

PUBLIC WORKS COMMITTEE
VILLAGE OF SOMERSET
February 7, 2024

Donnie Kern called the meeting to order at 5:30 p.m.

Present at the Village Hall: Brandon Krohn, Donnie Kern, Bob Gunther, and Chuck Schwartz, MSA, Caleb Garn (5:39)

Present via Zoom: Chris Dubak

Minutes

Committee reviewed the January 10, 2024, Public Works minutes. *Motion by Krohn, second by Kern to approve the January 10, 2024, Public Works meeting minutes and motion carried.*

Public Comment

No Public Comment

Project Updates

General Updates on Active Projects: A project update memo was provided.

- Pine Vale is waiting for approval from the DNR.

Unfinished Business

Ordinance – Future Fiber Optic: A handout was provided.

- Kern questioned if we stick with ordinance 14-1-59 and change what is in red or go with ordinance 14-1-69? Krohn wants to go with Ordinance 14-1-69
- Keep Ordinance 14-1-59 and add 14-1-69

Motion by Krohn second by Garn to recommend to the Village Board approval of Ordinance - Future Fiber Optic in specific amending 14-1-59 and adopting 14-1-69 and motion carried.

Spring Parks Improvements-Items Needed and Completion Timeline:

- Krohn updated the committee on a proposal from Totes My Goats for clearing the brush at the Disc Golf Course. As part of this proposal, would like to bring back the signs – would like to purchase signs now so we can get sponsorship. \$7785/goats & \$2500/signs
- Kern would like to see a couple of pickle ball courts at Larry Forrest, painting bathrooms at Vets Park (wasn't completed last year). Check in to having a dog park, that could be less than \$2500. Fix up the pavilions, check in to grants if possible.
- Krohn would like to get signs first. Goats will draw people to the disc golf course. Kern questioned for 1 week? Garn questioned what the brush removal would be if it were to be done by machines?
- Kern would like \$10,000 to each park, Larry Forrest, Vets & La Grandeur.
- Gunther said budget time is when money should be allocated to items like basketball courts. The board needs to remember this stuff at budget time. Gunther also said instead of trying to stay within budget, another way to do things is to issue debt. That way you can get more done than a bunch of little things that don't amount to much.
- Garn said a referendum could be a possibility.

Motion by Garn, second by Krohn to recommend to the Village Board approval of La Grandeur Totes My Goats this summer and signs for Disc Golf at La Grandeur, painting of the bathrooms at Veterans Park, Larry Forrest, Village Park, and funds for fencing for a dog park at Village Park and motion carried.

New Business

Main Street Bridge Pay App #6: A pay app was provided.

Motion by Krohn, second by Garn to recommend to the Village Board approval of the Main Street Bridge Pay App #6 to Lunda Construction in the amount of \$4,734.68 and motion carried.

Generator Power Systems – Maintenance Contract: A contract was provided.

- Annual maintenance agreement.
- Gunther said to redact Attachment B from the price. That is for the WWTF, it's already covered by the manufacturer.

Motion by Garn, second by Krohn to recommend to the Village Board approval of the Generator Power Systems-Maintenance Contract minus Attachment B (\$2275.00) in the amount of \$5,615.00 and motion carried.

2024 CORP Plan Scheduling & Implementation:

- Best way to get a survey out – Spartan Scoop – can get to all community members.
- Form an ADHOC Committee with village residents, school athletic director, student, Champions. Cap at 5-7 people.
- Get committee together & meet before next Public Works meeting. Come up with questions for the survey.
- Bring back the Village Park plan from 2018.

Public Works Department Report

- An update memo was provided.

Public Works, Water, Sewer and Parks Bills

- The committee reviewed the bills.

Motion by Krohn, seconded by Garn to recommend to the Village Board approval of the Public Works, Water, Sewer and Parks Bills as presented and motion carried.

Future Agenda Items

- 2024 CORP Survey

Adjourn

Motion by Garn, seconded by Krohn to adjourn and the Public Works Committee meeting adjourned at 6:43 p.m.

Village of Somerset, WI**CLIENT LIAISON:**

Charles D. Schwartz, P.E.

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Cell: (651) 272-0041

cschwartz@msa-ps.com

**DATE:**

March 7, 2024

IMPACT FEE NEEDS ASSESSMENT

Update the Village of Somerset 2010 Impact Fee Needs Assessment in accordance with Wisconsin State Statute 66.0617. The Village will use the results of the assessment to update its impact fee schedule. A meeting with Staff to kick-off the project occurred March 6, 2024. Portions of the Needs Assessment may be delayed until the ISG facilities needs study is complete.

REQUESTED ACTION:

Update only, no action needed.

COMPREHENSIVE OUTDOOR RECREATION PLAN (CORP)

Our office is updating the Village's 2018 CORP. An advisory committee has been formed and a meeting to discuss a residential survey is expected to occur in the next week.

REQUESTED ACTION:

Update only, no action needed.

PINE VALE SUBDIVISION

Pine Vale is a subdivision located on Village-owned property east of STH 35 and north of 190th Avenue. It includes 135 residential lots. The first phase of the development includes all the grading and forty-four residential lots. Our office has reviewed their revised plat and plan submittal. The Developer is seeking DNR approval so he can begin clearing and grubbing activities as soon as possible. A clearing and grubbing/grading preconstruction meeting is scheduled for next week.

REQUESTED ACTION:

Update only, no action needed.

PROJECT UPDATE

GROWING WINGS UTILITY EXTENSION

Our office has compiled Change Order #1 to adjust bid quantities to match final quantities. It has been reviewed and we recommend approval.

The contractor has submitted Pay Application #3 (Final) for \$25,170.71. It has been reviewed and we recommend approval.

REQUESTED ACTION:

Public Works to consider recommending approval of Change Order #1. The Board to consider approval at their March 19 meeting.

Public Works to consider recommending approval of Pay Application #3 (Final). The Board to consider approval at their March 19 meeting.

SPRING STREET AND MAIN STREET IMPROVEMENTS (2023 CURB AND SIDEWALK IMPROVEMENTS)

Work is complete except for miscellaneous punch list items. All concrete samples were tested and passed. Our office is reviewing the Contractor submitted Partial Pay Application #4. Additional discussions related to requested quantities and pay application approval will be postponed until later this month.

REQUESTED ACTION:

Update only, no action needed.

MAIN STREET BRIDGE UTILITY & EXPANSION JOINT REPLACEMENT

The sewer and water pipes below the bridge have been installed and in operation. There is additional hanger bracing (at Contractor's expense) the needs to be installed. There was slight leaking in the watermain due to joint movement during pressure testing. The pipe functions fine during "worst case" conditions under normal operating pressures.

REQUESTED ACTION:

Update only, no action needed.

WASTEWATER TREATMENT FACILITY IMPROVEMENTS (WWTF) PHASE 1 CONSTRUCTION

Progress during February by Staab Construction:

- Contractor working on punch list items.
- Cleaning of SBR tanks: MSA met with contractor and Village operator. Contractor would like to complete in March if weather permits.

PROJECT UPDATE

REQUESTED ACTION:

Update only, no action needed.

WINESAP PRAIRIE SUBDIVISION AND FIRST ADDITION

The developer's engineer is revising the plan so there is no overflow pipe necessary across school property. We will review their plans once they have been submitted.

REQUESTED ACTION:

Update only, no action needed.

RIVER HILLS NORTH

Grading work between lots and miscellaneous punch list items remain.

REQUESTED ACTION:

Update only, no action needed.

"OTHER THINGS GOING ON"

- 2024 Commercial Market Analysis
Our planners are collaborating with Staff on completing a commercial gap analysis.
- Downtown Concept
Our planners are collaborating with Staff on completing a concept for the downtown parcel.
- Somerset School District
Participated in a meeting to discuss stormwater design for their campus improvements.

Sec. 6-2-2. Sidewalks; permit; construction standards; costs.

- (a) *Board May Order.* The Village Board may determine that sidewalks or curb and gutter may be constructed, laid, rebuilt or repaired along or upon any public street, right-of-way or highway within the Village. The Village Board may determine or change the width or grade of any street or sidewalk.
- (b) *Cost of Sidewalks.*
- (1) *New Subdivision Sidewalks.* Sidewalks required in new subdivisions and developments shall be paid for by the land divider pursuant to Title 14 of this Code of Ordinances. Abutting property owners shall pay the cost of new sidewalks constructed in existing areas of the Village of Somerset as required by the Village Board as follows:
- a. When new sidewalks are installed on one (1) side of the street without sidewalks on either side, one hundred percent (100%) of the assessment shall be distributed equally between property owners on both sides of the street.
 - b. When new sidewalks are installed on both sides of the street, one hundred percent (100%) of the cost shall be evenly distributed to adjoining property owners.
 - c. The entire cost of sidewalk construction abutting tax exempt property and existing planned development projects shall be assessed to such property.
 - d. The cost to be assessed shall be the bid price of the sidewalk plus the engineering cost attributable to the sidewalk along with any other costs the Village may determine to be a proper exercise of its statutory powers.
 - e. But for corner lots at the intersection of two (2) streets where sidewalks are constructed along either street, one hundred percent (100%) of the assessment for the corner lot shall be charged against the respective, adjoining property owner of the corner lot.
- (2) *Sidewalk Repair and Reconstruction.* It shall be the duty of the abutting property owner on each side of the street to construct and repair, and the duty of the abutting property owner to maintain sidewalks along or upon any street, alley, or highway in the Village of Somerset as required by the Village Board and to pay the cost thereof as follows: **Do we want to assess property owners for sidewalks? Has not been a practice for many years.**
- a. When sidewalks are reconstructed on one (1) side of the street without sidewalks on either side, fifty percent (50%) of the assessment shall be distributed equally between property owners on both sides of the street.
 - b. When sidewalks are reconstructed on both sides of the street, fifty percent (50%) of the cost shall be evenly distributed to adjoining property owners.
 - c. Fifty percent (50%) of the cost of sidewalk reconstruction abutting tax exempt property and existing planned development projects shall be assessed to such property.
 - d. The cost to be assessed shall be the bid price of the sidewalk plus the engineering cost attributable to the sidewalk along with any other costs the Village may determine to be a proper exercise of its statutory powers.
 - e. But for corner lots at the intersection of two (2) streets where sidewalks are constructed along either street, fifty percent (50%) of the assessment for the corner lot shall be charged against the respective, adjoining property owner of the corner lot.
 - f. When a Village project includes replacement of existing sidewalk with a new five (5) foot sidewalk, the replacement costs shall be borne as follows:

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1. One-half (½) of such costs shall be assessed against the abutting property owner if both sides have the sidewalk replaced or if the other side is being assessed one hundred percent (100%) for new sidewalk.
 2. If one (1) side of the sidewalk is being replaced the abutting property owner will be assessed twenty-five percent (25%) and the other side will be assessed twenty-five percent (25%) if the property had not been previously assessed for sidewalk or been previously assessed for twenty-five percent (25%) of replacement sidewalk.
 3. If one (1) side of the sidewalk is being replaced the abutting property owner will be assessed fifty percent (50%) if the other side property had been previously assessed for fifty percent (50%) for replacement of sidewalk.
 4. If one (1) side of the sidewalk is being replaced and had been previously assessed twenty-five percent (25%) when new sidewalk was installed on the other side of the street the abutting property owner of the replacement sidewalk shall be assessed twenty-five percent (25%) and the other side property owner of the previous installed new sidewalk will be assessed twenty-five percent (25%).
 5. The Village shall pay one-half (½) of the costs of the sidewalk reconstruction project.
- (3) *Assessment a Lien.* Said special assessment shall remain a lien on the premises until paid in full and shall be entered on the tax roll as a special tax as above provided and failure to pay when due shall result in the whole balance being immediately due and payable and collectible as a delinquent tax against the above described property and that all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special assessment.
- (c) *Permit Required.* No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Somerset unless he/she is under contract with the Village to do such work or has obtained a permit therefore from the Clerk-Treasurer or Director of Public Works at least seven (7) days before work is proposed to be undertaken. A fee of Five Dollars (\$5.00) shall be charged for such permit.
- (d) *Standard Specifications for Sidewalk.*
- (1) *General.*
 - a. All sidewalks shall be constructed of masonry meeting Wisconsin Department of Transportation Standard Specifications, unless otherwise specified in this Section.
 - b. Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the Village. All sidewalks constructed in the Village shall conform to the line and grade established by the ordinances or resolutions of the Village. Where no grade has been established as ascertained by the records, the Village Engineer shall prepare and report a grade for the approval of the Village Board; and, when the same has been established, the Village Engineer shall stake out the sidewalk as ordered by the Village Board. No sidewalk shall be laid under the provisions of this Section until a grade therefor has been established by the Village Board.
 - (2) *Subgrade.* All earth, dirt and material shall be removed to a depth, not less than eight (8) inches, ten (10) inches across private driveways, below the grade line; and the space shall be filled with crushed stone, sand or gravel. The base shall be left four (4) inches thick after being tamped, with the stone or gravel to be not larger than one and one-half (1½) inches in diameter and to be free from dirt, dust and foreign matter. Soft, porous and unsuitable subgrade material shall be removed and replaced with sand, gravel, or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. On embankments, the subgrade shall extend at least one (1) foot beyond each edge of the sidewalk.

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- (3) *Concrete.* The minimum quantity of cement per cubic yard shall be six (6) ninety-four (94) pound sacks. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test two thousand (2,000) pounds compression in twenty-eight (28) days. Bituminous sidewalks are prohibited.
- (4) *Forming.* Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats. Forms shall be securely fastened, staked, braced and held firmly to required line and shall be sufficiently tight to prevent leakage of mortar, and all forms shall remain in place for twenty-four (24) hours after pour.
- (5) *Jointing, Floating and Finishing.* Soon after screening and while the concrete is still plastic, the surface shall be floated with wood, cork or metal floats or by a finishing machine. At all places where the sidewalk intersects another sidewalk or curb-line, a one-half ($\frac{1}{2}$) inch expansion joint shall be placed. Transverse expansion joints of one-half ($\frac{1}{2}$) inch thick and four (4) inches wide and five (5) feet long or premolded material shall be located every thirty (30) feet. Sidewalks must be marked off to make blocks five (5) foot square and be at right angles to the parallel lines. Any new sidewalk adjoining an old sidewalk or a sidewalk which abuts curb and gutter shall have one-half ($\frac{1}{2}$) by four (4) inch expansion joints of premolded material.
- (6) *Slope.*
- a. All forms must be approved by the Director of Public Works or other inspector designated by the Director of Public Works before concrete is poured. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-half ($\frac{1}{2}$) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth ($\frac{1}{4}$) inch radius edging tool.
 - b. In cases where the grade exceeds fifteen percent (15%), steps or special construction shall be required to fit the existing conditions. Such details shall be prepared by the Village Engineer and approved by the Village Board before construction of the walk is started.
 - c. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a one (1) foot strip of street property left between the property line and the edge of the sidewalk.
- (7) *Width and Thickness.*
- a. Residential walks shall be five (5) feet in width, laid six (6) inches outside property line, but not less than four (4) inches in thickness, except within driveway approaches where the minimum thickness shall be seven (7) inches.
 - b. Sidewalks in front of commercial or industrial establishments shall be not less than eight (8) feet in width and five (5) inches in thickness except within driveway approaches where the minimum thickness shall be seven (7) inches.
- (8) *Finishing.* The concrete shall be struck off true to grade, finished smooth and given a broom finish. All edges shall be rounded. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees F.] for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below thirty-five (35) degrees F. in any seventy-two (72) hour period or upon frozen subgrade.

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- (9) *Curing and Drying.* As soon as any of the concrete work herein before mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Spec. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein.
- (10) *Cold Weather Requirements.* When the temperature is less than forty degrees Fahrenheit (40°F), all concrete placed in the forms shall have a temperature between fifty degrees Fahrenheit (50°F) and seventy degrees Fahrenheit (70°F) and shall meet the requirements as per Wisconsin Department of Transportation specifications for cold weather concrete.
- (11) *Minor Repairs.* Nothing in this Section shall apply to minor repairs, the cost of which does not exceed Five Hundred Dollars (\$500.00); such repairs may be made at the direction of the Director of Public Works without notice, and the cost thereof may be charged to the abutting property owner in the same manner as provided in this Section for major repairs.
- (12) *Variances.*
- a. *Location.* Where the location of a sidewalk in accordance with the specifications established herein would conflict with the location of trees, or the root systems thereof, a written variance to the specifications may be issued by the Director of Public Works permitting the sidewalk to be located so as to eliminate or reduce such conflict. No variance shall be issued if the public safety or welfare would be adversely affected thereby. No fee shall be charged for such variance.
 - b. *Material.* Where the property owner desires to use non-standard materials such as brick, aggregate or cobblestone, in the construction of a sidewalk, a written variance to the specifications established herein may be issued by the Public Works Committee to permit the use of such non-standard material. No variance shall be granted for any portion of a sidewalk which crosses or is part of a driveway, nor shall a variance be granted if the public safety or welfare would be adversely affected thereby. A condition of the granting of a variance under this subparagraph shall be the execution and recording of an indemnity agreement running with the land binding the property owner, his successors and assigns, holding the Village harmless from any liability, loss or damage resulting from the use of such non-standard materials. An application fee of Twenty-five Dollars (\$25.00) shall be paid at the time of applying for the variance.
- (e) *Repair or Replacement of Defective Sidewalks.*
- (1) The Village Board may determine that any sidewalk which is unsafe, defective, or insufficient be repaired or removed and replaced with a sidewalk in accordance with this Section. The existence of any one or more of the hereinafter enumerated characteristics shall determine whether a sidewalk is defective or insufficient:
- a. One (1) inch or more vertical differential between adjacent sharp edged individual sidewalk blocks (crack in slab) and between adjacent round edged individual sidewalk blocks (joint).
 - b. One and one-fourth (1¼) inch horizontal distance between adjacent individual sidewalk blocks.
 - c. Deterioration of the surface to a vertical depth of one-half (½) inch or more within each individual sidewalk block.
- (2) If eighty percent (80%) of a property owner's sidewalk blocks are determined to be defective or insufficient, the entire sidewalk shall be replaced.
- (f) *Illegal Sidewalks.* No sidewalk which shall be constructed contrary to the provisions of this Section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one

that is in conformity with this Section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

(Ord. No. A-595, 6-20-2011)

State law reference(s)—Sec. 66.0907, Wis. Stats.

