COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on April 21, 2020 immediately following the City Council meeting which begins at 5:30 PM in the Ashland City Hall Council Chambers.

The following items will be considered:

1. Roll Call
2. Council President's Report
3. Administrator's Report
4. Approval of Agenda
5. Committee Reports
6. Discussion Items
   A. COVID-19 Response
   B. Discussion and Possible Action on Sidewalk Special Assessment Policy Application
   C. Discussion and Possible Action Regarding Polling Locations
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

SUBJECT: **Committee Reports**

RECOMMENDATION: Discussion Only

DEPARTMENT OF ORIGIN:

CLEARANCES:

EXHIBITS:

FINANCIAL IMPACT:

SUMMARY STATEMENT:

HARBOR COMMISSION

PLAN COMMISSION

POLICE & FIRE COMMISSION - D LEWIS

LIBRARY BOARD

HOUSING AUTHORITY

HOUSING COMMITTEE

PARKS & REC COMMITTEE

PUBLIC WORKS COMMITTEE

SUSTAINABILITY COMMITTEE

HISTORIC PRESERVATION

DISABLED PARKING

SUBJECT: COVID-19 Response

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Councilor Ullman

CLEARANCES:

EXHIBITS:

FINANCIAL IMPACT:

SUMMARY STATEMENT:

This agenda item is intended to provide council members an opportunity to discuss the impacts and response to COVID 19. Possible related topics include:

Communications policies and practices
Support for vulnerable popultions
Parks/camping
Impacts on city
Planning for what is next

Ref: 2020-092

COMMITTEE AGENDA: 6.B.
(4/21/2020)

SUBJECT: Discussion and Possible Action on Sidewalk Special Assessment Policy Application

RECOMMENDATION: Proposed Motion: During the Vaughn Avenue reconstruction and other future projects that involve sidewalks, special assessments will only be levied based on an evaluation of the poor condition of the sidewalk itself, special assessments will not be levied for sidewalks in good condition but which are to be replaced for other reasons.

DEPARTMENT OF ORIGIN: Council President

CLEARANCES:

EXHIBITS:

1. Sidewalk Special Assessment Policy, 2006
2. Chapter 612 Street and Utility Construction Standards and Special Assessment Policies
3. Memo from J Butler, March 30, 2020

FINANCIAL IMPACT:

SUMMARY STATEMENT:

At a recent meeting it was brought to the attention of the council that sidewalk special assessments for the Vaughn Avenue reconstruction are to be levied for sidewalks, regardless of condition, which will be replaced in order to replace the public water service lateral. The curbstop will also be moved, at the time this work is performed, but the Public Works director as clarified that the work being performed which requires demolition of the sidewalk is the replacement of the lateral. He also stated that the city has special assessed for similar work on past projects.

The attached "Sidewalk Special Assessment Policy" adopted by the council in 2006 and referenced in the Sidewalk Ordinance (503) states the following (emphasis added in bold)

1.0 PURPOSE

The purpose of this Policy is to assure fair and equitable cost recovery for **pedestrian infrastructure improvements** and to set forth a methodology determining the amount of the assessment for the improvements and circumstances on a reasonable basis. It is the policy of the City of Ashland that all **properties specially benefiting from sidewalk improvements** pay a portion of their fair share of the cost of such improvements. The policies contained herein are designed to serve as a general guide for the City Council in allocating benefit to properties. The City Council reserves the right to vary from these policies if the assessments derived by imposition of the policies create obvious inequities, where the assignment of benefit to a particular property is difficult to determine, or because of extreme or unusual circumstances, or for other good reason.

Because the policy specifically refers to “pedestrian infrastructure improvements”, and to “properties specifically benefiting from sidewalk improvements”, I think that the citizens of Ashland would reasonably believe that they should only be charged a sidewalk special assessment for benefits or improvements related to the sidewalk itself. I would suggest that the council pass the motion recommended to clarify how the Sidewalk Special Assessment Policy should be interpreted and applied.

CITY OF ASHLAND, WISCONSIN
SIDEWALK SPECIAL ASSESSMENT POLICY

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

1.0 PURPOSE

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

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

2.0 SPECIAL ASSESSMENT PROCEDURES

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

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

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

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

3.0 ASSESSMENT BASIS

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

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

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

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

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

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

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

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

4.0 ASSESSABLE PROJECT ELEMENTS AND COSTS

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

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

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

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

a) Sidewalk Removal, Saw Cutting, and other associated demolition costs: Costs for removal, saw cutting, and other associated demolition costs of existing sidewalks is to be included with construction costs.

b) Grading and Gravel Base: The grading and construction of a gravel base for sidewalk construction will be included with construction costs.

c) Curb, Gutter, and Pedestrian Handicap Ramps: The construction or replacement of concrete curb and gutter associated with installation of pedestrian ramps and/or adjacent sidewalks will be included in cost computations, and shall be allocated evenly as part of general sidewalk improvement construction costs. This shall include the installation of color-contrasted truncated dome devices for visually impaired pedestrians.

d) Sidewalk Construction Costs: New sidewalk construction, or complete replacement of existing sidewalk, is to be included in the costs for construction.

e) Replacement Sidewalk and Repairs to Existing Sidewalk: Spot repairs of existing sidewalk, including grinding, milling, mud-jacking, or individual panel replacement is to be included in the costs for construction.

f) Tie-in Sidewalks and Driveway Aprons: Sidewalks and driveway aprons that tie-in and connect to the public walkways (carriage and entrance walks) shall be included with general construction costs only to the extent that they are removed and replaced to facilitate construction of the new sidewalk or to accommodate necessary grade changes. General improvements elected by the property owner are not included in the general project costs; and while encouraged by the City, all such improvements and related expenditures shall be independently borne by the property owner.

g) Boulevard (Terrace) Restoration: For the purpose of this paragraph the word boulevard (terrace) means that area between the back of the curb and the sidewalk, or, in the absence of a sidewalk, the property line.

