

PUBLIC WORKS COMMITTEE
VILLAGE OF SOMERSET
May 15, 2024

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

Present at the Village Hall: Brandon Krohn, Caleb Garn, Donnie Kern, and Bob Gunther

Present via Zoom: Chris Dubak, Mike Kappers, Ryan Sicard and Brad Stuczynski, MSA

Minutes

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

Public Comment

Brenda Forrest - 602 Raymond Street – Kern read a written statement from Brenda. She is concerned a dog park at Village Park doesn't align with the vision for the park.

Braeden Peterson – VP for the Somerset Youth Baseball Association. Concerned about ISA. Feels they will significantly hinder field time. ISA took New Richmond's field times. It costs \$100 for youth to play for SYBA, and it costs \$2,500 to play for ISA.

Dan Gilkerson – Somerset Youth Hockey. Doesn't like the idea of the dog park on the east side of the hockey rink. Youth hockey uses the park for hockey camp in the summer. We are a nonprofit association. 99% are Somerset kids. The dog park doesn't go well in Vet's Park – need to honor the military.

Deb Kohler - 470 Forrest Drive – Has lived here her entire life and has never been able to enjoy Village Park until after 8pm. The board needs to take a step back. She is also concerned about money being taken away from our current parks. Why are we rushing?

Brad Nemec – 610 Hud, 613 Spring & 209 Bluff Dr – Concerned about the dog park being across from my house. Vet's Park is very busy. Why are we in such a hurry? Where did this come from? Talked to Shane Demulling, no one has come to the town with this. Just like concerts – no one has a problem when it's not in their backyard. You need to take a little more thought.

Katie Byboth - 1904 37th Street from the Town of Somerset – The town has been asked and said there is no need for it. Not interested in Parnell Prairie. She is pro dog park but open to waiting.

Nathan Letourneau - 608 Hud Street – Have done some research. Don't put it in a residential area. He looked at other parcels the Village owns and listed all the areas it could be at.

Sean Parnell - Star Prairie – From ISA – We are trying to preserve the associations. Talk to Nate at Star Prairie and we pay to use their field. ISA would only schedule after you have everything you need. Would like to partner like they do in Star Prairie and Osceola. They understand that the associations and small towns come first.

Kristi Letourneau - 608 Hud Street – Vet's Park is utilized by so many young kids.

Project Updates

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

- Gunther updated the committee on various items. He did point out that the Village has an agreement with the Plourde family to get utilities over to their property by 8/31/25. That is what the TID 5 task order is for later on the agenda.
- CORP survey closes on Friday. There have been 140 responses to date.

Unfinished Business

Outdated Ordinances – Title 11 Chapters 3 & 6: Handouts were provided.

- Discussion amongst the committee.
- Title 11, Chapter 3. Offenses Against Property
 - Proposed Changes
 - Remove 11-3-4d
 - Remove 11-3-5c7 & 11-3-5c11

Motion by Garn, second by Krohn to table recommendations on 11-3-5 and motion carried. Motion by Krohn, second by Garn to strike 11-3-7c and motion carried.

- Title 11, Chapter 6. Public Nuisances
 - Proposed Changes
 - 11-6-2 Table – Garn suggested looking at other municipalities.
 - 11-6-3h – Adopt from Brandon’s suggestion
 - 11-6-3k – Strike after Refuse.
 - 11-6-3l – Table, look at other municipalities.
 - 11-6-5f – Remove
 - 11-6-5m – Remove
 - 11-6-5o – Remove “ashes, sawdust”
 - 11-6-8a – Add “Zoning Administrator” after Building Inspector

Motion by Kern, second by Krohn to recommend to the Village Board the proposed changes for Outdated Ordinances – Title 11 Chapters 3 & 6 and motion carried.

Spring Parks Improvements Update – Dog Park Location:

- The Somerset Champions brought this forward from the CORP Plan. Kern spearheaded it – let’s get it done. We aren’t here to rush it, just don’t want to see it go away. I’m fine with it not at Vet’s or Village Park, or not even doing it.
- Garn said he’s been talking with the Champions for over a year. Until tonight, this was the first time someone had other ideas.
- Brad Nemec said we used to get a letter saying something was going to affect their land.
- Krohn talked to the town, and they aren’t opposed to Parnell Prairie.

Motion by Kern, second by Garn to table pending on meeting with Public Works and reviewing the CORP Survey results and motion carried.

Street Use Permit – Pea Soup Days: A handout was provided.

- Chris Dubak informed the committee that Public Safety recommended Bartt Palmer’s route.

Motion by Kern, second by Garn to recommend to the Village Board Bartt Palmer’s parade route ending at Depot Street and motion carried.

Ball Field Maintenance Agreement: A handout was provided.

Motion by Garn, second by Krohn to recommend to the Village Board the Ball Field Maintenance Agreement as presented, amended motion to add “Village Park” after Larry Forrest and motion carried.

New Business

Ball Field Use – Impact Sports Academy West:

- Kern asked if the fields are open, anyone can use them?
- Parameters need to be established.
- Parnell said he needs 4 days in August. About 150 kids are expected for try-outs.
- The whole idea is to partner with the Village. Rain dates are tough to accommodate changes. If we are scheduled, we can't adjust either.
- Kern asked Parnell to talk to the SYBA for this year.

Water Tower Discussion/Storage Needs Study Task Order: A task order was provided.

- Brad Stuczynski, MSA explained what the change order was for.
- Tower #1 was inspected in 2021. Need to look at rehabilitation or a new water tower.
- If the village decided to build a new water tower, need to look at the need for it.
- Kern, wondering if we can get this done for the July meeting?

Motion by Kern, second by Krohn to recommend to the Village Board the Water Tower Discussion/Storage Needs Study Task Order to MSA in the amount of \$14,500 with a strong recommendation of a July deadline and motion carried.

TID 5 Utilities Improvement Task Order: A task order was provided.

Motion by Krohn, second by Garn to recommend to the Village Board the TID 5 Utilities Improvement Task Order to MSA in the amount of \$91,430 and motion carried.

Wastewater Treatment Facility Improvements Pay App #19: A pay app was provided.

Motion by Krohn, second by Garn to recommend to the Village Board the Wastewater Treatment Facility Improvements Pay App #19 to Staab Construction Corporation in the amount of \$43,639 and motion carried.

Village Branding: An email was provided.

- Champions want to take this back up.
- Kern asked if we wanted to debate this?
- Gunther asked, "How is this Public Works"?

Motion by Kern, second by Krohn to recommend to the Village Board any kind of Village Branding be sent to the full Village Board for any discussion and any recommendations and motion carried.

Village Park & River Bridge Fencing Quote: A quote was provided from Cyclone Fence.

- Gunther said there was an accident at Village Park, and we need to make sure it doesn't happen again. There was also a safety concern near the bridge pedestrian crossings.
- Kern asked when he could start. Gunther said if you're ok with me telling Dave to start before the Village Board meeting, he can start immediately. Kern said, "I'm ok with it, tell Dave to start".

Motion by Krohn, second by Garn to recommend to the Village Board the Village Park & River Bridge Fencing quote to Cyclone Fence in the amount of \$8,280 and motion carried.

Hiring Process – Public Works Employee

- Gunther wants the committee to set the parameters.
- Krohn would like to sit in on the interviews.
- Full Public Works Committee and Jim.

Closed Session

Motion by Kern, second by Garn to convene into closed session at 7:18 p.m. as per Wis. Stat.

19.85(1)(c) Considering employment of a public employee over which the governmental body has jurisdiction or exercises responsibility – Public Works position applications. After a roll call vote, motion carried unanimously.

Open Session

Motion by Krohn, second by Garn to move into open session at 7:45 p.m. No action taken.

Public Works Department Report

- An update memo was provided.

Public Works, Water, Sewer and Parks Bills

- The committee reviewed the bills.

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

Future Agenda Items

- Outdated Ordinances – Next set & tabled items
- Dog Park Location

Adjourn

Motion by Krohn, seconded by Garn to adjourn and the Public Works Committee meeting adjourned at 7:50 p.m.

PUBLIC WORKS COMMITTEE
VILLAGE OF SOMERSET
May 28, 2024

Donnie Kern called the meeting to order at 10:30 a.m.

Present at the Village Hall: Brandon Krohn, Donnie Kern, Bob Gunther and Jim Thanig

Absent: Caleb Garn

Motion by Kern, second by Krohn to convene to closed session as per Wis Stat 19.85 (1)(c) Considering employment of any public employee over which the governmental body has jurisdiction or exercises responsibility - Public Works interviews. Roll call vote, all yes and motion carried.

Motion by Krohn, second by Kern to reconvene to open session and motion carried.

Adjourn

Motion by Kern, second by Krohn to adjourn and motion carried. The Public Works Committee meeting adjourned at 11:55 a.m.

Regarding the placement of a Dog Park

I believe it should be placed out in the country away from the Village in an open area.

