

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Highway Committee *Via Zoom*

Date: Monday, March 7, 2022

Time: 8:00 AM

Place: Town Hall 11161 Old Stage Rd. *Via Zoom*

Agenda:

1. Call to order
2. Declaration of quorum
3. Approve Agenda
4. Approve Minutes: 2-7-2022
5. Public input
6. Report on Current Projects
7. Report on Transportation Plan Meeting
8. Materials in right of way at 2199 Hill Road
9. Correspondence
10. Future meetings
11. Adjourn

****All agenda items will include discussion and possible action. Deviation from listed order may occur****

****Audience members must ask for permission, during public input, to speak on agenda items ****

Anastasia Bell, Clerk/Treasurer

Members of the Town Board or any other Town Committee, who are not members of the body whose meeting agenda is published in this notice, are entitled, as any other citizen of the Town of Liberty Grove, to attend this meeting in an unofficial capacity. It is possible the attendance of one or more non-members may create a quorum of the membership of another body. Such a quorum is unintended, and the non-members are not meeting for the purpose of exercising the powers or duties attendant upon their membership on any Town Committee or Board.

Town of Liberty Grove is inviting you to a scheduled Zoom meeting (teleconferencing). To Join Zoom Meeting enter the following on your computer:

<https://us02web.zoom.us/j/86458036492?pwd=WmRqTUxEeUgxVzNnOHZVZlVMdGF6UT09>

Meeting ID: 864 5803 6492

Passcode: 122588

If the link doesn't work, go to <https://zoom.us/>, click the "Join a meeting" button and enter the meeting ID and Password when prompted.

To find your local number visit <https://zoom.us/u/atMFqvZKe>. To join the meeting by telephone dial one of the numbers below based on your location.

(312) 626-6799 US (Chicago)
(646) 558-8656 US (New York)
(253) 215-8782 US (Tacoma)

(301) 715-8592 US (Germantown)
(346) 248-7799 US (Houston)
(669) 900-9128 US (San Jose)

Town of Liberty Grove
Minutes of the Highway Committee on February 7, 2022
(this meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Approve Agenda
4. Approve Minutes: 1-10-2022
5. Public input
6. Report on Current Projects
7. Road improvement suggestions: Death's Door Marine
8. Solicit bids/quotes for 2022 road projects
9. Review Committee Mission Statement
10. Correspondence
11. Future meetings
12. Adjourn

Committee Chair Dale Stewart called the meeting to order at 8:02am. Committee members Janet Johnson, Walter Kalms, and Bill Surbaugh were present along with Clerk/Treasurer Anastasia Bell and 8 members of the public via teleconference (Zoom). Committee member Jay Olson was excused, committee member Kim Maedke-Shumway was absent.

Surbaugh moved, Johnson second to approve the agenda as posted. Carried 4-0.

Kalms moved, Johnson second to approve the 1-10-22 minutes as presented. Carried 4-0.

Public Input – None.

Current Projects – Kalms reported the crew continues to plow, one truck is out being repaired, and they are installing the new compressor.

Road Improvement Suggestions – Mike Kahr, Deaths Door Marine, noted that increased traffic has made truck travel more difficult and safety concerns continue to rise. The State Representatives will need local support in order to approach the DOT for changes. Jeff Johnson, Going Garbage, a County-wide transportation plan may increase safety. It was the consensus to continue this discussion with representatives from other municipal highway committees to see about creating consistency and to consider a safety study via Zoom before 3/1/2022 if possible.

2022 Project Bids – Kalms noted that Woodcrest Road may be removed from the bid depending on discussions with the Village later today. Funds, materials, and time are not available to construct Woodcrest wider than 24ft in 2022. **Surbaugh moved, Kalms second** to direct the Administrator to publish the bid with Woodcrest at 24-feet with the ability to request an alternate bid replacing Woodcrest with Cedar Dell. Carried 4-0.

Correspondence – Mr. Madsen's 2/5/2022 letter will be discussed at the next Highway meeting.

The next Highway meetings will be Monday, March 7, 2022 and Monday, April 4, 2022 at 8:00am via Zoom.

Johnson moved, Surbaugh second to adjourn at 9:23am. Carried 4-0

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

Correspondence

February 5, 2022

Mr. Dale Stewart, Chairman
Liberty Grove (Wisconsin) Highway Committee

Subject: Materials in Ditch at 2199 Hill Road; Driveway Permit

Dear Chairman Stewart:

I have just had the opportunity to review the draft minutes of the committee's January 10, meeting. While these are factually incorrect, it is a moot point.

