



Wauwatosa, WI

Transportation Affairs Committee

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, March 14, 2023

6:30 PM

Committee Room #1 and Zoom:
<https://servetosa.zoom.us/j/81144274572>,
Meeting ID: 811 4427 4572

Regular Meeting

HYBRID MEETING INFORMATION

Members of the public may observe and participate in the meeting in-person or via Zoom at the link above. To access the Zoom meeting via phone, call 1-312-626-6799 and enter the Meeting ID.

CALL TO ORDER

ROLL CALL

ORDINANCES FOR ADOPTION CONSIDERATION

1. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to eliminate certain parking restrictions on River Parkway and 63rd Street [23-860](#)

Recommendation: Introduced on March 7, 2023, for adoption consideration

2. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to prohibit parking on a portion of 68th Street near Hillcrest Drive [23-867](#)

Recommendation: Introduced on March 7, 2023, for adoption consideration

TRANSPORTATION AFFAIRS COMMITTEE ITEMS

1. Overview and discussion of a draft ordinance creating a Transportation Utility [23-1140](#)

ADJOURNMENT

NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to tclerk@wauwatosa.net, with as much advance notice as possible.



Staff Report

File #: 23-860

Agenda Date: 3/14/2023

Agenda #: 1.

Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to eliminate certain parking restrictions on River Parkway and 63rd Street

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. The portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by creating the following subsection:

"(III) from 7AM to 5PM Monday-Friday"

Part II. The "River Parkway - north side" portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting all existing restrictions there under.

Part III. The "River Parkway - north side" portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following new subsection:

"(a) from 68th Street to 705 feet east of 68th Street"

"(III) from 925 feet east of 68th Street to 1,240 feet east of 68th Street"

"(a) from 110 feet west of 63rd Street to 63rd Street"

Part IV. The "River Parkway - South Side" portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code 11.32.080 is hereby amended by deleting all existing restrictions there under.

Part V. The "River Parkway - South Side" portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following new subsection:

"(a) from 68th Street to 65 feet east of 68th Street"

"(III) from 910 feet east of 68th Street to 1225 feet east of 68th Street"

"(a) from 1225 feet east of 68th Street to 63rd Street"

Part VI. The "63rd Street - east side" portion of the "Schedule of Streets" and portions subsection of the Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following subsections:

"(a) from 110 feet south of the south railroad track to W. State Street"

"(a) from the south side of River Parkway to 300 feet south of the south railroad track"

Part VII. The "63rd Street - east side" portion of the "Schedule of Streets" and portions subsection of the Wauwatosa Code Section 11.32.080 is hereby amended by adding the following subsections:

"(a) from 170 feet south of the southernmost railroad track to State Street"

Part VIII. The "63rd Street - west side" portion of the "Schedule of Streets" and portions subsection of the Wauwatosa

Code Section 11.32.080 is hereby amended by deleting the following subsections:

"(a) from River Parkway to 230 feet south of the south railroad track"

"(a) from 130 feet south of the south railroad track to W. State Street"

Part IX. The "63rd Street - west side" portion of the "Schedule of Streets" and portions subsection of the Wauwatosa Code Section 11.32.080 is hereby amended by adding the following subsections:

"(a) along the west side of 63rd Street from approximately 225-feet south of the southern-most railroad track to State Street"

Part X. This ordinance shall take effect on and after its date of publication.

By: Transportation Affairs Committee

Recommendation: Introduced on March 7, 2023, for adoption consideration



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 23-867

Agenda Date: 3/14/2023

Agenda #: 2.

Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to prohibit parking on a portion of 68th Street near Hillcrest Drive

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. The "68th Street - west side" portion of the "Schedule of Streets, and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following subsections:

"(a) from 175 feet north of Hillcrest Drive to 175 feet south of Hillcrest Drive"

Part II. NON-CODIFIED PROVISION: The prohibitions described above shall take effect immediately pursuant to the provisions of sec. 2.02.180 of the Wauwatosa Municipal Code, prior to and until the effective date of the ordinance created herein.

Part III. This ordinance shall take effect on and after its date of publication.

By: Transportation Affairs Committee

Recommendation: Introduced on March 7, 2023, for adoption consideration



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 23-1140

Agenda Date: 3/14/2023

Agenda #: 1.

Overview and discussion of a draft ordinance creating a Transportation Utility



CITY OF WAUWATOSA
MEMO

To: **Transportation Affairs Committee**

From: **David Simpson, Director of Public Works & John Ruggini, Finance Director**

Date: **March 10, 2023**

Subject: **Overview and discussion of a draft ordinance creating a Transportation Utility**

A. Issue

The City of Wauwatosa annually faces a deficiency in funding for roadway, bicycle, public transit, and pedestrian improvements. Long term levy limits have led to increased borrowing for transportation projects. In order to ensure that the City remains within borrowing benchmarks, reduces exposure to increasing interest rates, decreases future debt service costs, and reduces its reliance on borrowing, the use of a Transportation Utility as a user charge funding source to support vehicular transportation infrastructure is being considered for potential implementation in 2024.

B. Background/Options

Recognizing previous decades of under-investment in City infrastructure, the City began implementing enhanced capital plans since 2012 and based on the 2023-2027 proposed capital plan, this rate of investment will continue. The adoption of the Tosa Streets Policy in 2017, which requires safe accommodations for multiple conventional travel modes in the right-of-way, and the continued implementation of the recommendations from the 2014 Bicycle and Pedestrian Facilities Plan have further stretched available funds.

As enhanced capital plans were to be largely debt financed, a debt policy was adopted to ensure that the City maintained a manageable level of debt. Recent initiatives are underway to cash finance more of the capital plan, but a majority of it is still based on borrowed funds. Options available to the City to provide more funding for transportation projects include adjusting its debt policy benchmark and increasing the levy needed for debt service, reduce capital spending, or reduce borrowing by using an alternative financing source. An alternative funding source was explored in 2018 in the form of a wheel tax, but the concept was ultimately not approved by the Common Council.

A Transportation Utility is established as an enterprise fund of the City, similar to the storm water, water, and sewer utilities, and can fund capital and operational expenses. In September of 2022 a Transportation Utility feasibility study was presented to the Transportation Affairs Committee and subsequently the Common Council authorized the 2023 budget which includes the necessary funds to complete the final steps toward potential implementation of a Transportation Utility.

The attached presentation reviews the work that has been done to date, introduces a draft ordinance for discussion, and describes the timeline of the project.

C. Strategic Plan (Area of Focus)

Priority 2: Public Safety; Goal 2. Proactively address pedestrian, bicycle, and vehicular safety.

Priority 2: Infrastructure; Goal 5. Increase alternative (non-property tax based) funding to support capital projects

D. Fiscal Impact

If the Common Council chooses to implement a Transportation Utility additional funding will be made available to the City for capital improvements to the City's transportation network as described on the attached presentation.

