

**Agenda for a Regular Meeting of the
Common Council of the City of Hudson
Council Chambers of City Hall, 505 Third Street
6:55 p.m. March 21, 2016**

(Click on agenda items highlighted in blue to access documents related to that item)

1. Call to Order
2. Pledge of Allegiance
3. Clerk's Roll Call
4. [Public Hearing on proposed amendment to Municipal Code Chapter 255 Zoning to change and update the description of the Official Wellhead Protection Zone Map of the City](#)
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 limit may be made at the discretion of the Mayor.
6. [Discussion and Possible Action on Consent Agenda Items](#)
A motion, second and majority roll call vote of the Council will approve all of the following items listed. Any item may be pulled from the list and handled separately.
 - A. [Minutes from the Regular Meeting of March 7, 2016](#)
 - B. [Claims](#)
 - C. [Operator's Licenses](#)
 - D. [Hudson Softball Association 6-month Beer License](#)
 - E. [St. Croix River Association's request to continue with their Aquatic Invasive Species Education Program at Lakefront Park Boat Launch](#)
 - F. [Acknowledgement of the donation from Paul Anderson for the resurfacing of the tennis courts at Anderson Park](#)
7. [Presentation on Sale of Bonds and Bond Rating Report](#)
 - A. [Resolution 11-16: Regarding Sale of G.O. Bonds](#)
8. [Plan Commission](#)
 - A. [Ordinance 6-16: Amendment to Zoning Code, Chapter 255-19 B \(2\) Wellhead Protection](#)
 - B. [Resolution 10-16: Discontinuance of part of Dominion Drive \(Former Exit 2 Drive\)](#)
9. [Finance Committee](#)
 - A. [Discussion and Possible Action to accept bids received for the 4 Post Mobile Equipment Lift](#)
 - B. [Discussion and Possible Action for Storm Water Design – Pond CR-P12](#)
 - C. [Discussion and Possible Action to Award contract for Vine Street Improvement Project](#)
10. [New Business](#)
 - A. [Discussion and Possible Action on Resolution 9-16: Outdoor Recreation Aids](#)

11. Communications and Recommendations of the Mayor
12. Communications and Items for Future Agendas – Common Council Members
13. Communications and Items for Future Agendas – City Attorney and/or City Staff
14. Adjournment

Alan D. Burchill, Mayor

Posted in City Hall lobbies and emailed to Hudson Star-Observer on March 18, 2016.

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 or at cityclerk@ci.hudson.wi.us



City of Hudson

505 Third Street
Hudson, Wisconsin 54016-1694
PHONE: (715)386-4765
FAX: (715)386-0804
www.ci.hudson.wi.us

CITY OF HUDSON
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Common Council of the City of Hudson will conduct a public hearing on Monday, March 21, 2016, 6:55 p.m., City Hall Council Chambers, 505 Third Street. The purpose is to invite public comment regarding a proposed amendment to Municipal Code Chapter 255 Zoning. The proposed amendment is to change and update the description of the area of the Official Wellhead Protection Zone Map of the City. The proposed amendment would apply to § 255-19 Wellhead protection and more specifically § 255-19.B.(2).

If you have any questions regarding the proposed amendment, please contact Kip Peters at (715)386-4760, ext. 115.

Dated this 24th day of February, 2016.

LeAnne Addy
City Clerk

Star-Observer: Publish Class II notice, March 3, 2016 & March 10, 2016; please send affidavit of publication

cc: Hudson Public Utilities Commission
Common Council
Plan Commission
Willi
Peters
Darnold
Munkittrick

Posted in lobbies 2/26/16
Emailed to Star-Observer 2/26/16

REGULAR MEETING OF THE COMMON COUNCIL
CITY OF HUDSON
March 7, 2016

DRAFT/UNAPPROVED

The Common Council meeting was called to order by Mayor Burchill in the Council Chambers of City Hall at 6:55 p.m.; he led those present in the Pledge of Allegiance.

PRESENT: Mayor Burchill and Alderpersons Randy Morrisette, Bill Alms, John Hoggatt, Tom McCormick, Jim Webber, and Joyce Hall.

ABSENT/EXCUSED: None.

OTHERS PRESENT: Catherine Munkittrick, Devin Willi, LeAnne Addy, Lt. Geoff Willems, Tom Syfko, Tom Zeuli, Dennis Darnold, Kip Peters, Randy Hanson, and others.

Public Hearing on Special Assessments proposed for Vine Street Improvements project: The Council heard a couple of residents with some questions and issues regarding the Vine Street Improvement Project. MOTION by McCormick, second by Webber to close the Public Hearing. All ayes (6) MOTION CARRIED.

Comments and Suggestions from Citizens Present: None.

Consent Agenda items: MOTION by Morrisette, second by Hoggatt to approve the following consent agenda items:

Minutes from Past Meetings: Approve the Regular meeting minutes of February 22, 2016.

Claims:

COUNCIL CLAIMS - MARCH 7, 2016

	Fund	A/P Amounts	P/R Amounts	Totals
100	General	101,060.25	174,077.21	275,137.46
225	Impact Collection	0.00	0.00	0.00
232	2013 Storm/Dike Rd	0.00	0.00	0.00
290	Police Donations	0.00	0.00	0.00
310	Debt Service	168,532.91	0.00	168,532.91
450	Capital Projects	91.84	2,751.45	2,843.29
490	Biosolids	0.00	0.00	0.00
610	Sewer	194,738.82	10,978.03	205,716.85
620	Parking	3,180.10	1,222.41	4,402.51
640	Storm Sewer	897.84	103.68	1,001.52
630	Ambulance	-5,111.04	26,906.74	21,795.70
860	Tax Agency	10,191,052.00	0.00	10,191,052.00
	Totals	\$ 10,654,442.72	\$ 216,039.52	\$ 10,870,482.24

REGULAR MEETING OF THE COMMON COUNCIL
CITY OF HUDSON
March 7, 2016

DRAFT/UNAPPROVED

Operator's License: Contingent on payment of any outstanding debt owed to the City and successful completion of the background check, approve the issuance of 1 Regular Operator License for the period March 8, 2016 to June 30, 2017 to: Alayna Dickover. **(This item was postponed)**

Secondhand Mall/Flea Market Dealer License for Brian Bessler d/b/a Abigail Page Antiques, 503 Second Street, Hudson, WI: To approve the application for a Secondhand Mall/Flea Market Dealer License for Brian Bessler DBA Abigail Page Antiques located at 503 Second Street for the period March 8, 2016 to June 30, 2017 contingent on payment of any outstanding debt owed to the city.

Temporary Class "B" Retailer's License for St. Patrick Congregation for the 2016 Gala to be held at 1500 Vine Street on April 2, 2016: To approve the Temporary Class "B" License for the 2016 Gala at St. Patrick's Congregation on April 2, 2016.

Final plat, Cedar Valley subdivision, 15 one-family residential lots - Kernon Bast (Town of Hudson extraterritorial subdivision): To approve the final plat of the Cedar Valley subdivision located in the Town of Hudson as proposed by Kernon Bast.

EMS Commission Minutes: Place on file the quarterly report of the EMS Commission Minutes.

Roll Call vote taken, all ayes (6) MOTION CARRIED.

Final development plans, Hudson Boat Works commercial development, east of STH 35 and south of Coulee Road - HAF RED, LLC: Mr. Darnold discussed the plans with the Council pointing out the possibility of restricting a right out only. He also stated that he would like to have himself and the Mayor continue having conversations with the Wisconsin Department of Transportation regarding the speed limit in that area. MOTION by Morrisette, second by Hoggatt to approve the final development plans for the Hudson Boat Works commercial development proposed by HAF RED, LLC with the condition that the access will be limited to right-out only for exiting traffic and to have himself and the Mayor continue having conversations with the Wisconsin Department of Transportation regarding the speed limit in the area. All ayes, (6) MOTION CARRIED.

Discussion and Possible Action on the application of LoLo American Kitchen, Hudson d/b/a LoLo American Kitchen & Craft Beer for a Class "B" fermented malt beverage and Class "B" liquor license (Reserve) at 175 2nd Street S and request for an extension of the timely start of business: MOTION by Morrisette, second by Webber to approve the Class "B" fermented malt beverage and Class "B" liquor license (Reserve) for LoLo American Kitchen, Hudson d/b/a LoLo American Kitchen & Craft Beer located at 175 2nd Street S and the request for an extension of the timely start of business. All ayes, (6) MOTION CARRIED.

REGULAR MEETING OF THE COMMON COUNCIL
CITY OF HUDSON
March 7, 2016

DRAFT/UNAPPROVED

Discussion and Possible Action for change of owner of the Class A Liquor License for CAP Operations d/b/a Northland Liquor #79 located at 1920 Crest View Drive: MOTION by Hoggatt, second by Alms to approve the change of owner of the Class A Liquor License for CAP Operations d/b/a Northland Liquor #79 located at 1920 Crest View Drive. All ayes, (6) MOTION CARRIED.

Discussion and Possible Action on Approval of Conceptual Plan to consider dog park at Prospect Park along the westerly bluff of the old hospital site: Mr. Zeuli discussed the proposed dog park at Prospect Park with the Council. Ms. Hall stated that she believes a dog park is needed and it is a great location for it. Mr. Morrissette stated that he would like to see a Public Hearing held for all of the surrounding neighbors to attend. Mr. Webber stated that there are smaller dog parks in Arizona and they tend to work well. It was discussed to send this item to the Public Safety Committee for discussion.

Discussion and Possible Action on Ordinance 5-16: Amendment No. 1 to 2015 General Fund Budget: MOTION by Hoggatt, second by Hall to suspend the rules for the adoption of Ordinance 5-16. Roll Call vote taken, all ayes (6) MOTION CARRIED. MOTION by Morrissette, second by Webber to approve Ordinance 5-16: Amendment No. 1 to 2015 General Fund Budget. All ayes (6) MOTION CARRIED.