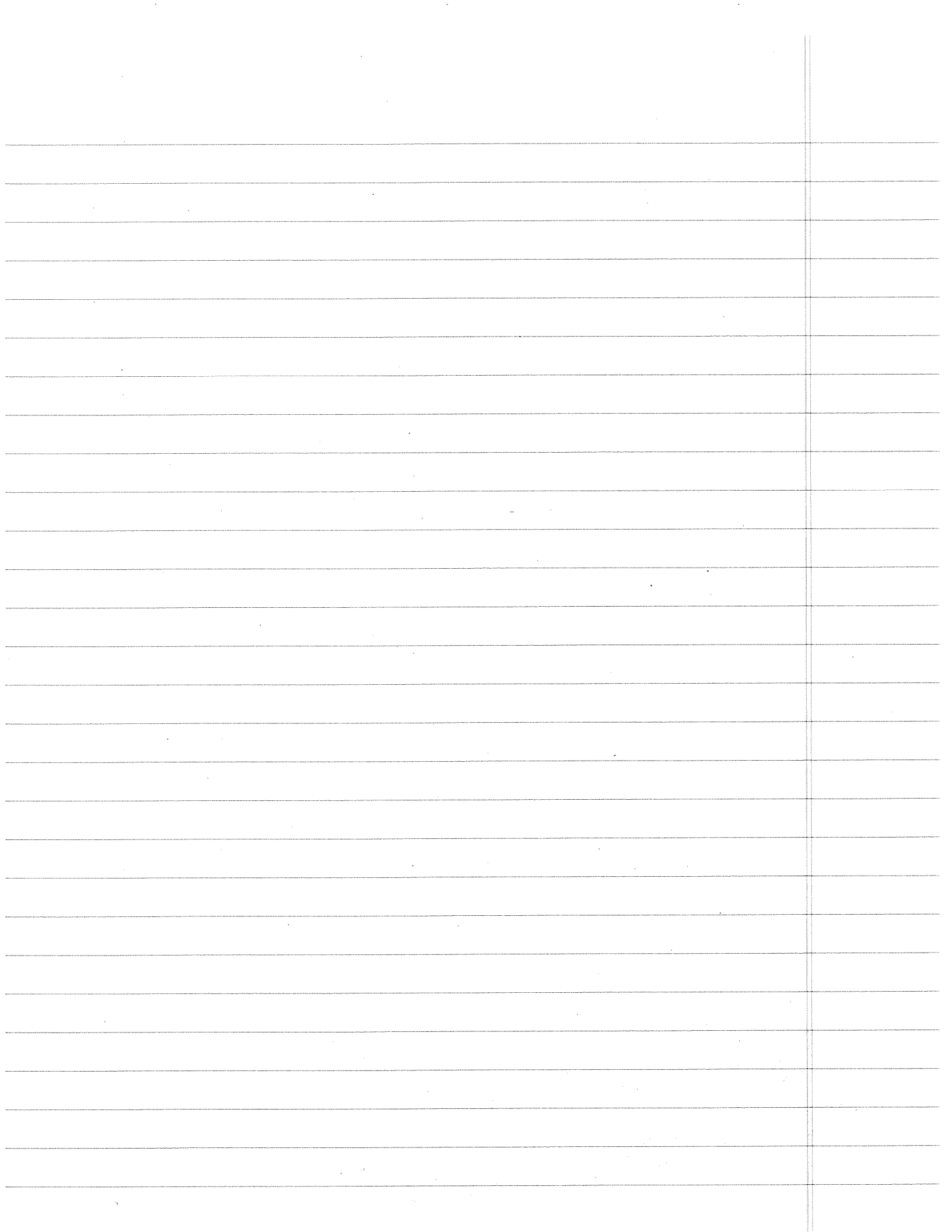
The dogs need room to run and hunt or what ever dogs like to do. Especially large dogs.

The present Veterans Park is lovely and much used by people. It is already well built up and does not have very much open area. This is needed for people to enjoy & children to run & play.

Also, the neighbors homes are close and certainly too close to have dogs running and barking.

How about Parnell prairie? That is where the dog park should go. It was created for Village & Township use so that would be ready to be used by both entities

Murray
190th Street
Emmett





Village of Somerset, WI

CLIENT LIAISON:

Charles D. Schwartz, P.E.

Phone: (612) 548-3141

Cell: (651) 272-0041

cschwartz@msa-ps.com



DATE:

June 5, 2024

TID #5 LIFT STATION & UTILITY EXTENSION

MSA will have a surveyor on-site to verify casing pipe locations under STH 64. MSA will met with Staff to review desired lift station features.

REQUESTED ACTION:

Update only, no action needed

WATER STORAGE NEEDS STUDY

MSA staff is working on the report to evaluate whether additional storage capacity is needed, and if replacing the existing water tower with a larger water tower would be recommended. As part of the report MSA will climb and review the condition of the tower.

REQUESTED ACTION:

Update only, no action needed

IMPACT FEE NEEDS ASSESSMENT

MSA staff is working on the report identifying and estimating the proposed water, transportation, and library needs.

REQUESTED ACTION:

Update only, no action needed.

PROJECT UPDATE

COMPREHENSIVE OUTDOOR RECREATION PLAN (CORP)

Our office is updating the Village's 2018 CORP. Community survey results are complete.

REQUESTED ACTION:

Update only, no action needed.

PINE VALE SUBDIVISION

The contractor is currently grading the site and planning to start underground utilities the second part of June.

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. MSA has notified the Contractor about an erosion issue below the bridge that will need to be repaired.

REQUESTED ACTION:

Update only, no action needed.

WASTEWATER TREATMENT FACILITY IMPROVEMENTS (WWTF) PHASE 1 CONSTRUCTION

Progress during April by Staab Construction:

- Contractor has been working on punch list items. There are only a couple remaining (HVAC ductwork and mechanical ID labels)
- Staab is gathering final documentation for construction project closeout. Expect to close out construction project within the next month.

REQUESTED ACTION:

Public Works to consider recommending approval of Change Order #7. The Board to consider approval at their June 18th meeting.

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. MSA staff marked damaged sidewalk and curb (punch list item) as requested by developer for removal and replacement.

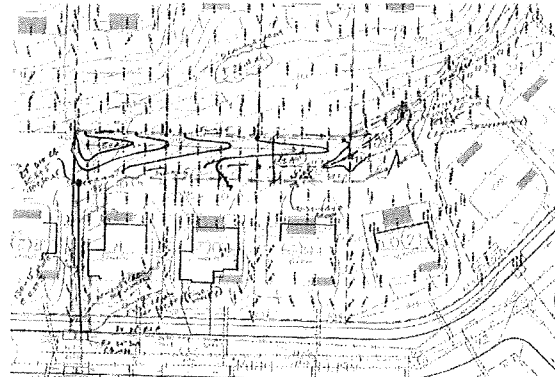


PROJECT UPDATE**REQUESTED ACTION:**

Update only, no action needed.

RIVER HILLS NORTH

Grading work between lots and miscellaneous punch list items remain. A meeting to discuss proposed grading revisions (see right) with residents occurred June 5, 2024. The Developer is proposing to create a berm to direct storm water runoff along the property line. The plan also includes yard inlets to collect water.

**REQUESTED ACTION:**

Update only, no action needed.

“OTHER THINGS GOING ON”

- Somerset Stormwater Pond
 - MSA Water Resource Engineer and Chuck met with Dave Wohlner and Bob Gunther to discuss the School's stormwater pond. The pond meets minimum Village and DNR requirements regarding water quality treatment, volume control, and peak rate control. Bob uncovered previous correspondence with the school where he encouraged the school to replace the fence with a dense vegetative barrier to discourage people from entering the pond. Based upon the meeting, we recommend:
 - Dave should consider expressing his concerns directly with the School Board. They are the responsible party.
 - The Village consider updating their Stormwater Ordinance to address current best practices for hydraulic calculations, modeling, standards, pond freeboard, and maximum slopes. The ordinance should also be updated to include a clause that gives the Village the ability to go beyond standard requirements for unique cases and situations.
- 2024 Commercial Market Analysis

Our planners are collaborating with Staff on completing a commercial gap analysis. The market study portion of the work continues.
- Downtown Concept

Our planners are collaborating with Staff on completing a concept for the downtown parcel. Our office will forward Staff two concepts for the downtown site by the end of this week.

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. Tabled

- (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.

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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. Tabled – look at other municipalities

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 that significantly annoy, discomfort, injure or inconvenience a substantial number of persons within the

~~Village. Agriculture activities may be exempt under specific conditions. the health of any appreciable number of persons within the Village.~~

- (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. Tabled - Look at other municipalities

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.~~
 - (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.~~
 - (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.

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- (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, and Zoning Administrator~~ 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 6, CHAPTER 4. TREES AND SHRUBS

Sec. 6-4-1. Intent and application of chapter.

- (a) *Intent and Purpose.* It is the policy of the Village of Somerset to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.
- (b) *Application.* The provisions of this Chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

Sec. 6-4-2. Definitions.

Whenever the following words or terms are used in this Chapter, they shall be construed to have the following meanings:

- (a) *Person.* Person, firm, association or corporation.
- (b) *Public Areas.* Includes all public parks and other lands owned, controlled or leased by the Village except the terrace areas.
- (c) *Public Trees and Shrubs.* All trees and shrubs located or to be planted in or upon public areas.
- (d) *Public Nuisance.* Any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.
- (e) *Boulevard or Terrace Areas.* The land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a boulevard for the purpose of this Chapter. "Boulevard" shall have the same meaning as "terrace." Where there are only sidewalks, the area four (4) feet from the curb shall be deemed boulevard areas under this Chapter.
- (f) *Major Alteration.* Trimming a tree beyond necessary trimming to comply with this Chapter.
- (g) *Shrubs.* Any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (h) *Tree.* Any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.
- (i) *Evergreen Tree.* Any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.
- (j) *Forester.* Person or Village employee designated by the Village Board as authorized to carry out provisions of this Chapter.

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, Purpleblow (*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 6, CHAPTER 4. TREES AND SHRUBS

Sec. 6-4-1. Intent and application of chapter.

- (a) *Intent and Purpose.* It is the policy of the Village of Somerset to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.
- (b) *Application.* The provisions of this Chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

Sec. 6-4-2. Definitions.

