

# VILLAGE OF COTTAGE GROVE

# NOTICE OF PUBLIC MEETING

## ORDINANCE REVIEW COMMITTEE

Wednesday, March 31, 2021

Time: 5:45 p.m.

Due to the COVID-19 pandemic, this meeting will take place virtually via Zoom. Please join the meeting from your computer, tablet or smartphone by visiting <https://zoom.us/j/98543983635?pwd=RkdNVzJQaWl5dGpHdXRyUWdoQXRIdz09>

You can also participate via phone by dialing 1-312-636-6799 and use Meeting ID: 985 4398 3635#. When asked for your Participant ID, just press #. When asked for the Passcode, enter 221.

You may also choose to participate by providing public comment prior to the meeting via email to the Committee Chairperson, Heidi Murphy at [hmurphy@village.cottage-grove.wi.us](mailto:hmurphy@village.cottage-grove.wi.us)

1. Call To Order
2. Determination Of Quorum And That The Agenda Was Properly Posted
3. PUBLIC APPEARANCES-Public's Opportunity To Speak About Any Subject That Is Not A Specific Agenda Item
4. Discuss And Consider The Minutes From The February 24, 2021 Meeting.

Documents:

[ITEM 4 ORDINANCE REVIEW MINUTES 02-24-2021.PDF](#)

5. Discuss Any Ordinance Edits And Changes Recommended For The Purpose Of Compiling A Prioritized List Of Recommended Ordinance Changes To Submit To The Village Board.
6. Discuss Any Ordinance Request Forms Received.
7. Discuss And Consider Chapter 325-93: Swimming Pools

Documents:

[ITEM 7 SWIMMING POOLS MEMO.PDF](#)  
[ITEM 7 SWIMMING POOL DRAFT.PDF](#)

8. Discuss And Consider Update To Chapter 94-3: Special Meetings Of The Village Board.

Documents:

[ITEM 8 SPECIAL MEETINGS OF THE VILLAGE BOARD.PDF](#)

9. Discuss Chapter 173-1: Use Of Firearms And Weapons.

Documents:

[ITEM 9 ORDINANCE 173 RE-WRITE MARCH 2021.PDF](#)

10. Discuss Responsible Bidder Ordinance And Right-Of-Way Work.

Documents:

ITEM 10 RBO AND RIGHT OF WAY WORK MEMO.PDF  
ITEM 10 EX 1 RBO.PDF  
ITEM 10 EX 2 AFFIDAVIT OF COMPLIANCE TEMPLATE.PDF  
ITEM 10 EX 3 RIGHT OF WAY WORK.PDF

11. Status Update On In-Progress Ordinance Changes.
12. Future Agenda Items.
13. Set Next Meeting Date.
14. Adjournment

Any item on the agenda is subject to final action. Notice: Persons needing special accommodations should call 608-839-4704 at least 24 hours prior to the meeting. It is possible that members of and possibly a quorum of members of other governmental bodies 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.

# ORDINANCE REVIEW COMMITTEE

Wednesday, February 24, 2021

Time: 5:45 p.m.

## Draft Minutes

1. Call to Order.

- a. Heidi Murphy called the meeting to order at 5:45PM

2. Determination of quorum and that the agenda was properly posted.

Attendance: Alex Jushchyshyn, Heidi Murphy, Cara Musick  
Absent: Jess Robinson, Paul Van der velde

3. **Public Appearances** – Public’s opportunity to speak about any subject that is not a specific agenda item

None

4. Approve the minutes of the January 27, 2021 meeting

- a. Motion to approve as presented Heidi Murphy, 2nd Alex Jushchyshyn  
Vote: 3 -0-0

5. Discuss any Ordinance edits and changes recommended for the purpose of compiling a prioritized list of recommended Ordinance changes to submit to the Village Board

- a. None

6. Discuss any Ordinance Request Forms received

- a. none

7. Discuss Chapter 325-88(J): Pool fences

Heidi reviewed the Request Form on Pool fences and staff Memo.

