



Agenda

Regular Council Meeting

Monday, February 1, 2021 @ 7:00 PM

Council Chambers

Join Zoom Meeting

<https://us02web.zoom.us/j/82735997990>

[?pwd=RjdRWDBud3VzT3ZyV1JSTEFyQWNSQT09](https://us02web.zoom.us/j/82735997990?pwd=RjdRWDBud3VzT3ZyV1JSTEFyQWNSQT09)

Meeting ID:827 3599 7990

Passcode: 157598

or Dial: 312.626.6799

Page

Public comments will not be taken during the Council meeting on any agenda item that is not listed as a Public Hearing. If you have comments on an agenda item please contact your Council representative and/or the Mayor to provide your input prior to the meeting. Council contact information can be found here, <https://www.hudsonwi.gov/317/Mavor-and-Common-Council> or you may email the Mayor and all Council Members here, mavorandcouncil@hudsonwi.gov or you can call 715-386-4765.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. CLERKS ROLL CALL
3. PRESENTATIONS
 - a. Presentation from the WI Department of Transportation regarding the 2021 STH35/Hanley Road roundabout repaving project
4. PUBLIC HEARINGS
 - a. Discussion and possible action on amendment(s) to Municipal Code Chapter 99-21; Chickens 3 - 11
[Chicken Code Update](#)
5. COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT
Comments are limited to five (5) minutes; must address items not listed on the agenda; are limited to issues that have an impact of the City of Hudson, and that the Common Council may address at a future meeting and must not include endorsements of any candidates or other electioneering. An exception to the five (5) minute limits may be made at the discretion of the Mayor. As presiding officer, the Mayor, may allow public comment on agenda items during discussion by the Common Council following a motion and a second being made on said agenda item. The Mayor may place time limits on individual comments as he or she deems necessary.
6. DISCUSSION AND POSSIBLE ACTION ON CONSENT AGENDA ITEMS
All items listed under the consent agenda will be approved as one motion. There will be no separate discussion of these items. If further discussion is desired by the council members or by the public, the item may be removed from the consent agenda and considered separately.
 - a. Approve the meeting minutes from the January 19, 2021 Regular Council Meeting 12 - 16
[Regular Council - 19 Jan 2021 - Minutes - Pdf](#)
 - b. Approve the claims in the amount of \$309,260.34 17
[2-1-2020 Council Claims](#)
 - c. Approve Operator's licenses listed on the list sheet 18

[Operator License applications 2021 0201](#)

- d. Approve the City Attorney RFP as presented 19 - 22
[City Attorney RFP 2.1.21](#)
- 7. UNFINISHED BUSINESS
 - a. Discussion and possible action on reinstating Ordinance 8-21; Public Safety State of Emergency 23 - 25
[Emergency Order Review 2.1.21](#)
[Ord. 4- Emergency Declaration and Order extension 2.1.21](#)
- 8. NEW BUSINESS
 - a. Discussion and possible action to adopt the City of Hudson's Retaining Wall Policy 26 - 41
[Retaining Wall Policy](#)
 - b. Discussion and possible action to amend Ordinance 106-6; Residential Building Permits 42 - 43
[Ordinance 106-6](#)
 - c. Discussion and possible action to amend Ordinance 106-19; Retaining Walls 44 - 45
[Ordinance 106-19](#)
 - d. Discussion and possible action to amend the City of Hudson's Special Assessment Policy 46 - 69
[Special Assessment Policy](#)
- 9. COMMUNICATIONS AND RECOMMENDATIONS OF THE MAYOR
- 10. COMMUNICATIONS AND ITEMS FOR FUTURE AGENDAS
 - a. City Attorney and/or City Staff
- 11. ADJOURNMENT

Rich O'Connor, Mayor

Some agenda items may be taken up earlier in the meeting, or in a different order than listed. Upon reasonable notice, an interpreter or other auxiliary aids will be provided at the meeting to accommodate the needs of the public. Please contact the City Clerk at 715-386-4765, ext. 140.



505 Third Street
Hudson, Wisconsin 54016-1694
FAX: (715)386-3385
www.hudsonwi.gov

Mike Johnson
*Assistant City Administrator/
Community Development Director*
mjohnson@hudsonwi.gov
(715)386-4776, ext. 166

Tiffany Weiss
Associate City Planner
tweiss@hudsonwi.gov
(715)386-4776, ext. 161

Report Attachment #a.
Nick O'Brien
*Associate City Planner/
GIS Coordinator*
nobrien@hudsonwi.gov
(715)386-4776, ext. 143

Emily Boles
Executive Assistant
eboles@hudsonwi.gov
(715)386-4776, ext. 116

**NOTICE OF PUBLIC HEARING
COMMON COUNCIL, CITY OF HUDSON, WISCONSIN**

NOTICE IS HEREBY GIVEN, that the Common Council of the City of Hudson, Wisconsin will hold a public hearing on **Monday, February 1, 2021 at 7:00 p.m.** to invite public comment regarding the consideration of amendments to municipal code Chapter 99-21 to allow the keeping of chickens on institutional properties in publicly-zoned districts. The usual in-person meeting will be conducted in the form of videoconferencing. Citizens can participate in the hearing by live video or over the phone by voice. The video conference link will be available on the meeting agenda found at the following website: <https://www.hudsonwi.gov/agendacenter>. To view a copy of the drafted ordinance, please contact the Community Development Department at 715-386-4776. If you have any questions regarding this matter you may contact Mike Johnson, Community Development Director, at 715-386-4776.

Dated this 5th day of January 2021
Tiffany Weiss, Associate City Planner

Publish Class II notice, January 14 & 21, 2021 in *Star-Observer*; send affidavit of publication

Forwarded to Star-Observer, 1/5/2021,
Posted in city hall lobbies, 1/5/2021

cc: Aaron Reeves, City Administrator
Mike Johnson, Assist. City Administrator/Community Dev. Director
Becky Eggen, City Clerk
Rich O'Connor, City Mayor
Cathy Munkittrick, City Attorney
Kyra Warner, Agriculture Instructor of Hudson High School



505 Third Street
Hudson, Wisconsin 54016
ph: (715)-386-4765 fx: (715)386-3385
www.hudsonwi.gov

TO: Common Council
FROM: Plan Commission
DATE: 1 February 2021
SUBJECT: Public hearing and discussion and possible action on amendment(s) to municipal code Chapter 99-21, Chickens

BACKGROUND:

At its July 20th meeting, the Common Council heard a presentation and request from the Hudson High School Agriculture Department to amend sections of Municipal Code Chapter 99-21, Chickens. Notable amendments that are being requested include:

- Allowing chickens to be kept on institutional land use properties zoned PUB (Public)
- Allowing the selling of eggs from the premises
- Increasing the number of chickens to be kept on the premises
- Increasing chicken coop floor plan and run area
- Requiring applicants to notify neighbors within a 100-ft buffer of the property where keeping chickens will take place

At its November 10th meeting, the Plan Commission voted to approve the amendments to Municipal Code Chapter 99-21 Chickens with 6 ayes and 1 nay.

PLAN COMMISSION RECOMMENDATION:

Recommends approving the proposed amendments.

ACTION REQUESTED:

Approve the amendments to Municipal Code Chapter 99-21, Chickens.

ATTACHMENTS:

Public Hearing Notice
Ordinance

Prepared by: Tiffany Weiss, Associate City Planner
Through: Mike Johnson, AICP, Community Development Director

CITY OF HUDSON
ORDINANCE NO _____

WHEREAS, the Common Council of the City of Hudson finds that keeping chickens in the City, if properly regulated, is in the public interest;

NOW THEREFORE, the Common Council hereby ordains that Chapter 99 of the Hudson City Code shall be amended to allow keeping chickens in the City of Hudson as provided in this Ordinance:

99-21 - Chickens.

A. Purpose. The purpose of this section is to establish conditions under which City residents on certain residential and public properties may safely keep and maintain a limited number of chickens to provide eggs for household use; to assure appropriate chicken coops or structure sin which to house chickens; and to protect the health, safety, and welfare of the general population of the City of Hudson.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ABUTTING PROPERTY

All lots that the applicant's property comes into contact with at one or more points, ~~except for~~ including those lots that are separated from the applicant's property by a public or private street or public alley.

CHICKEN

A female gallinaceous bird or hen of any age, including chicks. This definition does not include other kinds of fowl, including guinea hens, ducks, quail, pheasants, geese, turkeys, peacocks, emus, or ostriches.

COOP

An enclosed structure, building or pen within which chickens roost or are housed.

EDUCATIONAL PURPOSE/ORGANIZATION

Purposes directly related to learning, training, research, or development fulfilled by a qualified educational institution, faculty, or other authorized educational licenses and does not include commercial, professional or any other for-profit purposes.

ONE-FAMILY DWELLING

A building designed exclusively for occupancy by one family living independently as defined in Hudson City Code §255-4.

PUBLIC

Those areas that are zoned PUB-Public in the City of Hudson Zoning map.

C. License required.

- 1) No person or educational organization shall own, harbor, keep or maintain chickens within the City without first obtaining a license approved by the Common Council.
- 2) The license year shall commence on January 1 and shall end on December 31 and must be renewed annually if chickens continue to be kept on the property.
- 3) Applications shall be made to the City Clerk's office.
- 4) Applicants shall provide the following information on the license application:
 - a) A plan to dispose of chicken manure in a safe and adequate manner.
 - b) Coop design and materials plan that is consistent with the requirements of this section.
 - c) A site plan showing compliance with the requirements of this section.
 - e)d) The names and signatures of all those neighboring property owners within a 100-ft radius of the property who have been notified by the applicant of the chicken license application.
- 5) No license shall be issued until the City reviews the application and inspects the property and determines that the applicant has complied with the requirements of this section.
- 6) The applicant shall be the property owner or tenant with written consent of the property owner.

- 7) Written permission from a homeowners' association, if applicable, or a statement by the applicant that keeping chickens on the property is consistent with any homeowners' association bylaws or rules.
- 8) The license shall not be transferable.
- 9) No license shall be issued if the applicant is delinquent in the paying of any taxes, assessments, forfeitures, or fines for violations of City ordinances, utility bills, or other claims owed to the City.

~~10) For the first year this section is in effect, no more than 15 licenses shall be issued. The Common Council shall review after one year to evaluate how the chicken licensing program is working in the City and whether to continue and/or make any changes in the regulations.~~

D. Fees.

- 1) Application and license fees shall be in the amount established by City fee schedules. For the first year, the permit fee shall be \$50. The renewal fee shall be \$20. The fees may be changed by the Common Council and shall be incorporated into the City fee schedule.
- 2) License fees shall not be prorated or refundable.

E. Property requirements and coop/run design.

- 1) Property requirements:
 - a) Chickens regulated by this chapter shall only be permitted either on Public zoned property to be used for educational purposes, or on property upon which a one-family dwelling is located and occupied, is in any residential zoning district, and is consistent with any covenant and/or homeowners' association bylaws or rules, if applicable.
 - b) Chickens shall not be harbored, kept or maintained on a vacant lot.
 - c) All coops shall be located in a rear yard.
 - d) A coop and any attached enclosure shall be located a minimum of 25 feet from adjacent residential structures, decks or patios on an

abutting property and a minimum of 10 feet from the licensee's property line.

2) Coop/run design.

- a) All chickens shall be kept and maintained within a cross-ventilated and roofed coop in compliance with this section.
- b) The coop structural floor area shall not exceed ~~30~~50 square feet, and the height of the coop shall not exceed eight feet, as measured vertically from the ground to the outside highest point of the coop.
- c) The coop shall either be:
 1. Elevated with a clear open space of 24 inches between the ground surface and the floor of the coop; or
 2. The coop's foundation shall be constructed of concrete or naturally decay-resistant or pressure-treated wood with preservative on the ground surface.
- d) All coops, including an attached yard or run, shall be enclosed with one-quarter-inch galvanized hardware cloth or equivalent material, including a protective overhead, that will prevent chickens from escaping the coop or the attached enclosure.
- e) All coops shall provide a minimum of three square feet per chicken.
- f) All coop floors shall be composed of a smooth, hard, nonabsorbent surface. A wood or dirt floor is not acceptable.
- g) There must be at least one nesting box per two chickens.
- h) Exterior finish materials shall be typical residential type construction materials.
- i) There must be a minimum of one square foot of window for each 10 square feet of wall space.
- j) Coops shall provide elevated perches to ensure chickens are able to rest in their natural roosting position.

