

TOWN OF LIBERTY GROVE PUBLIC MEETING

July Board Meeting

Date: Wednesday, July 21, 2021

Time: 7:00 PM, or immediately following conclusion of the Sanitary District meeting

Place: Town Hall, 11161 Old Stage Rd

Agenda:

1. Call to order
2. Declaration of a quorum followed by pledge of allegiance
3. Approve Agenda
4. Adjourn to closed session per Stat. 19.85 (1)(g): confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved
5. Reconvene into open session
6. Announcements from closed session
7. Approve Minutes: 6/28/2021 Special Board, 7/7/2021 Board
8. Payment of bills
9. Treasurer's report
10. Public input
11. Door County North activities
12. Utilities Committee Report
13. Xpress Bill Pay for LGUD#1 customers
14. Tourism Zone Report
15. Memo of Understanding between Town of Liberty Grove and Nsight
16. Resolution _-21, In Support of 2022 PSC Grant Application with Nsight
17. Ordinance 6-21, Driveways
18. Appointment to Library Commission
19. Operator license(s)
20. Correspondence
21. Future meetings
22. 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
Minutes of the Special Town Board meeting on June 28, 2021
(this meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of a quorum followed by pledge of allegiance
3. Approve agenda
4. Public Input
5. Consider ARPA funds related to broadband expansion
6. Adjourn

Chairman John Lowry called the meeting to order at 6:01pm. Supervisors Janet Johnson, Paul Schwengel, Cathy Ward, and Nancy Goss were present along with Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell, and 3 members of the public.

Goss moved, Schwengel second to approve the agenda as posted. Passed 5-0.

Public input – None.

American Rescue Plan Act Funds related to Broadband expansion – Dave Studebaker, Technology Committee chair, reported that additional funding is available for the 2022 PSC Broadband grants and applications are due July 27th. A public/private partnership with Nsight may be an option for fiber but it is unclear if Nsight would be the Internet Service Provider (ISP). Steve Jenkins, DCEDC, indicated an ISP will need to be determined for the application and a 50% funding match is typically preferred. A levy-cap override or borrowing/bonding of funds may be an option to provide this utility throughout the Town. **Goss moved, Johnson second** to commit ARPA funds over the next two years at \$91,951.33 each year plus \$75,000 unspent in Tech budget from last session to the PSC 2022 grant application to match with Nsight for broadband. Roll call with Lowry, Goss, Ward, Johnson, and Schwengel voting aye, no nays. Passed 5-0.

Goss moved, Lowry second to adjourn at 7:52pm. Passed 5-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

Town of Liberty Grove
Minutes of the Town Board meeting on July 7, 2021
(this meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of a quorum followed by pledge of allegiance
3. Approve agenda
4. Approve minutes: 6/16/2021
5. Approve payment of bills
6. Public Input
7. Administrator report
8. Consider bids for removal of house at 12695 Highway 42
9. Consider recycling day price quote from Going Garbage
10. Consider resolution 7-21, Supporting Broadband Expansion Grant Application for Fiscal Year 2022
11. Consider ordinance 5-21, Public Nuisance
12. Consider Class B Picnic license for LG Historical Society
13. Consider commercial launch pass(es)
14. Consider operator license(s)
15. Correspondence
16. Future meetings
17. Adjourn

Chairman John Lowry called the meeting to order at 6:58 pm. Supervisors Paul Schwengel, Janet Johnson, Cathy Ward and Nancy Goss were present along with Administrator Walter Kalms, Clerk Treasurer Anastasia Bell, Deputy Clerk/Treasurer Doug Curzon, and 2 members of the public.

Johnson moved, Schwengel second to approve the agenda as presented. Passed 5-0.

Ward moved, Goss second to approve the minutes from 6/16/2021 as presented. Passed 5-0.

Johnson moved, Schwengel second to approve the payment of bills as presented with a total of \$115,667.42. Passed 5-0.

