

NOTICE OF AN ELECTRONIC MEETING

This meeting will be conducted via electronic videoconferencing/teleconferencing. As such, it is likely that some or all members of, and a possible quorum, may be in attendance via electronic means and not physically present.

In accordance with Wisconsin law, the meeting will remain open to the public. The public may attend in person at the location noted on the agenda.

	Public Works Committee Monday May 3, 2021 – 6:00 pm Conference Call 1.312.626.6799 Zoom Meeting ID: 879 2737 2364 Passcode: 403761 Health & Human Services Center – Community Room 303 W. Chapel Street Dodgeville, Wisconsin	Iowa County Wisconsin
For information regarding access for the disabled please call 935-0399.		
<i>Any subject on this agenda may become an action item.</i>		
1	Call to order.	
2	Roll Call. (Committee & Audience)	
3	Approve the meeting Agenda for the May 3, 2021.	
4	Approve the meeting Minutes of the April 5, 2021 meeting.	
5	Report from committee members and an opportunity for members of the audience to address the committee. No action will be taken.	
6	Consider Revision to Policy #1116 Encroachments, Work in Right of Way, & Revocable Occupancy Permits for Cattle Passes.	
7	Consider Resolution to request a Transfer of \$500,000 from the Highway Fund Balance for asphalt maintenance pavement surface repairs in 2021.	
8	Assembly Bill AB238; designating funding for County Highway Improvements and the Governor's Veto.	
12	Highway Commissioner's Report: A. Change Management request for funding of CTH F. B. CDBG-Close Program update – CTH N STH 133 – CTH NN and Public Participation Planning Meeting. C. Summer Preventative Maintenance Work List for County Trunk Highways. D. Equipment acquisition updates. E. 2021 Spring Auction Listing.	

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	F. Driveways along County Trunk Highway improvement projects.
15	Next Meeting Date and Adjournment: Monday June 7 or 3, 2021 at 6:00 P.M.?
Posting verified by the County Clerk's Office: Date: Initials:	

The public is encouraged and requested to attend via electronic means.

You may attend via videoconference by downloading the free Zoom program to your computer at <https://zoom.us/download> At the date and time of the meeting, you log on through the Zoom program and enter the Meeting ID from the above agenda.

You may also attend via conference call by dialing the phone number listed on the agenda above.



UNAPPROVED MINUTES
Public Works Committee
Monday April 5, 2021– 6:00 pm
Health & Human Services Center – Community Room and
Electronically via Zoom Meeting
303 W. Chapel Street
Dodgeville, Wisconsin

**Iowa
County
Wisconsin**

1	The meeting was called to order at 6:00 P.M. by Vice Chair Sup. Masters
2	Roll Call. Present: Vice Chair Masters, Supervisor Butteris, Deal, Meyers, and Storti; Others Physically Present: Administrator Bierke and Commissioner Hardy. Others Present via Zoom: Accounting Specialist Champion Chair Gollon arrived at 6:05 and continued to lead the meeting.
3 & 4	Sup. Storti moved to approve the agenda for this meeting. Sup. Deal seconded the motion. Carried unanimously. Sup. Storti moved to approve the minutes of the March 1, 2021 meeting, Sup. Deal seconded the motion. Carried Unanimously.
5	Comments from the public or committee. No action taken Sup. Deal had a conversation with resident John Williams about CTH T. Mr. Williams is very upset with the conditions of the road especially near Birch Lake and T intersection.
6	4 th Quarter Financial Reports Update: The financial updates were presented. Some discussion was had.
7	Resolution for designating April 26 thru April 30, 2021 as Work Zone Safety Week in Iowa County. Sup Masters moved to accept the resolution, Storti seconded the motion. Carried unanimously.
8	Right of Way Platt and Relocation Order was presented for CTH F from STH 78 to STH 39. Discussion was had. Sup Deal moved to accept the Order. Butteris seconded, carried unanimously.
9	Point of Information was presented for CHT F Design study. Discussion was had. No other action.
10	Right of way Plat and Relocation Order of CTH II Otter Creek Bridge and Approaches was presented. Discussion was had. Sup Masters moved to accept the Order, Storti Seconded the motion. Carried unanimously.
11	Cattle Pass Installation discussion was had. Specific discussion was on the proposed/requested pass on CTH F pass. Estimated cost would be \$60,000. There are three Statutes that reference the cattle crossing requirements. Discussion ended with the request of Commissioner Hardy to amend the encroachment policy with cattle crossing requirements and bring back to the committee for review and approval.
12	Project Funding and Opportunities and Work in Progress were presented and discussed. No other action was taken.
13	Spring Road Tour available dates were presented by commissioner Hardy. The dates of April 12 and 29 at 1PM were suggested. The tour will take about 3 hours. Commissioner Hardy will send out the available dates to all Supervisors for an opportunity to attend. After compilation of responses Hardy will set the tour dates and times.
14	Commissioner Hardy presented the Commissioners Report. Highway Commissioner's Report:

16	Sup. Deal moved to adjourn the meeting. Sup. Masters seconded the motion. Motion carried unanimously. Meeting adjourned at 8:08 P.M.
15	The next meeting date is scheduled for Monday April 5, 2021 at 6:00 P.M.
	A. ATV/UTV Route Signage – The updated signage will take place the week of April 5 and should be completed within two days. B. The Highway department had decommissioned equipment pieces 518 Roller and 412 Excavator. C. Hardy presented the 2020-21 Winter costs D. Hardy presented and discussed the Summer Work Schedule including Culverts, Preventative Maintenance, ongoing repairs to CTH B, J, N, T, and U. The work would only be temporary solutions that would last less than five years. E. Hardy discussed the STH Force Account Project planning for 2021. F. Discussion about the Airport Taxiway LFA G. Summer Road School is planned and registration is open. Please contact Hardy if you would like to attend.
Minutes by Highway Accounting Specialist Lucinda Champion 4/07/2021	

AGENDA ITEM COVER SHEET

Title: Policy #1116 Encroachment Policy

☐ Original

☒ Update

TO BE COMPLETED BY COUNTY DEPARTMENT HEAD

DESCRIPTION OF AGENDA ITEM (Please provide detailed information, including deadline):

Consider a revision to the encroachment policy to address livestock crossing requests.

RECOMMENDATIONS (IF ANY):

Discuss and consider adoption of the revisions recommended.

ANY ATTACHMENTS? (Only 1 copy is needed)

☒ Yes

☐ No

If yes, please list below:

Copy of proposed amendments for Policy #1116 Encroachments for Cattle Pass installations.

FISCAL IMPACT:

Yes, varies by requests made from the public on an annual basis.

LEGAL REVIEW PERFORMED:

☐ Yes

☒ No

PUBLICATION REQUIRED:

☐ Yes

☒ No

PRESENTATION?:

☒ Yes

☐ No

How much time is needed? 10-15 Mins

COMPLETED BY: CRH

DEPT: Highway

2/3 VOTE REQUIRED:

☐ Yes

☒ No

TO BE COMPLETED BY COMMITTEE CHAIR

MEETING DATE:

AGENDA ITEM #

COMMITTEE ACTION:

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Encroachments, Work in Right of Way, &
Revocable Occupancy Permits

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Date Originated: 1/28/2019

Date of Modifications:

Policy Number: 1116

1. PURPOSE:

This Policy is established to explain the Highway Department's responsibility to protect the public road right of way from encroachments. This policy is established to preserve and protect the public right of way from encroachments by adjacent private landowners or neighboring properties. By adoption of this policy the Department is required to disallow or deny new encroachments, to actively pursue new encroachment violations for removal, to issue orders for removal of encroachments identified as being unsafe to the travelling public, or to issue permits for encroachments not posing an immediate safety hazard to the public but which existed prior to the adoption of this policy.

2. ORGANIZATIONS AFFECTED:

All citizens and residents of Iowa County living adjacent to the public right of way of the county trunk highway system. Employees of the Iowa County Highway Department.

3. POLICY:

The Department shall work to identify all encroachments which existed prior to the adoption of this policy. The listing of those encroachments by property description, tax parcel, or address shall be attached to this policy as an addendum when completed by the Department. Then, the Department shall work to identify, remove, and preclude all future encroachments. With regards to new encroachments; the Department shall investigate all notices or complaints of encroachment, notify landowners when their activities encroach upon the public right of way, and work to remove all encroachments from the public right of way to the fullest extent possible for the preservation and protection of its' use for the public good. With regards to existing encroachments, the Department shall work to remove all existing encroachments from the Clear Zone, shall work to remove all encroachments within the right of way if they pose an immediate safety hazard to the travelling public, or may issue a Revocable Occupancy permit for any pre-existing encroachments which are allowed to remain within right of way.

4. REFERENCES:

Wisconsin Administrative Code TRANS 200 Erection of Signs on Public Highways and Handicapped Parking Signage; Wisconsin State Statute Chapters 23.0 Conservation, 32.0 Eminent Domain, 82.0 Town Highways, 83.0 County Trunk Highways, 86.0 Miscellaneous Highway Provisions, 90.0 Fences, 196.0 Regulating Utilities, 346.0 Rules of the Road, and 349.0 Vehicles – Powers of Local and State Authorities. Iowa County Ordinance 300.05 Highway Access for Special Events, 400.01 Zoning Ordinance, 600.18B All-terrain and Utility Terrain Vehicle Route Ordinance and 800.02 Highway Access Ordinance. Section 8.0; Code of Federal Regulations 23 Subpart 665 known as the Manual on Uniform Traffic Control Devices. Iowa County Policy Manual Policy #1102 Fence

5. PROCEDURES:

The highway right of way shall be preserved and protected for the safe use of the travelling public and for providing access to citizens and residents. The Department shall manage and regulate encroachments in accordance with state statutes with a goal of removal thereof.

A. An encroachment is an intrusion onto, over, or under the rights or property of another. In general, an encroachment with regards to this policy is an intrusion by property of a private party onto the right of way of the public. An encroachment may be a fence, stand, sign, object, building, driveway, mailbox, utility, or other structure or use.