- k) There shall be a run area maximum of ~~50~~70 square feet of enclosed/screened with one-fourth-inch galvanized hardware cloth, maximum height of six feet six inches.

F. Conditions for keeping and sanitation.

- 1) Conditions for keeping. A person owning, harboring, keeping or maintaining chickens pursuant to this section:
 - a) Shall keep, harbor or maintain not more than five chickens on residential zoned property and shall keep, harbor or maintain not more than 20 chickens on public property.
 - b) Shall keep, harbor or maintain chickens within a coop or attached run enclosure at all times.
 - c) Shall not keep, harbor or maintain any roosters or male chickens.
 - d) Shall not sell any eggs on ~~site~~residential properties. The selling of eggs on Public zoned properties shall follow all USDA rules and guidelines.
 - e) Shall not slaughter any chickens within the City.
 - f) No person shall use any chickens for fighting.
 - g) Shall not engage in chicken breeding or fertilizer production for commercial purposes.
 - h) All chickens shall be provided access to food and clean water at all times.
 - i) Chickens ill with an infectious disease capable of being transmitted from bird to bird or from birds to humans, including, but not limited to, salmonella and avian influenza, are prohibited and shall be immediately killed at a veterinarian's office or removed from the City and humanely killed outside of the City.
 - j) Deceased chickens should be disposed of immediately in a safe manner by placing the deceased chicken in a sealed bag and placing it in a trash receptacle with a lid.
- 2) Sanitation.

- a) Chickens and their coops shall be kept and maintained at all times in outdoor areas and shall not be permitted inside a residential ~~premises or~~ dwelling or public premises.
- b) Chicken feed shall be stored and kept in containers which make the feed not accessible to rodents, vermin, wild birds and predators.
- c) All coops and rear yards where chickens are kept, harbored or maintained shall be reasonably free from substances, including, but not limited to, chicken manure, such that it does not cause the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.
- d) Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

G. Inspection and enforcement.

- 1) The Hudson Police Department, Animal Control Officer, or their designees shall have the power, whenever they may deem reasonably necessary, and consistent with the requirements of statutory and constitutional law, to enter a building, structure, or property related to a license under this chapter to ascertain whether the license holder is in compliance with this chapter. The above-listed departments may issue compliance orders and citations pursuant to the provisions of this chapter, this Code and state law.
- 2) Violations of this chapter may constitute a public nuisance under Chapter 175 of this Code or under Chapter 823, Wisconsin Statutes.
- 3) The City may revoke a license at any time if the licensee does not follow the terms of the license or this section or if the City finds that the permit

holder had not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.

H. Other methods not excluded. The requirements and remedies provided under this section are not exclusive and may be used in combination with each other or with any other section of this Code or applicable state statute.

I. Severability. If any provision in this section, or portion thereof, is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

J. Violations and penalties. Any person who violates the provisions of this section shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 per day of violation, if applicable, together with the costs of prosecution. Each day a violation exists is a separate violation.

K. This Ordinance shall become effective upon adoption by the Common Council and publication as provided by law.

Adopted at a regular Common Council meeting this ___ day of _____, 2021.

Richard O'Connor, Mayor

Attest: _____

Becky Eggen, City Clerk

Date adopted: _____

Date Published: _____



MINUTES

Regular Council Meeting

7:00 PM - Tuesday, January 19, 2021

Council Chambers

The City of Hudson Council met in Regular Council on Tuesday, January 19, 2021 at 7:00 PM in the Council Chambers via Zoom.

1 CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Common Council meeting was called to order by Mayor Rich O'Connor at 7:01pm and led those in the Pledge of Allegiance.

2 CLERKS ROLL CALL

Mayor O'Connor stepped out of the meeting at 7:02pm. Council President, William Alms presided as chair of the Council for the time being.

Mayor O'Connor returned and led the meeting at 7:27pm

Council Present: Mayor Rich O'Connor, Alderperson -Dist 1 Randy Morrissette II, Alderperson - Dist 2 Bill Alms, Alderperson - Dist 3 Paul Deziel, Alderperson - Dist 4 Jim Webber, Alderperson - Dist 5 Sarah Atkins Hoggatt, and Alderperson - Dist 6 Joyce Hall

Council Absent:

Staff Present: City Administrator - Aaron Reeves, Clerk - Becky Eggen, Finance Director - Alison Egger, Techonolgy Director - Bryan Watson, City Attorney - Cathy Munkittrick, City Engineer - Dean Chamberlin, Police Chief - Geoff Willems, Deputy Clerk - Karen Duchow, Waste Water Treatment / Utility Director - Kip Peters, Assistant City Administrator/Community Development Director - Michael Johnson, and Public Works Director - Mike Mroz

3 PRESENTATIONS

A. *Presentation from Wisconsin Department of Transportation Regarding Upcoming Maintenance Project at I-94/Carmichael Road Interchange*

Stephanie Miner with the Department of Transportation gave an overview of the upcoming maintenance project at I-94/Carmichael Road Interchange. Dean Chamberlin, City Engineer, clarified that this is the bridge maintenance not the reconstruction of the interchange. Stacie Lambele, project manager, gave more detailed of timeline of the project. More conversation will happen in the near future.

4 COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

- A. *Becca Hackel - stated her disappointment with the Mayor and lack of action with the Republican Party.*
- B. *Beth Wiskoff commented that she did not appreciate Becca Hackel's comments*
- C. *Kristin Emerson spoke on behalf of Tallia Tajema stated she did not like the Mayor's speech as it was twisting Dr. Martin King's words.*
- D. *Beth Wiskoff - commented that she did not appreciate Becca Hackel's comments*
*** Kristin Emerson stated she did not like the Mayor's speech as it was twisting Dr. Martin King's words.*
*** Brandon (he did not state his last name) - the City hasn't seen extremism the best is yet to come.*

5 DISCUSSION AND POSSIBLE ACTION ON CONSENT AGENDA ITEMS

- A. *Approve the meeting minutes from the December 7, 2020 and January 4, 2021 Regular Council Meeting and the December 8, 2020 and January 13, 2021 Special Council Meetings*
- B. *Approve the claims in the amount of \$8,304,880.57*
- C. *Place on file the December 8, 2020 Public Utility Commission Meeting Minutes*
- D. *Approve Operator's Licenses listed on the list sheet*
- E. *Approve 4th Quarter and 2020 Building Inspector Year End Reports*
- F. *Approve changing polling locations from City Hall to the Fire Station on Ward Ave*
- G. *Approve Public Works Director Pay Grade*
- H. *Set Public Hearing date of February 15, 2021 for Adoption of Special Assessments for 2020 Mill & Overlay Project (Industrial Street and Stageline Road)*
- I. *Approval of conditional use permit (CUP) application for garage height to exceed 20 feet at 809 Third Street - Robert & Wendy Hanson*
- J. *Approval of the Hudson Library's 2021 Solar Walk*
- K. *Approval of the 2021 Grandview Park Concessions Agreement with the Hudson Boosters*
- L. *Approval of the LOE with Bolton & Menk for engineering services in the amount of \$20,600 for the 2021 Stormwater project*
- M. *Approve the Hudson Hot Air Affair event for February 5-7, 2021 and to designate as a community event*
- N. *Approve the agreement with Zappa Brothers in the amount \$4,590 to abandon the well at 1421 2nd Street (West Public Works Facility)*

Motion by Alderperson -Dist 1: Randy Morrissette II, second by Alderperson - Dist 3: Paul Deziel to approve consent agenda except Item A- pulled by Hall and Item F - pulled by Morrissette. Roll call vote. Carried unanimously.

Motion by Alderperson - Dist 6: Joyce Hall, second by Alderperson - Dist 3: Paul Deziel moved to approve minutes with corrections. Carried unanimously.

Motion by Alderperson -Dist 1: Randy Morrissette II, second by Alderperson - Dist 6: Joyce Hall approve the change of polling locations with concerns. Roll call vote. Carried 4-3 (opposed: Alderperson -Dist 1: Randy Morrissette II, Alderperson - Dist 4: Jim Webber, and Alderperson - Dist 6: Joyce Hall).

6 **UNFINISHED BUSINESS**

- A. *Discussion and possible action on Public Safety State of Emergency should be reinstated***
 Administrator Reeves gave an update with Minnesota opening up and having a closing time at 10:00pm. Chief Willems stated the ordinance has had a very positive impact. Lifting the Thursday night has not been an issue. He suggests extending the Ordinance with extending the time to 11:00pm

Motion by Alderperson -Dist 1: Randy Morrissette II, second by Alderperson - Dist 2: Bill Alms
 Extend the Ordinance to 11:00pm and revisit this at the February 1, 2021 Regular Council Meeting. Carried 5-1 (opposed: Alderperson - Dist 3: Paul Deziel).

- B. *Discussion and possible action regarding the Diversity and Law Enforcement Listening Session Follow-up***

Administrator Reeves stated City is continuing to address the request(s) from Council and will continue to update the Council regularly. Addison Filiatreux is happy to hear of the extra training and had a few questions that will be addressed at a further meeting. No Action was taken.

7 **NEW BUSINESS**

- A. *Approve and adopt the City's 2021 Fee Schedule***

Motion by Alderperson - Dist 6: Joyce Hall, second by Alderperson - Dist 3: Paul Deziel to approve the 2021 fee schedule. Carried unanimously.

- B. *Discussion and possible action on adoption of the City of Hudson Retaining Wall Policy***
 City Engineer, Dean Chamberlin gave an overview of the proposed Retaining Wall Policy as there currently is not one in place. - No Action was taken

- C. *Discussion and possible action on City Hall improvements and construction***

Discussion of the repairs needed to the City Hall - some items to be repaired are: painting, cupola, bathrooms, council chambers, lights changed to LED, more security at front desk, key fobbing doors, and other miscellaneous improvements.

Motion by Alderperson -Dist 1: Randy Morrissette II, second by Alderperson - Dist 6: Joyce Hall to approve City Hall Improvements. Carried 5-1 (opposed: Alderperson - Dist 3: Paul Deziel).

- D. *Discussion and possible action on the 2021-2022 CIP***

Motion by Alderperson -Dist 1: Randy Morrissette II, second by Alderperson - Dist 6: Joyce Hall to approve the 2021-2022 CIP. Carried unanimously.

- E. *Discussion and possible action on Resolution 2-21; Support for Outdoor Recreation Assistance to Improve Riverfront Recreational Opportunities at Lakefront Park***

Motion by Alderperson -Dist 1: Randy Morrissette II, second by Alderperson - Dist 3: Paul Deziel to suspend the rules. Carried unanimously.

Motion by Alderperson - Dist 3: Paul Deziel, second by Alderperson -Dist 1: Randy Morrissette II to approve Resolution 2-21. Carried unanimously.

- F. *Discussion and possible action on updating the 2020 Sewer Rate and Connection Fee Ordinance 198-10***

Kip gave a brief overview of the update of the sewer rate and connection fee ordinance. Christy DeMaster from Trilogy went more into detail of the changes/updates.

Motion by Alderperson -Dist 1: Randy Morrissette II, second by Alderperson - Dist 3: Paul Deziel to suspend the rules. Roll call vote. Carried unanimously.

Motion by Alderperson - Dist 6: Joyce Hall, second by Alderperson - Dist 2: Bill Alms to approve the update for the 2020 Sewer Rate and Connection Fee Ordinance 198-10. Carried unanimously.

G. *Discussion and possible action on amending Ordinance 242-1 Section B to establish a clear role for the appointed Village of North Hudson liaison on the Public Utility Commission*

Motion by Alderperson - Dist 6: Joyce Hall, second by Alderperson - Dist 5: Sarah Atkins Hoggatt move to suspend the rules. Roll call vote. Carried 5-1 (opposed: Alderperson -Dist 1: Randy Morrissette II).

Motion by Alderperson - Dist 6: Joyce Hall, second by Alderperson - Dist 5: Sarah Atkins Hoggatt to approve Ordinance 242-1. Carried 5-1 (opposed: Alderperson -Dist 1: Randy Morrissette II).