Public Input – None.

Administrator report – Kalms reported paving on Mink River Road is complete, Mariners Park has a parking area, and the north property is roped off due to poor conditions, PILT payments increased to \$3.50/acre, WWTP depositions are complete, and asked for a 4-day lead time for agendas and packets to ensure appropriate posting.

Bids for removal of house at 12695 Highway 42 – Kalms opened the bid from Stephanie DeVoght-Burke which was the only bid received. **Ward moved, Schwengel second** to accept the bid offering of \$1,000 for removal of the house at 12695 Highway 42 from Stephanie DeVoght-Burke. Roll call with Goss, Ward, Schwengel, Johnson, and Lowry voting aye, no nays. Passed 5-0.

Going Garbage Recycling Quote – **Johnson moved, Ward second** to accept the price quote for the recycling day from Going Garbage. Passed 5-0.

Res 7-21, Supporting Broadband Expansion Grant Application for Fiscal Year 2022 – Lowry moved, Goss second to approve resolution 7-21 as presented. Passed 5-0.

Ordinance 5-21, Public Nuisance – Goss moved, Johnson second to replace the word “thing” with “object” in Section III (C) replace “thing” with “object” in Section V, and to replacing “things” with “objects” in Section VIII (B). Passed 5-0. The following changes were made:

- Section III, (J), 17 – “cards” replaced with “carts”
- Section VI (A) – to read “**Loud noise areas.** Any place in the Town where any reasonably loud, discordant, and unnecessary sound conditions are located on private or public land.”
- Section VI (B) – to read “**Fireworks.** Fireworks require a permit, see Town ordinance 15-19.”
- Section VI (C) – to read “**Disorderly conduct.** Refer to the Door County ordinance Chapter 31, Offenses Against Public Peace and Safety.”
- Section VIII, (C), (1) – to read “...mailing by the U.S. Postal Service of a certified, with return receipt, letter...”
- Section IX line 2 – replace “o” with “of”
- Section IX, line 7 – end the sentence immediately after the statute reference.
- Section X, (A) – replace “conviction” with “upon determination of the Town Board” and end this sentence after \$500. The next sentence should read “Default of payment of such forfeitures shall be assessed against the real property.”
- Section X, (B), line 2 – remove “convicted of a”
- Section X, (B), line 3 - replace “conviction” with “determination of the Town Board” and end this sentence after “each offense.” The next sentence should read “Default of payment of such forfeitures shall be assessed against the real property.”

Goss moved, Johnson second to approve Ordinance 5-21 as amended. Roll call vote with Johnson, Goss, Lowry, Ward, and Schwengel voting aye, no nays. Passed 5-0.

LGHS Picnic License – Goss moved, Ward second to approve the Class B picnic license for LGHS for 7/24/2021 and 7/25/2021. Passed 5-0.

Commercial Launch Pass(es) – None.

Operator License(s) – Bell reported Heather Anderson, Daniel Howard, Kendall Johnson, Tamara Jones, and Barbara Pralat were renewals and Bailey Eliason and Zachary Hollis were new applicants with no alcohol records. **Ward moved, Goss second** to approve the operator licenses as presented. Passed 5-0.

Correspondence –

The next Town Board meeting will be Wednesday, July 21, 2021 at 7:00pm, or immediately following the conclusion of the Sanitary District Meeting which begins at 6:45pm.

