



P.O. Box 352 • 150 S. Bridge St. • Markesan, WI 53946 • P: (920) 398-3031 • F: (920) 398-3991

## **PUBLIC PROPERTY & HEALTH COMMITTEE**

### Markesan City Hall

October 1, 2019

Immediately Following Streets, Buildings & Utilities Meeting

### **AGENDA**

Call to Order

Roll Call

Citizen's Comments

Public Works Report

- Discussion and Action on Hunting Program within the City of Markesan

Old Business

- Discussion and Action on Memorial Trees on Margaret Street
- Discussion and Action on Update for 650 North Margaret Street Property Maintenance
- Discussion and Action on Solder's & Sailor's Park Beach Preservation

New Business

- Discussion and Action on Status of Dilapidated Buildings in the City of Markesan

Adjournment

A quorum of the Markesan Common Council may be in attendance at this meeting to gather information about a subject over which they have decision making responsibility. Under Wisconsin Open Meeting Law, this may constitute a meeting of the Common Council pursuant to the Badtke Decision, however, the Council will not take action at this meeting.

Any person requiring special assistance to participate in this meeting should contact the Clerk-Treasurer at 398-3031 at least 24 hours prior to the meeting so appropriate accommodations can be made.

Posted: Markesan State Bank      City Hall  
Farmers State Bank      Post Office  
[www.markesanwi.gov](http://www.markesanwi.gov)

Dated September 30, 2019  
Elizabeth Amend, Clerk-Treasurer

## Memorial Tree Concerns

After the last committee meeting, I had a chance to speak to Dan Sondalle and I asked him about the memorial trees and advised him of our plan to possibly remove several of the trees. Dan reviewed the ordinances and feels that the only way the City can take action on these trees is if it is violation of one of two ordinances:

### 400-14 Vision Clearance

No obstructions such as structures, parking or vegetation shall be permitted in any district other than the C-1 District between the height of 2 1/2 and 10 feet above a plane through the mean curb grades within the triangular space formed **by any two existing or proposed intersecting street or alley right-of-way lines** and a line joining points on such lines, located a minimum of 35 feet from their intersection. Official signs, utility poles, tree trunks and wire fences may be permitted within each segment of an intersection traffic visibility area.

- Most if not all the trees that I observed causing a vision obstruction were from business driveways, NOT streets or alleys. Thus this ordinance does not cover those concerns.

### 252-10 Control of trees and shrubs over public ways

Trimming required. The owner or occupant of any private property shall not permit any tree, bush, hedge or shrub to intrude onto a public street or sidewalk from such adjacent private property, nor shall such owner or occupant permit boughs or branches to overhang such public ways at a **height of less than 10 feet over the sidewalk or at a height of less than 14 feet over the Street.**

#### B.

Notification. The City Forester shall, during June of each year, publish a notice that every person is required to control trees and shrubs over public ways on land in the City which he occupies or owns.

#### C.

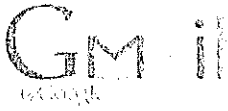
Enforcement. If an occupant or owner fails to comply with the provisions of Subsection A above, the City Forester shall serve upon such occupant or owner, personally or by certified mail, notice as to this fact. If such occupant or owner fails to abate this nuisance within 10 days after service of the notice, the City Forester shall take action to abate such public nuisance.

#### D.

Costs. If the City causes a nuisance to be removed as provided in Subsection C above, the actual cost thereof, together with an administrative fee equal to 10% of the actual cost, shall be charged to the occupant. If such charges are not paid by November 1 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a special charge for current services against the property affected and collected in the same manner as are other taxes, pursuant to § 66.0627, Wis. Stats.

- There are some of the trees that I had concern about that might be in violation but not most of them. If they are in violation of this section, then we must notify the property owner and if they don't take care of it the city may abate the issue and charge the property owner.

In Dan's letter to Betsy on 05-31-19 he advised that per our ordinances, it is the property owner's responsibility to maintain and prune shrubs and trees in the terrace area. He went on to say that we can abate the public nuisance by providing notice to the property owner and if they do not then the city may abate and assess the cost onto the tax roll of the property owner. I have attached a copy of the email from Dan to this letter.