B. The Clear Zone is defined within the Wisconsin Department of Transportation Facilities Development Manual CH 11-15 and illustrated in Attachments 1.9, 1.10, and 1.11. It is defined as the roadside border area which is made available for safe use by errant vehicles. The Clear Zone starts at the edge of the paved surface (travelled way) and consists of the shoulders, auxiliary lanes, recoverable slopes, and any traversable but non-recoverable slope with a clear run-out beyond the toe of the slope. Clear Zones should not contain any critical features, objects of non-breakaway design, or non-traversable slopes; with exception to guardrail protection devices. For the purposes of this policy, all objects within the Clear Zone shall be either removed, redesigned to be traversable, relocated outside of the right of way, or made to be break-away. In some cases, an encroachment may be allowed to remain within the Clear Zone and right of way if shielded or guarded by a barrier. Costs for installation of barriers for shielding private encroachments shall be borne by the property owner of the encroachment, unless the guardrail pre-existed this policy date.

In most instances, the Department will work to remove all encroachments within the Clear Zone, and most encroachments from the highway right of way.

Residents who want to erect or install objects along the right of way shall abide by the zoning regulations in effect at the location with regards to locations, setbacks, and requirements for placement. Encroachments which exist in the right of way are categorized as being either of a break-

away or non-breakaway design. A breakaway design object is engineered to break apart or collapse when hit by an errant vehicle or other object; thereby allowing the vehicle or object to pass through or past the object. Non-breakaway objects are those which are fixed in design, and do not allow a vehicle or object to pass by or continue in its path. Non-breakaway objects shall be discouraged from being erected within the county highway right of way, and shall not be allowed within the highway Clear Zone as defined above. Non-breakaway objects allowed to remain on the right of way by Revocable Occupancy Permit may require shielding by barrier or guardrail. Breakaway design objects may be allowed to exist within the right of way and Clear Zone, when allowed by the Department by permit. Objects allowed to remain indefinitely within the right of way by the Department shall be issued either an Adopt-a-Highway Permit, Highway Access Permit, Private Utility Permit, Revocable Occupancy Permit, Tourist Oriented Directional Signage Permit, Work in Right of way Permit, or Utility Permit.

Fences. Fences and other structures are required to be located outside of the public right of way. Wisconsin State Statute 86.03 states that no person shall build or reconstruct any fence within the

public right of way. Residents may reconstruct fences along the right of way without a permit as long as erected beyond or at the right of way limits. Residents should contact the Highway Department to locate the right of way along their parcels prior to reconstructing or erecting fences. See Policy#1102 regarding Damages to Fences.

Obstruction of Highway Embankment, Highway, Ditch, or Cultivation. No materials of any kind shall be left on the highway not closed to public travel in piles or rows by anyone. No person shall injure any highway by obstructing or diverting any creek or watercourse or by dragging logs or timber or any other act. No person shall plow, cultivate, or work any lands such that to interfere with or obstruct any drainage in any public highway ditch. No person shall operate any farm or other machinery on, over, along, or across any public highway in such a manner as to cause damage to said highway. No person shall willfully or maliciously make any ditch, depression, embankment, or place any obstruction in any public highway intended or calculated to impede or incommode the use of the highway, or place any obstruction in any ditch utilized to drain any highway.

Cattle or Livestock Crossings. Livestock crossings are allowed to be installed on or under County Trunk Highways through a Work in Right-of-way Permit. The permit shall state who is requesting the livestock crossing, where the proposed crossing is to be located, and what type of crossing is being requested. The following types of livestock crossings may be requested:

- A. At Grade Livestock Crossing - Owners or operators of livestock are provided some liability protection in Wisconsin State Statutes SS 346.21 for guiding their livestock across roads. In situations where livestock are being led across county highways by owners/operators at set locations in the right of way, the owner may request livestock crossing signage at the location of the crossing. The Department shall install signage to mark the requested locations to warn or notify drivers of a livestock crossing location. The owners requesting at grade crossing signage shall be responsible for any roadway, ditch drainage, or other infrastructure damages caused at the location of the crossing by their animals, and may be required to install a suitable gravel crossing at the location as directed and/or determined by the Department. The Department shall remove livestock crossing signage when determined to be no longer relevant or utilized; at its' discretion.
- B. Grade Separation - In the event the act of leading livestock across highways is on a regular basis or daily routine, an owner may request a grade separation livestock pass structure be installed under the following conditions:

- 1) If an owner owns property on both sides of the road at the location of the proposed crossing, an owner may request a grade separation structure;
- 2) If an owner owns property on one side of the highway and has an agreement (rental or otherwise) from the opposite adjoining landowner for use of their property at the point of the crossing request on the other side of the highway.
- 3) If the requestor is covering the costs of materials for the crossing being installed.
- 4) The requestor shall be responsible for the care, maintenance, and upkeep related to their usage of the crossing.
- 5) As a replacement of an existing crossing which has been evaluated and determined to be removed by the Department.