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

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

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

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

5.0 ASSESSMENT AMOUNTS AND REPAYMENT

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

a) Special assessments shall be for approximately 50% of the construction costs as determined by the criteria noted above. The actual assessment rate shall be set annually and adopted by Council as part of the Comprehensive Fee Schedule.

b) Special assessments may be paid in full following completion of the work (with no interest), or through 10 equal annual installments.

c) The interest rate shall be 1% above the City's borrowing rate (as determined by loan or bond issuance) to cover overhead expenditures associated with administration of the program.

d) Assessments shall be due in full upon sale or transfer of the property.

e) The payment of special assessments through installments may be extended in cases of hardship. Repayment terms may be extended to 20 years of <u>equal installments</u> (per 66.0715) if a resident so chooses.

6.0 MISCELLANEOUS PROVISIONS

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

a) The policies set forth in this document do not alter the requirements of the City's subdivision and zoning codes with regard to a developer's responsibility to provide and pay for required improvements at the time that any given property is to be improved.

b) The City of Ashland shall special assess improvements to railroad property as permitted by the Wisconsin Statutes, except as may otherwise be determined by the City Council.

c) The City of Ashland shall bear 100% of the costs associated with constructing sidewalks on city-owned properties.

d) The City of Ashland's utilities shall bear 100% of the costs associated with constructing sidewalks on utility properties (allocated to the appropriate utility).

e) Projects constructed by Federal or State monies/agencies that include full payment of sidewalk construction costs as part of the respective projects are not subject to special assessments. Those that provide partial or no payment of sidewalk construction costs will be special assessed, subject to the specific requirements of pertinent federal and state funding sources.

f) Property owners undertaking their own work, or arranging for pre-approved contractors to do so, shall not be special assessed. However, they are responsible for completing all work as described herein and in accordance with Ordinance 530.

CHAPTER 612. STREET AND UTILITY CONSTRUCTION STANDARDS AND SPECIAL ASSESSMENT POLICIES.

612.10. Policy and Purpose. This chapter is intended to be a guideline to establish:

(a) Minimum street construction standards to ensure an adequate base, good drainage and durable surfaces.

(b) Minimum utility construction standards to provide for adequate sanitary sewer, water service and storm sewer.

(c) Special assessment policies to ensure equitable distribution of project costs between the City and property owners.

612.20. Street Construction Standards.

(a) The Public Works Department shall promulgate and have the power to enforce standards for the construction and reconstruction of street and utilities.

(b) General.

(1) All street construction shall be in accordance with the latest edition of the State of Wisconsin, Department of Transportation, Division of Highways, "Standard Specifications for Road and Bridge Construction."

(2) The City shall establish street grades, have plans and specifications prepared for street and utility improvements and provide for construction staking and inspection for improvements. In new subdivisions, the developer must prepare plans and specifications in accordance with standards established by the Department of Public Works and the Unified Development Ordinance.

(3) All sanitary sewer, sanitary sewer services, watermain, water services, storm sewer, natural gas, cable TV, telephone and underground electrical power shall be installed prior to placing the final street surfacing unless exempted by special resolution by the City Council.

(4) No utility trenches shall be cut into newly paved streets within five (5) years from date of final surfacing except in an emergency. However, the Mayor and the Director of Public Works at their discretion, may jointly permit cuts into a new street and permits will be issued by the Zoning Administration office.

(5) All private utilities and private contractors shall obtain a street cut permit issued under Chapter 501 prior to digging, excavating, trenching, augering or jacking within any street or alley right-of-way. The street cut permit process shall be as follows:

(A) Permit Application. Said permittee shall obtain a street cut permit from the Department of Public Works prior to beginning any work. The permit fee shall be waived for sidewalk and driveway removal and replacement.

(B) Underground Locates. The private contractor or utility representative shall check city sewer records in the Public Works Office and public and private utilities for the location of buried utilities. Diggers Hotline notification shall be made to check for other utilities in work zone.

(C) Notification.

(i) The permittee shall notify the Public Works Department 24 hours before the cut is to be made so that a city representative may be on site during excavation and filling. Backfill operations completed without City supervision or approval may be ordered removed and redone to verify compliance with specified backfill operations stated in this chapter. Where the work will cause temporary closing of a street, the permittee shall notify the Police and Fire Departments prior to beginning work. Failure to do so will result in immediate citation - no exceptions.

(ii) The permittee shall submit plans and/or specifications a minimum of five (5) days prior to starting a project. In the event of an emergency which threatens the safety, health and/or welfare of residents, as determined by the Director of Public Works, advance notification is waived and permits will be issued immediately.

(iii) Work must be inspected during construction to ensure compliance with City procedures and specifications. Failure to do so may result in the Director of Public Works or his representative ordering re-excavation of project.

(6) The Common Council may upon recommendation of the Committee of the Whole grant variances from the standards provided in this Chapter or adopted under this Chapter.

(c) Utility Construction Standards.

(1) All new subdivisions, developments, and newly opened streets shall include installation of sanitary sewers, sanitary sewer services, watermain, water services and storm sewer prior to issuance of a building permit; unless exempted by review of the City Planning Commission or Water Utility, and approved by the City Council.

(2) All sanitary sewer construction shall conform to Chapter NR 110 and watermain construction to Chapter NR 111 of the Wisconsin Administrative Code.