Whenever the following words or terms are used in this Chapter, they shall be construed to have the following meanings:

- (a) *Person.* Person, firm, association or corporation.
- (b) *Public Areas.* Includes all public parks and other lands owned, controlled or leased by the Village except the terrace areas.
- (c) *Public Trees and Shrubs.* All trees and shrubs located or to be planted in or upon public areas.
- (d) *Public Nuisance.* Any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.
- (e) *Boulevard or Terrace Areas.* The land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a boulevard for the purpose of this Chapter. "Boulevard" shall have the same meaning as "terrace." Where there are only sidewalks, the area four (4) feet from the curb shall be deemed boulevard areas under this Chapter.
- (f) *Major Alteration.* Trimming a tree beyond necessary trimming to comply with this Chapter.
- (g) *Shrubs.* Any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (h) *Tree.* Any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.
- (i) *Evergreen Tree.* Any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.
- (j) *Forester.* Person or Village employee designated by the Village Board as authorized to carry out provisions of this Chapter.

Commented [BK1]: Trees or shrubs that interfere with public use, are diseased, or pose safety risks.

Commented [BK2]: Boulevard/Terrace Areas: Land between the street curb and sidewalk or up to four feet from the curb where no sidewalk exists.

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.

Commented [BK3]: The Village Board appoints a Forester annually to manage tree and shrub policies. The Forester can enter private property to inspect trees and shrubs as needed.

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:
- Fatal or deleterious tree diseases.
 - Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.); Dutch Elm disease.
 - 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.).
 - 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.
 - Any other deleterious or fatal tree disease.
 - 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.
 - Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.

Commented [BK4]: Dutch Elm disease and other fatal tree diseases are public nuisances. The Forester inspects trees for disease and pests, and can abate nuisances by removal, treatment, or other necessary actions. Property owners must comply with abatement notices or face Village intervention at their expense.

(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

Commented [BK5]: The Village covers the cost of abating nuisances on public property. For private property, costs are assessed to the property owner and added to the tax roll if unpaid.

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

Commented [BK6]: Certain trees like Cottonwood and Box Elder are prohibited due to pest issues. Other species may be restricted or require approval before planting. Approved tree species must be planted properly and maintained to Village standards.

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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(Supp. No. 29)

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- (10) Dogwood, Corralcherry (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, Purpleblow (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.

-
- (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.

Commented [BK7]: Vegetation must not obstruct views at intersections or traffic signs. Property owners must remove obstructions or face Village action.

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.

Commented [BK8]: It is prohibited to damage public trees or obstruct Forester activities. Construction near public trees requires protective measures and a permit.

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.

Commented [BK9]: Appeals against Forester decisions can be made to the Village Board within seven days, with a hearing within thirty days. The Board's decision will be final.

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.

City of Hudson Grandview/Burton User Fees

Facility use rental requests may be directed to:

Deb Andrews dandrews@hudsonwi.gov

	Priority 1	Priority 2	Priority 3	Priority 4	Priority 5	Priority 6	Priority 7
Grandview per field	\$10.00/hr	\$10.00/hr	\$10.00/hr	\$10.00/hr	\$10.00/hr	\$20.00/hr	\$30.00/hr
Grandview Scoreboards per field	N/C	N/C	N/C	N/C	N/C	\$10.00/hr	\$10.00/hr
Grandview Lights per field	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00
Grandview Field Marking per Field	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00
Burton Per Field	\$10.00/hr	\$10.00/hr	\$10.00/hr	\$10.00/hr	\$10.00/hr	\$20.00/hr	\$30.00/hr
Burton Field Marking per Field	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00

Field Prep and Marking: Additional fees added for field striping, lining, or other prep work. The cost for striping is \$50.00 per field. Users may chalk and/or strip grass fields but must be approved by Public Works staff.

Organizations will be invoiced at the end of each season based on scheduled times. Any discrepancies between the calendar and actual field use may be challenged during the invoice period.

***The fields are open for public use if they are not reserved or have been prepped for future use.**

*** A single time user is exempt from submitting insurance documentation.**

Priority Classes

Highest priority is 1, lowest priority is 7.

Priority 1

Hudson Adult Softball Association

Priority 2

Hudson School District Athletic Director Scheduled Event(s)

Priority 3

Hudson Boosters

Priority 4

Other local non-profit youth sports organizations serving groups with 85% Hudson child/youth participation.

Priority 5

Documented non-profit groups or organizations that reside in the City of Hudson.

Priority 6

Documented non-profit groups or organizations with mailing address outside the City of Hudson.

Priority 7

For-profit or commercial groups or organizations.

Priority Class Required Documentation

Priority 1 Required Documentation

- 1) Voided Check from Hudson Adult Softball Association (address:)
- 2) Certificate of Insurance with the "Insured" being a Hudson mailing address.

Priority 2 Required Documentation

- 1) Credential demonstrating position held within the Hudson School District

Priority 3 Required Documentation

- 1) Certificate of Insurance with the "Insured" being a Hudson mailing address.
- 2) Listed as a 501 (c) 3 on <https://501c3lookup.org/state/WI>
- 3) Certificate of Exempt Status issued by the Wisconsin Department of Revenue
- 4) IRS Form 990 showing tax exempt status and year of formation. <https://www.irs.gov/charities-and-nonprofits>

Priority 4 Required Documentation

- 1) Certificate of Insurance.
- 2) Listed as a 501 (c) 3 on <https://501c3lookup.org/state/WI>
- 3) Certificate of Exempt Status issued by the Wisconsin Department of Revenue
- 4) IRS Form 990 showing tax exempt status and year of formation. <https://www.irs.gov/charities-and-nonprofits>

Priority 5 Required Documentation

- 1) Certificate of Insurance.
- 2) Listed as a 501 (c) 3 on <https://501c3lookup.org/state/WI>
- 3) Certificate of Exempt Status issued by the Wisconsin Department of Revenue
- 4) IRS Form 990 showing tax exempt status and year of formation. <https://www.irs.gov/charities-and-nonprofits>

Priority 6 Required Documentation

- 1) Certificate of Insurance.
- 2) Listed as a 501 (c) 3 on <https://501c3lookup.org/state/WI>
- 3) IRS Form 990 showing tax exempt status and year of formation. <https://www.irs.gov/charities-and-nonprofits>

Priority 7 Required Documentation

- 1) Certificate of Insurance

Policies

Field Allocation Process:

- 1) Field requests will be processed beginning March 1.
- 2) All field reservations must contain the following for each team:
 - a. Name of Coach/contact person
 - b. Telephone number of Coach/contact person
 - c. E-Mail address of Coach/contact person
- 3) On March 1st, department staff will begin the allocation process of assigning Athletic Fields, dates, and times to various organizations based submitted requests and the priorities listed in this policy (See priority group classification). **It may not be possible to grant all requests.**
- 4) Once allocations are determined, they will not be changed during the season, except for rescheduling games due to weather, or as approved by the City of Hudson.
- 5) Sanctioned League Games take precedence over practice, regardless of priority ranking, including rescheduling of games.
- 6) If two or more organizations in the same priority level submit competing applications, allocations will be done via lottery.
- 7) Once completed, a link to the on-line schedule will provided to the requesting organizations.
- 8) For larger events, such as tournaments where commitments must be made and published in advance, no priority displacement will occur.

- 9) During high demand times, expect multiple teams scheduled per field. If exclusivity is required, consider requesting a low demand day like Friday, Saturday, or Sunday.
- 10) If field demand is high, as determined by the City of Hudson.
 - a. City of Hudson may designate two practice times per field 5-7, and 7-9 to accommodate field requests.
 - b. In the event demand is high enough to require practice times to be set by the City of Hudson, the City of Hudson will not charge the later practice times for the use of ballfield lights if the lights are required.
 - c. In the event demand is high enough to require practice times to be set by the City of Hudson, expect a rotating schedule of 5-7 and 7-9 practice times to make access to all fair and equal.

Cancellation Policy:

- 1) Cancellation received more than 72 hours in advance of scheduled event will not be charged.
- 2) Cancellation received LESS than 72 hours in advance will be charged for the requested time.
- 3) *Cancellation due to weather will not be charged.***
- 4) The determination of whether or not to charge for a cancellation will be made by the City of Hudson.

Somerset Utilities

Identity Theft Prevention Program

Implemented as of May 1, 2009



I. INTRODUCTION

The Somerset Utilities (the "Utility") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's ("FTC") Red Flag Rule, which implements Section 114 of the Fair and Accurate Credit Transaction Act of 2003. 16 C. F. R. § 681.2. This Program is designed to detect, prevent and mitigate Identity Theft in connection with the opening and maintenance of certain utility accounts. For purposes of this Program, "Identity Theft" is considered to be "fraud committed using the identifying information of another person." The accounts addressed by the Program, (the "Accounts"), are defined as:

1. An account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

This Program was developed with oversight and approval of the Public Works Committee. After consideration of the size and complexity of the Utility's operations and Account systems, and the nature and scope of the Utility's activities, the Village Board determined that this Program was appropriate for Somerset Utilities, and therefore approved this Program on March 17, 2009.

II. IDENTIFICATION OF RED FLAGS.

A "Red Flag" is a pattern, practice, or specific activity that indicates the possible existence of Identity Theft. In order to identify relevant Red Flags, the Utility considered the types of Accounts that it offers and maintains, the methods it provides to open its Accounts, the methods it provides to access its Accounts, and its previous experiences with Identity Theft. The Utility identifies the following Red Flags, in each of the listed categories:

A. Notifications and Warnings from Consumer Reporting Agencies. At this time the Utility does not use a Consumer Reporting Agency, however, if this is used in the future, the following will apply:

Red Flags for this category include: 1) Receiving a report or notice from a consumer reporting agency of a credit freeze; 2) Receiving a report of fraud with a consumer report; and 3) Receiving indication from a consumer report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents.

Red Flags for this category include: 1) Receiving documents that are provided for identification that appear to be forged or altered; 2) Receiving documentation on which a person's photograph or physical description is not consistent with the person presenting the documentation; 3) Receiving other documentation with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and 4) Receiving an application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information.