- 8 Discussion and possible action on motion to convene into closed session pursuant to Wis. Stat 19.85(1)(g) to confer with legal counsel for the governmental body relating to litigation in which the governing body is likely to become involved relating to the City's sign ordinance.
- 9 Discussion and possible action to convene into closed session pursuant to A.12. Wis. Stat. 1985(1) (c) to consider performance evaluation date and compensation relating to the City Administrator

Motion by Joyce Hall, second by Bill Alms to convene into closed session at 8:52pm. Roll call vote. Carried 6-0

- 10 Reconvene into open session for discussion and any possible action relating to the performance evaluation date and compensation relating to City Administrator.

Reconvened back into open session at 9:37pm

Motion by Alderperson - Dist 3: Paul Deziel, second by Alderperson - Dist 5: Sarah Atkins Hoggatt to approve the next pay scale step for Administrator Reeves. Carried unanimously.

11 COMMUNICATIONS AND ITEMS FOR FUTURE AGENDAS

Paul Deziel took a minute to put out an appeal to be calm. He pledged as a Council member to listen and respect your views regardless of your political views. He wants to get through the future together going forward and wants to work with whomever is looking at going the other direction.

William Alms congratulated the Mayor and his video that he put out. Bill is impressed with Mayor's leadership and what he spoke about and thought it was exactly what the community needed to hear. City needs to listen and communicate.

Randy Morrissette II stated respect each other opinions is all we should be doing. Lack of respect and violence has no place anywhere.

12 ADJOURNMENT

Motion by Alderperson -Dist 1: Randy Morrissette II, second by Alderperson - Dist 3: Paul Deziel to adjourn at 9:37pm. Carried unanimously.

I hereby certify the City Clerk has submitted the foregoing minutes to me and hereby my signature approves said minutes and all acts of the Common Council as set forth therein.

Date Approved by Council:

Approved:

Rich O'Connor, Mayor

Attest:

Becky Eggen, City Clerk



SUBMITTED TO: Finance Committee
 DATE: February 1, 2021
 SUBMITTED BY: Kathy Edwards, Accountant

COUNCIL CLAIMS - February 1, 2021				
Fund		A/P Amounts	P/R Amounts	Totals
100	General	143,472.30	144,032.65	287,504.95
416	Tid 1-6	8,659.22		8,659.22
451	2017 & 2018 Cap Projects	238.00		238.00
620	Parking	9,638.48	2,209.71	11,848.19
640	Storm Sewer	1,009.98		1,009.98
	Totals	\$163,017.98	\$ 146,242.36	\$ 309,260.34



SUBMITTED TO: Finance/Common Council
DATE: February 1, 2021
SUBMITTED BY: Karen Duchow, Deputy Clerk
REGARDING: Application(s) for Operator Licenses

ISSUE:

Applications for Operator Licenses are on file in the City Clerk's office and are available for inspection upon request. If approved by Council, the licenses will be issued contingent upon successful completion of a background check and payment of any outstanding debt owed to the City.

STAFF RECOMMENDATION:

Approve the issuance for 1 Regular Operator Licenses for the period of February 2, 2021 to June 30, 2022 to:

Joseph Bauer



SUBMITTED TO: Mayor and Common Council

DATE: February 1, 2021

SUBMITTED BY: Aaron S. Reeves, City Administrator ^{AR}

REGARDING: City Attorney RFP

BACKGROUND:

The City Attorney has notified the Council of her intent to retire on April 30, 2021. First, staff would like to thank Cathy for her years of service to the City, her advice and counsel will be missed. With Cathy's pending retirement the City will need to issue an RFP for City Attorney services.

STAFF RECOMMENDATION:

A motion to approve the City Attorney RFP as presented.

**CITY OF HUDSON
REQUEST FOR
PROPOSALS FOR LEGAL
SERVICES**

I. STATEMENT OF PURPOSE

The City of Hudson invites law firms and attorneys qualified to practice law in the State of Wisconsin to submit a proposal to provide general legal services for the City.

This RFP and the interview process will be operated by the City of Hudson Finance & Personnel Committee, subject to approval by the Common Council.

II. GENERAL INFORMATION

The City of Hudson is need of legal services as the result of the retirement of the current City Attorney. The City of Hudson has an estimated population of around 14,000 and is served by a Mayor and six Council members. The City of Hudson is a full-service City with professional staff working in the areas clerk, human resources, finance, engineering, community development, parks, public work, utilities, public safety, and administration.

III. SERVICES TO BE PROVIDED

- A. Provide general legal counsel for the City, the Mayor and Common Council and other department heads and officials of the City. When requested by authorized personnel, the attorney shall give written legal opinions, which are to be filed with the City Administrator.
- B. Function as legal advisor to all Departments of the City government and represent the City in legal matters as requested.
- C. Draft ordinances, resolutions, contracts, and other documents as may be required by the City.
- D. Represent the City and advise the Board of Review during meetings.
- E. Apprise City officials as needed about changing laws and other legal matters that may be of interest and/or concern to the City.
- F. Render oral advice to the City Council and City Staff.
- G. Assist as necessary in the processing of insurance claims and coordinate with the various insurance carriers and defense counsel as required.
- H. Attend meetings of the City bodies as requested.
- I. Provide storage of existing files.

IV. PROPOSAL REQUIREMENTS

Submittals should include responses to each of the following items. Include other information as appropriate to address the services the City can expect from the attorney.

- A. Profile and history of yourself and your firm including attorneys in the firm and a list of the principals. Indicate the attorney(s) who will be responsible for work performed for the City.
- B. A listing of all current and past municipal government clients including the name and telephone number of the client contact.
- C. Current fee schedule. Indicate whether the fee schedule varies for different types of legal work or by attorney. Be sure to include travel fees as well.

V. EVALUATION CRITERIA

Submittals will be evaluated based on the following criteria:

- A. Qualifications and experience of the attorney and/or firm in working with Wisconsin municipal government.
- B. Experience and availability of staff assigned to serve the City.
- C. Scope and cost of services.
- D. References.

VI. TERMS AND CONDITIONS

- A. The City reserves the right to accept or reject any or all proposals. 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 forty-five (45) days after award of the proposal.
- B. The City reserves the right to request clarification of the information submitted and to request additional information of one or more applicants.
- C. The attorney's/firm's proposal must be received at the address below by 4:00 p.m. on March 1, 2021:

City of Hudson
Attn: Aaron Reeves, City
Administrator
505 Third St.
Hudson, Wisconsin 54016

Or via email to areeves@hudsonwi.gov

- D. All questions regarding this request for proposals should go to Aaron Reeves, City Administrator, at 715-716-5741 or areeves@hudsonwi.gov

TENTATIVE SELECTION SCHEDULE

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

- A. February 2, 2021-RFP advertised and mailed to attorneys
- B. March 1, 2021 -Proposals due
- C. March 15,2021 -Selection of firms for interviews and scheduling
- D. March 22-25 -Interviews with selected attorneys/firms by Finance & Personnel Committee
- E. April 12, 2021 –Common Council reviews recommendation for appointment and makes final decision.
- F. May 1, 2021 -Term of appointment commences



SUBMITTED TO: Mayor and Common Council

DATE: February 1, 2021

SUBMITTED BY: Aaron S. Reeves, City Administrator ^{AR}

REGARDING: Public Safety State of Emergency

BACKGROUND:

The City has enacted and extended an Ordinance declaring a public safety state of emergency and implementing restrictions that is set to expire on February 1, 2021 unless extended. With each extension we have extended the allowable closing time a little later. If the Council decides to extend the emergency ordinance staff recommends setting the closing time to midnight. If there are problems with this we can always amend at a special meeting if necessary.

STAFF RECOMMENDATION:

Discuss if reinstating the order is necessary and if it is reinstated a motion to set the closing time at midnight on Friday and Saturday nights.

ORDINANCE NO. 8-21

AMENDING ORDINANCE NO. 19-20 & 1-21 & 4-21

Emergency Declaration and Order

WHEREAS, The City Of Hudson has experienced a significant increase in the number of people coming across the Minnesota/Wisconsin border into the City of Hudson as a result of the restrictions on bars and restaurants in the State of Minnesota. Current Minnesota restrictions for bars and restaurants include capacity restricted to 50% with a maximum of 150 persons for indoor and 150 for outdoor dining, and they must be closed between 10 p.m. and 4 a.m. Hudson bars and restaurants are not subject to such restrictions. Because of its location right across the river from Minnesota on a heavily traveled freeway crossing the river, Hudson is a quick and easy drive from bars and restaurants located across the river in Minnesota.

WHEREAS, this influx of people from Minnesota has caused a significant increase in traffic and crime in the City of Hudson, especially on the week-ends ;

WHEREAS, at approximately 1 a.m., on Sunday, December 6th, 2020, three people were stabbed in downtown Hudson, resulting in one person being killed in the stabbing;

WHEREAS, the crime has occurred in the later evening/early morning hours around the time of bar closing and appears to be directly related to over-service of alcohol beverages;

WHEREAS, this influx of people into the City of Hudson and the resulting increase in crime, including violent crime, has over-loaded the City's transportation and public safety services including police protection, emergency medical services and systems, safety of vehicular and pedestrian traffic, and the public safety systems of surrounding municipalities due to increased calls for mutual aid, thus jeopardizing public safety in the City of Hudson and surrounding areas.

NOW THEREFORE, pursuant to Wis. Stat. §323. 11, the City of Hudson Common Council hereby declares that a state of emergency exists with respect to the City's ability to protect public safety while the restrictions on Minnesota bars and restaurants are in effect.

NOW THEREFORE, as a result of this state of emergency, and to protect public safety in the City of Hudson and surrounding area, pursuant to the authority conferred in Wis. Stat. 323.14 (4) the Common Council hereby ordains as follows:

1. Beginning on February 5, 2021, all establishments in the City of Hudson that hold Class B Beer, Class B Intoxicating Liquor, and/or Class C wine licenses for on-premises consumption of beer, intoxicating liquor and/or wine shall close for business no later than _____ on Fridays and Saturdays.
2. This ordinance does not extend the closing time for any alcohol beverage licensed establishment holding a beer, wine, or intoxicating liquor license that is required under state law or city ordinance to close before _____. Such licensed establishments are required to close at the earlier closing time required under state law or city ordinance, whichever applies.

3. Violation of this ordinance and emergency declaration order may result in suspension or revocation of the establishment's alcohol beverage license following the procedures established in Wis. Stat. 125.12.
4. Persons holding private invitation only events such as a wedding or other similar private invitation only event which may be affected by this Emergency Declaration and Order may apply to the City for an exception to this Emergency Declaration and Order for that private invitation only event.
5. This order shall be effective beginning on _____, 2021 through February 15, 2021, for the days specified in paragraph 1.

Adopted by the Common Council this 1st day of February 2021.

APPROVED:

Rich O'Connor, Mayor

Becky Eggen, City Clerk



505 Third Street
Hudson, Wisconsin 54016
ph: (715)-386-4765 fx: (715)386-3385
www.ci.hudson.wi.us

TO: Common Council
FROM: Dean Chamberlain – City Engineer
DATE: January 26, 2021 (for February 1, 2021 meeting)
SUBJECT: **8A** – Discussion and Possible Action on Adoption of the City of Hudson Retaining Wall Policy

BACKGROUND:

The City of Hudson does not currently have a Retaining Wall policy adopted, and current ordinances do not adequately address requirements for construction, maintenance, and cost participation of retaining walls. There are several retaining walls in poor condition in the City of Hudson and must be replaced for the safety of adjacent pedestrians.

At the January 19, 2021 City Council meeting, staff presented a summary of the proposed retaining wall policy and asked for any questions, comments, or other revisions to make to the policy before approval. No revisions were requested to be made.

FUNDING:

Development of this policy has been undertaken with in-house staff and thus does not require funding.

Capital funds will be needed to fund the City's obligation of retaining wall construction and maintenance costs per the proposed plan. Those funding needs will be identified on a project-specific basis.

RECOMMENDED ACTION:

Staff recommends approval of the retaining wall policy as attached. If not approved, staff requests direction on next steps.

Additional agenda items related to the proposed ordinance changes are also recommended to be approved if the policy is approved.

Prepared by: Dean Chamberlain, PE - City Engineer

Attachments: Proposed Retaining Wall Policy



505 Third Street
Hudson, Wisconsin 54016-1694
PHONE: (715) 386-4765
FAX: (715) 386-3385
www.hudsonwi.gov

City of Hudson Department of Public Works Retaining Wall Policy

1. Purpose

The purpose of this policy is to state the criteria for maintenance of existing retaining walls and construction of new retaining walls. This policy applies to retaining walls wholly within private property, walls on or parallel to lot lines between private properties, walls on or parallel to public right of way or City property boundaries, walls wholly within City right of way not parallel to right of way boundaries, and walls wholly within City property not parallel to property boundaries. Retaining walls existing at the time of adoption of this policy shall not be grandfathered in unless written agreements are in place between applicable parties prior to the adoption of this policy.