Sec. 6-2-3. Excavations; permit; fee; standards; insurance. Outside of planned development, these are generally emergencies (broken sewer lateral). The village should have some permit to make sure restoration is done accordingly and timely. Pavement replacement is the biggest concern that its done and done ASAP.

(a) *Permit Required.*

- (1) *Permit to Be Obtained.* No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ditch, public ground, public sidewalk or Village-owned easement within the Village of Somerset without a permit therefor from the Village Clerk-Treasurer or Director of Public Works.
- (2) *Fee.* The fee each application for a street opening permit shall be Twenty-five Dollars (\$25.00) plus any actual Village expenses. Applications may be made for multiple street openings on one (1) application form, at the Twenty-five Dollar (\$25.00) fee; however, each opening must be listed at the time the application is submitted to the Director of Public Works or Village Clerk-Treasurer for approval. Permit fees shall be paid to the Clerk-Treasurer who shall issue a receipt therefore. If the street opening is made prior to the receipt of an approved street opening permit from the Director of Public Works or Clerk-Treasurer, the application and review fee shall be One Hundred Fifty Dollars (\$150.00) plus any actual expenses.
- (3) *Fee; Emergency Excavation.* In the event of an emergency excavation for the protection of property, life, health, or safety and as authorized in Section 6-2-4(h), there shall be no permit fee (except any actual Village expenses shall be charged to the permittee) provided the application for the street opening permit is filed with the Director of Public Works or Clerk-Treasurer within two (2) regular business days of the excavation in accordance with Section 6-2-4(h). If the permit application for the emergency excavation is not filed within two (2) regular business days, the application and review fee shall be One Hundred Fifty Dollars (\$150.00) plus any actual Village expenses.
- (4) *Surcharge.* In addition to any permit fees or Village expenses, a surcharge (over-and-above the actual replacement cost) shall be levied for any street opening which is in, or disturbs the paved portion (final surface) of any public street, public alley, public way, public ground, public sidewalk or Village-owned easement within the Village of Somerset. The surcharge shall be determined as follows:

Age of the Final Paving	Surcharge
New pavement to 1 year	5 times the permit fee
1 year to 2 years	4 times the permit fee
2 years to 3 years	3 times the permit fee
3 years to 4 years	2 times the permit fee
4 years to 5 years	1 times the permit fee
More than 5 years	No surcharge

- (b) *Application for Permit.* The application for a permit shall be in writing and signed by the applicant or his/her agent. The applicant shall submit to the Village Clerk-Treasurer or Director of Public Works, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Village Clerk-Treasurer or Director of Public Works shall determine if sufficient information is submitted.

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- (c) *Exception.* The provisions of this Section shall not apply to Village excavation work done under the direction of the Village Board or Director of Public Works.
- (d) *Validity of Permit.* Permits shall be valid for a period of thirty (30) days from the date of approval, except as provided for under Section 6-2-4(g) for pavement replacement.
- (e) *Renewal of Permit.* If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the Village Clerk-Treasurer or Director of Public Works and payment of a Twenty-five Dollars (\$25.00) renewal permit fee. Permit renewals shall be issued at the discretion of the Village Clerk-Treasurer or Director of Public Works.
- (f) *Village Standards.* All street work shall be performed in accordance with the current standard specifications for street openings found in this Section and Section 6-2-4. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
- (g) *Insurance.* Prior to the commencement of excavation work, a permittee must furnish the Village satisfactory written evidence that he/she has in force and will maintain during the life of the permit and the period of excavation, public liability insurance in an amount not less than One Million Dollars (\$1,000,000) per person and One Million Dollars (\$1,000,000) for property damage. This may be altered by the Village Board on small contracts. In the event the permittee claims to be self-insured, then he/she shall place on file with the Village Clerk-Treasurer a certificate of self-insurance in the sums set forth in this paragraph for personal injury and property damage and said permittee shall also execute to the Village an agreement to indemnify and save harmless the Village from any and all liability for claims, accidents to damages caused by reasons of operation under the permit, whether or not the same are caused by the negligence of the permittee, the Village of Somerset, or any other person, firm or corporation.
- (h) *Bond.*
- (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk-Treasurer an indemnity bond in the sum of Ten Thousand Dollars (\$10,000.00) conditioned that he/she will indemnify and save harmless the Village of Somerset and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he/she will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he/she may make as near as can be to the state and condition in which he/she found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Village Board for a period of one (1) year, and that he/she will pay all fines or forfeitures imposed upon him/her for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such statement shall also guarantee that, if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one (1) year.
 - (2) Faulty work or materials shall be immediately replaced by the permittee upon notice by the Village. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Village shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.
 - (3) The person who does such restoration shall be responsible therefor for one (1) year from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the Village in an amount determined by the Village Board.
 - (4) Whenever the Village Board shall find that any such work has become defective within one (1) year of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the

defect, the work to be done, the cost thereof and the period of time deemed by the Village Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Village for the cost of doing the work as set forth in the notice.

- (5) An annual bond may be given under this Section covering all excavation work done by the principal for one (1) year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.
- (i) *Public Utilities.* All public utilities as defined in Section 66.06 and 196.01, Wis. Stats., are hereby required to be bound by the terms and conditions of this Section and Section 6-2-4, any and all subparagraphs thereunder, except that a Village public utility as defined within this Section shall not be required to post the indemnity bond. Public utilities shall also be governed by applicable regulations of the Public Service Commission.

Sec. 6-2-4. Standards and regulations regarding excavations.

- (a) *Frozen Ground.* No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and April 1st except where it is determined by the Village Board to be an emergency excavation.
- (b) *Protection of Public.*
 - (1) Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the Village Board or its designee, and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunrise to sunset. No open flame warning devices shall be used. Except by special permission from the Director of Public Works, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet from where pipe or conduit has been laid.
 - (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
 - (3) Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to his/her project. In the event traffic is limited to less than one (1) lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.
 - (4) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workers or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Director of Public Works twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Section 6-2-4(b).
 - (5) When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in Section 6-2-4(g).
- (c) *Pavement Removal.*

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- (1) Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his work and in accordance with all applicable codes and regulations.
 - (2) If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur within adjacent or close to an existing patch or require more than one (1) opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The Director of Public Works shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.
 - (3) Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.
 - (4) The Director of Public Works may order the permittee to remove and replace, at the permittee's expense, up to one (1) full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.
- (d) *Excavation.*
- (1) All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural watercourses shall not be obstructed.
 - (2) Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.
- (e) *Backfilling.*
- (1) All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight (8) inches in their greatest dimension, frozen lumps or other material which in, in the opinion of the Director of Public Works, is unsuitable.
 - (2) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the Director of Public Works, hauled in.
 - (3) Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.
 - (4) Mechanical compaction shall be used on all materials used for trench backfill. Each layer (12-inch maximum) shall be uniformly compacted to a dry density of at least ninety-five percent (95%) of the maximum dry density as determined by the Modified Proctor Test (ASTM-1557). Compaction or consolidation by flooding shall not be permitted.
 - (5) All excavations shall be subject to testing by the Village. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.

or remain on any public way adjoining the premises of which he/she is the owner or occupant, except as provided in Subsections (b) and (c).

(b) *Exceptions.* The prohibition of Subsection (a) shall not apply to the following:

- (1) Temporary encroachments or obstructions authorized by permit under Section 6-2-6 of this Section pursuant to Sec. 66.045, Wis. Stats.
- (2) Building materials for the period authorized by the Village Clerk-Treasurer which shall not obstruct more than one-half ($\frac{1}{2}$) of the sidewalk or more than one-third ($\frac{1}{3}$) of the traveled portion of the street and which do not interfere with the flow in the gutters.
- (3) Excavations and openings permitted under Sections 6-2-3 and 6-2-4 of this Code.

(c) *Standards.* Property owners may place certain fixtures on sidewalks which immediately adjoin their property if the following requirements are met:

- (1) The property must be located in an area used for commercial uses.
- (2) The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.
- (3) The placement of the fixture shall not significantly impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than three (3) feet at any point.

(d) *Removal by Village for Sidewalk Obstructions and Encroachments.* In addition to any other penalty imposed, if any Village enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he/she shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed immediately.

(e) *Removal by Village for Obstruction and Encroachments Located in the Village Streets, Alleys, Public Grounds or Lands Dedicated for Public Use.* In addition to any other penalty imposed, if any Village enforcement official determines that a Village street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he/she shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed immediately.

(f) *Failure to Remove Obstruction.*

- (1) If the owner or occupant fails to remove the obstruction within the time period established in Section (d) or (e) respectively, or the owner cannot be located, any Village enforcement official shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.
- (2) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this Section.

Sec. 6-2-6. Permit for use of streets; bond; conditions.

(a) *When Required.* Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Village Clerk-Treasurer or for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the

construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this Section and has obtained a building permit if required by this Code of Ordinances. The Village Clerk-Treasurer shall request advisory recommendations from the Director of Public Works, Chief of Police and/or Building Inspector prior to issuance of the permit. Village officials may attach conditions to the permit, including proof of liability insurance.

- (b) *Bond. Insurance?* No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk-Treasurer a bond in an amount determined by the Director of Public Works not exceeding Ten Thousand Dollars (\$10,000.00), conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations. Upon request, the Village Board may waive this requirement.
- (c) *Fee.* The fee for a street privilege permit shall be in the sum of Five Dollars (\$5.00), plus any actual Village costs. *We do not charge this.*
- (d) *Conditions of Occupancy.* The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Village Board, Director of Public Works, Chief of Police, or Building Inspector for violation thereof:
 - (1) Such temporary obstruction shall cover not more than one-third ($\frac{1}{3}$) of any street or alley.
 - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
 - (4) The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Village Board, shall continue during all hours of the day and night.
 - (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - (6) Buildings shall be moved only in accordance with the route prescribed by the Village Board.
 - (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- (e) *Termination.* All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Village Clerk-Treasurer.
- (f) *Removal by Village.* In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall remove or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Village Board to do so, it shall be the duty of the Village Board to remove such obstruction and make return of the costs and expenses thereof to the Village Clerk-Treasurer who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

State law reference(s)—Sec. 66.0425, Wis. Stats.

Sec. 6-2-7. Duty to remove snow and sleet from sidewalk.

- (a) *Removal From Sidewalks.* Within twenty-four (24) hours after the cessation of any fall of sleet, snow, or ice, it shall be the duty of the owners and/or the occupants of any lot or parcel of land in the Village of Somerset to remove, or cause to be removed, the snow or sleet from any and all sidewalks and the nearest cross-sidewalks adjacent to the premises of such owner or occupant, and to keep the same free and clear of snow and ice for a width of four (4) feet of the sidewalk.
- (b) *Failure to Remove.* In case of failure or neglect of any owner or occupant of any land or parcel of land to remove the snow or sleet (ice) from sidewalks as specified in Subsection (a) within the time set forth in said Subsection and, after twenty-four (24) hours after the cessation of any fall of snow, the owner or occupant has failed to remove such snow from sidewalks as specified in Subsection (a), the Director of Public Works shall remove or cause the snow or sleet (ice) to be removed from any and all sidewalks and cross-sidewalks that may be so neglected by the owner or occupant, and a fee established by the Village Board shall be assessed against the owner or occupant for the cost and expense of moving such snow or sleet (ice). The fee will be charged against the respective lots and parcels of land adjacent to which said work shall be done, as a special tax, and such sum or sums shall be collected in the same manner as other special taxes.
- (c) *Snow and Ice Not to Encroach.* No person shall push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk or public lands dedicated to public use except for parcels or lots located where existing buildings are constructed within five (5) feet of the street right-of-way and the sidewalks exist from the Village right-of-way to the curb line. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from their sidewalks onto the curb line of the street.
- (d) *Enforcement.* All sworn police officers and other designated Village officials and employees are hereby authorized and directed to enforce the provisions of this Section.
- (e) *Continued Violations.* Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any pending notice issued under this Section.
- (f) *Abatement After Notice.* Failure of the owner, occupant or person in charge of any parcel or lot to cause the removal of snow and/or ice within the time established under Subsection (a) shall result in a citation being issued to violators and/or the Village causing the removal of said snow and/or ice and billing the cost thereof pursuant to Subsection (g) below.
- (g) *Expense.* An account of the expenses incurred by the Village to abate the snow and/or ice hazard shall be kept and such expenses shall be charged to and paid by the parcel or lot owner. Said expenses shall be not less than One Hundred Dollars (\$100.00) nor more than the actual cost of wages and material required to remove said snow or ice, whichever is greater. Notice of the bill for the removal of snow and/or ice shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within thirty (30) calendar days from the receipt thereof. Within thirty (30) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by Sec. 66.615(5), Wis. Stats.
- (h) *Penalty.* In addition to the provisions set forth in this Section, any person, firm or corporation which violates the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances.

(Ord. No. A-600, 9-20-2011)

State law reference(s)—Sections 66.027 and 66.0907, Wis. Stats.

Sec. 6-2-8. Responsibility to maintain terraces.

- (a) *Definition.* The definition of "terrace" shall be as defined in Section 6-4-2(f).
- (b) *Noxious Weeds; Paving.* All that part of a residential terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee. Basketball backstops, statuary, structures, flag poles and other objects shall not be placed in the terrace area.
- (c) *Responsibility to Maintain.* Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his/her tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

Sec. 6-2-9. Vaults and cisterns under sidewalks.

All vaults and cisterns under sidewalks shall be prohibited, unless specifically authorized by the Village Board.

Sec. 6-2-10. Deadline for requests for new streets, etc.

Requests or petitions by Village property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Village Board on or before September 15th to be considered for installation in the following year.

Sec. 6-4-3. Village forester designated; duties and powers.

- (a) The Village Board may designate a municipal employee or citizen to perform the duties of Forester under Chapter 27, Wis. Stats., and may authorize such Forester to perform the duties and exercise the powers imposed on the Village Board by this Chapter. **The Village Forester shall annually be appointed by the Village President, subject to Board confirmation, at the Board's organizational meetings.**
- (b) The Village Forester or his/her authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Chapter.

Sec. 6-4-4. Persons not to interfere with village forester.

No person shall interfere with the Village Forester or his/her authorized representative while they are engaged in carrying out any work or activities authorized by this Chapter.

Sec. 6-4-5. Dutch elm and other tree diseases; nuisance; abatement.

- (a) *Dutch Elm and Other Tree Diseases a Public Nuisance.* Whereas the Village Board has determined that there are many trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village, and that the health and life of such trees is threatened by fatal diseases such as Dutch Elm disease, which is spread by the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.), the Village Board hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such diseases and specifically declares Dutch Elm disease and the elm bark beetles which carry such disease to be public nuisances.
- (b) *Definitions.* As used in this Section, unless otherwise clearly indicated by the context:
 - (1) *Public Nuisance* in this Chapter means:
 - a. Fatal or deleterious tree diseases.
 - b. Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.); Dutch Elm disease.
 - c. Any living or standing elm tree or part thereof infected with the Dutch Elm disease fungus or in a weakened condition which harbors any of the elm bark beetles, *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).
 - d. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.
 - e. Any other deleterious or fatal tree disease.
 - f. Any tree or part thereof which by reason of its condition and location is hazardous or dangerous to persons and property using or upon any public street, sidewalk, alley, park or other public or private place, including the terrace strip between curb and lot line.
 - g. Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.

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- (2) *Public property* means owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.
- (3) *Person* means person, firm or corporation.
- (c) *Inspection.*
- (1) The Village Forester shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance exists thereon. He/she shall also inspect or cause the inspection of any elm tree reported or suspected to be infested with the Dutch Elm disease or any elm bark bearing materials reported or suspected to be infested with elm bark beetles.
- (2) Whenever necessary to determine the existence of Dutch Elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid fatal injury thereto and deliver such specimens to the Forester who shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.
- (3) The Forester and his/her agents or employees shall have authority to enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this Section.
- (d) *Abatement of Nuisances; Duty of Forester.*
- (1) Following authorization by the Village Board, the Forester shall order, direct, supervise and control the abatement of public nuisances as defined in this Section by spraying, removal, burning or by other means which he/she determines to be necessary to prevent as fully as possible the spread of Dutch Elm disease fungus, other deleterious tree diseases or the insect pests or vectors known to carry such diseases.
- (2) Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, the Forester shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease, other deleterious tree diseases, or the insect pests or vectors known to carry such disease fungus.
- (3) a. When the Forester shall determine with reasonable certainty that a public nuisance exists upon private premises, the Forester shall immediately serve or cause to be served personally or by registered mail upon the owner of such property, if the owner can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than fourteen (14) days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommend procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of trees in the Village, the Forester shall cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village.
- b. If, after hearing held pursuant to this Subsection, it shall be determined by the Village Board that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five (5) days after such hearing, the Forester shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this Section. The Forester may extend the time allowed the property owner for abatement work but not to exceed ten (10) additional days.
- (e) *Spraying.*

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- (1) Whenever the Forester shall determine that any tree or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition or harbors elm bark beetles, the Forester may cause all trees within a one thousand (1,000) foot radius thereto to be sprayed with an effective disease destroying concentrate or other insecticide, following prior authorization by the Village Board.
 - (2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this Section, the Forester shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least twenty-four (24) hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the Forester shall also notify the Director of Public Works who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be posted in each block of any affected street at least twenty-four (24) hours in advance of spraying operations.
 - (3) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with Subsection (b) of this Section, the Village shall not allow any claim for damages to any vehicle caused by such spraying operations.
 - (4) When trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection (d)(3).