Discussion and Possible Action on Appointment of Finance Officer: MOTION by McCormick, second by Webber to approve the offer of employment and to appoint Brenda Malinowski to serve as the Finance Officer. All ayes (6) MOTION CARRIED.

Discussion and Possible Action on Resolution 7-16: Final Resolution Authorizing 2016 Vine Street Improvement Project Special Assessments: MOTION by Morrissette, second by Hoggatt to suspend the rules for adoption of Resolution 7-16. Roll Call vote taken, all ayes (6) MOTION CARRIED. MOTION by Morrissette, second by Webber to approve Resolution 7-16: Final Resolution Authorizing 2016 Vine Street Improvement Project Special Assessments. All ayes (6) MOTION CARRIED.

Discussion and Possible Action on Appointment of Special Municipal Prosecutor: MOTION by McCormick, second by Hoggatt to approve the appointment of Attorney James Bartholomew as the Special Municipal Prosecutor for current and future cases. All ayes (6) MOTION CARRIED.

Communications and Recommendations of the Mayor:

Discussion and Possible Action of Appointment to Police and Fire Commission: MOTION by Hoggatt, second by Webber to appoint Paul Adams to serve on the Police and Fire Commission, with the term expiring April of 2019. All ayes (6) MOTION CARRIED.

REGULAR MEETING OF THE COMMON COUNCIL
CITY OF HUDSON
March 7, 2016

DRAFT/UNAPPROVED

American Red Cross Proclamation - Information Only: Mayor Burchill proclaims March 2016, as American Red Cross Month in the City of Hudson and encourages all Hudson area residents to support this organization and its noble humanitarian mission.

Discussion and Possible Action on Creating a Facilities Ad Hoc Committee: Mayor Burchill stated that he would like to appoint John Hoggatt, Bill Alms, and Tom McCormick to the Facilities Ad Hoc Committee. MOTION by Morrisette to table, Roll Call vote taken (1-5), motion failed. MOTION by Hoggatt, second by Webber to approve the appointment of John Hoggatt, Bill Alms, and Tom McCormick to the Facilities Ad Hoc Committee. MOTION CARRIED on a 5-1 vote, Morrisette opposed.

Communications and Items for Future Agendas - Common Council Members:
None.

Communications and Items for Future Agendas - City Attorney and/or City Staff: Mr. Willi stated that the in person voting begins on Monday, March 21, 2016 and reminded everyone to register to vote prior to the election.

Adjournment: MOTION by Hall, second by Hoggatt to adjourn the meeting. All ayes (6) MOTION CARRIED at 7:30 p.m.

LeAnne Addy, City Clerk

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

Alan D. Burchill, Mayor

Date approved by Council

COUNCIL CLAIMS - MARCH 21, 2016

Fund		A/P Amounts	P/R Amounts	Totals
100	General	102,911.30	138,615.53	241,526.83
220	StormWater - MS4	2,000.00	0.00	2,000.00
232	2013 Storm/Dike Rd	0.00	0.00	0.00
290	Police Donations	0.00	0.00	0.00
310	Debt Service	0.00	0.00	0.00
450	Capital Projects	600.00	2,024.41	2,624.41
490	Biosolids	0.00	0.00	0.00
610	Sewer	59,201.29	10,427.49	69,628.78
620	Parking	3,892.46	1,034.92	4,927.38
640	Storm Sewer	1,619.61	267.20	1,886.81
630	Ambulance	4,866.87	9,150.00	14,016.87
860	Tax Agency	0.00	0.00	0.00
Totals		\$ 175,091.53	\$ 161,519.55	\$ 336,611.08

**CITY OF HUDSON
COUNCIL/COMMITTEE ISSUES**

SUBMITTED TO: FINANCE/COMMON COUNCIL

DATE: 03/08/2016

SUBMITTED BY: LEANNE ADDY, CITY CLERK

REGARDING: APPLICATION(S) FOR OPERATOR'S LICENSES

ISSUE: Applications for Operator's Licenses are on file in the Clerk's office and are available upon request. If approved by Council, the licenses will be issued after successful completion of the background check and any outstanding debt owed to the City has been paid.

STAFF RECOMMENDATION: Contingent on payment of any outstanding debt owed to the City and successful completion of the background check, approve the issuance of 6 Regular Operator Licenses for the period March 22, 2016 to June 30, 2017 to: Alayna Dickover, Arianna Truman, Tyler Haines, Alysia Sullivan, Jacob Chambers, and Shaunie Spadino and 1 Temporary Operator's License for the period of April 1, 2016 to June 1, 2016 to Steven Richter.

And consider denial of an Operator's License to Tara Evjen as recommended by Police Chief Marty Jensen due to Ms. Evjen's history of alcohol convictions and failure to list all violations she had been convicted of on her application.

COUNCIL/COMMITTEE ISSUES

SUBMITTED TO: FINANCE COMMITTEE/COMMON COUNCIL **DATE:** 3/10/2016

SUBMITTED BY: LeAnne Addy, City Clerk

REGARDING: 6 Month CLASS "B" (beer) license application for Hudson Softball Association

ISSUE: The Hudson Softball Association, LLC. has submitted an application for a 6 Month Class "B" (beer) license and requests approval to serve beer at the Grandview Park Concession Stand.

They currently have 5 people listed as licensed operators, one of them expires on June 30, 2016 the other four expire June 30, 2017.

RECOMMENDATION: Consider approving the 6 Month Class "B" (beer) license application for the Hudson Softball Association, LLC to sell beer at the Grandview Park Concession Stand for the license period April 15, 2016 - October 15, 2016. (The time period is the same as the terms of the Concession Agreement).

**CITY OF HUDSON
ISSUE SHEET**

Submitted to: COMMON COUNCIL

Date: 3-17-216

Submitted by: TOM ZEULI, DIRECTOR OF PUBLIC WORKS

Regarding: DISCUSSION AND POSSIBLE ACTION ON ST CROIX RIVER ASSOCIATION'S REQUEST TO CONTINUE WITH THE AQUATIC INVASIVE SPECIES EDUCATION PROGRAM AT LAKEFRONT PARK BOAT LAUNCH

INFORMATION

The St. Croix River Association is planning to hire more summer interns this year, and would again like to send them out to the landings along the lower Riverway to help with aquatic invasive species education. For this, we would like to again request permission to sit out at the Lakefront Park in Hudson.

Here is a brief synopsis of what we would like to do this summer:

The St Croix River Association (SCRA) received a WI DNR Aquatic Invasive Species (AIS) grant to develop a regional, watershed-wide Strategic Plan assessing and addressing threats and impacts that AIS pose in the St. Croix watershed. The four main strategies are prevention, research and monitoring, control and eradication, and implementing the plan.

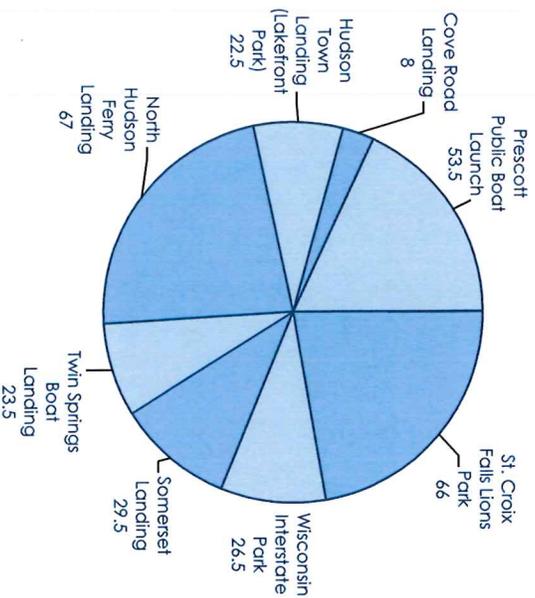
SCRA would like to continue a boat inspection program this summer at river landings along the Wisconsin side of the lower St. Croix River, including at the public launch in North Hudson. This program would be funded through WI DNR grant money, and is a deliverable in the WDNR grant mentioned above. Furthermore, these activities fit the prevention goal of the AIS Strategic Plan, and will be part of a larger, regionally-supported effort.

More specifically, the proposed AIS inspection program would involve either a paid or volunteer inspector rotating between different landings. The inspectors would be trained using the WI DNR Clean Boats, Clean Waters program (local lake associations use this program for boat inspections at their landings). The staff and volunteers would have no legal authority, and the program would be largely educational. However, volunteers and staff would be able to provide assistance with inspecting boats if boaters were interested. Additionally, volunteers and staff would be within their rights to notify law enforcement if they witnessed a boater breaking state AIS regulations/ laws.

FUNDING SOURCE: NONE

STAFF RECOMMENDATION: To approve the SCRA program at the Lakefront Park Boat Launch for the 2016 season. Noted: No issues with the program.

Total hours spent at landings



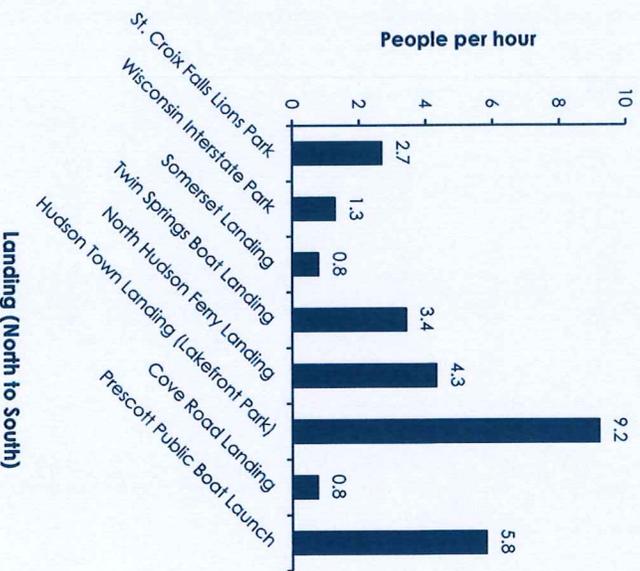
In 2015, **2 interns & 2 volunteers** spent nearly **300 hours** out at landings, spreading the "Clean, Drain, Dry" message to **more than 1100 boaters**.