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Signs. Signs shall not be installed within any County Trunk Highway right of way in accordance with Wisconsin State Statutes 83, 86, and 349, Wisconsin Administrative Code Trans 200, and Ordinance 400.02 County Zoning Ordinance. Some signs recognizing businesses are allowed within county highway right of way as described in Ordinance #800.07 Tourist Oriented Directional Signage, Policy #1117 Adopt-a-Highway Signs, and Ordinance 600.18B All-Terrain Vehicle and Utility-Terrain Vehicle route signage all of which shall be installed by the Highway Department. Signs marking private utility installations on Highway Right of Way shall be placed and maintained by the owners of the utility through a Private Utility Agreement and Work in Right of Way Permit or a Utility Permit in compliance with Policy #1106 Utility Accommodation Policy in accordance with the Agreement. Public Utilities in right of way shall be allowed to install signs and markers immediately adjacent to their utility for the purposes of marking the location thereof, in accordance with Policy #1106 Utility Accommodation Policy. Signs within county trunk highway

Trees, Shrubs, and Landscaping. Trees, shrubs, and other landscaping planters or features are not to be installed on county trunk highway right of way. Specifically, trees and landscaping planters or features are a hazard to traveling motorists as those items are not breakaway or traversable. In locations of private residences, it is recognized that landowners want to provide privacy and screening by addition of landscaping. Any shrubs, bushes, hedges, or landscaping shall be installed off of the right of way. Trees shall be installed off of right of way, and preferably such that the drip line of the tree is also behind the right of way line. Often trees are planted to close to the right of way, necessitating the Department to trim mature trees back to the trunk as a result of overhangs onto the highway, thereby limiting their effectiveness as ornamental or being naturally aesthetic. Flower beds and similar features may be allowed on the right of way by Work in Right of Way Permit as long as maintained in a neat and orderly appearance by the landowner. The growth height of the plantings shall not exceed 18 inches. The feature is planted beyond the highway ditch line or Clear Zone or within 10 feet or less of the owner's land, whichever is most restrictive, the feature is not built up, depressed, or raised from the surrounding topography, and the plantings are small in size so as to be breakaway or traversable by an errant motor vehicle.

- 1) When notified by an adjacent landowner of no longer being necessary.
- 2) the condition of the structure deteriorates to the point where it will no longer pass vehicle traffic safely.
- 3) when the ownership on both sides of the road is changed such that there are differing landowners.
- 4) when such fencing at the crossing and the fields leading to the crossing ceases to exist or be utilized.
- 5) When a safety or other concern exists which affects users of the highway.

Existing livestock grade separation structures. Existing grade separation crossings shall be evaluated for removal at the discretion of the Department whenever the following occur:

The Department shall determine if a grade separation structure is feasible for the location(s) the owner is requesting, and provide the owner with a cost estimate. If the owner agrees to cover the costs for materials of the crossing, the Department shall install or cause to be installed the crossing.

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right of way within the limits of villages or cities shall be regulated by the city or village, unless regulations do not exist in which case they shall be subject to this policy.

Mailboxes. Mailboxes are allowed within the county highway right of way for provision of service to residents. Mailbox installation guidance is governed and provided by the United States Postal Service. All mailboxes and posts shall be of a breakaway design, so as to not present a safety issue to the travelling public. No mailbox shall be allowed within the Clear Zone of any county trunk highway which is not of a breakaway design. Mailboxes shall not be set in or on concrete or masonry posts. Mailboxes shall be of the size governed by the Postal Service. Mailbox posts shall be of 4x4 wooden or 2 inch steel posts or smaller in size per the installation guidelines. In instances of multiple mailboxes placed at a single location, the posts and mailbox attachment devices shall be designed to be breakaway. See policy #1102 Mailbox Damage and #1103 Mailbox Installation Guidelines. Newspaper collection boxes shall be mounted adjacent to mailboxes and shall be of similar construction or type.

Driveway Accesses and Related Appurtenances. All driveway accesses that connect directly to a county trunk highway must receive a permit from the Iowa County Highway Department prior to their installation per Ordinance 800.02. Existing use driveways are grandfathered for usage in accordance with the Highway Access Ordinance. Driveway approach and culvert connections to the county trunk highway system shall be designed to be traversable in accordance with the ordinance. Rural concrete driveway approaches within the public right of way must be located beyond the edge of the roadway shoulder. Temporary Driveways, or those lasting less than 1 year; shall be constructed under a Work in Right of Way Permit, but the construction requirements shall meet those of the Highway Access Ordinance.

Retaining Walls or Private Culvert Headwall Structures. Headwalls for culverts, or retaining walls may pose potential hazards to the travelling public and may hinder highway maintenance and snow removal. No private culvert headwalls or retaining walls shall be allowed within the public right of way. Slopes parallel or perpendicular to the travel way shall be constructed to be traversable for errant vehicles. Setbacks are required for structures along the county trunk highway per the County Zoning Ordinance.

In general, the Department shall work to deny, disallow, preclude, restrict, and/or remove all new encroachments from the highway right of way; other than those as identified below. When encroachments are identified the Department shall mail notices to property owners of the encroachment notifying them of violations. If removal is warranted, the Department will provide a timeframe for corrective actions to remove the encroachment. If the encroachment is allowed to remain (for pre-existing encroachments only), the Department will provide the permit process and conditions of allowance regarding the object or encroachment.