Red Flags for this category include: 1) A person's identifying information is inconsistent with other sources of information (such as an address not matching an address on a consumer report ; 2) A person's identifying information is inconsistent with other information the customer provides 3) A person's identifying information is the same as shown on other applications found to be fraudulent; 4) A person's identifying information is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address); 5) A person's address or phone number is the same as that of another person; 6) A person fails to provide complete personal identifying information on an application when reminded to do so; and 7) A person's identifying information is not consistent with the information that is on file for the customer.

D. Unusual Use Of or Suspicious Activity Related to an Account.

Red Flags for the category include: 1) A change of address for an Account followed by a request to change the Account holder's name; 2) An account being used in a way that is not consistent with prior use (such as late or no payments when the Account has been timely in the past); 3) Mail sent to the Account holder is repeatedly returned as undeliverable; 4) The Utility receives notice that a customer is not receiving his paper statements; and 5) The Utility receives notice that an Account has unauthorized activity.

E. Notice regarding possible identity theft.

Red Flags for this category include: 1) The Utility receives notice from a customer, an identity theft victim, law enforcement or any other person that it has opened or is maintaining a fraudulent Account for a person engaged in Identity Theft.

III. DETECTION OF RED FLAGS

In order to detect any of the Red Flags identified above with the opening of a new Account, Utility personnel will take the following steps to obtain and verify the identity of the person opening the Account:

Steps include: 1) Requiring certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification; 2) Verifying the customer's identity, such as by copying and reviewing a driver's license or other identification card; 3) Reviewing documentation showing the existence of a business entity; and 4) Independently contacting the customer.

In order to detect any of the Red Flags identified above for an existing Account, Utility personnel will take the following steps to monitor transactions with an Account:

Steps include: 1) Verifying the identification of customers if they request information (in person, via telephone, via facsimile, via email); 2) Verifying the validity of requests to change

billing addresses; and 3) Verifying changes in banking information given for billing and payment purposes.

IV. PREVENTING AND MITIGATING IDENTITY THEFT.

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Steps include: 1) Continuing to monitor an Account for evidence of Identity Theft; 2) Contacting the customer; 3) Changing any passwords or other security devices that permit access to Accounts; 4) Reopening an Account with a new number; 5) Not opening a new Account; 5) Closing an existing Account; 6) Notifying law enforcement; 7) Determining that no response is warranted under the particular circumstances; or 8) Notifying the Program Administrator (as defined below) for determination of the appropriate step(s) to take.

In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures:

Steps include: 1) Providing a secure website or clear notice that a website is not secure; 2) Ensuring complete and secure destruction of paper documents and computer files containing customer information; 3) Ensuring that office computers are password protected and that computer screens lock after a set period of time; and 4) Ensuring office areas are properly secured to protect customer billing data.

V. UPDATING THE PROGRAM AND THE RED FLAGS

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least once a year, the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of Accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will present the Public Works Committee, with his or her recommended changes and the Public Works Committee will make a determination of whether to accept, modify or reject those changes to the Program.

VI. PROGRAM ADMINISTRATION.

A. Oversight.

The Utility's Program will be overseen by a Program Administrator. The Program Administrator shall be: the Utility Clerk or designee. The Program Administrator will be responsible for the Program's administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps

for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances, reviewing and, if necessary, approving changes to the Program.

B. Staff Training and Reports.

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Training shall be reviewed yearly with staff.

C. Service Provider Arrangements.

In the event the Utility engages a service provider to perform an activity in connection with one or more Accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft. These include: 1) Requiring that service providers have such policies and procedures in place; 2) Requiring that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

Change Order

No. 7

Date of Issuance: February 8, 2024 Effective Date: February 8, 2024

Project: Somerset WWTF Upgrades – Phase 1	Owner: Village of Somerset	Owner's Contract No.:
Contract: Village of Somerset – Somerset WWTF Upgrades – Phase 1	Date of Contract: April 27, 2022	
Contractor: Staab Construction Corporation	Engineer's Project No.: 08783059	

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

Description:

1. Relocation of Switches by Gas Meter Per Code: Switches located on the exterior of the headworks building had to be moved to comply with code for distance from gas meter. Additional cost of \$3,998.00.
2. Larger Panel for Generator: A larger electrical breaker (higher ampacity) and panel were required for generator ancillary loads – additional cost of \$1,912.00.
3. Credit for change in paving: Contractor gave credit of \$1,000 for change in paving area.
4. Changes in Unit Price Quantities: Work related to Unit Price Bid Items is complete. Quantities for Bituminous Pavement and Aggregate Base are over bid quantities due to additional pavement area and also an error in the bid quantity for Aggregate Base material. Final quantities result in additional contract cost of \$37,502.66

Attachments (list documents supporting change):

Contractor's cost breakdowns, email with paving credit, truck ticket summary for unit price quantities.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$4,067,000.00	Original Contract Times: ☐ Working days ☒ Calendar days Substantial completion (days or date): <u>October 13, 2023</u> Ready for final payment (days or date): <u>November 17, 2024</u>
Decrease from previously approved Change Orders No. 0 to No. 6 \$(11,268.00)	[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 6 Substantial completion (days): <u>N/A</u> Ready for final payment (days): <u>N/A</u>
Contract Price prior to this Change Order: \$4,055,732.00	Contract Times prior to this Change Order: Substantial completion (days or date): <u>November 17, 2023</u> Ready for final payment (days or date): <u>June 1, 2024</u>
Increase of this Change Order: \$42,412.66	Increase in time of this Change Order: Substantial completion (days or date): <u>N/A</u> Ready for final payment (days or date): <u>N/A</u>
Contract Price incorporating this Change Order: \$4,098,144.66	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>November 17, 2023</u> Ready for final payment (days or date): <u>June 1, 2024</u>

RECOMMENDED:

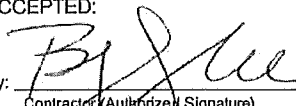
By: 

Engineer (Authorized Signature)

ACCEPTED:

By: _____
Owner (Authorized Signature)

ACCEPTED:

By: 

Contractor (Authorized Signature)
Benjamin J. Lee,
President

Date: February 8, 2024

Approved by Funding Agency (if applicable):

Date: _____



4233 Robin Road, Eau Claire, WI 54130
Tel. 715-514-5558 Fax 715-514-5559

December 27, 2023

Mr. Aaric Spencer
Staab Construction
1800 Laemle Avenue
Marshfield, WI 54449

RE: Somerset WWTF – Relocation of Exterior Switches

Dear Aaric:

Van Ert Electric Co. is pleased to submit to you a lump sum price for labor, material, equipment, supervision, testing and permits to complete the electrical installation in accordance with the National Electrical Code and the following scope of work.

Labor:	\$2,148.30
Material:	\$1,328.00
Overhead/Markup:	<u>\$521.70</u>
Total:	\$3,998.00

Included

1. Relocated existing exterior switches and conduit to meet the spacing requirements needed for Utility to install the new Gas Meter outside of the Headworks Building.
 - One switch that feeds the Influent Vault Lights needs to be moved approximately 6-8ft to the South and rewired.
 - One switch that feeds the Headworks Room Lighting and Exhaust Fans needs to be relocated to the Right side of the Service door and rewired.
2. Seal off's as required in Classified Locations.
3. Start up and Testing.

Notes

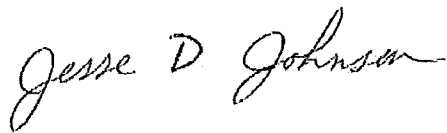
1. For the purposes of this proposal Van Ert Electric Co. is not responsible for work performed by the owner's personnel, other contractors, nor are we responsible for any fines, charges or other obligations.
2. For the purposes of this proposal any other permits, utility charges or fees, etc. will be additional charges at cost if applicable.
3. Bid is subject to the terms of a mutually acceptable contract. This proposal will be valid for 30 days from date quoted.

Excluded

1. See "Notes" for other exclusions.
2. Applicable bonds.
3. Any utility usage fees.
4. Tax

Thank you again for allowing us to provide you with our proposal for this project. If you find this proposal meets your satisfaction, please sign and date below and email a copy back to me at the office. If you have any questions regarding this quote, please contact me at 715-573-1848.

Sincerely,

A handwritten signature in cursive script that reads "Jesse D. Johnson".

Jesse D. Johnson
Van Ert Electric Co.
Eau Claire Division Manager



4233 Robin Road, Eau Claire, WI 54130
Tel. 715-514-5558 Fax 715-514-5559

December 27, 2023

Mr. Aaric Spencer
Staab Construction
1800 Laemle Avenue
Marshfield, WI 54449

RE: Somerset WWTF – Increased Ampacity for Generator Panel

Dear Aaric:

Van Ert Electric Co. is pleased to submit to you a lump sum price for labor, material, equipment, supervision, testing and permits to complete the electrical installation in accordance with the National Electrical Code and the following scope of work.

Original 30A Feed to Generator

Labor:	\$1,020.00
Material:	\$604.00
<u>OH/MU:</u>	<u>\$243.00</u>
Total:	\$1,867.00

New 80A Feed to Generator

Labor:	\$1,531.00
Material:	\$1,756.00
<u>OH/MU:</u>	<u>\$492.00</u>
Total:	\$3,779.00

Delta for Feed to Generator

Labor:	\$511.00
Material:	\$1,152.00
<u>OH/MU:</u>	<u>\$492.00</u>
Total:	\$1,912.00

Included

1. Remote Panel on Generator needed to be upsized from a 3P 30A to a 3P 80A to handle miscellaneous loads on Generator per drawing 99-E6.8, Panel 10-LP2.
2. New 80A, 3 Pole Breaker in Panel 10-LP2.
3. Upsize wire to #4.