- At my request, the town DID add gravel after they had resurfaced and raised the roadbed of Hill Road.
- The town refused my subsequent request that the town add additional gravel because the amount of gravel added initially was insufficient to safely access our field at the well-established point of ingress and egress.
- Because of the refusal, I had "materials" added to make the access safe.
- There is no "ditch." There is a change of elevation from what was the road level into the field.

However, the more significant point is that TOWN OF LIBERTY GROVE ORDINANCE 11-19 "DRIVEWAY ORDINANCE" states at Section 2. Application:

Section 2. Application

This ordinance shall apply to any new driveway in the Town, from public roadways over and to parcels of land privately owned, constructed after the date of adoption of this ordinance **and to any driveway in the Town, which is being altered or replaced in an amount in excess of Two Thousand Dollars (\$2,000.00) after the date of the adoption of this ordinance.** Furthermore, this ordinance shall apply to any driveway where a material "change of use" of the parcel the driveway serves takes place. (emphasis added)

It took one load of gravel and an hour of skid steer work. We DID NOT spend an "amount in excess of Two Thousand Dollars (\$2,000.00)...and made no material "change of use."

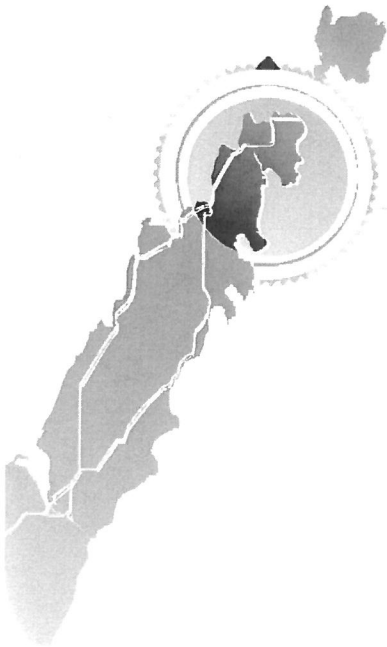
Consequently, the town's position is without merit and we are NOT applying for a driveway permit.

In the future, one might hope that the Highway Committee was somewhat more conversant with the applicable ordinances and not only avoid arbitrary and capricious accusations of alleged violations of those ordinances, but also avoid the attendant threats to take unwarranted actions ("you get a permit, you move it, or we'll move it!") against town property owners for those alleged violations.

We assume this concludes this matter for all concerned.

Sincerely,

Carl J and Stephany A. Madsen
2165 and 2199 Hill Road
Sister Bay, WI 54234



Town of Liberty Grove

We're Like Nowhere Else

March 1, 2022

To: Carl and Stephany Madsen

Ref: February 5, 2022 Correspondence

In answer to February 5, 2022 correspondence from Carl and Stephany Madsen:

Bullet points (underlined from February 5 2022 correspondence), Town answer is within the "italics":

Town DID add gravel: "Gravel was added to exiting driveways going into buildings west of parcel in question".

Town refused request: "There was no obvious driveway on the eastern portion of the parcel, just an area where Madsen says he was using to enter the parcel".

Added materials to the access: "This is at the western part of the parcel, a spot different from the first request, again no obvious existing driveway".

No ditch. "Rather than argue over ditch vs. no ditch, the fact remains that material was placed into and remains in the right of way without any kind of permit, in opposition to Town ordinance 4-19".

So: without any inclination to apply for a driveway permit on Madsen's part, the recourse the Town has is to apply ordinance 4-19.

Sincerely,

Walter L. Kalms, Clerk/Administrator
Town of Liberty Grove

Cc: Town Highway Committee

TOWN OF LIBERTY GROVE
ORDINANCE NO. 4-19

AN ORDINANCE REGULATING PLACEMENT OF OBJECTS ON TOWN PROPERTY OR
WITHIN TOWN ROAD RIGHTS OF WAY

The Town Board of the Town of Liberty Grove, Door County, Wisconsin, pursuant to Section 60.22(1), Wisconsin Statutes, does hereby ordain as follows:

Ordinance 2-96 is hereby repealed.

Sec. 1. Purpose.

To provide for the public welfare and safety of the people of the Town of Liberty Grove.

Sec. 2. Definitions.