E. Recommendation

Discuss the attached draft Transportation Utility ordinance and implementation timeline and provide feedback to staff to utilize as the public outreach process expands with the goal of considering adoption of an ordinance in July of 2023 which would include billing beginning in January of 2024.



Proposed Transportation Utility

Transportation Affairs
Committee

March 14, 2023



AGENDA



- Why Are We Considering a Transportation Utility
- Why Can We Create One
- How Do They Work
- How Much Will It Cost Users
- What Will An Ordinance Look Like
- What's The Timeline

TRANSPORTATION UTILITY | REASONS TO CONSIDER

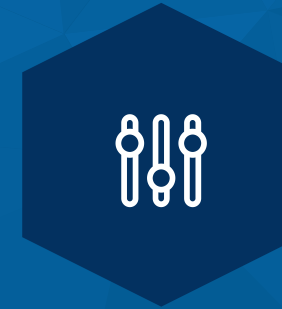
There are three main reasons the City is considering the creation of a Transportation Utility



Aging Infrastructure



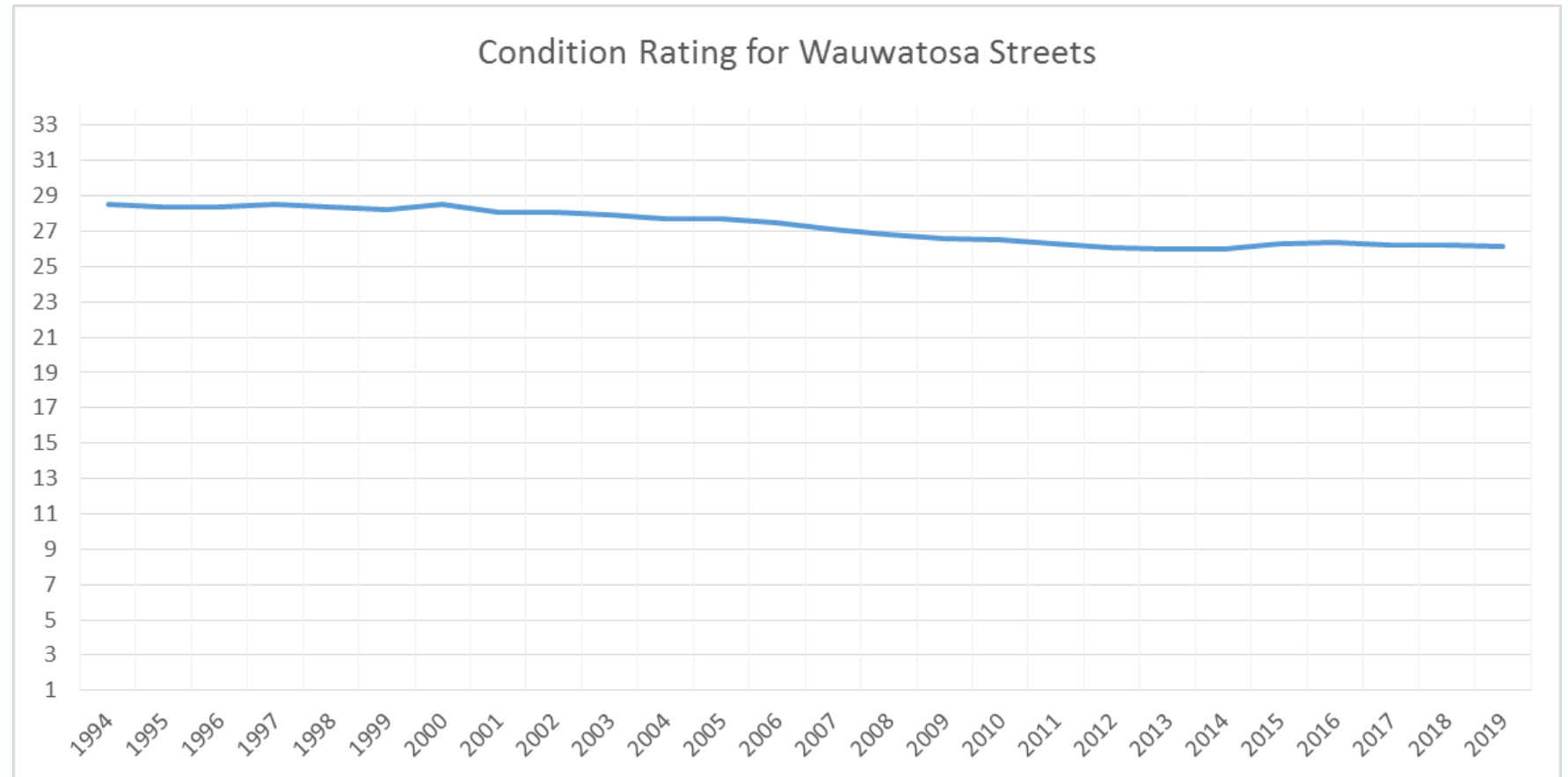
Fiscal Constraints



Equitable Cost Share

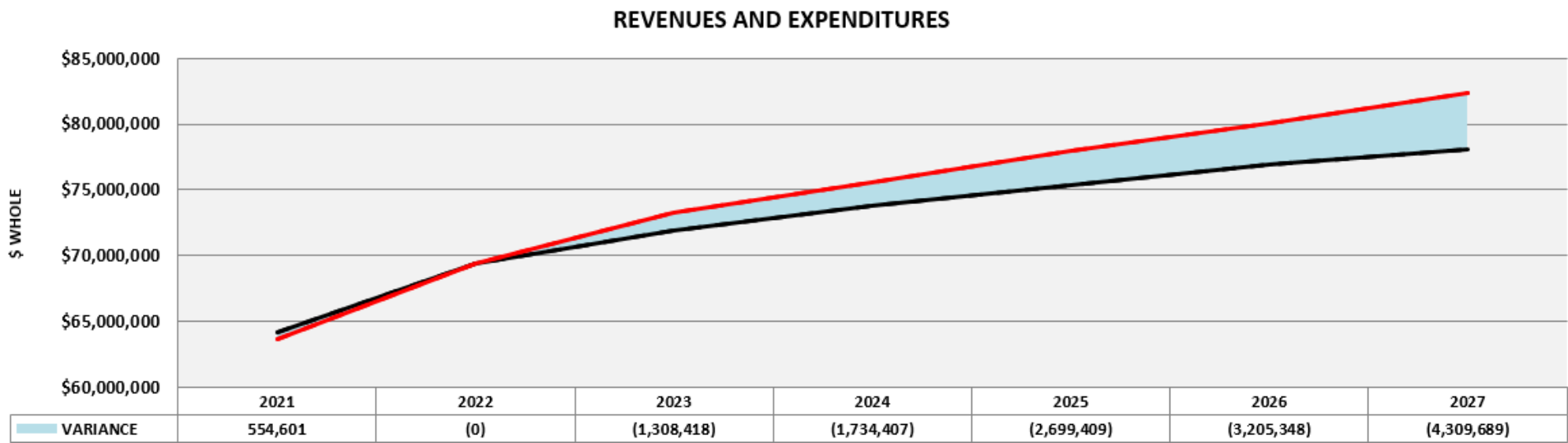
AGING INFRASTRUCTURE

- Current funding limits do not allow the City to maintain the necessary roadway replacement cycle.
- Due to this constraint our average roadway condition ratings are declining and will continue to decline if additional funding is not secured.
- This issue has existed for many decades so it won't be solved quickly.