Notes

1. For the purposes of this proposal Van Ert Electric Co. is not responsible for work performed by the owner's personnel, other contractors, nor are we responsible for any fines, charges or other obligations.
2. For the purposes of this proposal any other permits, utility charges or fees, etc. will be additional charges at cost if applicable.
3. Bid is subject to the terms of a mutually acceptable contract. This proposal will be valid for 30 days from date quoted.

Excluded

1. See "Notes" for other exclusions.
2. Applicable bonds.
3. Any utility usage fees.
4. Tax

Thank you again for allowing us to provide you with our proposal for this project. If you find this proposal meets your satisfaction, please sign and date below and email a copy back to me at the office. If you have any questions regarding this quote, please contact me at 715-573-1848.

Sincerely,

A handwritten signature in cursive script that reads "Jesse D. Johnson".

Jesse D. Johnson
Van Ert Electric Co.
Eau Claire Division Manager

Authorizing Signature:

Date:

Tom Dye

From: Spencer, Aaric <Aaric.Spencer@staabco.com>
Sent: Thursday, November 2, 2023 9:42 AM
To: Tom Dye
Cc: Jim Thanig; Bob Gunther (rgunther@villageofsomerset.us); Layton, James; Fischer, Kevin; Lee, Ben
Subject: [EXTERNAL] Somerset WWTF Project Completion

Good Morning Tom,

First I would like to start by saying thank your for meeting with our team on 11/1/23. Staab has reviewed the items discussed and spoke with our team and will be accepting your proposal for a contract extension for substantial completion from the current date of October 13, 2023 to November 17, 2023 and 30 days following for the final completion for the below items:

Staab CO #12 – Piping Change in Sludge Tank: +\$6,717

Staab CO #13 – Raising Catch Basin by Generator: +\$1,383

Staab CO #14 – Piping Rework at SBR due to Change in Existing Conditions: + \$4,983

Deduct for Delays of Schedule : - \$13,083

Deduct of Asphalt per onsite discussions for additional Asphalt: - \$1,000

All CO's Listed above Net: -\$1,000 for Staab adjustment covered by deduct from unit price for what was billed for this month in pay request. This will also include the above change orders being approved at no additional cost to the owner as shown above.

The recognized costs for delays will encompass and cover any & all current & future delays for the remainder of the project as agreed to in the meeting between Staab, MSA, and Village of Somerset on 11/1/23 at 3:30 pm. It is of the understanding that the below listed items will be completed in the Spring/Summer of 24' depending how the weather permits. Staab would like to target the below items to be completed by no later than 6/1/24.

1. Cleaning of SBR Basins
2. Final Seeding and restoration - stable temperatures and dryer conditions present in Spring
3. Replacement of UV Gate Change Order if accepted upon Staab's proposal
4. Installation of piping and valve in existing sludge digester tank – completed promptly upon receiving valve

Best Regards,



CHECK OUT OUR NEW WEBSITE

Aaric Spencer

Project Manager / Estimator
Phone: 715-387-8429 ext 213
Mobile: 715-965-5336
Email: aaric.spencer@staabco.com

1800 Laemle Ave
Marshfield, WI 54449

A Item #	B Description of Work	C Schedule of Values				D Work Completed		F Materials Presently Stored (Not in D or	G Total Completed and Stored to Date	H Balance to Finish (C-G)
		Contract Quantity	U/M	Unit Price	Contract Amount	Previous Periods (D + Qty	This Period Amount			
260500	Elec - Temporary Power	1.00	LS	0.00	20,500.00	0.00	0.00	0.00	20,500.00	100.00%
260500	Elec - Fabrick Generator	1.00	LS	0.00	138,200.00	0.00	0.00	0.00	138,200.00	100.00%
260500	Elec - Startup & Commission	1.00	LS	0.00	16,200.00	0.00	0.00	0.00	16,200.00	100.00%
260500	Elec - Close Out and O&M's	1.00	LS	0.00	10,800.00	0.00	4,320.00	0.00	9,720.00	90.00%
312000	Earthwork	1.00	LS	0.00	228,020.00	0.00	0.00	0.00	228,020.00	100.00%
312000	UP1 - Saw Cut Bituminous P	190.00	LF	8.00	1,520.00	190.00	0.00	0.00	1,520.00	100.00%
312000	UP2 - Bituminous Pavement	3,600.00	SY	7.00	25,200.00	3,600.00	0.00	0.00	25,200.00	100.00%
312000	UP4 - Aggregate Base	330.00	TN	22.00	7,260.00	330.00	1,119.03	24,618.66	31,878.66	439.10%
312000	UP6 - Imported Granular Fill	500.00	TN	40.00	20,000.00	556.47	22,258.80	873.60	23,132.40	115.66%
321124	UP3 - Bituminous Pavement	670.00	TN	120.00	80,400.00	754.18	90,501.60	0.00	90,501.60	112.56%
321124	UP5 - Tack Coat	200.00	GAL	5.00	1,000.00	130.00	650.00	0.00	650.00	65.00%
330000	Underground Process Piping	1.00	LS	0.00	217,000.00	0.00	0.00	0.00	217,000.00	100.00%
400500	Exposed Process Pipe / Valv	1.00	LS	0.00	164,000.00	0.00	0.00	0.00	164,000.00	100.00%
400593	Temporary Bypassing	1.00	LS	0.00	75,000.00	0.00	0.00	0.00	75,000.00	100.00%
404200	Piping Insulation	1.00	LS	0.00	16,000.00	0.00	0.00	0.00	16,000.00	100.00%
407170	Parshall Flume	1.00	LS	0.00	5,500.00	0.00	0.00	0.00	5,500.00	100.00%
432513	Submersible Pumps	1.00	LS	0.00	53,000.00	0.00	0.00	0.00	53,000.00	100.00%
434111	Ground Storage Tank	1.00	LS	0.00	290,000.00	0.00	0.00	0.00	290,000.00	100.00%
462113	Fine Screen and Wash Press	1.00	LS	0.00	190,000.00	0.00	0.00	0.00	190,000.00	100.00%
463300	Chemical Feed Equipment	1.00	LS	0.00	18,000.00	0.00	0.00	0.00	18,000.00	100.00%
464140	Sludge Mixing Equipment	1.00	LS	0.00	65,000.00	0.00	0.00	0.00	65,000.00	100.00%
465353	SBR Diffuser Replacement	1.00	LS	0.00	13,000.00	0.00	0.00	0.00	13,000.00	100.00%
C.O. # 0	Change Order #1	1.00	LS	0.00	-5,000.00	0.00	-5,000.00	0.00	-5,000.00	100.00%
C.O. # 0	Change Order #2	1.00	LS	0.00	-31,869.00	0.00	-31,869.00	0.00	-31,869.00	100.00%
C.O. # 0	Change Order #3	1.00	LS	0.00	-12,223.00	0.00	-12,223.00	0.00	-12,223.00	100.00%
C.O. # 0	Change Order #4	1.00	LS	0.00	19,789.00	0.00	19,789.00	0.00	19,789.00	100.00%
C.O. # 0	Change Order #5	1.00	LS	0.00	7,594.00	0.00	7,594.00	0.00	7,594.00	100.00%
C.O. # 0	Change Order #6	1.00	LS	0.00	10,441.00	0.00	10,441.00	0.00	10,441.00	100.00%
Grand Totals:					4,055,732.00	4,049,343.40	39,812.26	0.00	4,089,155.66	100.82%
										-33,423.66

Haas MS Ticket Detail by Job

All Tickets Jobs: 22-0043- - 22-0043- Cost Type: All
 All Location All Posted Months Material Categories: BASE - - BASE - All Materials Material Vendor: All

Ticket	Date	Material	Phase	From Location	UM	Mat'l Units	Unit Price	Mat'l Amt
Job Cost Company: 1 - Haas Sons, Inc.								
Job: 22-0043- Somerset WWTP								
M359006	09/26/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.280	0.00000	0.00
M359008	09/26/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	20.870	0.00000	0.00
M359011	09/26/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.280	0.00000	0.00
M160011459	09/28/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.400	0.00000	0.00
M179010074	10/17/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	22.120	0.00000	0.00
M179010077	10/17/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	20.220	0.00000	0.00
M179010085	10/17/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	20.360	0.00000	0.00
M179010098	10/17/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	19.450	0.00000	0.00
M179010103	10/17/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.570	0.00000	0.00
M179010105	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	20.730	0.00000	0.00
M179010106	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.810	0.00000	0.00
M179010108	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.800	0.00000	0.00
M179010109	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.820	0.00000	0.00
M179010111	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	20.430	0.00000	0.00
M179010112	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.780	0.00000	0.00
M179010113	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.560	0.00000	0.00
M179010114	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.780	0.00000	0.00
M179010116	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	22.150	0.00000	0.00
M179010117	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.750	0.00000	0.00
M179010118	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.680	0.00000	0.00
M179010119	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.600	0.00000	0.00
M179010120	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	22.160	0.00000	0.00
M179010121	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.740	0.00000	0.00
M179010122	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.820	0.00000	0.00
M179010123	10/18/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.660	0.00000	0.00
M179010230	10/24/22	1814 / 1 1/4" Limestone Base	735-000-	MILESTONE	TON	21.670	0.00000	0.00
M179010700	11/29/22	1400 / 1 1/4" Dense Base	735-000-	MILESTONE	TON	21.840	0.00000	0.00
M179012878	08/15/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.600	0.00000	0.00
H226020	09/19/23	1614 / 1 1/4" Dense Recycle	735-000-	WILSON	TON	22.000	0.00000	198.72
M110707900	09/21/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.000	0.00000	0.00
M110707902	09/21/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.000	0.00000	0.00
M110707907	09/21/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	19.380	0.00000	0.00
M110707908	09/21/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.950	0.00000	0.00
H220070	09/22/23	1614 / 1 1/4" Dense Recycle	735-000-	WILSON	TON	21.740	9.00000	195.66
H220432	09/22/23	1614 / 1 1/4" Dense Recycle	735-000-	WILSON	TON	20.790	9.00000	187.11
H220889	09/22/23	1614 / 1 1/4" Dense Recycle	735-000-	WILSON	TON	22.490	9.00000	202.41
H220316	09/22/23	1614 / 1 1/4" Dense Recycle	735-000-	WILSON	TON	21.500	9.00000	193.50
M110707918	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.290	0.00000	0.00
M110707919	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	18.680	0.00000	0.00
M110707920	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.230	0.00000	0.00
M110707925	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.570	0.00000	0.00
M110707928	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.280	0.00000	0.00
M110707929	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.740	0.00000	0.00
M110707930	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.730	0.00000	0.00
M110707931	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.040	0.00000	0.00
M110707932	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.510	0.00000	0.00
M110707933	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.970	0.00000	0.00
M110707934	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.670	0.00000	0.00
M110707935	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.170	0.00000	0.00
M110707939	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	19.980	0.00000	0.00
M110707940	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.000	0.00000	0.00
M110707941	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	19.990	0.00000	0.00
M110707943	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	19.780	0.00000	0.00
M110707945	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.770	0.00000	0.00
M110707946	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.660	0.00000	0.00

