

TOWN OF LIBERTY GROVE PUBLIC MEETING

September Board Meeting ****Amended****

Date: Wednesday, September 21, 2022

Time: 7:00 PM, or immediately following conclusion of the Sanitary District #1 meeting

Place: Town Hall, 11161 Old Stage Road

Agenda:

1. Call to order
2. Declaration of a quorum followed by pledge of allegiance
3. Approve Agenda
4. Approve Minutes: 9/7/2022
5. Payment of Bills
6. Treasurer's Report
7. Committee Reports: Economic Development, Fire Board, Parks and Property
8. Board of Commissioners of Public Lands Borrowing Resolution
9. Ordinance 10-22, Regulating Short-Term Rentals
10. ****Rescind** Reconsider** Motion from 11/3/2021 re: Room Tax
11. Allocation of Room Tax to Non-Profit Groups
12. Increase of Driveway Permit Fee
13. Parks Committee Recommendation: Tennis Court Bench(es)
14. Purchase of Excavator
15. ****Technology Committee Recommendation: Disposal of Dual-headed Car Charging Station****
16. Correspondence
17. Future meetings
18. ****Adjourn to closed session per Wi. Stat. 19.85 (1)(c): Considering employment, promotion, compensation or performance evaluation data of a Town employee****
19. **Return to open session to act on any matter properly discussed in closed session.**
20. Adjourn

*****Report items will not be discussed or voted on, all other agenda items may 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 Town Board meeting on September 7, 2022
(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: 8/17/22
5. Bertram Communications Fiber Project Proposal
6. Payment of bills
7. Administrator's report
8. Committee Reports: Highway, Plan Commission, Technology
9. Public Input
10. Modifications to Heartland-10 (HL10) District Zoning Amendment
11. Board of Commissioners of Public Lands Borrowing Resolution
12. Ordinance 10-22, Regulating Short-Term Rentals
13. Allocation of Room Tax to Non-Profit Groups
14. Advertise for Disposal of Buildings at Mariner Park
15. Short Term Rental License(s)
16. Correspondence
17. Future meetings
18. Adjourn

Chairman John Lowry called the meeting to order at 7:37pm. Supervisors Janet Johnson, Cathy Ward, Nancy Goss, and Dan Watts were present along with Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell and approximately 13 members of the public.

Lowry moved, Johnson second to approve the agenda as posted. Carried 5-0.

Ward moved, Goss second to approve the minutes from 8/17/22 as presented. Carried 5-0.

Bertram Communications Fiber Proposal – Lowry noted this process for better internet has been in the works for 15 years and the UW-Whitewater survey indicated better internet would allow people to stay here longer. The Town is currently working with Nsight on an engineering design which will allow an RFP to be developed for Town-wide fiber installation. Jim Bertram invited attendees to view his diorama of Door County and explained all internet bandwidth is coming from the south. The current towers will be connected and used until the completed fiber network is available. When the fiber network is complete, the tower will no longer be necessary, but they can be repurposed for County Emergency Communications. Bertram's goal is to install 100% of the fiber underground to each home. An AON network includes direct switchboard connections to each home which can be used by any vendor. A GPON network is shared bandwidth and vendor specific. He also identified Network Interface Devices (NIDs) could be used to allow students to transmit information to their school without a network connection which means this wouldn't affect available bandwidth within that home. The estimated cost is \$16.9 million with approximately \$12.9 million to be requested from the Town. It would be an open network with the Bertram foundation as the administrator. Any provider could be chosen after the network has been created. Bertram cited previous projects completed in the Village of Random Lake, and Ogden, Utah. He noted the current supply-chain concerns will not apply because a division of their company builds the materials, and they currently have an adequate inventory of cable. Town-wide installation could be completed in 8-10 months. The Fiber Project Agreement will determine the average length of drop and the cost will be included in the make-ready process. Historically, installations have been free for customers that join during the first pass, and the fee increases to \$250-500 to install later based on the length of the install. RFPs will not be necessary because divisions within the company will handle the system design and construction processes.

Ward moved, Goss second to approve the payment of bills totaling \$142,373.43. Carried 5-0.

Administrator – None.

Committee Reports – Dale Stewart, Highway Committee, reported paving and chip sealing is done. Nancy Goss, Plan Commission, Mariah Goode confirmed that Marine repair is included under auto repair so there are no additional changes needed to the current amendment application. Bell confirmed that the supporting documents should be available for the County by the end of the week. David Studebaker, Technology Committee, the Pilot Project will be split into two phases, Nsight is planning to complete the drops to all properties if permission is granted by owners. The County survey will assist the Town in their eligibility for future grants. He is gathering information related to mailings which have been completed by other Towns. He noted there may be opportunity to create a joint RFP with Baileys Harbor once the engineering design is complete. The AON network is service beyond the needs of residents, zoning may dictate required line burial depths, and fewer lines within the fiber cables could result in connections being shared.