2. Background

In the City of Hudson, homeowners, developers, and contractors have built many retaining walls along sidewalks, alleys, and between private property to create means of access and develop property for construction. Eventually, even well-built retaining walls need maintenance. When maintenance is needed, some types of repairs are very expensive and require engineered documents and skilled craftsmanship. With the span of years between initial construction and the time when repairs to retaining walls are necessary, the property owner and the City of Hudson are often faced with the need to determine the ownership of the walls and maintenance responsibilities.

3. Summary of Allowable Wall Types and Cost/Maintenance Responsibilities

The following tables summarize some of the major items contained in this policy for ease of understanding. Information provided in the summary tables do not supersede the information in the remainder of this policy document, and the information in the remainder of the document shall resolve any potential discrepancies.

Table 1: Summary of Allowed Retaining Wall Types by Location

Where Allowed *	Cast-In-Place Concrete Walls	Gabion Baskets	Precast Concrete Modular Block Walls	Stone or Boulder Walls	Wood/Timber Walls	Other Wall Types
Allowed Wholly Within Private Property	X	X	X	X	X	X
Allowed Parallel to Lot Lines of Private Properties	X	X	X	X	X	X
Allowed Fronting City Right of Way or City Property	X	X	X			
Allowed Wholly Within City Property	X	X	X			

* Assumes all proper permitting, engineering, and other applicable details in this policy are followed

Table 2: Summary of Cost Share Responsibility for Retaining Walls Parallel to City Right of Way or City Property

Type of Activity	Cause of Activity	City Cost Share *	Private Owner Cost Share *
New Retaining Wall Construction	Changes in City's Fronting Street	100%	0%
	Changes in Private Property	0%	100%
Reconstruction of Existing Retaining Wall	Replacement of Utility Service	0%	100% **
	All Others	100% to property being held up by the retaining wall ***	
Maintenance of Existing Retaining Walls	All	100% to property being held up by the retaining wall ***	
Removal of Existing Retaining Wall and Regrading Earth Behind Old Wall	All	50%	50%

* A written agreement between parties will supersede the cost share percentages shown

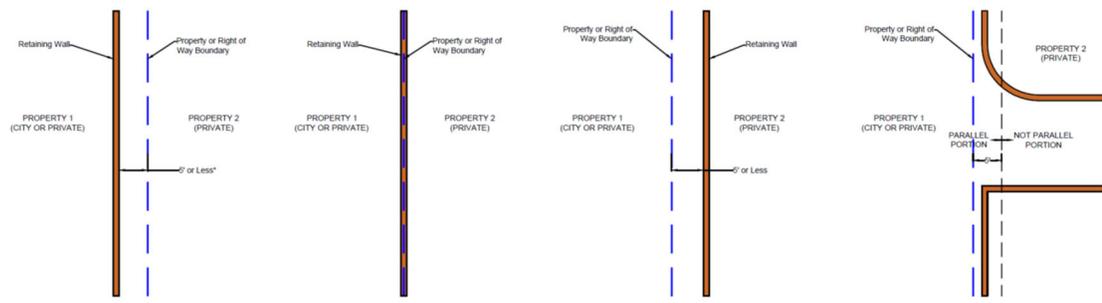
** 100% to property replacing utility service

*** For retaining walls built by private property owners but on City right of way or City property, 100% cost to private property owner

4. Definitions

- A. Cast-In-Place Concrete Retaining Walls: Retaining walls that are formed and concrete poured on-site to retain earth above the wall, including any incidental materials and construction activities. Cast-In-Place Concrete Retaining Walls shall use air-entrained concrete.
- B. Gabion Baskets: Wire baskets filled with rocks that are used to retain earth, including any incidental materials and construction activities.

- C. Maintenance: Maintenance of retaining walls consists of preventative maintenance (keeping walls that are in good condition in that condition) and reactive maintenance (bringing walls in marginal or poor condition to good condition). Since retaining walls can be a safety hazard when in poor shape, retaining walls should be kept in good shape as much as feasible for the welfare of the general public.
- D. Parallel: Generally following the same direction as an adjacent property line or meandering slightly along the property line, as determined by the City Engineer. Any part of the wall, including blocks or other wall materials, foundations, tiebacks, and other permanent structures, must be within 5 feet of the property line, except as described in Section 5.C.1 for retaining walls constructed on City right of way or City property by private property owners. Examples of parallel walls are as follows:



* See Section 5.C.1 for walls constructed on City right of way or City property by private property owners.

- E. Precast Concrete Modular Block Retaining Walls: Retaining walls made using precast or “manufactured” concrete blocks arranged in rows to retain earth above the wall, including any incidental materials and construction activities. These walls may utilize tie-back systems or anchors, or they may be designed as “gravity” walls not needing tie-backs or anchors. Installation of precast concrete modular block retaining walls must follow all installation requirements from the manufacturer.
- F. Stone or Boulder Retaining Walls: Retaining walls made using stones or boulders arranged to retain earth above the wall, including any incidental materials and construction activities.
- G. Wood/Timber Retaining Walls: Retaining walls made using wood or timber planks or logs arranged in rows to retain earth above the wall, including any incidental materials and construction activities.

5. Standards, Maintenance, and Cost Responsibility Requirements for Retaining Walls

This section details the various construction and maintenance standards for retaining walls, the maintenance responsibility for such walls, and the cost responsibility requirements for such walls.

A written agreement, such as an easement, between affected property owner(s) and/or the City, as applicable, shall supersede the cost and maintenance responsibilities detailed in this policy. Construction standards may not be superseded by a written agreement.

Construction of new retaining walls and replacement of existing retaining walls shall follow all applicable City Ordinances as well as the standards contained in this policy.

A. Retaining Walls Wholly Within Private Property

1) General

Section 5.A applies to all retaining walls within private property and not along a property line (either between two private properties or between one private property and City right of way or City property). For walls running generally parallel to or straddling a property line, see Section 5.B or 5.C as appropriate.

Retaining walls being newly constructed or reconstructed on property parallel to areas to be dedicated as City right of way or City property shall follow Section 5.C. Retaining walls being newly constructed or reconstructed on property wholly within areas to be dedicated as City right of way or City property shall follow Section 5.D.

A property boundary survey may be required to determine whether a wall in question applies to this section.

2) Construction Standards

Where a retaining wall is wholly within private property, the retaining wall shall be of any type of material or design as determined by the design engineer (if needed for necessary permits) and the property owner.

Stone or Boulder Retaining Walls shall be grouted so that any voids are filled with concrete to avoid future erosion through the void spaces.

Wood or Timber Retaining Walls shall not exceed 4 feet in height.

Weep holes, drain tile, and associated bedding and other materials shall be provided where determined by the design engineer (if necessary for permitting).

All areas adjacent to the top and bottom of any retaining wall shall be established with vegetation or impervious surfaces to minimize the potential for erosion and to control stormwater runoff.

In new developments and redevelopments, any existing retaining walls shall be replaced at the time of development or redevelopment unless otherwise allowed by the City Engineer.

Fall protection is required on top of all retaining walls three feet in height or higher and may be provided for retaining walls of any height.

Construction of all retaining walls shall require the applicant to construct the retaining wall to meet the requirements of any applicable approved plans, specifications, permit conditions, policy requirements, and all other applicable requirements. All retaining walls not built according to the approved plans, specifications, permit conditions, policy requirements, and all other applicable requirements shall be removed and replaced to meet such requirements at the expense of the applicant.

Any turf disturbed by the new construction of a retaining wall, reconstruction of a retaining wall, or any maintenance activity related to a retaining wall shall be restored as soon as possible to minimize the potential for erosion.

3) Maintenance

Maintenance of retaining walls wholly on private property shall be the responsibility of the property owner on whose property the wall is located.

4) Cost and Assessment Policies

The costs for all construction, reconstruction, maintenance, surveying, and removal of retaining walls wholly on private property shall be the responsibility of the property owner on whose property the wall is located. These costs are not eligible for special assessments unless otherwise approved by the Common Council of the City of Hudson.

5) Permit Needed

New construction, reconstruction, and major maintenance of retaining walls wholly on private property that are three feet or more in height at its maximum height shall require a permit. Major maintenance consists of activities that involve impacts to the structural capacity of the wall. Minor maintenance to retaining walls, such as tuck pointing and grouting, do not require a permit. The City Engineer shall determine whether a maintenance activity is considered major or minor. Property owners wishing to provide maintenance to a retaining wall are required to contact the City Engineer to determine whether a permit is needed for the proposed maintenance work.

When a permit is needed, see Section 6 for additional information on permitting requirements.

B. Retaining Walls Parallel to Boundary Between Two Private Properties

1) General

Section 5.B applies to all retaining walls running generally parallel to (as defined in Section 4) or on a property boundary between two private properties.

Disputes regarding property boundaries and the ownership of retaining walls between two properties shall be settled by the property owners involved in the property boundary dispute. The City suggests that property owners settle all property disputes amicably and that the property owners hire a land surveyor licensed in the State of Wisconsin to perform a boundary survey in order to determine ownership. As a last resort, property owners may settle property boundary disputes in the applicable court as a civil case. The City will not be involved in property boundary disputes between two property owners.

The requirements of Section 5.B, except for the construction standards in Section 5.B.2, may be superseded by a written agreement between the owners of the subject properties.

2) Construction Standards

Stone or Boulder Retaining Walls shall be grouted so that any voids are filled with concrete to avoid future erosion through the void spaces.

Wood or Timber Retaining Walls shall not exceed 4 feet in height.

Weep holes, drain tile, and associated bedding and other materials shall be provided where determined by the design engineer (if necessary for permitting).

All areas adjacent to the top and bottom of any retaining wall shall be established with vegetation or impervious surfaces to minimize the potential for erosion and to control stormwater runoff.

In new developments and redevelopments, any existing retaining walls shall be replaced at the time of development or redevelopment unless otherwise allowed by the City Engineer.

Fall protection is required on top of all retaining walls three feet in height or higher and may be provided for retaining walls of any height.

Construction of all retaining walls shall require the applicant to construct the retaining wall to meet the requirements of any applicable approved plans, specifications, permit conditions, policy requirements, and all other applicable requirements. All retaining walls not built according to the approved plans, specifications, permit conditions, policy requirements, and all other applicable requirements shall be removed and replaced to meet such requirements at the expense of the applicant.

The location of a newly constructed retaining wall or reconstructed retaining wall shall not straddle the border of two private properties. Unless superseded by a written agreement between the applicable property owners, all parts of the retaining wall, including any tie-backs and drainage systems located behind the wall, shall be located solely on the property owned by the property owner installing the retaining wall.

Unless otherwise superseded by a written agreement between the subject property owners, where a retaining wall is parallel to or on the boundary between two private properties the retaining wall shall be of any type of material or design as determined by the design engineer (if needed for necessary permits) and the property owner installing the retaining wall.

Removal of an existing retaining wall and sloping the ground to create a maintainable slope is encouraged wherever possible to minimize future maintenance and reconstruction efforts. Unless otherwise superseded by a written agreement between the subject property owners, where a retaining wall is parallel to or on the boundary between two private properties removal of a retaining wall and sloping the ground shall be the responsibility of the property owner responsible for maintenance of the retaining wall per Section 5.B.3. Regrading and sloping activities must be contained to the property whose owner is removing the retaining wall unless otherwise agreed to in

writing between the applicable property owners. The turf on the newly sloped ground must be restored as soon as possible to minimize the potential for erosion.

3) Maintenance

Maintenance of a retaining wall on or parallel to a lot line shall be determined by the applicable property owners.

The City strongly suggests that property owners record a written agreement between the applicable property owners establishing cost responsibility for maintenance of retaining walls to avoid future disputes. Such an agreement will be required for all new developments and redevelopments constructing or reconstructing retaining walls.

4) Cost and Assessment Policies

The costs contained in this section are not eligible for special assessments unless otherwise approved by the Common Council of the City of Hudson.

All costs for new construction, reconstruction, or removal of retaining walls parallel to the property boundary between two properties shall be determined through an agreement between the applicable property owners.