612.30. Policy for Special Assessments for Capital Improvements

(a) General. This policy shall provide the basis for special assessment to property owners for sanitary sewer, watermain and utility service construction, sidewalk and driveway entrances.

(b) Definitions.

(1) Abutting Frontage **-** The part of a lot, parcel or property which abuts or fronts on an improvement.

(2) Long Frontage - The long dimension of a corner lot regardless of the house orientation.

(3) Short Frontage - The short dimension of a corner lot regardless of the house orientation.

(4) Irregular Lot - A lot within a subdivision abutting a cul-de-sac or curbed street approximately equal in area to other lots within the subdivision; however, having unusually short abutting frontage in comparison to the other lots.

(5) Building Setback Line - A line 25 feet from the street right-of-way line.

(6) Remote Lots - Lots or parcels without abutting frontage which receive benefit from the improvement.

(7) Subdivision - As defined in Chapter 236, Wis. Stats.

(8) Existing Street - Street or highway open to travel prior to January 1, 1985.

(9) Deteriorated Existing Bituminous or Concrete Surfaced Street - Street opened to travel prior to January 1, 1985, where the surface has deteriorated to a stage requiring new construction.

(10) Surfaced Street - Street or highway with existing bituminous or concrete pavement surfacing.

(11) New Street - A platted or unplatted street or highway not open to travel prior to January 1, 1985.

(c) Improvements to existing street open to travel prior to January 1, 1985.

(1) Existing unsurfaced or deteriorated bituminous or concrete surfaced residential street: Street construction consisting of tree, curb and gutter and pavement removal, grading, construction of base course, surfacing, curb and gutter, adjustments or manhole castings, and boulevard restoration shall be completed and paid for by the City with no assessment to the abutting frontage.

(2) Any improvements required by the City as a result of new uses or development along abutting frontage shall be installed and paid for by the owner or developer of the abutting property to standards recommended by the City pursuant to plan review of the Public Works Department and City Engineer.

(3) Bituminous overlay construction of existing bituminous or concrete surfaced residential streets: Bituminous overlay construction including the necessary base preparation, curb replacement and adjustment of manhole castings on these streets shall be completed and paid for by the City with no assessment to the abutting frontage.

(4) Bituminous construction on existing unsurfaced rural roads: Tree removal, grading, subbase, course, base course, and bituminous construction on rural roads shall be completed and paid for by the City with no assessment to the abutting frontage.

(5) Bituminous overlay and reconstruction on existing bituminous or concrete surfaced streets other than residential streets. Bituminous overlays or reconstruction of streets other than residential as indicated in the Ashland Functional Street System Map shall be constructed and paid for by the City.

(d) Construction of new streets or improvements to existing streets required as a result of new development.

(1) 100% of the cost of street construction shall be paid for by the developer or developers. Such improvements shall extend to the rear of the property line of the abutting property being developed or to adjacent properties as directed by the City Engineer or Public Works Director.

(2) All construction of new streets shall be in accordance with the standard set forth in Section 612.20.

(3) The Common Council of the City of Ashland shall have the sole discretion to determine whether or not construction of a new street will be permitted.

(e) Special assessments for new or replacement utilities.

(1) New utilities. 100% of the cost of new eight (8) inch diameter sanitary sewers and sanitary sewer services and 100% of the cost of storm sewers and catch basins shall be assessed to abutting frontage. Water and water service shall be assessed in accordance with the current policy of the Ashland Water Utility. The City reserves the right to levy additional assessments for projects having special needs.

(2) Replacement utilities. Replacement of existing utilities shall be assessed to the abutting frontage at a rate equal to 100% of the current estimated cost of new utility construction in accordance with Section 612.40(e)(1), above. The additional costs shall be paid by the City general fund. Services will be assessed at 100% of the actual

replacement cost.

(f). Sidewalk and driveway entrances. 100% of the cost for removals, construction and boulevard restoration shall be assessed against the abutting frontage.

(g) Special assessments - general terms and conditions. The following formulas shall apply to all of the aforementioned capital improvements projects to be assessed to property owners:

(1) Each of the capital improvements may be assessed separately or combined for assessment purposes.

(2) The overhead costs for Public Works and construction staking and inspection shall be included as a part of the total improvement cost and assessed against the abutting property in accordance with the aforementioned policies. A charge equal to 15 percent of the construction costs shall be made if it is not possible to determine the exact amount of the overhead costs applicable to a particular improvement.

(3) The cost of improvements abutting an alley or street right-of-way and unassessable frontage shall be included in the total project cost and assessed against the assessable abutting frontage.

(4) Assessments are made hereunder pursuant to the City's Police Powers.

(5) Assessments against property shall be subject to up to 12 percent annual simple interest on the unpaid balance as established by the City Council. The following schedule of payment of principal and interest shall apply to all assessments:

(A) Assessments less than $299.99 shall be paid within three (3) years.

(B) Assessments from $300.00 to $499.99 shall be paid within four (4) years.

(C) Assessments from $500.00 to $799.99 shall be paid within seven (7) years.

(D) Assessments over $800.00 shall be paid within ten (10) years.

(6) The following formula shall be used as the basis for levying special assessments for sanitary sewer improvements:

(A) Interior Lots and Parcels - Assess on the basis of 100 percent of the abutting frontage; except, the following exemptions shall be granted: Exempt that portion of undeveloped or partially developed lots or parcels where additional building sites of 100 feet in width can be developed providing for a minimum 15 feet wide side yard set back from existing buildings.

(B) Corner Lots and Parcels - Assess corner lots and parcels on the basis of 100 percent of the abutting frontage; except, the following exemptions shall be granted:

(i) Exempt 100 percent of the short frontage, if the sanitary sewer improvements abuts both frontages of a corner lot.