Public – Jody Bensyl, Sister Bay, asked for information regarding Nsight's project proposal, noted fiber networks take time to install, and there may be middle-mile grants available for the engineering design costs. Sean Donohue, Ellison Bay noted the engineering study may not be necessary if Bertram were selected to install the network.

Heartland-10 Amendment – Information provided in committee reports.

BCPL Borrowing Resolution – Bell noted this is required to complete the loan application. It was the consensus to discussion this after the Town Board and Technology Committee have had an opportunity to discuss the presentation from this evening. The joint meeting was scheduled for 6:00pm on 9/19/2022.

Ordinance 10-22 – Lowry noted the Finance Committee recommended the license fee be increased to \$500 annually due to the impact on housing and infrastructure. Ward noted fees must be reasonable per Statute and there have been court cases when fees are unreasonable. **Watts moved, Goss second** to change the fee to \$450 annually for STR licenses. Roll call with Johnson, Watts, Goss, and Ward voting aye, and Lowry voting nay. Carried 4-1.

Allocation of Room Tax – Lowry noted non-profits current receive 90% of the room tax money received by the Town. Goss noted it was the understanding that the additional 10% was to be set aside for SBLG Fire Department Capital Reserve. It was the consensus to discuss this at the next meeting.

Disposal of Mariner Park Buildings – **Lowry moved, Goss second** to advertise to remove the buildings at Mariner Park. Carried 5-0.

Short-Term Rental(s) – **Goss moved, Ward second** to approve STR licenses for 1575 Hill Road and 11313 Beechwood East. Carried 5-0.

Correspondence – None.

The next regular Board meeting will be Wednesday, September 21, 2022, immediately following the Sanitary District Committee meeting which is scheduled to start at 6:45pm.

Lowry moved, Watts second to adjourn at 9:47pm. Carried 5-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

Town of Liberty Grove balance as of August 31,	2022	2021
1 Municipal Checking account	1,562,272.04	1,201,151.67
Transfer to Checking	1,055,000.00	-
August Settlement	665,693.23	-
Interest (0.05%)	176.85	52.65
Balance as of August 31,	1,173,142.12	1,201,204.32
2 Money Market Acct.	1,355,583.18	649,011.73
Interest (0.05%)	486.52	28.45
Balance as of August 31,	1,356,069.70	649,040.18
3 Checking Acct.	282,630.27	180,865.67
Plus deposits and transfers	1,131,956.99	129,893.99
Plus August Settlement	-	703,390.97
Less FICA	15,556.66	9,894.86
Less State withholding	2,369.85	1,890.13
Less payroll	30,061.06	27,511.78
Less disbursements	1,131,134.38	850,300.60
Balance as of August 31,	235,465.31	124,553.26
4 Utility District Checking	73,373.42	70,255.46
Utility District Savings	291,186.24	290,846.99
Utility District Restricted Savings	91,614.23	71,622.28
North Shore Bank CD (23 months ending 07/17/2022)	-	149,248.04
Nicolet Bank CD (3 months ending 11/16/2022)	150,251.00	-
Balance as of August 31,	606,424.89	581,972.77
Municipal Checking	1,173,142.12	1,201,204.32
Money Market Acct.	1,356,069.70	649,040.18
Checking	235,465.31	124,553.26
Utility Dist.	606,424.89	581,972.77
As of August 31, 2022, the total in all Town accounts is:	3,371,102.02	2,556,770.53

TOWN OF LIBERTY GROVE
ORDINANCE 810 – 22
REGULATING SHORT-TERM RENTALS

The Town Board of the Town of Liberty Grove (hereinafter referred to as “the Town”), in the County of Door, State of Wisconsin, does hereby ordain as follows:

All previous ordinances regulating short-term rentals [“STR” or “STRs”] are hereby rescinded, to be replaced by this ordinance.

Purpose

The Town of Liberty Grove recognizes the State-imposed limitations on local regulation of STRs (see 2017 Wisconsin Act 59). The following Town Ordinance complies with the STR portion of Act 59.

The purpose of this Ordinance is to balance the interests of property owners to use their property as STRs, on the one hand, with the interests of residents who seek to protect the quality of life and the character and stability of neighborhoods, on the other hand.

Due to the fractured bedrock and karst topography of most of Door County, STRs that are rented “over capacity” for their private onsite wastewater treatment system (“POWTS”) risk contamination of and, thereby, the health and quality of the potable water supply.