The City strongly suggests that property owners record a written agreement between the applicable property owners establishing cost responsibility for new construction, reconstruction, or removal of retaining walls to avoid future disputes. Such an agreement will be required for all new developments and redevelopments constructing or reconstructing retaining walls.

5) Permit Needed

New construction, reconstruction, and major maintenance of retaining walls parallel to a boundary between two private properties that are three feet or more in height at its maximum height shall require a permit. Major maintenance consists of activities that involve impacts to the structural capacity of the wall. Minor maintenance to retaining walls, such as tuck pointing and grouting, do not require a permit. The City Engineer shall determine whether a maintenance activity is considered major or minor. Property owners wishing to provide maintenance to a retaining wall are required to contact the City Engineer to determine whether a permit is needed for the proposed maintenance work.

The property owner responsible per Section 5.B.4 for the costs of the new construction, reconstruction, or major maintenance activity shall be responsible for acquiring and following any needed permit.

When a permit is needed, see Section 6 for additional information on permitting requirements.

C. Retaining Walls Parallel to City Right of Way or City Property

1) General

Section 5.C applies to all retaining walls running generally parallel to (as defined in Section 4) or on a property boundary between a private property and City right of way or City property.

Unless otherwise agreed upon in a written agreement between the City and the property owner, retaining walls built entirely on City right of way or City property by a private property owner shall be considered as parallel to City right of way or City property. Where the original constructor of the retaining wall cannot be determined, it shall be assumed that the private property owner constructed the wall.

A property boundary survey will be required to determine whether a wall in question applies to this section unless undisturbed property corner irons are able to be located at each change in the property boundary (such as property corners, angle points in the property boundary, and the beginning or end of an arc in the property boundary).

The City Engineer will resolve any disputes on whether a retaining wall is subject to this subsection upon completion of the property boundary survey.

2) Construction Standards

Construction of retaining walls parallel to City right of way or City property boundaries shall meet all City aesthetic, functional, and other requirements in this policy. Retaining walls constructed parallel to City right of way or City property boundaries shall be made of one of the following materials unless otherwise allowed by the City Engineer due to site constraints:

- Precast Concrete Modular Block (gravity or anchored/tied back)
- Cast-In-Place Concrete
- Gabion Baskets

Precast concrete modular block walls shall be made of materials that are resistant to road salt in areas parallel to public or private streets or alleys. The design shall be aesthetically pleasing as determined by the Community Development Director or his/her designee where any portion of the retaining wall is visible to the general public.

In places where any portion of a cast-in-place concrete wall is visible to the general public, cast-in-place concrete walls shall be faced with aesthetically pleasing materials, such as brick, blocks, or stone, or formed and colored in such a way as to mimic a block wall, brick wall, stone wall, or other type of wall as approved by the Community Development Director or his/her designee.

Gabion baskets are only allowed in areas that are not visible to the general public.

Retaining walls constructed parallel to City right of way or City property must be installed completely within private property and not encroach onto City property.

Fall protection shall be of an aesthetically pleasing design, such as a split-rail fence, decorative guard or handrail, or other protection as approved by the Community Development Director or his/her designee.

The City Engineer, Building Inspector, and Public Works Director shall have the authority to determine the suitability of any proposed design, fall protection, plans, specifications, calculations, computations, or anything else submitted in regards to the retaining wall.

Weep holes, drain tile, and associated bedding and other materials shall be provided where determined by the design engineer (if necessary for permitting).

All areas adjacent to the top and bottom of any retaining wall shall be established with vegetation or impervious surfaces to minimize the potential for erosion and to control stormwater runoff.

In new developments and redevelopments, any existing retaining walls shall be replaced at the time of development or redevelopment unless otherwise allowed by the City Engineer.

Fall protection is required on top of all retaining walls three feet in height or higher and may be provided for retaining walls of any height.

Construction of all retaining walls shall require the applicant to construct the retaining wall to meet the requirements of any applicable approved plans, specifications, permit conditions, policy requirements, and all other applicable requirements. All retaining walls not built according to the approved plans, specifications, permit conditions, policy requirements, and all other applicable requirements shall be removed and replaced to meet such requirements at the expense of the applicant.

Removal of an existing retaining wall and sloping the ground to create a maintainable slope is encouraged wherever possible to minimize future maintenance and reconstruction efforts. Regrading and sloping activities must be contained to the private property side of the retaining wall unless otherwise agreed to in writing between the City and property owner. The turf on the newly sloped ground must be restored as soon as possible to minimize the potential for erosion.

The location of a newly constructed retaining wall or reconstructed retaining wall shall not straddle the border of two properties. Unless superseded by a written agreement between the City and the property owner, all parts of the retaining wall, including any tie-backs and drainage systems located behind the wall, shall be located solely on the property being held up by the retaining wall.

New retaining walls and reconstruction of existing retaining walls shall be at least 1.5 feet from the closest edge of an adjacent sidewalk or trail.

3) Maintenance

The following maintenance responsibilities apply unless otherwise agreed upon in writing by the City and the applicable property owner(s).

Maintenance of a retaining wall on or parallel to City right of way or City property shall be the responsibility of the party whose property is being held up by the wall.

The City will periodically check retaining walls parallel to its right of way and properties for needed maintenance. The City shall contact the property owners with property adjacent to any retaining walls parallel to City right of way and City property identified as needing maintenance and arrange for the required maintenance to be done within a time determined by the City Engineer based on the severity of the needed maintenance and the time of year.

4) Cost and Assessment Policies

The cost for reconstruction of existing retaining walls (including any necessary boundary surveys) and removal of existing retaining walls and sloping the ground are eligible for special assessments following the City's special assessment policy.

Unless otherwise superseded by a written agreement between the applicable property owners, this paragraph shall determine the responsibility for costs associated with boundary surveying. Boundary surveying costs for new retaining wall construction shall be as follows:

- For new construction of retaining walls due to a change in the elevation or cross section of the City right of way or City property: 100% City cost
- For new construction of retaining walls due to a change in the elevation or cross section of the private property: 100% private property owner cost
- For reconstruction of retaining walls due to a change in the elevation or cross section of the City right of way or City property: 100% City cost
- For reconstruction of retaining walls due to a change in the elevation or cross section of the private property: 100% private property owner cost
- For reconstruction of retaining walls required by Section 7 for failing walls or an adjacent street reconstruction project: 100% cost to property owner whose property is being held up by the wall
- All other cases: 100% cost to property owner whose property is being held up by the wall

Unless otherwise superseded by a written agreement between the applicable property owners, this paragraph shall determine the responsibility for costs associated with new construction of a retaining wall. Costs associated with the new construction of a retaining wall, including any applicable design, permitting, and other associated costs, shall be the responsibility of the City if the new retaining wall is necessitated by a change to the elevation or cross section of the City street or City property. Costs associated with the new construction of a retaining wall, including any applicable design, permitting, and other associated costs, shall be the responsibility of the appropriate private property owner if the new retaining wall is necessitated by a change to the elevation or cross section of private property.

Unless otherwise superseded by a written agreement between the applicable property owners, this paragraph shall determine the responsibility for costs associated with reconstruction of an existing retaining wall. The responsibility of costs associated with the reconstruction of an existing retaining wall, including any applicable design, permitting, and other associated costs, shall be 100% to the property that is being held

up by the wall. In cases where the retaining wall was constructed by the adjacent private property owner but is completely within City right of way or City property without a written agreement between the City and the adjacent property owner, the reconstruction cost shall be 100% to the property adjacent to the City right of way or property boundary that is adjacent to the retaining wall. Reconstruction costs of a retaining wall due to the replacement of a water, sanitary sewer, or storm sewer service shall be the responsibility of the property owner replacing the utility service.

Unless otherwise superseded by a written agreement between the applicable property owners, this paragraph shall determine the responsibility for costs associated with maintenance of an existing retaining wall. Costs associated with the maintenance of an existing retaining wall shall be the responsibility of the property owner responsible for maintenance of the retaining wall per Section 5.C.3.

Unless otherwise superseded by a written agreement between the applicable property owners, this paragraph shall determine the responsibility for costs associated with removal of an existing retaining wall and sloping the ground. Costs associated with the removal of an existing retaining wall and sloping the ground shall be split 50% to the City and 50% to the private property owner.

5) Permit Needed

Where private property owners are responsible for the costs associated with new construction, reconstruction, and major maintenance of retaining walls parallel to City right of way or City property, such activities shall require a permit. Major maintenance consists of activities that involve impacts to the structural capacity of the wall. Minor maintenance to retaining walls, such as tuck pointing and grouting, do not require a permit. The City Engineer shall determine whether a maintenance activity is considered major or minor. Property owners wishing to provide maintenance to a retaining wall are required to contact the City Engineer to determine whether a permit is needed for the proposed maintenance work.

The property owner responsible per Section 5.C.4 for the costs of the new construction, reconstruction, or major maintenance activity shall be responsible for acquiring and following any needed permit.

See Section 6 for additional information on permitting requirements.

D. Retaining Walls Wholly Within City Right of Way or City Property

1) General

Section 5.D applies to all retaining walls wholly contained within City right of way or City property that are not covered by Section 5.C. Section 5.D does not apply to retaining walls constructed by private property owners on City property (see Section 5.C).

2) Construction Standards

Construction standards for retaining walls applicable to Section 5.D shall be subject to all applicable standards of Section 5.C.2.

All retaining walls applicable to Section 5.D shall be designed by a professional engineer licensed in the State of Wisconsin (the “design engineer”). Plans, specifications, calculations, computations, and all else used to determine the design of the retaining wall shall be submitted to the City Engineer by the design engineer at the time of development of the project and shall be accepted by the City Engineer prior to construction.

All retaining walls requiring a permit shall be inspected by the City during construction. No construction activities shall occur on such walls without a City inspector present unless specific activities are allowed by the City inspector without inspection. The City reserves the right to hire a consultant to inspect such work rather than utilize City staff.

3) Maintenance

Maintenance of retaining walls applicable to Section 5.D shall be the responsibility of the City of Hudson.

4) Cost and Assessment Policies

All costs associated with retaining walls applicable to Section 5.D shall be the responsibility of the City of Hudson.

5) Permit Required

No permits are required for retaining walls applicable to Section 5.D.

6. Permit Needed

Retaining walls requiring permits as described in Section 5 shall be subject to Section 6.

The City Engineer shall require preparation of plans and specifications by a professional engineer licensed in the State of Wisconsin (the “design engineer”). Plans, specifications, calculations, computations, and all else used to determine the design of the retaining wall shall be submitted to the City Engineer at the time of application or prior to issuance of the permit for construction of the retaining wall. The City Engineer reserves the right to request any additional information from the applicant prior to issuance of the permit. The City Engineer and Building Inspector or their designee(s) shall review all proposed walls for structural integrity. Any necessary engineering fees incurred by the City in review of the application shall be split according to the Section 8 of this policy for retaining walls, and any property owner responsibility for those costs may be rolled into the special assessment amount for the construction of the retaining wall.

When the City Engineer has received all applicable information for the design of the retaining wall, the City Engineer will meet with the Building Inspector, Public Works Director, and Community Development Director, or each respective designee, to determine whether the proposed retaining wall meets the requirements of this policy.

For proposed retaining walls requiring a permit that are not parallel to City right of way or City property, a permit will be issued for such construction if the proposed retaining wall design meets the requirements of this policy.

For proposed retaining walls parallel to City right of way or City property, the City Engineer reserves the right to refuse issuance of a permit for construction of a retaining wall if, upon consultation with the Building Inspector, Public Works Director, Community Development Director, or their designees, such a retaining wall is not deemed to be in the best interest of the City. Reasons for such a decision include, but are not limited to, future roadway widening, future sidewalk or trail construction, potential redevelopment of the property, or other reasons not otherwise listed. If City staff determines that the wall construction is in the best interest of the City and the proposed retaining wall design meets the requirements of this policy, a permit will be issued for such construction.

Construction of a retaining wall may not begin until a permit is issued for such work. Failure to comply with this section shall incur penalties as proscribed in City Ordinances or under any applicable local, state, or federal law.

All retaining walls requiring a permit shall be inspected by the City during construction. No construction activities shall occur on such walls without a City inspector present unless specific activities are allowed by the City inspector without inspection. The City reserves the right to hire a consultant to inspect such work rather than utilize City staff.