Sec. 6-4-6. Costs of abatement; assessment.

- (a) *Public Premises.* The entire cost of abating any public nuisance or spraying any elm tree, or part thereof, when done at the direction of the Forester shall be borne by the Village as to any growth, tree or shrub located upon property owned by the Village. The abating of a public nuisance or spraying elm trees or elm wood located upon a terraced strip between the lot line and the curb shall be considered private property.
- (b) *Private Premises.* The cost of abating a public nuisance or spraying diseased trees located on private premises when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance, tree or wood is located as follows:
 - (1) The Forester shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.
 - (2) Upon receiving the Forester's report, the Village Board, or a designated standing committee thereof, shall hold a public hearing on such proposed charges, giving at least fourteen (14) days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the municipality and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his/her premises and the work for which such charge is being made.
 - (3) After such hearing, the Village Board, or a designated standing committee thereof, shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.
 - (4) The Village Clerk-Treasurer shall mail notice of the amount of such final assessment to each owner of property assessed at his/her last-known address, stating that, unless paid within thirty (30) days of the date of the notice, such assessment will be entered on the tax roll as a tax against the property, and all

proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.

- (5) The Village hereby declares that, in making assessments under this Section, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

Sec. 6-4-7. Trees; prohibited and restricted species; acceptable plants.

- (a) *Purpose.* The Village Board hereby states its determination that the planting, care and protection of the trees within the Village is desirable for the purposes of beauty, shade, comfort, noise abatement and economic betterment, and hereby encourages all persons to assist in a program of tree planting, care and protection.
- (b) *Tree Planting Program.* The Village Forester shall recommend to the Village Board a program for tree planting, care and protection for public parks. The Board shall also encourage the planting, care and protection of trees and shrubs on private premises within the Village.
- (c) *Cottonwood and Box Elder Trees Prohibited.* No person shall plant within the Village of Somerset any female tree of the species *Populus Deltoides*, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder *Acer Negundo*, which may now or hereafter become infested with Box Elder Bugs, and such trees are hereby declared a nuisance. Any person planting any such trees on his/her premises shall cause the same to be removed. If any owner shall fail to remove any such tree within thirty (30) days after receiving written notice from the Village Forester, the Village shall cause the removal of such tree and report the full cost thereof to the Village Clerk-Treasurer who shall place such charge upon the next tax roll as a special charge against the premises.
- (d) *Planting of Certain Trees Restricted.* Except in public parks, no person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Weeping Willow, Evergreen, Lombardy Poplar, Silver Maple, or any fruit or nut tree in or upon any public street, parkway, terrace or other public place within the Village of Somerset unless he/she shall first secure written permission from the Village Forester, who shall not approve any such planting if, in his/her opinion, said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Village Forester shall cause the removal of any tree planted in violation of this Subsection.
- (e) *Planting.*
- (1) a. All new street trees must be selected from a list of approved trees compiled by the Village Forester. No other species may be planted without the written approval of the Village Forester. New trees must be single stemmed with a minimum diameter of one and one-quarter (1¼) inches measured at six (6) inches above ground level.
- b. The tree shall be planted in a well prepared hole at the same depth as it was originally growing. All trees less than twelve (12) feet high shall be staked. All trees twelve (12) feet or more in height shall be supported by guy wires in such a way as not to injure the bark. The support shall be removed after a year.
- c. The tree shall be kept well watered and mulched or cultivated in a two (2) foot diameter around its base to conserve moisture and as a protection from lawn mower damage.
- d. The good health of all trees planted hereunder shall be guaranteed for one (1) year by the applicant, after which time such trees shall become the property of the Village.
- (2) Where required, curbs and sidewalks must be installed prior to street tree planting. Distance between the face of the curb and the outer edge of the sidewalk must be at least four (4) feet. Trees must be

planted half way between the sidewalk and curb unless underground utilities prevent such planting. No tree shall be planted closer than two (2) feet from the curb.

- (3) Trees may *not* be planted in the terrace closer than:
 - a. Twenty (20) feet to a utility or street lighting pole.
 - b. Fifteen (15) feet to a driveway or alley.
 - c. Six (6) feet to a fire hydrant, water stop box or gas shut-off. If possible, allow more distance than six (6) feet.
 - d. Twenty-five (25) feet to the intersection of two (2) streets from either corner measured on the property line.
 - e. Twenty-five (25) feet to another tree. [If the other tree is an elm or other species which is damaged, injured or diseased and likely to be removed in the future, then a thirty-five (35) foot distance to the next nearest healthy tree will prevail.]
- (4) New street trees shall not be planted over an existing tree stump within two (2) years of removal unless the stump is removed to a depth of four (4) feet.
- (5) The property owner has the responsibility to locate underground utilities before digging.
- (6) Evergreen trees shall not be planted in a terrace area.
- (7) Where possible, trees should not be planted directly under overhead power lines or over underground utilities.
- (f) *Unlawfully Planted Trees.* Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village may remove such trees, plants or shrubs and assess the costs thereof to the owner.
- (g) *Frames.* Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may, for the propose of protecting such tree or shrub, surround the same with a suitable box or frame for protection, but all such work shall be performed under the supervision and direction of the Village Forester.
- (h) *Acceptable Trees.* Certain plants are more suited than others to provide these benefits under various landscape conditions. The lists following provide a range of sizes and tree variety; they are not inclusive of *all* the better plants but are representative of them.
 - (1) Alder, Black (*Alnus glutinosa*)
 - (2) Alder, Speckled (*Alnus rugosa*)
 - (3) Ash, Green (*Fraxinus pennsylvanica*), and Ash, White especially the seedless cultivars (e.g., Marshall's Seedless, Tatmore, Urbanite); vastly overplanted
 - (4) Birch, River (*Betula nigra*), especially Heritage
 - (5) Cherry, Sargent (*Prunus sargentii*)
 - (6) Chokecherry, Schubert (*Prunus virginiana* "Schubertii")
 - (7) Corktree, Amur (*Phellodendron amurense*)
 - (8) Corktree, Sakhalin (*Phellodendron sakhalinense*)
 - (9) Dogwood, Kousa (*Cornus kousa*)

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- (10) Dogwood, Cornelian cherry (*Cornus mas*)
 - ~~(11) Elm, Chinese (*Ulmus parvifolia*; not Siberian elm)~~
 - (12) Ginkgo (*Ginkgo biloba*), male clones only
 - (13) Hackberry (*Celtis occidentalis*), esp. Chicagoland, Prairie Pride and Windy City
 - ~~(14) Honeylocust, Thornless Common (*Gleditsia triacanthos inermis*), many cultivars available; vastly overused; would discourage continued planting~~
 - (15) Hornbeam, American (*Carpinus caroliniana*)
 - (16) Hornbeam, European (*Carpinus betulus*)
 - (17) Hophornbeam, American (*Ostrya virginiana*)
 - (18) Katsuratree (*Cercidiphyllum japonicum*)
 - (19) Linden, Crimean (*Tilia X euchlora*), esp.
 - (20) Linden, Littleleaf (*Tilia cordata*), esp. Glenleven, Greenspire and June Bride
 - (21) Linden, Silver (*Tilia tomentosa*)
 - (22) Maple, Hedge (*Acer campestre*)
 - (23) Maple, Taperbark (*Acer griseum*)
 - (24) Maple, Three-flower (*Acer triflorum*)
 - (25) Maple, Miyabe (*Acer miyabei*)
 - (26) Maple, Norway (*Acer platanoides*), esp. Cleveland, Emerald Queen, Schwedler, Summershade and Superform. May be too big for many areas; too shady, often preventing lawn growth
 - (27) Maple, Red (*Acer rubrum*), esp. Autumn Blaze, Marmo, Morgan, Northwood, October Glory and Red Sunset
 - (28) Maple, Sycamore (*Acer pseudoplatanus*)
 - (29) Maple, Tartarian (*Acer tataricum*)
 - (30) Maple, Purplebloss (*Acer truncatum*)
 - (31) Oak, Bur (*Quercus macrocarpa*)
 - (32) Oak, English (*Quercus robur*)
 - (33) Oak, Pin
 - (34) Oak, Red (*Quercus rubra* or *Q. borealis*)
 - (35) Pear, Callery (*Pyrus calleryana*), esp. Chanticleer and Fauriei [cultivars such as Bradford and Aristocrat are proving to be landscape liabilities as they age beyond fifteen (15) years]

Sec. 6-4-8. Care and maintenance of trees; trimming and pruning.

- (a) Any person growing a tree, plant or shrub on any private property abutting on public streets or public places shall:
 - (1) Trim them so as not to be a hazard to persons using the streets or to interfere with the proper lighting of the streets.

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- (2) Treat or remove any tree, plant or shrub which the Village Forester shall determine is diseased or insect-ridden or a hazard to persons using the streets.
 - (3) Remove and refrain from planting any tree, plant or shrub designated by the State Department of Agriculture and published in its regulations to be a host or carrier of a dangerous plant disease or insect pest.
- (b) Owners of any property may arrange to have any tree, plant or shrub sprayed, trimmed or removed by the Village and pay for such service at the rates established by the Village Board.
 - (c) Trees and shrubs standing in or upon any boulevard, public area or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The Village Forester may waive the provisions of this Section for newly planted trees if he/she determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.
 - (d) The necessity of the pruning may be determined by the Village Forester.
 - (e) Clearance from sidewalk to lower branches shall not be less than seven (7) feet. All trees standing upon private property in the Village, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than seven (7) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.
 - (f) Trimming or pruning of more than two-thirds ($\frac{2}{3}$) of the crown shall be considered to be a major alteration and shall require authorization from the Village Forester.

Sec. 6-4-9. Sight clearance at intersections.

- (a) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more streets or alleys in the Village any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (b) It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Village Forester may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub which unreasonably interferes with or encroaches upon the street or sidewalk, to take such steps as are necessary to remove such interference. If such owner or occupant fails, within ten (10) days of receipt of notice, to take such necessary steps, the Village Forester and/or other Village employees shall order the Village employees to remove the interference. The cost of removing the interference shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.
- (d) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the Village Forester as specified in Subsection (c) above shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-1-6 of this Code of Ordinances.

Sec. 6-4-10. Protection of trees from damage; interference with forester.

- (a) *Damage to Public Trees.* No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Forester in the case of a terrace-area tree, public tree or shrub, perform or cause to be performed by others any of the following acts:
- (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the same.
 - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Village may tie temporary signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
 - (6) Cause or encourage any fire or burning near or around any tree.
- (b) *Excavations.* All trees on any parkway or other publicly owned property near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten (10) feet from any public tree without a permit from the Village Forester.
- (c) *Interference With Forester.* No person shall:
- (1) Interfere with or prevent any acts of the Forester or his/her agents or employees while they are engaged in the performance of duties imposed by this Section.
 - (2) Refuse to permit the Forester or his/her duly authorized representative to enter upon his/her premises at reasonable times to exercise the duties imposed by this Section.
- (d) *Refusal to Abate Nuisance.* Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Forester to abate such nuisance.

Sec. 6-4-11. Appeal of determination of village forester.

Any person who receives a determination or order under this Chapter from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Title 4 of this Code of Ordinances and Chapter 68, Wis. Stats., to the Village Board within seven (7) days of receipt of the order and the Village Board shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing, the Village Board may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall, by letter, notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded. The Board shall file its written decision with the Village Clerk-Treasurer.

Sec. 6-4-12. State statutes adopted.

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

State law reference(s)—Sections 27.09 and 86.03, Wis. Stats.

TITLE 11, CHAPTER 3. OFFENSES AGAINST PROPERTY

Sec. 11-3-1. Injuring or destroying property; posting of unauthorized signs; liability of parents.

- (a) *Destruction of Property.* No person shall willfully injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the Village of Somerset, the School District, or to any private person without the consent of the owner or proper authority, nor shall any person or organization place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any utility ornamental light pole belonging to the Village without the consent of proper authority. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this Section.
- (b) *Parental Liability.* Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
- (c) *Penalty Provisions.*
 - (1) Any person seventeen (17) years of age or over who violates this Section is subject to a penalty as provided in Section 1-1-6, restitution to the injured party, and the costs of prosecution.
 - (2) Any person twelve (12) years of age to seventeen (17) years of age shall be subject to a forfeiture not to exceed Fifty Dollars (\$50.00) and any other applicable penalty provided by Sec. 938.344, Wis. Stats., as that Section may exist, be amended or changed.
- (d) *Victim Remedies.* Any person or entity injured by a violation of this Section by a minor child shall be advised of the rights and remedies available under Sec. 895.035, Wis. Stats.

State law reference(s)—Sec. 938.343, Wis. Stats.

Sec. 11-3-2. Littering; depositing debris; scattering handbills.

- (a) *Littering Prohibited.* No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village of Somerset, or upon property within the Village owned by the Somerset School District or any private person, or upon the surface of any body of water within the Village.
- (b) *Litter From Conduct of Commercial Enterprise.*
 - (1) *Scope.* The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) *Litter to be cleaned up.* Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - (3) *Litter picked up at litterer's expense.* If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. The entire expense of picking up such litter,

together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

- (c) *Depositing of Materials Prohibited.* It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Village Board or Director of Public Works to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.
- (d) **Handbills.**
- (1) *Scattering Prohibited.* It shall be unlawful to deliver any handbills or advertising material to any premises in the Village except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) *Papers in Public Places Prohibited.* It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

Sec. 11-3-3. Abandoned refrigerators; removal of door.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his/her control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his/her agent and is securely locked or fastened.

Sec. 11-3-4. Theft of library materials; theft; failure to return; detention by library employee.

- (a) *Definitions.* For the purposes of this Section, certain words and terms are defined as follows:
- (1) *Archives.* A place in which public or institutional records are systematically preserved.
- (2) *Library.* Means any public library, library of an educational or historical organization or society or museum, and specifically the public libraries within the Village of Somerset and school libraries.
- (3) *Library Material.* Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.
- (b) *Possession Without Consent Prohibited.* Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date,

after written notice from the library and Village Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.

- (c) *Concealment.* The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- (d) *Detention Based on Probable Cause.* An official or adult employee or agent of a library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a law enforcement officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (e) *Damaging Material Prohibited.* No person shall mar, deface or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library. Any person convicted of violating this Subsection shall be subject to the penalties as set forth in Section 1-1-6.
- (f) *Return Demanded.* No person shall fail, on demand, to return any book periodical, pamphlet, picture or other articles or property belonging to or in charge of the Public Library according to the rules or regulations duly made and adopted by the Library Board and no person shall remove from the library any book, periodical, pamphlet, picture or other articles or property without first having it charged as provided by such rules and regulations. Any person convicted of violating any provision of this Subsection shall be subject to the penalties as set forth in Section 1-1-6.

State law reference(s)—Section 943.61, Wis. Stats.

Sec. 11-3-5. Cemeteries; rules and regulations.

- (a) *Purpose and Definition.* In order to protect cemetery areas within the Village from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Village of Somerset.
- (b) *Authority to Establish Rules and Regulations.* The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.
- (c) *Specific Regulations.*
 - (1) *Disturbing Cemetery Property.* No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments,

fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.

- (2) *Protection of Cemetery Property.* No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb, any animals, birds or waterfowl, wild or domestic within any cemetery in any manner except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnic, parties, or similar gatherings are permitted.
- (3) *Motor Vehicles.* Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- (4) *Speed Limit.* No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.
- (5) *Parking.* No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- (6) *Littering Prohibited.* No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
- (7) *Pets.* Pets, including animals of any species, and horses are prohibited in any cemetery.
- (8) *Sound Devices.* No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- (9) *Authorized Notices.* No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except cemetery regulations and other signs authorized by the owner. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
- (10) *Loitering Prohibited.* No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- (11) *Alcoholic Beverages Prohibited.* No person shall consume or have in his/her possession any open container containing an alcohol beverage upon any cemetery property within the Village unless the property is specifically named as being part of a licensed premises.
- (12) *Play Vehicles Prohibited.* No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this Section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
- (13) *Presence After Hours Prohibited.* No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

Sec. 11-3-6. Damaging street lamps, windows, fire hydrants, or other public property.

- (a) *Damaging Public Property.* No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Village of Somerset.
- (b) *Breaking of Street Lamps or Windows.* No person shall break glass in any street lamps or windows of any building owned or occupied by the Village.
- (c) *Damaging Fire Hydrants and Water Mains.* No person shall, without the authority of Village authorities, operate any valve connected with the street or water supply mains, or open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

Sec. 11-3-7. Shoplifting; detention by merchant's employee.

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection (d).
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- (c) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a peace officer, or to his/her parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he/she shall not be interrogated or searched against his/her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his/her employee affecting the detention to the same defense in any action as is available to a law enforcement officer making an arrest in the line of duty.
- (d) If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this Section shall forfeit not more than Two Hundred Dollars (\$200.00). If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State law reference(s)—Section 943.50, Wis. Stats.

Sec. 11-3-8. Uttering worthless checks.

