (emphasis added). This language embraces a minority zoning legal theory the Wisconsin Supreme Court rejected in *AllEnergy* that “where a [CUP] applicant has shown that all conditions and standards, both by ordinance and as devised by the zoning committee, have been or will be met, the applicant is entitled to the issuance of a permit.” *AllEnergy*, 2017 WI 52 at ¶119.

Adding this legal principle to Wisconsin zoning law shifts the legal burden from

► p.23

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# Legal

Cities and villages can start with the knowledge that they are not legally required to have conditional uses in their zoning codes. Moreover, in most cases, the legislative decision by a city council or village board to include or not include a particular land use in a zoning district is essentially immune from legal challenge. The legislature may have severely curtailed city and village authority to deny a CUP request but it did not have any impact on city council or village board legislative discretion to classify land uses as conditional or permitted or determine how many, if any, conditional uses a city or village should have in a particular zoning district.

So, one legally permissible response to the new laws might be elimination of all existing conditional uses in zoning districts or limiting them to a very select group of low-risk uses.

With the new laws, the legislature eliminated much of the prior legal authority cities and villages used to accommodate conditional uses while protecting property interests of adjoining landowners, the stability of neighborhoods, and the well-being of the whole community. Unless a city or village is willing to accept a conditional use in a zoning district – with much less ability to guide when and where it exists – then

eliminating them altogether or greatly reducing their availability is a reasonable and legally permissible response.

In addition, cities and villages will need to closely examine their existing conditional use permit requirements set by ordinance. As noted above, they must be reasonable, related to the purpose of the ordinance and, to the extent practicable, measurable. Thus, general requirements for CUPs commonly found in existing zoning ordinances are now suspect and subject to legal challenge. Instead, revised requirements should be information-based. In addition, a city or village will need to show that revised requirements are measurable, unless impracticable. And, if impracticable, they will need to be able demonstrate why.

### Conclusion

Conditional use zoning permits have been commonly used by cities and villages to allow riskier land use activities in zoning districts subject to review and conditions. 2017 Wisconsin Act 67 substantially altered the CUP review and condition authority cities and villages have used for the last 75 years. The status quo for conditional uses in Wisconsin has changed dramatically. Cities and villages must now decide how they will respond to these changes. Revisions to CUP requirements in zoning ordinances

will be necessary. A thorough review of conditional use designation and inclusion in zoning districts is also warranted.

### Zoning 523

#### About the author:

Daniel Olson is the Assistant Legal Counsel for the League. He provides legal assistance to municipal attorneys and officials through telephone inquiries, written opinions and briefs, workshop presentations, and published articles. He also assists in writing League handbooks and planning the Municipal Attorney's Institute. Daniel joined the League staff in 2001. Contact Daniel at danolson@lwm-info.org



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# AGENDA BILL

**Ref: 062**

**COMMITTEE AGENDA:  
COUNCIL AGENDA: 8E (03/27/2018)**

**SUBJECT: Review of Chapter 28, Ashland City Ordinances, Discussion on the Qualities and Qualifications Desired for the City Administrator Position, and Direction on Recruitment to Fill the City Administrator's Position in Preparation for the Replacement of the Current City Administrator**

**RECOMMENDATIONS:** Approve to fill the Administrator's position without the assistance of an outside recruiting service

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** March 19, 2018

**CLEARANCES:** City Administrator's Office  
Mayor's Office

**EXHIBITS:** A-Ordinance 28 (1313)  
B-Background of CAO Position  
C-Public Administrator Associates Contract, 2009  
D-Competencies Desired and Priorities Worksheet

**EXPENDITURES REQUIRED:** Unknown

**AMOUNT BUDGETED:** 0

**APPROPRIATION REQUIRED:** 0

**STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD: N.A.**

**SUMMARY STATEMENT** The City Administrator has announced her intention of resigning to accept an alternate employment opportunity effective April 3, 2018. The Council needs to begin planning for the recruitment of the Administrator's replacement.

Recruitment for the position can be undertaken in one of two ways – through the use of in-house staff or with the assistance of an outside professional service. To permit recruitment to get underway, staff needs to be made aware of the direction that is desired by Council.

The City has appointed five individuals to the position of City Administrator after establishing the position in 1994. Two of those individuals were recruited to fill the position with the assistance of an outside agency (David Frasher and Pete Mann). One individual was recruited without outside

assistance (Tony Murphy) and two were promoted from within the organization (Brian Knapp and Mary Garness).

The assistance of an outside agency can be helpful with recruitment activities to fill any position but it doesn't relieve staff of work that is necessary to bring the effort to a successful conclusion. When one considers the advantage of internet communication in reaching the target audience, the preparation the Council must undertake to determine the qualifications of the candidates, tasks that staff will be assigned to assist with the effort in preparation of pre-recruitment materials, review of the recruiter's materials, screening and distributing candidate applications, and the use of the Police Department for background checks, one begins to wonder if recruiting services really provide value for the cost that is charged.

Several national and regional recruiting agencies exist that have been utilized by public bodies in Wisconsin to fill vacancies. The Brim Group, Springstead, Baker Tilly, and Public Administration Associates (PAA) all have worked in Wisconsin. The City has used PAA for past recruitments. The recruiter will charge a fee for the professional service that is provided in addition to out-of-pocket expenses for such items as travel, telephone calls, advertising, etc.

The advantage of a recruitment agency is that they generally have a portfolio of potential candidates which they will likely make aware of the availability of the position. The higher priced recruiters will limit their invitations to those individuals who the recruiter believes has the experience and skill set to meet the requirements of the employer.

The City can designate to whom résumés should be submitted to – the City or the recruiter. Generally speaking, résumés will normally be submitted to the recruiter who will make the first screening of applicants. Those applicants that clearly don't have the minimum qualifications or experience will be immediately discarded by the recruiter. All others will be turned over to the employer for screening unless the City instructs the recruiter to limit his/her submittals to the top five or ten individuals who are, in the opinion of the recruiter, the top candidates. Although this process assists in sifting through the applications, screening by the recruiter does limit the Council's opportunity to review every application submitted and make decisions as to a candidate's potential fit for the organization.

Recruiters can be of assistance with the interview process and contract negotiations if desired by the Council.

Recruiters typically rely on the employer for background investigations of an applicant. Most recruiters, except perhaps the higher priced services, don't have the ability to undertake the background investigations of applicants desired by the employer. They tend to rely on the employer, and its law enforcement agency, to undertake the desire checks.

If the Council chooses to proceed with the acquisition of an outside recruitment agency for filling the Administrator's position, the RFP for the service needs to be prepared. It is anticipated that an RFP could be issued and proposals received in time for review at the Council's April 17<sup>th</sup> reorganizational meeting.

As the recruitment to fill the City Administrator position begins, several questions will need to be answered. The International City/Council Manager's Association (ICMA) notes that the most important element of the Manager/Administrator recruiting process is the development of a framework to include the creation of an Administrator profile and discussion of a range of compensation. Prior to moving forward with recruitment, Council will be asked to prioritize the competencies and traits desired in the next City Administrator and to establish a range of compensation for the position.

To assist the Council in this exercise, the agenda packet includes a listing of potential competencies and traits desired in a City Administrator (based on a document created by the Illinois and Ohio City/County Management Associations).

