

**STATE OF WISCONSIN**  
**Town of Silver Cliff**  
**Special Town Board Meeting Upper Roaring Rapids Site Visit September 8th, at 1:00 p.m.**  
**on site weather permitting or at the Silver Cliff Town Hall, Marinette County WI**

Minutes

1. Call to order at 1:06 p.m. followed by the Pledge of Allegiance
2. Roll call: Chair Dee Farley, Supervisor Jim Fencil, Supervisor Scott Volkmann, Clerk Lisa Weinrich, in addition Planning Commission Chair Sabin Rosenbaum, Road Crew Foreman Jeff DeBauche, Dan Simmers, Sue Victoreen, and Private Road development foreman and several road workers; Verification of Meeting Notice posted on the Town Website, Town Hall, Community Center, and Red Pine BP
3. Approval of Agenda was waved due to being on site of the road development and questions have changed to open discussion.
  - a. The private road development foreman stated that they had been working with former Town Chair Bruce Weber and that they had a few meetings with him.
  - b. Inspection Report was never received by the foreman which he first heard about it by the current Town Chair Dee Farley; one of the owners of the property said Jeff never gave him one
  - c. County Level according to Sabin Rosenbaum Apparently the county is fast tracking this road to be a part of the Town of Silver Cliff road system but no approval was ever made by the Silver Cliff Town Board, there is no documentation presented at any meetings whatsoever. It is believed that Marinette County is pushing this through without authorization of the Town of Silver Cliff due to the Marinette County land locked parcel
  - d. "Dedicated to Public Access" was noted on the surveyors map presented to the board for approval which nobody believed would automatically allow the county to designate ownership of the road
  - e. Sabin Rosenbaum also stated that Jeff Liewellyn talked them into lowering the Town of Silver Cliff's road construction standards in an effort to assist him develop this property and avoid the "Keyhole" lot issue that has been an issue for years. Sabin also stated that they gave Jeff Liewellyn information for a road association so the property owners could maintain the road on their own at their expense; that application was returned but never filled out. Supervisor Jim Fencil stated that the road is below our standards, it was never compacted and it might be good enough for a fire truck but that would be the extent of it. According to the Road Development Engineer Steve, they would have to have it approved by the Town and the State. According to Sabin Rosenbaum They are in possession of a letter signed from Jeff stating they are responsible for the road until it is presented to the Town Board for approval to include it into our road system or not.
  - f. County Park was being suggested by Sabin Rosenbaum as one of the reasons the County want to have the Town of Silver Cliff take on the road

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- g. Lots are currently all sold except for one lot; Realtors are telling these new property owners that it is a town road and that it will be blacktopped in addition to telling them that the lots are zoned agricultural to keep taxes down which according to Sabin Rosenbaum That is not true.
- h. Bank holds the note on the property so it is not truly 100% owned by the investors which was a concert to the Planning Commission when it was disclosed
- i. Taking a census of the new owners and who would want a private road and who would want the town to take it on. Supervisor Jim Fencil also stated that we had not taken on a new road in over 20 years because we can't afford it.
- j. According to Chair Dee Farley regardless if it is a private or public road it has to be up to spec regardless of whose responsibility it is. According to the Road Engineer Steve, there are spots that do not have 6 inches of gravel. Supervisor Jim Fencil stated that there are several places that need culverts and the few that are in place are too small and cheap menards culverts, and our ordinance also calls for an engineer approved and the road itself is supposed to be moved at least 10 feet and according to the Town highway ordinance each step had to be shared with the planning commission designee or the town board.
- k. The majority of the planning commission approval was based on assumptions and promises.
- l. The owner is Jason Narletz and Chair Dee Farley said she had talked to him and he was very agreeable and he told Dee he would do whatever it took to fix this road
- m. Road Engineer Steve, said that he would get the names of all the new property owners by lot number and he would like to then have a meeting with them and the town representatives and there was some discussion about getting egresses on some of the lots. In addition to discussing other options that were pointed out for accessing some of these properties. According to the Road Engineer Steve, had delineated the wet lands so the property owners would not have to worry about contacting the DNR and they were cleared with no impact to wet lands according to him. The Road Engineer Steve, did a "recursery review" and that he had made up an exhibit for the proposed lots and driveways
- n. Chair Dee Farley stated that our first course of action would be to get a legal determination as to the actual ownership of this road. Sabin Rosenbaum stated that the WTA said that we should have had something with the CSM file called the dereservation that clearly stated the town's stance on the road ahead of time and without that we are screwed.
- o. According to the Road Engineer Steve, a part of a subdivision plan is that all the budding owners get a written notice of a meeting ahead of the subdivision to voice their opinion and bring into play historical/ indigenous information and Sabin Rosenbaum said that they had posted those meetings and there was an initial interest but since then has dwindled. The Road Engineer Steve, stated that he was never notified of any meetings which he wished he had been allowed to participate in and Jeff Liewellyn said that he was handling all of that. Jeff Liewellyn kept