- (a) Whoever issues any check or other order for the payment of money less than One Thousand Dollars (\$1,000.00) which, at the time of issuance, he/she intends shall not be paid is guilty of a violation of this Section.
- (b) Any of the following is prima facie evidence that the person at the time he/she issued the check or other order for payment of money intended it should not be paid:

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- (1) Proof that, at the time of issuance, the person did not have an account with the drawee; or
 - (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
 - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.

Sec. 11-3-9. Trespassing on private property; entering dwelling without consent.

- (a) *Trespass to Land.* No person shall trespass on any private property within the Village, "Trespass" is defined as the entering or remaining upon land in possession of another without consent or other privilege to do so. No person shall enter or remain on any land after having been notified by the owner or occupant not to remain on the premises.
- (b) *Trespass to Dwelling.* No person shall intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

Sec. 11-3-10. Clean indoor air; restrictions on smoking.

- (a) *State Statute Adopted.* The provisions of Chapter 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Section as is fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Section.
- (b) *Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.* In recognition of a need to protect the health and comfort of the public and Village employees from the detrimental effects of smoking, pursuant to the authority granted to the Village by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Section 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Somerset, except in designated areas.

Sec. 11-3-11. Theft; acts enumerated.

- (a) *Acts.* Whoever does any of the following may be penalized as provided in Section 1-1-6 of this Code of Ordinances:
 - (1) Intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another without his/her consent and with intent to deprive the owner permanently of possession of such property.
 - (2) By virtue of his/her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his/her authority, and with intent to convert to his/her own use or to the use of any other person except the owner. A refusal to deliver any money or

a negotiable security, instrument, paper or other negotiable writing, which is in his/her possession or custody by virtue of his/her office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his/her own use within the meaning of this Subsection.

- (3) Having a legal interest in movable property, intentionally and without consent, take such property out of the possession of the pledgee or such other person having a superior right of possession with intent thereby to deprive the pledgee or other person permanently of the possession of such property.
 - (4) Obtains title to property of another by intentionally deceiving him/her with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
 - (5) Intentionally fails to return any personal property which is in his/her possession or under his/her control by virtue of a written lease or written rental agreement, within ten (10) days after the lease or rental agreement has expired.
- (b) *Definitions.* The following definitions shall be applicable in this Section:
- (1) *Property.* All forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a choice in action or other intangible rights.
 - (2) *Movable Property.* Property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on or affixed to or found in land.
 - (3) *Value.* The market value at the time of the theft or the cost to the victim of replacing the property within the reasonable time after the theft, whichever is less, if the property stolen is a document evidencing a choice in action or other intangible right; value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.
 - (4) *Property of Another.* Includes property in which the actor is a co-owner and property of a partnership of which the actor is a member unless the actor and the victim are husband and wife.

Sec. 11-3-12. Defrauding landlords.

- (a) *Prohibited Acts.* Any person who, with intent to defraud, does any of the following shall be guilty of violating this Section:
- (1) Intentionally absconds without paying rent that has been contractually agreed upon in an oral or written lease with a landlord. Prima facie evidence of intentionally absconding will be established if a tenant fails to pay rent due prior to the vacating of the rental premise by the tenant, and the non-payment of said rent continues for a period of five (5) days after vacation of the premise. Sec. 943.215, Wis. Stats., exclusive of penalties, is adopted and by reference made a part of this Section as if fully set forth herein. Any act prohibited by Sec. 943.215, Wis. Stats., is prohibited by this Section. Any future amendments, revisions, or modification to Sec. 945.215, Wis. Stats., is intended to be made a part of this Section.
 - (2) Issues any check, money order or any other form of bank or monetary draft as a payment of rent, where such document lacks sufficient funds, where the account is closed, or where such draft is unredeemable in any other form or fashion. Prima facie evidence of intention to defraud will be established if a tenant fails, within five (5) days of a written demand by the landlord or agent, to pay in

full the total amount of the draft presented as rent payment plus any bank charges to the landlord attributable to the unredeemability of the draft.

- (b) *Applicability.* This Section shall apply to rental agreements between residential landlords and tenants only. The words and terms used in this Section shall be defined and construed in conformity with the provisions of Chapter AG 134, Wis. Adm. Code, Chapter 704, Wis. Stats., and Section 990.001(1), Wis. Stats. The act of service by a landlord of a legal eviction notice or notice to terminate tenancy shall not, in itself, act as a bar to prosecution under this Section.
- (c) *Procedure.* An officer may issue a citation only when the complainant provides the following:
 - (1) The name and current address of the tenant, a copy of the subject lease agreement, or sworn testimony of the terms of the subject oral lease.
 - (2) The amount of rent due, the date it was due, the date the tenant actually vacated the premise, and testimony that the rent remained unpaid for not less than five (5) days after vacating and that the tenant did not notify or attempt to notify the complainant of the tenant's new address, or that the tenant knowingly gave the complainant a false address.
 - (3) As to an unredeemable payment, the document used for attempting rent payment, the written demand for payment of the full amount plus bank charges, proof that the tenant received the written demand, and testimony that at least five (5) days have elapsed since the demand was received and no payment has been made.

State law reference(s)—Chapter 704 and Section 990.001(1), Wis. Stats.

Sec. 11-3-13. Graffiti declared nuisance; removal.

- (a) *Definition.* "Graffiti" is any drawing, figure, inscription, symbol, or other marking which is scratched, painted, drawn in pen or marker, or placed by some other permanent or semi-permanent means upon sidewalks, streets, public or private structures or any other place in public view without the express permission or consent of the property owner.
- (b) *Public Nuisance.* Graffiti is hereby declared to be a public nuisance, as defined under Title 11, Chapter 6 of this Code, affecting peace and safety.
- (c) *Prohibitions.* No person shall write, spray, scratch or otherwise affix graffiti upon any property whether private or public without the consent of the owner or owners of said property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for the costs of removing or covering such graffiti in addition to any fines imposed for violating this Section. The parents of any unemancipated minor child who affixed graffiti shall be held liable for the cost of removing or covering said graffiti in accordance with Sec. 895.035, Wis. Stats.
- (d) *Removal By Property Owner.*
 - (1) Every owner of a structure or property defaced by graffiti shall cover or remove the graffiti within fifteen (15) days in compliance with written notice served upon them by the Police Department to remove or cover such graffiti.
 - (2) In the event any owner fails to comply with the above-mentioned notice, the Police Department may have the graffiti covered or removed, and in such event, all costs, fees and expenses will be assessed to said owners real estate taxes pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 11-3-14. Adoption of state statute regarding theft of telecommunications service.

- (a) Sec. 943.45, Wis. Stats., exclusive of penalties, is adopted and by reference made a part of this Code as if fully set forth herein. Any act prohibited by Sec. 943.45, Wis. Stats., is prohibited by this Section. Any future amendments, revisions, or modifications to Sec. 943.45, Wis. Stats., is intended to be made a part of this Section.
- (b) Whoever violates this Section shall be penalized as provided for in Section 1-1-6.

Sec. 11-3-15. Adoption of state statute regarding theft of cable television service.

- (a) Sec. 943.46, Wis. Stats., exclusive of penalties, is adopted and by reference made a part of this Code as if fully set forth herein. Any act prohibited by Sec. 943.46, Wis. Stats., is prohibited by this Section. Any future amendments, revisions, or modifications to Sec. 943.46, Wis. Stats., is intended to be made a part of this Section.
- (b) Whoever violates this Section shall be penalized as provided for in Section 1-1-6.

TITLE 11, CHAPTER 6. PUBLIC NUISANCES

Sec. 11-6-1. Maintenance of public nuisances.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Somerset.

Sec. 11-6-2. Definition of public nuisance.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Greatly offend the public morals or decency;
- (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

Sec. 11-6-3. Public health nuisances; enumeration.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11-6-2:

- (a) *Adulterated Food.* All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) *Unburied Carcasses.* Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) *Breeding Places for Vermin, Etc.* Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) *Stagnant Water.* All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) *Garbage Cans.* Garbage cans which are not fly-tight.
- (f) *Noxious Weeds.* All noxious weeds and other rank growth of vegetation.
- (g) *Water Pollution.* The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (h) *Noxious Odors, Etc.* Any use of property, substances or things within the Village or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the

Village. Don't know how we could enforce anything outside our municipal jurisdiction. I would suggest making an exception to farm related smells.

- (i) *Street Pollution.* Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- (j) *Animals at Large.* All animals running at large.
- (k) *Accumulations of Refuse.* Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) *Air Pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

Sec. 11-6-4. Public nuisances offending public morals and decency; enumeration.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 11-6-2:

- (a) *Disorderly Houses.* All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) *Gambling Devices.* All gambling devices and slot machines, except as permitted by state law.
- (c) *Unlicensed Sale of Liquor and Beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Village.
- (d) *Continuous Violation of Village Ordinances.* Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) *Illegal Drinking.* Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

Sec. 11-6-5. Public nuisances affecting peace and safety; enumeration.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 11-6-2:

- (a) *Signs, Billboards, Etc.* All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) *Illegal Buildings.* All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- (c) *Unauthorized Traffic Signs.* All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.

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- (d) *Obstruction of Intersections.* All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
 - (e) *Tree Limbs.* All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
 - (f) *Dangerous Trees.* All trees which are a menace to public safety or are the cause of substantial annoyance to the general public. **How many trees are in town that annoy you?**
 - (g) *Fireworks.* All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Village.
 - (h) *Dilapidated Buildings.* All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
 - (i) *Wires Over Streets.* All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
 - (j) *Noisy Animals or Fowl.* The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
 - (k) *Obstructions of Streets: Excavations.* All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
 - (l) *Open Excavations.* All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
 - (m) *Abandoned Refrigerators.* All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside. **Appliances**
 - (n) *Flammable Liquids.* Repeated or continuous violations of the ordinances of the Village or laws of the State relating to the storage of flammable liquids.
 - (o) *Unremoved Snow.* All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

Sec. 11-6-6. Abatement by owner, village or court action.

- (a) *Summary Abatement.*
 - (1) *Notice to Owner.* If the inspecting officer determines that a public nuisance exists within the Village and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days and shall state that unless such nuisance is so abated, the Village will cause the same to

be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.

- (2) *Abatement by Village.* If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- (b) *Abatement by Court Action.* If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Village President who, upon direction of the Village Board, shall cause an action to abate such nuisance to be commenced in the name of the Village in St. Croix County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.
- (c) *Court Order.* Except where necessary under Subsection (a), no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (d) *Other Methods Not Excluded.* Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

Sec. 11-6-7. Costs of abatement to be collected from person maintaining nuisance.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

Sec. 11-6-8. Jurisdiction of officials for enforcement; penalties for violation.

- (a) *Enforcement.* The Chief of Police, Fire Chief, Director of Public Works and Building Inspector shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under Section 11-6-6 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- (b) *General Penalty.* Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 1-1-6.

Title 12 PARKS AND NAVIGABLE WATERS

TITLE 12, CHAPTER 1. PARKS AND RECREATION

Sec. 12-1-1. Purpose; definitions; regulations.

- (a) *Purpose and Definition.* In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village of Somerset from injury, damage or destruction, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, play ground, swimming pool or conservancy area in the Village.
- (b) *Specific Regulations.*
- (1) *Littering Prohibited.* No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
 - (2) *Sound Devices.* No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.
 - (3) *Bill Posting.* No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Village Board.
 - (4) *Throwing Stones and Missiles Prohibited.* No person shall throw stones or other missiles in or into any park.
 - (5) *Removal of Park Equipment Prohibited.* No person shall remove benches, seats, tables or other park equipment from any park.
 - (6) *Trapping.* "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in Village parks.
 - (7) *Making of Fires.* No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property. We do not have receptacles for charcoal or ash.
 - (8) *Protection of Park Property.*
 - a. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.

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- b. No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary facilities located in any Village park; or to deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any Village park; or to deface the equipment by means of a sharp instrument.
- (9) *Motorized Vehicles.* Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Village Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
- (10) *Snowmobiles.* No person shall operate a snowmobile in a Village park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (11) *Speed Limit.* No person shall operate any vehicle in a Village park in excess of fifteen (15) miles per hour unless otherwise posted.
- (12) *Glass Beverage Bottles in Parks Prohibited.* No individual shall possess or consume any beverage in a glass bottle or glass container in any Village park.
- (13) *Reckless Driving in Parks Prohibited.* No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.
- (14) *Parking in Parks.* No person shall park any motor vehicle in any park in the Village except in a designated parking area.
- (15) *Horse and Carriages.* No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Village Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. Horses shall not be left unbridled or unattended.
- (16) *Removing Tree Protectors.* No person shall remove any device for the protection of trees or shrubs.
- (17) *Golfing and Sporting Activities.* No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (18) *Arrows.* No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
- (19) *Fees and Charges.* The Village Board shall establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (20) *Firearms; Hunting.* Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon of any kind is prohibited in all Village parks.
- (21) *Fish Cleaning.* Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
- (22) *Controlled Substances.* Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.
- (23) *Vendors Restricted.* No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Village Board.

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- (24) *Alcohol Beverages.* The consumption or possession of alcohol beverages in Village parks shall be as regulated by Section 11-4-1.
 - (25) *Camping.* No overnight camping shall be permitted in any park, except where written approval of the Village Board or duly authorized agent is first obtained.
 - (26) *Innertube Rental Business.* Unless a license is obtained and retained pursuant to Section 7-10-2, use of any park, including Village Park, for or by an innertube rental business for the purpose of having its customers or other individuals connected to the innertube rental business enter or exit the Apple River at any park is prohibited. For the purposes of this Chapter, "innertube rental business" is defined as a business or other organization which is engaged in renting or otherwise providing, furnishing in any way, or otherwise making available innertubes or other similar flotation devices (e.g., so-called "cow tanks") to an individual or individuals for use on the Apple River.

(Ord. No. A-653, 8-20-2019; Ord. No. A-662, § 2, 5-19-2020)

Sec. 12-1-2. Airborne remote- or radio-controlled devices prohibited without consent of property owner.

It shall be unlawful for any person to fly, operate or make use of any airborne remote or radio-controlled model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

Sec. 12-1-3. Digging and removal of trees prohibited.

Except as authorized by the Chief of Police or Village Board, no person shall dig into the turf of any Village-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Chief of Police or Village Board, the use of metal detectors and digging for buried objects on Village parks or recreational property.

Sec. 12-1-4. Hours of operation.

- (a) *Hours Established.* No person except an authorized employee or individuals engaged in special activities after obtaining the proper permit from the Village Board or Village Clerk-Treasurer, shall be in or upon the public parks including any structure located thereon between 11:00 p.m. and 6:00 a.m.
- (b) *Exceptions.*
 - (1) The regular closing hours of Village parks do not apply to persons having permission from the Village Board to be present in the Village parks during closed hours on specific days, for specific purposes or for special events.
 - (2) The regular closing hours of the Village parks do not apply to persons in attendance at a regularly scheduled ball game at the ball diamond located in the Village, except that those persons shall vacate the park within fifteen (15) minutes after the ending of a regularly scheduled game.

Sec. 12-1-5. Reservation policy.

- (a) *Policy on Reservation.* The Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of

municipality-owned parks, park facilities, park shelters or parts thereof, in the Village of Somerset to the end that the general welfare of the Village is protected.

- (b) *Reservation of Park Space.* The school often reserves LFMP and others have reserved pavilions for celebrations. We do have a reservation request form, but it does not follow the parameters below..
- (1) A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the Village Clerk-Treasurer for referral to the Village Board chairperson for a permit for exclusive use of the same. The Village Board chairperson shall issue permits for exclusive use of a portion of a park or park shelter, while the Village Board shall issue permits for the exclusive use of Village parks. All reservations shall be made on application forms in the office of the Village Clerk-Treasurer and shall be on a first-come, first-served basis, provided however, that any Village-based church or civic group may make reservations for dates used by it in past years on a continuing basis, at any time. Reservation of a designated area shall give the party to whom reserved the right to use such area to the exclusion of others for and during the period of reservation. Areas not reserved shall be open to use by all.
- (c) *Application.* Applications shall be filed with the Village Board at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
- (1) The name, address and telephone number of the applicant.
- (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
- (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
- (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
- (5) The anticipated number of persons to use the said park, area or facility.
- (6) Any additional information which the Village Board, Chief of Police or Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) *Action on Application.* The Village Board shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (e) *Reasons for Denial.* Applicants under this Section may be denied for any of the following reasons:
- (1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
- (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
- (3) If the application does not contain the information required by Subsection (c) above.
- (4) The application is made less than the required days in advance of the scheduled exclusive use.
- (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
- (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.

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- (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
- (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (f) *Indemnification.* Prior to granting any permit for exclusive use of the park, the Village may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (g) *Permit Not Required For Village Activity.* A permit is not required for exclusive use of the park or a park facility sponsored by the Village of Somerset.
- (h) *Permit Revocation.* The Village Board, or Chief of Police may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
- (i) *Form of Permit.* Each permit shall be in a form prescribed by the Village Board and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (j) *Class B Fermented Malt Beverage Licenses.* When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-4-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- (k) *Care of Facilities.* Persons reserving Village facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of Village officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a Village park shall agree to assume full responsibility for all damage to Village property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the Village Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the Village may have.
- (l) *Use of Concession Stand.* Any person or group desiring to use a park concession stand must complete the Concession Stand Agreement (form obtainable from the Village Clerk's office) and submit it to the Village Clerk. A refundable security deposit of one hundred dollars (\$100.00) must be submitted with the Agreement. The fee for the use of a concession stand shall be set annually by the Village Board in the fee schedule. The Concession Stand Agreement, security deposit and use fee shall be submitted to the Village Clerk at least seven (7) days prior to the date of intended use of a concession stand. Upon completion of the use of a concession stand, the Village shall inspect the premises and if the condition of the stand complies with Subparagraph "(k)" of this Ordinance, then the person or group's security deposit shall be refunded within seven (7) days of the completed use.
- (m) *Special Provisions for Use of Park Space by Sports Leagues.* The provisions of this Subparagraph "(m)" shall apply to use of park space by sports leagues in lieu of the application procedure outlined in Subparagraphs "(b)" and "(c)" of Section 12-1-5.
- (1) League schedules, park space to be used, contact information and number of participants shall be submitted to the Village Clerk's office on or before May 15th of the year in which the league play is to occur.

