

## **Village of Egg Harbor Regular Board Meeting Minutes**

Monday, January 10, 2011 6:00 p.m.

Paul J. Bertschinger Community Center

**APPROVAL PENDING**

Present: President Nancy Fisher, Barbara Cammack, Bob Dickson, Mike Fitzgerald by phone, Chris Anderson by phone, Joshua Van Lieshout, and Pat Gureski.

Also Present: Peter Devlin of Door County Advocate, Tom Kispert and Craig Sachs of McMahon Engineers and Scientists, Lynn Michelsen of Visitor Center Joe Smith, David and Barbara Tuch, Kathy Mand Beck, and Suzanne Wade of Water Star Program

The meeting was called to order at 6:00 pm by President Nancy Fisher.

Pledge of Allegiance

### 1. Approval of the Agenda

Cammack moved to approve the agenda as published, seconded Dickson. Motion passed unanimously.

### 2. Approval of Minutes December 13, 2010 Village Board meeting,

Dickson moved to approve the Minutes of the December 13, 2010 meeting as amended to pages one and three, seconded Cammack. Motion passed unanimously.

3. Open Session (10 Minutes) Nothing from audience. President Fisher thanked the Fire Department for response at a local business last week, and thanked the Sheriff's Department for assistance for the run and parade during Frosty Fest. President Fisher wished well to Kimberly Sawyer participating in the Miss America contest this week.

### 4. Village Officers and Commissions

#### a) a. Presentation Water Star Program Award – Suzanne Wade

Suzanne Wade stated it is a privilege to honor municipalities for doing work in all areas of water management. Egg Harbor is the smallest community to receive such an award of the twenty-two that have received awards thus far.

#### b. Review of and recommendation on Intergovernmental Agreement for Emergency Services

President Fisher presented the draft of the amended agreement with Pat Gureski's comments. Fisher spoke with Town Chair, Paul Peterson and will bring discussion of same to the Joint Town and Village Board meeting on January 26 and are asking the Fire Commission and both attorneys will be in attendance.

#### c. David and Barbara Tuch complaint on zoning matters

President Fisher stated David and Barbara Tuch appeared at the December meeting asking about the various non-response issues they brought up. The Village engaged Village Attorney Vande Castle to review the history of events, and provided to the board and the Tuchs Attorney Vande Castle's conclusion of findings on his investigation during the month of January. President Fisher read the highlights of the conclusions.

#### b) Utility Committee

##### a. Comments and remarks from Committee Chair

##### i. Utility billing software implementation and online payments

Van Lieshout reported on the implementation of the new software program.

#### c) Harbor Committee

##### a. Comments and remarks from Committee Chair

Fitzgerald stated at the December meeting the committee reviewed the proposed procedures and regulations for 2011 and looked at the drawings for the Safety and Service Building. Fitzgerald state the specific plans

will be addressed at the upcoming committee meeting. Fitzgerald commended Smith and Van Lieshout for work put into the Code and procedures amendments.

b. Safety and Services Building Project

Dickson questioned the difference in height from the existing building and whether the height would obstruct the view of the bay and marina waterfront from Harbor View Park.

Craig Sachs of McMahon Engineers Scientists spoke to the plans. The top floor could hold about 50 people in a standing position.

Some of the imperatives of the project were two story and visitor accommodation on the second level and customer service on the lower level with a much stronger architectural structure than that which exists now.

Cammack asked about plumbing in the existing building as compared to this plan. Van Lieshout stated sewer service will need to be provided to the building. The well is within fifteen feet of the building.

The budget estimate is around \$210,000.

Fisher inquired about glass protection in the event of strong weather to prevent glass shattering upon the inhabitants.

Van Lieshout stated he and Craig have created a list of items that can come or go. There may have to be a start from a base building and then a list of add-on's such as galley, plumbing, type of shingles, etc.

Dickson again inquired about the building heights.

Fisher stated we started with an estimated number of \$130,000. The building is 1100 sq. ft. and the cost comes close to \$200 per square foot.

President Fisher directed the harbor committee to continue to work with McMahon Engineers and bring a recommendation back to this board.

c. Amendments to the Village of Egg Harbor Code

Van Lieshout stated the committee looks at the rules at hand to see how they are working for us. With the new marina, we have some change and Steve Smith has gone through the documents to make suggestions to make these workable to the new arrangement.

**Chapter 93**

Dickson stated he would like to have the Public Works Committee make a review of the proposed changes for the Chapter 93 as it is his understanding that Committee has charge over all parks. Dickson moved to table action on Code 93 until the Public Works Committee has had a chance to review the document.

**Chapter 94**

Dickson addressed Page 3, Item 12 and suggested there be an independent appeals board from the Harbor Committee. Steve Smith stated the marina never had to give any substantial reimbursements. Most are minor issues. In any matter a person can come to the Village board for a substantial appeal, but the major appeals could come to the board.