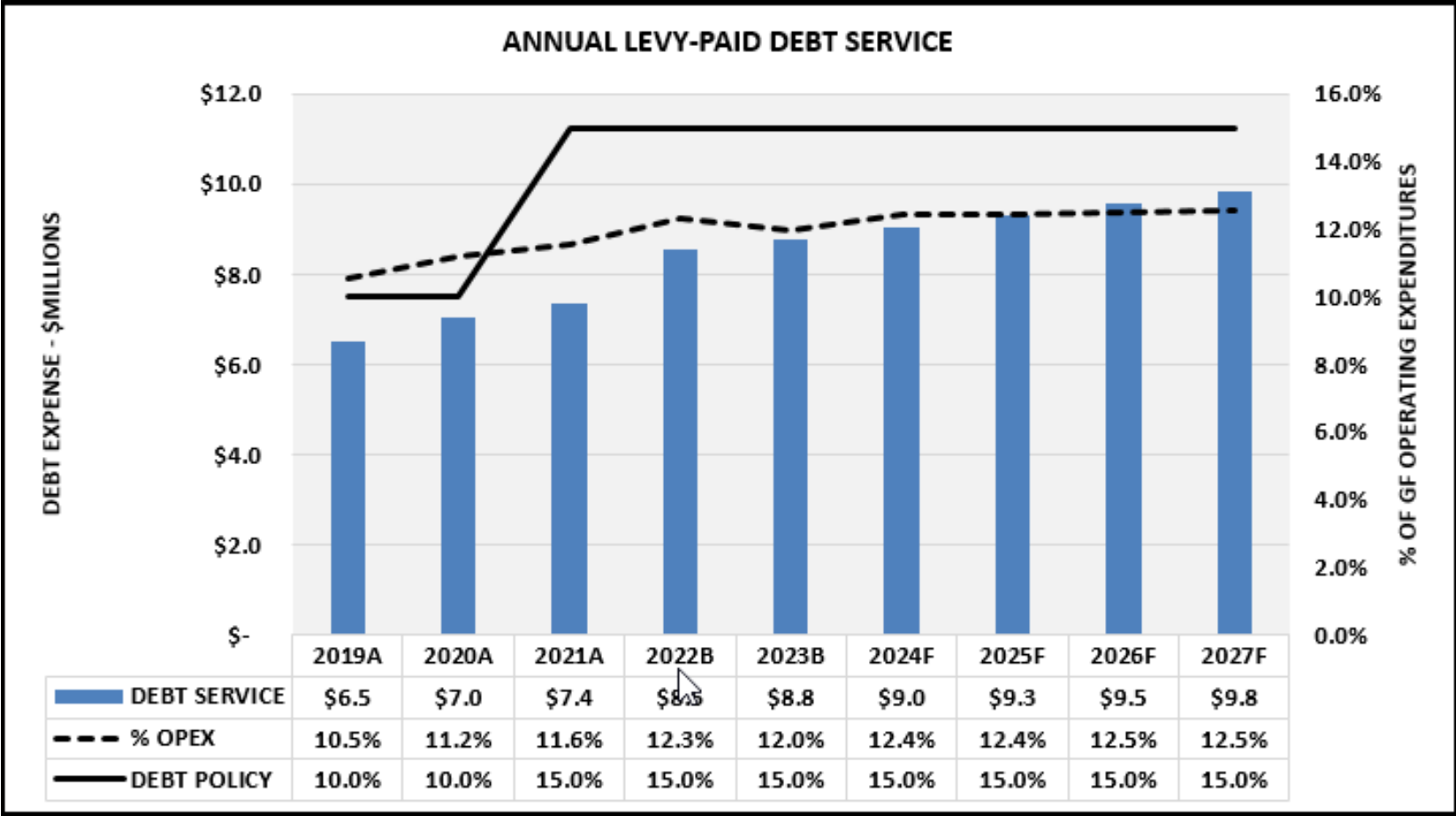
FISCAL CONSTRAINTS | BUDGET GAP & LEVY LIMITS

- Wauwatosa has a structural budget gap which is expected to worsen each year
- We need to find ways to reduce our reliance on property taxes
- It is not realistic to fund additional infrastructure through the general tax levy



FISCAL CONSTRAINTS | INCREASING DEBT BURDEN

- Wauwatosa has already increased borrowing in order to increase investment in infrastructure
- This debt is paid through property taxes
- This approach is vulnerable to interest rate changes



EQUITABLE COST SHARE | PAY FOR WHAT YOU USE

- A previously proposed Wheel Tax was disliked by many because it didn't account for how often a vehicle uses the transportation network and only applied to a limited cross section of roadway users.
- Instead, a Transportation Utility will equate our transportation network to a utility like our water, sanitary sewer and stormwater utilities
- User fees will be collected to fund the operations of the transportation system including:
 - Cost of Certain Operations
 - Capital Costs
- Users will pay for what portion of the transportation system they use based on how many vehicular trips come and go from their property based on Transportation Engineering standards instead of paying based on equalized property value:
 - Any time a vehicle enters or leaves a property is considered one trip
 - Different land use types generate different trip generation rates
 - Will utilize Institute of Transportation Engineer's TRIP Generation Statistics