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- (2) A season fee of ten dollars (\$10.00) per participant must be paid to the Village Clerk's office on or before May 15th of the year in which the league play is to occur. This fee shall entitle the league to have one weekend tournament (Friday, Saturday and Sunday) during the season. **Suggest removing this.**
 - (3) Any additional tournaments beyond the one referenced in Subparagraph "(2)" above, and any tournaments organized by groups not paying the season fee provided for in that Subparagraph shall pay a tournament fee of one hundred dollars (\$100.00) per tournament. This fee shall be paid in full to the Village Clerk's office at least 7 days prior to the anticipated tournament. **Suggest removing this.**

(Ord. No. 544, § I, 3-28-2006; Ord. No. A-606, 7-16-2013)

Vet's Park: Replace timber playground borders with plastic borders and replace the pea gravel with engineered playground mulch. This will make the playground ADA compliant and will eliminate pea gravel from being thrown onto the tennis / pickle ball courts.



Village Park: Remove old garage foundation in the upper area and grub out the brush around it. Replace with grass. Remove old light pole by the concrete stairs, remove a 10' chunk of chain link fence behind field #1 to help with mowing and trimming. Grind stumps down by the river to ease with mowing and trimming.



Larry Forrest Memorial Park: Get chain link fence pounded back down around the basketball court, have concrete aprons poured around the perimeter of the bathroom and concessions building. Add gravel between the dugouts on field 2 & 3 and place at the entry to all dugouts.



Montag Calleja: Replace the timber playground border with plastic and replace the pea gravel with engineered playground safety mulch.

Meadows: Replace the timber playground border with plastic and replace the pea gravel with engineered playground safety mulch. Get the walking trail crack filled.

Whispering Pines North: Needs more engineered playground safety mulch, court should be seal coated.

LaGrandeur Natural Area: Gravel for the road.

Gravel: Traprock \$12.95 class 5, Limestone: \$

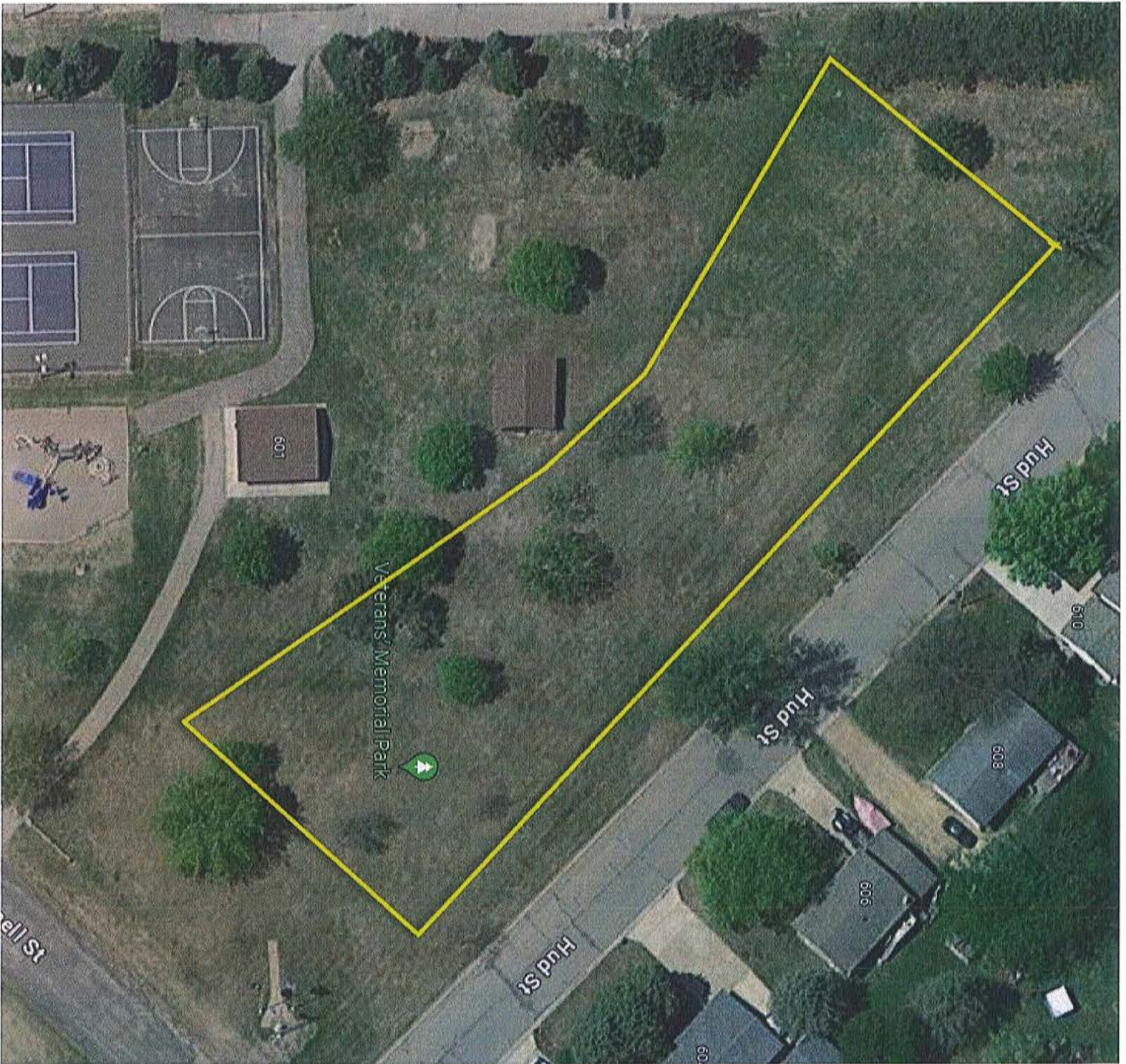
Playground Borders: Roughly \$30 /4ft

Playground Mulch: Roughly \$30 per yard, waiting on an estimate for a semi load.

Stump Grinding:

Concrete:

RHIMH 5



Amy Briggs

From: Brandon Krohn
Sent: Monday, March 11, 2024 10:29 AM
To: Donnie Kern; Caleb Garn; Amy Briggs
Cc: Jim Thanig
Subject: Re: Quotes and improvement ideas
Attachments: Proposed dog park 3-11-2024.jpg

Morning,

Here is another proposed spot.

However, I do have some concerns as I have been thinking about this more.

Conflict of Use: Disc golf and dog parks serve different recreational purposes that may not coexist harmoniously in the same area. Discs can be mistaken by dogs as toys, leading to interruptions in the game and potential risks for dogs and players. The peaceful and focused environment needed for disc golf could be compromised by the presence of active, barking dogs.

Safety Concerns: The mix of flying discs and free-running dogs could lead to accidents and injuries. Dogs might chase after thrown discs, potentially colliding with players or other dogs. Moreover, not all dogs are comfortable around strangers or other dogs, which could lead to confrontations or bites.

Maintenance and Cleanliness Issues: Dog parks require regular maintenance to ensure cleanliness and hygiene, including waste management and grass maintenance. This added responsibility might strain the resources allocated for the upkeep of the disc golf course. The presence of dog waste, if not properly managed, could also affect the quality and enjoyment of the disc golf experience.

Noise Level: Dogs can be noisy, especially in a social setting like a dog park. This could disrupt the typically quieter atmosphere of a disc golf course, affecting the concentration and enjoyment of the players.

Community Feedback: It's important to consider the feedback from both dog owners and disc golf players. While some might appreciate the combined space, others might feel that their recreational experience is being compromised. Engaging with the community to understand their preferences and concerns can provide valuable insights.

Zoonotic Diseases: Dogs can carry zoonotic diseases, which are diseases that can be transmitted from animals to humans. These include parasites (like roundworms and hookworms), bacterial infections (such as leptospirosis), and viruses (like the rabies virus). The mingling of dogs in a shared space increases the risk of such diseases being present and potentially spreading to humans, especially in areas where people are likely to come into close contact with the ground, as in disc golf.

Increased Exposure Risk: The presence of more dogs in the area, coupled with the high-touch nature of disc golf (where players often retrieve discs from the ground), increases the risk of exposure to fecal matter and any pathogens it may contain. This could lead to a higher risk of disease transmission not just among dogs, but also from dogs to humans.

Vaccination and Health Monitoring: Ensuring that all dogs entering the park are properly vaccinated and in good health would be crucial to minimize the risk of communicable diseases. However, monitoring and enforcing health and vaccination requirements in a public space can be challenging and resource-intensive.

Watering Holes and Shared Spaces: If the dog park includes shared amenities like water bowls or swimming areas, these could become hotspots for the transmission of diseases among dogs, which could then potentially spread to humans. Designing and maintaining these features to minimize health risks would require careful planning and additional resources.

Thanks for your time.

BK

From: Brandon Krohn <bkrohn@villageofsomerset.us>
Sent: Friday, March 8, 2024 9:43 AM
To: Donnie Kern <dkern@villageofsomerset.us>; Caleb Garn <cgarn@villageofsomerset.us>
Subject: Re: Quotes and improvement ideas

Morning Gentlemen,
I have some concerns about the proposed dog park.
This is right in a throwing lane for 1 long.
People will be walking in front of people throwing discs.
You may get a lot of discs coming in from hole 3 as well.
If you get a south wind the discs typically fall right in that area.

Here is a spot that I would like to propose for dog park.

Thanks,
BK

From: Donnie Kern <dkern@villageofsomerset.us>
Sent: Thursday, March 7, 2024 4:24 PM
To: Caleb Garn <cgarn@villageofsomerset.us>; Brandon Krohn <bkrohn@villageofsomerset.us>
Subject: Fwd: Quotes and improvement ideas

Donnie Kern
Chairman Public Works/Parks
Village of Somerset

From: Jim Thanig <jthanig@villageofsomerset.us>
Sent: Friday, March 1, 2024 9:45:00 AM

To: Donnie Kern <dkern@villageofsomerset.us>; Neil Folkert <nfolkert@villageofsomerset.us>

Subject: Re: Quotes and improvement ideas

Hi Donnie, Attached is the list of items that would help with Maintenance that Neil and I came up with. I have some general pricing and we are waiting for other quotes to come in. I have also reached out to Cyclone fence twice asking for a quote and I haven't gotten a response yet. The area for the dog park measures out to be about an acre using the GIS system for measurement. I have attached a photo of that as well, if you have any other questions let us know.

Thanks,

Jim

From: Donnie Kern <dkern@villageofsomerset.us>

Sent: Friday, March 1, 2024 9:30 AM

To: Jim Thanig <jthanig@villageofsomerset.us>; Neil Folkert <nfolkert@villageofsomerset.us>

Subject: Quotes and improvement ideas

Good morning!

I was wondering if we had any quotes from the Fencing contractor for the dog park area and what the size acreage for the two spots yet? As we had discussed last week, I was hoping to have that information for the brush my the meeting this month at Public Works.

Also, looking for the list of items needed for general maintenance at each one of the parks as well as the bigger ticket items to be put forth and getting bids for in the next couple months. Jim mentioned he could get that to me this week. Next week Wednesday is fine at the latest, in order for me to get it in the agenda.

Thanks for your help guys. Keep up the good work and look forward to hearing from you soon.

Donnie Kern

Chairman Public Works/Parks

Village of Somerset



From: Brandon Krohn <bkrohn@villageofsomerset.us>
Sent: Friday, March 8, 2024 1:11 PM
To: Donnie Kern <dkern@villageofsomerset.us>
Subject: Re: Quotes and improvement ideas

From: Donnie Kern <dkern@villageofsomerset.us>
Sent: Friday, March 8, 2024 11:30 AM
To: Brandon Krohn <bkrohn@villageofsomerset.us>
Subject: Re: Quotes and improvement ideas

I don't have anything

Donnie Kern
Chairman Public Works/Parks
Village of Somerset

From: Brandon Krohn <bkrohn@villageofsomerset.us>
Sent: Friday, March 8, 2024 9:43:26 AM
To: Donnie Kern <dkern@villageofsomerset.us>; Caleb Garn <cgarn@villageofsomerset.us>
Subject: Re: Quotes and improvement ideas

Morning Gentlemen,
I have some concerns about the proposed dog park.
This is right in a throwing lane for 1 long.
People will be walking in front of people throwing discs.
You may get a lot of discs coming in from hole 3 as well.
If you get a south wind the discs typically fall right in that area.

Here is a spot that I would like to propose for dog park.

Thanks,
BK

Complete Details, LLC

Quotation

Painting all the Details

DATE March 14, 2024

John Opitz
803 Raymond Street
Somerset, WI 54025
(651) 587-4088

Bill To:

Village of Somerset
Somerset, WI. 54025

Prepared by: John Opitz

Painting and Staining Quote for Structures in the Parks of the Village of Somerset.

Description	AMOUNT
All structures will be pressure washed prior to being painted or stained.	
Village Park Building - Painting includes exterior walls, doors, trim, soffits and fascia.	2,260.00
Veterans Park Building - Staining includes previously stained areas and painting includes 4 doors and 2 windows.	2,195.00
Veterans Park Pavilion 1 - Staining includes previously stained areas.	1,445.00
Veterans Park Pavilion 2 - Staining includes previously stained areas.	1,445.00
Larry Forest Park Main Building - Painting includes the exterior walls, doors, trim, soffits and fascia. It also includes painting the roof.	2,855.00
Larry Forest Park Snack Bar - Painting includes 1 door, the soffit and fascia.	515.00
Larry Forest Park Pavilion - Painting includes previously painted areas.	635.00
Larry Forest Park Storage Shed - Painting includes previously painted areas.	1,495.00
(Complete Details, LLC will supply all materials needed to complete this project.)	
TOTAL	\$ 12,845.00

If you have any questions concerning this quotation, please contact:

John Opitz (651) 587-4088

john@completedetailspainting.com

THANK YOU FOR YOUR BUSINESS!

**Contract requires 25% down to start the project.
Balance Due Upon Completion.**

All material is guaranteed to be as specified. All work will be completed in a substantial workmanlike manner.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted.
You are authorized to do the work.

Signature _____

Date _____

Draft of survey questions for Comprehensive Outdoor Recreation Plan

1. Respondent demographics:
 - ☐ I live in the Village of Somerset
 - ☐ I live outside the Village of Somerset
 - ☐ I work in the Village of Somerset
2. If you live in the Village of Somerset, how long have you lived here?
 - ☐ 10+ years
 - ☐ 6-10 years
 - ☐ 2-5 years
 - ☐ 2 years or less
3. What is your age:
 - ☐ Over 65 years
 - ☐ 50-64 years
 - ☐ 35-49 years
 - ☐ 25-34 years
 - ☐ 18-24 years
 - ☐ Under 18 years
4. Gender:
 - ☐ Female
 - ☐ Male
 - ☐ Prefer not to answer
5. How important are parks and recreation to the overall quality of life in the Village of Somerset?
 - ☐ Extremely important
 - ☐ Very important
 - ☐ Important
 - ☐ Somewhat important
 - ☐ Not very important
 - ☐ Not at all important
 - ☐ No answer
6. How often do you visit the following parks on an annual basis?

	Frequently (1-2 times a week	Sometimes (1-2 times a month)	Rarely (less than 5 times a year)	Never
Village Park				
Veteran's Park				
Larry Forrest Park				
Joe Casey Park				
Whispering Pines North Park				
Montag/Calleja Park				
Meadows Park				
Disc Golf				
Parnell Prairie				

7. What is the primary reason you use parks in the Village of Somerset? (Check all that apply)
- ☐ Enjoy the outdoors
 - ☐ Walk/Bike
 - ☐ Play sports
 - ☐ Picnic or leisure activities
 - ☐ Attend youth sporting events
 - ☐ Attend community or civic festivals/events
 - ☐ Playground
 - ☐ Fishing
 - ☐ Bird/wildlife watching
 - ☐ Don't use parks
 - ☐ Other (please list)
8. If you seldom or never use the parks in the Village of Somerset, what are the reasons why? (Check all that apply)
- ☐ Lack of facilities/amenities
 - ☐ Poorly maintained
 - ☐ Don't know what is available
 - ☐ Don't know where the parks are located
 - ☐ Not interested in parks
 - ☐ Not enough time
 - ☐ Other (please list)
9. How would you rate the general condition and maintenance of parks and facilities in the Village of Somerset? (Check only one)
- ☐ Excellent
 - ☐ Very good
 - ☐ Good
 - ☐ Okay
 - ☐ Poor
 - ☐ Don't know
10. How would you rate the importance of natural open spaces in the Village of Somerset? (Check one)
- ☐ Very Important
 - ☐ Important
 - ☐ Somewhat important
 - ☐ Not very important
 - ☐ Not at all important
 - ☐ No answer

11. What additional park and recreation amenities/facilities would you like to see in the Village of Somerset? (Check all that apply)

- ☐ Baseball/softball fields
- ☐ Basketball courts
- ☐ Soccer fields
- ☐ Pickleball courts
- ☐ Tennis courts
- ☐ Horseshoe pits
- ☐ Splash Pad
- ☐ Playgrounds
- ☐ Multi-use pedestrian trails
- ☐ Inclusive playgrounds
- ☐ Dog park
- ☐ Ice rink
- ☐ Skateboard park
- ☐ Disc golf
- ☐ Indoor aquatic center
- ☐ Community center with no pool
- ☐ Nothing
- ☐ Other (please list)

12. Which groups do you feel are most underserved by current park amenities/facilities? (Check no more than 2)

- ☐ Seniors
- ☐ Adults
- ☐ High school youth
- ☐ Middle school youth
- ☐ Elementary youth
- ☐ Preschool youth
- ☐ People with disabilities
- ☐ People from diverse cultures

13. How can the Village of Somerset's park system be improved? (please list top 2 answers)

- ☐ Upgrade current parks and facilities
- ☐ Maintain existing parks and facilities
- ☐ Build major new facilities (multi-sports complex, community center, aquatic center)
- ☐ Acquire natural areas
- ☐ Develop additional parks

14. Which statement best describes how you feel parks and recreation facilities should be funded. (Check only one)

- ☐ Only through available tax dollars
- ☐ Levy referendums

STREET USE PERMIT

VILLAGE OF SOMERSET

APPLICANT NAME, ADDRESS & PHONE NO.

