

Village of Colfax  
Streets Committee Meeting  
Wednesday, June 7, 2017  
4:00 p.m. tour will start from Village Hall  
**5:00 p.m. Meeting will begin at Colfax Village Hall**  
613 Main Street, Colfax, WI

## **Agenda**

1. 4:00 p.m. – 4:55 p.m. - Committee members will visit Legion Drive, Maple Street, Hwy 170 and possibly view other street/sidewalk conditions. Members present will be recorded for the minutes. All action items will be brought before the committee in regular meeting at 5 p.m.
2. 5:00 - Call to Order
3. Roll Call
4. Legion Drive
5. Maple Street
6. Highway 170 – street lights
7. Any other street discussions
8. Any sidewalks discussions
9. Adjourn

Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact: Lynn Niggemann Administrator-Clerk-Treasurer's Office, 613 Main Street, Colfax, (715) 962-3311 by 2:00 p.m. the day prior to the meeting so that and necessary arrangements can be made to accommodate each request.

\*\*\*\*\*It is possible that members of and possibly a quorum of members of the governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information- no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.\*\*\*\*\*

Per  
Attorney Christina Mayer

date of improvement or repaving unless, in the opinion of the Village Board or its designee, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.

## SEC. 6-2-5 OBSTRUCTIONS AND ENCROACHMENTS.

- (a) **Obstructions and Encroachments Prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsections (b) and (c).
- (b) **Exceptions.** The prohibition of Subsection (a) shall not apply to the following:
- (1) Temporary encroachments or obstructions authorized by permit under Section 6-2-6 of this Section pursuant to Sec. 66.045, Wis. Stats.
  - (2) Building materials for the period authorized by the Building Inspector which shall not obstruct more than one-half (1/2) of the sidewalk or more than one-third (1/3) of the traveled portion of the street and which do not interfere with the flow in the gutters.
  - (3) Excavations and openings permitted under Sections 6-2-3 and 6-2-4 of this Code.
- (c) **Standards.** Property owners may place certain fixtures on sidewalks which immediately adjoin their property if the following requirements are met:
- (1) The property must be located in an area used for commercial uses.
  - (2) The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.
  - (3) The placement of the fixture shall not significantly impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than three (3) feet at any point.
- (d) **Removal by Village for Sidewalk Obstructions and Encroachments.** In addition to any other penalty imposed, if any Village enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within twenty-four (24) hours.
- (e) **Removal by Village for Obstruction and Encroachments Located in the Village Streets, Alleys, Public Grounds or Lands Dedicated for Public Use.** In addition to any other penalty imposed, if any Village enforcement official determines that a Village street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within twenty-four (24) hours.
- (f) **Failure to Remove Obstruction.**
- (1) If the owner or occupant fails to remove the obstruction within the time period established in Section (d) or (e) respectively, any Village enforcement official shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain

unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.

- (2) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this Section.

## SEC. 6-2-6 STREET PRIVILEGE PERMIT.

- (a) **When Required.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Village Clerk-Treasurer or for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this Section and has obtained a building permit if required by this Code of Ordinances. The Clerk-Treasurer may request advisory recommendations from the Director of Public Works, Chief of Police and/or Building Inspector prior to issuance of the permit. Village officials may attach conditions to the permit, including proof of liability insurance.
- (b) **Bond.** No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk-Treasurer a bond in an amount determined by the Director of Public Works not exceeding Ten Thousand Dollars (\$10,000.00), conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations. Upon request, the Village Board may waive this requirement.
- (c) **Fee.** The fee for a street privilege permit shall be in the sum of Five Dollars (\$5.00), plus any actual Village costs.
- (d) **Conditions of Occupancy.** The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Village Board, Director of Public Works, Chief of Police, or Building Inspector for violation thereof:
- (1) Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.
  - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
  - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
  - (4) The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Village Board, shall continue during all hours of the day and night.
  - (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
  - (6) Buildings shall be moved only in accordance with the route prescribed by the Village Board.



# Estimate



Jane Dobbs >

## \$1,002.25

**Convert to invoice >**

ESTIMATE

#1134

Status: Pending

5/23/16

County: Dunn

1 ITEM

**02 Site Work**

**950.00**

1.00 x 950.00 each | Taxable

Take down and remove large silver maple.

**Subtotal**

**950.00**

Sales Tax (5.50%)

52.25

**Total**

**\$1,002.25**

X Get signature

NOTES & ATTACHMENTS



Add notes or attachm...