Resident Ashley Inda presented what she is expecting a pool to be installed in 2021. and submitted the ordinance review request.

Alex recommends asking the Board for direction. Does the Board want us to work on this?

Clara, looking for more information on the effectiveness of the safety cover. is there more data available?

Heidi Murphy will review the request at the next Village Board Meeting and seek direction for what actions this committee should take.

8. Discuss and consider update to Chapter 94-3: Special Meetings of the Village Board

Heidi reviewed background on this request.

Heidi to incorporate comments from the committee in the revision and bring to the next meeting

9. Discuss Chapter 173-1: Use of Firearms and Weapons

Alex Jushchyshyn reviewed to Draft updates Chapter 173-1

Alex to incorporate comments from the committee in the revision and bring to the next meeting.

10. Status update on in-progress ordinance changes

- a. Heidi Murphy: reviews still working on Fire lock box with review from Legal
- b. Chicken ordinance revisions will go to public hearing in March
- c. Fence Ordinance revisions will goto Public hearing in March

11. Future agenda items

- a. continuation of review above ordinance edits.

12. Set next meeting date

- a. March 31st 5:45pm

13. Adjournment

- a. Motion: Heidi Murphy 2nd Alex Jushchyshyn

Vote: 3 -0-0



# MEMO

**MEMO DATE:** March 24, 2021  
**TO:** Ordinance Review Committee  
**FROM:** Heidi Murphy  
**RE:** Discuss Chapter 325-93: Swimming Pools

**Some surrounding communities have modified their fence ordinances so that a fence is not required around an in ground swimming pool when there is a safety or automatic cover installed on the pool . The committee should discuss if we would like to recommend pursuing this change as a resident has requested review of this ordinance.**

The proposed changes allow for residential pool owners to choose one of the follow safety barrier options:

- Pool fence with specifications and meeting the general requirements of fences
- Power safety cover complying with ASTM F 1346-91 and subsurface disturbance sensor alarm
  - o Subsurface disturbance sensors measure disturbances to the water pressures to activate alarm circuitry, cost around \$250, and, when used correctly, provide an additional layer of protection

In addition to the safety barrier requirements, additional language is proposed to address which pools fall under this requirement, add access to additional safety devices, and require all pools to comply with these requirements before water is added to the pool.

As this ordinance is being changed outside of the scope of fences, it is recommended that we move this section to a reserved area of the zoning code to section 325-93.

## 325-93 Swimming Pools

- (1) In-ground pools. All outdoor, in-ground swimming pools shall have one or more of the following safety features:
  - a. Fence or other solid structure not less than five feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than four inches in a horizontal dimension. Fences with horizontal openings larger than four inches will be permitted if the vertical openings in the fence are not greater than one inch and the fence is considered by the Building Inspector to be non-climbable. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. Gates shall be outward opening and equipped with self-closing hinges and a latch placed at least 54" from the bottom of the gate that is intended to discourage unauthorized entry by small children. All fences shall comply with the requirements in Chapter 325-88.
  - b. Power safety cover and a subsurface disturbance sensor alarm. Pool safety covers shall conform to the specifications in ASTM F 1346-91 that specifies safety performance requirements for pool covers. Such covers shall be well-maintained, fully operational at all times, and shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Power safety cover control devices shall use a key/code switch and be installed minimum 54" from the ground to be kept out of the reach of small children. The subsurface disturbance sensor alarm shall be kept in working order, equipped with a loud and distinct exterior alarm and a remote alarm feature that will sound inside the residence. Such alarm shall be activated at all times when the swimming pool is not in actual use for swimming or bathing purposes.
- (2) Aboveground pools and spas:
  - a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend not less than three feet above the level of the ground immediately adjacent to the pool. Such solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.
  - b. The pool and spa enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 48 inches high on the top.
- (3) The pool and spa safety barrier shall be required with any pool or spa measuring at least 18 inches in depth and 15 feet in width that is intended for swimming.
- (4) In addition to the safety barrier requirements outlined above, all swimming pools and spas shall have life-saving equipment such as life rings, floats or a reaching pole available and easily accessible.
- (5) All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Article or when water is placed in the pool.