Lowry moved, Goss second to adjourn at 8:32pm. Passed 5-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

Town of Liberty Grove balance as of June 30,	2021	2020
1 Municipal Checking account	1,303,290.80	1,204,619.41
Transfer to Checking	156,000.00	800,000.00
ARPA	91,951.33	0
Interest (0.05%)	56.47	141.59
Balance as of June 30,	1,239,298.60	404,761.00
2 Money Market Acct.	648,955.72	648,263.44
Interest (0.05%)	29.34	107.45
Balance as of June 30,	648,985.06	648,370.89
3 Checking Acct.	109,437.36	135,481.10
Plus deposits and transfers	170,352.39	828,842.85
Less FICA	9,803.92	8,749.42
Less State withholding	1,645.28	1,619.96
Less payroll	40,963.59	25,514.72
Less disbursements	61,704.65	47,558.74
Balance as of June 30,	165,672.31	880,881.11
4 Utility District Checking	77,777.96	61,145.51
Utility District Savings	290,822.29	101,036.67
Utility District Restricted Savings	66,340.35	55,628.93
North Shore Bank CD (23 months ending 07/31/2022)	149,248.04	-
Nicolet CD 00-134	-	144,785.92
Nicolet CD 00-135	-	183,930.78
Balance as of June 30,	584,188.64	546,527.81
Municipal Checking	1,239,298.60	404,761.00
Money Market Acct.	648,985.06	648,370.89
Checking	165,672.31	880,881.11
Utility Dist.	584,188.64	546,527.81
As of June 30, 2021, the total in all Town accounts is:	2,638,144.61	2,480,540.81

**TOWN OF LIBERTY GROVE
ORDINANCE 6-21
DRIVEWAY ORDINANCE**

Section 1. Scope of Ordinance

All previous driveway ordinances and all other rules of driveway construction for the Town of Liberty Grove, hereafter “the Town”, are hereby rescinded and replaced by this ordinance.

Section 2. Application

This ordinance shall apply to any new driveway in the Town that services a residential, commercial, or accessory structure, from public or private 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 materially 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.

Section 3. Definitions

Driveway: a private road on private property for private or public use consisting of improvements such as excavation, filling, and grading by the property owner(s) or an agent to construct it or an unimproved motor vehicle trail to access any property with an improvement.

Change of use: A change of utilization, as defined by the Door County Zoning Ordinance, or any parcel that a driveway serves which limits reasonable access for fire and other emergency services.

Section 4. Permit

Any owner of a parcel of real estate who wishes to construct or alter a driveway to serve said parcel in the Town shall make written application to the Town Clerk or Administrator for a permit. The application shall include a schematic drawing of all the parcel to be served by the driveway, including and showing:

- a. All existing improvements
- b. All proposed improvements
- c. Methods that will allow for the proper flow of water (including placement of culverts in roadway ditches) if deemed necessary by the Town
- d. Location on the parcel and specifications (as described in section 4 of this ordinance) of the proposed driveway, as well as description of the materials to be used in construction of the proposed driveway.

Anyone applying for a permit to construct a driveway shall give the Town access to the proposed site for inspection at the time of the application. In the event a permit is granted, the ~~Clerk or~~ Administrator or their designee shall inspect the driveway after completion to confirm it was constructed to the standards set forth in the application.

The fee for a driveway shall be determined by the Town Board of Liberty Grove and may be changed without notice or amendment to this ordinance. Contact the Town ~~Office Clerk or Administrator~~ for the current fee.

The permit shall be valid for a one-year period from date of issuance, and if construction is not completed during said one year-period the permit shall lapse and become void, unless the term of the permit is extended by the Town Board, upon written request of the permittee. The Town Board may extend the term of the permit for a period of time it deems appropriate under the circumstances in its sole discretion, provided that there has been no material change in circumstances since the date of issuance of the permit which renders the permit inappropriate, and provided the Town Board is

satisfied that construction of the driveway cannot reasonably be accomplished within the one-year period without unnecessary hardship or unnecessary inconvenience. Written request for extension of the permit must be received by the Town Clerk at least 30 days prior to the date of expiration of the permit, or it will not be considered by the Town Board.