State Statutes Adopted – Authority

The Board of Supervisors of the Town is granted authority for adopting this Ordinance under § 60.10(2)(c) and § 60.22(3), Wisconsin Statutes. The Town Board adopts this Ordinance under its general village powers authority and § 66.1014 of the Wisconsin Statutes, 2017 Act 59.

Definitions

- A. “DATCP” means the Wisconsin Department of Agriculture Trade and Consumer Protection.
- B. “DCTZC” means the Door County Tourism Zone Commission.
- C. “Office of Short-Term Rentals,” [“OSTR”] means the Agent or agency employed by the Town to administer the regulation of STRs, including but not limited to permitting, collection of fees, and the reporting of instances of non-compliance for enforcement purposes.
- D. “POWTS” means Private Onsite Wastewater Treatment System.
- E. “Property Owner (“Owner”)” means the person or entity who owns the Residential Dwelling that is being rented.
- F. “Property Owner’s Agent (“Agent”)” means a person or an entity who is not the property Owner of record and who is authorized to act as the Agent of the Property Owner for the receipt of service of notice and remedy of municipal Ordinance violations and for service of process pursuant to this Ordinance.
- G. “Resident Agent” see “Property Owner’s Agent.”
- H. “Residential Dwelling” means any building, structure or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- I. “STR (“Short-Term Rental”)” means a Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Enforcement

The Town may contract with an outside provider to assist with establishing an enforcement structure, one that incentivizes compliance with appropriate fees and fines, but should not be so overburdensome that it prevents users from participating in the enforcement and regulatory process.

The enforcement structure includes but is not limited to the posting of and adhering to the DCTZC “Good Neighbor” policy. Also, the enforcement structure includes but is not limited to the “three-strikes” policy which prohibits an Owner from using the property as an STR if the Owner is out of compliance three times in an annual permitting cycle.

Short-Term Rental License

- A. NO person may maintain, manage, or operate a STR more than ten (10) nights each year without a Town STR license issued pursuant to this Ordinance.
- B. License shall be issued using the following procedures:
 - 1. All applications for a STR license shall be filed with the Town Clerk, or the designee of the Town Clerk, on forms provided. Applications shall be filed by the Property Owner or authorized Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee. The number of Town licenses required for any one Property Owner will be equal to the number of DCTZC licenses issued to that Property Owner in Liberty Grove.
 - 2. The Town Clerk shall issue a STR license to all applicants following payment of the required fee, receipt of all fully completed documentation and information requested by the application, and application approval by the Town Board, or its designee.
 - 3. A STR license shall be effective for one year. The annual licensing terms begins January 1st and ends December 31st the same year.
 - 4. A fully completed renewal application and renewal fee shall be filed with the Town Clerk at least forty-five (45) days prior to license expiration so that the Town Board or its designee, if required, has adequate time to consider the application. The renewal application shall include all information requested and identify changes since the previous application.
 - 5. Any changes in ownership of the property require a new license per Wisconsin Administrative Code §72.04(b) prior to obtaining a permit from the Town.
- C. An Owner may apply for a new license no less than 12 months after being revoked (see “Revocation” and “Revocation Process” sections below.)

Application and Permit Process

The Town, in collaboration with its Agent OSTR shall provide an easy, online way of getting and renewing a permit.

- A. The application shall include the following:
 - 1. Address and tax key of the residential dwelling.
 - 2. Property Identification number(s) for all utilized marketplace platforms.
 - 3. Name, address, phone number and email address of the Owner and Agent for the property where such a distinction might occur.
 - 4. Copy of current DATCP rooming house license.
 - 5. Copy of DCTZC license.
 - 6. Proposed MAXIMUM occupancy for the dwelling.
 - 7. Proof of design capacity of POWTS to accommodate subsection D under definitions.
 - 8. Proof of casualty and liability insurance issued by an insurance company authorized to do business in the state of Wisconsin, identifying the property as used for rental, short-term or otherwise.

Operation of a Short-Term Rental

Each Short-term Rental shall comply with all of the following requirements:

- A. The Property Owner or his/her Resident Agent shall be accessible either directly or through the OSTR.
- B. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
- C. If the property is not served by a public sanitary sewer or holding tank a private onsite wastewater treatment system (POWTS) in full compliance with this Ordinance and in accordance with Chapter 21 of the Door County Code shall serve the property.
- D. If the property is served by a POWTS, occupancy shall be limited to the number of occupants for which the POWTS was designed.
- E. Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term Rental premises. Off-street parking shall be in compliance with Door County Comprehensive Zoning Ordinance, Chapter 7.
- F. Signage shall conform to applicable Town and Door County Ordinances.
- G. Rental dwellings shall be able to reasonably accommodate reliable telephone communications in case of emergency.
- H. Outdoor events including but not limited to, weddings, graduations, reunions and the like are limited to six (6) in a calendar year as per Door County Zoning §2.07(1)(a).