**Recommendation:** The City of Ashland has chosen to fill past Administrator vacancies with and without the assistance of an outside recruiter. The City's current Administrator, Mayor and HR Director believe that recruiting for the upcoming vacancy in the Administrator's position can be successfully undertaken without the services of an outside recruiting agency and recommend that the task be undertaken in-house.

**CHAPTER 28. DUTIES AND RESPONSIBILITIES OF CITY ADMINISTRATOR.**

**28.01. Office of the City Administrator.** In order to provide the City of Ashland with a more efficient, effective, and responsible government under a system of a mayor and common council (hereinafter referred to as "council") at a time when city government is becoming increasingly complex, there is hereby created the Office of City Administrator for the City of Ashland (hereinafter referred to as "administrator").

**28.02. Appointment, Term of Office and Removal.** The administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the council. The administrator shall hold office for an indefinite term subject to removal at any time by a two-thirds vote of the council. This section, however, shall not preclude the council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the Municipal Code of the City of Ashland.

**28.03. Functions and Duties.** The administrator, subject to the limitations defined in resolutions and ordinances of the City of Ashland and Wisconsin State Statutes, shall be the chief administrative officer of the city, responsible only to the mayor and the council for the proper administration of the business affairs of the city, pursuant to the statutes of the State of Wisconsin, the ordinances of the City of Ashland, and the resolutions and directives of the council. The administrator shall be responsible to and be under the supervision of the mayor on a day-to-day basis. Any dispute between the mayor and administrator shall be resolved by the decision of the council which resolution shall be final and binding. The powers and duties of the administrator are set forth in sections 28.04 through 28.07.

**28.04. General Duties.**

(a) Implementation. Carry out directives of the mayor and council which require administrative implementation, reporting promptly to the mayor and council any difficulties encountered therein;

(b) Day-to-Day Operations. Be responsible for the administration of all day-to-day operations of the city government including the monitoring of all city ordinances, resolutions, council meeting minutes and state statutes;

(c) Strategic Plan. Annually after the spring general election, the Administrator and Council shall jointly develop a strategic plan outlining the goals and objectives to be accomplished by the resources of City government for the following budget year. The strategic plan, to be reviewed and adopted by the Council by May 15<sup>th</sup> annually, shall serve as guidance for the allocation of municipal resources during the following fiscal year. The strategic plan shall:

- (1) Take into account the City's planning documents of record;
- (2) Consider the results of the most recent surveys of community residents;
- (3) Consider the resources of the City available for implementation; and
- (4) Reflect on the capacity of staff to implement.

(d) Efficiency. Establish when necessary administrative procedures to increase the effectiveness and

efficiency of city government according to current practices in local government, not inconsistent with paragraph 3 above or directives of the mayor and council;

(e) Non-Voting Board Member. Serve as ex-officio nonvoting member of all boards, commissions and committees of the city, except as specified by the council or Wisconsin State Statutes;

(f) Keeping Informed. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the city and submit appropriate reports and recommendations thereon to the council;

(g) Coordinate Funding. Coordinate initiatives to secure federal, state, county or private funds for local programs. Assist department heads and the council in obtaining these funds under the direction of the mayor and the council;

(h) Representation. Represent the city in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the mayor and council;

(i) Public Information Officer. Act as public information officer for the city with the responsibility of assuring that the news media are kept informed about the operations of the city and that all open meeting rules and regulations are followed;

(j) Communication. Establish and maintain procedures to facilitate communications between citizens and city government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;

(k) City Projects. Coordinate and ensure development of city projects such as the Waterfront Development Plan and Comprehensive Plan;

(l) Leadership. Contribute to and be a vital part of the leadership team that is charged with developing Ashland's future;

(m) Goals and Objectives. Promote the economic well-being and growth of the City of Ashland through public and private sector cooperation, coordinate the development and acceptance of city-wide goals and objectives. Ensure that achievement plans are created and successfully implemented for these goals and objectives;

(n) Promoting Economic Development. Work in conjunction with appropriate commercial, industrial and citizen representatives to define the role of the city in promoting the economic development well-being of Ashland.

**28.05. Responsibilities to the City Council.**

(a) Meetings. Attend all meetings of the council, assisting the mayor and the council as required in the performance of their duties;

(b) Agendas. In coordination with the mayor, the council, and the clerk, ensure that appropriate agendas are prepared for all meetings of the council, all council committees, and all other appropriate

committees and commissions of the city, together with such supporting material as may be required; with nothing herein being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the council, or any of its committees and commissions;

(c) Ordinance and Resolution Preparation. Assist in the preparation of ordinances and resolutions as requested by the mayor or the council, or as needed;

(d) Reporting to Council. Keep the mayor and council regularly informed about the activities of the administrator's office by oral or written report at regular and special meetings of the council;

(e) Directives. In the event that action normally requiring council approval is necessary at a time when the council cannot meet, the administrator shall receive directives from the mayor

**28.06. Personnel.**

(a) Supervising. Be responsible for the administrative direction, supervision, and coordination of all employees of the city according to the established organization procedures;

(b) Department Heads. Recommend to the mayor the appointment, promotion, and when necessary for the good of the city, the suspension or termination of department heads;

(c) Personnel. In consultation with the appropriate department head, be responsible for the appointment, promotion, and when necessary for the good of the city, the suspension or termination of employees below the department head level;

(d) Evaluations. Coordinate with the personnel officer for the city to see that complete and current personnel records, including specific job descriptions, for all city employees are kept; evaluate the performance of department heads on a regular basis; assure that employees below the department head level are evaluated by their supervisor(s) on a regular basis; recommend salary and wage scales for city employees not covered by collective bargaining agreements; develop and enforce high standards of performance by city employees; assure that city employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances;

(e) Negotiations. Assist in labor contract negotiations and collective bargaining issues;

(f) Employee Training. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

**28.07. Budgeting and Purchasing.**

(a) Preparation of Budget. Be responsible for the preparation of the annual city budget, in accordance with guidelines as may be provided by the city council and the mayor and in coordination with department heads, and pursuant to state statutes, for review and approval by the mayor and the council;

(b) Administering Budget. Administer the budget as adopted by the council;

(c) Fiscal Reporting. Report regularly to the council on the current fiscal position of the city;

(d) Accounting System. Supervise the accounting system of the city and ensure that the system employs methods in accordance with current professional accounting practices;

(e) Purchasing. Serve as the purchasing agent for the city, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the council and any limitation contained in the Wisconsin State Statutes;

**28.08. Cooperation.** All officials and employees of the city shall cooperate with and assist the administrator so that the city government shall function effectively and efficiently.

**28.09. Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Council of the City of Ashland would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid; and if any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**ADOPTED:** 28 (1313) 3/15/1994

**AMENDMENTS:** 28 (1627) 3/28/2006; 28 (1805) 4/16/2013; 28 (1829) 7/29/2014

## Background of the Ashland CAO Position

The City has had at least six chief appointed officials in its history. The first CAO of the community was hired by the Council in 1948 when the City adopted the "Council – Manager" form of government. I understand that the City had at least two managers during that period, Jim O'Leary and Harlow Richardson. Unfortunately, the manager era ended in 1955 after a referendum to change the form of government back to the "mayor-council" form was approved. Ironically, very little is noted in the minutes about the city managers who worked for the City.

Since 1994 when the City adopted what has become commonly referred to as the "Weak Mayor – Administrator" form of government, four administrators have worked for the City. Three administrators were external hires and one, Brian Knapp, was promoted from within. Mike Screnock, the City's Finance Director during the last year of the Tony Murphy reign, was offered the administrator position when Tony Murphy resigned. Screnock declined leading to the outside hiring of David Frasher.

