



Take notice that a meeting of the City of Ashland Committee of the Whole will be held on Tuesday, July 11, 2023 in- person in the City Hall Council Chambers, 601 Main Street W. Ashland, WI with the availability to attend virtually. Meeting will begin immediately following the adjournment of the City Council Meeting to consider and act upon the following agenda.

To join the meeting from your computer, tablet or smartphone:
<https://global.gotomeeting.com/join/500263957>

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

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

Tuesday, July 11, 2023 Ashland Committee of the Whole Meeting Agenda

1. **Roll Call**
2. **Approval of Agenda**
3. **Council President's Report**
4. **Administrator's Report**
 - A. **Presentation of Concept Plans for Ore Dock Upland and Former Baron Radiator Sites**
5. **Discussion Items**
 - A. **Discussion and Possible Action Regarding the Sidewalk Special Assessment Policy and Hardship Policy for the Levy of Assessments** *(Public Works)*
 - B. **Discussion and Possible Recommendation on Changes to Ordinances 711 & 705 to Prohibit Construction of Shared Utility Laterals** *(Public Works)*
6. **CLOSED SESSION**

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

 - A. **Pursuant WI Statute 19.85(1)(c): "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility."** *(City Administrator Evaluation)* Roll
 - B. **Return to Open Session** (Voice)
 - C. **Report of Action Taken during Closed Session**
7. **Items for Future Discussion**
8. **Adjournment**

Ashland Committee of the Whole Meeting
Tuesday, July 11, 2023 – 6:00 PM
601 Main Street W. Ashland WI 54806



The CITY of
ASHLAND
WISCONSIN

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SUBJECT: Discussion and Possible Action Regarding the Sidewalk Special Assessment Policy and Hardship Policy for the Levy of Assessments (*Public Works*)

RECOMMENDATION: Approve Changes to Sidewalk Special Assessment Policy
Leave Hardship Policy Qualifications at HUD Very Low Income

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: Public Works Director

EXHIBITS:

1. Sidewalk Special Assessment Policy Changes
2. Poverty Comparison with HUD and Census Info

COMPLIANCE WITH STRATEGIC PLAN: Infrastructure- Improvement of Streets, Watermain and Pedestrian Sidewalk Facilities

SUMMARY STATEMENT:

The Public Works Department administrative staff have recently assumed duties related to the implementation of City special assessment policies and procedures from the Finance Department. This transition has led to the identification of various process efficiencies and changes.

At the June 13, 2023 Committee of the Whole meeting, Public Works staff proposed changes to the City's Sidewalk Special Assessment policy to clarify the scope of the Hardship Policy for the Levy of Assessments that is currently administered by the City.

Specifically, Public Works staff proposed removing policy provisions that require the deduction of the cost of previous sidewalk special assessments (last 20 yrs) from assessments levied for current projects. The City's administrative records require significant research and staff time in order to compile the necessary information.

Public Works staff also proposed removing policy references to the extension of special assessment repayment terms to 20 years in cases of hardship and allowing hardship benefits to be administered per the hardship policy, which allows for the deferment of special assessment repayment until the ownership of the property is transferred or the property owner no longer meets the income criteria.

Councilor Tochterman requested follow-up information on the income criteria associated with the hardship policy as well as information on the estimated number of homeowners who would be impacted by the proposed change regarding the deduction of previous assessments.

The Planning Department assisted by identifying U.S. Census data that identified "quintiles" of income levels in the City. This data presents the mean income of City residents in specific ranges of income. For example, the lowest quintile presents the annual mean income of a single City resident, \$9,212, within the lowest 20% of incomes in the City. The next quintile presents the annual mean income of a single City resident, \$23,749.00, within the lowest 40% of incomes in the City.

The hardship policy current utilizes Ashland County Housing and Urban Development (HUD) state for income

criteria to evaluate the qualification of a property owner as a hardship. Property owners with income that falls below the Ashland County HUD data for "Very Low Income" are eligible for deferment. For FY2023, HUD data, the qualifying income limit for a single person is \$29,750.

