

Village of Egg Harbor Regular Board Meeting Minutes

Monday Sept 12, 2011 6:00 p.m.

Paul J. Bertschinger Community Center

APPROVAL PENDING

Present: President Nancy Fisher, Barbara Cammack, Bob Dickson, Paula Cashin, Bruce Hill, Joshua Van Lieshout, and Pat Gureski.

Also Present: Attorney Bill Vande Castle, Peter Devlin of Door County Advocate, Joe Melendes, Tom Kispert-Village Engineer, Jan Luser, Joe Smith, Terry Lundahl, Clarence and Mary Ann Scherer, Sheriff Vogel, Karen Peterson, and two other gentlemen.

Public Hearing on proposed sanitary sewer rate increase The hearing was called to order at 6:00 pm by President Nancy Fisher.

President Fisher introduced the recommendation of the Utility committee to increase the sewer rates as of January 1, 2012 by four percent to more adequately cover operating expenses.

Van Lieshout stated an email was received from Fred Anderson representing the Ashbrooke who asked the Village to consider a future method of determining sewer rates by usage rather than by REU.

Hill stated the comment was made that the Village "has" to increase the rates due to the operations running in the red and questioned whether the board needs to increase the rates.

Cashin distributed some statistics on operations loss and income and the impact a 4% increase would make on the users as well as the estimated increased revenues for the Sewer Utility based on history.

Fisher clarified that the rate is across the board for all users of the system. Fisher closed the public hearing at 6:10 p.m.

Pledge of Allegiance to the Flag

Regular Board meeting:

1. Approval of the Agenda Fisher requested item 4) b) i. be moved to follow 4) a) a. and make it an open session item. to accommodate Attorney Vande Castle and Sheriff Vogel's time at this meeting. Fisher moved to approve the agenda as amended, seconded Cashin . Motion passed unanimously.

2. Approval of Minutes August 8, 2011 Village Board meeting

Cammack moved to approve the Minutes of the August 8, 2011 meeting, seconded Dickson . Motion passed unanimously.

Open Session (10 Minutes) Joe Smith spoke about the parking regulations ordinance and that new businesses need to comply with the parking regulations. Smith referenced a letter he wrote to the Village on August 30 in regard to the parking regulations.

Terry Lundahl spoke to the 2011 concert season showing approximately 11,000 visitors to the performance center this year. Lundahl thanked volunteers and businesses that stepped up to support the efforts of the success of the season. The use of the Facebook page that Dragonfly is using will help promote the concerts. Hill commented that the facility is not being used by other artists and entities. Lundahl stated it may be due to insufficient lighting and sound equipment.

Fisher thanked Elaine Penpek and volunteers on the book sale held.

Fisher referenced a newspaper article on the beach improvements.

Van Lieshout reported he received an award for the Village from the Society of Civil Engineers on the design of the marina improvement project.

4. Village Officers and Commissions

a) Village President

a. Discussion regarding Concealed Carry Fisher introduced Sheriff Terry Vogel and asked him to speak to the issue.

Vogel stated there are some training sessions being set up on the State level. The interpretation of the law is confusing to many and the law enforcement units have many questions that need answers.

Vande Castle stated there are as many issues on the law as there are answers. There is some trailer legislation coming to more clearly present this to the public. WDVC referenced a redraft of the Village's Code 96. WDVC stated this new law affects already existing regulation on where firearms may be discharged because with the new law allows discharge with just cause.

WDVC also referenced the new penalties that are applicable that he incorporated into the draft amendments to the Village firearms code language.

4 b) i. Confer with legal counsel concerning Shorewood Road – Fisher stated the adjoining property owners constructed a fence on Shorewood road. WDBVC stated the court's interpretation that neither the Village nor the adjoining property owners own the road. Therefore, the fence constructed is in violation of use of a public road.

There needs to be more title search done as to the road. Around 1921 there was some reference to be able to use the street.

Fisher asked if there is a possibility for the Village to take eminent domain action. Vande Castle stated the Village doesn't have enough information to go after the property at this time using eminent domain.

Hill asked If the Village established a Fair Market Value, could it escrow funds on that value and the property be condemned and then take ownership of the road. Attorney Vande Castle concurred that is an alternative.

Hill stated that the Village may take action against the obvious property owner who is violating.

Vande Castle stated the Village initially spoke of taking eminent domain on Shorewood road, Glenwood and Mariner Road but title research needs to be reinitiated.

Fisher asked if the Village could go ahead to get the Fair Market Value and budget for escrowing that amount to start the proceeding.

Vande Castle stated one of the issues that needs to be addressed is that rules for condemnation changed by Act 13 of 2011 relating to the justification for the action.

Hill asked if the Village could move forward with condemnation of Shorewood Road.

Vande Castle stated there is nothing to prevent the Village from acting on items in pieces and focus just on Shorewood road the other activity planned by the Village may not be an issue.

Vande Castle stated he knows of an attorney in Madison who has worked on these kinds of issues where there is non-owners and asked if he could bring him on board to help the Village with this. There would need to be some preliminary research done before the paperwork can begin and the fair market value would need to be determined. But before that the 2005 survey needs to be looked at.