The City had a very successful period during the tenure of Tony Murphy. Although many folks in town have varying opinions about his policies and community relationships, things got done with the team of Murphy as administrator and Lowell Miller as mayor. Accomplishments from the period include the expansion of the business park, creation of the enterprise center, retaining of Larson-Jewell as a community employer, and construction of the Bretting Center among many other initiatives. The City found attributes in Murphy that appear to have served the City well.

Although some may be disappointed with the brevity of stay of the City's administrators, the length of stay in Ashland is about average according to statewide and national surveys. There are any number of reasons for an individual's relatively short occupancy in the office. Some councils hire CAO's as "hired guns" to essentially turn the organization upside down. When the comfort level and popularity of the person in the position declines because the CAO is either successful, or unsuccessful, in the mission the Council assigned, the manager/administrator will move on.

Some communities fill the position with the intent of acquiring a caretaker that will not disrupt the status quo. While such a situation may be satisfying for a period of time, most CAOs will become dissatisfied with the lack of challenge such assignments provide.

Some administrators/managers will use the position as a stepping stone to gain experience before moving to a community with more responsibility or a larger salary.

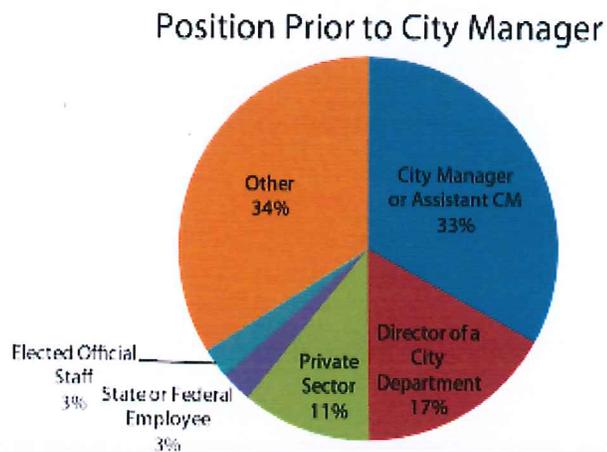
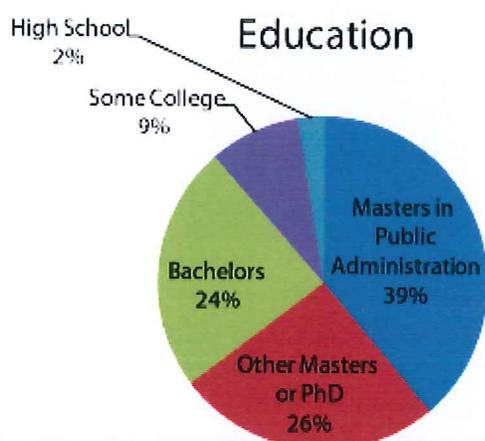
Some CAOs are just not good matches suggesting to one party or the other that the cord should be cut to let everyone start over.

According to a 2011 survey conducted by ICMA, city administrators/managers have an average tenure of 7.3 years in any given community. Although the longevity of managers is increasing nationally, the average stay of an administrator in Wisconsin has been about 7 years for most of the last two decades. Ashland's experience has varied. The City's first administrator in recent times, Tony Murphy, stayed at the post the longest – the average 7 years. The three administrators' since then have stayed for fewer years as noted on the table below:

Ashland City Administrators/Managers			
Jim O'Leary	City Manager	1948 – 1955	Two managers over a period of 8 years
Harlow Richardson	City Manager		
Tony Murphy	City Administrator	1994 – 2001	7 years
David Frazier	City Administrator	2001 – 2006	5 years
Brian Knapp	City Administrator	2006 – 2009	3 years
Pete Mann	City Administrator	2009 – 2014	5 years
Mary Garness	City Administrator	2015-2018	3 years

### According to 2012 ICMA surveys:

- Average time in current position: 7.3 years
- Average amount of government management experience: 20 years
- When City Managers are fired or feel pressure to resign, 36% of the time, it is because of a “personality conflict” with the Mayor.



(~2,000 of 8,856 municipalities and counties responding)



*Public Administration Associates, LLC*

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*P.O. Box 282  
Oshkosh WI 54903  
Phone: 920-235-0279  
Fax: 801-659-8673  
Email: paassoc@northnet.net  
www.public-administration.com*

May 5, 2009

Mr. Brian Knapp  
City Administrator  
601 W. Main Street  
Ashland, WI 54806

Dear Mr. Knapp:

Our company would be honored to again assist the City of Ashland in recruiting a new City Administrator. What follows is information about our company and the assistance that we would bring to the City.

Public Administration Associates is dedicated to encouraging municipal professional administration and to assist local governments in that endeavor. Dr. Stephen Hintz, Denise Frueh and I formed Public Administration Associates in 1998. I am enclosing an explanation of our company and the benefits it has to offer governmental entities as Attachment "A".

I am also enclosing a list showing the municipalities we have assisted in their executive searches, Attachment "B". Together, we have assisted over 170 communities and counties in their searches for new Administrators. As a result of that extensive experience, we have over 600 detailed reference files of potential candidates. We also have relationships with six universities of Public Administration to assist us in the executive search.

The partners have many years of leadership experience in the International City/County Management Association and the Wisconsin City/County Management Association. We personally know many of the potential candidates and that ability will give you access to a wide range of prospects to fill the position with the best possible person.

Also enclosed is a listing of the firms that have advertised for City administrators and/or managers since 2002, Attachment "C". As you can see, our firm has placed, nationally speaking, the third most positions.

Public Administration Associates, LLC, operates with two teams in the recruitment of Manager/Administrator positions. The individuals who make up the team that will manage the project in this proposal will be partners Denise A. Frueh and William D. Frueh, with partner William Frueh designated as the contact person. They will be assisted, as needed, by PAA partner Stephen E. Hintz.

A listing of the projects that the team of Denise and William Frueh has assisted in the recruitment for governmental entities since 2000 is included as Attachment "D". This attachment lists additional information concerning the Chief Elected Official of the entity and you are invited to contact those entities and/or the Chief Elected Official regarding their opinion as to the results and the level of service that was provided.

A specific list of references we would offer is:

1. City of Wauwatosa, Contact Mayor Theresa M. Estness, Phone 414-479-8915
2. City of Monona, WI, Contact Mayor Robb Kahl, Phone 608-222-2525
3. City of Platteville, WI, Contact Council President Ed White, Phone 608-348-9741
4. City of Jefferson, WI, Contact Mayor Gary Myers, Phone 920-674-7700

At no additional cost to the City, our firm uses a videotape process along with reference checks to assist the Mayor and City Council in making the selection of the finalists for the position.

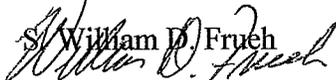
Our services do not end when you hire your City Administrator. At no cost, we stay in touch with the City and the person you hire throughout their tenure to offer whatever assistance and advice may be needed. We take a personal interest in making the City's choice as successful as possible and we feel our lengthy experiences may be of assistance to your new City Administrator.

I am enclosing a proposal that outlines the timetable, nature and extent of our services. We will be glad to explain our process further if needed.

Please call if I can answer any questions or concerns you may have regarding this proposal.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "William D. Frueh".