TRANSPORTATION UTILITY | INTO THE DETAILS



Authority to Create



Policy Goals



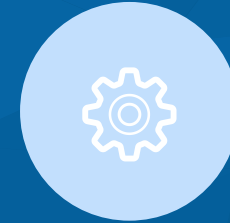
Costs by Land Use



Fee vs. Tax



Initial Budget



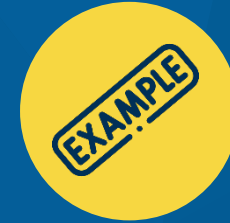
Alternate Scenarios



Calculating Trips



Preliminary User Rates



Example Fees

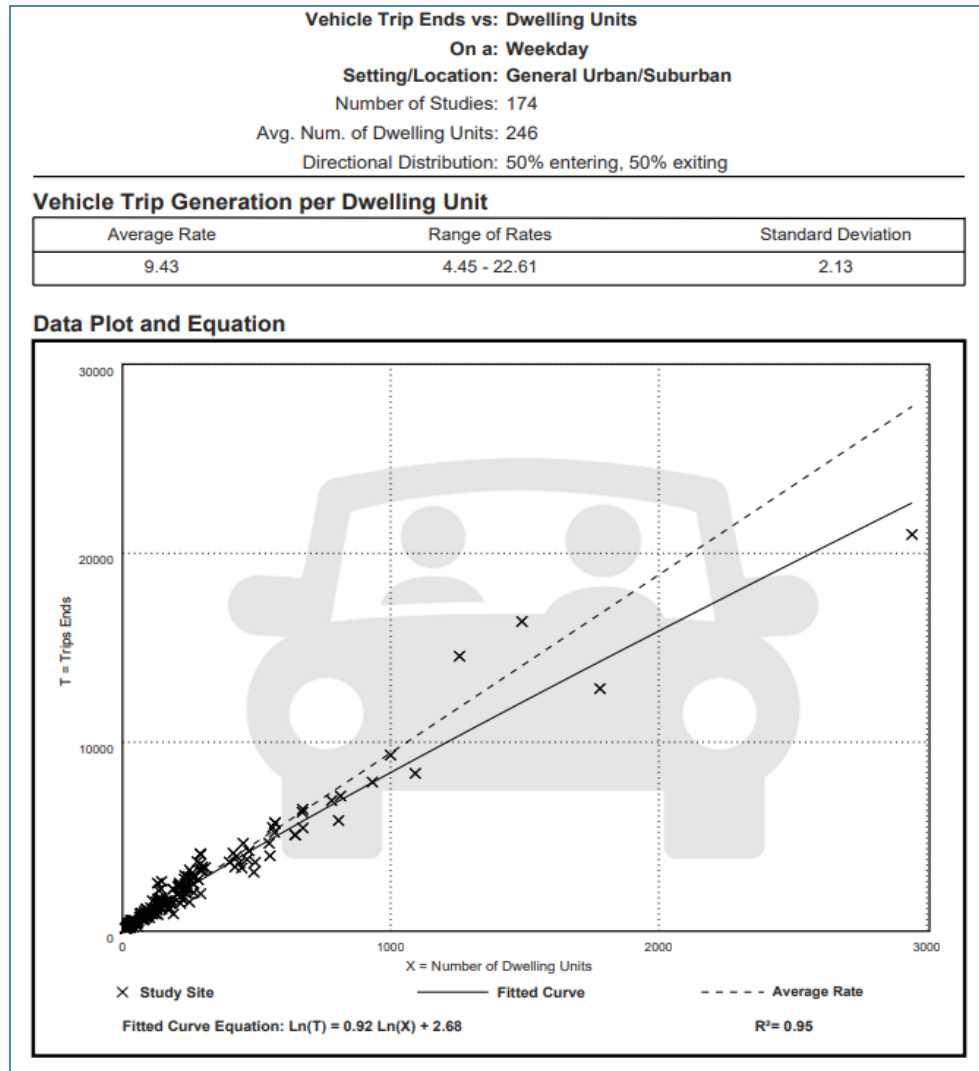
AUTHORITY TO CREATE A TRANSPORTATION UTILITY

- No direct Statute to establish a Transportation Utility in Wisconsin
- Creation of a Transportation Utility linked to Home Rule Authority, whereby municipalities have the authority to act:
 - For the good order of the City
 - For a municipality's commercial benefit
 - For the health, safety and welfare of the municipality
 - Have the ability to carry out its power by appropriation, or by other necessary and convenient means
- Initially, the means by which municipalities created stormwater utilities
- Currently being tested – WMC vs. Village of Pewaukee. Pewaukee recently prevailed.

DIFFERENCE BETWEEN A FEE AND A TAX

- User Charges should be:
 - Cost-based, equitable and set to meet the utility's revenue requirements.
 - Allocated among customers in relationship to use and benefit.
 - Easy to understand and administer.
 - Stable, in the ability to provide adequate revenues and in the customer's perception of the rates from year to year.
- WI League of Municipalities June 2020 Opinion on Transportation Utility Creation:
 - Place fees collected in a separate fund, used only for street maintenance transportation projects.
 - Collect fees in same manner as other utility charges.
 - Ensure formula for calculating fees is as accurate as possible.
 - Any credit policy should avoid exempting tax-exempt properties. (gives appearance of a tax).
 - To the extent possible, have a process for allowing properties that demonstrate reduced use of street system to qualify for lower fee.

DETERMINING TRIPS FOR PROPERTIES



- Based on dominant functional use of property
- Use Institute of Transportation Engineers trip generation stats per functional use
- Example for a single family detached home
- Only properties that do not generate trips are exempt (vacant land, parking lots, etc.)

Trip generation statistics are available for over 200 land uses and are continually updated.

POLICY GOALS

1. Increase transportation funding by 10%
2022-2026 average spend is \$10.1 million
2. Reduce borrowing to achieve 40% cash financing of capital budget
2022-2026 average is 38%. 2023-2027 average assuming Transportation Utility is 41%.
3. Reduce property owner share of paving (special assessments) from 60% to 25% by 2032
4. Shift seal coating and crack-filling costs from levy to utility
\$560,000 in 2023 but \$690,000 is estimated to be needed in 2024.
5. Provide credits to property owners who put in place trip reduction strategies
6. Provide low-income credits

PROPOSED TRANSPORTATION UTILITY BUDGET

\$1,000,000 for additional transportation capital projects (Policy Goal 1)

\$150,000 for Engineering services (Policy Goal 1)

\$500,000 for cash financing in place of borrowing (Policy Goal 2)

\$100,000 for special assessment reductions (Policy Goal 3); Note that this is the initial budget needed for the implementation year. This budget would need to increase each year as we further reduce assessments to property owners to 25% versus the current 60% and this will further vary based on the number of miles of road reconstruction each year.

\$700,000 for seal coating and roadway maintenance (Policy Goal 4)

\$50,000 for administrative overhead (Policy Goal 4)

\$300,000 for credits (Policy Goal 5 & 6)