Staff is recommending no change to the hardship policy as it seems to be assisting the intended group of City residents, those with the 40-50% lowest incomes in the City.

The Public Works Director will present at the meeting information about the estimated number of homeowners impacted by the proposed change regarding the deduction of previous assessments.

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

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

Remove to include assessment
for all sidewalk construction/
replacement per Policy

5.0 ASSESSMENT AMOUNTS AND REPAYMENT

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

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

6.0 MISCELLANEOUS PROVISIONS

It is the intention of this section of the which may arise in establishing the benefit to completed by the City of Ashland.

CHANGE TO...."The payment of special assessments may be deferred in case of hardship in accordance with the City's Hardship Policy for the Levy of Assessments."

- 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.

Median Family Income		Persons in Family							
		HUD DATA-BASED ON ASHLAND COUNTY RESIDENTS							
\$76100*	Very Low (50%) Income Limits (\$)	1	2	3	4	5	6	7	8
	Extremely Low Income Limits (\$)*	\$ 29,750.00	\$ 34,000.00	\$ 38,250.00	\$ 42,500.00	\$ 45,900.00	\$ 49,300.00	\$ 52,700.00	\$ 56,100.00
	Low (80%) Income Limits (\$)	\$ 17,850.00	\$ 20,400.00	\$ 24,860.00	\$ 30,000.00	\$ 35,140.00	\$ 40,280.00	\$ 45,420.00	\$ 50,560.00
		CENSUS DATA WITH ASSUMPTIONS FOR FAMILIES OF 2-8-BASED ON CITY OF ASHLAND RESIDENTS							
\$73667* FOURTH QUINTILE /MEDIAN	Second Quintile/Very Low	1	2	3	4	5	6	7	8
	Lowest Quintile/Extremely Low	\$ 23,749.00	\$ 26,299.00	\$ 30,759.00	\$ 35,899.00	\$ 41,039.00	\$ 46,179.00	\$ 51,319.00	\$ 56,459.00
	Third Quintile/Low	\$ 9,212.00	\$ 13,462.00	\$ 17,712.00	\$ 21,962.00	\$ 25,362.00	\$ 28,762.00	\$ 32,162.00	\$ 35,562.00
		\$ 48,591.00	\$ 55,391.00	\$ 62,191.00	\$ 68,991.00	\$ 74,441.00	\$ 79,891.00	\$ 85,341.00	\$ 90,791.00

* Represents the median family income

SUBJECT: Discussion and Possible Recommendation on Changes to Ordinances 711 & 705 to Prohibit Construction of Shared Utility Laterals (*Public Works*)

RECOMMENDATION: Approval at the July 25, 2023 City Council meeting

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
City Attorney
Planning Director
Public Works Director

EXHIBITS: 1. Proposed Changes to Ordinance 711
2. Proposed Changes to Ordinance 705

COMPLIANCE WITH STRATEGIC PLAN: Infrastructure- Water and Sewer Services
Elimination of Wastewater Overflows

SUMMARY STATEMENT:

The Public Works and Planning Departments frequently work together on developments concerning the construction of new dwellings or outbuildings. In some cases this can be new home construction but a frequent topic in recent years has been the conversion of existing buildings into accessory dwelling units (ADUs) or the construction/ renovation of existing garages or shops. These scenarios often require the connection of water and sewer utilities to these types of buildings.

Conversations between the departments about these types of developments led to questions about what standards of construction to apply to the possibility of two or more buildings sharing existing water and sewer laterals. Both Wisconsin Department of Natural Resources (WI DNR) and Public Service Commission (PSC) regulations do not address the topic. Research by the Public Works Director indicated support from the Uniform Plumbing Code and other municipalities for measures to avoid the use of shared water and sewer laterals in association with new construction.

The use of shared water/sewer laterals are discouraged for variety of reasons. For water, shared laterals prevent the disconnection of water service in cases of non-payment, while maintenance/repair needed on one building connected to the shared lateral would then require disruption in water service for the other building. For sewer, the primary reason is that activity in one building (disposal of waste not suitable for the sewer system) connected to the shared lateral could lead to a sewer backup in the other building.