SOMERSET LIONS CLUB
P.O. Box ~~246~~ 246
SOMERSET, WI 54025

NAME, ADDRESS & PHONE NO. OF ORGANIZATION REQUESTING PERMIT

SAME

NAME, ADDRESS & PHONE NO. OF CONTACT PERSON FOR STREET USE

DAVID BRACHT
715-497-4806
DBRACHT@DAVIDBRACHT.COM

PROPOSED STREETS: _____

DATE OF USE: _____ SEE ATTACHED

TIME OF USE: _____

PROJECTED ATTENDANCE: _____

PROPOSED STREET USE (Describe in detail):

*** PAVEMENT MARKING IS NOT ALLOWED ON ANY STREET ***

- **INSURANCE:** Required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, liability, loss damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant is required to furnish a Certificate of Comprehensive General Liability Insurance with the Village of Somerset. The applicant is required to furnish a performance bond prior to being granted the permit.

☐ Insurance Requirement Waived

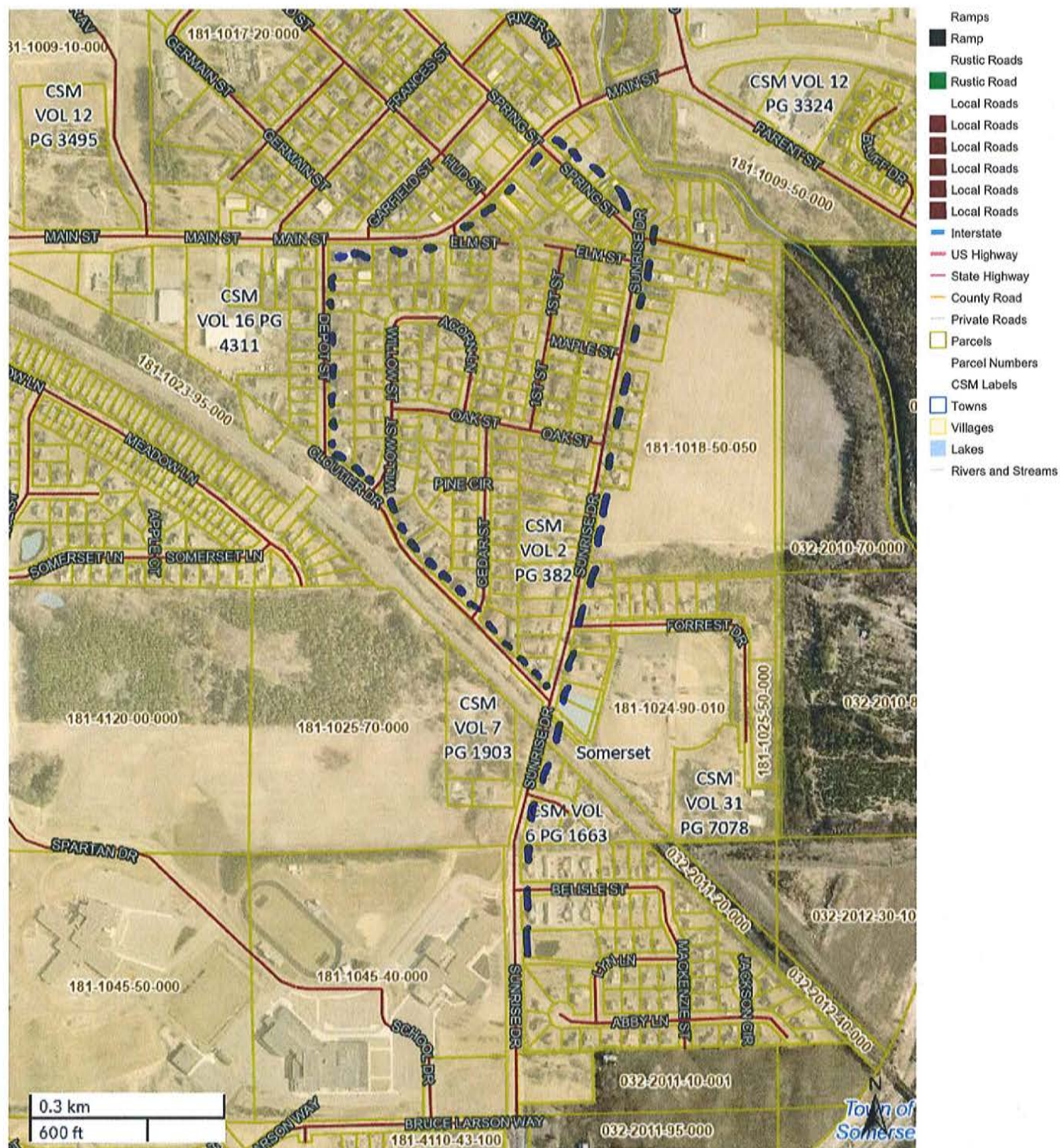
SF INS (MARCY)
☒ Proof of Insurance Provided

For office use:

Date Reviewed by Village Board: _____ Approved _____ Denied _____

Sec. 7-7-1 Street Use Permits

- (a) **Purpose.** The streets in possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Village Clerk-Treasurer may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.
- (b) **Application.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the Village Clerk-Treasurer and shall be filed with the Village Clerk-Treasurer. The application shall set forth the following information regarding the proposed street use:
- (1) The name, address and telephone number of the applicant or applicants.
 - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
 - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
 - (4) The date and duration of time for which the requested use of the street is proposed to occur.
 - (5) An accurate description of that portion of the street proposed to be used.
 - (6) The approximate number of persons for whom use of the proposed street area is requested.
 - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
- (c) **Representative at Meeting.** The person or representative of the group making application for a Street Use Permit shall be present when the Village Board gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.
- (d) **Denial of Street Use Permit.** An application for a Street Use Permit may be denied if:
- (1) The proposed street use is primarily for private or commercial gain.
 - (2) The proposed street use would violate any federal or state law or any Ordinance of the Village.
 - (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
 - (4) The application for a Street Use Permit does not contain the information required above.
 - (5) The application requests a period for the use of the street in excess of five (5) days.
 - (6) The proposed use could equally be held in a public park or other location. In addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Village Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.
- (e) **Insurance.** The applicant for a Street Use Permit may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the Village of Somerset. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (f) **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by the Village President or a law enforcement officer if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the Village of Somerset. The Village President or a law enforcement officer has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.



Date created: 2/13/2024
Last Data Uploaded: 2/13/2024 5:47:22 AM
Developed by



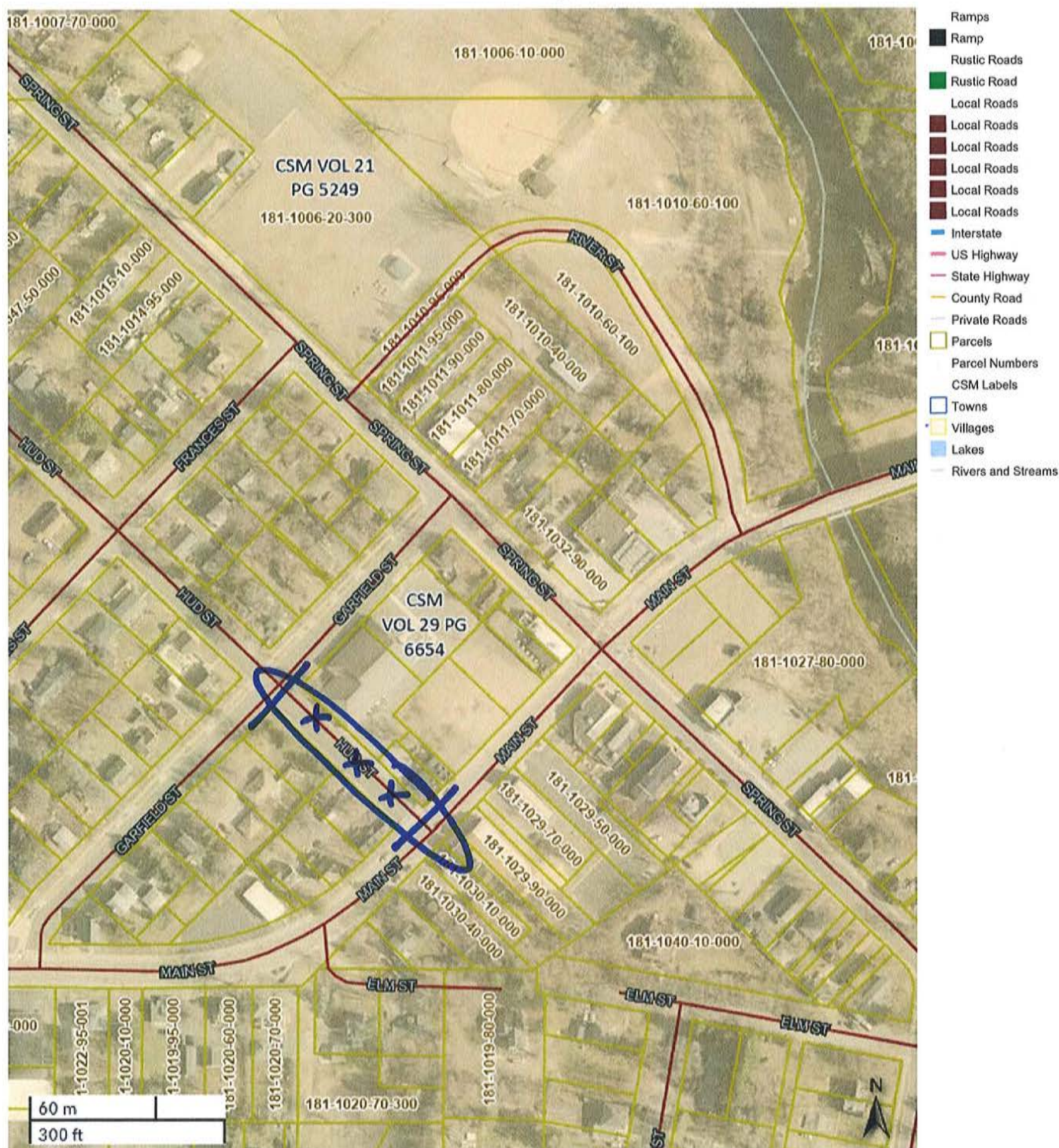
we would like to set up
9. AM if
streets can
be cleared -

3 on 3
Basketball

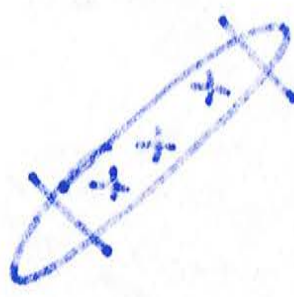
EVENT AT
1-4:30

St. Croix County, WI

SAT June 8
Hud St



1. Name of the person
2. Address
3. City
4. State
5. Zip
6. Country
7. Telephone
8. Fax
9. E-mail
10. Date
11. Signature
12. Stamp

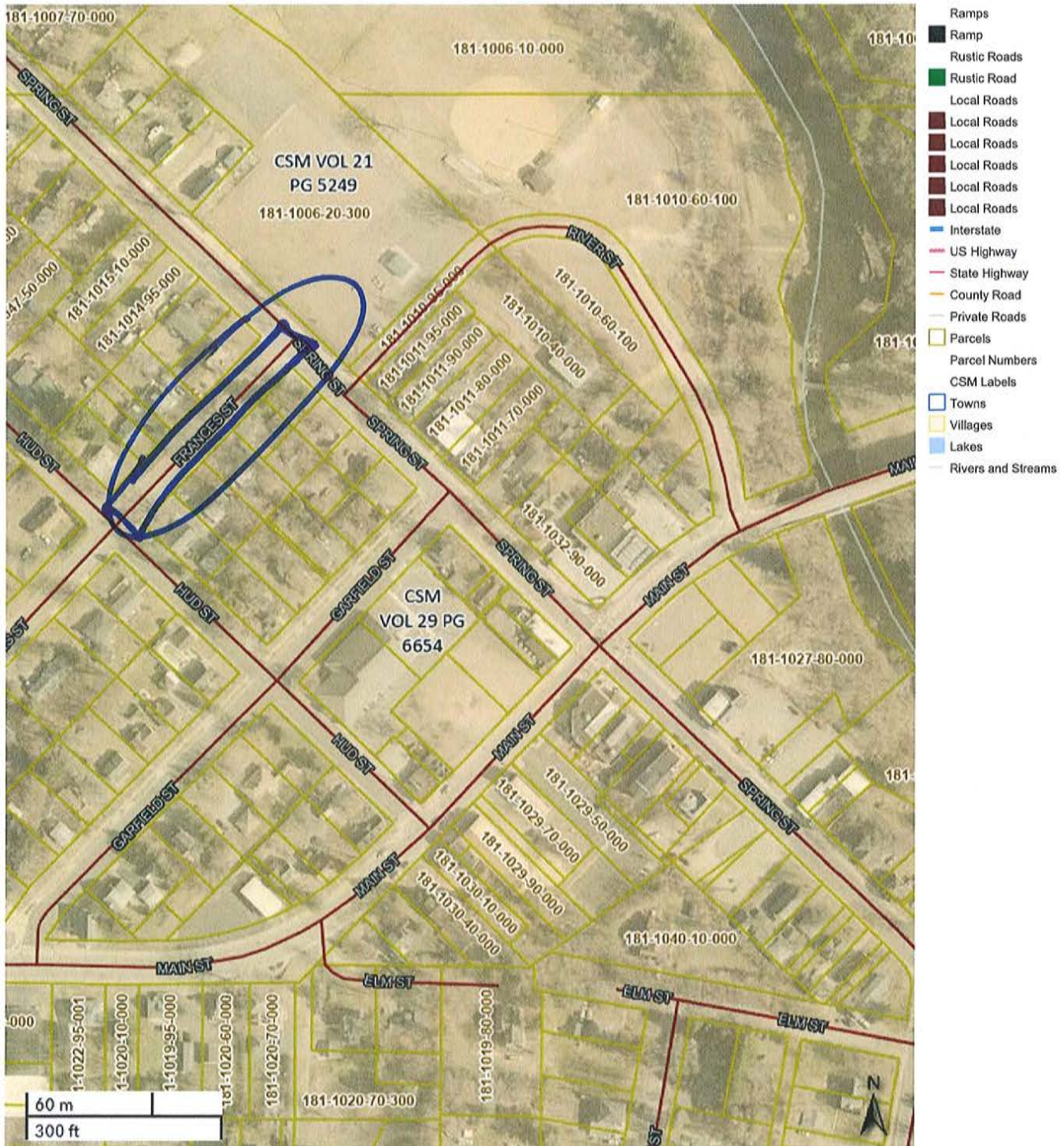


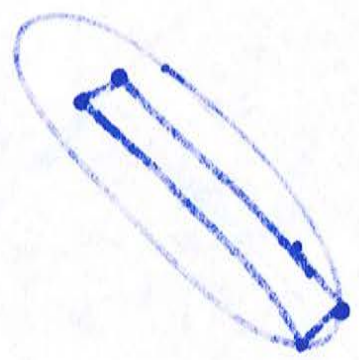
SOAP BOX Derby

SAT JUNE 8TH

2:00-4:00 pm

— FRANCES ST —





Change Order

No. 1

Date of Issuance: February 22, 2024 Effective Date: February 22, 2024

Project: Growing Wings Utility Extension	Owner: Village of Somerset	Owner's Contract No.:
Contract: Village of Somerset – Growing Wings Utility Extension		Date of Contract: July 19, 2023
Contractor: Miller Excavating, Inc.		Engineer's Project No.: 08783100

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Final Quantity Adjustment

Attachments (list documents supporting change):

Final Quantity Adjustment Summary

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>248,479.63</u>	Original Contract Times: ☐ Working days ☐ Calendar days Substantial completion (days or date): <u>October 14, 2023</u> Ready for final payment (days or date): <u>October 21, 2023</u>
Increase from previously approved Change Order No. \$ <u> </u>	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> Substantial completion (days): <u> </u> Ready for final payment (days): <u> </u>
Contract Price prior to this Change Order: \$ <u>248,479.63</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u> </u> Ready for final payment (days or date): <u> </u>
Increase of this Change Order: \$ <u>3,798.77</u>	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): <u>0</u> Ready for final payment (days or date): <u>0</u>
Contract Price incorporating this Change Order: \$ <u>252,278.40</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>October 14, 2023</u> Ready for final payment (days or date): <u>February 22, 2024</u>