Property Rules

A copy of the State of Wisconsin tourist rooming house license and the Town STR license shall be posted on the property. Property rules shall be made available to the renters and shall include at a minimum the following information:

- A. Maximum occupancy of the property.
- B. Contact information for the designated operator.
- C. Where to park.
- D. Quiet hours of 10:00 p.m. to 7:00 a.m.
- E. Property Owner's policy regarding pets, if applicable.
- F. Outdoor burning regulations.
- G. Non-emergency contact information for law enforcement and fire.
- H. How to deal with existing POWTS or holding tank if applicable (location of high-water alarms, etc.).
- I. How to deal with waste and recyclables.

Revocation

A license, as issued, is subject to revocation if the Owner of the property fails to comply with the requirements of this Ordinance under the "three-strikes" policy as set forth in the Enforcement Section above.

Over and above the "three-strikes" policy, the Town Board has the authority to suspend, revoke, reject or non-renew a STR license or license application if the Board determines that the licensee:

- A. Has been convicted or whose Agent or renters have been convicted of engaging in illegal activity while on the STR premises; or
- B. Has outstanding fees, taxes, or forfeitures owed to the Town; or

- C. Has failed to adhere to Town and/or County Ordinances.

Revocation Process

The Town, at its discretion, shall:

- A. Notify the Owner of the property of any noncompliance.
- B. Determine whether the Owner has remedied the violation and shall schedule a license revocation hearing, before the Town Board, if the violation is not remedied immediately.
- C. Notify the Owner and attempt to notify all property owners located within 150-feet of the property of the hearing date at least two weeks prior to the hearing before the Town Board.
- D. Hear written or verbal testimony from other affected parties at the time of the hearing before the Town Board.
- E. Provide its decision in writing to the Owner.

Fees

Permit fee schedule. The license application fees shall be established by the Town of Liberty Grove Board of Supervisors and shall correlate with the administrative and related costs involved with compliance monitoring. The fees may be changed without notice or amendment to this Ordinance. Contact the Town Office for the current ~~A schedule of the fees shall be made available for review.~~

Initial STR application fee.....\$250450

Renewal STR application fee.....\$150450

Late fee.....\$100

Inspections (as necessary).....\$100

Severability

If any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this Ordinance.

Effective Date and Publication

This Ordinance shall become effective upon adoption and publication as required under § 60.80 Wisconsin Stats.

Adopted at a regular meeting of the Town Board of the Town of Liberty Grove, Door County, Wisconsin, on this 21st day of September 2022.

Motion to adopt: _____ Second: _____ Vote: Aye: _____ Nay: _____

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 21st day of September 2022 by the Liberty Grove Town Board.

Dated this 21st day of September 2022.

Anastasia Bell, Clerk/Treasurer

Gravel & Machine/Labor Costs for Woodcrest Road Improvement Project with Sister Bay – Kalms reported the Village representative has indicated they would like to work together on Woodcrest. The estimated cost is \$96,000 for each municipality. **Johnson moved, Ward second** to sell gravel and machine and labor costs to Sister Bay for preparing Woodcrest Road for improvements. Passed 5-0.

WWTP Settlement funds – Lowry confirmed that \$115,534.00 was received for the Larson Property and \$250,000.00 was received for the WWTP settlement.

Joint News Release – **Lowry moved, Johnson second** to proceed with the joint news statement as provided by the Village. Passed 5-0.

Encumber Funds for Capital Improvement project(s) – **Lowry moved, Ward second** to encumber \$100,133.50 for Mariner Park capital, \$100,133.50 for Womens Club building capital, \$100,133.50 for the former Val-A property capital, and \$65,133.50 for Broadband capital. Lowry noted these projects would be a transparent use of the funds. Goss noted the Town would need to pay for the 1st year of garbage service and then the fee would be added to tax bills. Johnson noted these funds provide the opportunity for the Town to pay the 1st year of garbage service without impacting the budget. Schwengel noted garbage service is an item all residents can realize, the capital accounts listed are specific areas of the Town. **Ward pulled the second.** Motion failed for lack of a second.

2022 Projected Room Tax revenue – Ward stated she estimates 2022 room tax revenue to be \$153,800 due to the tax percent increase. The funds for the administrative costs of DCTZC will need to be paid up front and will be reimbursed to the Town and will have statutory spending restrictions.