William D. Frueh  
Partner, Public Administration Associates, LLC

**A PROPOSAL SUBMITTED TO THE CITY OF ASHLAND, WISCONSIN  
FOR THE RECRUITMENT OF THE POSITION OF  
CITY ADMINISTRATOR**

This proposal describes the activities to be performed by Public Administration Associates, acting as a consultant for the City of Ashland in the recruitment and selection of a City Administrator. It also lists the cost of these services and suggests time frame schedules for the process. The recruitment process outlined below has been designed to recruit the most qualified candidates for consideration for appointment as the City Administrator.

1. **Develop the Candidate Profile.** Usually this is done in consultation with City officials to develop an acceptable profile of the ideal candidate;
2. **Assist the City in the preparation and placement of advertisements for the position;** Typically, we place advertisements on the internet, the state municipal league monthly magazine, the International City/County Management Association, the Wisconsin City/County Management Association, six institutions of higher learning that offer Master Degrees in Public Administration and locally, if desired by the City. We also will personally solicit the position to known possible candidates.
3. **Review applications, prepare mini-resumes on each candidate, acknowledge receipt of applications and sort into appropriate categories;**
4. **Review applications with the Mayor and City Council for selection of semi-finalists (probably 8 to 10);**
5. **Contact semi-finalists, secure a 6-minute video tape interview and conduct background reference checks on each semifinalist;**
6. **Review reference summaries and video tape interviews of semi-finalists with the Mayor and City Council for selection of candidates to be interviewed (probably 3 to 5);**
7. **Work with the Mayor and City Council, City staff, and candidates to arrange final interviews; work with the local law enforcement agency for a criminality check; and check academic qualifications;**
8. **Assist in the final interview process, including arranging the schedule, coordinating plans with candidates, providing sample interview questions, observing the interviews, facilitating the selection of the first choice, and generally seeing that the interviews run smoothly;**
9. **Review and make recommendations on the Employment Agreement and provide negotiation assistance by conveying terms to and from the candidate selected until agreement is reached;**
10. **Prepare letters thanking all applicants and notifying them of the final result.**

Cost

The project costs for professional services will be \$7,000 plus reimbursement of actual out-of-pocket expenses such as postage, copying, long distance phone calls, mileage, and other miscellaneous items, which are estimated to be in the range of \$1,200 to \$1,500. The expenses do not include the cost of any advertisements for the position.

PAA is sensitive to the pressures faced by local governments to contain costs. As such, we will work with you to ensure that the recruitment is conducted in a cost-effective manner. We only submit our invoice after the chosen individual and the City execute the Employment Agreement. No interim payments are billed before the process is completed.

Time Schedule

The process can proceed at a pace approved by the Mayor and City Council. However, once it has been started it is important to proceed in an expeditious manner. The following is a suggested schedule, assuming we receive permission to proceed and place the ad before June 10, 2009:

<u>Timeline</u>	<u>Action</u>
Week 1	Prepare and Place Advertisements with International City/County Management Association, state management association, state league of municipalities, on the Internet and other forms of advertisement. (Before June 10, 2009)
Week 6	Closing Date for applicants. (July 17, 2009)
Week 7	Meet with the Mayor and City Council, to review applicants and select semi-finalists. (July 21, 2009)
Week 9	Meet with the Mayor and City Council, to review semi-finalists and select finalists. (August 4, 2009)
Week 11	Interview finalists, select first choice, and authorize consultant to negotiate terms with designee. (August 14 & 15, 2009)
Week 12	Make offer and adopt employment agreement in open session (knowing that it will be accepted). (August 16, 2009)
Week 16	New Administrator arrives (assuming that the Administrator must give approximately one month's notice in present position). (September 15, 2009)

Signed: William D. French  
Partner, Public Administration Associates

Dated: May 5, 2009

Accepted: Brian D. Kruger  
Administrator, City of Ashland.

Dated: May 18, 2009

*SK*

**ATTACHMENT "C"**

**ADVERTISEMENTS IN THE ICMA NEWSLETTER FOR MUNICIPAL MANAGERS OR ADMINISTRATORS**

155

FIRM	2002 NUMBER	2003 NUMBER	2004 NUMBER	2005 NUMBER	2006 NUMBER	2007 thru 11/12	TOTAL
MERCER GROUP	17	18	23	22	22	21	123
PAR GROUP	18	9	12	12	14	18	83
<b>PUBLIC ADMINISTRATION ASSOCIATES</b>	<b>12</b>	<b>6</b>	<b>17</b>	<b>7</b>	<b>16</b>	<b>18</b>	<b>76</b>
BOB MURRAY & ASSOCIATES	9	13	9	18	12	12	73
BENNET YARGER ASSOCIATES	12	8	6	10	11	7	54
BRIMEYER GROUP	3	5	4	6	16	12	46
THE WATERS-OLDANI CONSULTING GROUP (2005 Merger)	5	5	10	8	4	13	45
BAENZIGER	4	6	4	8	12	9	43
LEAPS	10	2	10	7	5	7	41
SLAVIN MANAGEMENT CONSULTANTS	7	1	8	10	7	8	41
SPRINGSTED	4	5	6	9	10	6	40
CPS EXECUTIVE SEARCH	9	5	7	6	1		28
MAINE MUNICIPAL ASSOCIATION (MMA)		2	1	7	8	7	25
AVERY RESOURCE CONSULTING	4	1	1	2	7	7	22
PECKHAM & MCKINNEY				2	8	12	22
PROTHMAN	0	6	4	3	2	6	21
RALPH ANDERSON & ASSOCIATES	5	1	1	2	2	8	19
MATHIS		1	4	10		1	16
KUEHL & PAYER	3		2	4	4	3	16
JERSEY PROF. MANAGEMENT	3	1	1	3	2	4	14
HR-ONE SOURCE				1	1	9	11
MICHIGAN MUNICIPAL LEAGUE				2	3	6	11
MAXIMUS	7	1	2				10
RJA MANAGEMENT	5	4					9
WILCOX, MILLER & NELSON	4	3	1	1			9
WALDRON AND COMPANY		3	5		1		9
GROUX & ASSOCIATES			0	5	3	1	9
HAYHURST-HOLDEN		1	1	3	3		8
PERSONNEL DECISIONS INTERNATIONAL	3	1	2	1		1	8
THELAN CONSULTANTS		3	2	1			6
VIRCHOW KRAUSE & CO.	1	1	0	1	1	2	6
LOCAL GOVERNMENT MANAGEMENT SERVICES				2	4		6
SAUNDERS		1			1	3	5
CIRCUIT RIDERS MANAGEMENT GROUP	1		2	1		1	5
MUNICIPAL RESOURCES, INC.				1	2	1	4
PUBLIC MANAGEMENT PARTNERS, LLC		1	1	2			4
BRAUN MANAGEMENT CONSULTING		2	2				4
NORMAN ROBERTS		1	2		1		4
BARTEL & BARTEL	1		1	1	1		4
GMA				1	2	1	4
ARGUS GROUP	1					2	3
KEYSTONE MUNICIPAL SERVICES				1		2	3
STRADER, LEBLANC & ASSOC.	3						3
MILLS GROUP				3			3
HAYHURST- BEAMAN		2	1				3
NEW HORIZONS PARTNERS				1	1	1	3
ROBERT CHAMBERS	2						2
FRANS WATCH	2						2
CSAC HR. ADVISORY SERVICE	1			1			2
SEDONA STAFFING SERVICES			2				2
BOZEMAN JOB SERVICE				2			2
MANAGEMENTSNT RESOURCES				2			2
SUTHERLIN	1			1			2
BLACKWOOD ASSOCIATES		1	1				2
COLBERT		1	1				2
BILL RICHARDS					2		2
PATRIOT CONSULTING CO,				1	1		2
PROFESSIONAL RECRUITMENT SERVICES				1	1		2
MARC						2	2
LEAGUE OF ARIZONA CITIES						2	2
DAVIS		1			1		2
LEAGUE OF OREGON CITIES						5	5
ALLIANCE RESOURCE CONSULTING				1	1		2
PLOCK ASSOCIATES		2					2
A Total of 44 firms have handled one (1) placement since 1/1/02	5	3	8	12	7	9	44
<b>TOTAL USING CONSULTANTS</b>	<b>162</b>	<b>127</b>	<b>164</b>	<b>205</b>	<b>200</b>	<b>224</b>	<b>1082</b>
<b>MUNICIPALITIES NOT USING A CONSULTANT</b>	<b>230</b>	<b>208</b>	<b>220</b>	<b>215</b>	<b>199</b>	<b>215</b>	<b>1287</b>
<b>Total</b>	<b>392</b>	<b>335</b>	<b>384</b>	<b>420</b>	<b>399</b>	<b>439</b>	<b>2369</b>
Percentage using a consultant	41.33	37.91	42.56	48.81	50.13	51.03	45.67