RECOMMENDED: By: <u>Chad R. Blythe</u> Engineer (Authorized Signature) Date: <u>2/22/24</u>	ACCEPTED: By: <u> </u> Owner (Authorized Signature) Date: <u> </u>	ACCEPTED: By: <u> </u> Contractor (Authorized Signature) Date: <u> </u> Date: <u> </u>
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Change Order No. 1 - Quantity Revision Summary								
Project: Growing Wings Utility Extension								
Line Item	ITEM DESCRIPTION	Unit	Qty.	UNIT PRICE	Final Qty	Total Value	Net Value Change	Remarks
1	Mobilization, Bonds, and Insurance	LS	1	\$10,984.04	1.00	\$ 10,984.04	\$ -	per plan
2	Silt Fence	LF	600	\$6.18	435.00	\$ 2,688.30	\$ (1,019.70)	not as much required
3	Turf and Site Restoration	SY	2250	\$2.48	2250.00	\$ 5,580.00	\$ -	per plan
4	Traffic Control	LS	1	\$1,887.05	1.00	\$ 1,887.05	\$ -	per plan
5	Clearing and Grubbing	LS	1	\$8,791.30	1.00	\$ 8,791.30	\$ -	per plan
6	Remove & Replace Curb & Gutter	LF	50	\$99.23	54.00	\$ 5,358.42	\$ 396.92	measured amount
7	Remove & Replace Aggregate Surface	SY	60	\$15.76	60.00	\$ 945.60	\$ -	per plan
8	Remove & Replace Asphalt Pavement	SY	160	\$54.55	198.00	\$ 10,800.90	\$ 2,072.90	measured amount
9	Rock Excavation	CY	50	\$18.13	0.00	\$ -	\$ (906.50)	not required
10	Imported Granular Backfill	CY	65	\$19.27	0.00	\$ -	\$ (1,252.55)	not required
11	Low Pressure Sewer, DR 11 HDPE, 1.5-Inch	LF	525	\$37.40	512.00	\$ 19,148.80	\$ (486.20)	not as much required
12	Low Pressure Sewer, DR 11 HDPE, 4-Inch	LF	204	\$44.86	225.00	\$ 10,093.50	\$ 942.06	measured amount
13	4-Inch Sanitary Clean out	EA	1	\$583.42	0.00	\$ -	\$ (583.42)	not required
14	8-inch PVC Sanitary Sewer	LF	315	\$124.96	352.00	\$ 43,985.92	\$ 4,623.52	added stubs out of MH's (future)
15	Sanitary Manhole	EA	1	\$13,459.30	1.00	\$ 13,459.30	\$ -	per plan
16	Grinder Pump Station (Duplex), Complete	LS	1	\$40,007.45	1.00	\$ 40,007.45	\$ -	per plan
17	Connect to Existing Forcemain	EA	1	\$2,218.89	1.00	\$ 2,218.89	\$ -	per plan
18	Tracer Wire Terminal Location Box	EA	2	\$40.31	2.00	\$ 80.62	\$ -	per plan
19	Connect to Existing Watermain	EA	1	\$2,718.66	1.00	\$ 2,718.66	\$ -	per plan
20	Salvage Hydrant & Lead	EA	1	\$617.50	1.00	\$ 617.50	\$ -	per plan
21	Re-Install Hydrant & Lead	EA	1	\$1,585.28	1.00	\$ 1,585.28	\$ -	per plan
22	6-inch C900 Watermain	LF	30	\$41.57	16.00	\$ 665.12	\$ (581.98)	measured amount
23	8-inch C900 Watermain	LF	305	\$56.80	305.00	\$ 17,324.00	\$ -	per plan
24	12-inch C900 Watermain	LF	224	\$101.49	232.00	\$ 23,545.68	\$ 811.92	measured amount
25	6-inch Valve & Box	EA	2	\$3,246.11	2.00	\$ 6,492.22	\$ -	per plan
26	8-inch Valve & Box	EA	1	\$4,147.39	1.00	\$ 4,147.39	\$ -	per plan
27	12-inch Valve & Box	EA	1	\$7,026.69	1.00	\$ 7,026.69	\$ -	per plan
28	8-inch x 6-inch Tee	EA	1	\$1,055.46	1.00	\$ 1,055.46	\$ -	per plan
29	12-inch x 8-inch Tee	EA	1	\$1,682.88	1.00	\$ 1,682.88	\$ -	per plan
30	12-inch x 6-inch Tee	EA	1	\$1,614.75	1.00	\$ 1,614.75	\$ -	per plan
31	8-inch Plug	EA	1	\$512.82	1.00	\$ 512.82	\$ -	per plan
32	Hydrant	EA	1	\$7,041.66	1.00	\$ 7,041.66	\$ -	per plan
33	4-inch Polystyrene Insulation	SY	8	\$54.55	4.00	\$ 218.20	\$ (218.20)	measured amount
SUBTOTAL						\$ 252,278.40	\$ 3,798.77	



LETTER OF TRANSMITTAL

TO: Village of Somerset
110 Spring Street
Somerset, WI 54025

DATE:	March 7, 2024	JOB NO.	#08783100
ATTENTION: Robert Gunther, DPW			
RE: Growing Wings Utility Extension Project Pay Application #3 (Final)			

WE ARE SENDING YOU:

☒ Attached	☐ Copy	☐ Change Order	☐ Contract	☐ Pay Application
☐ Shop Drawings	☐ Prints/Plans	☐ Specifications	☐ Estimates	☐ Other (See Below)

COPIES	DATE	DESCRIPTION
• 1		Contractor's Application for Payment #3
•		
•		

THESE ARE TRANSMITTED AS CHECKED BELOW:

☒ For Approval	☐ Approved as Submitted
☒ For Your Use	☐ Approved as Noted
☐ As Requested	☐ Returned for Corrections
☐ For Review and Comment	☐ For Review and Signature
☐ For Bids Due	☐

SHOP DRAWINGS	
☐	Reviewed with No Comments
☐	Reviewed with Comments as Noted
☐	Amend And Resubmit
☐	Rejected (See Attached Comments)

REMARKS:

Attached is the Contractor's Pay Application #3 for 25,170.71 for the Growing Wings Utility Extension project. This is for work completed from November 1, 2023 through February 21, 2024. MSA has reviewed the Pay Application and recommend payment to the contractor.

Upon approval, please email an executed copy to us and a copy to Miller Excavating, Inc. with payment. If you have any questions, please feel free to call us at 612-548-3141. Thank you.


Charles D. Schwartz, PE

COPY TO:

PARTIAL PAYMENT APPLICATION #3 - FINAL

FROM: November 1, 2023
TO: February 21, 2024

COMPLETION DATE: October 21, 2023

AMOUNT OF CONTRACT
ORIGINAL: \$248,479.63
REVISED:

PROJECT: GROWING WINGS UTILITY EXTENSION
PROJECT NO: 08783100

CONTRACTOR: MILLER EXCAVATING, INC.
ADDRESS: 3741 STAGECOACH TR. N.
STILLWATER, MN 55082

OWNER: VILLAGE OF SOMERSET

PHONE: (651) 439-1637

Line Item	ITEM DESCRIPTION	Unit	Qty.	UNIT PRICE	THIS PERIOD		TOTAL TO DATE	
					QTY	TOTAL	QTY	TOTAL
1	Mobilization, Bonds, and Insurance	LS	1	\$10,984.04		\$ -	1.00	\$ 10,984.04
2	Silt Fence	LF	600	\$6.18	335.00	\$ 2,070.30	435.00	\$ 2,688.30
3	Turf and Site Restoration	SY	2250	\$2.48	255.00	\$ 632.40	2250.00	\$ 5,580.00
4	Traffic Control	LS	1	\$1,887.05		\$ -	1.00	\$ 1,887.05
5	Clearing and Grubbing	LS	1	\$8,791.30		\$ -	1.00	\$ 8,791.30
6	Remove & Replace Curb & Gutter	LF	50	\$99.23		\$ -	54.00	\$ 5,358.42
7	Remove & Replace Aggregate Surface	SY	60	\$15.76	30.00	\$ 472.80	60.00	\$ 945.60
8	Remove & Replace Asphalt Pavement	SY	160	\$54.55		\$ -	198.00	\$ 10,800.90
9	Rock Excavation	CY	50	\$18.13		\$ -	0.00	\$ -
10	Imported Granular Backfill	CY	65	\$19.27		\$ -	0.00	\$ -
11	Low Pressure Sewer, DR 11 HDPE, 1.5-Inch	LF	525	\$37.40		\$ -	512.00	\$ 19,148.80
12	Low Pressure Sewer, DR 11 HDPE, 4-Inch	LF	204	\$44.86		\$ -	225.00	\$ 10,093.50
13	4-Inch Sanitary Clean out	EA	1	\$583.42		\$ -	0.00	\$ -
14	8-Inch PVC Sanitary Sewer	LF	315	\$124.96		\$ -	352.00	\$ 43,985.92
15	Sanitary Manhole	EA	1	\$13,459.30		\$ -	1.00	\$ 13,459.30
16	Grinder Pump Station (Duplex), Complete	LS	1	\$40,007.45	0.25	\$ 10,001.86	1.00	\$ 40,007.45
17	Connect to Existing Forcemain	EA	1	\$2,218.89		\$ -	1.00	\$ 2,218.89
18	Tracer Wire Termination Location Box	EA	2	\$40.31	1.00	\$ 40.31	2.00	\$ 80.62
19	Connect to Existing Watermain	EA	1	\$2,718.66		\$ -	1.00	\$ 2,718.66
20	Salvage Hydrant & Lead	EA	1	\$617.50		\$ -	1.00	\$ 617.50
21	Re-Install Hydrant & Lead	EA	1	\$1,585.28		\$ -	1.00	\$ 1,585.28
22	6-Inch C900 Watermain	LF	30	\$41.57		\$ -	16.00	\$ 665.12
23	8-Inch C900 Watermain	LF	305	\$56.80		\$ -	305.00	\$ 17,324.00
24	12-Inch C900 Watermain	LF	224	\$101.49		\$ -	232.00	\$ 23,545.68
25	6-Inch Valve & Box	EA	2	\$3,246.11		\$ -	2.00	\$ 6,492.22
26	8-Inch Valve & Box	EA	1	\$4,147.39		\$ -	1.00	\$ 4,147.39
27	12-Inch Valve & Box	EA	1	\$7,026.69		\$ -	1.00	\$ 7,026.69
28	8-Inch x 6-Inch Tee	EA	1	\$1,055.46		\$ -	1.00	\$ 1,055.46
29	12-Inch x 8-Inch Tee	EA	1	\$1,682.88		\$ -	1.00	\$ 1,682.88
30	12-Inch x 6-Inch Tee	EA	1	\$1,614.75		\$ -	1.00	\$ 1,614.75
31	8-Inch Plug	EA	1	\$512.82		\$ -	1.00	\$ 512.82
32	Hydrant	EA	1	\$7,041.66		\$ -	1.00	\$ 7,041.66
33	4-Inch Polystyrene Insulation	SY	8	\$54.55		\$ -	4.00	\$ 218.20
T						\$ 13,217.67		\$ 252,278.40

BID SUMMARY			
TOTAL		\$ 13,217.67	\$ 252,278.40
AMOUNT EARNED	\$	13,217.67	\$ 252,278.40
AMOUNT RETAINED - 5%	\$	(1,953.04)	\$ -
PREVIOUS PAYMENTS			227,107.69
AMOUNT DUE	\$	25,170.71	

CONTRACTOR'S CERTIFICATION

THE UNDERSIGNED CONTRACTOR CERTIFIES THAT TO THE BEST OF THEIR KNOWLEDGE, INFORMATION AND BELIEF THE WORK COVERED BY THIS PAYMENT ESTIMATE HAS BEEN COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, THAT ALL AMOUNTS HAVE BEEN PAID BY THE CONTRACTOR FOR WORK FOR WHICH PREVIOUS PAYMENT ESTIMATES WAS ISSUED AND PAYMENTS RECEIVED FROM THE OWNER, AND THAT CURRENT PAYMENT SHOWN HEREIN IS NOW DUE.

CONTRACTOR: MILLER EXCAVATING, INC.

BY [Signature]
DATE 2/22/24

ENGINEER'S CERTIFICATION

THE UNDERSIGNED CERTIFIES THAT THE WORK HAS BEEN CAREFULLY OBSERVED AND TO THE BEST OF THEIR KNOWLEDGE AND BELIEF, THE QUANTITIES SHOWN IN THIS ESTIMATE ARE CORRECT AND THE WORK HAS BEEN PERFORMED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

ENGINEER: MSA PROFESSIONAL SERVICES

BY Charles D. Schwartz, PE
DATE February 22, 2024

APPROVED BY OWNER

OWNER: VILLAGE OF SOMERSET

BY _____

DATE _____

Village of Somerset
Box 356
110 Spring Street
Somerset WI 54025
715-247-3395 / Fax 715-247-5790



Sewer Utility:

SBR tank draining and cleaning is yet to be scheduled but we should have something scheduled soon with the warm weather we are receiving. The punch list items are being worked on by the contractors and things are moving forward.

Water Utility:

Hydro Corp has begun their inspections of residential homes for cross connection compliance.

Streets:

No parking signs have been ordered and will be installed by public works staff on the northbound side of Church Hill. Parking stall painting on the southbound side of Church Hill was supposed to be included in the scope of work with the DOT project but was forgotten about. The DOT has scheduled their painting contractor to do this work, but I have not aware when this will occur. I can let you know once I receive an update from them.

Parks:

A draft questionnaire for the Comprehensive Outdoor Recreation Plan (CORP) was sent out to committee members on Tuesday morning. We can go through the draft and make any changes to it and then decide how to best solicit the survey to community members. Schedules (mainly mine with all the final things we needed to complete for the Pine Vale closing) did not align to have a sub-committee meeting to discuss what they feel should be included in the CORP plan. I was still planning on doing this and should have much more time to meet now that Pine Vale has finally closed.

Other Things:

Pine Vale closing occurred Monday afternoon. We will hold a pre-construction meeting today at 1:00 to exchange contact information and understand their schedule for the development. We still have things that need to be approved by the DNR related to stormwater management, but we were able to gain approval to begin tree clearing and grading of the site.

The downtown development is waiting on a draft developer's agreement and a date for closing on the property. I have been in contact with Paul to make sure these things are ready for the board to review and potentially approve by the next board meeting on March 19th.

Budget Comparison - Detail
Parks Budget
Unposted Included

Account Number		2024 March	2024 Actual 03/31/2024	2024 Budget	Budget Status	% of Budget
100-00-55200-110-000	Parks Salary	301.34	1,356.04	6,360.91	5,004.87	21.32
100-00-55200-120-000	Parks Wages	1,281.04	4,902.01	59,000.00	54,097.99	8.31
100-00-55200-150-000	Parks Employee Benefits	745.72	2,650.48	22,000.00	19,349.52	12.05
100-00-55200-290-000	Parks Contractual Services	0.00	0.00	0.00	0.00	0.00
100-00-55200-350-000	Parks Operating Expense	2,218.07	2,928.25	15,000.00	12,071.75	19.52
100-00-55200-371-000	Park Maintenance	0.00	0.00	4,000.00	4,000.00	0.00
100-00-55200-372-000	Athletic Fields Maint/Expense	0.00	0.00	4,000.00	4,000.00	0.00
100-00-55200-511-000	Parks Insurance Expense	86.75	1,797.75	1,800.00	2.25	99.88
100-00-55200-512-000	Parks Worker's Compensation	19.75	19.75	100.00	80.25	19.75
100-00-55200-514-000	Pks Unemployment Compensation	0.00	0.00	0.00	0.00	0.00
100-00-55200-810-000	Parks Equipment Outlay	0.00	0.00	0.00	0.00	0.00
100-00-55200-820-000	PARKS OUTLAY/IMPROVEMENTS	0.00	0.00	0.00	0.00	0.00
100-00-55310-390-000	Celebrations/Decorations Exp	0.00	0.00	3,500.00	3,500.00	0.00
New Parks		4,652.67	13,654.28	115,760.91	102,106.63	11.80
Total Expenses		4,652.67	13,654.28	115,760.91	102,106.63	11.80
Net Totals		-4,652.67	-13,654.28	-115,760.91	-102,106.63	11.80