- a. Lands owned or leased by the Town of Liberty Grove constitute Town property.
- b. Right of Way: that portion of Town property acquired by deed or easement dedicated for the purpose of laying and maintaining Town roads.
- c. Object: any structure or material placed on Town property or road right of way either temporarily or permanently, including, but not limited to, brush, trash, fences, plants, automobiles, ~~and~~ buildings, and snow/ice deposited from driveway snow removal excepting mailboxes and their supports.

Sec. 3 Restrictions.

- a. No object of any kind shall be placed on Town property or within the right of way of any Town road in the Town of Liberty Grove.

Sec. 4. Action by Town Board.

- a. Upon confirmation of an object place on Town property or road right of way, the Town Board shall, through the Town Clerk, issue a written notice of removal to the offending person. Said notice shall state the nature of the offense, and the conditions under which the offending objects shall be removed.
- b. Offending parties shall be given 24 hours from receipt of notice to remove stated objects from the Town property or road right of way.
- c. If, after 24 hours, the object remains on Town property or in the right of way the Town Chairman shall direct a citation to be issued and the Town crew to remove said object(s), with hourly rates for men and machine to be charged to the offending person.

Sec. 5. Enforcement.

- a. This ordinance may be enforced by the issuance of a citation to any violator of this ordinance by any Sheriff or Deputy sheriff of the County of Door, State of Wisconsin, by any State of Wisconsin officer with police powers, or by a Town Board member so designated.
- b. In the alternative, any forfeitures imposed by this ordinance may be sued for and recovered pursuant to Chapter 778, Wis. Stats., in the name of the Town of Liberty Grove.

Sec. 6. Penalties.

- a. Penalties for violations of provisions of this ordinance shall be not less than \$25 nor more than \$100 per day, plus the costs and disbursements of prosecution, for any violation which occurs under the terms of this ordinance with the exception of snow/ice deposited from driveway snow removal which will result in a fee of \$50 per offense per Wisconsin State Statute 346.95(3).

Each violation of any section constitutes a separate offense. Penalties shall include costs of removal as stated in Sec. 4c.

b. Responsibility for any violation resides with the property owner.

c. Any notices and citations will be sent to the property owner.

Sec. 7. Conflicting Ordinances.

All ordinances in whole or in part of the Town of Liberty Grove which conflict with provisions of this ordinance are hereby repealed.

Sec. 8. Severance Clause.

Provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of the ordinance.

This ordinance shall take effect upon passage and publication according to law.

I, Anastasia Bell, Clerk/Treasurer of the Town of Liberty Grove, Door County, Wisconsin do hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 5th day of June, 2019 by the Liberty Grove Town Board.

Dated this 5th day of June, 2019

Anastasia Bell, Clerk/Treasurer

TOWN OF LIBERTY GROVE REQUEST FOR BIDS

Notice is hereby given that the Town of Liberty Grove is soliciting bids/quotes for the following in 2022:

Pulverize and pave with hot mix asphalt, compacted to the listed thickness:

Grasse Ln, Porcupine Bay to end, 0.44 mile, 20 ft. wide, 3.0"
Woodcrest, Plateau to Flintridge, 0.51 mile, 24 ft. wide, 3.0"
Door Bluff Park(gravel), E. Door Bluff to DC Park Rd, 0.60 mile + turnaround, 20 ft. wide, 3.0"
Garrett Bay at USPO, 1200 sq yd, 3.0" (see Town for area to be paved)
Garrett Bay, STH 42 to Old School 0.25 mile, 20 ft. wide, 3.0"
N Sand Bay, Waters End to terminus, 0.66 mile + turning area 20 ft. wide, 3.0"
Winding Ln CTH Q to N Bay waters 0.53 mile + ramp into water 20 ft. wide, 3.0"
Wildwood Ct, Wildwood Rd to terminus 0.50 mile + cul de sac 20 ft. wide, 3.0"

ALTERNATE BID: Delete: Woodcrest.

Add: Old Stage Ln, Old Stage south to terminus, .31 mile + cul de sac, 20 ft. wide, 3.0"

Note: Bidder to take into account paving radius at intersections.