Some encroachments are allowable in the public right of way for the purpose of providing services to the citizens, residents, and public. Examples of these encroachments include mailboxes, utilities, driveways, flower beds, and similar objects. The Department shall determine what encroachments are allowable and shall manage their type, size, kind, location, and construction through various

encroachments: The Department utilizes the following permit processes to manage permitting processes.

A. Adopt-a-Highway Permit – regulates and allows private parties to adopt portions of county trunk highway right of way to volunteer for the purposes of cleanup and litter removal. Signage is installed at each end of the adopted segment to recognize the volunteer group or organization who is performing the service. The members of the organization perform these tasks within highway right of way. The organization may not be associated with a partisan or political group. See the County Adopt-a-Highway Policy.

B. Driveway or Highway Access Permit – regulates driveway location, size, construction, and other criteria along county trunk highways. The Department shall regulate Highway Access or Driveway locations and placement through Ordinance #800.02 Highway Access Ordinance. Mailboxes are allowed as a part of the driveway access permit and for the provision of service by the postal service. New driveway access mailboxes shall meet the postal service guidelines or be issued encroachment violation notices to be in compliance. Pre-existing mailboxes with non-breakaway designs shall be sent notices of encroachment violations, so landowners are notified of risks or hazards to motorists and liability for those hazards and will be left to the landowner to correct or not.

C. Revocable Occupancy Permit – regulates allowance of pre-existing encroachments within the right of way. Revocable occupancy permits shall be regulated by this policy. In some situations existing features or objects will be allowed to remain within the right of way and out of the clear zone if the objects removal or relocation would cause a hardship on the landowner.

D. Tourist Oriented Directional Signage (TODS) Permit – regulates directional signage for private businesses which are not located on the county trunk highway where the signs are located. TODS signage is regulated under County Ordinance.

E. Utility Permit or Private Utility Agreement – regulates public and private utility placements into, on, or along the highway right of way. The Department shall regulate utilities in right of way through Policy #1106 Utility Accommodation Policy and Policy #1118 Utility Accommodation Policy Supplemental Conditions. Private utility installations shall not be placed within the right of way without a Private Utility Agreement executed by the party making the request and either a Utility Permit or a Work in Right of Way Permit depending on the nature of the work. A Work in Right of Way Permit is intended for short duration or temporary installations.

F. Work in Right of Way Permit – regulates placement of encroachment activity by private individuals. Work in right of way permits shall be regulated by this policy and are issued primarily for routine or annual short duration or temporary installations.

G. No other buildings, structures, objects, or encroachments shall be allowed within the county highway right of way.

If an item is identified which existed within the right of way prior to the adoption of this policy, the Department may determine to allow the encroachment to remain, unless it is of a non-breakaway design and lies within the Clear Zone as established by the Wisconsin Department of Transportation Facilities Development Manual CH 11.0. If the Department makes a determination to allow a pre-

existing encroachment to remain; either a Work-in-Right-of-Way Permit or Revocable Occupancy Permit shall be issued to document its' location and notify the owner of the County's right to have it removed in accordance with Wisconsin State Statute 86.04 - Highway Encroachments. For the safety of the travelling public, whether existing or new; no fixed or non-breakaway objects will be allowed to remain within the Clear Zone of the county trunk highway unless it is shielded or guarded.

When an existing non-breakaway design item has been identified as being within the highway Clear Zone, the Department shall issue a notice of removal of the encroachment to the owner along with an order for removal within thirty (30) days. If the item is not removed within the time allowed, the Department shall remove the object and charge any costs for the removal to the responsible party per state statute. If the non-breakaway item is a building which resided prior to the adoption of this policy; the Department may issue a revocable occupancy permit and allow the building to remain for example in instances where there is no accident history and the building is within compliance of the Zoning Ordinance. When an existing non-breakaway design item is identified as being within the right of way, but out of the Clear Zone; the Department may do the following:

- A. **Issue a Revocable Occupancy Permit.** A Revocable Occupancy Permit is a permit which notifies a landowner of an encroachment onto the public right of way. The permit identifies the encroachment, its' location, and the reason the encroachment may remain. The permit will stipulate the situations where the encroachment may remain, and specify the conditions of its removal. In addition, the permit officially notifies the landowner and future property owners of their responsibility for the removal of the encroachment under certain circumstances. The permit is tied to the tax parcel by deed description of the right of way portions occupied and recorded with the Registrar of Deeds Office, so as to remain an encumbrance on the owner of the property. The permit also clarifies the encroachment is allowed to remain (permitted) and maybe required to be removed by the Department at any time.
- B. **Issue a Work in Right of Way Permit.** A work in right of way permit is for a temporary or short term duration encroachment or for a private utility placement request. Landowners requesting a private utility installation on county trunk highway right of way shall file either a Work in Right-of-Way Permit or a Utility Permit as an intent of installation, provide a plan depicting and describing the type and purpose for the utility installation, and sign a Private Utility Agreement before the installation will be allowed. A sample Private Utility Agreement is attached hereto this policy.
- C. **Issue a Notice of Encroachment.** When an encroachment object is identified within the right of way, the Department shall issue a notice of encroachment to the adjoining landowner along with an order for removal within thirty (30) days. If after thirty days, the notice has expired; the Department may remove and dispose of the encroachment, restore the disturbed area, and charge the owner of the land for any costs incurred by the Department in the act of the removal.