# MEMO

**MEMO DATE:** March 24, 2021  
**TO:** Ordinance Review Committee  
**FROM:** Heidi Murphy  
**RE:** Discuss Chapter 94-3 Meetings of the Village Board

**A special meeting of the Village Board was called recently and it was recommended that the procedures should be reviewed .**

## Current Ordinance

Special meetings. Special meetings of the Village Board may be called by the Village President or any two Trustees in writing filed with the Clerk at least 48 hours prior to the time specified for such meeting. The Clerk shall immediately notify each Trustee of the time and purpose of such meeting by causing a written notice thereof to be delivered to each Trustee via electronic transmission, personally, if he or she can be found, or, if he or she cannot be found, then by leaving a copy of such notice at the home of such Trustee. The Clerk shall cause an affidavit showing service of such notice as herein provided to be filed in his or her office prior to the time fixed for such special meeting. Special meetings may be held without such notice when all members of the Village Board are present in person or consent in writing to the holding of such meeting, such written consent to be filed with the Clerk prior to the beginning of the meeting. Any special meeting attended by all the Trustees shall be a regular meeting for the transaction of any business that may come before such meeting.

## Proposed Changes

Special meetings. Special meetings of the Village Board may be called by the Village President or any two Trustees in writing filed with the Clerk at least ~~48~~ 24 hours prior to the time specified for such meeting. The Clerk shall immediately notify each Trustee of the time and purpose of such meeting by causing a written notice thereof to be delivered to each Trustee via electronic transmission, personally, if he or she can be found, or, if he or she cannot be found, then by leaving a copy of such notice at the home of such Trustee. The Clerk shall ~~cause an affidavit~~ keep record showing service of such notice as herein provided to be filed in his or her office prior to the time fixed for such special meeting. Special meetings may be held without such notice when all members of the Village Board are present in person or consent in writing to the holding of such meeting, such written consent to be filed with the Clerk prior to the beginning of the meeting. Any



special meeting attended by all the Trustees shall be a regular meeting for the transaction of any business that may come before such meeting.

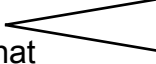


March 23, 2021 . edits

Proposed edits for 173.-1 Use of firearms and weapons

A. Discharge and Possession of Firearms Regulated. No person, unless acting in self-defense pursuant to Section 939.48, Wisconsin Statutes, except a sheriff, police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, or bow and arrow unless engaged in permitted activity as explained in subsection F. of this section in their possession or under their control unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to state law. Children's toys that discharge or fire foam or plastic projectiles are exempt from this ordinance. This subsection shall not apply to the discharge of a firearm if the actor's conduct is justified or had it been subject to criminal penalty, would have been subject to a defense described in Section 939.45, Wisconsin Statutes.

B. Shooting Into Village Limits. No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village.



we don't need this in the opposite direction as you not allow to discharge a firearm in the Village

C. Shooting Ranges. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the chief of police and Village Board, after an advisory recommendation from the Chief of Police, where proper safety precautions are taken.

E. Hunting Prohibited. Hunting is generally prohibited within the corporate limits of the Village.

F. Shooting or discharging a bow and arrow or crossbow or spring gun, air gun or pneumatic pellet gun within Village limits is allowed with the following provisions:

1. Except as provided in subsection A, it shall be unlawful for a person to hunt with a bow and arrow or crossbow within a distance of one hundred (100) yards from a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building.

2. A person who hunts with a bow and arrow or crossbow shall discharge the projectile from the weapon toward the ground.

3. No person shall discharge or spring gun, air gun or pneumatic pellet gun or an arrow with any bow or similar device where the projectile may endanger the life, limb or property of another or will traverse any part of any street, alley, public grounds or parks.

4. The Parks and Recreation department and the Monona Grove School District may conduct supervised archery or spring gun, air gun or pneumatic pellet gun activities in areas under their jurisdiction when authorized by the Chief of Police.