2015: Stopping Aquatic Invaders in the St. Croix River

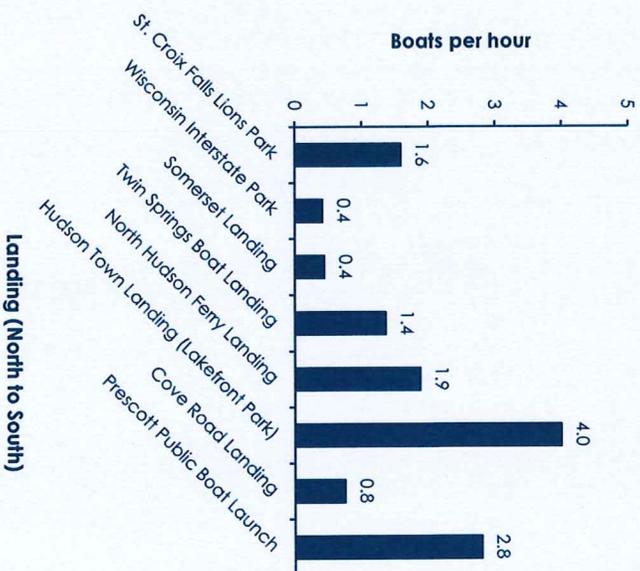
CLEAN BOATS, CLEAN WATERS

The St. Croix River Association thanks its volunteers

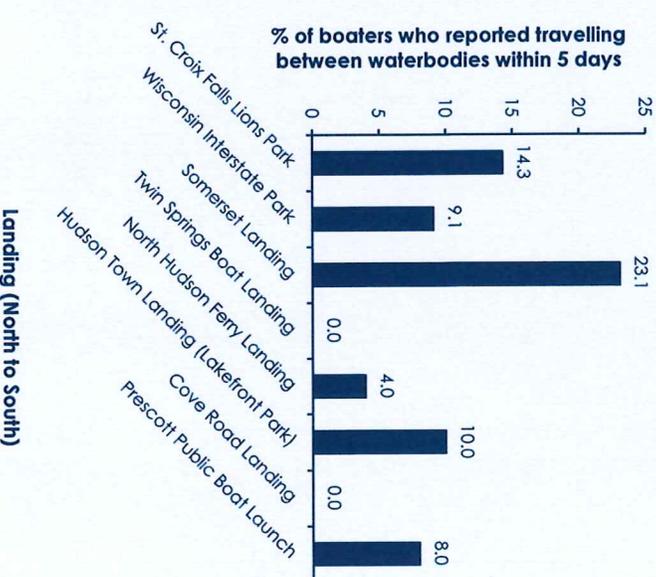
We reached an average of **3.8 people per hour**, with the highest interactions occurring at **Hudson Town landing**



We helped screen an average of **1.8 boats per hour**, with the most boat traffic happening at **Hudson Town landing**



8.4% of boaters visited other waters in the past 5 days, with the highest proportion of travelling boats observed at **Somerset landing**



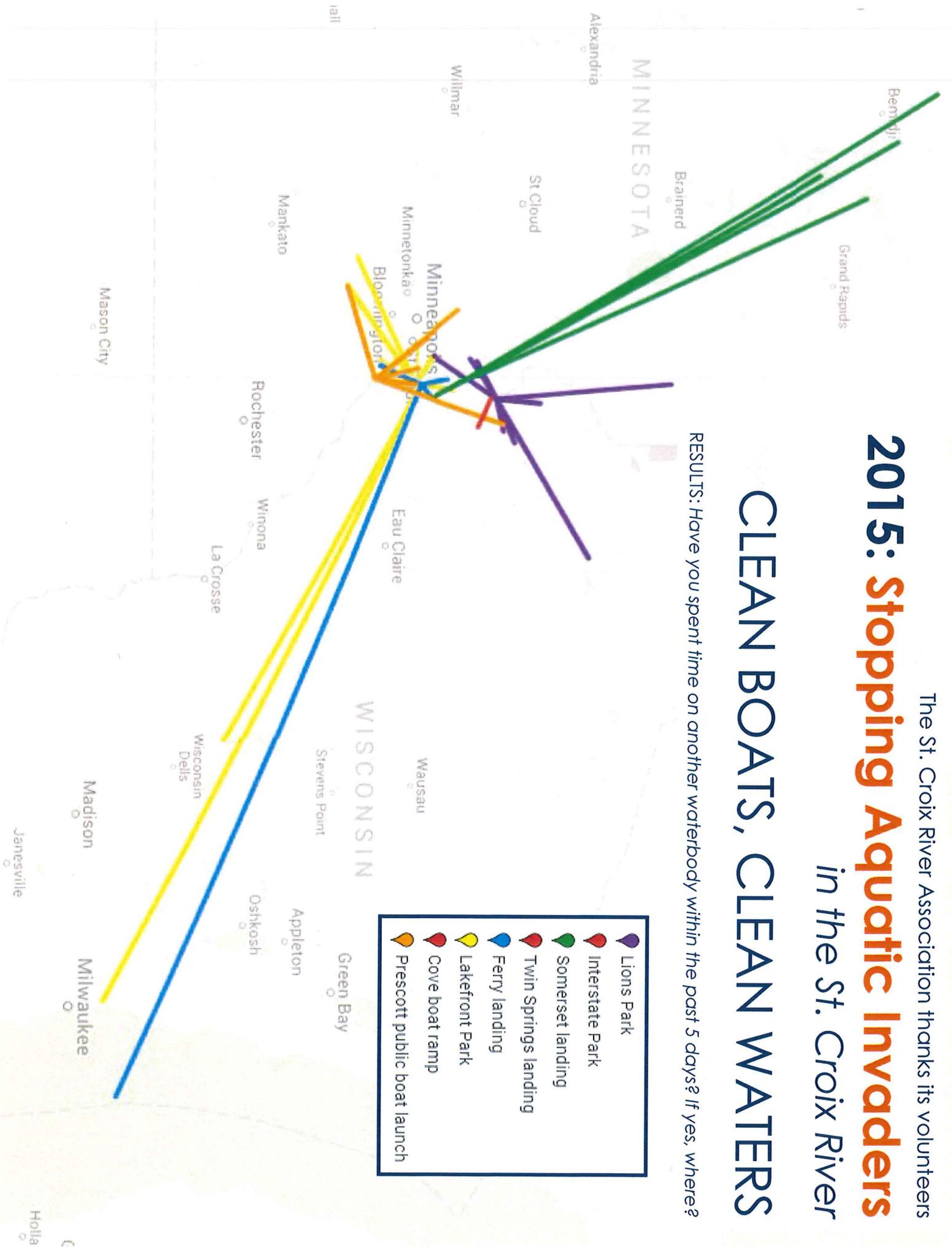
The St. Croix River Association thanks its volunteers

2015: Stopping Aquatic Invaders

in the St. Croix River

CLEAN BOATS, CLEAN WATERS

RESULTS: Have you spent time on another waterbody within the past 5 days? If yes, where?



**CITY OF HUDSON
ISSUE SHEET**

Submitted to: COMMON COUNCIL	Date: 3-16-216
Submitted by: TOM ZEULI, DIRECTOR OF PUBLIC WORKS	
Regarding: ACKNOWLEDGE THE DONATION BY PAUL ANDERSON FOR RESURFACING THE TENNIS COURTS/PICKLE BALL COURTS AT ANDERSON PARK	

To acknowledge the donation by Paul Anderson in the amount of \$6,250.00 for the resurfacing of the tennis courts at Anderson Park.

Note: The courts will be painted to provide tennis and pickle ball courts at Anderson Park.

- Three quotes were received for the work ranging between \$6,250 & \$7,000.

FUNDING SOURCE: Paul Anderson donation

STAFF RECOMMENDATION: To accept the donation from Mr. Anderson for the resurfacing of the courts at Anderson Park.

RESOLUTION NO. 11-16

**A RESOLUTION AWARDING THE SALE OF \$ _____
GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2016A;
FIXING THEIR FORM AND SPECIFICATIONS;
DIRECTING THEIR EXECUTION AND DELIVERY;
AND PROVIDING FOR THEIR PAYMENT**

BE IT RESOLVED By the Common Council (the "Council") of the City of Hudson, Wisconsin (the "City") as follows:

Section 1. Sale of Bonds.

1.01. Background; Findings. It is determined that:

(a) On February 22, 2016, this Council adopted Resolution No. 4-16, Authorizing the Preliminary Issuance of General Obligation Bonds for Street Improvement Projects in a Maximum Principal Amount of \$3,110,000 (the "Initial Resolution"), pursuant to Chapter 67, Wisconsin Statutes, as amended (the "Act"), and more specifically Sections 67.04 and 67.05 of the Act.

(b) On February 22, 2016, this Council additionally adopted Resolution No. 6-16, Providing for the Sale of General Obligation Street Improvement Bonds, Series 2016A, in the Maximum Principal Amount of \$3,110,000, which resolution authorized the issuance of the Bonds (herein defined) to finance the Projects (herein defined).