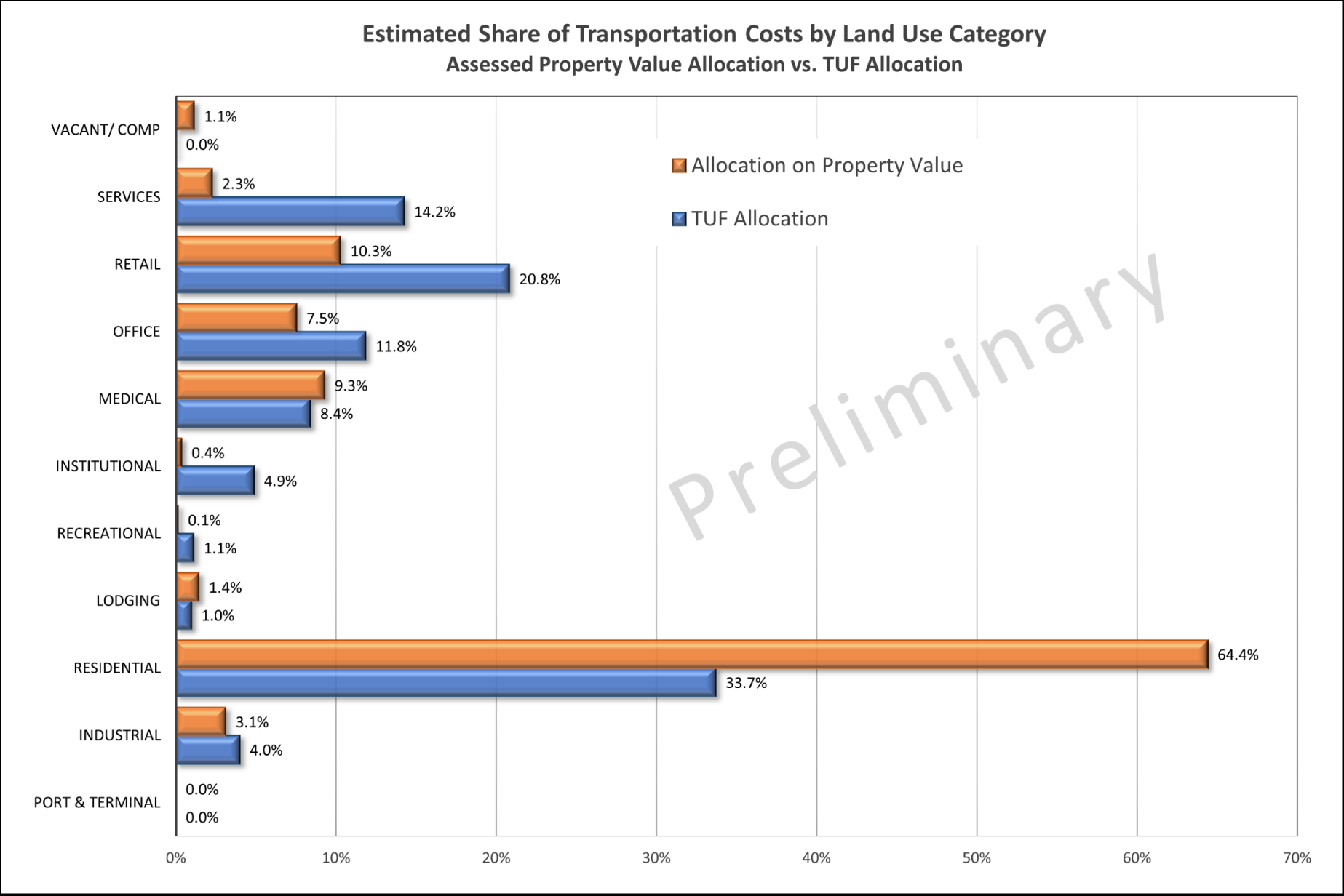
\$200,000 for contingency

= \$3,000,000 Total Annual Initial Budget

PRELIMINARY USER RATE CALCULATIONS

- Projected user charge accounts: 24,000 accounts
- Projected average weekday trips: 625,000 trips
- Costs allocated to fixed charge: \$200,000
- Costs allocated to trip-based charge: \$2,800,000
- Annual fixed charge amount per account: \$8.35
- Annual trip rate per average weekday trip: \$4.50

ASSESSED PROPERTY VALUE ALLOCATION VS. UTILITY ALLOCATION



ALTERNATE FUNDING SCENARIOS

	Transportation Funding Source							Total
Scenario	Bonds	Special Assessments	Levy	Grants	Other	TIF	Trans Utility	Revenue Requirement
1 - Status Quo	6,449,683	975,314	655,738	361,612	881,000	1,148,625	-	10,471,972
2 - Transportation Utility	6,449,683	875,314	655,738	361,612	881,000	1,148,625	1,100,000	11,471,972
3- Status Quo + \$1.0 million in borrowing	7,449,683	975,314	655,738	361,612	881,000	1,148,625	-	11,471,972

- Average funding from 2022-2026 capital plan
- Transportation Utility increases total revenue by 9.5%
- Scenario 3 assumes increased borrowing to achieve same total revenue

COMPARATIVE ANNUAL COST FOR A SINGLE-FAMILY HOME

Cost Funded with Transportation Utility Trip Charge vs. Tax levy



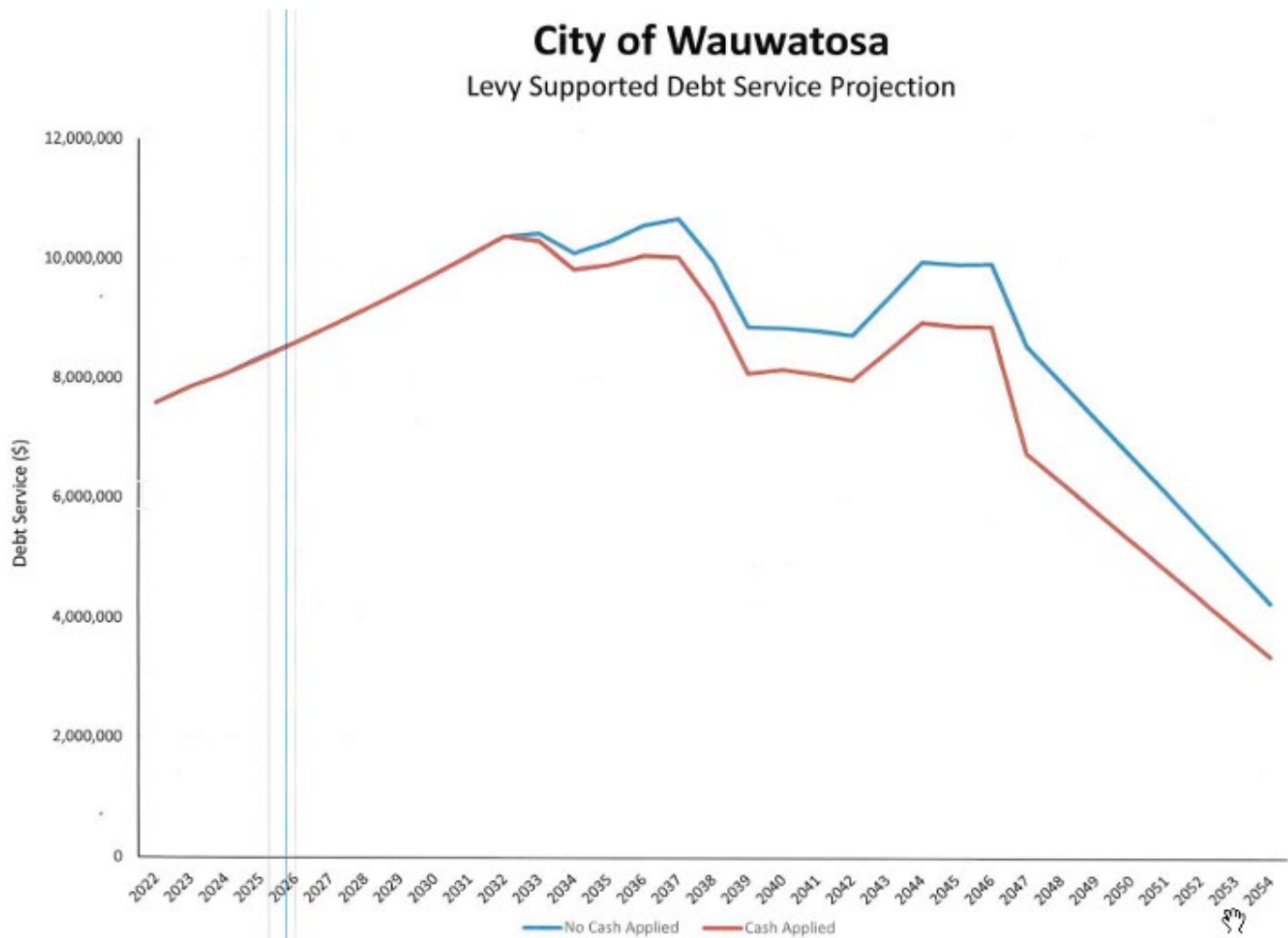
* Assumes the relevant transportation utility costs were on the tax levy (.30/\$1,000) applied to a \$350,000 home.