Seth Sikora  
E8490 895th Ave  
Colfax WI 54730  
Resident of The Village of Colfax

April 26, 2017

Colfax Village Hall  
Attn: Carey Davis  
122 Park Drive, Lot 15  
Colfax WI, 54730

Dear Carey Davis:

My name is Seth Sikora of E8490 895th Ave of the Village of Colfax. I am writing to you about getting a few more light post on State Highway 170 outside of Colfax. But the main reason why I am writing this is because when me and my sisters have something going on at night we always have to be concerned about cars hitting us, It has been a very big concern for me and my parents. **In short I would like an additional two to three lights put up on State highway 170.**

You see Ms. Davis, As the days go by I constantly see people driving down State Highway 170 especially at night. With the lack of lights out there it may eventually lead to an accident. Nothing is wrong with the actual road but I know from experience that people drive a bit more reckless. So I was hoping to make the road a safer place for everyone.

As a person who uses this road on a daily bases I always notice how dark it gets on State Highway 170. On multiple occasions me and my sisters have had to get into the ditch because people couldn't see us. This is also very concerning, not only to my parents but other parents that have kids who live out here. I have been doing my research and I have found that one light is \$2,200 This includes installation. But compared to a medical bill this would be a could be a very little cost. Total this project could turn out to be about \$4,400 to \$6,600. So I would really appreciate it if we could make Colfax a safer place for everyone and light up the roads.

I appreciate your time and look forward to any comments you might have on this matter.

Sincerely,

Seth J.C. Sikora

## CHAPTER 2

### Streets and Sidewalks

- 6-2-1 Removal of Rubbish and Dirt From Sidewalks
- 6-2-2 Construction and Repair of Sidewalks; Cost of Curb and Gutter
- 6-2-3 Excavations of Streets, Alleys, Public Ways and Grounds
- 6-2-4 Regulations Governing Excavations and Openings
- 6-2-5 Obstructions and Encroachments
- 6-2-6 Street Privilege Permit
- 6-2-7 Snow and Ice Removal
- 6-2-8 Terrace Areas
- 6-2-9 Vaults
- 6-2-10 Requests for Improvements
- 6-2-11 Unlawful Dumping on Streets
- 6-2-12 Obstruction of Public Ditches
- 6-2-13 Street Numbers

#### SEC. 6-2-1 REMOVAL OF RUBBISH AND DIRT FROM SIDEWALKS.

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Village Board or its designee, the Village Board or its designee may cause the same to be done and report the cost thereof to the Village Clerk-Treasurer who shall spread the cost on the tax roll as a special tax against the premises, pursuant to Sec. 66.60(16), Wis. Stats., or such cost may be recovered in an action against the owner or occupant.

#### SEC. 6-2-2 CONSTRUCTION AND REPAIR OF SIDEWALKS; COST OF CURB AND GUTTER.

- (a) **Board May Order.** The Village Board may determine that sidewalks or curb and gutter may be constructed, laid, rebuilt or repaired along or upon any public street, right-of-way or highway within the Village. The Village Board may determine or change the width or grade of any street or sidewalk.
- (b) **Apportionment of Sidewalk and Curb and Gutter Costs.** Any time the Village rebuilds or reconstructs a street, curb and gutter shall be installed. Sidewalks in new subdivisions shall be installed by the developer pursuant to the Village's Subdivision Ordinance. The adjacent property owners shall pay for the costs of any curb, gutter and sidewalks pursuant to the special assessment policy resolution then in existence.
- (c) **Permit Required.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Colfax unless he/she is under contract with the Village to do such work or has obtained a permit therefore from the Village Clerk-Treasurer at least three (3) days before work is proposed to be undertaken. No fee shall be charged for such permits.
- (d) **Standard Specifications for Sidewalk.**
  - (1) **General.** Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the Village.