(c) This Council finds and determines that the projects to be financed pursuant to the Initial Resolution, which are as follows (the "Projects"): (i) the reconstruction of Vine Street between First Street and Ninth Street; and (ii) storm water improvements at the intersection of Third Street and Walnut Street, are within the City's authority, power and duty to effectuate and therefore serve a "public purpose," as that term is defined in Section 67.04(1)(b) of the Act.

(d) This Council therefore deems it necessary, desirable and in the best interests of the City to issue its General Obligation Street Improvement Bonds, Series 2016A (the "Bonds"), in the total aggregate principal amount of \$_____, pursuant to the Act to provide financing for the Projects.

1.02. Award to the Purchaser. Ehlers & Associates, Inc., the City's municipal advisor, in consultation with the City, prepared a Notice of Sale setting forth the details of and the bid requirements for the Bonds, indicating that the Bonds would be offered for public sale on March 21, 2016. The City has received bids for the Bonds as described on Exhibit A attached hereto. The proposal of _____ (the "Purchaser") to purchase the Bonds described in the Notice of Sale thereof is found and determined to be a reasonable offer and is accepted, the proposal being to purchase the Bonds at a price of \$ _____ (par amount of \$ _____, plus original issue premium of \$ _____, less original issue discount of \$ _____, less underwriter's discount of \$ _____), for Bonds bearing interest as follows:

Year	Interest Rate	Year	Interest Rate
2017		2027	
2018		2028	
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	
2025		2035	
2026		2036	

1.03. Deposit of Premium; Purchase Contract. The original issue premium of the Bonds, or the amount for which the Bonds have been sold above par value and accrued interest, shall be (i) deposited in the Debt Service Fund created under Section 4.01(a) hereof and (ii) used to pay underwriter’s discount, as may be determined by the City’s municipal advisor. The City Administrator is directed to retain the good faith check of the Purchaser, pending completion of the sale of the Bonds, and to return the good faith checks of the unsuccessful proposers. The Mayor and the City Clerk are directed to execute a contract with the Purchaser on behalf of the City.

1.04. Terms and Principal Amounts of the Bonds. The City will forthwith issue and sell the Bonds pursuant to the Act in the total principal amount of \$_____, originally dated April 12, 2016, in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1, upward, bearing interest as above set forth, and maturing serially on October 1 in the years and amounts as follows, with a final maturity on April 1, 2036:

Year	Amount	Year	Amount
2017		2027	
2018		2028	
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	
2025		2035	
2026		2036	

1.05. Optional Redemption. The City may elect on October 1, 2025, and on any date thereafter to prepay Bonds due on or after October 1, 2026. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant’s interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

Section 2. Registration and Payment.

2.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds will be payable on April 1 and October 1 of each year, commencing April 1, 2017, to the registered owners of record thereof as of the close of business on the fifteenth day of the immediately preceding month, whether or not that day is a business day.

2.03. Registration. The City will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) *Register.* The Registrar must keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) *Transfer of Bonds.* Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) *Exchange of Bonds.* When Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) *Cancellation.* Bonds surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) *Improper or Unauthorized Transfer.* When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) *Persons Deemed Owners.* The City and the Registrar may treat the person in whose name a Bond is registered in the bond register as the absolute owner of the Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes, and payments so made to a registered owner or upon

the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) *Taxes, Fees and Charges.* The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) *Mutilated, Lost, Stolen or Destroyed Bonds.* If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for a Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

(i) *Redemption.* In the event any of the Bonds are called for redemption, notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Appointment of Initial Registrar. The City appoints Bond Trust Services Corporation, Roseville, Minnesota, as the initial Registrar for the Bonds. The Mayor and the City Clerk are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the City Administrator or City Finance Director must transmit to the Registrar money sufficient for the payment of all principal and interest then due.

2.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the City Clerk and executed on behalf of the City by the signatures of the Mayor and the City Clerk, provided that all signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of any Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized

representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so prepared, executed and authenticated, the City Clerk will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

2.06. Temporary Bonds. The City may elect to deliver in lieu of printed definitive Bonds one or more typewritten temporary Bonds in substantially the form set forth in Section 3 hereof with such changes as may be necessary to reflect more than one maturity in a single temporary bond. Upon the execution and delivery of definitive Bonds the temporary Bonds will be exchanged therefor and cancelled.

Section 3. Form of Bond.

3.01. Execution of the Bonds. The Bonds will be printed or typewritten in substantially the form as attached hereto as Exhibit B.

3.02. Approving Legal Opinion. The City Clerk will obtain a copy of the proposed approving legal opinion of Eckberg Lammers, P.C., Hudson, Wisconsin, Bond Counsel to the City, which will be complete except as to dating thereof and will cause the opinion to be printed on or accompany each Bond.

Section 4. Payment; Security; Pledges and Covenants.

4.01. Funds and Accounts. (a) *Debt Service Fund*. The Bonds are payable from the General Obligation Street Improvement Bonds, Series 2016A Debt Service Fund (the "Debt Service Fund") created herein, and the proceeds of the ad valorem taxes levied or to be levied for payment of the Projects (the "Taxes") are pledged to the Debt Service Fund. If a payment of principal or interest on the Bonds becomes due when there is not sufficient money in the Debt Service Fund to pay the same, the City Administrator or City Finance Director will pay such principal or interest from the general fund of the City, and the general fund may be reimbursed for those advances out of the proceeds of the Taxes levied, when received. There is hereby deposited into the Debt Service Fund any amounts allocable therein under Section 1.03 hereof, and such further deposits as may be required under Section 67.11 of the Act, including but not limited to available water, sanitary sewer, and storm sewer revenues, as provided for in Section 67.11(1)(e) of the Act.

(b) *Borrowed Money Fund*. The proceeds of the Bonds, less any appropriations made in subparagraph (a), together with any other funds appropriated during the construction and equipping of the Projects, will be deposited in a separate fund (the "Borrowed Money Fund") to be used solely to defray expenses of the construction and equipping of the Projects. When the Projects are completed and the costs thereof paid, the Borrowed Money Fund is to be closed and any balance therein is to be deposited in the Debt Service Fund. Money in the Borrowed Money Fund may be temporarily invested as provided in Section 66.0603(1m), Wisconsin Statutes.

4.02. Debt Service Fund Investments. No money shall be withdrawn from the Debt Service Fund and appropriated for any purpose other than the payment of principal of and interest on the Bonds, until all such principal and interest has been paid in full and canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations listed in Section 67.11(2) of the Act, maturing in time to make such payments when they are due or in other investments permitted by law, and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing debt obligations as

permitted by and subject to Section 67.11(2) of the Act, in interest-bearing obligations of the United States of America, in other obligations of the City or in other investments permitted by law, which investments shall continue to be a part of the Debt Service Fund. Any and all investments derived from money on deposit in the Debt Service Fund shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and U.S. Treasury Regulations promulgated thereunder (the "Treasury Regulations"). When all of the Bonds have been paid in full and canceled, and all permitted investments disposed of, any money remaining in the Debt Service Fund shall be deposited in the general fund of the City, unless this Council directs otherwise.

4.03. Pledge of Tax Levy. For the purpose of paying the principal of and interest on the Bonds, there is levied a direct annual irrevocable ad valorem tax upon all of the taxable property in the City, which will be spread upon the tax rolls and collected with and as part of other general taxes of the City. Such Taxes will be credited upon receipt to the Debt Service Fund above provided. The City shall be and continue without power to repeal the levies for the Taxes, or obstruct the collection of the Taxes, until all such debt service payments on the Bonds have been made or provided for. The Taxes shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of the Taxes may be reduced in any year by the amount of any surplus money in the Debt Service Fund, in the discretion of this Council.

Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, may be deemed representations of the City as to the facts stated therein. The Mayor and necessary City staff are additionally authorized and directed to furnish to the Purchaser at closing on the Bonds such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing on the Bonds the Mayor and necessary City staff shall also execute and deliver to the Purchaser a suitable certificate as to the absence of material litigation, and necessary City staff shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

5.02. Certification as to Official Statement. The Mayor and necessary City staff are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

5.03. Payment of Costs of Issuance. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota on the closing date of the Bonds for further distribution as directed by the City's municipal advisor, Ehlers & Associates, Inc.

Section 6. Tax Covenants.

6.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Code and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds. To that end, the City will comply with all requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments and limitations on amounts invested at a yield greater than the yield on the Bonds.

6.02. No Rebate. For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements, the City finds, determines, and declares that the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City (and all subordinate entities of the City) during the calendar year in which the Bonds are issued and outstanding at one time is not reasonably expected to exceed \$5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be “private activity bonds” within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Qualified Tax-Exempt Obligations. In order to qualify the Bonds as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

- (a) the Bonds are not “private activity bonds” as defined in Section 141 of the Code;
- (b) the City designates the Bonds as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code;
- (c) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during 2016 will not exceed \$10,000,000; and
- (d) not more than \$10,000,000 of obligations issued by the City during 2016 have been designated for purposes of Section 265(b)(3) of the Code.

6.04. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this Section.

Section 7. Book-Entry System; Limited Obligation of City.

7.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns (“DTC”). Except as provided in this Section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City and the Registrar will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the “Participants”) or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar) of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of or interest on the Bonds. The City and the Registrar may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes. The Registrar will pay all principal of and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City’s obligations with respect to payment of principal of or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this Resolution. Upon delivery by DTC to the City of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words “Cede & Co.,” will refer to such new nominee of DTC; and upon receipt of such a notice, the City will promptly deliver a copy of the same to the Registrar.

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the “Representation Letter”) which will govern payment of principal of and interest on the Bonds and notices with respect to the Bonds. Any Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar to be complied with at all times.