(ii) Exempt that portion of the long frontage of undeveloped or partially developed lots or parcels where additional building sites of 100 feet in width can be developed providing for a minimum 15 feet wide side yard and 75 feet wide back yard set back from existing buildings.

(iii) Exempt the second frontage of a corner lot or parcel with existing sanitary sewer along the other frontage; except where additional building sites of 100 feet in width can be developed providing for a minimum 15 feet wide side yard and 75 feet wide back yard set back from existing buildings.

(C) Irregular Lots - Assess on the basis of frontage length at the building setback line, the average abutting frontage of a regular interior lot, or on the basis of a standard building site, whichever if most applicable.

(D) Remote Lots - Assess on the basis of a standard building site.

(E) General - The following shall apply to all special assessments for sanitary sewer improvements.

(i) Adjacent lots or parcels under common ownership shall be considered as a single parcel for assessment purposes.

(ii) The assessable frontage of lots or parcels 100 feet in width or greater shall not be less than 100 feet.

(iii) All undeveloped lots or parcels shall be assessed for one building site. The assessable frontage shall be determined in accordance with the previously outlined policies.

(iv) A standard building site for the purpose of this chapter shall have 100 feet frontage and 140 feet lot or parcel depth.

(v) Side yard and back yard setback shall be defined as the distance between a building or structure and the property line measured from the outer edge of the roof overhang.

(vi) Special assessments shall be exempted for all unbuildable property such as wetland areas and ravines, as determined by the City.

(vii) All property exempted from special assessment shall pay a "connection charge in lieu of special assessment" to the City Treasurer at the time a building permit is issued for the exempt lot or parcel. The connection charge shall be equal to the special assessment rate levied for the improvements adjusted by the following factors:

(aa) A ratio of the Public Works New Record current construction cost index to the construction cost index at the time the special assessments were levied.

(bb) Depreciated on the basis of a 75 year life commencing at the time the special assessments were levied.

(cc) The minimum connection charge shall be based on the standard building site. The connection charge for a lot or parcel with frontage greater than the standard building site shall be increased proportionately. Connection charges for corner lots, irregular lots and remote lots shall be governed by the same criteria as outlined for special assessments. The City Treasurer shall maintain a map indicating the locations where connection charges are due.

612.40. Special City Costs.

(a) Sanitary Sewers. 100% of the additional costs for sanitary sewers over eight (8) inches in diameter.

(b) Water Services. Costs of watermains, water services, sewage pumping station, water pressure booster stations, and siphons shall be paid for in accordance with the current policies of the Ashland Water Utility.

(c) Replacements. 100% of the costs of replacement of culverts and fences that are properly placed outside the street right-of-way line.

(d) Assessments. The cost of assessments for improvements abutting city property other than streets or alley right-of-ways shall be paid by the City.

612.50. Federal, State or County Aid for Street and Utility Improvements. If financial assistance is received from the Federal government, State of Wisconsin or Ashland County for improvements and assessments are permitted by the assistance program, assessments shall be made in accordance with Sec. 612.40 and the assessment amount equal to the grant portion shall be placed in the City Capital Construction Fund.

612.60. Penalty for Violation. Any person, firm, or company violating any provision of this chapter shall be liable for the payment of a forfeiture of fifty dollars ($50.00) to two hundred dollars ($200.00). Each violation shall be considered as a separate offense. The City Building Inspector shall have authority pursuant to Chapter 279 to issue citations for violations which have been identified by the Director of Public Works.

ADOPTED:	612 (1046) 4/9/1985
AMENDMENTS:	612 (1050) 8/13/1985; 612 (1098) 5/12/1987; 612 (1108) 8/26/1987; 612 (1165) 1/17/1989; 612 (1253) 4/16/1991; 612 (1409) 9/9/1997; 612 (1422) 10/28/1997; 612 (1539) 4/16/2002; 612 (1641) 11/1/2006; 612 (2015-1856) 9/29/2015

MEMO: March 30, 2020
TO: Ashland City Council
FROM: John Butler, Director of Public Works
CC: Debra Lewis, Mayor
Brant Kucera, City Administrator
RE: Sidewalk Special Assessment- Vaughn Ave and 7th St W Street Reconstruction and Utility Replacement Project

John Butler
2020.03.30 16:02:39
-05'00'

Per direction from the City Administrator, there is a need for clarification regarding special assessment of property owners for sidewalk replacement, as discussed at the February 25, 2020 City Council meeting.

The project area includes 76 different properties and the need for sidewalk replacement was identified by Public Works staff based on the condition of the existing sidewalk. In addition to replacement of sidewalk that is unfit or unsafe, the project also includes replacement of the "public side" of the water service lateral (WSL), as defined below, serving each property.

As discussed, the Public Works Department neglected to deduct prior special assessments in the project area from a previous sidewalk improvement project. The special assessment schedule presented at the Council meeting consisted of $21,507.35 in special assessment costs ($282.99 per property)

The City Sidewalk Special Assessment Policy exempts sidewalks less 20 years old from further special assessment. After deductions for previous special assessment, the revised special assessment schedule (attached) now includes $8,594.68 in special assessment costs, ($113.09 per property).

The primary question raised was the legality of special assessment for sidewalk costs associated with the replacement of the "public side" of each WSL in the project. The "public side" is the portion of each WSL that extends from the water main to the property line while the "private side" is the portion of each WSL that extends from property line to the home or building.

Replacement of the "public side" of each WSL is included in the scope of the project in order to ensure that all properties will have common materials, (age & material type), to support ease of construction, and to prevent future damage to the roadway by reducing the risk of future excavation to fix leaks.