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## Trimming Trees in the Terrace

1 message

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Daniel Sondalle <dsondalle@sondallelaw.com>  
To: Betsy Amend <bamend@markesanwi.gov>

Fri, May 31, 2019 at 9:03 AM

Dear Betsy:

The City asked me to research and advise who is responsible for maintenance and trimming of trees or shrubs for the terrace area between a sidewalk and the road.

In reviewing the City Code, the following sections would apply:

1. Section 252-5 enumerates various public nuisances affecting peace and safety. Section 252-5(D) provides: "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."
2. Section 252-10 pertains to control of trees and shrubs over public ways. Section 252-10(A) provides: "Trimming required. The owner or occupant of any private property shall not permit any tree, bush, hedge or shrub to intrude onto a public street or sidewalk from such adjacent private property, nor shall such owner or occupant permit boughs or branches to overhang such public ways at a height of less than 10 feet over the sidewalk or at a height of less than 14 feet over the street."
3. Section 273-5 pertains to duties and responsibilities of owners and operators as to maintenance and appearance of exterior of premises. Section 273-5(E) provides "The premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and kept from becoming overgrown and unsightly where exposed to the public view. Premises shall include the areas between the sidewalk and the curb of the street."

Based on these sections of the City's ordinance, it is the property owners responsibility to maintain and prune shrubs or trees in the terrace area. Section 252-7 provides the procedure for abatement of public nuisances. The City shall provide notice to the property owners to abate the public nuisance. If they do not, the City may abate the nuisance and assess the cost onto the tax roll of the property owner. Likewise, pertaining to Chapter 273, Notice must be provided to the property owners pursuant to Section 273-8 to prune or remove the shrubs or trees which are obstructing the view from the highway. If the property owners does not remedy the situation as set forth in the notice, the City may do the proper work to abate the problem and assess the cost onto the tax roll of the property owner.

If you have any other questions regarding this issue, please contact me.

Daniel D. Sondalle/kjg

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## Plans for Buildings at 650 North Margaret Street, Markesan WI

| Bldg No. | Type of Structure | Condition*   | Owner's Overall Plans  | Proposed Timing   |
|----------|-------------------|--|--|---|
| 1        | Garage            | Fair   | Roof, replace windows, replace damaged siding, paint   | Nov 2018/<br>Spring 2019  |
| 2        | Pole Shed         | Fair   | No plans to add doors, feels painting is a lower priority, no plan to fix roof   | 2020  |
| 3        | Granary           | Fair   | Will ask renters to fix post ASAP, missing sliding will be replaced, does not wish to paint it                           | Fix Post ASAP, no other plans   |
| 4        | Shed              | Dangerous, unsafe and unfit for human use, recommended immediate razing        | Will be taken down<br><b>RAZED 8-7-19</b>  | This fall   |
| 5        | Hog House         | Fair   | Will make repairs  | Determine plan in 2019, correct in 2021   |
| 6        | Barn              | Fair - structural column has been removed and need attention                   | Will ask renter to replace missing support beam, roof repair, siding to be painted or replaced with steel as funds allow | No date on beam, roof patch in 2019, possible roof replacement in 2020, Siding - no timing provided |
| 7        | Feed Room         | Fair   | Attached to barn so will be repaired in same manner  | See Building 6 plan   |
| 8        | Part of Barn      | Fair   | Siding to be replaced, painted or sided with steel when barn is painted or sided (as funds allow)                        | Siding 2019 Paint or Sided with Barn  |
| 9        | White Barn        | Fair - noted that main support beam has become rotted and structure is sagging | Will replace support beam, missing siding, foundation, and paint   | Beam - fall 2018<br>Missing siding 2019<br>Foundation 2019<br>Paint 2020                            |
| 10       | Chicken Coup      | Dangerous, unsafe and unfit for human use, recommended immediate razing        | Will take down<br><b>RAZED 8-7-19</b>  | this fall   |
| 11       | Lean-to Structure | Fair   | Being used for storage, will repair so doors and windows are secure  | Repair 2019   |

\* Per General Engineering Report , July 2018