~~If a permit expires, or is not extended by the Town Board as provided herein, due to the failure of the permittee to pursue construction of the driveway in a diligent manner, no new permit for driveway may be issued for a period of 90 days from the date of expiration of the permit unless consented to by the Town Board. An applicant seeking the consent of the Town Board in such circumstances shall request such consent in a writing delivered to the Town Clerk, and the request shall be considered by the Town Board at its next regular meeting, provided such request is delivered at least 72 hours prior to such meeting.~~

Section 5. Specifications

Minimum Width: Driveway right-of-way shall be at least 16 feet wide with a road surface of at least 12 feet wide throughout its length. All curves contained within a driveway shall have a minimum inside radius of 28 feet.

Vertical Clearance: All driveways shall have at least 13'6" feet of vertical clearance throughout the width and length of the road surface.

Turnarounds: If a driveway is over 400 feet in length, provisions must be made for the ingress and egress of fire, emergency, and sanitation vehicles including but not limited to an adequate turnaround. Provisions for the turnaround shall be adequate enough for a forty (40) foot vehicle to turn around, as deemed necessary by the Town.

Side Banks: The side banks shall be graded to a slope of not more than 1 foot of vertical rise in each 2.5 feet of horizontal distance. (such rise is equal to 25% slope). Excluded from this grading requirement are driveways for which retaining walls and/or other erosion control measures are installed as specified in an Engineer's Plan approved by the town.

Setback: All driveways shall be set back at least 5 feet from an adjacent property line, unless the adjacent property owner also uses the driveway, or as otherwise specified by the Door County Zoning Ordinance.

Culverts: If culverts are required, the recommended minimum diameter shall be twelve (12) inches.

Section 6. Violations

Subsection 1. Notices

Whenever the Town determines that there are reasonable grounds to believe that there has been a violation of any provisions of this ordinance, it shall give notice of such alleged violation to the person or persons responsible therefore, or to any known agent of such persons, as hereinafter provided. Such notice shall:

- a. Be put in writing.
- b. Include a statement of the reasons why it is being issued.
- c. Be served upon the owner or his agent, or the occupant, as the case may require: provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice, or if he is served with such notice by another method authorized or requested under the laws of the state.

- d. Contain an outline of remedial action which, if taken, will affect compliance with the provision to this chapter.

Subsection 2. Citations

- a. In the event the violation is not cured, the ordinance shall be enforced by the issuance of a citation by any designee of the Town, or any authorized member of the Door County Sheriff's Department. The Town will prosecute the violation(s) according to Wisconsin law and Town ordinance, specifically, but not limited to, provisions of SS 66.12, Wis. Statutes.
- b. The citation shall include the following:
 - i. Name and address of the alleged violator
 - ii. Factual allegations describing the alleged violation
 - iii. Time and place of offense
 - iv. Section number of ordinance violated
 - v. A designation of the offense in such a manner as can be reasonably understood by a person making a reasonable effort to do so
 - vi. The time at which the violator may appear in court
 - vii. Penalty for violation of the ordinance

Subsection 3. Penalties

In the event a driveway is constructed or altered as set forth in this ordinance without an appropriate permit being granted, the owner(s) of the parcel being served by the driveway shall be subject to the following:

- a. A forfeiture penalty of ~~an amount not to exceed~~ \$250.00.
- b. After the Town issues notice of violation, each day of violation shall be considered an additional violation.
- c. In the event the parcel owner fails to correct the violation and be in compliance with this ordinance, upon 72-hour notice, the Town shall be granted access to correct the violation and charge the actual costs of bringing the driveway into compliance to the owner of the parcel.

Section 7. Naming of Roads

~~The Town reserves the right under Wisconsin Statutes 81.01(11) and 60.23(17) to name driveways/roads under its jurisdiction.~~

Section 98. Severance Clause

The 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 as provided by law.

Adopted at a regular meeting of the Town Board of Liberty Grove, Door County, Wisconsin, this ____ day of ____, 2021.

I, Anastasia P. 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 ____ day of ____, 2021 by the Town of Liberty Grove Board.

Dated this ____ day of ____, 2021.

Anastasia P. Bell Clerk/Treasurer