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AGENDA ITEM COVER SHEET

Title: PRequest to Transfer \$500,000 from Highway Fund Balance

☒ Original

☐ Update

TO BE COMPLETED BY COUNTY DEPARTMENT HEAD

DESCRIPTION OF AGENDA ITEM (Please provide detailed information, including deadline):

Consider a request to transfer \$500,000 from the Highway Fund balance to fund pavement surface repairs on County Trunk Highways.

RECOMMENDATIONS (IF ANY):

Discuss and consider adoption of the transfer as recommended.

ANY ATTACHMENTS? (Only 1 copy is needed)

☒ Yes

☐ No

If yes, please list below:

Copy of proposed Transfer Resolution.

FISCAL IMPACT:

Yes, 500,000 transfer from Fund Balance to Highway Preventative Maintenance Account.

LEGAL REVIEW PERFORMED:

☐ Yes

☒ No

PUBLICATION REQUIRED:

☐ Yes

☒ No

PRESENTATION?:

☒ Yes

☐ No

How much time is needed? 10-15 Mins

COMPLETED BY: CRH

DEPT: Highway

2/3 VOTE REQUIRED:

☐ Yes

☒ No

TO BE COMPLETED BY COMMITTEE CHAIR

MEETING DATE:

AGENDA ITEM #

COMMITTEE ACTION:

191

2nd

RESOLUTION NO. X-XX21

Resolution Recommending Transfer of Funds in 2021 from the Highway Fund Balance for Costs Associated to Pavement Surface Maintenance and Repairs on County Trunk Highways

TO THE HONORABLE IOWA COUNTY BOARD OF SUPERVISORS

WHEREAS, the Department's annual preventative maintenance account has been underfunded for over a decade with the Department performing surface treatments to 20+/- miles of County Trunk Highway per year due to budget constraints, when the recommendation for the County's amount of infra-structure is 37 miles per year; and,

WHEREAS, the shortfall of highway improvement funding has led to a backlog of improvement projects, along with the identified culvert repairs; and now the Department is dealing with increased pavement deterioration for surfaces requiring treatments which are not being budgeted due to fiscal constraints and hence are not being performed annually; and,

WHEREAS, the Highway Commissioner recommends immediate surface treatment repairs are necessary to maintain the roadways in a passable condition for motorists along County Trunk Highways, more specifically CTH N and CTH T; and,

WHEREAS, the cost for these immediate pavement surface treatment repairs have been estimated at \$500,000 by the Highway Commissioner; and,

WHEREAS, the Highway Commissioner is requesting funding in excess of the 2021 budget to cover the costs of these repairs so the Department does not have to defer other planned maintenance and construction activities in 2021 from the 2021 budget allocated amounts to cover these costs; and,

WHEREAS, the Public Works Committee recommends to the Iowa County Board to issue financing up to \$500,000 for the Highway Department to perform roadway pavement maintenance repairs in 2021 to maintain asphalt pavement surfaces on County Trunk Highways in the County;

NOW, THEREFORE, BE IT RESOLVED the Public Works Committee does hereby recommend to the Iowa County Board of Supervisors a transfer of funds from the Highway Fund Balance to cover the costs associated with pavement surface maintenance wedging and repairs of failed asphalt pavement surfaces by the Highway Department in the following 2021 Account:

Highway Department – Preventative Maintenance Account

710.70.53315.00000.XXX

\$ 500,000.00

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT: The Iowa County Board of Supervisors adopts the recommendations of the Public Works Committee and approves the transfer of funds from the Highway Fund balance to cover the costs associated with highway pavement surface maintenance wedging and repairs. The Board

Further directs the County Clerk to publish this Resolution pursuant to Wisconsin State Statute number 65.90 (5)(a) for the statutory requirement:

Respectfully submitted by the Iowa County Public Work Committee



Tony Evers

Office of the Governor | State of Wisconsin

April 22, 2021

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

I am vetoing Assembly Bill 238 in its entirety.

This bill requires the Governor to allocate \$308,519,800 of federal funds awarded to Wisconsin from the American Rescue Plan Act of 2021 (ARPA) to counties and municipalities for local road projects.

I object to this bill and am vetoing it because it limits the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020.

Further, I am vetoing this bill because it is imprudent to restrict the use of funds to a purpose that may not comply with federal law. Specifically, the bill's use of ARPA funds is not expressly authorized under ARPA and may, at best, be only a partially authorized use. While final guidance by the federal government has not yet been issued on the use of these funds, the bill's allocation of more than \$300 million to uses that could be entirely or partially prohibited by the federal government means that the state may end up having to repay some portion of the bill's expenditures to the federal government. This is an unnecessary risk.

In lieu of this bill, I will continue to utilize the authority provided to the Governor under Section 16.54 of the Wisconsin Statutes to oversee use of federal funds and will allocate these funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law.