ATTACHMENT "D"

POSITIONS FILLED BY DENISE & WILLIAM FRUEH OF PUBLIC ADMINISTRATION ASSOCIATES, LLC (Since 2000)

Position	City	Chief Elected Official			Adv. Date ICMA	No. of Applic.	Salary Range	Appointee	Salary	Start Date
		Pop.	Name	Title						
Administrator	Minonk, IL	2,200	Willaim Koos	Mayor	4/27/2009					
Administrator	Lancaster	4,100	Jerry Wehrle	Mayor	3/16/2009	48	60-80k			
Administrator	Johnson Creek	2,100	Vicki Zick	Vil. Pres.	2/2/2009	56	60-80k	Mark Johnsrud	73.5k	5/4/2009
Engineer/PWD	Jefferson	7,700	Tim Freitag	Admin.		13	61.266-82.037k	Jill Zalar	74k	3/2/2009
Administrator	Winneconne	2,520	John Rogers	Vil. Pres.	9/14/2008	20	55-70k	Steven Volkert	64k	1/5/2009
Administrator	Ephraim	353	John Cox	Vil. Pres.	9/29/2008	30	50-70k	Charity Forsch	50k	1/19/2009
Administrator	Waunakee	11,000	John Laubmeier	Vil. Pres.	9/29/2008	45	88-105k	William Barlow	97.9k	1/19/2009
Administrator	Darien	1,600	Robert Metzner	Vil. Pres.	8/15/2008	22	50-65k	Mark Dennison	50k	12/1/2008
Administrator	Sturgeon Bay	9,763	Thomas Vogeles	Mayor	4/14/2008	48	60-90k	Steven McNeil	83k	9/22/2008
Administrator	Eagle River	1,512	Jeffery Hyslip	Mayor	4/28/2018	16	58k+	Joeseeph Laux	58k	6/15/2008
Administrator	Paddock Lake	3,200	David Buehn	Vil. Pres.	2/9/2008	37	60-75k	John Burg	63k	5/10/2008
Administrator	Wabasha Co., MN	25,000	Eugene McNallum	Chairman	10/15/2007	25	63.426-82.75k	David B. Johnson	78k	2/4/2008
Administrator	Elroy	1,600	Donald Baldwin	Mayor	9/17/2007	16	50-60k	Adam Hammatt	57.5k	1/2/2008
Administrator	Prairie du Chein	6,000	Cheryl Mader	Mayor	9/17/2007	22	65-75k	James Gitz	75k	1/2/2008
Manager	Greendale	14,100	John Hermes	Vil. Pres.	8/20/2007	31	80-95k	Todd Michaels	85k	10/16/2007
Administrator	Monona	8,100	Robb Kahl	Mayor	7/23/2007	34	80-90k	Patrick Marsh	82.5k	11/1/2007
Administrator	Clinton	2,200	Mary Jensen	Vil. Pres.	4/16/2007	21	50-70k	Phillip Rath	60k	8/13/2007
Administrator	Iowa County	24,700	Mark Masters	Brd. Chm.	4/16/2007	26	65-80k	Randy Terronez	75k	8/20/2007
Administrator	W. Milwaukee	4,200	Ronald Hayward	Vil. Pres.	3/19/2007	32	82.5k +/-	Partick Casey	88k	8/6/2007
Manager	Platteville	10,100	Ed White	Co. Presid.	2/19/2007	33	80k-90k	David Berner	85k	6/1/2007
Administrator	Jefferson	7,700	Gary Myers	Mayor	12/25/2006	32	63k-78k	Timothy Freitag	78k	4/23/2007
Administrator	North Fond du Lac	4,800	James Moon	Vil. Pres.	12/25/2006	21	67k-72k	Alfred Vacanti	68.346k	4/9/2007
Administrator	Town/Menasha	17,200	Arden Tews	Chairman	10/30/2006	28	69.6-78.3k	Jeffrey Sturgell	69.606k	1/22/2007
Administrator	Wauwatosa	50,000	Teresa Estness	Mayor	7/24/2006	24	100k+	Jim Archambo	103k	11/15/2006
Administrator	New Glarus	2,100	Thomas Myers	Vil. Pres.	7/10/2006	28	50-65k	Nicholas Owen	55k	10/2/2006
Administrator	Kewaskum	3,700	Mathew Heiser	Vil. Pres.	4/17/2006	25	64.7-74.3k	Jay Shambeau	69.535k	8/1/2006
Administrator	Hillsboro	1,400	Alan Picha	Mayor	3/20/2006	21	50-50+k	Mark Lynch	50k	7/10/2006
Manager	Crystal River, FL	3,700	Ron Kitchen	Mayor	3/20/2006	62	70-80k	Andrew Houston	75k	6/26/2006
Administrator	Slinger	4,200	Russell Brandt	Vil. Pres.	2/20/2006	31	65-72k	Maureen Murphy	68k	6/5/2006
Administrator	Marquette, IA	500	John Ries	Mayor	1/23/2006	24	DOQ	Michael Puksich	52k	5/1/2006
Administrator	Merrill	10,150	Doug Williams	Mayor	12/26/2005	36	62-83k	Tony Chladek	74.788k	4/17/2006
Administrator	Monroe	11,000	Willaim Ross	Mayor	12/26/2005	34	65-80k	Mark Vahlsing	77k	5/13/2006
Administrator	Weyauwega	1,900	Howard Quimby	Mayor	10/3/2005	26	48-58k	Sheryl Scheuererman	51.921k	1/3/2006
Administrator	Prairie du Chein	6,000	Cheryl Mader	Mayor	8/22/2005	32	58-73k	Gordon Gallagher	70k	11/28/2005
Pub. Wrks Dir.	Princeton	1,500	Stacy Siedl	Mayor		17	42.5-54k	Robert Szrot	49.5k	10/10/2005
Pub. Wrks. Sup	Weyauwega	1,900	Howard Quimby	Mayor		11	39.95-47k	Glen Simonson	44k	12/5/2005
Administrator	Town/Clayton	3,300	Arden Schroeder	Chairman	2/7/2005	31	45-60k	Craig Clark	52k	6/1/2005
Administrator	Sussex	9,500	Michael Knapp	Vil. Pres.	11/15/2004	44	62.5-78k	Evan Teich	70k	3/1/2005
Planner	Richfield	10,579	Toby Cotter	Admin.		24	47-54k	Leo Bethge	48k	10/13/2004
Administrator	Princeton	1,500	Stacy Siedl	Mayor	8/23/2004	26	50-65k	Phillip Rath	50k	12/1/2004
Manager	Whitewater	14,000	James Allen	Co. Presid.	6/28/2004	44	65/78k	Kevin Brunner	78k	10/10/2004
Administrator	Fox Lake	1,500	Richard Klomsten	Mayor	5/31/2004	48	DOQ	William Petrocek	50k	9/13/2004
Administrator	Clinton	2,200	Dennis Neilson	Vil. Pres.	5/17/2004	30	45-65k	Scott Kluver	50k	9/1/2004
Administrator	Lancaster	4,400	Jerry Wehrle	Mayor	2/9/2004	41	50-65k	Scot Simpson	56k	6/15/2004
Utility Supr.	Horicon	3,800	Lloyd Wagner	Mayor		13	DOQ	David Magnussen	46k	5/12/2004
Administrator	Wabasha Co., MN	25,000	Pete Reister	Chairman	2/9/2004	36	58.3-67.6k	Peter Boyce	65.62k	5/24/2004
Engineer	Wabasha Co., MN	25,000	Pete Reister	Chairman		5	55.22-64.02k	David Shanahan	55.224k	4/15/2004
Fire Chief	Town/Grand Chute	19,500	Mark Roloff	Admin.	11/26/2003	49	DOQ	Todd Farley	62.795k	4/26/2004
Administrator	Paddock Lake	3,200	David Buehn	Vil. Pres.	10/20/2003	51	50-65k	Ernest Mooney	60k	4/5/2004
Manager	Platteville	10,100	Dorothy Genthe	Mayor	4/21/2003	48	60-65k	Lon Pluckhahn	64k	8/8/2003
Administrator	Winneconne	2,500	John Rogers	Vil. Pres.	3/24/2003	29	45-55k	Steve McNeil	55k	6/25/2003
Administrator	Bellevue	13,000	Robert Slaugue	Vil. Pres.	12/30/2002	55	65-75k	Randall Friday	65k	4/14/2003
Administrator	Oak Park Heights	4,000	David Beaudet	Mayor	12/2/2002	77	70k +or-	Eric Johnson	71.3k	4/15/2003
Administrator	Hillsboro	1,400	Greg Kubarski	Mayor	8/26/2002	20	40-50+k	Larry Bierke	43k	11/18/2002
Administrator	Town/Rib Mt.	7,500	Ray Heiser	Town Chm.	8/26/2002	49	50-62k	Gayleen Nash	52k	12/2/2002
Administrator	Adams	1,900	Ken Rommel	Mayor	7/29/2002	26	42-52k	Robert Ellisor	48k	10/1/2002
Administrator	Slinger	4,000	Sharon Grudzinski	Vil. Pres.	6/2/2002	40	55-65k	Patrick DeGrave	62k	8/1/2002
Administrator	St. Croix Falls	1,900	Lee Urhammer	Mayor	5/20/2002	41	50-62k	Ed Emerson	62k	9/15/2002
Administrator	Town /Menasha	15,000	Arden Tews	Town Chm.	5/6/2002	64	63-72k	James Archambo	63.862k	9/1/2002
Administrator	Osceola	2,400	Charles Jensen	Vil. Pres.	1/28/2002	39	50-65k	Neil J. Soltis	62k	5/8/2002
Administrator	Johnson Creek	1,600	John Maegli	Vil. Pres.	12/17/2001	33	to 60k	Paul Modericki	57k	3/2/2002
Administrator	Ashland	8,700	Lowell Miller	Mayor	10/8/2001	19	55-65k	David W. Frasher	68k	1/15/2002
Administrator	Washburn	2,300	Ruth Ameran	Mayor	7/16/2001	32	45-60k	Peter C. Mann	57k	11/1/2001
Administrator	Hudson	8,875	John Breault	Mayor	5/21/2001	37	-----	Devin Willi	68k	9/7/2001
Administrator	New Glarus	2,039	Mark Eisenmann	Vil. Pres.	2/12/2001	39	45-60k	James Mielke	52k	7/1/2001
Administrator	Wauwatosa	50,000	Teresa Estness	Mayor	7/31/2000	25	85k+	Thomas Wontorek	95k	12/1/2000
Manager	Whitefish Bay	14,000	James Gormley	Vil. Pres.	6/19/2000	39	72-82k	James Thomas	77k	10/2/2000
Administrator	Town /Menasha	14,000	Arden Tews	Town Chm.	4/24/2000	24	63-74k	Patrick DeGrave	73k	7/17/2000
Administrator	Elroy	1,623	James Sartori	Mayor	5/22/2000	14	40-45k	Alan Wildman	42.5k	8/7/2000
Administrator	Johnson Creek	1,600	John Maegli	Vil. Pres.	2/14/2000	38	45-55k	Rian Gamble	49k	5/1/2000