- (2) Grading. Prior to construction, ground on which sidewalks are to be placed shall be brought to within three (3) inches of subgrade by the contractor.
- (3) Subgrade. Subgrade shall be three (3) inches of sand fill, thoroughly and uniformly compacted and brought to correct grade placing of concrete and thoroughly wet down immediately before concrete is placed. Soft and unsuitable subgrade material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed.
- (4) Concrete. The minimum quantity of cement per cubic yard shall be six (6) ninety-four (94) pound sacks. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test two thousand (2,000) pounds compression in twenty-eight (28) days. Bituminous sidewalks are prohibited.
- (5) Jointing. Expansion joints one-half (1/2) inch thick and four (4) feet wide shall be placed at fifty (50) foot maximum intervals. At all places where a walk intersects another walk or curb line, a one-half (1/2) inch expansion joint shall be placed.
- (6) Slope. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a six (6) inch strip of street property left between the property line and the edge of the sidewalk.
- (7) Width and Thickness.
  - a. All residential sidewalks in the Village shall be four (4) feet in width.
  - b. The width of sidewalks in commercial areas shall be as determined by the Village Board.
  - c. Residential walks shall be not less than four (4) inches thick except within driveway approaches where the minimum thickness shall be six (6) inches. Sidewalks in front of commercial or industrial establishments shall be not less than five (5) inches in thickness, except within driveway approaches where the minimum thickness shall be seven (7) inches.
  - d. One-half (1/2) inch reinforcement rod shall be used when replacing or repairing sidewalks over alley entrances.
- (8) Finishing. The concrete shall be struck off true to grade, finished smooth and given a broom finish. All edges shall be rounded. No tool marks shall be left on exposed surfaces. In case of rain, the sidewalk shall be covered to protect the surface from being damaged. Sidewalks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees F.] for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below thirty-five (35) degrees F. in any seventy-two (72) hour period or upon frozen subgrade.
- (9) Curing. Concrete shall be kept moist by sprinkling, covering or a combination of both for a minimum of five (5) days.
- (10) Higher Standards. Where deemed necessary by the Village, higher sidewalk standards may be required by the Village Board.

(e) **Repair or Replacement of Defective Sidewalks.**

(1) The Village Board may determine that any sidewalk which is unsafe, defective, or insufficient be repaired or removed and replaced with a sidewalk in accordance with this Section. The existence of any one or more of the hereinafter enumerated characteristics shall determine whether a sidewalk is defective or insufficient:

- a. Three-fourths ( $3/4$ ) inch or more vertical differential between adjacent sharp edged individual sidewalk blocks (crack in slab) and between adjacent round edged individual sidewalk blocks (joint).
- b. One and one-fourth ( $1-1/4$ ) inch horizontal distance between adjacent individual sidewalk blocks.
- c. Deterioration of the surface to a vertical depth of one-half ( $1/2$ ) inch or more within each individual sidewalk block.

(2) If eighty percent (80%) of a property owner's sidewalk blocks are determined to be defective or insufficient, the entire sidewalk shall be replaced.

(f) **Illegal Sidewalks.** No sidewalk which shall be constructed contrary to the provisions of this Section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one that is in conformity with this Section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

State Law Reference: Sec. 66.615, Wis. Stats.

**SEC. 6-2-3 EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND GROUNDS.**

- (a) **Permit Required.** No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ground, public sidewalk or Village-owned easement within the Village of Colfax without a permit therefor from the Director of Public Works or Village Clerk-Treasurer.
- (b) **Application for Permit.** The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the Village Clerk-Treasurer or Director of Public Works, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Village Clerk-Treasurer or Director of Public Works shall determine if sufficient information is submitted.
- (c) **Exception.** The provisions of this Section shall not apply to Village excavation work done under the direction of the Village Board or Director of Public Works.
- (d) **Validity of Permit.** Permits shall be valid for a period of thirty (30) days from the date of approval, except as provided for under Section 6-2-4(g) for pavement replacement.
- (e) **Renewal of Permit.** If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the Village Clerk-Treasurer or Director of Public Works and payment of a Five Dollar (\$5.00) renewal permit fee. Permit renewals shall be issued at the discretion of the Village Clerk-Treasurer or Director of Public Works.