7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of this Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owner in accordance with the provisions of this Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this Resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this Resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of and interest on the Bonds and all notices with respect to the Bonds will be made and given, respectively, in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 8. Continuing Disclosure.

8.01. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and the City Administrator and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

8.02. City Compliance with Provisions of Continuing Disclosure Certificate. The City covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate will not be considered an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

Section 9. Defeasance. When all Bonds have been discharged as provided in this Section, all pledges, covenants and other rights granted by this Resolution to holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge all Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

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The foregoing resolution was passed and adopted by the Common Council of the City of Hudson, Wisconsin this 21st day of March, 2016.

CITY OF HUDSON, WISCONSIN

Alan D. Burchill, Mayor

Attest:

LeAnne Addy, City Clerk

**CITY OF HUDSON
Council/Committee Issues**

**ITEM
Plan Commission**

Common Council – March 21, 2016

Submitted to: **Common Council**

Date: **March 14, 2016**

Submitted by: **Dennis Darnold, CDD**

Regarding: **Amendment to Zoning Code, Section 255-19, B, (2), Application of Regulations – Hudson Water Utility Commission. Ordinance 6 - 16.**

ISSUE: The Hudson Water Utility Commission is updating their wellhead protection program and one of the considerations is a proposed amendment to the zoning code in regard to the areas that the wellhead protection regulations apply. The Wisconsin Department of Natural Resources reviewed and approved the proposed amendment.

A public hearing on this matter is scheduled for 6:55 p.m., Monday, March 21.

The proposed amendment and Ordinance 6- 16 are attached.

STAFF RECOMMENDATION: Recommend approval. Recommend suspend the rules and adopt Ordinance 6 - 16.

COMMITTEE RECOMMENDATION: Recommends approval of the proposed amendment to the Zoning Code, Section 255-19, B, (2) as proposed by the Hudson Water Utility Commission. Refer to Ordinance 6 – 16.

**CITY OF HUDSON
ORDINANCE NO. 6-16**

WHEREAS, the Common Council desires to change and update Section 255-19.B.(2) of the Municipal Code regarding the description of the area of the Official Wellhead Protection Zone Map of the City;

NOW THEREFORE, the Common Council hereby ordains as follows:

Section 255-19.B.(2) of the Municipal Code is hereby repealed and recreated as follows:

19.B.(2) The area that has been determined to be the five-year time of travel protection area for each municipal well combined together shall be considered as the Official Wellhead Protection Zone Map of the City and is based on information contained within the Wellhead Protection Area Delineation Report dated October 1994 and shall be inclusive of all further amendments and updates that are made to the report and approved by the Wisconsin Department of Natural Resources. The maps of all protection areas for each municipal well and the Wellhead Protection Area Delineation Report with all amendments and updates are on file at Hudson City Hall.

This ordinance shall become effective upon adoption by the Common Council and publication as required by law.

Adopted this ____ day of _____, 2016.

CITY OF HUDSON

By: _____
Alan D. Burchill, Mayor

ATTEST: _____
LeAnne Addy, City Clerk

First Reading: _____

Adopted: _____

Chapter 255.Zoning

§ 255-19. Wellhead protection.

CURRENT:

B. Application of regulations.

(2) The area is shown as an Official Wellhead Protection Zone Map of the City and is based on information contained within the Wellhead Protection Area Delineation Report dated October 1994. The map and report are on file at the Hudson City Hall.

PROPOSED:

B. Application of regulations.

(2) The area that has been determined to be the five-year time of travel protection area for each municipal well combined together shall be considered as the Official Wellhead Protection Zone Map of the City and is based on information contained within the Wellhead Protection Area Delineation Report dated October 1994 and shall be inclusive of all further amendments and updates that are made to the report and approved by the Wisconsin Department of Natural Resources. The maps of all protection areas for each municipal well and the Wellhead Protection Area Delineation Report with all amendments and updates are on file at Hudson City Hall.

**CITY OF HUDSON
Council/Committee Issues**

**ITEM
Plan Commission**

Common Council – March 21, 2016

Submitted to: **Common Council**

Date: **March 14, 2016**

Submitted by: **Dennis Darnold, CDD**

Regarding: **Request to discontinue / vacate a part of Dominion Drive south of Crest View Drive and north of 805 Dominion Drive and 1250 Crest View Drive – St. Croix Crossing, LLC and VB Properties, LLC (Resolution 10 - 16 and set public hearing date)**

ISSUE: St. Croix Crossing, LLC and VB Properties, LLC request the city to discontinue / vacate part of the dedicated right of way of Dominion Drive (former Exit 2 Drive) located south of Crest View Drive and north of 805 Dominion Drive (former Perkins restaurant site) and 1250 Crest View Drive (Verizon). This issue was previously considered by the city in 2007 and at that time the city did not vacate this part of the street right of way.

The right of way was initially intended to provide a public street connection from Crest View Drive to Exit 2 Drive (now Dominion Drive) as there was limited access to Crest View Drive near the former I-94 / Exit 2 off-ramp.

The plan commission recommends the vacation of the right of way in this area with the condition that the city retains access and maintenance easements over the water and sanitary sewer easements for a distance of 20 feet north of the water main and 20 feet south of the sanitary sewer main and that the adjacent property owners agree that if there are private improvements, such as parking lot or landscaping, that the city is not responsible for any damage private improvements which may be disturbed by the exercise of the rights granted to the city and that the adjacent properties will be responsible for the replacement of any improvements that may be constructed / installed over the area of the utility easements.

Resolution 10 - 16 and the public hearing notice are attached.

STAFF RECOMMENDATION: Set public hearing date for Monday, May 2, 2016 and introduction or first reading of Resolution 10 - 16. This does not commit the Common Council to vacate / discontinue the right of way as that decision will be made on May 2nd following the public hearing. The public hearing must be preceded with a class III notice (three insertions in the local paper and with the last publication no sooner than 10 days prior to the hearing date.) Refer to Resolution 10 – 16 and public hearing notice.

COMMITTEE RECOMMENDATION: Recommends approval of the vacation / discontinuance of Dominion Drive south of Crest View Drive and north of parcels at 805 Dominion Drive and 1250 Crest View Drive with the condition that the city retain easements for access and maintenance over the water and sanitary sewer mains for a distance of 20 feet north of the water main and 20 feet south of the sanitary sewer main and that the adjacent property owners agree that if there are private improvements which may be disturbed by the exercise of the rights granted to the city and that the adjacent properties will be responsible for the replacement of any improvements that may be constructed / installed over the area of the utility easements. (Refer to Resolution 10 - 16, public hearing notice and draft agreement for restoration of private improvements.)

**CITY OF HUDSON
RESOLUTION NO. 10-16**

Whereas, Wisconsin Statute Section 66.1003(4) allows proceedings initiated by the City Common Council by an introduction of a Resolution declaring that since the public interest requires it, the whole or any part of any road, street, or unpaved alley in the City may be vacated and discontinued pursuant to the procedures therein.

Be It Resolved, the following described public right of way in the City of Hudson has no future use as a public right of way, and it is in the public's interest to vacate and discontinue the same. Said public right of way is that portion of Dominion Drive (formerly Exit 2 Drive) legally described as follows:

All that part of Dominion Drive (formerly Exit 2 Drive) immediately north of lot 4 and lot 5 of the plat of Exit 2, City of Hudson, St. Croix County, Wisconsin between the east property lot line of lot 4 extended and the west property lot line of lot 5 extended and from the north property lot lines of lot 4 and lot 5 to the south right of way line of Crest View Drive.

A map depicting that portion of Dominion Drive (formerly Exit 2 Drive) to be vacated and discontinued is attached as Exhibit A.

Be It Further Resolved, that upon the vacation and discontinuance, title to the parcel so vacated and discontinued shall vest in the owners of the lots to which they originally belonged to-wit:

St. Croix Crossing, LLC, Lot 4, Exit 2, City of Hudson
Assessment parcel #236-1761-02-003

VB Properties, LLC, Lot 5, Exit 2, City of Hudson
Assessment parcel #236-1761-02-004

subject to the city's continuing utility easement on lot 4 and lot 5 and the Agreement of the Owners, of lot 4 and lot 5, their heirs and assigns, regarding the city's utility easement on lot 4 and lot 5.

Dated this _____ day of _____, 2016

APPROVED:

_____, Mayor

ATTEST:

LeAnne Addy, City Clerk

First reading: _____
Adopted: _____
Published: _____

**NOTICE OF HEARING AND RESOLUTION TO VACATE/DISCONTINUE A
PORTION OF DOMINION DRIVE (FORMERLY EXIT 2 DRIVE)**

NOTICE IS HEREBY GIVEN that a public hearing will be held at the Council Chambers at City Hall, 505 Third Street, Hudson, WI 54016, on the 2nd day of May, 2016, at 6:55 p.m. for the purpose of considering and taking action on the following resolution which was introduced at a meeting of the Common Council of the City of Hudson, Wisconsin, on the 21st day of March, 2016.

**CITY OF HUDSON
RESOLUTION NO. 10-16**

Whereas, Wisconsin Statute Section 66.1003(4) allows proceedings initiated by the City Common Council by an introduction of a Resolution declaring that since the public interest requires it, the whole or any part of any road, street, or unpaved alley in the City may be vacated and discontinued pursuant to the procedures therein.

Be It Resolved, the following described public right of way in the City of Hudson has no future use as a public right of way, and it is in the public's interest to vacate and discontinue the same. Said public right of way is that portion of Dominion Drive (Exit 2 Drive) legally described as follows:

All that part of Dominion Drive (formerly Exit 2 Drive) immediately north of lot 4 and lot 5 of the plat of Exit 2, City of Hudson, St. Croix County, Wisconsin between the east property lot line of lot 4 extended and the west property lot line of lot 5 extended and from the north property lot lines of lot 4 and lot 5 to the south right of way line of Crest View Drive.