## ATTACHMENT "A"

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### **What is Public Administration Associates, LLC?**

Public Administration Associates, LLC, is a consulting firm specializing in local government recruitment and management studies. William Frueh, Denise Frueh, and Stephen Hintz, who are the partners, formed this company in April 1998. Its headquarters are located in Oshkosh, Wisconsin.

### **What expertise do the partners have in local government?**

Denise Frueh served in the Finance Department for the City of Oshkosh for seven years. Her experiences include being the Deputy and Acting City Assessor. She received her Master of Business Administration from the University of Wisconsin Oshkosh. She has been actively consulting since 1996.

Dr. Stephen Hintz served on the faculty of the University of Wisconsin Oshkosh from 1972 until 2002, where he taught personnel, budgeting, and municipal management in the Master of Public Administration program. For twenty years, he served as executive secretary of the Wisconsin City/County Management Association. Hintz holds a Ph.D. in political science from Yale University. He has been consulting with municipalities on recruitment and management issues since 1980. In 1998, Hintz was elected to the Oshkosh Common Council and is a former Mayor of Oshkosh, (2002-2004). In 2001, he received the prestigious Sweeney Academic Award from the International City/County Management Association for his lifelong work in promoting public administration.

William Frueh has many years of experience in local and state governments as a City Manager in Council Bluffs, Iowa; Newton, New Jersey; Shawnee, Oklahoma and Oshkosh, Wisconsin where he retired after 20 years as its city manager. He also served as the Director of Economic and Community Affairs for the State of Oklahoma. In January 2000, Oshkosh Citizens and the *Oshkosh Northwestern* newspaper named Frueh as one of the ten people in Oshkosh who most influenced the development of Oshkosh during the twentieth century. Frueh received his bachelor's degree in Civil Engineering from Iowa State University and has experience as a City Engineer and Public Works Director. He has been actively consulting since 1996 and is a Life Member of both the International City/County Management Association and WCMA.

### **What is the range of activity of Public Administration Associates, LLC?**

Public Administration Associates, LLC, concentrates exclusively on local government activities. Its partners are experts in municipal government and have a wide network of contacts in local government throughout the United States.