5. It shall be unlawful for a person to hunt or trap on any portion of land owned or leased by the Village of Cottage Grove.

G. Definition. For the purposes of this section, a "firearm" means a weapon that acts by force of gunpowder.



# MEMO

**MEMO DATE:** March 24, 2021  
**TO:** Ordinance Review Committee  
**FROM:** Heidi Murphy  
**RE:** Discuss Responsible Bidder Ordinance and Right-of-way work

## Responsible Bidder Ordinance

Responsible Bidder Ordinances provide objective, uniform criteria and protection for tax payers and municipalities against awarding public contracts to bidders with a history of financial mishandling, on-the-job injuries, careless errors, poor quality work, and project delays. Implementing an RBO allows for communities to determine which bidders deliver the highest quality work for the most effective price with the lowest burden on tax payers.

While this was discussed previously at the Ordinance Review Committee, the logistics of the implementation of this ordinance was not laid out. After consultation and additional research, the most effective way to implement this ordinance would be:

- Codify the ordinance for all public projects amounting to at least \$1,000,000
- Require an affidavit of compliance returned in the bid packet for all public projects amounting to at least \$1,000,000 to be considered for award of contract
- As part of the bid review, consultants/staff shall verify bidders do not have concerning answers on the affidavit of compliance

## Right-of-way work Affidavit of Compliance

Another area of concern in protecting the public from irresponsible contractors working in public right-of-way areas.

## **Responsible Bidder Ordinance Example**

**1) Definitions.** In this section, the following definitions shall apply.

- a) “Contractor” means a person, corporation, partnership or any other business entity that performs work on a public works contract as a general contractor, prime contractor or subcontractor at any tier.
- b) “Apprenticeship program” means a program that is approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyman status for three (3) years or a program that has been registered with the federal or state government within the last three (3) years, provided that such program graduates apprentices to journeyman status within the indenture period excluded from the meaning of Apprenticeship program is any Industry-Recognized Apprenticeship Program.
- c) “Public works contract” means a contract for the construction, alteration, execution, repair, remodeling or improvement of a public work or building, where the contract is required to be bid pursuant to Wis. Stat. § 61.54 and 62.15(1) and (6).

**2) Responsible Bidder Criteria.** In order to be a responsible bidder for purposes of being awarded a public works contract, the contractor must meet the following criteria.

- a) The contractor maintains a permanent place of business.
- b) The contractor is authorized to do business in the State of Wisconsin.
- c) The contractor, or agent, partner, employee or officer of the contractor, is not debarred, suspended, proposed for debarment or declared ineligible from contracting with any unit of federal, state or local government.

- d) The contractor is in compliance with provisions of Section 2000e of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
- e) The contractor has general liability, workers' compensation, unemployment, and automobile insurance at levels sufficient to protect the village given the size of the public works.
- f) The contractor has complied with all provisions of Wisconsin prevailing wage law and federal Davis-Bacon related Acts, and all rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years.
- g) The contractor participates in an Apprenticeship program for any contractor with more than 10 employees, the contractor participates in an Apprenticeship program or has a written alternative training program sufficient to ensure that its employees may safely perform the work required by the public works contract.
- h) The contractor has a written substance abuse prevention program meeting the requirements of Wis. Stat. § 103.503. As required by Wis. Stat. § 103.503, all employees must be subject to drug and alcohol testing before commencing work on the public works project, except that testing of an employee before commencing work on a project is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the public works project.
- i) The employees who will perform work on the project are properly classified as employees or independent contractors under all applicable state and federal laws.