7. Standards for Requiring Replacement or Maintenance of a Retaining Wall

A. Determination of a failing retaining wall

The City of Hudson considers a retaining wall to be failing and an imminent safety hazard if any of the following conditions are met as determined by the City Engineer:

- Lean or bowing of at least 1 inch horizontally per foot of wall height away from the weight load
- Cracks in the retaining wall which have horizontally separated one section of a cast-in-place wall from another section by more than 1 inch
- Apparent movement in the wall that has caused modular materials to no longer be installed level
- Evidence of retained earth no longer being effectively retained by the wall (such as sinkholes present on the top of the retaining wall)
- Significant parts of the retaining wall are able to be moved without use of mechanical equipment
- Other imminent safety hazards not otherwise listed as determined by the City Engineer

B. Determination of retaining walls requiring major maintenance

Retaining walls requiring major maintenance are walls which exhibit any of the following conditions:

- Lean or bowing of greater than zero and less than 1 inch horizontally per foot of wall height away from the weight load
- Loss of, spalling, or significant cracking in 5% or more of blocks, bricks, stones, or other modular block materials

- Cracks in the retaining wall which have horizontally separated one section of a cast-in-place wall from another section by 1 inch or less
- Degradation of mortar materials that is not able to be fixed by tuckpointing or similar maintenance activity
- Other degradation not otherwise listed but deemed necessary for continued structural integrity and not deemed an immediate safety hazard as determined by the City Engineer

C. Requiring reconstruction of retaining wall during adjacent street reconstruction project

Retaining walls parallel to City right of way or City property that meet the standard of a failing retaining wall or a wall requiring major maintenance according to this section shall be replaced during an adjacent street reconstruction project.

Exceptions may be allowed by the City Engineer if requested in advance of the adjacent reconstruction project and may be subject to additional terms as deemed in the best interest to the City by the City Engineer. Such terms may include, but are not limited to, necessitating that any imminently needed structural improvements are made at the time of the adjacent project and/or requiring that the wall be reconstructed within 5 years after the conclusion of the adjacent reconstruction project. The City Engineer is under no obligation to grant exceptions to the requirement of reconstruction during an adjacent street reconstruction project. Any exceptions must be recorded in an official recorded agreement between the City and property owner. Exceptions for retaining walls wholly or partially under the maintenance responsibility of the City shall be granted by the Common Council of the City of Hudson.

8. Assessment Policies

Where allowed in Section 5.C.4 or when otherwise approved by the Common Council of the City of Hudson, property owners may elect to have the costs added to their property taxes via a Special Assessment or billed directly upon completion of the project. The costs for Special Assessments for retaining walls shall be computed per this policy, and the terms, interest rate, administrative rates, and other details of the Special Assessment shall follow the applicable sections of the current version of City of Hudson Special Assessment policy, except as noted in Section 9.

9. Enforcement of Retaining Wall Policies

The City of Hudson will periodically inspect any retaining walls that the City is partially or fully responsible to replace or maintain per the requirements of this policy as well as any retaining walls parallel to City right of way or City property. The City will not enter private property to enforce retaining wall policy unless invited to do so by the owner of said property. The City will not intervene in disputes between private property owners in regards to retaining wall issues except to issue advice to interested parties and in cases of identifying failing retaining walls causing imminent safety hazards (see Section 7.A). Disputes between private property owners are advised to be resolved amicably between such owners or, as a last resort, as a civil case in an applicable court.

Any retaining wall deemed an imminent safety hazard per Section 7.A must be scheduled for replacement within 30 days of notification of the property owner by the City. Replacement of

such walls shall be undertaken as promptly as possible based on the timeframe given by the contractor carrying out the work. Deficiencies in scheduling or executing replacement of failing retaining walls as determined by the City Engineer may result in the emergency replacement of such retaining wall by the City or its contractor with replacement and administration costs billed to the property owner. If the City replaces the retaining wall by its contractor due to failure of the property owner to promptly schedule such work, the work will be billed to the property owner immediately upon completion. If the property owner fails to pay the bill within the specified timeframe, the City may pursue any legal action available pursuant to Wisconsin State Statutes and City Ordinances to recover such costs.

For retaining walls parallel to City right of way or City property requiring replacement or maintenance work and that are partially or wholly the cost responsibility of a property owner, the property owner may contract with City or a City-hired consultant and/or contractor to provide the necessary design, inspection, and/or construction services.

10. Other Considerations and Miscellaneous Requirements

Property owners should consider removal of retaining walls instead of extensive maintenance and repairs where applicable. Removal of retaining walls and regrading of slopes will in most cases result in fewer continued maintenance expenses.

Occasionally, City-owned retaining walls may be on private property by easement agreement or other recorded agreement. The agreement shall determine maintenance and reconstruction cost responsibilities in this case.

Where the City is responsible for the cost of new construction or reconstruction of a retaining wall, the City will select the lowest cost wall (construction cost and/or maintenance cost) that will suitably carry the loads sustained by the wall. If the adjacent property owner wishes to “upsized” or “upgrade” the wall to a different height or type above and beyond the type the City is intending to construct, that property owner is responsible for the additional construction cost and will be responsible for maintenance of the retaining wall.

Where a private property owner is responsible for the replacement of a retaining wall during an adjacent street reconstruction project and the City also chooses to either lower the elevation of the adjacent street, sidewalk, or trail or change the cross section of the City right of way or property in a way that would make the reconstructed retaining wall taller than its existing height, the private property owner is responsible for the costs associated as if the existing retaining wall is replaced at its current height and location, and the City is responsible for any additional costs incurred by the change to the City right of way or property.

Any material and debris from a retaining wall that falls onto City right of way or City property shall be removed and cleaned up as soon as possible by the party responsible for maintenance of the retaining wall.

Any special cases not otherwise identified in this policy shall be determined by the Common Council of the City of Hudson with input from the City Engineer and City Attorney.



505 Third Street
Hudson, Wisconsin 54016
ph: (715)-386-4765 fx: (715)386-3385
www.ci.hudson.wi.us

TO: Common Council

FROM: Dean Chamberlain – City Engineer

DATE: January 26, 2021 (for February 1, 2021 meeting)

SUBJECT: **8B** – Discussion and Possible Action on Adopting Ordinance 5-21 Amending Section 106-6 Residential Building Permits of the City of Hudson Municipal Code

BACKGROUND:

The requested ordinance change is related to the adoption of the City of Hudson Retaining Wall policy. Specifically, this section is being amended to require residential installations of retaining walls to follow the adopted policy.

FUNDING:

No funding needed for preparation of this ordinance change.

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 5-21 amending Section 106-6 of the Hudson Municipal Code if the retaining wall policy is adopted at this meeting. If the retaining wall policy is not adopted, staff recommends tabling this ordinance change until the retaining wall policy is adopted.

Prepared by: Dean Chamberlain, PE - City Engineer

Attachments: Ordinance 5-21

ORDINANCE NO. 5-21**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF HUDSON, WISCONSIN**

Upon review, recommendation, and consideration by the City of Hudson Common Council, the Common Council does ordain that Municipal Code Section 106-6 is hereby amended to read as follows. Text in **red bolded font** is proposed to be added to the existing code.

Chapter 106 Building Construction and Fire Prevention**Article I Wisconsin Uniform Dwelling Code****§106-6 Residential Building Permits**

- A. Building permits required. No one-family or two-family dwellings shall be built, enlarged, or altered unless a building permit for that work shall first be obtained by the owner or his or her agent from the Building Inspector. Application for a building permit shall be made in writing upon the form designated as the Wisconsin uniform dwelling permit application for the form supplied by the Community Development Department.
- B. Submission of plans. The applicant shall submit one set of plans for all new one- and two-family dwellings or repairs or additions to existing one- and two-family dwellings at the time that the building permit application is filed.
- C. Issuance of permit. If the Building Inspector finds that the proposed building or repair or addition complies with this chapter and the Uniform Dwelling Code, the Building Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The building permit shall be posted in a conspicuous place at the building site. A copy of any building permit issued shall be kept on file with the Building Inspector.
- D. Exceptions. Work that may be done without a permit:
 - (1) Replacement or repair of roofing, siding, gutters, and windows
 - (2) Landscaping, not including decks
 - (3) Minor repairs as defined in 106-4
- E. Retaining walls. Retaining walls on residential properties shall follow §106-19.**



505 Third Street
Hudson, Wisconsin 54016
ph: (715)-386-4765 fx: (715)386-3385
www.ci.hudson.wi.us

TO: Common Council

FROM: Dean Chamberlain – City Engineer

DATE: January 26, 2021 (for February 1, 2021 meeting)

SUBJECT: **8C** – Discussion and Possible Action on Adopting Ordinance 6-21 Amending Section 106-19 Retaining Walls of City of Hudson Municipal Code

BACKGROUND:

The requested ordinance change is related to the adoption of the City of Hudson Retaining Wall policy. Specifically, this section is being amended to require commercial installations of retaining walls to follow the adopted policy.

FUNDING:

No funding needed for preparation of this ordinance change.

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 6-21 amending Section 106-19 of the Hudson Municipal Code if the retaining wall policy is adopted at this meeting. If the retaining wall policy is not adopted, staff recommends tabling this ordinance change until the retaining wall policy is adopted.

Prepared by: Dean Chamberlain, PE - City Engineer

Attachments: Ordinance 6-21

ORDINANCE NO. 6-21**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF HUDSON, WISCONSIN**

Upon review, recommendation, and consideration by the City of Hudson Common Council, the Common Council does ordain that Municipal Code Section 106-6 is hereby amended to read as follows. Text in ~~red strikethrough~~ font is to be removed from the existing code, and text in **red bolded font** is to be added to the existing code.

Chapter 106 Building Construction and Fire Prevention**Article II Commercial Building Code****§106-19 Retaining Walls**

- ~~A. No retaining wall adjoining or abutting any public street, alley or right-of-way shall be constructed unless a permit is issued pursuant to this section.~~
- ~~B. Application shall be made to the Building Inspector, who shall require that plans and specifications for the retaining wall be prepared by a Wisconsin registered engineer or architect, and shall set forth engineering calculations, computations and specifications as required by the Building Inspector. Any necessary engineering fees incurred by the City in review of the application shall be paid for by the applicant.~~
- ~~C. This section shall apply only to retaining walls that are more than five feet in height above average grade as defined in Chapter 255, Zoning, 255-4 of this Code.~~

Application, permitting, construction, and other requirements of retaining walls shall follow the most recent version of the City of Hudson Retaining Wall Policy as adopted and amended by the Common Council of the City of Hudson. Copies of the Retaining Wall Policy are available upon request from the offices of the City Clerk, City Engineer, or Building Inspector.



505 Third Street
Hudson, Wisconsin 54016
ph: (715)-386-4765 fx: (715)386-3385
www.ci.hudson.wi.us

TO: Common Council

FROM: Dean Chamberlain – City Engineer

DATE: January 26, 2021 (for February 1, 2021 meeting)

SUBJECT: **8D** – Discussion and Possible Action on Amending City of Hudson Special Assessment Policy

BACKGROUND:

This requested amendment to the City's Special Assessment Policy is related to the adoption of the proposed retaining wall policy. The revised policy is attached to this issue sheet with the proposed additions in **red bold** font.

FUNDING:

No funding needed for preparation of this revision.

RECOMMENDED ACTION:

Staff recommends approval of the revision to the Special Assessment policy if the retaining wall policy is adopted at this meeting. If the retaining wall policy is not adopted, staff recommends tabling this item until the retaining wall policy is adopted.

Prepared by: Dean Chamberlain, PE - City Engineer

Attachments: Revised Special Assessment Policy



Special Assessment Policy

As Adopted 11/15/82

Amendments:

12/02/85, 12/15/86, 04/18/88, 06/06/88, 07/05/88, 07/28/88,
09/06/88, 09/19/88, 10/03/88, 11/21/88, 01/17/89, 04/17/89,
05/07/90, 09/07/93, 06/20/94, 07/05/94, 07/18/94, 08/01/94,
10/17/94, 12/19/94, 07/01/96, 10/16/00, **and 02/01/21**

The legal provisions delineating the City of Hudson's responsibilities in assessing costs for public improvements is found in Wisconsin Statutes, Chapter 66.60, and following.

It is the policy that all properties shall pay their fair share of the cost of local improvements as they benefit; it is not intended that any property shall receive the benefits of improvements without paying for them, except as may be set forth hereinafter.