Replacement and relocation of the curb stop (shut off valve) serving each WSL is the responsibility of the Water Utility and the cost of this work is not included in the special assessment schedule for the project.

All properties served by the project will have the "public side" of the WSL replaced but a number of properties are not being special assessed for any sidewalk cost due to deductions for previous special assessment. Remaining properties being special assessed will benefit from the project, both in terms of sidewalk construction and the above described benefits associated with reliable water service.

The office of the City Attorney has reviewed the question raised and determined that City special assessment of property owners for sidewalk construction associated with WSL replacement is supported by both Wisconsin State Statues *(Chapters 66.0703(1) & 66.0911)* and Wisconsin case law *(Gelhaus & Brost, Inc. v. City of Medford, 144 Wis.2d 48 (Ct. App. 1988 & Stehling v. City of Beaver Dam, 114 Wis.2d 197 (Ct. App. 1983).*

City staff will proceed with special assessment of the 76 properties served by the projects in amounts not to exceed those specified on the revised special assessment schedule.

SCHEDULE C - SCHEDULE OF PROPOSED SIDEWALK SPECIAL ASSESSMENTS
ON THE VAUGHN AVENUE & 7TH ST W RECOSNTRUCTION PROJECT

PROPERTY & OWNERSHIP DATA					FLANKAGE CREDIT CALCULATIONS				SPECIAL ASSESSMENT ESTIMATED QUANTITIES										SPECIAL ASSESSMENT CALCULATIONS						
PIN	Property Address	Owner	OwnerAddress	City State Zip	Length	Width	Square Feet	Previouly Assessed SqFt	4 Inch Length	4 Inch Width	4 Inch SqFt	4 Inch Prev. Assessment SqFt	4 Inch Prev Assessment Credit SqFt	6 Inch Length	6 Inch Width	6 Inch SqFt	6 InchPrev. Assessment SqFt	6 Inch Prev. Assessment Credit SqFt	4 Inch Cost Per SqFt	Est. 4 Inch Cost	6 Inch Cost Per SqFt	Est. 6 Inch Cost	Est. Total Cost	Property Owner Cost (40%)	City Cost (60%)
201022330000	620 VAUGHN AVE	2J ENTERPRISES LLC	1013 6TH AVE W	ASHLAND, WI 54806	12	5	62	250	41	5	191	378	191						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022340000	413 7TH ST W	JOSEPH SEEGER	805 PRENTICE AVE	ASHLAND, WI 54806					67	5	337	0	0						$8.00	$2,699.75	$9.00	$0.00	$2,699.75	$1,079.90	$1,619.85
201022350000	616 VAUGHN AVE	WALLEYE PROPERTY MANAGEMENT, LLC	1019 THIRD AVE W	ASHLAND, WI 54806					18	5	79	24	0						$8.00	$631.38	$9.00	$0.00	$631.38	$195.12	$436.26
201022360000	612 VAUGHN AVE	TIMOTHY S. BRATLEY TRUST AGREEMENT	2900 JUNCTION RD	ASHLAND, WI 54806					19	5	81	0	0						$8.00	$651.50	$9.00	$0.00	$651.50	$195.65	$455.85
201022370000	600 VAUGHN AVE	NORTHWEST WI COMMUNITY SERVICES AGENCY, INC	1118 TOWER AVE	SUPERIOR, WI 54880					12	5	61	50	0						$8.00	$485.05	$9.00	$0.00	$485.05	$194.02	$291.03
201022410000	409 7TH ST W	THOMAS & SUSAN GRAHEK	409 7TH ST W	ASHLAND, WI 54806					16	5	81	243	81						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022420000	405 7TH ST W	SHAWN THAYER	1402 LAKE SHORE DR E	ASHLAND, WI 54806					14	5	71	235	71	9	5	46	54	46	$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022430000	401 7TH ST W	CURTIS DEERING	330 E 5TH ST	OWEN, WI 54460	10	5	48	117	20	5	76	272	76						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022500000	621 VAUGHN AVE	MICHAEL COMER	621 VAUGHN AVE	ASHLAND, WI 54806	13	5	67	1,400	27	5	125	768	125						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022510000	615 VAUGHN AVE	KATE ULLMAN	1222 9TH AVE W	ASHLAND, WI 54806					34	5	159	250	159						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022520000	613 VAUGHN AVE	LANDMARK REAL ESTATE MANAGEMENT, LLC	200 CHAPPLE AVE	ASHLAND, WI 54806					18	5	85	250	85						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022530000	609 VAUGHN AVE	TRIANGLE HOLDINGS, LLC	916 6TH AVE W	ASHLAND, WI 54806					24	5	122	375	122						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022540000	500 6TH ST W	TRIANGLE HOLDINGS, LLC	916 6TH AVE W	ASHLAND, WI 54806	12	5	61	180											$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022620000	608 7TH ST W	MARK VALIN	3539 W VICTOR AVE	VISALIA, CA 93277					33	5	159	703	159						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022630000	600 7TH ST W	DEBORAH KMETZ	600 7TH ST WEST	ASHLAND, WI 54806	9	5	45	90	29	5	136	530	136						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022690000	518 7TH ST W	GLENN O. SWANSON	518 7TH ST W	ASHLAND, WI 54806					16	5	81	350	81						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022700000	520 7TH ST W	LLOYD & VICKI SWANSON	1412 SAWMILL CREEK RD	SITKA, AK 99835	8	5	42	250	8	5	40	119	40						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022710000	723 VAUGHN AVE	NOEL VILLAVERDE	723 VAUGHN AVE	ASHLAND, WI 54806					24	5	110	523	110						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022720000	719 VAUGHN AVE	ROSEANN LATHE	8019 HAYES ST NE	SPRING LAKE PARK, MN 55432					30	5	136	268	136						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022730000	715 VAUGHN AVE	DANIEL & SANDRA DUGGER	67560 W CRYSTAL LAKE RD	IRON RIVER, WI 54847					14	5	56	172	56						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022740000	701 VAUGHN AVE	FIRST ENGLISH LUTHERAN CHURCH	701 VAUGHN AVE	ASHLAND, WI 54806					5	5	25	0	0						$8.00	$198.50	$9.00	$0.00	$198.50	$79.40	$119.10