Discussion ensued as to whether the Village board should hear the appeals of significant monetary issues if the appellant is not satisfied with the decision of the Harbor Committee. Dickson stated all items listed in item 12 are worthy of an appeals board. Cammack moved to approve adoption of Code section 94 with the exclusion of item 12, seconded Fitzgerald. Motion passed unanimously.

d. Amendments to the Egg Harbor Marina Operating Policies

Dickson suggested rewriting the procedure to reserve a transient slip to better spell out how a transient may make a reservation. Steve Smith will work on the verbiage to improve that section and provide it to the board and administrator. Fisher moved to approve the Egg Harbor Marina usage rules with the exception of the transient rules on page nine that will be rewritten to accommodate procedures for transients to make reservations both in the off season and during the season at the marina and upon arrival at the marina, seconded Fitzgerald. Motion passed unanimously.

d) Ad Hoc Committee (s)

a. Fire Station No. 1 Committee Report

Dickson stated a meeting is scheduled for Wednesday at 6:00 p.m. at Fire Station No. 1. The committee will be looking at five elevations and four interior layouts and will make recommendations to be brought to the Joint Town and Village meeting.

b. Door County Coastal Byways Commission Agreement

Dickson moved to adopt the intergovernmental agreement for the Door County Coastal Byways Council, seconded Cammack. Motion passed unanimously.

Josh Van Lieshout presented the first draft of the Community profile prepared by Kelly Popp and Lynn Michelsen.

e) Public Art Committee

a. Comments and remarks from Committee Chair

b. Approval of Miles Amorelli "Windsurfer" sculpture

President Fisher Miles Amorelli attended the Public Art Committee and presented the proposed sculpture of three surfer objects entitled, "Windsurfers" that is recommended to be placed at the Beach Park upper level for a period of three to five years. Fisher moved to accept the recommendation that the Miles Amorelli sculpture be accepted and placed in the upper level of Beach Park, seconded Cammack. Motion passed unanimously.

f) Plan Commission

a. Comments and remarks from Committee Chair

Anderson stated the Plan Commission approved a conditional use permit for Larry & Rebecca Majewski for operating a restaurant at the location where Harbor Landing was.

The Commission also discussed some future planning with Meadow Ridge that Josh Van Lieshout highlighted. The developers want to make some floor plan and exterior design changes to some buildings. The developers need to address the possible issues they will find with the registered condominium plat. New design plans will come from the developers.

g) Public Works

a. Comments and remarks from Committee Chair

Cammack stated the Public Works lead man Jeff Meyer and his crew have been active through the winter remaking and making new signage, insulating the visitor center and making new chairs for the Beach Park. They plan to strip and refinish the meeting room floor. They have several public works building projects and are cutting dead and diseased trees along South Trail in preparation for the walkway. They are making plans for the terrace work in Harbor View Park to begin this spring. They have purchased a gate for the public to better access South Park. Fisher asked that the South Park entrance area to be better aesthetically appealing as it is very visible from the Highway. Van Lieshout introduced a proposal for the Village to make use of the opportunity to share-cost with the City of Sturgeon Bay the rental of a grinder to process brush, etc.

Fisher asked about starting a dog park in Egg Harbor and asked the Committee to consider this.

h) Clerk Treasurer

a. Budget year to date and other financial reports

One question was raised regarding the Capital Fund expenditure in the amount of \$79,725.

Recommendation to write-off uncollected receivables – Marina Fund Clochesy and Laes

Fisher moved to have the \$1387.61 from Patrick Clochesy and \$350 from Doug Laes be written off as uncollectible, seconded Cammack. Motion passed unanimously.

c. Egg Harbor Business Association Temporary Class B Beer License and Temporary Operator's license for Lynn Michelsen. Fisher moved to approve the Temporary Class B Beer license and Temporary operator's license for Lynn Michelsen, seconded Cammack. Motion passed unanimously.

Joe Smith was introduced as a board member of the Egg Harbor Business Association.

i) Administrator

a. Report of code enforcement. Van Lieshout reported on his code enforcement activities as listed in his memo to the board.

b. Report on electric service outages (from 12-12-10 Village Board Meeting discussion) Van Lieshout spoke with a service contact and acknowledged there were a number of outages, but it wasn't a line issue and contended the number of trees over the lines and number of wind storms the Village has experienced. The Commission plans to clear in 2012, but they are limited to ten feet within the lines. Dickson asked for better observation of where more specifically the line issues are as they appear to be between Beach Road and Hwy 42 along Horseshoe Bay Road.

c. Closed Session per 19.85 (1)(g) conferring 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 involved concerning Village of Egg Harbor v. Mojo Real Estate III, LLC

Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting.

At 8:00 p.m. Fisher moved to go into closed session for the above three issues, seconded Dickson. Fisher, Anderson, Cammack Fitzgerald and Dickson voted aye by roll call vote.

At 8:20 p.m. the Board returned to Open Session.

5) Compliments and Complaints - Nothing.

6) Open Session

Cammack asked why so many cars were and trucks were parking next to Shipwrecked where their building extension goes out so close to the pavement during the holidays.

Van Lieshout was directed to get the signage put up to not allow parking on that side of the street.

7)Adjournment Dickson moved to adjourn at 8:26 p.m., seconded Cammack. Motion passed unanimously.

Recorded by, Patricia C. Gureski, Clerk-Treasurer