PROJECTED ANNUAL USER CHARGES FOR VARIOUS PROPERTY TYPES

Annual Charge per Average Weekday Trip: \$ 4.5000 (\$3,000,000 budget) Annual Base Charge: \$ 8.35

ITE Code	Land Use Code Title	Avg Wkdy Trips	Per	Representative Size	Trips	Annual User Charge		
						Fixed	Trips	Total
110	General Light Industrial	4.87	1,000 sf	34,000 sf	165.58	\$ 8.35	\$ 745	\$ 753
140	Manufacturing	4.75	1,000 sf	91,000 sf	432.25	\$ 8.35	\$ 1,945	\$ 1,953
150	Warehousing	1.71	1,000 sf	241,000 sf	412.11	\$ 8.35	\$ 1,854	\$ 1,863
210	Single-Family Detached Housing	9.43	DU	1 DU	9.43	\$ 8.35	\$ 42	\$ 51
560	Church	7.60	1,000 sf	16,500 sf	125.40	\$ 8.35	\$ 564	\$ 573
712	Small Office Building (<10,000 sf)	14.39	1,000 sf	5,000 sf	71.95	\$ 8.35	\$ 324	\$ 332
850	Supermarket	93.84	1,000 sf	24,000 sf	2,252.16	\$ 8.35	\$ 10,135	\$ 10,143
862	Home Improvement Superstore	30.74	1,000 sf	136,000 sf	4,180.64	\$ 8.35	\$ 18,813	\$ 18,821
912	Drive-In Bank	100.35	1,000 sf	5,000 sf	501.75	\$ 8.35	\$ 2,258	\$ 2,266
918	Hair Salon	12.10	1,000 sf	1,900 sf	22.99	\$ 8.35	\$ 103	\$ 112
930	Fast Casual Restaurant	97.14	1,000 sf	3,000 sf	291.42	\$ 8.35	\$ 1,311	\$ 1,320
934	Fast-Food Restaurant w/ Drive-Thru Window	467.48	1,000 sf	3,000 sf	1,402.44	\$ 8.35	\$ 6,311	\$ 6,319
945	Convenience Store/ Gas Station	--	1,000 sf	1,570 sf	1,009.78	\$ 8.35	\$ 4,544	\$ 4,552