## **66.615 Sidewalks.**

- (1) **PART OF STREET; OBSTRUCTIONS.** Streets shall provide a right-of-way for vehicular traffic and, where the council so requires, a sidewalk on either or both sides thereof; the sidewalk shall be for the use of persons on foot, and no person shall be allowed to encumber the same with boxes or other material; but such sidewalk shall be kept clear for the uses specified herein.
- (2) **GRADE.** In all cases where the grades of sidewalks shall not have been specially fixed by ordinance the sidewalks shall be laid to the established grade of the street.
- (3) **CONSTRUCTION AND REPAIR.**

  - (a) *Authority of council.* The council may from time to time by ordinance or resolution determine where sidewalks shall be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks, and the standard so fixed may be different for different streets, and may order by ordinance or resolution sidewalks to be laid as provided in this subsection.
  - (b) *Board of public works.* The board of public works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the council.
  - (c) *Notice.* A copy of the ordinance, resolution or order directing such laying, removal, replacement or repair shall be served upon the owner, or an agent, of each lot or parcel of land in front of which such work is ordered. The board of public works, or either the street commissioner or the city engineer if so requested by the council, may serve the notice. Service of the notice may be made by:

    1. Personal delivery;
    2. Certified or registered mail; or
    3. Publication in the official newspaper as a class 1 notice, under ch. 985, together with mailing by 1st class mail if the name and mailing address of the owner or an agent can be readily ascertained.
  - (d) *Default of owner.* Whenever any such owner shall neglect for a period of 20 days after such service to lay, remove, replace or repair any such sidewalk the city may cause such work to be done at the expense of such owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder except as provided in s. 62.15 (1).
  - (e) *Minor repairs.* If the cost of repairs of any sidewalk in front of any lot or parcel of land does not exceed the sum of \$100, the board of public works, street commissioner or city engineer if so required by the council, may immediately repair such sidewalk, without notice or letting the work by contract, and charge the cost thereof to the owner of such lot or parcel of land, as provided in this section.
  - (f) *Expense.* The board of public works shall keep an accurate account of the expenses of laying, removing and repairing sidewalks in front of each lot or parcel of land whether the work is done by contract or otherwise, and report the same to the comptroller who shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be entered by such clerk in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate. The council by resolution or ordinance may provide that the expense so incurred may be paid in up to 10 annual instalments and upon such determination, the comptroller shall prepare the expense statement as herein required in such manner and with such frequency as the improved instalment payment schedule allows. If annual instalments for such expense are authorized, the city clerk shall charge the amount to each lot or parcel of land and enter it on the tax roll as a special tax against such lot or parcel each year until all instalments have been entered, and the same shall be collected in all respects like other taxes upon real estate. The council may provide that the street commissioner or city engineer shall perform the duties imposed by this section on the board of public works.
- (5) **SNOW AND ICE.** The board of public works shall keep the sidewalks of the city clear of snow and ice in all cases where the owners or occupants of abutting lots fail to do so, and the expense of so doing in front of any lot or parcel of land shall be included in the statement to the comptroller required by sub. (3) (f), and

in the comptroller's statement to the city clerk and in the special tax to be levied as therein provided. The city may also impose a fine or penalty for neglecting to keep sidewalks clear of snow and ice.

- (6) REPAIR AT CITY EXPENSE. Whenever the council shall by resolution or ordinance so determine, sidewalks shall be kept in repair by and at the expense of the city, or the council may direct that a certain proportion of the cost of construction, reconstruction or repair be paid by the city and the balance by abutting property owners.
- (7) RULES. The council may from time to time make all needful rules and regulations by ordinance for carrying the aforesaid provisions into effect, for regulating the use of the sidewalks of the city and preventing their obstruction.
- (10) APPLICATION OF SECTION; DEFINITIONS. The provisions of this section shall not apply to 1st class cities but shall be applicable to towns and villages, and when applied to towns and villages:
  - (a) "Board of public works" means the committee or officer designated to handle street or sidewalk matters.
  - (b) "City" means town or village.
  - (c) "Comptroller" means clerk.
  - (d) "Council" means town board or village board.

**History:** 1975 c. 172, 356, 421, 422; 1979 c. 32; 1983 a. 189, 532; 1991 a. 316; 1993 a. 490.

A city cannot delegate its primary responsibility to maintain its sidewalks, nor delegate or limit its primary liability by ordinance.

*Kobelinski v. Milwaukee & S. Transport Corp.* 56 W (2d) 504, 202 NW (2d) 415.

Defendant property owners' failure to remove snow and ice from sidewalks in violation of a municipal ordinance did not constitute negligence per se. *Hagerty v. Village of Bruce*, 82 W (2d) 208, 262 NW (2d) 102.

A city, exercising its police power, can impose a special tax on properties for the cost of installing a sidewalk on an adjacent city right-of-way, in the absence of showing that the properties would be benefited. *Stehling v. City of Beaver Dam*, 114 W (2d) 197, 336 NW (2d) 401 (Ct. App. 1983).