Non-Profit Request Maximum – **Schwengel moved, Ward second** to put 90% of room tax revenue funds collected towards statutorily approved donation requests received from community and non-profit groups. Passed 5-0.

Expenditure of Additional Projected Room Tax Funds – **Johnson moved, Goss second** to join Bay-Lake Regional Planning with the excess room tax revenue in 2021. Roll call vote with Schwengel, Johnson, Goss, Ward, and Lowry voting aye, no nays. Passed 5-0.

Short-Term Rental License(s) – Bell noted there are several questions and concerns from applicants. Goss requested to discuss Granicus at a future meeting and the Ordinance at the next meeting.

Correspondence – Thank you from MS Society for Womens Club rental, Carl Madsen requested speed reduction ahead signs and has gravel in the ROW. The WTA meeting will 11/18/21 in Sturgeon Bay

Lowry moved, Goss second to adjourn at 9:07pm. Passed 5-0.

Respectfully submitted,

Anastasia Bell, Clerk/Treasurer

Approved at the 11/17/2021 Town Board meeting.



9/17/22

To: Liberty Grove Town Board
From: Bud
Ref: Replace/Upgrade Excavator

The following was presented to the Town Highway Committee on Monday. The committee voted unanimously to recommend the purchase of a replacement excavator. The dollar summary is at the end of the narrative.

After observing the Town crew work on Cedar Dell, there are issues that should be addressed regarding some Town equipment, namely our excavator. The process being used is the excavator removes material from the ditch and wooded area, deposits it on the road surface for the skid steer to pick up and place it in the dump truck. This is because the excavator does not lift high enough to deposit the material—stumps, dirt, brush etc.—into the truck. The skid steer moves into the pile while the excavator swings into the work area for another bucket full.

Another observation is that the excavator is bouncing around in its attempt to remove material, giving the operator a less than enjoyable ride. The stumps & trees are outdoing the machine in this process.

Two machines moving around to do the work of one more suitable unit presents several issues: (1—the potential exists for one of them to run into the other, even though we have experienced operators in both; (2—two doing the work of one resulting in more time being consumed to get the job done. Comments by the crew were that “We could have done this job in one less week than the time it took now”, and “We are doing this heavy work with a toy”; (3—the skid steer has to get very close to the truck to dump its load—the machine has come very close to tipping over backwards once its load is released. The operator got the ride of his life at those times; (4—the excavator will have to be working in the pit to re-establish the berm around the upper edge—a machine with a longer reach will keep the unit and operator further away from the edge of the 15 to 20-foot drop onto the quarry floor.

The current machine works fine for digging graves and removing brush from the road surface. The challenge comes when the off-road work of stumping and tree removal needs to be done. We actually had a breakdown with the previous unit where the cab portion was essentially torn loose from the crawling mechanism resulting in several thousand dollars of repair. The current machine is exhibiting symptoms which show a possible weakness in the same area of the previous failure.

With the upcoming projects—Europe Bay Road, Country Lane, Robin Lane, the Garrett Bay launch ramp, Mariner Park dock work—plus continually dying ash trees, we will need a machine that can load the trucks thus freeing up a man for other work and reducing the time it takes to complete the job. We have had to hire a larger excavator when culvert replacement was too deep for our machine (Hillside Road culvert is the

current example). Now that requests are coming in for wider roads in relation to biking and pedestrians, more work is required with modifying the right of way—trees, stumps, rocks and more.

The replacement being spec'd will fit in the cemeteries for grave digging.

We did not look at the current vendor because of the above-mentioned problems. Caterpillar was not looked at as they would be quite more expensive. The numbers for a John Deere excavator:

Initial Price	\$129,000
Less: Trade of E55	<u>-60,000</u>
Net to Town	69,000
Trailer	<u>18,295</u>
Total	87,295

The money would come from:

Capital outlay-public works-current balance	\$328,843.94
Excavator purchase	<u>(87,295.00)</u>
Balance 12/31/22	241,548.94
2023 budget-equipment	+160,000.00
-equipment-truck	+ <u>75,000.00</u>
Balance w/2023budget	476,548.94

In summary:

Safety issues: Two machines working on top of each other.
Working too close to the edge of the quarry cliff.
Skid steer does all lifting into the truck.
Operator discomfort being tossed around in the cab.

Efficiency issues: Length of time to do the work-2 machines where one should do all the work loading trucks.
Overworking an insufficient machine leading to possible breakdown not covered by warranty.
Eliminating hiring of larger machines when we can now do the work ourselves.

The Highway Committee felt the issues of safety and efficiency warranted the replacement as listed.