201022750000	707 VAUGHN AVE	FIRST ENGLISH LUTHERAN CHURCH	707 VAUGHN AVE	ASHLAND, WI 54806	14	5	68	90	23	7	125	216	42	5	5	25	60	25	$8.00	$661.33	$9.00	$0.00	$661.33	$264.53	$396.80
201022760000	510 7TH ST W	D'ANNA ZAKOVEC JULIAN PROPERTIES LLC	39630 STATE HWY 13	HIGHBRIDGE, WI 54846					16	5	81	213	81						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022770000	720 VAUGHN AVE	JOSEPH HARMON	720 VAUGHN AVE	ASHLAND, WI 54806					18	5	69	0	0						$8.00	$550.87	$9.00	$0.00	$550.87	$176.25	$374.62
201022780000	716 VAUGHN AVE	WILLIAM & NANCY KOVAL	716 VAUGHN AVE	ASHLAND, WI 54806					17	5	72	250	52						$8.00	$162.90	$9.00	$0.00	$162.90	$65.16	$97.74
201022790000	714 VAUGHN AVE	MARK & KAREN HOGLUND	49244 STATE HWY 13	ASHLAND, WI 54806					22	5	91	125	53						$8.00	$306.83	$9.00	$0.00	$306.83	$122.73	$184.10
201022800000	712 VAUGHN AVE	JASON A. RADOSEVICH	712 VAUGHN AVENUE	ASHLAND, WI 54806					38	5	183	0	0						$8.00	$1,466.45	$9.00	$0.00	$1,466.45	$511.30	$955.15
201022810000	708 VAUGHN AVE	PAMELA SUKANEN	10950 S LONG LAKE RD	IRON RIVER, WI 54847					12	5	61	120	61						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022820000	420 7TH ST W	XRISTOBAL RAMIREZ	420 7TH ST W	ASHLAND, WI 54806	21	5	106	900	11	5	53	0	0						$8.00	$424.36	$9.00	$0.00	$424.36	$169.75	$254.62
201022830000	414 7TH ST W	JUNICE SORENSON	P.O. BOX 206	ASHLAND, WI 54806					40	5	187	320	187						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201022870000	400 7TH ST W	KAY M. MONROE	400 7TH ST W	ASHLAND, WI 54806	9	5	44	0	92	5	441	83	83						$8.00	$2,867.19	$9.00	$0.00	$2,867.19	$1,146.88	$1,720.31
201022880000	410 7TH ST W	LOIS COLEMAN	9275 BEALLS FARM RD	FREDERICK, MD 21704					41	5	171	179	21						$8.00	$1,203.68	$9.00	$0.00	$1,203.68	$481.47	$722.21
201025500000	822 VAUGHN AVE	ROBEN KALLIO	822 VAUGHN AVE	ASHLAND, WI 54806	5	5	24	700	30	5	151	353	151						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025510000	818 VAUGHN AVE	BRIAN & ANA TOCHTERMAN	818 VAUGHN AVE	ASHLAND, WI 54806					18	5	75	298	75						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025520000	812 VAUGHN AVE	TIMOTHY GRUBISIC	812 VAUGHN AVE	ASHLAND, WI 54806					24	5	110	351	110						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025530000	808 VAUGHN AVE	TIMOTHY GRUBISIC	808 VAUGHN AVENUE	ASHLAND, WI 54806					20	5	87	333	87						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025550000	802 VAUGHN AVE	GRUBISIC PROPERTIES, LLC	808 VAUGHN AVE	ASHLAND, WI 54806					18	5	73	268	73						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025560000	800 VAUGHN AVE	GAIL WELLING	800 VAUGHN AVE	ASHLAND, WI 54806					18	5	90	125	90						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025670000	505 9TH ST W	CHRISTOPHER & MARY GONDERZIK	505 9TH ST W	ASHLAND, WI 54806	10	5	53	250	5	5	25	615	25						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025671000	817 VAUGHN AVE	JOHN R HOPKINS	PO BOX 82	WASHBURN, WI 54891					30	5	143	366	143						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025680000	813 VAUGHN AVE	ANA TOCHTERMAN	818 VAUGHN AVE	ASHLAND, WI 54806					24	5	114	271	114						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025690000	811 VAUGHN AVE	ANNA M NEUMANN	811 VAUGHN AVE	ASHLAND, WI 54806					11	5	45	271	45						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025700000	805 VAUGHN AVE	GENE P. BRINKER	805 VAUGHN AVE	ASHLAND, WI 54806					19	5	94	285	94						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201025710000	801 VAUGHN AVE	MATTSON PROPERTIES, LLC	P.O. BOX 502	ASHLAND, WI 54806					17	5	71	272	71						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201026080000	923 VAUGHN AVE	GREG M. KAUPPILA	923 VAUGHN AVENUE	ASHLAND, WI 54806					25	5	118	626	118						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201026090000	919 VAUGHN AVE	RANDY & LISA LARSON	66468 BAYFRONT RD	ASHLAND, WI 54806					22	5	90	409	90						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201026100000	911 VAUGHN AVE	STEVEN PRUESS	911 VAUGHN AVE	ASHLAND, WI 54806					20	5	86	331	86						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201026110000	907 VAUGHN AVE	EDWARD & JOANNE BEEBE	901 VAUGHN AVE	ASHLAND, WI 54806					22	5	96	337	96						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201026120000	901 VAUGHN AVE	EDWARD & JOANNE BEEBE	901 VAUGHN AVE	ASHLAND, WI 54806					28	5	133	528	133						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201026130000	922 VAUGHN AVE	ANDREA FISK	922 VAUGHN AVE	ASHLAND, WI 54806					19	5	81	0	0						$8.00	$649.42	$9.00	$0.00	$649.42	$195.50	$453.92