578.31 Ton for
Granular Backfill
Unit Price

1449.03 Ton for
1.25" Dense Base
Unit Price

Haas MS Ticket Detail by Job

All Tickets Jobs: 22-0043- - 22-0043- Cost Type: All
 All Location All Posted Months Material Categories: BASE -- BASE - All Materials Material Vendor: All

Ticket	Date	Material	Phase	From Location	UM	Mat'l Units	Unit Price	Mat'l Amt
Job Cost Company: 1 - Haas Sons, Inc.								- Continued

Job: 22-0043- Somerset WWTP

- Continued

M110707949	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.590	0.00000	0.00
M110707950	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.800	0.00000	0.00
M110707953	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.180	0.00000	0.00
M110707954	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.650	0.00000	0.00
M110707957	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.210	0.00000	0.00
M110707958	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.530	0.00000	0.00
M110707961	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.410	0.00000	0.00
M110707963	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.010	0.00000	0.00
M110707966	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.970	0.00000	0.00
M110707968	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.290	0.00000	0.00
M110707976	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.600	0.00000	0.00
M110707980	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.680	0.00000	0.00
M110707982	09/22/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.620	0.00000	0.00
M110708107	09/28/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.610	0.00000	0.00
M110708108	09/28/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.880	0.00000	0.00
M110708139	09/28/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.120	0.00000	0.00
M110708140	09/28/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.950	0.00000	0.00
M110708142	09/28/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.820	0.00000	0.00
M110708143	09/28/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.120	0.00000	0.00
M110708144	09/28/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.080	0.00000	0.00
M110708149	09/28/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.930	0.00000	0.00
M110708150	09/28/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.720	0.00000	0.00
M110708153	09/28/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.130	0.00000	0.00
M110708145	09/29/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.270	0.00000	0.00
M110708148	09/29/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.740	0.00000	0.00
M110708154	09/29/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.970	0.00000	0.00
H220486	10/02/23	1614 / 1 1/4" Dense Recycle	735-000-	WILSON	TON	22.640	0.00000	203.76
H223503	10/02/23	1614 / 1 1/4" Dense Recycle	735-000-	WILSON	TON	21.920	0.00000	197.20
H228142	10/02/23	1614 / 1 1/4" Dense Recycle	735-000-	WILSON	TON	22.550	0.00000	202.05
M110708178	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.860	0.00000	0.00
M110708179	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.270	0.00000	0.00
M110708181	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.840	0.00000	0.00
M110708184	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	19.780	0.00000	0.00
M110708187	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	19.030	0.00000	0.00
M110708190	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.150	0.00000	0.00
M110708192	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.280	0.00000	0.00
M110708194	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.770	0.00000	0.00
M110708195	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.060	0.00000	0.00
M110708199	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.800	0.00000	0.00
M110708200	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.560	0.00000	0.00
M110708203	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.300	0.00000	0.00
M110708206	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.920	0.00000	0.00
M110708207	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	20.270	0.00000	0.00
M110708210	10/02/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.700	0.00000	0.00
M110708292	10/06/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.250	0.00000	0.00
M110708293	10/06/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.100	0.00000	0.00
M110708843	11/03/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	21.880	0.00000	0.00
M110708845	11/03/23	1814 / 1 1/4" Limestone Base	735-000-	0-MILESTON	TON	22.340	0.00000	0.00

Total for UM: TON 2,203.05 1,581.39

Job 22-0043- Total: TON 2,203.05 1,581.39

JC Company 1 Total: TON 2,203.05 1,581.39

SCV Landscaping, LLC
330 E McKenny St
Saint Croix Falls, WI 54024
US
(715)2223618
phil@scvl.rocks

ADDRESS

Village of Somerset
110 Spring St.
Somerset, WI 54025

SHIP TO

Village of Somerset
110 Spring St.
Somerset, WI 54025

Estimate 1438

DATE 06/05/2024

ACTIVITY	AMOUNT
RETAINING WALL CAP REPLACEMENT PROJECT	
CTY I / SPRING ST.	
REMOVE CAP- labor	466.20
INSTALL NEW CAP- TBD (recommended County Materials Canyon Brown.) Install and glue cap, cut where needed.	5,922.00
LABOR- grinding, shimming and additional clean-up.	138.60
Trucking and Haul Away Fees.*Subject to change with fuel prices.	315.00
MAIN ST. / South side (bench) *partial cap replacement	
REMOVE CAP- labor	86.95
INSTALL NEW CAP- TBD (recommended County Materials Canyon Brown.) Install and glue cap, cut where needed.	1,092.75
LABOR- grinding, shimming and additional clean-up.	28.20
Trucking and Haul Away Fees.*Subject to change with fuel prices.	85.00
305 MAIN ST.	
REMOVE CAP and DAMAGED BLOCK- labor	278.00
INSTALL NEW CAP- TBD (recommended County Materials Canyon Brown.) Install and glue cap, cut where needed.	3,336.00
REPLACE DAMAGED WALL BLOCK (discussed)	560.00
LABOR- grinding, shimming and additional clean-up.	83.40
Trucking and Haul Away Fees.*Subject to change with fuel prices.	157.50
MAIN ST. (CEMETERY)	
REMOVE CAP- labor	275.65
INSTALL NEW CAP- TBD (recommended County Materials Canyon Brown.) Install and glue cap, cut where needed.	3,501.50

ACTIVITY	AMOUNT
LABOR- grinding, shimming and additional clean-up.	89.40
Trucking and Haul Away Fees.*Subject to change with fuel prices.	157.50
WATER TOWER / DEPOT	
REMOVE CAP- labor	290.40
INSTALL NEW CAP- TBD (recommended County Materials Canyon Brown.) Install and glue cap, cut where needed.	4,356.00
REPAIR WALL- settled area.	204.00
LABOR- grinding, shimming and additional clean-up.	105.60
Trucking and Haul Away Fees.*Subject to change with fuel prices.	183.75
Delivery Charge for Block and Cap	562.50
Mobilization- Equipment and Crew.	450.00
SUBTOTAL	22,725.90
TAX	0.00
TOTAL	\$22,725.90

Accepted By

Accepted Date



WORKING IN RIGHT-OF-WAY PERMIT APPLICATION

Fees - \$400 + \$0.60/LF installed (tree planting/pruning exempt from fees)

Work area must be contiguous. A new permit must be applied for in each new area

APPLICANT

CONTRACTOR /COMPANY

CONTACT PHONE

CONTRACTOR EMAIL

PROPERTY OWNER

PROPERTY ADDRESS/LOCATION

ESTIMATED START DATE

ESTIMATED COMPLETION DATE

must be within 90 days of start date

TYPE OF WORK TO BE DONE (Check all that apply):

- | | |
|--|---|
| ☐ UTILITY EXCAVATION | IF SO, TYPE OF UTILITY |
| ☐ STREET EXCAVATION | ☐ CURB/GUTTER EXCAVATION |
| ☐ SIDEWALK WORK | ☐ DRIVEWAY INSTALLATION/MODIFICATION |
| ☐ TREE PLANTING/PRUNING | ☐ OTHER |

IF UTILITY WORK, LOCATION IS:

- | | |
|---------------------------------------|--|
| ☐ Overhead | ☐ Underground |
| ☐ Crossing ROW | ☐ Parallel to ROW |

IF UTILITY WORK, PROPOSED METHOD OF INSTALLATION:

- | | | | |
|---|---|---|--|
| ☐ Directional Bore | ☐ Pneumatic Bore | ☐ Jack & Bore Tunnel | ☐ Open Cut |
| ☐ Trench | ☐ Plow | ☐ Suspend on Poles | ☐ Suspend on Towers |

DESCRIPTION OF WORK TO BE DONE

OF LINEAL FEET OF WORK WITHIN ROW

Proper Safety Equipment must be utilized when working within the right-of-way.

Call Diggers Hotline at 8-1-1 before work begins.