Respectfully submitted,

Tony Evers
Governor

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	A	B	C	D	E	F	G	H	I
1									
2									
3	Milestone	Total \$	State/Federal SMI/County SMA2	Fiber \$	CTH F (STH 78 - STH 39) Funding Matrix				
4	Construction	\$ 5,237,393	\$ 3,174,824	\$ 793,706	\$ -	\$ -	\$ 1,268,863		
5	Project Management	\$ 396,853	\$ 317,482	\$ 79,371	\$ -	\$ -	\$ -		
6	State Review	\$ 24,400	\$ 19,520	\$ 4,880	\$ -	\$ -	\$ -		
7	Contingency	\$ 179,260	\$ -	\$ -	\$ 154,860	\$ -	\$ -		
8	Right of Way Acquisition	\$ 187,300					\$ 187,300		
9	Cattle Passes	Included							
10	Fiber	\$ 152,040			\$ 152,040	\$ 60,810			
11	Totals	\$ 6,177,246	\$ 3,511,826	\$ 877,957	\$ 306,900	\$ 60,810	\$ 1,456,163		
12			County Share =	\$ 2,641,020	\$ 60,810				
13	Borrowing		\$ 3,000,000	\$ 3,000,000	5 Yrs via Solar Farm \$				
14			\$ Available =	\$ 358,980					
15									
16	Resolution #14-0620 Allocated \$3.0M / 5 Years 2023-2027 inclusive, reconstruction of Cth F in 2022.								
17									
18									
19	CM = Change Management Request for reallocation of State/federal Funds								
20							\$ 5,813,506.23		
21	Requested CM for additional state \$; if funded 80-20 County Share =								
22	100 % County (Local Cost Share Only) costs =				\$ 1,162,701.25	State 80% Revsd	\$ 4,650,804.98		
23	Revsd Borrow Amount if CM Approved =				\$ 339,340	County 20% Revsd	\$ 1,502,041.25		
24					\$ 1,502,041	\$3M Borrow Funds Available to Reallocate			
25						\$ 1,497,959			
26	Program	State/Federal	County Share	Total					
27	CHIP #16880	\$ 148,054	\$ 828,946	\$ 977,000	Move to CTH NN	Transfer CHIP #16880 to CTH NN	Expires 07/2025		
28	CHIPD #15981	\$ 400,000	\$ 1,497,959	\$ 1,897,959	Move to CTH N or CTH T (Birch Lake) w/ CM \$	2022 Borrowing \$	Expires 07/2023		
29		\$ 548,054	\$ 2,326,905	\$ 2,874,959					
30									
31									

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	A	B	C	D	E	F	G	H	I
38					\$ 2,605,775	\$ 711,800	\$ 146,600	\$ (6,317)	Leftover/Shortf
39									
40									
41	Sft.	Culverts (<20FT)	Type		Estimate	Engineer	Actual	Estimated	Bids
42	112	H(N)-27 CTH H	Deck Girder	640	\$ 81,600		\$ -	\$ 81,600.00	
43	215	H(N)-42 CTH H	Deck Girder	780	\$ 99,450		\$ -	\$ 181,050.00	
44	90	HH-11 CTH HH	Deck Girder	570	\$ 72,675		\$ -	\$ 253,725.00	
45	140	N-02 CTH N	Conc Box	560	\$ 71,400	\$ 123,975.00	\$ -	\$ 325,125.00	
46	84	NN-11 CTH NN	Conc Box	532	\$ 67,830	\$ 90,400.00	\$ -	\$ 392,955.00	
47	198	T-30 CTH T	Timber	836	\$ 106,590		\$ -	\$ 499,545.00	
48	98	T(N)-18 CTH T	Conc/Masonr	532	\$ 67,830	\$ 59,520.00	\$ -	\$ 567,375.00	
49	36	T(N) - 40A CTH T	Conc Box	228	\$ 29,070		\$ -	\$ 596,445.00	
50	36	T(N)-43 CTH T	Conc Box	228	\$ 29,070		\$ -	\$ 625,515.00	
51	35	H(S)-02	Conc Box	228	\$ 29,070		\$ -	\$ 654,585.00	
52	35	T(N)-47 CTH T	Deck Girder	266	\$ 33,915	\$ 54,175.00	\$ -	\$ 688,500.00	
53								\$ 688,500.00	
54		Culverts (GASB > 60In)	255	6100	\$ 1,555,500.00	\$ 328,070.00		\$ 2,244,000.00	
55					\$ 2,244,000				
56									
57		Clear Zone = 11 * 2+8+8 = 38Ft.	LF		\$ 688,500		\$ -		
58									