Additional requirements: Work to be completed prior to June 12, 2022. Follow pulverizing with a rubber-tired roller. Vendor to compact ahead of paver. Town shall do the finished grading prior to paving. Notify Town office prior to staking. Two lifts of LT 58-28 S per WDOT specifications—bidder to state price per ton in place of asphalt mix. Asphalt specification: LT 58-28 S hot mix asphalt per the latest edition of the WDOT specifications, section 460.3.1. Materials shall conform to sections 450, 455 and 460 of the latest edition of WDOT specifications, and current WDOT ASP 6, 460.2.1, which include the regression of air voids from 4.0% to 3.0% with asphalt cement.

Omitted requirements: nominal thickness (sec. 460.3.2); ride quality and testing (sec. 440); nuclear density (sec. 460.3.3); PG binder and tack coat sampling & testing (sec. 455.2.2 and 455.2.3); cold weather paving (sec. 450.3.2.1); and safety edge (sec. 450.3.2.11).

Additional: testing of asphalt mix per section 460.2.8 shall be done to verify required air void specifications. Documentation of testing and load weight slips shall be provided to Town within 15 days of project completion.

Alternate bid: Hot mix asphalt surface course, 3 inches thick after compaction, omit section 460.2.1 (2) regression of air voids with asphalt cement. Deduct \$ _____ per ton.

Obtain bid form and further information at the Town Office, phone number 920-854-2934; fax 920-854-7366. Sealed bids shall be submitted by 4 PM Friday April 1 at the Liberty Grove Town office at 11161 Old Stage Road, Sister Bay, WI 54234. Certificate of insurance must accompany bid. Any proposals submitted after this date and time will be rejected. It is anticipated that bids will be opened at a meeting beginning at 8 a.m. on Monday April 4 to be held at the Town Hall or virtually via Zoom at 11161 Old Stage Road. The Town of Liberty Grove reserves the right to accept or reject any or all bids it deems to be in the best interest of the Town, to accept any part or combination thereof, to waive any technicalities, and to accept any proposal deemed most advantageous to the Town, including the purchase of larger material quantities at the same cost per ton quoted price. Town reserves the right to postpone award of the work for a period not to exceed 30 days from the date of bid opening. Bids shall remain firm for that period of time.

Walter L. Kalms, Administrator

BASE BID:			<u>Unit Price</u>	<u>Total Price</u>
Grasse Ln (Porcupine Bay to end) 0.44 mi.				
Pulverize				
Compact prior to paving				
3" hot mix asphalt 2 lifts 20' wide				
Total Grasse Ln				
Woodcrest (Plateau to Flintridge) 0.51 mi.				
Pulverize				
Compact prior to paving				
3" hot mix asphalt 2 lifts 24' wide				
Total Woodcrest				
Door Bluff Park (E Door Bluff to DC Park Rd + turnaround) .60 mi.				
Compact prior to paving				
3" hot mix asphalt 2 lifts 20' wide				
Total Door Bluff Park				
Garrett Bay at USPO(1200 sq yd) .				
Compact prior to paving				
3" hot mix asphalt 2 lifts				
Total USPO area				
Garrett Bay (STH 42 to Old School) .25 mi.				
Pulverize (asphalt portion)				
Compact prior to paving				
3" hot mix asphalt 2 lifts 20' wide				
Total Garrett Bay Rd				
N Sand Bay (Waters End to terminus + turning area) .66 mi.				
Pulverize (asphalt portion)				
Compact prior to paving				
3" hot mix asphalt 2 lifts 20' wide				
Total N Sand Bay				
Winding Ln (CTH Q to N Bay waters inc. ramp) .53 mi.				
Pulverize				
Compact prior to paving				
3" hot mix asphalt 2 lifts 20' wide				
Total Winding Ln				
Wildwood Ct (Wildwood to terminus inc. cul de sac) .50 mi.				
Pulverize (asphalt portion)				
Compact prior to paving				
3" hot mix asphalt 2 lifts 20' wide				
Total Wildwood ct				
TOTAL BASE BIDS ALL ROADS(A)			(A)	
ALTERNATE: Delete Woodcrest(B)			(B)	
Add: Old Stage Ln(O Stage south to terminus inc. cul de sac) .31 mi				
Pulverize				
Compact prior to paving				
3" hot mix asphalt 2 lifts 20' wide				
Total Old Stage Ln(C)			(C)	
TOTAL ALTERNATE (A minus B plus C)				
Vendor: _____			Base Bid(A): _____	
Authorized Agent: _____			Alternate Bid(A-B+C): _____	
Date: _____			For the Town: _____	Date: _____