PROJECTED CHANGE IN TOTAL OUTSTANDING DEBT

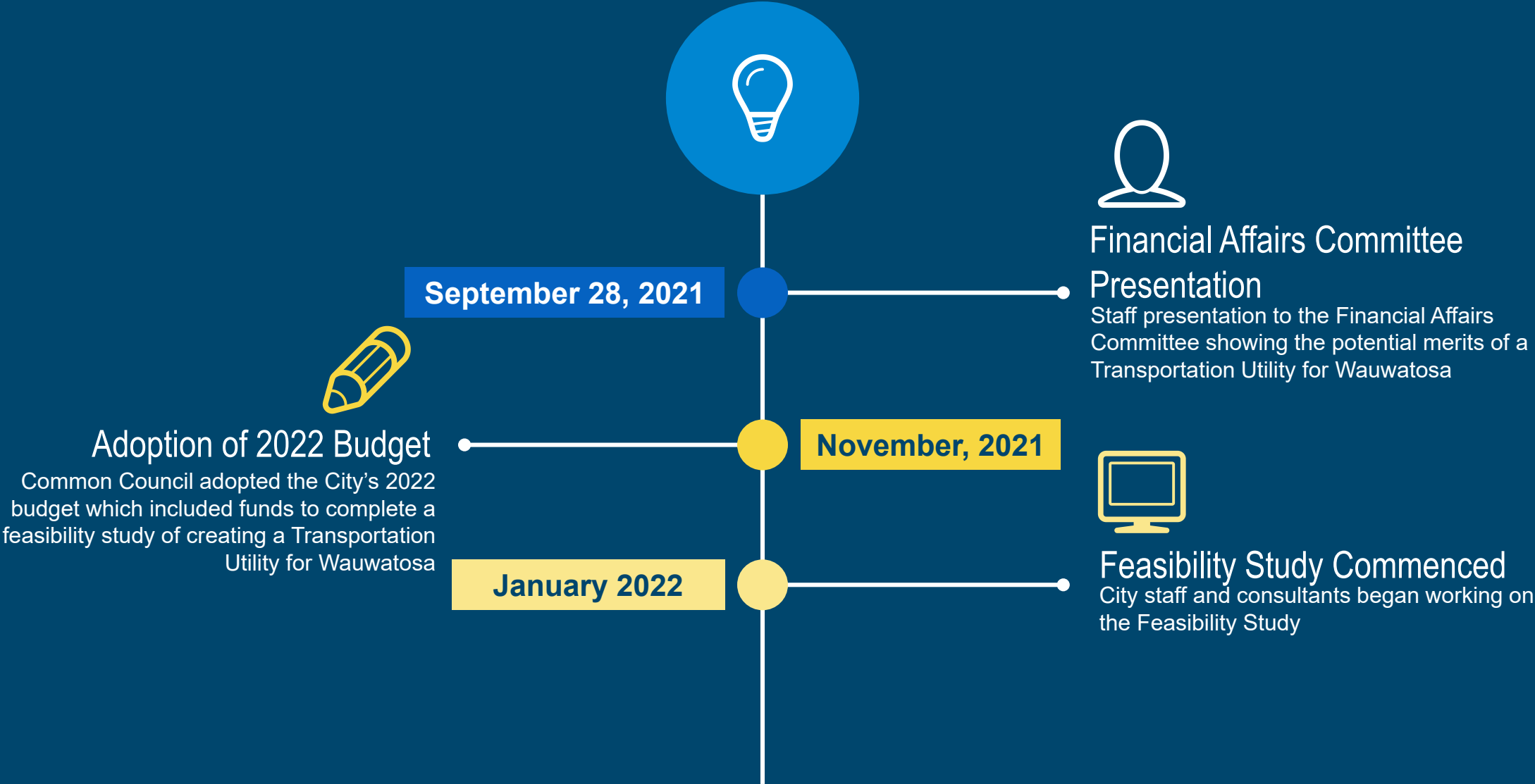


- Assumes \$500K in annual additional cash financing

PROPOSED ORDINANCE

- We are requesting initial feedback from the Committee on a draft Transportation Utility Ordinance at this time.
- Final ordinance adoption potentially considered in July of 2023 after receiving Committee and Community feedback.
- The complete draft ordinance is included in the Committee's information packets and includes all information necessary for implementation of a Transportation Utility:
 - Defines purpose, intent, and authority to create.
 - Describes what the fund can be used for.
 - Describes the transportation user fee.
 - Describes exceptions to the user fee.
 - Describes how a fee is calculated including references to credit policies.
 - Describes how billing and collections will work.
 - Outlines an appeal process for users disagreeing with the calculation of the user fee for their property.

PROJECT TIMELINE | STEPS TO IMPLEMENTATION





Transportation Affairs Committee Presentation

Presentation and discussion of the results of the Transportation Utility Feasibility Study.

September 13, 2022



Adoption of 2023 Budget

Common Council adopted the City's 2023 budget which includes fund to finalize steps necessary to create a Transportation Utility

November, 2022



Transportation Affairs Committee Presentation

Presentation and review of past work, draft ordinance language, and next steps including communications plan

March 14, 2023



Community Communication

Implement communication plan which includes digital outreach, direct communications with large customers, and a public informational meeting for community members

April-June 2023



July 2023

Common Council Vote

Presentation of community feedback and final ordinance to the Transportation Affairs Committee and Common Council for potential approval



Technical Implementation

City staff and consultant work to implement the final tracking and billing system necessary to bill for the Transportation Utility in 2024. All revenue will be reflected in the proposed operating and capital budgeted for 2024.

August-December 2023



Transportation Utility Launched

Customers will begin receiving bills in 2024. Additional revenues will be shown in the 2024 operating and capital budgets.

Communications



We recognize the impact of the Transportation Utility could have on businesses and residents. We will be purposeful in how we explain the Transportation Utility, work with customers, and offer resources.

Some of our strategies include:

- Personal communication with top affected businesses/organizations
- Letters to other businesses/organizations with specific impact
- Public information meeting for residents and businesses
- Consistent information shared through multiple communication channels
 - Webpage, FAQ, email, utility bill explanations, etc.

Questions



Chapter 19 TRANSPORTATION UTILITY

Sec. 19.02.010. Purpose and intent.

- A. The City of Wauwatosa finds that the management of the transportation system within the City is a matter that affects the health, safety and welfare of the City, its residents and businesses, and others in the surrounding area. Timely maintenance, construction and reconstruction of the City's transportation system ensures safe and efficient travel throughout the City. A sound transportation system enhances livability, property values, and economic vitality.
- B. A transportation utility provides an equitable, sustainable source of funds for the maintenance, construction, and reconstruction of transportation infrastructure under the jurisdiction of the City of Wauwatosa. The Common Council has reviewed funding options for transportation system funding, including a transportation utility and determined that establishment of a transportation utility with fees based on trips generated by property uses is the most appropriate method to provide the necessary funds. The Common Council further concluded that a transportation utility is the most equitable means to apportion the cost of transportation system improvements as it requires those who make the greatest use of the City transportation system to be the most responsible for the cost of said system. In creating this chapter, the City is acting pursuant to authority granted by Chapters 61 and 66 of the Wisconsin Statutes, including but not limited to [Wis. Stats.] §§ 61.34 and 66.0621.

Sec. 19.02.020. Definitions.

As used in this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein:

- A. *Developed parcel.* A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, outside storage, and other uses that impact the transportation system.
- B. *Developed use.* The use of a parcel based on how the owner or occupant(s) uses the improvements on the parcel.
- C. *ITE manual.* The most recently-published edition of the International Traffic Engineer's Trip Generation Manual, published by the Institute of Transportation Engineers, as may be amended from time to time, as adopted by the City.
- D. *Property owner.* The party who owns the property being charged the fee, and who is responsible for payment of charges for said property.
- E. *Trip.* A single one direction vehicle movement with either the origin or destination inside a study area. A trip has an origin and a destination at its respective ends.
- F. *Trip generation rate.* The number of vehicle trips on an average weekday, as determined by reference to the ITE manual.
- G. *Undeveloped property.* An unimproved property, having no assessed improvements or built infrastructure.
- H. *User.* Individual properties or portions of a property that generate trips or have the ability to generate trips according to the methodology utilized in this chapter.

Sec. 19.02.030 Transportation Utility fund.

- A. Revenue generated by the transportation utility shall be used only for the following: 1) related administration costs; 2) pavement preservation activities (grind/inlay, slurry seal, crack seal, chip seal, or other generally accepted means of maintenance); 3) street construction and/or reconstruction activities on City streets; 4) street lighting and appurtenances; 5) traffic control and signalization maintenance, construction or reconstruction; and 6) pedestrian and bicycle facilities necessitated by street interfaces.
- B. All fees collected pursuant to this chapter shall be deposited in the City's Transportation Utility fund. The Transportation Utility Fund will be considered a Special Revenue Fund per Governmental Accounting Standards with fund balance designated for the purposes described above. Monies may be transferred to other funds for eligible expenses.

Sec. 19.02.040. Transportation user fee.

- A. Every developed property shall pay a transportation user fee.
- B. The fee shall be based on the developed property's direct and indirect uses of, or benefits derived from the use of the transportation system. The jurisdictional authority of the roadway a property utilizes for access shall not affect the fee in any way.
- C. The fee imposed under this chapter shall become due and payable from and after the effective date of this chapter, and for property developed after the effective date of this chapter, from and after the date the property becomes developed.
- D. The transportation user fee imposed under subsection (a) of this section may be paid by the owner, occupant, business or anyone designated by the owner; however, if the transportation user fee is not paid promptly, when due, the City shall proceed to collect such charges from the property owner in any manner provided by law, or seek imposition of the charges on the property tax bill for the benefitted property.
- E. The fees imposed under this chapter shall begin January 1, 2024.

Sec. 19.02.050. Exceptions to transportation user fee.