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introducing himself as the developer/ owners representative on the ground and he told the Road Engineer Steve, that there was a streamline process with the county, the Road Engineer Steve, stated that he did call one of the names Jeff Liewellyn gave him, Tim Oecstreich from Marinette County was the one he called and Tim told the Road Engineer Steve, that everything was being handled. The Road Engineer Steve, asked how the first 80 was dedicated to public access and according to Sabin Rosenbaum He stated that according to the register of deeds that document was filed with them completely separately which states it belongs to the town of silver cliff after the fact and no one ever got a copy so they did not know that it was even filed. The Road Engineer Steve, said that he thinks the way that happened is the first individual who bought the first section here, the two forties which he was surprised by and that initially they were coming off the existing logging road and then all of a sudden where did this coming from.

- p. Sabin stated that Jeff Liewellyn presented the initial map with the logging road and they questioned that then Jeff Liewellyn said that he would write something up, Jef Liewellyn also stated that they can't create land locked parcels and Sabin understood that so that is why they signed off on that because they are not lawyers. The Road Engineer Steve, also said that he was going to check out the ½ mile of dedication to public access. Dan Simmers stated that they had given Jeff Liewellyn a form to fill out and return but he never did which did stated something was contingent upon the approval of the CSM
- q. Supervisor Jim Fencil stated the question of how could anyone buy a lot out of here if they do a title search that if anyone would do a title search on these parcels there must be something that states something is not right here, according to the Road Engineer Steve, he said there has to be something in those deeds and Sabin Rosenbaum pointed out so is that correct information on those deeds? Sabin also stated that if this isn't fixed there will be other subdivisions which have asked the town to take on their roads and they were turned now if this goes through they will all be clamoring to have their roads adopted also. Supervisor Jim Fencil stated that we can't afford to take on any more roads, we need more help we can't afford, it is like this everywhere.
- r. Chair Dee Farley asked so the first course of action would be to determine who legally owns this road regardless of anything else
- s. Road Engineer Steve, said he would find out who has ownership of that half mile designated public access; Sabin also requested he fill out and return all the missing paperwork that Jeff Liewellyn was supposed to do. Supervisor Jim Fencil stated we need to get legal counsel. Sabin also suggested that the county should start taking on some of the financial responsibility to correct this situation since they are the ones putting us on the "fast track"
- t. According to Chair Dee Farley, according to one of the owners, he told her it was 100 acres of county land at the end of this proposed road; he said he approached the county to help off set

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this cost which the county agreed with and then at some point they turned him down to approve funds. According to Sabin Rosenbaum one of the county employees stated that they felt the property land locked would be nice to develop into a camp ground or park but they have no access other than this development, it was suggested by Road Crew Foreman Jeff DeBauche to make it a county road so they can do what they want, Sabin stated that “dedicated to the public” could mean anything and the county should take that on. He also asked where does it state that that verbiage means it is a town problem and even though the planning commission asked they were told it has to be an egress.

- u. Road Engineer Steve, stated that we should get the town attorney and make Jeff Liewellyn accountable for all this stuff because he has all the paperwork, some completed some not and Jeff Liewellyn stated that he would take care of all the paperwork yet it has not happened. Sabin stated that all along the town did their best to help work through all the obstacles. Sabin also stated that he told Jeff Liewellyn final determination is the Town Boards responsibility
- v. Supervisor Jim Fencil stated that we should consider an ordinance stating that we will no longer be taking on any roads as many of the municipalities in the area have been doing. By doing that it will help us from getting into a situation like this again. Granted if things would have been done correctly following our ordinances and guidelines this situation would have been avoided but it was not done correctly, so now we have a situation.
- w. According to Sabin Rosenbaum There is a state law that has a provision stating that if we do not accept that road in three years then it reverts back to the developer and according to Sabin’s notes they started it in 2023 so it has actually been 2 years. According to Sabin the planning commission never knew that this road was a Town of Silver Cliff road
- x. For the application according to the Road Engineer Steve, he will call it “Upper Roaring Rapids Road” and supply a parcel number, north of Bluebird Lane
- y. The Road Engineer Steve, stated that Bear Cave road and others also show up on GIS as town roads and Whitewater Ln is also not one of the town roads, our town road is only up to the end of Wolfe Lane
- z. Dan Simmers also stated that Jeff Liewellyn changed roads which affected the lot size, all paperwork that was supposed to be returned to the planning commission but they never received it.
- aa. Supervisor Jim Fencil stated that he is confused how the road was allowed to go ahead without having the proper paperwork in place?
- bb. The property owner is Northern Real Estate Holdings according to the paperwork as stated by Road Engineer Steve.