- j) The contractor has not been the subject of any investigation, order or judgment from any state or federal agency or court concerning an employment practice, including but not limited to, classification of employees, unemployment insurance, or discrimination. If the contractor has been the subject of any investigation, order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order or judgment. The village shall review the investigation, order or judgment and determine whether the facts and circumstances are such that the contractor is not a responsible bidder.
- k) The contractor's employees who will perform work on the project are:
  - i) Covered under a current workers' compensation policy; and
  - ii) Properly classified under such policy.
- l) The contractor's employees who will perform work on the project have the health insurance coverage required by the federal Affordable Care Act.
- m) The contractor possesses all applicable professional and trade licenses required for performing the public works.
- n) The contractor has adequate financial resources to complete the public works contract, as well as all other work the bidder is presently under contract to complete.
- o) The contractor is bondable for the terms of the proposed public works contract.
- p) The contractor has a record of satisfactorily completing at least five projects of similar size and complexity within the last five years. Criteria which will be considered in determining satisfactory completion of projects may include, but are not limited to:
  - i) Completion of contracts in accordance with drawings and specifications;

- ii) Diligent execution of the work and completed contracts according to the established time schedules unless extensions are granted by the owner; and
- iii) Fulfilled guarantee requirements of the contract documents.
- q) The contractor has, and diligently maintains, a written safety program.
- r) The contractor was not in OSHA's severe violator enforcement program in the previous two years.

**3) No Restriction on Discretion.** If information other than what must be disclosed by the contractor in subsection 3 is discovered by the village or the department, official or employee responsible for awarding the public works contract, and such information calls into question the contractor's capacity or competence to faithfully and responsibly comply with the terms of a public works contract, that information shall be considered in determining whether the contractor is a responsible bidder.

**4) Affidavit of Compliance.** The general or prime contractor bidding on a public works project must include in its sealed bid;

- a) its own affidavit swearing compliance with the criteria set forth in subsection 3) on the form required by the village; and
- b) an affidavit swearing compliance with the criteria set forth in subsection 3) on the form required by the village from every subcontractor at any tier who will perform work on the project.

Failure to submit the required affidavit, or providing incorrect, false, or misleading information shall automatically disqualify the contractor's bid.

**AFFIDAVIT OF COMPLIANCE**

\_\_\_\_\_ (“Affiant”), as a potential contractor or subcontractor, on a project for the Village of Cottage Grove, swears, under oath and penalty of perjury, as follows:

1. Affiant’s permanent place of business is located at \_\_\_\_\_.
2. Affiant is authorized or registered to transact business in the state by the Department of Financial Institutions in compliance with Wis. Stat. chs. 178, 179, 180, 181, or 183.
3. Neither the Affiant, nor or agent, partner, employee or officer of the Affiant, is debarred, suspended, proposed for debarment or declared ineligible from contracting with any unit of federal, state or local government.
4. Affiant is in compliance with provisions of Section 2000e of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
5. Affiant has general liability, workers’ compensation, unemployment, and automobile insurance at levels sufficient to protect the Village of Cottage Grove given the size of the public works.
6. Affiant has complied with all provisions of Wisconsin prevailing wage law and federal Davis-Bacon related Acts, and all rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years.
7. Affiant has \_\_\_\_\_ employees. Affiant [STRIKE ONE] does / does not participant in an Apprenticeship program.
8. Affiant has a written substance abuse prevention program meeting the requirements of Wis. Stat. § 103.503. As required by Wis. Stat. § 103.503, all employees are subject to drug and alcohol testing before commencing work on the public works project, except that testing of an employee before commencing work on a project is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the public works project.
9. Affiant represents and warrants that all employees who will perform work on the project are properly classified as employees or independent contractors under all applicable state and federal laws.
10. Affiant [STRIKE ONE] has / has not been the subject of any investigation, order or judgment from any state or federal agency or court concerning an employment practice, including but not limited to, classification of employees, unemployment insurance, or discrimination. [STRIKE IF NOT APPLICABLE] Copies of any investigation, order or judgment are attached.
11. Affiant’s employees who will perform work on the project are:



- a. Covered under a current workers' compensation policy; and
- b. Properly classified under such policy.

12. Affiant's employees who will perform work on the project have the health insurance coverage required by the federal Affordable Care Act.

13. Affiant possesses all applicable professional and trade licenses required for performing the public works.

14. Affiant has adequate financial resources to complete the public works contract, as well as all other work the bidder is presently under contract to complete.