These assessment policies are designed to serve as a general guide for the Common Council of Hudson in allocating benefit to properties for the purpose of defraying the cost of installing public facilities. The Council reserves the right to vary from these policies if the policies act to create obvious inequities where the assignment of benefit to particular property is difficult because of an extreme situation, which is unlikely to occur in the future.

Pursuant to these powers, and for the sake of consistency, the following definitions and formulas are adopted.

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I. Definitions

A. Assessment:

That portion of the project cost which is levied against any individual parcel. The total assessment cannot exceed the project cost and must be apportioned equally within properties having the same general land use, residential and institutional, multiple family and commercial, or industrial, based on benefits. *(Amended 8/1/94)*

B. Benefits

Increase in value of property resulting from the improvement installed.

C. Construction Cost

Amount paid to contractors for furnishing and installing materials of construction.

D. Contract Cost

Amount paid to supply materials, services, and right-of-way for the project; normally includes construction, engineering, legal, right-of-way, and condemnation costs.

E. Construction Interest (Capitalized Interest)

Cost of financing during the time prior to levying and collection of assessments.

F. Expense to be Assessed

Miscellaneous costs incurred by the City in addition to contract cost, including construction interest, advertising, financial charges, administration, and assessing. If the expenses are attributable to more than one assessment roll, the expenses are apportioned on the same basis as the individual utility project cost bears to the total project cost.

G. Interest Rate

The rate of interest shall be at 2% greater than the rate of interest the City paid on the bonds issued to finance the project, or, in the event no bonds were issued, then 2% greater than the average rate of interest on all definitive bonds issued in the previous calendar year. *(Amended 5/7/90)*

H. Lateral Sewer

A small diameter sewer (8" residential – may be greater for industrial, institutional, or commercial) which has a primary function of conveying sewage from individual lots to truck sewers.

I. Street Costs

Total contract costs of street including grading, pavement, curb and gutter, topsoil and/or turf restoration in the boulevard areas, cross gutters, median construction, and proportional expenses. Storm drain costs may be included as a part of street costs when storm drainage is incidental to and associated with street construction.

J. Trunk Sewers

Medium to large-sized sewer which performs the function of conveying sewage to an interceptor line or a treatment facility.

K. Term

The period of time over which an assessment, plus interest, is to be paid.

L. Extraordinary Costs (4/18/88)

Cost of additional or oversized public facilities required to serve more than the adjacent property owner.

II. Cost Allocation

There are two factors to be taken into consideration when considering the cost allocation of any improvement. One, “What is the public benefit as opposed to the private benefit?”, and two, “Is the allocation of the private benefit costs between or among the benefitted properties?”

A. Public/Private Benefit

Regarding public and private benefit, the following policies are in effect in the City of Hudson.

1. Street Improvements

100% of the cost of new local street improvements will be allocated against the benefitted property. Replacement of streets surface between curb and gutter on either side of the street will not be assessed. *(Amended 7/5/88)*

2. Original and Replacement of Driveways

Original and replacement costs of driveways, from curb and gutter to property line, shall be 100% assessed against the benefitted property. *(Amended 7/5/88)*

3. Sanitary Sewer Collection Mains

New sewers will be 100% assessed against the benefitted property. Replacement of sewers will not be assessed.

4. Water Distribution Mains

New water lines will be 100% assessed against the benefitted property. Replacement of water lines will not be assessed.

5. Alleys

(a) *Commercial and Industrial Districts*

Construction and improvement of alleys, where required by the Plan Commission in commercial and industrial districts, shall be 100% assessed against the benefitted property.

(b) *Residential Districts*

The total cost of all work involved in the original construction of alleys shall be 100% assessed against the benefitted property. When alley improvements are necessary, costs shall be shared on a 50/25/25 basis between the City and the benefitting property owners. The City

would be 50%, and the property owners on each side of the alley would pay 25%.

6. Frontage Roads

Where a frontage road is required to serve an area, the total cost of the road will be assessed against the total area benefitting from the road, which may include more than the property abutting the frontage road.

7. Curb and Gutter

The total cost of all work involved in the original construction of curbs and gutters shall be 100% assessed against benefitting property. When curb and gutter replacement are necessary, costs shall be shared on a 50/50 basis between the City and the benefitting property.

8. Sidewalks (12/2/85)

(a) Where sidewalk is to be installed on only one side of the street, new (first time) installation shall be assessed 100% against the adjoining property. Replacements shall be assessed 50% against the adjoining property. *(Cr. 7/5/94)*

(b) New walks in existing areas, where installed on both sides of the street, shall be assessed 100%, evenly distributed to adjoining property.

(c) Upon receipt of State or Federal subsidies or grants for initial sidewalk installation, adjoining properties will be assessed 100% of the City's costs. (Example: If the City obtains a grant for 80% of a sidewalk project, the property would be assessed 20%)

Upon receipt of grants or subsidies for sidewalk replacements, the property owner shall be assessed up to 50% of the replacement costs, regardless of the City subsidy or grant, but the assessment shall not exceed the City's costs. (Example: If the City received an 80% grant, the property would be assessed 20%. If the City received a 40% grant, the property owners would be assessed no more than 50% of the costs of the costs of installation). *(Cr. 7/5/94)*

(d) The City continues to require developers to install sidewalks as part of the improvements in all new developments on both sides of a street. *(Amended 12/19/94)*

- (e) For sidewalks other than residential, the property shall be assessed full cost.
- (f) Four-plex and larger dwellings shall be considered commercial toward determining sidewalk assessment status. *(9/6/88)*

(g) *Rebate Policy*

Because the Sidewalk Replacement Program varies from year to year, taking into account budget amounts, volume of pedestrian traffic, citizen complaints, and concerns, the City does not wish to discourage a homeowner from repairing or placement a dangerous sidewalk, according to the following: The City will make a rebate to a private property owner for costs incurred to replace sidewalk abutting their property, if the following conditions are met:

- (1) The City's program is doing work within the block and on the street of the property owners.
- (2) Or the work had been done in the previous construction season.
(Amended 12/19/94)
- (3) That the property owner has a statement from the contractor certifying that a breaking permit had been issued, City specifications were followed, and the work has been completed.
(Amended 12/19/94)
- (4) That the City Inspector confirms the footages and approves the workmanship of the area.

When the above conditions are met, the City will make a rebate according to the costs and assessments of the present contractor.

9. Sewer and Water Assessments

When sewer or water assessment are to be made by the City of Hudson, they will be made on the basis of the area and/or the number of developable units determined to be contained in that area. The City Council may defer a portion or all of the initial assessment against undeveloped property by requiring payment of principal and accrued interest when the property is developed.

10. Street Lights

Developers are required to pay 100% of the street lighting costs, including the underground wiring. *(Amended 10/3/88)*

11. City-owned Property

City-owned property will be assessed against the City at the same rate as per assessment against private property in the same project.

12. Intersection Costs

Intersection costs of street projects will be borne by the City.

13. **Retaining Walls (Created 02/01/21)**

Assessed costs for retaining wall construction, reconstruction, maintenance, and other activities will be determined according to the City of Hudson Retaining Wall Policy as adopted and amended by the Common Council of the City of Hudson.

14. Special Assessment Administrative Rates

The following charges shall be added to final special assessment costs.
(Amended 11/21/88, 12/19/94, 10/16/00)

Assessable Amount of Project	Planning and Administration	Legal	Loan Origination Fee
\$250 to \$250,000	1.50%	Actual Amount	Actual Amount
Next \$750,000	1.30%		
Next \$1,000,000	1.10%		
Next \$1,000,000	1.00%		
Next \$1,000,000	0.80%		
Balance	0.60%		

15. Interest During Construction

Interest during construction shall be a capital cost added to a project containing special assessments and spread over the years of the special assessments. It shall be computed by multiplying the estimated project costs times the City’s borrowing rate of interest, plus 2%, and shall commence on the first day of the month after which construction begins and shall continue to December 31 of the year when construction is completed. (Cr. 9/7/93; Amended 7/18/94)

16. Interest on Special Assessments

Interest on special assessments shall accrue on the first day of the month during which construction commences on a given project. The rate of interest shall be 2% above the City’s cost of borrowed funds. *(Cr. 5/7/90)*
 Except when Interest During Construction applies, then interest commences on January 1 of the year following construction (after Interest During Construction ceases). *(Amended 12/19/94)*

17. Payment Duration

(a) *Projects Funded by General Obligation Borrowing by the City*

Benefitting property owners shall be allowed to pay assessments and the Common Council shall have authority to change the duration period, as shown in the following table: *(Amended 7/1/96)*

Principal	Duration
\$500 or less	1 year
\$501 to \$1,000	2 years
\$1,001 or greater	3 years

In addition, the applicable interest charge would be due. The beginning principal amount shall be divided equally by the applicable interest at 2% above the City’s borrowing rate applied on the unpaid balance.

(b) *Projects Funded by Special Assessment “B” Bonds*

For projects funded by the issuance of Municipal Special Assessment B Bonds, the number of years of installment payments shall be set forth in the preliminary and final special assessment resolutions, and the Common Council may, but is not required to, extend the number of annual installments to more than 3, but not greater than 10 annual installments. *(Cr. 5/7/90)*

(c) *Benefitting property owners failing to pay special assessment*

installments during January shall have a late payment penalty of 1% per month, commencing on February 1st, added to subsequent payments. *(Cr. 5/7/90; Amended 12/19/94)*

18. Payment Upon Transfer of Property

All special assessments are required to be paid in full to the City prior to transfer of ownership. *(Cr. 6/6/88)*

B. Extraordinary Costs

The City or others may be responsible for extraordinary costs for major utility and street improvements (including right-of-way acquisition) which benefit a much broader area than the subdivision under consideration.

Also, the City will made allowances for development costs when street standards are greater than necessary to meet the needs of adjacent property owners with standards as follows:

1. Standards for Collector Streets in Residential Developments

Curb to curb width over thirty-six (36) feet.

Tonnage capacity over seven (7) tons.

Accesses restricted to one per lot (may require joint accesses), or one access per every 150 feet of frontage for single family and two-family residential developments, and one access per every 200 feet of frontage for multiple family residential developments.

2. Standards for Collector Streets in Industrial and Commercial Developments

Curb to curb width over forty-four (44) feet.

Tonnage capacity over ten (10) tons.

Accesses restricted to one per street frontage per lot (may require joint accesses), or one per every 300 feet of frontage.

For each access not allowed by the City, as described above, the adjacent property owner will receive a reduction of street cost of ten percent (10%) as referred to the standard street costs. Under no circumstances will the adjacent property owner be responsible for less than fifty percent (50%) of the standard street costs. *(4/18/88)*

C. Private Benefit

Once it has been determined how the cost of a project is to be divided between the public at large and the private property, the next step is to determine how the costs assigned to the private sector will be divided among the parcels of land thus benefitted.

D. Payment Upon Sale of Property

All special assessments are to be paid in full by the seller to the City, prior to transfer of ownership.

III. Development Participation By The City (9/19/88)

A. Situations

There are situations when the City may be involved in street, storm sewer, and utility installation that benefit private development, such as:

- When it has been determined that oversizing of improvements is required.
- When multiple property owners are involved in a project and total voluntary participation cannot be reached.

B. Policies

Under the foregoing conditions, the following development practices would be followed: (12/2/85)

1. The City may use its general borrowing capacity, or, if unavailable or required for other city project, may sell "B" bonds to realize sufficient funds to install public improvement developments, as approved by the Common Council.
2. The City does not become directly involved nor incur financial liability for a given development until after the preliminary plat is approved by the City.
3. Developer shall submit a \$1,000 down payment with any set of plans for development for the purpose of absorbing city review costs, such as engineering, legal, and administrative, with the unused portion to be refunded if the proposal is either withdrawn by the developer or rejected by the City. If the plan is accepted by the City, the unused portion of the down-payment will be subtracted from the assessable project cost.
4. Subdivider or developer must make 25% down payment, or provide a Letter of Credit for like amount, or its equivalent, of the project cost prior to the city letting bids for the project. The total amount of the project would be determined by the City and/or project engineer.
5. If a Letter of Credit is used in lieu of the down payment, the City shall notify the provider 30 days prior to expiration that a new letter of credit for the subsequent year must be on file 10 days prior to the expiration date, or the Letter of Credit will be exercised.
6. Each owner involved in special assessments shall execute a Development Agreement with the City, describing the development, number of lots, rate of interest, cost to develop, oversizing, etc.
7. All new special assessments shall be recorded in the Register of Deeds office. Any and all costs for recording and satisfaction shall be the owners' cost.
8. 100% of the cost of the project would be levied against the benefitting property over a period not to exceed five years, through special assessment

proceedings. The principal levy during the first year shall be based upon estimate, unless actual figures have been determined.