Water laterals are governed by City Ordinance 705 Water Rules, Rates and Regulations. Sewer laterals are governed by City Ordinance 711 for a POTW and Collection System. Public Works and Planning staff collaborated on an approach to revise these ordinances to require the construction of new water and sewer laterals and associated connections for each building being provided new water and/or sewer service.

However, the proposed revisions would allow for the use of shared laterals would be allowed in cases where the two buildings shared a common roof line. One of the reasons why the separation of water/ sewer laterals is

recommended at the time of new construction is that any future parcel subdivision would likely require the separation of laterals at the time of property sale. The reason this exemption would be made is that a shared roof line significantly decreases the likelihood that the parcel would be subdivided in the future. Shared water and/or sewer laterals would be reasonable to permit in this instances as a cost saving measure.

At the April 13th 2023 Public Works Committee meeting, Public Works and Planning staff discussed these changes, with the committee recommending that the Public Works Director developed corresponding revisions to applicable City ordinances.

The proposed changes to Ordinances 705 and 711 have been developed in consultation with the City Attorney's office and are being presented to the Council with the recommendation that they be recommended for approval at the July 25, 2023 City Council meeting. If approved, the proposed changes would be administered by both the Planning Department, in consultation with the Public Works Department, when administering building permits related to the provision of new water/sewer service to new or existing buildings.

Chapter 711 Ordinance for a POTW and Collection System

711.04 Management, Operation, and Control

CURRENT

711.04(b) MAINTENANCE OF SERVICES. The Owner shall maintain sewer service from the street main to the house and including all controls between the same, without expense to the Wastewater Utility, except when they are damaged as a result of negligence or carelessness on the part of the City of Ashland. All sewer services must be maintained free of defective conditions, by and at the expense of the Owner or occupant of the property. ***When any sewer service is to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.***

PROPOSED

When any portion of sewer service is to be relaid, for any reason, and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building, at the expense of the Owner of the property, within one hundred eighty (180) days after official notice from the City to do so. If it is discovered through City sewer service maintenance activities, such as sewer main televising, that two or more buildings are connected on sewer service, each building shall be disconnected from such service and a new sewer service shall be installed for each building, at the expense of the Owner of the property, within one hundred eighty (180) days after official notice from the City to do so.

711.05 User Rules and Regulations

ADD

711.05(n) Prohibition on Shared Lateral for New Building. No user shall connect a new building to an existing sewer service lateral on an existing building on the property unless both buildings share a roof line. If the new building will not share a roof line with the existing building after construction is complete, a new sewer service lateral shall be installed for the new building. For the purposes of this subsection, “new building” means any building that does not currently have sewer service connected.

Supports and clarifies the existing 711.05(k) ***“No user shall allow other persons or other services to connect to the sewer system through their lateral.”***

Chapter 705 Water Utility Rules, Rates and Regulations

705.17 Installation of House Laterals

ADD

705.17(c) Prohibition on Shared Lateral for New Building. No user shall connect a new building to an existing water service lateral on an existing building on the property unless both buildings share a roof line. If the new building will not share a roof line with the existing building after construction is complete, a new water service lateral shall be installed for the new building. For the purposes of this subsection, "new building" means any building that does not currently have water service connected.

705.20 Maintenance of Services

ADD

705.20(b) When any portion of water service is to be relaid, for any reason, and there are two or more buildings on such service, each building shall be disconnected from such service and a new water service shall be installed for each building, at the expense of the Owner of the property, within one hundred eighty (180) days after official notice from the City to do so. If it is discovered through City water service maintenance activities, that two or more buildings are connected on water service, each building shall be disconnected from such service and a new water service shall be installed for each building, at the expense of the Owner of the property, within one hundred eighty (180) days after official notice from the City to do so.

Note to Denise: need to re-label existing paragraph..."All water services with the limits of the City..." as 705.20(a)