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	A	B	C	D	E	F	G	H	I
35	CTH		Mileage	SY	\$/SY	Estimate \$			
36	O	All	2.52	33,158.4	\$ 1.33	\$ 44,100.67			
37	H	K-HHH	5.92	77,580.8	\$ 1.33	\$ 103,182.46			
38	K	STH 39 - LAFAYETTE	4.82	62,210.1	\$ 1.33	\$ 82,739.48			
39	A	CTH F - DANE COUNTY	3.26	42,075.7	\$ 1.33	\$ 55,960.73			
40	Z	YZ-191	2.19	28,265.6	\$ 1.33	\$ 37,593.25			
41		0	0	-	\$ 1.33	\$ -			
42		0	0	-	\$ 1.33	\$ -			
43			18.71	\$ 132,551.47		\$ 323,576.59			
44									
45	Q	18 - 80	12.66	163398.4	\$ 1.33	\$ 217,319.87			
46	T	H - Z	6.65	85829.33	\$ 1.33	\$ 114,153.01			
47	Z	YZ - T	10.3	132938.67	\$ 1.33	\$ 176,808.43			
48	HHH	MM52 - FARWELL ST	2.36	41536.00	\$ 1.33	\$ 55,242.88			
49	BB	STH 191 - CTH HHH	3.09	47132.80	\$ 1.33	\$ 62,686.62			
50	K	USH 18/151-STH 191			\$ 1.33	\$ -			
51			35.06			\$ 626,210.82			
52	Crackfill								
53	CTH		Mileage	Estimate \$ / Mile	Estimate				
54	O	All	2.52	\$ 6,500.00	\$ 16,380.00				
55	H	K-HHH	5.92		\$ 26,048.00				
56	K	STH 39 - LAFAYETTE	4.82		\$ 31,330.00				
57	A	CTH F - DANE COUNTY	3.26		\$ 14,344.00				
58	Z	YZ-191	2.19		\$ 9,636.00				
59	BB	ALL OF IT	0		\$ -				
60			18.71		\$ 97,738.00				
61	Other Priorities								
62	Q	18 - 80	12.66		\$ 82,290.00				
63	T	H - Z	6.65		\$ 43,225.00				
64	K	191 - USH 18/151			\$ -				
65	HHH	MM52 - FARWELL ST	2.36		\$ 1,180.00				
66	BB	STH 191 - CTH HHH	3.09		\$ 1,545.00				
67									
68			5.92		\$ 38,480.00				
69			30.68		\$ 166,720.00				

PUBLIC HEARING NOTICE

IOWA COUNTY
CDBG Citizen Participation Plan Committee
Avoca Village Hall
401 Wisconsin Street
Avoca Wisconsin, 53506
Thursday May 13, 2021 at 6:00 PM

The County Board of Iowa County will conduct a public hearing regarding its proposed improvement for CTH N between CTH NN and STH 133 for its' Community Development Block Grant (CDBG-CLOSE & CDBG-PF) Project CL-PF-20-18 along CTH N between CTH NN and STH 133. The public is invited to attend to learn about the CDBG program, to help identify additional community development needs, and to comment on the activities proposed to be included in the CDBG project improvement.

The agenda for the public hearing is:

1. Summary of the CDBG Grant process and Program award received by the County.
2. Discussion of the CDBG Project CL-PF-20-18 along CTH N.
3. Identification of any community development needs by public.
4. Citizen input regarding proposed and other CDBG activities.
5. Public Meeting – Open House Format for the Proposed CDBG CL-PF-20-18 project.

Residents of Iowa County are encouraged to attend, especially residents with low to moderate incomes. The meeting room is handicapped accessible. Persons needing additional accommodations should contact the Avoca Village Hall at 608-532-6831.

If you are unable to attend the meeting, or to request additional information please contact Matt Fueston, Project Manager at 608-365-4464. Written comments can be mailed to RH Batterman & Company Inc., c/o Matt Fueston, 2857 Bartells Drive; Beloit, Wis. 53511 or by email to matt.fueston@rhbatterman.com.



mfueston@rhbatterman.com

If you are unable to attend the meeting and would like more information regarding the project, contact Matt Fueston, Project Manager at (608) 365-4464. Written comments can be mailed to RH Batterman & Company, Inc., C/O Matt Fueston, 2857 Bartells Drive, Beloit, WI 53511, or by email at

The Avoca Village Hall is wheelchair accessible. Persons with hearing impairments who wish for special interpreter accommodations for the meeting should contact the Avoca Village Hall at (608) 532-6831. an individual basis.

Representatives from the County of Iowa and Batterman Engineering will be on hand to discuss the project on for review. You are encouraged to attend the meeting, provide input, and ask questions regarding this project. The May 13th meeting will be conducted in an open house format with a variety of exhibits and maps available transportation infrastructure needs of the surrounding community. Construction is planned for summer of 2021. of several culverts along the road corridor. Planned improvements are critical to support the growing The planned improvements along CTH N include the removal of the existing pavement surface, installation of new asphalt pavement, shoulder adjustments to accommodate the new pavement surface, and the replacement of transportation infrastructure needs of the surrounding community. Construction is planned for summer of 2021.

approximately 2.8 miles north to STH 133 near the Village of Avoca, Iowa County. the preliminary design and gather public comments on proposed improvements to CTH N, from CTH NN County of Iowa and the Wisconsin Department of Administration will hold a public information meeting to present The Community Development Block Grant (CDBG) Citizen Participation Plan Committee, in conjunction with the

Avoca Village Hall, 401 Wisconsin St, in Avoca

Thursday, May 13, 2021, 6 to 8:00 pm

PUBLIC INFORMATION MEETING

To discuss CTH N
Road Reconditioning Project
between CTH NN and STH 133
(CDBG PF-CL, 20-18)