9. The interest rate charge shall be 2% above the City's borrowing rates, to be ascertained when the special assessment final resolution is adopted.
10. Special assessment administrative rates and interest charges (including during construction) shall be the same as indicated in Section II.A, paragraphs 12, 14, and 15 of this Policy.
11. Owner may waive the special assessment proceedings.
12. Interest accrued to the cast down payment and the down payment from the owner will be subtracted from the final year assessment.
13. Engineering work shall consist of preparation of plans and specifications, including State approval thereof, preparation of preliminary and final assessment rolls, advertising for and reviewing bids, staking, inspection during construction, approval of payments to contractor, televising, completing as-built plans, etc., and shall be reviewed by the City Engineer and the Common Council. The developer shall have the option of using the engineering firm of his choice.
14. In single family residential districts, all lots shall be assessed evenly within a given subdivision, that is, all public improvements would be spread evenly over a given subdivision zoned single family residential. The owner of record shall pay 100% of the outstanding assessments against a given lot in a development, upon its sale. *(Amended 12/19/94)*

IV. Special Assessment Methods

Common practice has been to utilize a formula, involving one or more factors, which serves as an index for benefits. Outlined below are the four basic formulas most commonly used, with suggested types of improvements customarily used with each formula.

A. Front Foot Method

Formula:

$$\begin{aligned} (\text{Total Project Cost}) / (\text{Net Front Footage}) &= (\text{Cost Per Foot}) \\ (\text{Cost Per Foot}) \times (\text{Footage}) &= (\text{Dollars Per Unit}) \end{aligned}$$

One of the most widely used formulas is the front foot method. When this method is used, benefit is assumed to be proportional to the front footage of the property. This method is especially well-adjusted to such projects as paving local streets, and construction of lateral sewers in subdivisions, which are laid out in a rectangular pattern.

Great difficulties arise with the front foot method when subdivisions are laid out in a non-rectangular pattern. Often this results in wedge-shaped lots with front footages either very much larger or smaller than average. The front footage method would be a poor indication of benefit in such a case.

The front foot also raised several assessment policy questions:

1. Side Street Improvements and Corner Lots

Assessment of side street costs is not a problem if there are houses fronting on the street, except in the case of a corner lot. There are many alternatives to accessing the side footage of corner lots, depending on their depth and the type of improvement.

Generally, two basic types of treatment are accorded corner lots when determining assessment charges:

(a) *Sewer and Water*

- (1) Since the property can make use of only one connection on a regular-sized lot for each service, it is impractical to surmise that sewer and

water lines on both the front and side afford the property a benefit greater than that of an anterior lot. Therefore, a reasonable policy would be to assess for only the frontage, as determined by the width of the lot, with the additional costs to be spread among each of the lots within the adjoining half block.

- (2) A corner lot which can be subdivided, and a second building erected on the lot does benefit, and should be assessed for the width plus the minimum length that it would take to comprise a second lot.
- (3) There are instances where the length of the lot should be assessed in full, i.e., where the length side is only means of serving the property, such as on a dead-end street.

(b) *Sidewalk or curb, gutter, and street improvements*

A corner lot does benefit to some degree on both assessable sides from sidewalks, curbs, gutters, and street improvements, and consequently it should be assessed. However, it is generally conceded that the side lot assessment should not equal 100% of the cost. Therefore, it is the policy of the City to assess the width, plus 50% of the length, up to 140 feet, and 100% of the additional length beyond 140 feet.

2. Odd-Shaped Lots

Because of natural features, railroad right-of-ways, easements, or by design some lots may be very irregularly shaped and therefore merit special consideration when assessed.

It is the policy of the City of Hudson to assess sewer and water on the odd-shaped lots on an effective width determined by dividing the square footage of the lot by the average length of a lot in the subdivision or as determined by the City.

Sidewalks, curb, gutter, and street improvements will be assessed against the odd-shaped lots on the actual footage except that a minimum assessment will be based 90% of a standard lot in the subdivision.

Odd-Shaped Lot – Assessable Footage Formula:

$(\text{Square Footage}) / (\text{Average Length}) = \text{Assessable Footage}$

3. Gross/Net Footage

In assessing a project based on the front foot method, it is necessary to measure the net assessable footage. In several cases this may not necessarily be the gross footage. There may be areas which will not receive any benefit. Therefore, it is the policy of the City of Hudson not to assess areas where it is judged that a benefit does not occur, such as unbuildable parcels, rights-of-way, low lands, and easements.

B. Area Method

Formula:

$$(\text{Project Cost}) / (\text{Gross Acres or Square Footage}) = \text{Cost Per Acre or Square Foot}$$

The area or square foot method avoids some of the problems of the front foot method, such as problems of corner lots and curved streets, but there are other problems. In many cases, benefits from a street or sewer are not as closely related to area as to front footage. In a residential area, for example, an unusually deep lot still serves as the site for only one house, and the benefit which a deep lot with a large total area receives from the improvement is little or no greater than the benefit received by a lot of average depth.

In other cases, however, area is more appropriate than any front footage. In the case of a drainage project, for example, benefits would normally be more closely related to area than the front footage.

There are two possible stops beyond the primary calculation to determining the assessable benefit, depending on how the area is developed or laid out at the time of assessment.

If the area is subdivided and the units in the subdivision are relatively equal in size, then the following calculation may be made to determine the cost per unit:

$$(\text{Cost Per Acre or Square Foot}) \times (\text{Gross Area}) / (\text{Number of Subdivision Units}) = \text{Dollars Per Unit}$$

If the area is subdivided, but the units are of varying sizes (such as within an industrial park), then the following calculation may be used:

$$(\text{Cost Per Acre or Square Foot}) \times (\text{Gross Area}) = \text{Dollars Per Unit}$$

C. Lot or Connection Method

Formula:

$$(\text{Costs of Sanitary Sewer, Watermain, Streets}) / (\text{Number of Assessable Units}) = \text{Dollars Per Unit}$$

With the advent of curved streets and cluster housing, a third method of assessment that has become quite popular is the lot or connection method. The allocation is based on the assumption that every lot, or every connection to sewer and water, receives the same benefit from the improvement, regardless of the difference in size or shape of the lot.

The lot or connection method is best used where there is some uniformity of lots within a subdivision or uniformity of uses of the property.

D. Trip Generation Method

Formula:

$$(\text{Trips per Parcel}) \times (\text{Project Costs}) / (\text{Traffic Trips in Special Assessment District}) = \text{Share Per Parcel}$$

The trip generation method is based on the number of traffic trips attributable to any parcel in the assessment district for a given time period (average daily trips or peak hour trips). This method stems from the concept that benefit for each parcel is based on that parcel's proportionate share of projected use of the facility measured by trip generation. Trip generation, as a special assessment method, is suited primarily for the construction or expansion of local streets, collector streets, minor arterials, and principal arterials, as defined in the City of Hudson Subdivision and Platting Ordinance, Chapter 18.05(3)(a)1.

This method takes into consideration both the size of the parcel improvements and the type of land use existing or planned for a given parcel. There is not need to make adjustments for irregular or odd-shaped parcels as benefit is based on the number of trips generated by the parcel. The trip generation method does

not discriminate on the basis of parcel size or front footage like the front foot and area assessment methods.

Traffic figures for the trip generation method may be based on such things as, but not limited to, actual traffic counts, results from origin and destination studies, or Institute of Transportation Engineers trip generation statistics. (Cr. 5/7/90)

V. Special Assessment Methods

It is difficult to summarize the Assessment Policy with regard to methodology due to the many unique cases that can and do arise. However, listed below are the general types of improvements, the various methods of assessment, and a rating from 1 to 3 at the best method of assessment for the type of improvement. (1 = most common; 3 = least common)

Improvement	Front Foot	Area	Lot	Special
Curb, Gutter, Sidewalks	1	3	2	
Pavement, Alleys	1	3	2	
Approaches (driveways)	1	2		3
Storm Sewer		1	2	
Sanitary Sewer	2	3	1	
Water	2	3	1	
Landscaping	1	2		
Street Lights	2	1		
Parking Lots	2	1		
Storm, Sanitary, Water Systems		1		(Benefitted Zone)
Nuisances				1

A. Variations

1. Special Improvements

Occasionally, there is a need or request for special improvements, such as oversized water or sewer services, or oversized driveways. These special improvements shall be assessed against the benefitting property in the amount of the actual cost of the special improvement.

2. Combined Methods

There is nothing to prohibit the Council from combining two or more of the above methods. The Council could assess street improvements using the front foot method, sewer and water on a lot basis, and storm drainage on an area basis, if they appear to be the most equitable means of assessing the various project costs.

Major sewer and water trucks and storm drainage facilities may be assessed over a wider area and by a different method than is the lateral benefit derived from the same improvement.

3. Benefitted Zone

The Benefitted Zone, or Proximity Method, is usually an adaptation of either the front foot or area procedures. The same methods are followed, except that certain properties, due to either location or use, are judged to receive a greater benefit than other properties in the assessment area. Under this procedure, property not fronting on the improvement is generally assessed at a lower per foot rate than that of abutting properties, with the rate declining as the distance from the improvement increases. The most common application of this process is in the determination of Municipal Parking Lot improvement assessments.

Fixed rules cannot be stated when discussing this type of assessment, except that several factors should be taken into construction, as follows:

- Distance from the facility
- Utilization of the property to be assessed, both general (residential, commercial, or industrial) and specific (customer-oriented or service-oriented)
- Size of the property being assessed
- In the case of parking, the availability of private, on-site parking

B. Special Policy Situations

There are a number of possible situations which may require special consideration in given improvement programs. It is the intent of this section to clarify those situations with specific policy. The areas are as follows:

1. The policies set forth heretofore in this document do not alter the requirements of the City's Subdivision Ordinance with regard to the developer's responsibility in providing and paying for required improvements.
2. The policies set forth heretofore in this document are consistent with State law, 66.625, which requires that service stubs and laterals as defined therein, when installed by the municipality, shall be charged and be a lien against the lot or parcel served.

3. The City of Hudson will assess any improvement to railroad property or right-of-way as required by Wisconsin State Law, Chapters 66.696 to 66.698.
4. Other Deferments
Under the authority granted by the State of Wisconsin, 66.605 W.S.A., the City of Hudson will consider deferments for agricultural property. The deferment will be based on the normal residential assessment for similar improvements. That portion of the cost which is not assessed will either be spread against the other benefitting properties or deferred until such time as the use of the property changes.
5. Assessments against single and double occupancy residential property in an industrial or commercial district will be based on the normal residential assessment for similar improvements. That portion of the cost which is not assessed will either be spread against the other benefitting properties or deferred until such time as the use of the property changes.
6. It is the policy of the City of Hudson to assess the costs associated with greater design standards in commercial and industrial zones.
7. Where it is necessary to oversize a facility in order to meet the needs of a specific use or uses, the cost of the oversizing will be directly assessed against the specific benefitted properties.
8. The City of Hudson will not reassess a parcel if it has previously been assessed for the same type of improvement, except where it can be demonstrated that the new improvement does benefit the property.
9. Definition of What Constitutes a Residential Unit
The policy of the City of Hudson is as follows:
 - (a) A unit is typically a dwelling for a single family.
 - (b) Multiple family structures will be assessed on a dwelling unit basis, i.e., a duplex equals two dwelling units, a fourplex is four dwelling units.
 - (c) Apartment complexes will be assessed at 80% of a single family unit.
Therefore, a 12-unit apartment building will constitute 9.6 units.
 - (d) Each pad in a trailer park shall constitute a dwelling unit.
 - (e) Seasonally occupied units shall be considered as 0.5 units.
10. Improvements to property outside the City limits of Hudson which abut the City shall be assessed under the provisions of Chapter 66.65 of Wisconsin Statutes, which allows a City to assess abutting property in an adjoining city, village, or town if the adjoining municipality approves by resolution such assessment levy.

If such agreement is not feasible, then connection charges will be used, where legally possible. Otherwise, the special assessments will be held in abeyance until such time as the property is annexed to or consolidated with the City. At that time, the City will spread the assessment plus the accrued interest in an equitable manner.