The following shall not be subject to the transportation user fee:

- A. Parking lots, which are not associated with any services or uses other than parking.
- B. Undeveloped publicly owned parkland, open spaces, and greenways, unless public off-street parking designed to accommodate the use of such areas is provided.
- C. Undeveloped properties.

Sec. 19.02.060. Determination of transportation user fee.

- A. The transportation user fee shall be comprised of a base fee and a usage fee:
 - 1. *Base fee*—A fee that is equal for all properties that recognizes that each property is receiving a uniform benefit of access to the transportation system and includes administrative costs and those fixed capital, operating and maintenance costs of the transportation system that are not recoverable by the usage fee or other confirmed revenue source. The base fee is determined by dividing the total amount of fixed base costs by the total number of Users.
 - 2. *Usage fee*—A fee on each property determined by multiplying the trips the property generates by a per-trip charge. The per-trip charge is determined by dividing the target budget (not

including the fixed base costs budget) by the total trips generated by all properties in the transportation utility. The trips generated for each property are calculated as outlined in Sec. 19.02.060 (C).

- B. The base fee and per-trip charge shall be in an amount set forth from time to time by resolution of the Common Council. Staff shall present the Common Council with a proposed adjustment based on the proposed transportation system improvements budget for the projected improvement program time frame. Any adjustment of the base fee and per-trip charge shall be effective on the date determined in the resolution.
- C. For each property, the Director of Public Works, or their designee, shall determine the category or categories of use from the ITE manual that shall apply to each developed property within the City. In the absence of specific use categories from within the ITE manual for a particular developed use, the Director of Public Works, or their designee, shall determine the appropriate category by interpreting the ITE manual and assigning the category which most accurately reflects the traffic generated by the particular developed use utilizing Engineering judgement. After determining the appropriate use category for a developed parcel, the Director of Public Works, or their designee, shall use the trip generation rates to calculate the number of trips assigned to each User. The number of trips may be multiplied by a scale factor and adjusted where appropriate by a deduction factor (e.g., seasonal land uses, K-12 school year, seasonal park properties). The usage fee is then determined by multiplying the resulting trips by the per-trip charge in the most current resolution. The Director of Public Works, or their designee, may require and consider the results of a traffic study, to be paid for by the property owner, provided that such study shall be conducted by a licensed Wisconsin Professional Engineer and ITE-certified Professional Traffic Operations Engineer in conformance with the methodology outlined in the WisDOT Bureau of Traffic Operations Traffic Impact Analysis Guidelines. The determination of a use category shall not be considered a land use decision for the purpose of land use planning.
- D. If the use of a property changes the property owner must notify the Director of Public Works, or their designee, within 30 days to obtain a new determination regarding the transportation user fee for that property. The request shall be made on forms provided by the City that the property owner will need to complete and submit with information pertinent to the request. The new fee will be applied with the next City services billing. If the property owner neglects to notify the City, and the change would result in a lower monthly transportation user fee, no refund will be made for the time between when the change was made and when the City became aware of the change. If the change would result in a higher monthly transportation user fee, the City will calculate the amount owed to the Utility, back to the time the change was made and apply that to the next City services bill.
- E. A User Fee Credit Policy shall be adopted from time to time by the Common Council. The User Fee Credit Policy shall provide for a reduction to the standard user fee for properties that complete required trip reduction techniques as outlined in the User Fee Credit Policy.
- F. An Income Based Credit Policy shall be adopted from time to time by the Common Council. The Income Based Credit Policy shall provide for a reduction to the standard user fee for property owners who qualify based on household income as described within the policy.

Sec. 19.02.070. Billing and collection of fees.

- A. The transportation user fee shall be billed and collected with and as part of the combined City utility billing which includes water, wastewater, and stormwater fees. The Transportation Utility shall pay a proportional administrative expense to the Water Utility associated with billing and collection activities.
- B. In the event payments received from the City's billings, described in subsection (a) of this section, are inadequate to satisfy in full all of the water, sanitary sewer, stormwater and transportation user fees, credit shall be given to each utility as outlined in accordance with administrative policies on file with the City's Finance Department.

- C. If the transportation user fee is not paid when due, the City shall proceed to collect such charges in any manner provided by law, or seek imposition of the charges in the property tax bill for the benefitted property.

Sec. 19.02.080. Appeal.

- A. Any property owner may appeal the amount of the usage fee charged to a property by filing a written appeal to the City Clerk. As more particularly described below, the written appeal shall specify the grounds for challenge to the amount of the fee, shall state the reasoning for such assertion, and shall state the amount of fee that the appellant considers to be appropriate based upon those fee calculation criteria.
- B. The appeal must specify the basis for the appeal and may include a traffic study prepared as noted in section 19.02.060 above, and shall be limited to the facts related to the developed property improvements, trip generation rates, category of use and other factors material to the calculation of the usage fee as described in this chapter.
- C. The Director of Public Works, or their designee, shall review the petition within 90 days of receipt and make a determination if there is an error in any order, decision or determination made pertaining to the classification of the property or calculation of the usage fee. If the trip generation rate is within ten percent of the rate used to generate the usage fee, no adjustments in the usage fee shall be made because this is within the expected margin for day to day variations. Once a determination has been made on a reclassification and/or fee, no additional request may be filed for the same parcel within twelve months of the date of the charge being appealed, unless there has been a significant material change from the prior determination or another demonstrable error in the calculation of the usage fee. The decision of the Director of Public Works, or their designee, shall be provided in writing to the applicant.
- E. The property owner may appeal the decision of the Director of Public Works, or their designee, to the Board of Public Works for a recommendation to the Common Council. The appeal must be filed in writing to the City Clerk within 30 calendar days from the date that the decision of the Director of Public Works, or their designee, was mailed to the property owner or other recipient designated by the property owner. The Board shall conduct a hearing and provide notice to the appellant at least five business days prior to the hearing. The Board shall obtain sufficient facts upon which to make a determination, and shall make a recommendation on disposition of the appeal to the Common Council. The recommendation shall be based upon the evidence presented to the Board.
- F. The Common Council shall review the recommendation of the Board of Public Works. The Council will decide the disposition of the appeal based upon the Board's recommendation and the record presented to the Board. The Council shall determine whether the user fee charged is appropriate and reasonable in accordance with the terms of this ordinance and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund.

Sec. 19.02.090. Inspection of premises.

Upon presentation of credentials, a representative of the City may request entry at any reasonable time to examine any property for purposes of conducting any studies or collecting information bearing upon the determination of the appropriate use category or transportation user fee in accordance with this chapter. If entry is refused, such representative may obtain a special inspection warrant under Wis. Stats. § 66.0119, however if such access is not permitted by the property owner or occupant the existing fee shall be presumed correct unless substantial material evidence is presented to the contrary.

Sec. 19.02.100. Severability.

If any provision, paragraph, word, section, or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.