CONDITIONS

1. The City Public Works Department shall be notified prior to any excavation taking place within the right-of-way.
2. It is the responsibility of the applicant to ascertain that the work will be located within the public right-of-way or associated easements.
3. Applicant will provide proof of liability insurance of not less than \$500,000 per one person, \$500,000 per one accident, and property damage coverage of not less than \$500,000.
4. All disturbed areas shall be returned to their present condition or better. Sidewalks, curb, gutter and street shall be restored to the current details and specifications of the City of New Richmond.
5. All work shall be in compliance with all Federal, State, and Local Safety regulations.
6. Traffic control shall be used at all times and shall be in accordance with the Manual on Uniform Traffic Control Devices.
7. The applicant will be responsible for any additional Federal, State, and Local permits which may be required.
8. The work shall be warranted for a period of one (1) year from final completion of restoration. Should the restoration not meet City standards or fail within the one-year period, the applicant will be responsible for correction of the work. Failure to correct the work will result in the corrective work being completed by the City or the City's designee/contractor with all costs being the responsibility of the applicant.
9. The applicant agrees to indemnify and hold harmless the City, its employees and its agents from any cost, claim, suit, liability and/or award which might result because of work authorized by this permit. The applicant agrees to assume any and all damages resulting from the work.
10. The work associated with this permit shall not impede access for emergency vehicles (police, fire, ambulance). Provisions shall be made for the safety of pedestrian and bicycle traffic.
11. The Public Works Department must inspect all street openings prior to restoration of pavement, concrete and/or curb and gutter.
12. Applicant shall notify the City Public Works Department following completion of all restoration work.
13. All open excavations shall be backfilled within 7 days of opening.
14. A surety of 120% of the costs of all site restoration may be required from the Applicant, not to exceed \$10,000. This can be paid with check, bond or letter of credit. The surety shall cover claims made for work performed and an additional one (1) year warranty period.
15. The permit is good for 90 days. The completion date entered on the application must not be later than 90 days after the start date.

REVOCATION

This permit is subject to IMMEDIATE REVOCATION should any of the requirements of this permit not be followed, if unsafe conditions develop, or from any of the following:

- Contractor commences work prior to all utility locating being complete.
- Contractor causes damage to existing facilities more than one time.
- Contractor fails to perform work according to provided plans or restore work according to City Specifications and requirements.

STANDARDS

Restoration shall be in accordance with City of New Richmond standard details and specifications including the following:

Concrete Curb and Gutter

1. Where necessary, curb and gutter shall be removed at the nearest joint and/or with a clean vertical saw cut.
2. There shall be no change in grade without authorization of the Director of Public Works. Existing sags, heaves, or unacceptable grades shall be corrected.
3. Curb and gutter shall match the existing curb.

Driveway / Sidewalk

1. Concrete driveways and sidewalks crossing driveways shall be a minimum of 6-inches thick.
2. No change in driveway width shall be made unless approved by the Director of Public Works.
3. Sidewalk width shall match the existing sidewalk with a minimum width of 4 feet. Thickness of sidewalk shall be 4 inches thick unless crossing a driveway.

Street

1. Concrete pavement shall match the thickness of the existing pavement and shall be doweled or tied as appropriate.
2. Asphalt pavement shall match the thickness of the existing pavement with a minimum thickness of 3 inches.
3. Aggregate base course under pavements shall match the existing base course with a minimum thickness of 8 inches.

All restoration shall take place within 30 days of disturbance.

APPLICANT SIGNATURE

DATE

APPROVED – SIGNATURE OF DIRECTOR OF PUBLIC WORKS

DATE

LF x \$0.60 =

+ \$400 APPLICATION FEE

TOTAL DUE:

PAYMENT AMOUNT

RECEIPT #

DATE

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



Sewer Utility:

Change order #7 that includes additional aggregate and bituminous paving at the wastewater treatment facility and shop areas. There was also an error on the MSA bid spreadsheet that accidentally reduced the quantity of aggregate. This change order addresses that error and includes the actual aggregate that was used.

There remains some HVAC work that we are still waiting to be completed by the contractor. Other than that, the project is close to being completed.

Water Utility:

The water study work has started. We are compiling some historical data that will be used to estimate future demand on our water system as well as identifying areas that will someday be served by city water and determining if there will be adequate water pressure and supply at these locations. This information will be helpful in determining current and future water storage needs.

Hydro-Corp continues to do cross connection inspections for both residential and non-residential properties in the Village.

Streets:

We have a quote for the repair/replacement of failing retaining walls on Main and Depot St. Contractors are becoming harder to find to do retaining wall repair work and this is one of the few companies we have experience working with in the past and can validate their work. Public works staff will be able to help out with this work to bring the cost down some as well.

Parks:

The CORP questionnaire responses have been distributed to board members. We will discuss next steps with the CORP in terms of prioritizing capital projects and future goals to set to improve our overall park system. In the past, we have had some community members help us with this project and I am fine if that process is repeated with this edition of the CORP.

The bleacher fall protection fencing at Village Park was installed just in time for Pea Soup Days.

Pea Soup days went very well according to Dave Bracht. The only request he had for next year was to have new service doors installed at the lower concession stand. The roll-up doors that are there are well past their useful life and do need to be replaced. Roll-up doors are expensive, difficult to install, and can be a maintenance headache. We are proposing replacing the roll-up doors with a simpler swing up door that is easy to install, cost effective, and easy to repair or replace when needed.

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



Other Things:

The stormwater pond located at the school district campus has been an item of concern for a local resident. We did an additional review of the pond construction design and determined that it meets the requirements of the DNR and village. A fence was installed on the north side of the pond to address safety concerns. This pond is not going to be dedicated to the village and the school district will be responsible for ongoing maintenance.

I feel there is a lot of technical elements that the board may not clearly understand related to the construction and design of stormwater ponds and that ponds will differentiate from one another depending on direct variables of the watershed it is collecting water from.

A term that has come up that I feel has some confusion is benching. Benching is a series of deep cuts that are constructed in steep backslopes in order to reduce runoff velocity by reducing the slope length, detain sediment, and provide access to slopes for seeding, mulching, and maintenance activities. Benching does not serve as a primary safety measure but can be considered as a secondary means of protection due to the fact that the slope is interrupted by the flat 8-10' bench area proceeding the normal high-water level of the pond. Not all ponds necessitate benching to be compliant with DNR and local requirements.

The Winesap punch list work will commence once we have a temporary easement/permanent construction agreement back from the school district. I expect that document to be executed in the next day or two. All punch list items will be addressed and inspected by MSA for acceptance.

River Hills drainage issues continue to work through some alternative design by the developer's engineer. We met with residents impacted by the drainage issues last week and they requested some alternatives to what was presented to them. Carlson McCain is working on those alternatives, and we will meet with residents again once the alternatives are completed to see what one is acceptable to them. Once we gain their approval, the work will begin as quickly as possible.

PARKS BUDGET

ACCT

Unposted Included

Account Number		2024 June	2024 Actual 06/30/2024	2024 Budget	Budget Status	% of Budget
100-00-55200-110-000	Parks Salary	0.00	3,164.08	6,360.91	3,196.83	49.74
100-00-55200-120-000	Parks Wages	0.00	15,087.60	59,000.00	43,912.40	25.57
100-00-55200-150-000	Parks Employee Benefits	0.00	7,598.02	22,000.00	14,401.98	34.54
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	1,073.36	6,566.22	15,000.00	8,433.78	43.77
100-00-55200-371-000	Park Maintenance	3,642.00	6,099.70	4,000.00	-2,099.70	152.49
100-00-55200-372-000	Athletic Fields Maint/Expense	0.00	1,348.34	4,000.00	2,651.66	33.71
100-00-55200-511-000	Parks Insurance Expense	0.00	1,884.50	1,800.00	-84.50	104.69
100-00-55200-512-000	Parks Worker's Compensation	0.00	39.50	100.00	60.50	39.50
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	500.00	3,500.00	3,000.00	14.29
=====						
New Parks		4,715.36	42,287.96	115,760.91	73,472.95	36.53
=====						
Total Expenses		4,715.36	42,287.96	115,760.91	73,472.95	36.53
=====						
Net Totals		-4,715.36	-42,287.96	-115,760.91	-73,472.95	36.53

Budget Comparison - Detail
Public Works Budget
 Unposted Included

Account Number		2024 June	2024 Actual 06/30/2024	2024 Budget	Budget Status	% of Budget
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	0.00	3,418.50	5,000.00	1,581.50	68.37
100-00-53240-150-000	Machinery & Equip Emp Benefits	0.00	1,118.60	1,100.00	-18.60	101.69
100-00-53240-240-000	Machinery & Equip Maint/Repair	0.00	5,474.50	15,000.00	9,525.50	36.50
100-00-53240-350-000	Machinery & Equipment Oper Exp	0.00	7,363.27	22,000.00	14,636.73	33.47
100-00-53240-390-000	Machinery & Equip Other Exp	0.00	38.46	725.00	686.54	5.30
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	0.00	3,570.75	3,500.00	-70.75	102.02
100-00-53270-150-000	Garages & Sheds Emp Benefits	0.00	1,532.66	1,000.00	-532.66	153.27
100-00-53270-350-000	Garages & Sheds Operating Exp	460.37	4,863.01	10,500.00	5,636.99	46.31
100-00-53270-390-000	Garages & Sheds Other Expenses	0.00	820.41	1,200.00	379.59	68.37
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	0.00	3,902.42	11,696.60	7,794.18	33.36
100-00-53310-120-000	Street Maintenance Wages	0.00	32,512.68	64,500.00	31,987.32	50.41
100-00-53310-150-000	Street Maint Employee Benefits	0.00	19,004.07	32,000.00	12,995.93	59.39
100-00-53310-240-000	Street Maintenance & Repairs	0.00	3,990.59	6,500.00	2,509.41	61.39
100-00-53310-290-000	St Maint Contractual Services	0.00	670.00	30,000.00	29,330.00	2.23
100-00-53310-350-000	Street Maint Operating Expense	135.52	769.08	2,500.00	1,730.92	30.76
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	2,174.60	7,000.00	4,825.40	31.07
100-00-53320-150-000	Street Cleaning Emp Benefits	0.00	1,296.72	3,000.00	1,703.28	43.22
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	5,920.60	34,000.00	28,079.40	17.41
100-00-53330-150-000	Snow/Ice Removal Emp Benefits	0.00	2,753.13	13,500.00	10,746.87	20.39
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	15,689.53	21,000.00	5,310.47	74.71
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	0.00	15,163.94	38,000.00	22,836.06	39.91
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	474.66	515.00	40.34	92.17
100-00-53430-150-000	Sidewalks Emp Benefits	0.00	136.33	85.00	-51.33	160.39
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	193.98	1,500.00	1,306.02	12.93
100-00-53440-150-000	Storm Sewer Employee Benefits	0.00	128.29	500.00	371.71	25.66
100-00-53440-240-000	Storm Sewer Maint & Repairs	0.00	60.96	3,000.00	2,939.04	2.03
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	265.04	1,500.00	1,234.96	17.67
100-00-53620-150-000	Refuse Collection Emp Benefits	0.00	159.66	900.00	740.34	17.74
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	16,795.00	82,943.00	162,000.00	79,057.00	51.20
100-00-53635-120-000	Recycling Wages	0.00	1,868.46	2,500.00	631.54	74.74
100-00-53635-150-000	Recycling Employee Benefits	0.00	948.87	800.00	-148.87	118.61
100-00-53635-290-000	Recycling Contractual Services	4,648.00	22,952.00	48,000.00	25,048.00	47.82
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	26.37	900.00	873.63	2.93