15. Affiant is bondable for the terms of the proposed public works contract.

16. Affiant has satisfactorily completing at least five projects of similar size and complexity within the last five years as follows:

a. Project 1:

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b. Project 2:

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c. Project 3:

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d. Project 4:

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e. Project 5:

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17. Affiant has, and diligently maintains, a written safety program.

18. Affiant was not placed in OSHA's severe violator enforcement program in the previous two years.

19. The person signing below has the authority to sign on behalf of, and bind, the Affiant.

20. Affiant understands that failing to submit the required affidavit, or providing incorrect, false, or misleading information, shall automatically disqualify the Affiant from be awarded the public works contract and/or performing work on the project.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## USE OF PUBLIC PROPERTY/RIGHT-OF-WAY

**Sec. 1 PERMIT REQUIRED.** No person, entity, contractor or subcontractor may perform any work on municipal property or within a municipal controlled public right of way without obtaining a permit from the department.

**Sec. 2 MINIMUM STANDARDS AND AFFIDAVIT OF COMPLIANCE.** Before a permit may be issued by the department to perform any work on or use municipal property or a municipal-controlled public right of way, all contractors and subcontractors performing work under the permit must file an affidavit providing the following:

(1) proof of authorization or registration to transact business in the state by the Department of Financial Institutions in compliance with chs. 178, 179, 180, 181, or 183;

(2) a representation and warranty that the entity is not, at the time of submission of the permit application, debarred by any federal or state agency;

(3) a representation and warranty that the entity is familiar with, and agrees to follow, Wisconsin's one call requirements, Wis. Stat. § 182.0175, for the project, maintains a safety program, has not been in OSHA's severe violator enforcement program in the previous two years, and whatever additional information the department may require to ensure that the entity will safely perform the work; and

(4) a copy of the written plan meeting the requirements of Wis. Stat. § 103.503(3) and a representation and warranty that the entity is in compliance with the testing requirements set forth in Wis. Stat. § 103.503(3)(a)2.

A contractor or subcontractor failing to provide the required affidavit, or failing to meet the affidavit criteria, shall not be allowed to excavate within, or place any facilities within, over or on, any municipal property or municipal-controlled right-of-way.

### AFFIDAVIT OF COMPLIANCE

\_\_\_\_\_ ("Affiant"), as a contractor or subcontractor on a project that requires work on municipal property or within a municipal controlled public right of way swears, under oath and penalty of perjury, as follows:

1. Affiant's permanent place of business is located at \_\_\_\_\_  
\_\_\_\_\_.

2. Affiant is authorized or registered to transact business in the state by the Department of Financial Institutions in compliance with Wis. Stat. chs. 178, 179, 180, 181, or 183.

3. Neither the Affiant, nor or agent, partner, employee or officer of the Affiant, is debarred, suspended, proposed for debarment or declared ineligible from contracting with any unit of federal, state or local government.

4. Affiant has a written substance abuse prevention program meeting the requirements of Wis. Stat. § 103.503. As required by Wis. Stat. § 103.503, all employees are subject to drug and alcohol testing before commencing work on the project, except that testing of an employee before commencing work on a project is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the project. A true and correct copy of the written substance abuse prevention program is attached hereto.

5. Affiant represents and warrants that all employees who will perform work on the project are properly classified as employees or independent contractors under all applicable state and federal laws.

6. Affiant possesses all applicable professional and trade licenses required for performing the project.

7. Affiant has, and diligently maintains, a written safety program and its employees have adequate training to perform the project.

8. Affiant is familiar with, and agrees to follow, Wisconsin's one call requirements, Wis. Stat. § 182.0175, for the project.

9. Affiant was not placed in OSHA's severe violator enforcement program in the previous two years.

10. The person signing below has the authority to sign on behalf of, and bind, the Affiant.

11. Affiant understands that failing to submit the required affidavit, or providing incorrect, false, or misleading information, shall automatically disqualify the Affiant from performing work on municipal property or within a municipal controlled public right of way.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_