A map depicting that portion of Dominion Drive (formerly Exit 2 Drive) to be vacated and discontinued is attached as Exhibit A.

Be It Further Resolved, that upon the vacation and discontinuance, title to the parcel so vacated and discontinued shall vest in the owners of the lots to which they originally belonged to-wit:

St. Croix Crossing, LLC, lot 4, Exit 2, City of Hudson, assessment parcel #236-1761-02-003,
and

VB Properties, LLC, lot 5, Exit 2, City of Hudson, assessment parcel #236-1761-02-004

subject to the city's continuing utility easement on lot 4 and lot 5 and the Agreement of the Owners, of lot 4 and lot 5, their heirs and assigns, regarding the city's utility easement on lot 4 and lot 5.

Dated this 21st day of March, 2016

LeAnne Addy, City Clerk

Publish in Star-Observer: Publish Class III notice, March 31, April 7 and April 14, 2016; send affidavit of publication.

Posted in city hall lobbies: March 30, 2016

AGREEMENT

THIS AGREEMENT is made between the CITY OF HUDSON, a Wisconsin political subdivision (“CITY”), and ST. CROIX CROSSING, LLC, a Minnesota limited liability company, duly authorized to do business in Wisconsin, and V.B. PROPERTIES, LLC, a Wisconsin limited liability company (“OWNERS”).

1. The Common Council of the City has introduced a resolution to initiate the process in order to consider the proposed discontinuation of that portion of Dominion Drive (formerly Exit 2 Drive) abutting the northern boundary of Lot 4 and Lot 5, of the plat of Exit 2 on file and of record with the Register of Deeds, St. Croix County.

2. The OWNERS have requested the above-described discontinuance of a portion of Dominion Drive (formerly Exit 2 Drive) abutting their property.

3. In order that the public interest be protected, the CITY has asked for certain assurances from the OWNERS and the OWNERS, by this Agreement, are willing to provide those assurances to the CITY. The OWNERS therefore covenant to the City and its Common Council that, in the event the subject portion of Dominion Drive (formerly Exit 2 Drive) is discontinued, they agree as follows:

- a. That the Resolution of Discontinuance shall grant to the CITY, its heirs and assigns, an easement for utility purposes over and across the entire portion of the portion of Dominion Drive (formerly Exit 2 Drive) proposed for discontinuance and that, upon discontinuance, the OWNERS shall execute a separate utility easement to be recorded in the St. Croix County Register of Deeds. A copy of the Easement Agreement is attached hereto and incorporated herein by reference as Exhibit A.

IN WITNESS WHEREOF, the parties have set their hands this _____ day of _____, 2016.

THE CITY OF HUDSON:

ATTEST:

, Mayor

LeAnne Addy, City Clerk

(Subject to review/amendment by city attorney)

State of Wisconsin)
) ss
County of St. Croix)

Personally came before me this _____ day of _____, 2016, the above named _____ and LeAnne Addy, personally known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission is permanent/expires:

OWNERS: ST. CROIX CROSSING, LLC, a Minnesota limited liability company

By Jay Andrews, a Member

State of _____)
) ss
County of _____)

Personally came before me this _____ day of _____, 2016, the above named Jay Andrews, personally known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of _____
My Commission is permanent/expires:

V.B. PROPERTIES, LLC, a Wisconsin limited liability company

By Richard K. Bruckner, Chief Manager

State of _____)
) ss
County of _____)

Personally came before me this _____ day of _____, 2016, the above named Jay Andrews, personally known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of _____
My Commission is permanent/expires:

September 18, 2015

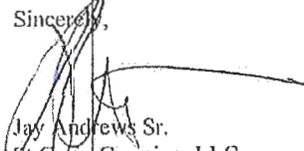
Dennis Darnold
Community Development Director
City of Hudson
505 3rd Street
Hudson, WI 54016

RE: 805 Dominion Drive & 1250 Crestview Drive, Hudson

Denny,

We are the property owners of the properties located at 805 Dominion Street and 1250 Crestview Drive in Hudson. We are requesting that the City of Hudson initiate the process of vacating approximately .50 acre, that is no longer needed between our properties and the necessary road right of way for Crestview Drive. Please let us know what we need to do to help move this forward.

Sincerely,



Jay Andrews Sr.
St Croix Crossing, LLC
805 Dominion Drive



Richard Buckner
VB Properties, LLC
1250 Crestview Drive

8 of the Assessor's Plat of
 k County, Wisconsin;
 rvey, land division, and Plat
 dstrand, owner of said land,

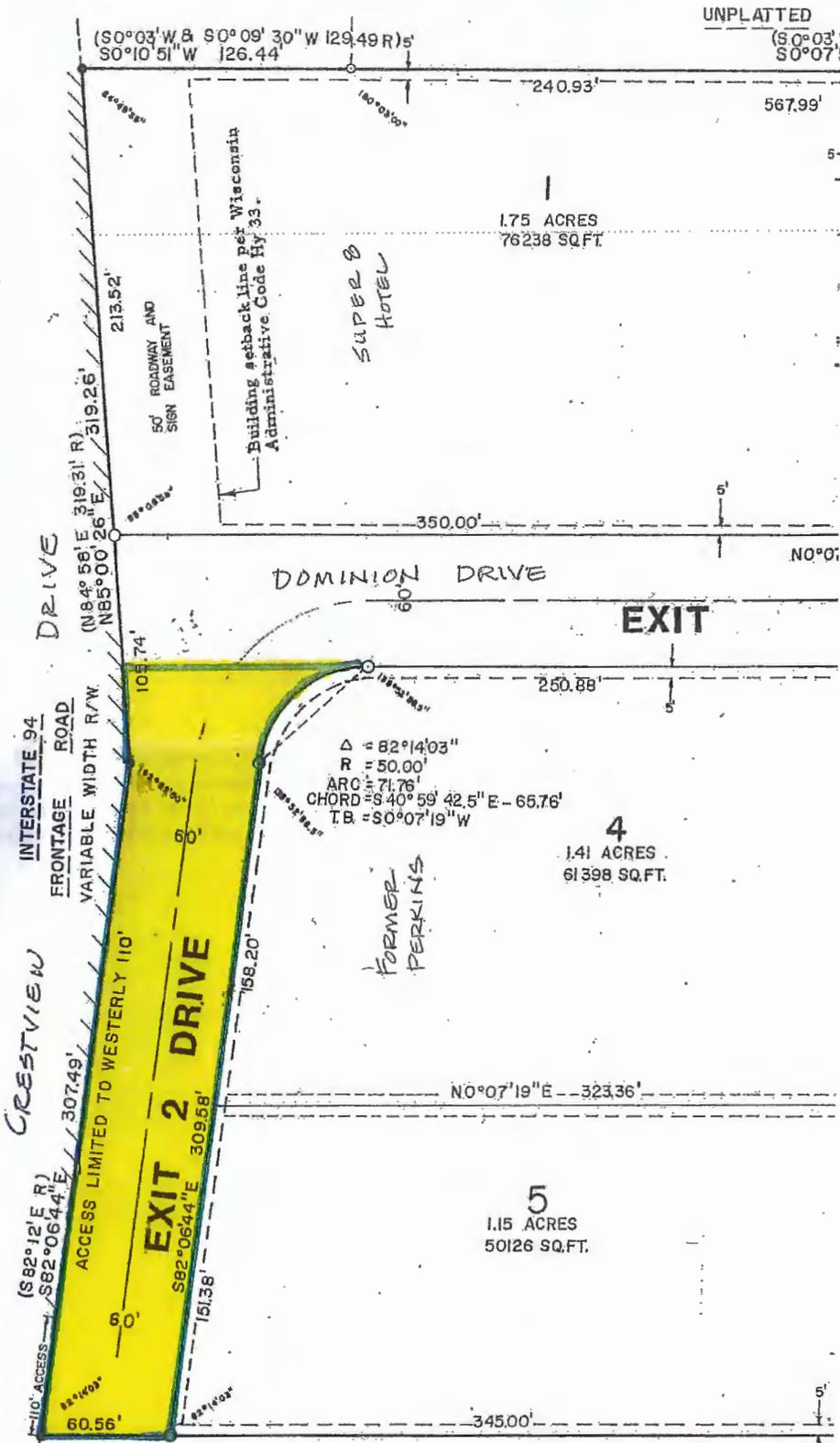
corner of said Section 31;
 l bearing referenced to the
 NW1/4 of the SW1/4 of said
 11"W). 1323.86' to the man-
 tlot 98; thence N89°40'18"E
 98' along said South line to
 N0°07'19"E 745.41' (rec-
 the Southerly right-of-way
 South Frontage Road;
 recorded as S82°12'E along
 line; thence N85°00'26"E
 E 319.31' along said South-
 S0°10'51"W 126.44' (rec-
 19:30"W 126.44'); thence
 03'W) 600.99' to the mon-
 W1/4 of the NW1/4; thence
 9°35'W) 622.46' along said
 ining, containing 447483
 183
 t representation of all the
 nd surveyed and the sub-

with the provisions of
 Statutes, the Subdivision
 Craix County, and the
 City of Hudson in Surveying,
 ne.