Budget Comparison - Detail
Public Works Budget
Unposted Included

		2024	2024	2024	Budget	% of
Account Number		2024	Actual	Budget	Status	Budget
		March	03/31/2024			
100-00-53240-110-000	Machinery & Equipment Salary	0.00	0.00	0.00	0.00	0.00
100-00-53240-120-000	Machinery & Equipment Wages	342.81	2,461.71	5,000.00	2,538.29	49.23
100-00-53240-150-000	Machinery & Equip Emp Benefits	90.52	635.15	1,100.00	464.85	57.74
100-00-53240-240-000	Machinery & Equip Maint/Repair	167.18	2,544.12	15,000.00	12,455.88	16.96
100-00-53240-350-000	Machinery & Equipment Oper Exp	1,171.25	3,345.92	22,000.00	18,654.08	15.21
100-00-53240-390-000	Machinery & Equip Other Exp	0.00	0.00	725.00	725.00	0.00
100-00-53240-810-000	Machinery & Equipment Outlay	0.00	0.00	0.00	0.00	0.00
100-00-53270-110-000	Garages & Sheds Salary	0.00	0.00	0.00	0.00	0.00
100-00-53270-120-000	Garages & Sheds Wages	395.55	1,850.49	3,500.00	1,649.51	52.87
100-00-53270-150-000	Garages & Sheds Emp Benefits	104.46	593.12	1,000.00	406.88	59.31
100-00-53270-350-000	Garages & Sheds Operating Exp	981.08	1,916.60	10,500.00	8,583.40	18.25
100-00-53270-390-000	Garages & Sheds Other Expenses	0.00	137.64	1,200.00	1,062.36	11.47
100-00-53270-810-000	Garages & Sheds Equip Outlay	0.00	0.00	0.00	0.00	0.00
100-00-53310-110-000	Street Maintenance Salary	371.66	1,672.46	11,696.60	10,024.14	14.30
100-00-53310-120-000	Street Maintenance Wages	2,918.62	14,811.36	64,500.00	49,688.64	22.96
100-00-53310-150-000	Street Maint Employee Benefits	1,760.13	8,023.33	32,000.00	23,976.67	25.07
100-00-53310-240-000	Street Maintenance & Repairs	1,492.00	1,492.00	6,500.00	5,008.00	22.95
100-00-53310-290-000	St Maint Contractual Services	0.00	0.00	30,000.00	30,000.00	0.00
100-00-53310-350-000	Street Maint Operating Expense	135.56	271.12	2,500.00	2,228.88	10.84
100-00-53310-390-000	Street Maint-Other Expenses	0.00	0.00	500.00	500.00	0.00
100-00-53310-820-000	Street Maint Outlay/Improve	0.00	0.00	0.00	0.00	0.00
100-00-53320-110-000	Street Cleaning Salary	0.00	0.00	0.00	0.00	0.00
100-00-53320-120-000	Street Cleaning Wages	0.00	0.00	7,000.00	7,000.00	0.00
100-00-53320-150-000	Street Cleaning Emp Benefits	0.00	0.00	3,000.00	3,000.00	0.00
100-00-53330-110-000	Snow & Ice Removal Salary	0.00	0.00	0.00	0.00	0.00
100-00-53330-120-000	Snow & Ice Removal Wages	0.00	2,970.87	34,000.00	31,029.13	8.74
100-00-53330-150-000	Snow/Ice Removal Emp Benefits	0.00	1,444.39	13,500.00	12,055.61	10.70
100-00-53330-240-000	Snow/Ice Removal Maint/Repairs	0.00	0.00	500.00	500.00	0.00
100-00-53330-370-000	Salt & Sand	0.00	0.00	21,000.00	21,000.00	0.00
100-00-53330-390-000	Snow/Ice Removal Other Exp	0.00	88.98	300.00	211.02	29.66
100-00-53420-220-000	Street Lighting Utility Svc	152.34	3,896.03	38,000.00	34,103.97	10.25
100-00-53420-820-000	Street Lighting Outlay/Improve	0.00	0.00	0.00	0.00	0.00
100-00-53430-110-000	Sidewalks Salary	0.00	0.00	0.00	0.00	0.00
100-00-53430-120-000	Sidewalks Wages	0.00	0.00	515.00	515.00	0.00
100-00-53430-150-000	Sidewalks Emp Benefits	0.00	0.00	85.00	85.00	0.00
100-00-53430-240-000	Sidewalks Maint/Repairs	0.00	0.00	3,000.00	3,000.00	0.00
100-00-53430-390-000	Sidewalks Other Expenses	0.00	0.00	0.00	0.00	0.00
100-00-53430-820-000	Sidewalks Outlay/Improv	0.00	0.00	0.00	0.00	0.00
100-00-53440-110-000	Storm Sewer Salary	0.00	0.00	0.00	0.00	0.00
100-00-53440-120-000	Storm Sewer Wages	0.00	0.00	1,500.00	1,500.00	0.00
100-00-53440-150-000	Storm Sewer Employee Benefits	0.00	0.00	500.00	500.00	0.00
100-00-53440-240-000	Storm Sewer Maint & Repairs	0.00	15.45	3,000.00	2,984.55	0.52
100-00-53440-820-000	Storm Sewer Outlay/Improvemnt	0.00	0.00	0.00	0.00	0.00
100-00-53620-120-000	Refuse Collection Wages	0.00	0.00	1,500.00	1,500.00	0.00
100-00-53620-150-000	Refuse Collection Emp Benefits	0.00	0.00	900.00	900.00	0.00
100-00-53620-390-000	Refuse Collection Other Exp	0.00	0.00	0.00	0.00	0.00
100-00-53630-290-000	Solid Waste Disposal Contract	16,501.00	32,958.00	162,000.00	129,042.00	20.34
100-00-53635-120-000	Recycling Wages	184.59	470.85	2,500.00	2,029.15	18.83
100-00-53635-150-000	Recycling Employee Benefits	48.75	158.20	800.00	641.80	19.78
100-00-53635-290-000	Recycling Contractual Services	4,568.00	9,124.00	48,000.00	38,876.00	19.01
100-00-53635-810-000	Recycling Equipment Outlay	0.00	0.00	0.00	0.00	0.00
100-00-53640-120-000	Weed Control Wages	0.00	0.00	900.00	900.00	0.00

Budget Comparison - Detail
Public Works Budget
Unposted Included

Account Number		2024 March	2024 Actual 03/31/2024	2024 Budget	Budget Status	% of Budget
100-00-53640-150-000	Weed Control Employee Benefits	0.00	0.00	200.00	200.00	0.00
100-00-53640-390-000	Weed Control Other Expenses	0.00	0.00	0.00	0.00	0.00
100-00-53930-154-000	Pub Wks Health & Dental Insur	0.00	0.00	0.00	0.00	0.00
100-00-53930-159-000	Public Works Uniform Allowance	0.00	0.00	2,500.00	2,500.00	0.00
100-00-53930-511-000	Public Wks Insurance Expense	348.00	1,891.00	3,000.00	1,109.00	63.03
100-00-53930-512-000	Pub Wks Worker's Compensation	1,837.00	1,837.00	6,500.00	4,663.00	28.26
100-00-53930-514-000	PW Unemployment Compensation	0.00	0.00	0.00	0.00	0.00
New Public Works		33,570.50	94,609.79	562,421.60	467,811.81	16.82
Total Expenses		33,570.50	94,609.79	562,421.60	467,811.81	16.82
Net Totals		-33,570.50	-94,609.79	-562,421.60	-467,811.81	16.82

3/12/2024 10:32 AM

In Progress Checks - Quick Report - ALL

Page: 1

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 2/15/2024 From Account: 100-00-53240-110-000

Thru: 3/20/2024 Thru Account: 100-00-53930-514-000

Voucher Nbr	Check Date	Payee	Amount
	3/20/2024	SOMERSET UTILITIES FEBRUARY UTILITIES	63.09
	3/20/2024	TRI STATE BOBCAT INC PW/TOOLCAT MAINTENANCE	57.59
	3/20/2024	VERIZON WIRELESS PW/PKS/WU/SU/WIRELESS SERVICES	135.56
	3/11/2024	XCEL ENERGY ELECTRIC EXPENSE	64.62
Grand Total			320.86

Manual Check

3/12/2024 10:32 AM

In Progress Checks - Quick Report - ALL

Page: 2

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 2/15/2024

From Account: 100-00-53240-110-000

Thru: 3/20/2024

Thru Account: 100-00-53930-514-000

Amount

Total Expenditure from Fund # 100 - VILLAGE GENERAL FUND

320.86

Total Expenditure from all Funds

320.86

3/12/2024 10:31 AM

Reprint Check Register - Quick Report - ALL

Page: 1
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 2/15/2024 From Account: 100-00-53240-110-000
Thru: 3/20/2024 Thru Account: 100-00-53930-514-000

Check Nbr	Check Date	Payee	Amount
62074	2/28/2024	IMPACT GROUP OFFICE 365 LICENSES-FEBRUARY	39.75
62075	2/28/2024	IMPACT GROUP BARRACUDA-FEBRUARY	29.07
62079	3/06/2024	B & J HARDWARE LLC FEBRUARY SUPPLIES	155.73
62096	3/06/2024	MIDWEST NATURAL GAS INC. NATURAL GAS SERVICES	490.03
62098	3/06/2024	NEO ELECTRICAL SOLUTIONS LLC PW/SU/INSTALL DECORATIONS & TAKEDOWN	964.00
62099	3/06/2024	NORTHWEST COMMUNICATIONS TELEPHONE EXPENSE	196.66
62102	3/06/2024	OLSON SANITATION LLC FEBRUARY REFUSE & RECYCLING	21,069.00
62105	3/06/2024	TAPCO ANNUAL SIGNAL MAINTENANCE	528.00
62107	3/06/2024	TRI STATE BOBCAT INC PW/TOOLCAT MAINTENANCE	66.83
62113	3/08/2024	SPECTRUM INSURANCE GROUP LLC 2024 GENERAL & WORK COMP PREMIUMS	3,356.25
EFT 021624-1	2/16/2024	KWIK TRIP INC PW/POL/GASOLINE CHARGES	291.02
EFT 022224-1	2/22/2024	XCEL ENERGY ELECTRIC SERVICE	4,484.11
EFT 022824-1	2/28/2024	BP BUSINESS SOLUTIONS PW/GASOLINE CHARGES	457.49
EFT 030124-3	3/01/2024	XCEL ENERGY ELECTRIC EXPENSE	87.72
EFT 030624-2	3/06/2024	WM CORPORATE SERVICES INC PW/WU/SU/FEBRUARY SERVICES	118.33
Grand Total			32,333.99

3/12/2024 10:31 AM

Reprint Check Register - Quick Report - ALL

Page: 2
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 2/15/2024 From Account: 100-00-53240-110-000
Thru: 3/20/2024 Thru Account: 100-00-53930-514-000

Amount

Total Expenditure from Fund # 100 - VILLAGE GENERAL FUND 32,333.99

Total Expenditure from all Funds 32,333.99

3/12/2024 10:33 AM

In Progress Checks - Quick Report - ALL

Page: 1

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 2/15/2024 From Account: 100-00-55200-110-000

Thru: 3/20/2024 Thru Account: 100-00-55310-390-000

Voucher Nbr	Check Date	Payee	Amount
	3/20/2024	ANDERSON HEATING PKS/BATHROOM HEATER REPAIR	1,474.00
	3/20/2024	RASKA SEWER SERVICE PKS/PORTABLE AT DISC GOLF	172.50
	3/20/2024	SOMERSET UTILITIES FEBRUARY UTILITIES	217.88
	3/20/2024	VERIZON WIRELESS PW/PKS/WU/SU/WIRELESS SERVICES	135.55
		Grand Total	1,999.93

3/12/2024 10:33 AM

In Progress Checks - Quick Report - ALL

Page: 2

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 2/15/2024

From Account: 100-00-55200-110-000

Thru: 3/20/2024

Thru Account: 100-00-55310-390-000

Amount

Total Expenditure from Fund # 100 - VILLAGE GENERAL FUND

1,999.93

Total Expenditure from all Funds

1,999.93

3/12/2024 10:31 AM

Reprint Check Register - Quick Report - ALL

Page: 1
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 2/15/2024 From Account: 100-00-55200-110-000

Thru: 3/20/2024 Thru Account: 100-00-55310-390-000

Check Nbr	Check Date	Payee	Amount
62074	2/28/2024	IMPACT GROUP OFFICE 365 LICENSES-FEBRUARY	13.25
62075	2/28/2024	IMPACT GROUP BARRACUDA-FEBRUARY	0.00
62079	3/06/2024	B & J HARDWARE LLC FEBRUARY SUPPLIES	102.99
62096	3/06/2024	MIDWEST NATURAL GAS INC. NATURAL GAS SERVICES	115.15
62113	3/08/2024	SPECTRUM INSURANCE GROUP LLC 2024 GENERAL & WORK COMP PREMIUMS	106.50
EFT 020224-1	2/02/2024	WEX BANK Manual Check PKS/GASOLINE CHARGES	38.45
EFT 022224-1	2/22/2024	XCEL ENERGY Manual Check ELECTRIC SERVICE	164.68
Grand Total			541.02

3/12/2024 10:31 AM

Reprint Check Register - Quick Report - ALL

Page: 2
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 2/15/2024 From Account: 100-00-55200-110-000
Thru: 3/20/2024 Thru Account: 100-00-55310-390-000

Amount

Total Expenditure from Fund # 100 - VILLAGE GENERAL FUND	541.02
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Total Expenditure from all Funds	541.02
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3/12/2024 10:33 AM

In Progress Checks - Quick Report - ALL

Page: 1

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 2/15/2024 From Account: 610-00-11100-000-131

Thru: 3/20/2024 Thru Account: 620-00-58290-000-428

Voucher Nbr	Check Date	Payee	Amount
	3/20/2024	AG SOURCE COOP SERVICES WU/SU/LAB TESTING	280.00
	3/20/2024	ANDERSON HEATING PKS/BATHROOM HEATER REPAIR	1,459.00
	3/20/2024	HAWKINS INC. WU/CHLORINE	10.00
	3/20/2024	HYDROCORP WU/CROSS CONNECTION CONTROL PROGRAM	1,974.00
	3/20/2024	MIDWEST FLO CAL LLC SU/CALIBRATE INFLUENT & EFFLUENT OCM	615.76
	3/20/2024	SOMERSET UTILITIES FEBRUARY UTILITIES	274.81
	3/20/2024	USA BLUEBOOK SU/SUPPLIES	225.38
	3/20/2024	VERIZON WIRELESS PW/PKS/WU/SU/WIRELESS SERVICES	271.10
	3/20/2024	WI DEPT OF TRANSPORTATION-FOS STATE HWY 35 PROJECT	2,629.49
	3/12/2024	XCEL ENERGY ELECTRIC EXPENSE	815.24
		Grand Total	8,554.78

Manual Check

3/12/2024 10:33 AM

In Progress Checks - Quick Report - ALL

Page: 2

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 2/15/2024 From Account: 610-00-11100-000-131

Thru: 3/20/2024 Thru Account: 620-00-58290-000-428

Amount

Total Expenditure from Fund # 610 - WATER UTILITY FUND	3,058.89
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Total Expenditure from Fund # 620 - SEWER UTILITY FUND	5,495.89
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Total Expenditure from all Funds	8,554.78
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3/12/2024 10:28 AM

Reprint Check Register - Quick Report - ALL

Page: 1
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 2/15/2024 From Account: 610-00-11100-000-131

Thru: 3/20/2024 Thru Account: 620-00-58290-000-428

Check Nbr	Check Date	Payee	Amount
62068	2/16/2024	STAAB CONSTRUCTION CORPORATION	496,793.53
Previous Year Expense		PAY APP #17 & 18-WWTF	
62069	2/28/2024	ABT MAILCOM	994.68
		WU/SU/FEBRUARY UTILITY BILLING	
62073	2/28/2024	EO JOHNSON COMPANY	126.76
		COPIER MAINTENANCE AGREEMENTS	
62074	2/28/2024	IMPACT GROUP	39.75
		OFFICE 365 LICENSES-FEBRUARY	
62075	2/28/2024	IMPACT GROUP	29.08
		BARRACUDA-FEBRUARY	
62078	3/06/2024	AG SOURCE COOP SERVICES	1,203.50
		WU/SU/LAB TESTING	
62079	3/06/2024	B & J HARDWARE LLC	104.74
		FEBRUARY SUPPLIES	
62085	3/06/2024	EO JOHNSON COMPANY	93.12
		PRINTER USAGE	
62086	3/06/2024	EO JOHNSON COMPANY	71.40
		COPIER LEASE	
62088	3/06/2024	G & N ENTERPRISES	209.20
		SU/GRANULES	
62096	3/06/2024	MIDWEST NATURAL GAS INC.	1,026.13
		NATURAL GAS SERVICES	
62098	3/06/2024	NEO ELECTRICAL SOLUTIONS LLC	313.43
		PW/SU/INSTALL DECORATIONS & TAKEDOWN	
62099	3/06/2024	NORTHWEST COMMUNICATIONS	373.58
		TELEPHONE EXPENSE	
62110	3/06/2024	WEST CENTRAL WISCONSIN BIOSOLIDS FACILITY	16,167.06
		JANAURY SERVICES	
62113	3/08/2024	SPECTRUM INSURANCE GROUP LLC	4,516.25
		2024 GENERAL & WORK COMP PREMIUMS	
EFT 022224-1	2/22/2024	XCEL ENERGY	6,061.75
Manual Check		ELECTRIC SERVICE	
EFT 022924-1	2/29/2024	PITNEY BOWES	213.80
Prev YR Exp/Manual Check		POSTAGE MACHINE LEASE PAYMENTS	
EFT 022924-2	2/29/2024	QUILL CORPORATION	86.62
Manual Check		SUPPLIES	
EFT 030424-1	3/04/2024	XCEL ENERGY	291.13
Manual Check		ELECTRIC EXPENSE	

3/12/2024 10:28 AM

Reprint Check Register - Quick Report - ALL

Page: 2
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 2/15/2024

From Account: 610-00-11100-000-131

Thru: 3/20/2024

Thru Account: 620-00-58290-000-428

Check Nbr	Check Date	Payee	Amount
EFT 030524-2	3/05/2024	WM CORPORATE SERVICES INC	1,080.00
	Manual Check	SU/FEBRUARY SERVICES	
EFT 030624-1	3/06/2024	CLIFTONLARSONALLEN	1,750.00
	Manual Check	2023 AUDIT	
EFT 030624-2	3/06/2024	WM CORPORATE SERVICES INC	236.66
	Manual Check	PW/WU/SU/FEBRUARY SERVICES	
		Grand Total	531,782.17

3/12/2024 10:28 AM

Reprint Check Register - Quick Report - ALL

Page: 3
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 2/15/2024 From Account: 610-00-11100-000-131
Thru: 3/20/2024 Thru Account: 620-00-58290-000-428

Amount

Total Expenditure from Fund # 610 - WATER UTILITY FUND	5,376.64
Total Expenditure from Fund # 620 - SEWER UTILITY FUND	526,405.53
Total Expenditure from all Funds	531,782.17