During the past 15 years, the partners have been responsible for the recruitment of more than 170 Managers, Administrators and Department or Division Heads, more than any other firm in the State of Wisconsin. The partners also conduct many studies on municipal organization, management, public safety, personnel and budgeting.

### **Why is the cost of services performed by Public Administration Associates, LLC, likely to be less than the cost of services from other consulting firms?**

The partners do all work on the projects. It does not maintain separate office facilities or employ staff. In addition, although Public Administration Associates, LLC, believes that its partners are fairly compensated, it is committed to fostering effective and efficient local government and sensitive to the fact that public officials must be prudent in spending public money.

**ATTACHMENT "B"****Manager/Administrator Searches Conducted by Partners****Public Administration Associates, LLC**

Note: The number beside the municipality name is the number of times PAA has assisted the municipality.

(Updated 1/1/09 170 Municipalities &amp; Counties)

**Cities**

Adams (2)  
 Antigo (2)  
 Ashland  
 Baraboo (2)  
 Berlin  
 Brillion  
 Chippewa Falls (2)  
 Clintonville  
 Crystal River, Florida  
 Delavan (2)  
 DePere (3)  
 Eagle River  
 Elroy (3)  
 Evansville (3)  
 Fond du Lac  
 Fox Lake (2)  
 Hartford  
 Hillsboro (2)  
 Hudson  
 Jefferson (2)  
 Lancaster (3)  
 Marquette, Iowa  
 Marshfield (2)  
 Mauston (3)  
 Mequon  
 Merrill  
 Milton  
 Monona (2)  
 Monroe  
 New Lisbon  
 New London (2)  
 Niagara  
 Oak Park Heights, MN  
 Oconto  
 Pine Island, MN  
 Shawano

Wabasha, MN (2)  
 Platteville (4)  
 Prairie du Chien (2)  
 Princeton  
 Reedsburg (2)  
 Rhinelander (2)  
 Rice Lake  
 Richland Center  
 South Haven, MI  
 St. Croix Falls  
 Sturgeon Bay (4)  
 Tomah  
 Verona (3)  
 Washburn (2)  
 Waterford  
 Waukesha  
 Waunakee (2)  
 Waupaca  
 Wauwatosa (2)  
 Weyauwega  
 Whitewater

**Villages**

Bayside (4)  
 Bellevue  
 Clinton (2)  
 Darion  
 Elm Grove  
 Ephraim  
 Fox Point (2)  
 Grafton  
 Greendale (2)  
 Hartland  
 Howard (2)  
 Johnson Creek (2)  
 Kewaskum  
 Little Chute (2)  
 Maple Bluff  
 New Glarus (2)

North Fond du Lac (3)  
 Oregon  
 Osceola  
 Paddock Lake (2)  
 Palmyra  
 Pardeeville  
 Prairie du Sac  
 Pulaski  
 Sherwood  
 Slinger (2)  
 Spring Green  
 Sussex  
 Thiensville (2)  
 Turtle Lake  
 Twin Lakes  
 Union Grove  
 W. Milwaukee (3)  
 Wind Point  
 Winneconne (3)  
 Whitefish Bay  
 Wrightstown (2)

**Towns**

Buchanan (2)  
 Cedarburg  
 Clayton  
 Grand Chute  
 Greenville  
 La Pointe  
 Menasha (4)  
 Rib Mountain  
 Richfield (2)  
 Weston

**Counties**

Chippewa (2)  
 Iowa

**SUMMARY OF REASONS  
TO ENGAGE  
PUBLIC ADMINISTRATION ASSOCIATES, LLC**

**THE MOST QUALIFIED**

- Over 100 years combined experience in municipal government by three partners
- Life Member of Wisconsin City/County Management and International City Management Associations
- 32 years as a City Manager

**THE MOST EXPERIENCED**

- Placed 170 Administrators/Managers-10 times more than other Wisconsin consultants
- Have extensive referenced files on over 600 possible candidates
- Know the possible candidates-can encourage possible candidates

**THE BEST PROCESS**

- Solicitation includes all possible media plus six schools of Public Administration
- An analysis is prepared on all candidates to ease your review and analysis
- Video-tapes are used to assist in semi-finalist to finalist determination
- An alternate group is used to give opinions of strengths/weaknesses of finalists
- At your direction, we prepare and negotiate Employment Agreement with selected person
- We stay in touch long after the process is over-we feel we have a stake in the ultimate success of the selection

**WE HAVE A RECORD OF ENTHUSIASTIC APPROVAL**

- See attached unsolicited letter from the City of Jefferson, Wisconsin

317 S. MAIN ST.  
JEFFERSON, WISCONSIN 53549  
PHONE: (920) 674-7700 FAX: (920) 674-7710

CITY OF

# Jefferson



February 27, 2007

Bill and Denise Frueh  
Public Administration Associates  
P.O. Box 282  
Oshkosh WI 54903

Dear Bill and Denise:

Just a note to say how pleased we are with your professional handling of our City Administrator search. Your advice and counsel was right in every respect.

The ad pulled many qualified candidates, just as you said it would, and the timeline you projected was spot on. Your methodology for narrowing the field worked incredibly well and the work of our Personnel Committee was streamlined through the entire process. Your reference checks provided great insights and were confirmed when our Police Chief did his background checks on the final four.

The reception for the Council and staff was a very nice touch that allowed us to get to know the candidates and their spouses prior to the actual interviews. We really appreciated the "grid system" you recommended for the final day. It allowed us to have a disciplined and effective approach to our decision-making.

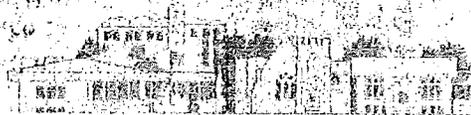
The coaching regarding our proposed contract language saved us from some costly mistakes. And most importantly, we've hired a fantastic candidate.

Well done. Don't hesitate to use Jefferson as a reference for your fine work.

Sincerely,

Gary Myers  
Mayor

Tanya P. Stewart  
City Clerk/Treasurer



# Ashland City Administrator Recruitment, April 2018 Competencies Desired and Priorities Identified

*(Please return to the City Clerk by April 10, 2018)*

Importance		
High	Medium	Low

**GENERAL**

1.	Relevant Education			
2.	Local Government Experience			
3.	Non-Governmental Work Experience			

**SKILL SET AND/OR PAST PERFORMANCE**

1.	Council Relations			
2.	Administrative Ability			
3.	Written & Oral Communication Skills			
4.	Presentation Skills			
5.	Financial Acumen			
6.	Operation of TIF Districts			
7.	Labor Relations/Collective Bargaining			
8.	Community Relations/Community Engagement			
9.	Media Relations			
10.	Intergovernmental Relations			
11.	Building Internal/Staff Relationships			
12.	Innovative Leadership			
13.	Record of Major Achievements			
14.	Emergency/Disaster Planning			
15.	Risk Taker			
16.	Knowledgeable in use of Information Technology			
17.	Balancing of Critical Responsibilities			
18.	Results Oriented			
19.	Creative Visionary			
20.	Collaborative Skills			
21.	Visibility in Community			
22.	Satisfaction with Status Quo			
23.	Inspires Confidence			
24.	Assertiveness in Decision Making			
25.	Enthusiasm for Community			
26.	Flexibility			

**SPECIALIZED EXPERTISE**

1.	Engineering/ Construction Knowledge			
2.	Utility Management			
3.	Park/Recreation Management			
4.	Economic Development			
5.	Accounting/Finance			

To help guide the recruitment process, please answer the following question:

**What three priorities does Ashland need the City Administrator to focus on in the next year?**

1.