201026140000	914 VAUGHN AVE	ASHLAND HOUSING AUTHORITY	319 CHAPPLE AVE	ASHLAND, WI 54806					12	5	61	0	0						$8.00	$485.39	$9.00	$0.00	$485.39	$194.15	$291.23
201026150000	910 VAUGHN AVE	CARL CLAREMBOUX	910 VAUGHN AVE	ASHLAND, WI 54806					20	5	93	120	0						$8.00	$741.54	$9.00	$0.00	$741.54	$202.00	$539.54
201026160000	906 VAUGHN AVE	KATRINA M. BURHO	906 VAUGHN AVE	ASHLAND, WI 54806					29	5	129	0	0						$8.00	$1,035.05	$9.00	$0.00	$1,035.05	$234.75	$800.30
201026170000	418 9TH ST W	ASHLAND HOUSING AUTHORITY	319 CHAPPLE AVE	ASHLAND, WI 54806					28	5	142	0	0						$8.00	$1,136.72	$9.00	$0.00	$1,136.72	$454.69	$682.03
201027850000	1016 VAUGHN AVE	CODY A. WHITE	1016 VAUGHN AVE	ASHLAND, WI 54806					28	5	143	259	143						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201027860000	1010 VAUGHN AVE	LARRY ROSS	1010 VAUGHN AVE	ASHLAND, WI 54806					23	5	102	271	102						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201027870000	1006 VAUGHN AVE	ROY GRANDE	1006 VAUGHN AVENUE	ASHLAND, WI 54806					26	6	137	85	60						$8.00	$616.99	$9.00	$0.00	$616.99	$192.01	$424.98
201027880000	1002 VAUGHN AVE	ASHLAND AREA PROPERTY MANAGEMENT LLC	1002 VAUGHN AVE	ASHLAND, WI 54806					10	5	52	190	0						$8.00	$418.21	$9.00	$0.00	$418.21	$167.28	$250.92
201027990000	1023 VAUGHN AVE	LAWRENCE CICERO	P.O. BOX 722	ASHLAND, WI 54806					22	5	104	125	0						$8.00	$834.59	$9.00	$0.00	$834.59	$255.76	$578.83
201028010000	1017 VAUGHN AVE	VINCE HIRTH	29828 MEADOW DR	BURLINGTON, WI 53105					13	5	60	205	60	12	5	62	45	62	$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201028020000	1015 VAUGHN AVE	LAWRENCE CICERO	65736 LAKE PARK RD	ASHLAND, WI 54806					11	5	41	161	41						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201028030000	1013 VAUGHN AVE	RITA MCCARTHY	1013 VAUGHN AVE	ASHLAND, WI 54806					15	5	63	63	63						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201028040000	1009 VAUGHN AVE	JOHN M. & DEBORAH J. HAGAN	1009 VAUGHN AVENUE	ASHLAND, WI 54806					12	5	55	0	0						$8.00	$439.03	$9.00	$0.00	$439.03	$88.91	$350.12
201028050000	1005 VAUGHN AVE	JOSEPH & KRISTI SCHIAVONE	1005 VAUGHN AVE	ASHLAND, WI 54806					30	5	132	2,603	132						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201028060000	1001 VAUGHN AVE	RUIQIANG CAO	1001 VAUGHN AVENUE	ASHLAND, WI 54806					28	5	128	253	98						$8.00	$237.01	$9.00	$0.00	$237.01	$94.81	$142.21
201044290000	700 CHAPPLE AVE	DAVID & KATHERINE SIEGLER	700 CHAPPLE AVE	ASHLAND, WI 54806	40	5	188	1,275	5	5	27	375	27						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201045100000	622 CHAPPLE AVE	LARRY E. CICERO	65736 LAKE PARK RD	ASHLAND, WI 54806	8	5	43	410	9	5	45	350	45						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201045120000	617 7TH ST W	THOMAS Z BOLKA	617 7TH ST W	ASHLAND, WI 54806					32	5	149	252	104						$8.00	$357.96	$9.00	$0.00	$357.96	$143.19	$214.78
201045130000	607 7TH ST W	SUSAN M. BUTTERFIELD	607 7TH ST W	ASHLAND, WI 54806					21	5	85	225	85	8	5	42	64	42	$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201045140000	603 7TH ST W	KIMBERLY NEWMAN	39630 ASHLAND BAYFIELD RD	MASON, WI 54856					44	5	207	332	120						$8.00	$695.43	$9.00	$0.00	$695.43	$278.17	$417.26
201045150000	601 7TH ST W	LYNDLE & SHIRLEY COLLINS	5850 WHISPERING WAY	LOVES PARK, IL 61111					16	5	82	250	82						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201045160000	527 7TH ST W	MARY HELEN ASBACH	527 7TH ST W	ASHLAND, WI 54806					39	5	173	0	0						$8.00	$1,386.54	$9.00	$0.00	$1,386.54	$453.56	$932.98
201045170000	525 7TH ST W	ELIZABETH J. MADSEN-GENSZLER	525 7TH ST W	ASHLAND, WI 54806					28	5	117	154	72						$8.00	$357.67	$9.00	$0.00	$357.67	$143.07	$214.60
201045180000	519 7TH ST W	GEORGE & CAROL RYDBERG	1013 6TH AVE W	ASHLAND, WI 54806					29	5	122	258	122						$8.00	$0.00	$9.00	$0.00	$0.00	$0.00	$0.00
201045190000	513 7TH ST W	DEVONNA J. DEVOY	513 7TH ST W	ASHLAND, WI 54806					22	5	100	0	0						$8.00	$801.38	$9.00	$0.00	$801.38	$181.88	$619.50
201045200000	515 7TH ST W	WILLIAM CLARK	515 7TH ST W	ASHLAND, WI 54806					51	5	242	0	0						$8.00	$1,939.73	$9.00	$0.00	$1,939.73	$632.80	$1,306.93
																								$8,594.68	