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- cc. Chair Dee Farley asked if he wanted to go through things that have to be changed now or wait until they get the right paperwork but regardless it has to be brought up to the standard of road as outlined in our ordinance which states private or public roads have to meet our standard.
- dd. A review of our standard and other road standards however it is rated by traffic, this road needs to meet T-1 standard which it currently does not.
- ee. Things that need to be done is to have move the road, ditching, culverts
- ff. Supervisor Jim Fencil stated that packing down can be done by semis coming in but it doesn't take care of the center or edges of the road. According to Sabin the road was to be inspected at every stage of development, which it was not. Sabin also stated that Road Engineer Steve is correct about the soil because it is stated in the soil survey
- gg. There was also a concern about stumps in the ditches and in various spots that needed to get buried. Sabin did offer to have them utilize anything from our Pit to bring this road up to our standards and make it the best possible road. The Road Engineer Steve also stated that on the application that he would use the first parcel number. Sabin also stated that the register of deeds told him that they will not stop having this road uploaded into the Marinette County GIS as a town road and will be on the site as of January 1, 2026
- hh. Chair Dee Farley asked what improvements that can be done such as the end of road right away, moving the road over to center it, ditching, placement of culvert.
- ii. Sabin also remarked that there was one hill in the road that the planning commission was concerned about that was supposed to be addressed, but no one knows if it was because they had not been back there since their last on sight visit and Jeff Liewellyn told them they could not go on the road because we did not have the owners permission and there was a locked gate
- jj. The Road Engineer Steve, stated that he feels we need to have another 2 inches of gravel, there are two grades for future black topping that would require 2 inches
- kk. The Road Engineer Steve, also stated that he will get Jason's address and he will find out if the bank owns the development or who actually does?
- ll. Sabin stated that he asked Jeff Liewellyn about any liens and he said the development was all free and clean, the reason why he asked was because there was a lady who could not get the title to her property for 2 years after they had already put money down to buy that first parcel and the reason was is that the developer had a lien.
- mm. The Road Engineer Steve suggested that we take a ride to the end of this road to have a better understanding of what we are all looking at as far as condition of the road, lots had been staked out and that would also give us a better idea of spacing. He also told Sabin that if the hill is more than 10% he would address the issue
- nn. Sabin pointed out that Marinette County land butts up to this development and that is why they are pushing this road to be a town road one reason being that they Marinette County parcels

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are land locked, if we take on the road then Marinette County can log it off and then develop the land to be a park or campground and we are forced to maintain the road. He suggested that if Marinette County wants it that bad they should take the road on. He also stated that the county does have access to their parcels. Road Engineer Steve stated that he was told that they didn't have access and that they were proposing to buy land from the county. Sabin stated that they noticed on the last CSM that they were going to dedicate that to the county, so apparently the developer and the county made an agreement to get that put in

- oo. Supervisor Jim Fencil asked if this was going to be all public access again? Because if it is then are they going to try to hang that road on the town again, especially when there is no description.
- pp. According to the Road Engineer Steve stated that this was not the plan of the owner, maybe the realtor but not the Jason Nielitz. Sabin pointed out that if it was him he would want to talk to the county and the Road Engineer Steve said that this was not something from the Jason Nielitz, maybe the developer, he also stated that it may have been that the county told the developer if we give you access we are looking for something in return
- qq. Sabin stated that the developer had to sell off the first two lots to pay off back taxes which would allow them to proceed with the development
- rr. Supervisor Jim Fencil mentioned that the culverts need to be double not single walled not the menards special culverts. Sabin did state that they probably should cut the hill in the road a little more or possible residents would have a hard time driving up that.
- ss. Road Engineer Steve stated that he would call the county and try to get the deed for the first property owner and it should say there and for the owners private vs. public
- tt. Sabin and Sue Victoreen also asked if the future property owners know if that is county property there? Supervisor Jim Fencil also asked how can they just dump this road on us without letting us know anything, you would think they would have to notify the town if they plan to do this. Road Engineer Steve stated that if you review their subdivision ordinances approvals have to be signed off and those signatures are on that paperwork according Sabin he is afraid this will come back at us because we apparently signed off on the CSM's which will be what their argument will be and we will tell the we never included them in the town highway ordinance and we would have to see paperwork to the contrary
- uu. The Road Engineer Steve stated that he did not believe we had to accept that road as a town road and it needs to be approved by the town as their road. He also stated that he had called Tim Osteriech at the county he said that there is a new process that streamlines the process.
- vv. According to Sabin surrounding municipalities do not even look at their CSM's they just sign off on them because then decision making is done at the county level not at our level.
- ww. The Road Engineer Steve said he would share what he has and requested copies of the minutes and Sabin also offered to give him a copy of the site visit report with Jeff Liewellyn and

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the planning commission and that was where he said there would be a Road Engineer Steve and a road design engineer.

xx. Road Engineer Steve said he would also follow up with a letter

yy. Conclusion of Site visit

**NOTE: THE AGENDA IS SUBJECT TO CHANGE AS ALLOWED BY LAW**

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