Account Number		2024 June	2024 Actual 06/30/2024	2024 Budget	Budget Status	% of Budget
100-00-53640-150-000	Weed Control Employee Benefits	0.00	7.25	200.00	192.75	3.63
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	59.98	1,002.87	2,500.00	1,497.13	40.11
100-00-53930-511-000	Public Wks Insurance Expense	0.00	2,239.00	3,000.00	761.00	74.63
100-00-53930-512-000	Pub Wks Worker's Compensation	0.00	3,674.00	6,500.00	2,826.00	56.52
100-00-53930-514-000	PW Unemployment Compensation	0.00	0.00	0.00	0.00	0.00
=====						
New Public Works		22,098.87	249,217.24	562,421.60	313,204.36	44.31
=====						
Total Expenses		22,098.87	249,217.24	562,421.60	313,204.36	44.31
=====						
Net Totals		-22,098.87	-249,217.24	-562,421.60	-313,204.36	44.31

6/10/2024 1:57 PM

In Progress Checks - Quick Report - ALL

Page: 1

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 5/23/2024 From Account: 100-00-53240-110-000

Thru: 6/19/2024 Thru Account: 100-00-53930-514-000

Voucher Nbr	Check Date	Payee	Amount
	6/10/2024	NORTHWEST COMMUNICATIONS TELEPHONE EXPENSE	196.28
	6/19/2024	OLSON SANITATION LLC MAY SERVICES	21,443.00
	6/19/2024	SOMERSET UTILITIES WATER/SEWER SERVICES	64.10
		Grand Total	21,703.38

6/10/2024 1:57 PM

In Progress Checks - Quick Report - ALL

Page: 2

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 5/23/2024

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

Thru: 6/19/2024

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

Amount

Total Expenditure from Fund # 100 - VILLAGE GENERAL FUND

21,703.38

Total Expenditure from all Funds

21,703.38

6/10/2024 2:00 PM

Reprint Check Register - Quick Report - ALL

Page: 1
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 5/23/2024 From Account: 100-00-53240-110-000
Thru: 6/19/2024 Thru Account: 100-00-53930-514-000

Check Nbr	Check Date	Payee	Amount
62351	6/06/2024	GEMPLER'S PW/PKS/UNIFORMS	59.98
62357	6/06/2024	MENARDS-STILLWATER PW/WORKBENCH	199.99
62361	6/06/2024	VERIZON WIRELESS PW/PKS/WU/SU/CELLULAR SERVICES	135.52
EFT 050624-1	5/06/2024	WEX BANK	199.16
	Manual Check	PW/PKS/GASOLINE CHARGES	
EFT 051324-3	5/13/2024	CARDMEMBER SERVICE	315.56
	Manual Check	APRIL CHARGES	
EFT 052924-4	5/29/2024	WM CORPORATE SERVICES INC	118.33
	Manual Check	MAY SERVICES	
EFT 053024-1	5/30/2024	XCEL ENERGY	122.39
	Manual Check	ELECTRIC EXPENSE	
Grand Total			1,150.93

6/10/2024 2:00 PM

Reprint Check Register - Quick Report - ALL

Page: 2
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 5/23/2024 From Account: 100-00-53240-110-000
Thru: 6/19/2024 Thru Account: 100-00-53930-514-000

Amount

Total Expenditure from Fund # 100 - VILLAGE GENERAL FUND	1,150.93
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Total Expenditure from all Funds	1,150.93
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6/10/2024 1:57 PM

In Progress Checks - Quick Report - ALL

Page: 1

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 5/23/2024 From Account: 100-00-55200-110-000

Thru: 6/19/2024 Thru Account: 100-00-55310-390-000

Voucher Nbr	Check Date	Payee	Amount
	6/19/2024	RASKA SEWER SERVICE	157.50
		PKS/PORTABLES AT DISC GOLF	
	6/19/2024	SOMERSET UTILITIES	327.38
		WATER/SEWER SERVICES	
		Grand Total	484.88

6/10/2024 1:57 PM

In Progress Checks - Quick Report - ALL

Page: 2

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 5/23/2024

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

Thru: 6/19/2024

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

Amount

Total Expenditure from Fund # 100 - VILLAGE GENERAL FUND

484.88

Total Expenditure from all Funds

484.88

6/10/2024 2:02 PM

Reprint Check Register - Quick Report - ALL

Page: 1
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 5/23/2024 From Account: 100-00-55200-110-000
Thru: 6/19/2024 Thru Account: 100-00-55310-390-000

Check Nbr	Check Date	Payee	Amount
62340	6/06/2024	APOSTLE SEPTIC SERVICE AND THRONES LEMP RESTROOM SERVICE ON 5/15/24	377.00
62351	6/06/2024	GEMPLER'S PW/PKS/UNIFORMS	75.96
62359	6/06/2024	TOTES MY GOATS LLC PKS/BUCKTHORN CLEAN-UP	3,642.00
62361	6/06/2024	VERIZON WIRELESS PW/PKS/WU/SU/CELLULAR SERVICES	135.52
EFT 050624-1	5/06/2024	WEX BANK	169.14
	Manual Check	PW/PKS/GASOLINE CHARGES	
EFT 051324-3	5/13/2024	CARDMEMBER SERVICE	141.89
	Manual Check	APRIL CHARGES	
		Grand Total	4,541.51

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 5/23/2024 From Account: 100-00-55200-110-000
Thru: 6/19/2024 Thru Account: 100-00-55310-390-000

Amount

Total Expenditure from Fund # 100 - VILLAGE GENERAL FUND	4,541.51
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Total Expenditure from all Funds	4,541.51
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6/10/2024 1:58 PM

In Progress Checks - Quick Report - ALL

Page: 1

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 5/23/2024

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

Thru: 6/19/2024

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

Voucher Nbr	Check Date	Payee	Amount
	6/19/2024	AG SOURCE COOP SERVICES WU/SU/LAB TESTING	196.50
	6/19/2024	ENERGENECS INC SU/SCREEN BAGS	317.07
	6/19/2024	EO JOHNSON COMPANY COPIER USE & MAINTENANCE AGREEMENT	210.62
	6/19/2024	HAWKINS INC. SU/AZONE	236.95
	6/10/2024	NORTHWEST COMMUNICATIONS TELEPHONE EXPENSE	370.65
	6/19/2024	SOMERSET UTILITIES WATER/SEWER SERVICES	281.09
		Grand Total	1,612.88

6/10/2024 1:58 PM

In Progress Checks - Quick Report - ALL

Page: 2

ALL Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 5/23/2024

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

Thru: 6/19/2024

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

Amount

Total Expenditure from Fund # 610 - WATER UTILITY FUND	312.32
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Total Expenditure from Fund # 620 - SEWER UTILITY FUND	1,300.56
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Total Expenditure from all Funds	1,612.88
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6/10/2024 2:03 PM

Reprint Check Register - Quick Report - ALL

Page: 1
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 5/23/2024 From Account: 610-00-11100-000-131
Thru: 6/19/2024 Thru Account: 620-00-58290-000-428

Check Nbr	Check Date	Payee	Amount
62336	6/06/2024	ABT MAILCOM WU/SU/UTILITY BILLING	1,008.45
62337	6/06/2024	AG SOURCE COOP SERVICES WU/SU/LAB TESTING	443.50
62345	6/06/2024	CLIFTONLARSONALLEN 2023 AUDIT SERVICES	4,000.00
62349	6/06/2024	EO JOHNSON COMPANY GEN/WU/SU/COPIER LEASE	71.40
62361	6/06/2024	VERIZON WIRELESS PW/PKS/WU/SU/CELLULAR SERVICES	271.05
EFT 052924-1	5/29/2024	XCEL ENERGY	100.61
	Manual Check	ELECTRIC EXPENSE	
EFT 052924-4	5/29/2024	WM CORPORATE SERVICES INC	236.66
	Manual Check	MAY SERVICES	
EFT 060524-1	6/05/2024	QUILL CORPORATION	53.66
	Manual Check	GEN/WU/SU/NAME PLATE/BROCHURE HOLDER	
		Grand Total	6,185.33

6/10/2024 2:03 PM

Reprint Check Register - Quick Report - ALL

Page: 2
ACCT

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 5/23/2024 From Account: 610-00-11100-000-131
Thru: 6/19/2024 Thru Account: 620-00-58290-000-428

Amount

Total Expenditure from Fund # 610 - WATER UTILITY FUND	3,350.11
Total Expenditure from Fund # 620 - SEWER UTILITY FUND	2,835.22
Total Expenditure from all Funds	6,185.33