Ref: 2020-093 **COMMITTEE AGENDA: 6.C. (4/21/2020)**

SUBJECT: **Discussion and Possible Action Regarding Polling Locations**

RECOMMENDATION:

DEPARTMENT OF ORIGIN: Councilors Whitebird and Ullman

CLEARANCES: Council President

EXHIBITS:

1. Email reply to Councilor Whitebird from Clerk
2. City of Ashland Voting Wards map

FINANCIAL IMPACT:

SUMMARY STATEMENT:

This agenda bill is an opportunity to learn more from the Clerk about how wards are assigned to polling locations. This is in response to a concern brought forward by Mr. Whitebird related to the polling location for Ward 6 residents during the April election. Although the Bretting Center is in Ward 6, residents of that ward, and the adjoining downtown ward (2) were directed to vote at WITC. Council could work with the Clerk to develop an ordonnance establishing criteria for the assignment of polling locations, if so desired. No such ordinance currently exists.

Below is an excerpt from Mr. Whitebird:

"I received a complaint from my constituents regarding the polling location being at WITC today. A lot of people in my ward live in the center of town and may not have access to their own cars and have to rely on the BART bus or on their own feet for getting around. For local residents of the ward, having a polling location in the center of town is ideal for most of them. I know the current circumstances are extenuating because of the Pandemic, but it is not ideal to have a polling location so far out from the center of town and I hope that in the future all polling locations for Ward 6 will be within the area. According to the folks who brought this up, we had people who were from wards 1-6 who might've just lived within a few blocks of the polling station who were told to go to WITC for their polling while we had people from wards 7-11 going to Brettings. For folks who have limited means of transportation, I assume you can imagine the difficulties posed by this."

The map of wards attached and below is the assignment of wards to polling locations for the April election.

• Wards 1, 2, 3, 4, 5, 6: WITC-Ashland, 2100 Beaser
• Wards 7, 8, 9, 10 and 11: Bretting Community Center, 400 4th Avenue W

Email reply to Councilor Whitebird from Clerk, April 8, 2020

CC Mayor, Administrator, Council President

Thank you for your input Wahsayah. I need to ask you to understand, and express to your constituents, that the need to move from the Senior Center was a collaborative effort to minimize potentially dangerous public traffic in a very susceptible population. We offered plenty of time for those who needed to, to plan for this change. We've used multiple resources to urge people to vote absentee and minimize putting our staff and poll workers at risk. We were also allowing in-person voting at City Hall daily for early voters while we were to be essentially closed to the public for our staff's safety. And for those who did not vote early, the BART bus was available at no charge to voters as you mentioned to get them to their polling locations.

As for our choice of venue, we've explored many options in the past and have not found a venue with adequate space, is ADA compliant, and most importantly available to us for an election in the neighborhood of the Senior Center. We were actually very lucky to have the administration open their doors to us when we needed them, and I'm extremely grateful to have that kind of generosity when we were in a pinch. For a smaller-turnout election, we will use only one polling location and as a heads up, we do intend to use WITC again for all wards for the August Primary.

This is not a permanent change, moving from the Senior Center, only a response to this extraordinary event we are all trying to keep a grasp on which is essentially out of our hands. I understand your concern as it is a valid one, and ask that you understand our position as well. Please let your constituents know that we only have their health and safety in mind as things changed so rapidly and unexpectedly over the past 3 weeks.

Wishing you well-

Denise Oliphant
City Clerk
City of Ashland
601 Main Street West
Ashland, WI 54806
Phone: 715-682-7071
Fax: 715-682-7048
Email: doliphant@coawi.org

CITY OF ASHLAND VOTING WARDS

Wards With 2010 Population

Ward 1 - 761	Ward 7 - 732
Ward 2 - 754	Ward 8 - 779
Ward 3 - 733	Ward 9 - 758
Ward 4 - 737	Ward 10 - 756
Ward 5 - 730	Ward 11 - 743
Ward 6 - 733	

Polling Place Locations

Wards 1, 3, 4, & 5 - Army National Guard Armory - 420 Sanborn Ave

Wards 2 & 6 - Senior Community Center - 400 Chapple Ave

Wards 7, 8, 9, 10, & 11 - Bretting Community Center - 400 4th Ave W

CITY ADDRESS NUMBERING STANDARDS :

Blocks are numbered by 100 series per block with a maximum total of 25 addresses per block. The East and West division starts at Ellis Avenue. The North and South division is Lake Shore Drive (US2).

Avenues Run North/South - Streets Run East/West

EAST Side = EVEN **NORTH Side = ODD**

WEST Side = ODD **SOUTH Side = EVEN**

City of Ashland
Dept. of Public Works
Geographic Information Systems Division

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Map for informational purposes only.