1983
 1983



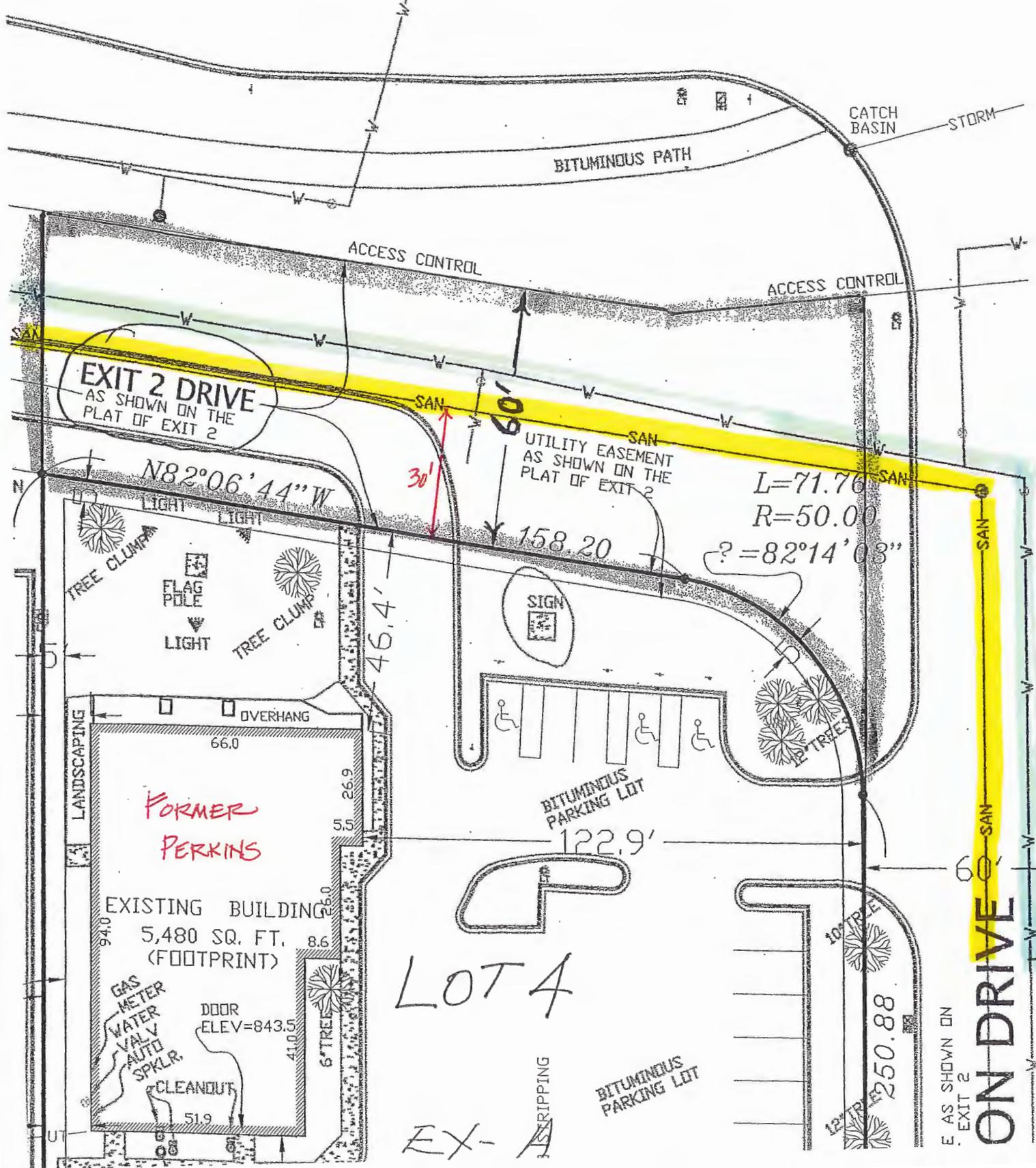
of the width and in the
 he easement will extend
 y property corner-iron.



**RUSCH
 & MAPPING
 WISCONSIN**



FRONTAGE ROAD
RESTVIEW DRIVE
 (PUBLIC STREET)



$L=71.76$
 $R=50.00$
 $?=82^{\circ}14'03''$

FORMER PERKINS

LOT 4

EX-A

E. AS SHOWN ON
 EXIT 2

ON DRIVE

**CITY OF HUDSON
ISSUE SHEET**

Submitted to: FINANCE COMMITTEE/COMMON COUNCIL Date: 3-17-2016
Submitted by: TOM ZEULI, DIRECTOR OF PUBLIC WORKS
Regarding: DISCUSSION AND POSSIBLE ACTION TO ACCEPT BIDS RECEIVED FOR THE 4 POST MOBILE EQUIPMENT LIFT

The Request for Proposals for the purchase of a 4-Post Mobile Heavy Equipment Lift was posted in the paper and city website for the 2-week time frame per the procurement policy. The specifications and bid documents were sent out to several vendors and were also available on the city website. The Bid opening was held on Tuesday, March 15, 2016.

NOTE: The bid does not include any trade of equipment. Attached is a breakdown of the vendor, base bid and comments that include the areas in which the specifications were not met.

VENDOR	BASE BID	COMMENTS
Midwest Lift RECOMMENDED VENDOR	\$39,662.00	<ul style="list-style-type: none"> Meets all specifications of the bid Warranty exceeds the minimum specified Stertil Koni meets and exceeds lifting specifications
Pump & Meter	\$36,364.04	<ul style="list-style-type: none"> Rotary does not meet the spec required of the 1.375 increments in the locking system (Manufacturer states a 3 inch increment on their machine)
Lubetech	\$47,450.00	<ul style="list-style-type: none"> Rotary does not meet the spec required of the 1.375 increments in the locking system (Manufacturer states a 3 inch increment on their machine) High Bid

FUNDING SOURCE: Capital bonds – Balance \$41,994.80

STAFF RECOMMENDATION: To recommend purchasing the 4 Post Mobile Equipment Left from Midwest Lift in the amount of \$39,662.00. The Stertil Koni lift system meets and exceeds lifting specifications and minimum warranty specified, and is most compatible with our shop and our needs.

CITY OF HUDSON ISSUE SHEET

Submitted to: Finance Committee

Date: 3-15-2016

Submitted by: Tom Syfko, City Engineer

Regarding: Discussion and possible action on the Letter of Engagement - Storm Water Design Pond CR-P12

New development is proposed by M/I Homes (formerly Hans Hagen) at the Hudson Golf Course site. It is anticipated that site grading will begin this summer.

There is a land locked depression (Pond CR-P12) identified in the Comprehensive Surface Water Drainage Plan adjacent to the proposed development. The drainage area to this pond is about 600 acres. Currently there are three pipes that directly discharge to this area. Because Pond CR-P12 is landlocked, a storm water lift station and forcemain is included in the plan under ultimate development conditions.

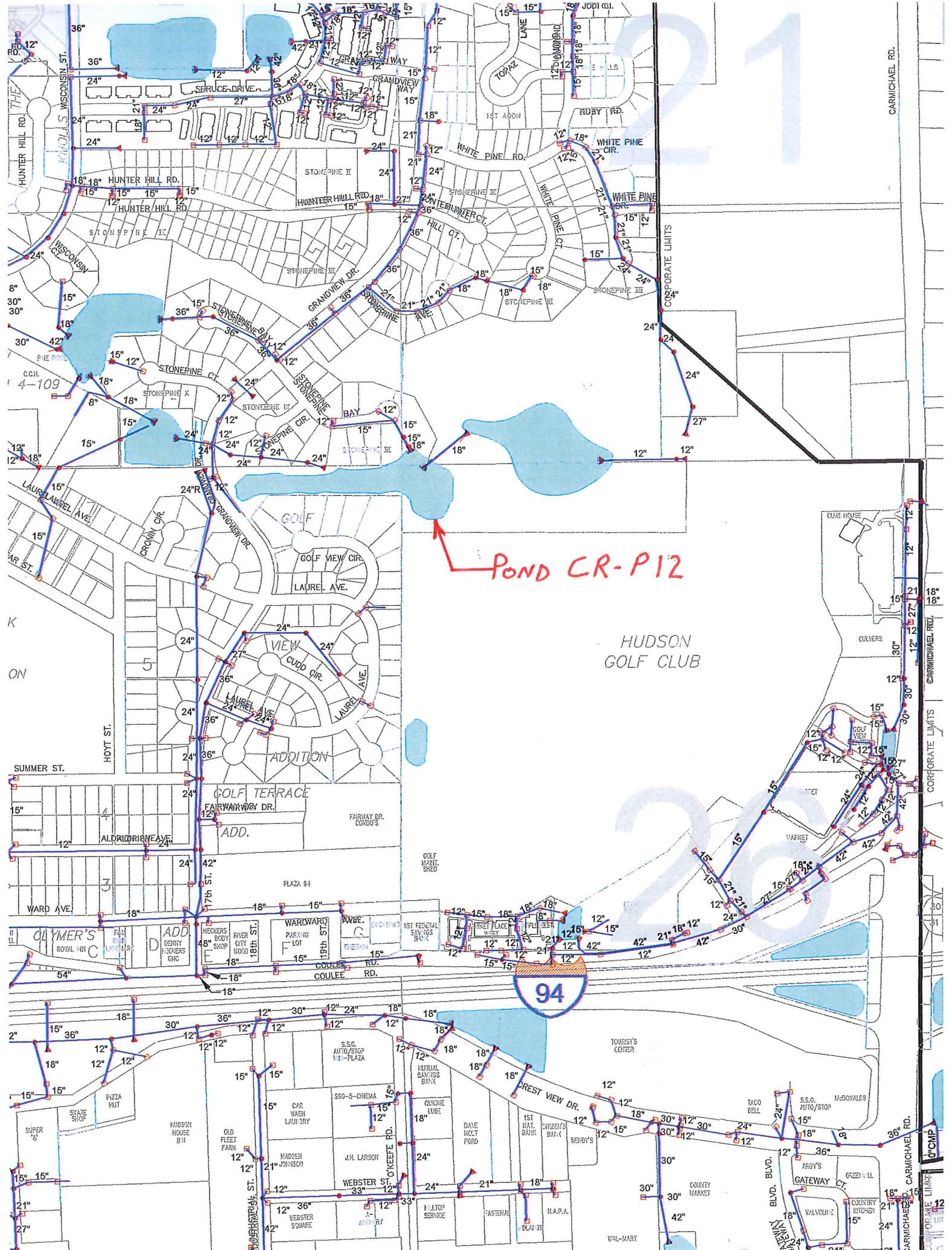
As this depression is a low point in a wooded area with downed trees, city staff would like to clean up the area and construct a pond. The improved pond should have better infiltration characteristics and access to the existing discharge pipes. The idea would be to delay or possibly eliminate the need for the future lift station by constructing an improved pond with infiltration.