2.

3.

**Unapproved Minutes of the City of Ashland Plan Commission**

A meeting of the Plan Commission was called to order on **Tuesday, March 20th, 2018**  
at 6:30 p.m. in the City Hall Council Chambers.

**PRESENT:** Mayor Lewis, David Mettille, Ernie Bliss, Charmaine Swan, John Beirl, Katie Gellatly  
**EXCUSED:** Mike Amman  
**STAFF:** April Kroner, Megan McBride

**MEETING AGENDA ORDER**

**1) Call to Order and Roll Call**

Mayor Lewis called the meeting to order at 6:30pm.

**2) Approval of Agenda**

Motion to approve the Agenda by Ernie Bliss. Seconded by David Mettille. Passed unanimously.

**3) Consent Agenda**

Motion to approve minutes from March 6<sup>th</sup> by Katie Gellatly. Seconded by John Beirl. Passed unanimously.

**4) Public Comment**

Holly George indicated that she has received calls from concerned constituents regarding this item. She expressed that while she is not opposed to the sale of the building to the veterans, she emphasized that she wants to ensure all suitable options have been explored by the City. She also wondered what type of precedent this may set for future non-profit community organizations who are in need of a new location.

Bob Kreinbring, representing the VFW/American Legion, voiced his support for the sale of the building to the VFW/American Legion and thanked the Plan Commission and staff for their time and consideration.

Frank Kostka also expressed his support for the sale of the building to the VFW, explaining that their current building is unsuitable and unsafe for their members, which has prompted them to seek an alternative location for several years. Kostka added that the VFW/American Legion has limited resources to buy or build a building.

Pat Kinney urged the Plan Commission to vote in favor of selling the building to the VFW/American Legion, emphasizing that this is a way to give back and appreciate the sacrifices veterans have made and the services the VFW and American Legion provide for the community. Kinney indicated the City shouldn't always look at just the bottom line when making decisions.

Donna Williamson shared her familial background of those who served. She stated the vets have given all through volunteering and have never paid for their service. Williamson explained that while the 6<sup>th</sup> Street building has problems and was poorly constructed, needs the parking lot repaved, and needs a commercial kitchen added, it is better than any other building the vets have looked at. \$50,000 is all they can pay as they have to do so many improvements to the property. She emphasized that City Council has already voted in support and will ultimately take final action regarding the sale. She urged the Plan Commission to also vote to approve the proposed sale.

Dick Pufall spoke in favor of selling the building to the VFW/American Legion, and agreed that this is an opportunity for the City to show appreciation for the sacrifices veterans have made.

Richard Ketrting agreed with Council Williamson that it was the will of the Council to proceed with this sale to the VFW/American Legion. He also said that he disagrees with the staff recommendations that were provided.

Ella Teague spoke in favor of selling the building to the VFW/American Legion, noting the unsuitability of their current building and need to find a new location that meets the needs of all members.

Pat Pospychalla also spoke in favor of the proposed sale to the VFW/American Legion.

## 5) Action Items

### a) Discussion and Recommendation on the sale of the Chequamegon Engineering building at 211 6<sup>th</sup> St W.

John Beirl agreed with Council George's concern about setting a precedent, and also asked if there could be a referendum to tax payers to assist the VFW/American Legion with the new building.

Mayor Lewis said that Council would have the authority to initiate a referendum if they so choose.

Charmaine Swan asked why this item is being brought back before the Plan Commission since they have already discussed it at a prior meeting.

Mayor Lewis explained that it was brought to the Plan Commission as an informational item in the past.

April Kroner explained that our ordinance on the disposition of city-owned land gives authority to the Zoning Administrator and City Administrator to determine the appropriate sale process. The process determined by herself and the City Administrator was the Request for Proposals Procedure, which was communicated to the Plan Commission as a discussion item at a previous meeting. However, this item was then brought to Committee of the Whole and the subsequent Council meeting where the Informal Sales Procedure was determined to be used instead. Through this process the Plan Commission is required to review and provide a recommendation to the Council for their final action.

Katie Gellatly echoed previous concerns about the precedent that this decision could set, and that she feels the role of the Plan Commission and Council is to evaluate the best interests of the overall community. She said she supports using the Request for Proposals process as it seems the most appropriate for this particular site.

Ernie Bliss asked how many offers the City has received for this building to date.

April Kroner said that the VFW/American Legion offer is the only that the City has received, but the property also has not been marketed at all.

Ernie Bliss suggested that the services provided to the City by the VFW/American Legion such as organizing the parade could be evaluated as in-kind payment, which would avoid setting the precedent of the City "giving away" land.

Mayor Lewis said she believes that having conversations such is healthy for communities. She also noted that it is her personal belief that veterans are a class by themselves so she is comfortable with the proposed sale.

Ernie Bliss asked why a staff recommendation to use a different method than the Informal Sales procedure was provided when this was the process directed by Council.

April Kroner explained that this is because one of the standards for review in our ordinance is to evaluate the appropriateness of the Informal Sales process.

Ella Teague informed the Plan Commission that discussions were held at City Council to determine if the issue should come before the Plan Commission for discussion, and was determined that Plan Commission's recommendation is important in consideration of this item.

Motion to approve sale of the building at 211 6<sup>th</sup> St W to the applicant with price to be determined by Council by Ernie Bliss. Seconded by David Mettille.

Donna Blazek asked why the building was purchased by the City and not ultimately utilized for the new police station as originally planned.

Pat Kinney voiced support for April Kroner's decision to make a recommendation based on the standards for review stipulated in our ordinance.

Passed 4-1, Gellatly opposed, Beirl abstained.

b) Public Hearing and Vote on UDO text amendments to comply with Act 67

Motion to go into Public Hearing by David Mettille. Seconded by Katie Gellatly. Passed unanimously.

Megan McBride detailed the Class 2 Public Hearing notice that was given for this item.

April Kroner provided background on the proposed text amendments, going over details of the state legislative change that occurred which prompted the need for this text amendment to make our UDO comply with 2017 WI Act 67.

Motion to go out of Public Hearing by John Beirl. Seconded by Charmaine Swan. Passed unanimously.

Motion to approve the proposed text amendments by John Beirl. Seconded by Katie Gellatly. Passed unanimously.

**6) Discussion Items**

a) Discussion on Conditional Use Permits and potential modifications per Act 67.

Charmaine Swan asked if some communities are getting rid of Conditional Use Permits altogether in response to this legislation.

April Kroner said she was not aware of any in Wisconsin that have completely removed conditional uses, but has heard of communities eliminating conditional uses in certain districts.

John Beirl clarified that the ultimate approval for these UDO text changes would also need to be approved by Council.

April Kroner confirmed that Council has final action on all UDO text amendments. She also said that she would like to do public informational sessions related to possible UDO text amendments to educate residents about the proposed changes and receive their input.

The Plan Commission will be given a comprehensive chart illustrating the permitted and conditional uses for each zoning district, as well as staff recommendations for potential changes.

**7) Announcements / reports / comments / questions**

**8) Adjournment**

Motion to adjourn by Charmaine Swan. Seconded by Mayor Lewis. Passed unanimously.

*The meeting was adjourned at 7:50p.m. Minutes by Megan McBride and April Kroner.*