The attached Letter of Engagement from SEH shows a two phased approach to completing a pond design and the required wetland delineation and permitting.

The intent going forward, would be to have the developer construct Pond CR-P12 as part of the mass site grading. Payment for the pond construction would come from storm water impact fees and be part of the developers agreement.

FUNDING SOURCE: It is proposed to use funds from the 2016 Storm Water Utility for the design of Pond CR-P12.

STAFF RECOMMENDATION: Staff recommends approval of the Letter of Engagement with SEH for a lump sum fee of \$13,400.00.



POND CR-P12

HUDSON GOLF CLUB

94

12

**CITY OF HUDSON
LETTER OF ENGAGEMENT**

Project Name: **Carmichael Ridge Infiltration Basin; Wetland
Delineation/Permitting, Preliminary and Final Design**

Project Number: _____

This Letter of Engagement is entered into this 21st day of March, 2016, by and between the City of Hudson , 505 Third Street, Hudson, WI, 54016 (hereinafter the "City") and

Short Elliott Hendrickson Inc.

Name of Consultant

156 High Street, Suite 300, New Richmond, WI 54017

Address of Consultant

(Hereinafter the "Consultant").

RECITALS

WHEREAS, the City and the Consultant entered into an Engineering Master Consulting Agreement on the 1st day of September, 2014; and

WHEREAS, the Master Consulting Agreement provides that the City would engage the Consultant from time to time to assist in providing engineering services for projects and studies designated by the City and as described through separate Letters of Engagement attached as Exhibits to the Master Consulting Agreement; and

WHEREAS, The City wishes to retain the services of an engineering consultant to assist with the following described project:

Complete preliminary survey, wetland delineation, final design of an infiltration area around the perimeter of the existing wetland and production of a grading and erosion control plans to be bid with the Developer's project for Carmichael Ridge development as further described in the attached Exhibit One attached hereto (hereinafter the "Project"); and

WHEREAS, this Letter of Engagement outlines the services to be performed by the Consultant; the approved cost of the Project; and the Project schedule.

NOW, THEREFORE, in consideration of the mutual agreements herein contained and intending to be legally bound hereby, the City and the Consultant hereby agree as follows:

Article 1. Services to be performed by the Consultant

The City hereby retains Consultant for the purposes of advising and consulting the City for the services described in Exhibit One attached hereto and made a part hereof.

Article 2. Schedule of Performance

The Consultant shall perform the services for the Project on the basis of the schedule attached hereto as Exhibit One and made a part hereof by reference. The schedule may be adjusted by mutual consent as the services proceed. The term limits established by the schedule and approved by the City shall not be exceeded by the Consultant or the City, except for reasonable cause agreed to by the City.

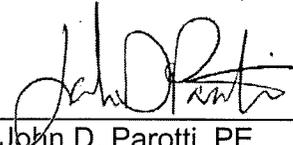
Article 3. Consultant's Compensation

The City shall pay the Consultant for services furnished and the Consultant shall accept as full payment the sums described on Exhibit One attached hereto and made a part hereof.

IN WITNESS THEREOF, the parties hereto have executed this Engagement letter as of the date first written above.

IN WITNESS WHEREOF, the parties hereto set their hands and seals dated this _____ day of _____, 2016.

Short Elliott Hendrickson, Inc.

By: 
John D. Parotti, PE
Associate/Sr. Project Manager

City of Hudson, Wisconsin

By: _____
Devin Willi, City Administrator

By: _____
Alan D. Burchill, Mayor

Attest: _____
LeAnne Addy, City Clerk

Exhibit One
Supplemental Letter Agreement

In accordance with the Master Agreement for Professional Services between City of Hudson ("Client"), and Short Elliott Hendrickson Inc. ("Consultant"), effective September 1, 2014, this Supplemental Letter Agreement dated March 21, 2016 authorizes and describes the scope, schedule, and payment conditions for Consultant's work on the Project described as: Carmichael Ridge Infiltration Basin; Wetland Delineation/Permitting, Preliminary and Final Design.

Client's Authorized Representative: Devin Willi
Address: 505 Third Street
Hudson, WI 54016
Telephone: 715.386.4765 Ext. 136 **email:** dwilli@ci.hudson.wi.us

Project Manager: John D. Parotti, PE
Address: 156 High Street, Suite 300
New Richmond, WI 54017
Telephone: 715.861.4871 **email:** jparotti@sehinc.com

Scope: The Basic Services to be provided by Consultant:

Phase 1:

1. Complete a topographic survey of approximately 2 acres in size surrounding the existing wetland
2. Create a proposed grading and erosion control plan (also indicating tree removal extents)

Phase 2:

1. Complete a wetland delineation and obtain WDNR concurrence
2. Obtain coverage for storm water discharge from WDNR (WDNR NOI)
 - a. Stormwater and erosion control report
 - b. Universal Soil Loss Equation and Soil Loss Narrative
 - c. Online Permit submittal

Not Included

1. Additional surveying
2. Stormwater modeling/calculations (it is assumed that we are making an existing functioning situation maintainable, not working to meet any applicable stormwater codes)
3. Any other plan sheets not listed above
4. Specifications
5. Cost estimating
6. Construction administration
7. Permit administration (site inspections)

Schedule: The services listed above shall begin upon execution of the Letter of Engagement. Schedule of completion is as follows:

Phase 1: 2 - 4 weeks from authorization

Phase 2: 2 weeks from start of the "growing season" (wetland delineations cannot begin until the "growing season" has started)

Payment: The lump sum fee is \$13,400 including expenses and equipment.

During the course of providing its services, Consultant shall be paid monthly based on Consultant's estimate of the percentage of the work completed. Necessary expenses and equipment are provided as a part of Consultant's services and are included in the initial Lump Sum amount for the Scope of work described herein. If additional work is requested by the City, Consultant shall be compensated in accordance with the rate schedule on file with the City.

Other Terms and Conditions: Other or additional terms contrary to the Master Agreement for Professional Services that apply solely to this project as specifically agreed to by signature of the Parties and set forth herein: None.

p:\fj\hudson\131022\subdivisions\carmichael ridgelstormwater\infiltration basin design and wetland permitting\suppl letter agreement.docx

**CITY OF HUDSON
ISSUE SHEET**

Submitted to: COMMON COUNCIL	Date: 3-17-216
Submitted by: TOM SYFKO, CITY ENGINEER	
Regarding: DISCUSSION AND POSSIBLE ACTION ON THE CONSTRUCTION CONTRACT AWARD FOR THE VINE STREET IMPROVMENTS	

Bids were opened March 17, 2016.

Bid results are as follows:

CONTRACTOR	BID
McCabe Construction	\$2,112,265.75
A-1 Excavating	\$2,222,861.00
Total Excavating	\$2,393,965.50
Haas & Sons, Inc.	\$2,582,473.72

Engineers Estimate: \$2,255,105.00

FUNDING SOURCE: Bonding is the proposed funding source.

STAFF RECOMMENDATION: Staff recommends awarding the project to McCabe Construction in the amount of \$2,112,265.75.

**CITY OF HUDSON
ISSUE SHEET**

Submitted to: COMMON COUNCIL	Date: 3-16-216
Submitted by: TOM SYFKO, CITY ENGINEER	
Regarding: DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 9-16: RESOLUTION OF SUPPORT – KNOWLES NELSON STEWARDSHIP PROGRAM	

Previous Feasibility Reports (2010 & 2015) have identified repairs needed to the Walnut Street Bridge (Dike Road). The total estimated project cost is estimated at \$446,200.00. If funding can be secured, it is anticipated that construction would occur in 2018.

The City of Hudson previously submitted an application to WisDot Transportation Alternatives Program (TAP) Award Cycle. If successful, the City could receive 80% reimbursement towards the total project costs. The City Council adopted a Resolution of Support for the TAP grant on February 22, 2016.

At this time, we are applying to the DNR Knowles-Nelson Stewardship Program for additional funding that would be applied to the 20% City share of the bridge repairs. Resolution No. 9-16 attached is a resolution of City Council support for the project and is part of the DNR application process.

STAFF RECOMMENDATION: Adopt Resolution No. 9-16.

**Common Council
City of Hudson, Wisconsin**

Resolution # 9-16

RESOLUTION FOR OUTDOOR RECREATION AIDS

WHEREAS, the City of Hudson is interested in developing lands for public outdoor recreation purposes as described in the application; and

WHEREAS, financial aid is required to carry out the project;

THEREFORE, BE IT RESOLVED, that the City of Hudson has budgeted a sum sufficient to complete the project, and

HEREBY AUTHORIZES Devin Willi, City Administrator to act on behalf of the City of Hudson to:

Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;

Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;

Submit signed documents; and

Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED THAT the City of Hudson will comply with state or federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Dated this 21st Day of March, 2016.

ADOPTED: March 21, 2016

APPROVE: _____
Alan Burchill, Mayor

ATTEST: _____
LeAnne, City Clerk

I hereby certify that the foregoing resolution was duly adopted by the Common Council at a legal meeting on the 21st of March, 2016.

LeAnne Addy, City Clerk