The Village should first obtain the survey and have an appraisal done before Vande Castle can engage the action for the condemnation.

Consensus of the Board is to do the survey and appraisal work to start the process.

b. Resolution Adopting the Rules of Order approved June 2011 Fisher stated the Board approved the amended Rules of Order at the June meeting and moved to adopt Resolution 2011-04 affirming the approval, seconded Hill. Roll call vote: Cammack aye, Dickson aye, Hill aye, Cashin aye, Fisher aye.

c. Village Facebook page Fisher stated the Village is planning to do a Facebook page beginning in January.

d. Review fourth season of Peg Egan Performing Arts summer concerts Fisher thanked Terry Lundahl for the report.

Fisher referenced the administrator's memo on the need for improved equipment. Fisher referenced the Dragonfly Agency agreement and asked Lundahl if she is still planning for a similar season.

Lundahl responded it is up to the board if it wants to expand on the concerts, and it is dependent on the number of sponsorships received. There is a desire for better sound and stage lighting that would significantly help attract more high end performers.

e. Approval of purchase of audio and lighting equipment for the Peg Egan Performing Arts Center Van Lieshout distributed correspondence regarding the proposed used equipment showing a recommendation by Hans Christian that sound improvements could be made for about \$5000. The

equipment that is being considered is used equipment. Lundahl recommends procuring new equipment with a warranty.

Fisher stated discussion will continue during budget discussion.

f. Budget 2012 and set date for workshop Fisher asked the committee chairs to bring forward their committee's requests for budget. The budget workshop date was set for October 24 at 2:00 p.m.

g. Appointments to Public Art Committee and Harbor Committee

Cammack moved appoint Lisa Van Laanen and Kathleen Friedland-Howard to the Public Art Committee for the term ending May 2014; seconded Fisher.

Bob Dickson moved to appoint Denny Phillips to the Harbor Committee for the term ending May 2014; seconded Fisher. Motion passed unanimously.

b) Administrator

a. Report of code enforcement activities Van Lieshout stated he followed up with correspondence to Matthew House proprietor, but hasn't received a response.

Van Lieshout reported he wrote a letter to the Hurckman and Cooper families about the fence on Shorewood Road. Cooper claims neither ignorance nor liability. If the fence is not down by tomorrow he will start citation activity. .

Casey's BBQ has garbage/dumpster issues and had not yet moved their smoker. He had a conversation with Matthew Peterson and gave him a deadline for moving the smoker. He is making some progress.

A conversation was held with an employee named Tim of Casey's BBQ who is present in the meeting regarding the progress that is being made. The employee stated he and Matthew have taken steps to move the smoker back closer to the building and have pressure washed the area. It is their intent to resurface the sidewalk area. The employee stated he will have the area further cleaned up within the week.

Van Lieshout stated there was a dog bite incident on a local dog that he handled today.

b. Pumpkin Patch – Fisher stated permitting is taking place.

c. Approval of temporary sign permit for Pumpkin Patch festival - Fisher moved to approve the sign permit, seconded Dickson. Motion passed unanimously.

d. Information kiosk project status update – Fisher stated the Plan Commission started the idea last year, but it may appear this is shouldering with the Door County Coastal Byways kiosks that are being developed. Hill asked the Village include kiosks in the overall Village Trails plan.

e. Parking ordinance Implementation - As assessment will be made on local businesses to determine parking usage and needs. Following that a notice will be sent to affected businesses that may not have enough off-street parking for required corrections that may be needed.

f. Temporary building restrictions – A first draft of ordinance language was reviewed by the Board. The suggestion was to limit the use of the unit to ninety days in a single calendar year.

g. Tourism Zone Commission Meeting Report – Van Lieshout reported the meeting focused on correlation with the Door County Visitor Bureau relations and the upcoming Pumpkin Patch event.

h. Approval of Door County Visitor's Bureau Advertising contract for 2012 – Dickson suggested opting for the visitor guide listing at \$225 and additional Visitor guide chart listings at \$200

Fisher moved to approve expenditure not to exceed \$500 for Village of Egg Harbor marina to be included in the 2012 Visitor Guide, seconded Cashin. Motion passed unanimously.

c) Administration Committee

Fisher reported Admin committee met Sept 1 most of which was closed session discussion in which the Committee met with a realtor on land purchase issues and preliminary review of employment applications for the Clerk/Treasurer position.

d) Plan Commission

a. Approval of Nevins/Mariner certified survey map – Fisher introduced the revised certified survey map of the Mariner Resort property divided into three individual lots. The Commission had stipulated a number of changes to boundary lines on the lots, parking was to comply with the Code, and that the realtor reveal that there would be a shared well and shared driveway. Fisher moved to approve the CSM as presented, seconded Cammack.

Hill questioned the Plan Commissions authority to go against the Code, stating it is the duty of the Plan Commission to legislate rules and enforce the rules, not create nonconformity. Hill also pointed out that a motel of that size could not comply to the Code on 0.849 acres.

Fisher explained that a resort of the current size in today's economy is not saleable. The recommendation of the Plan Commission was purely pragmatic from a selling point. The CSM will go back to the Plan Commission.

b. Business development projects Fisher stated the Plan Commission is discussing the two following ideas and that of the idea at Main Street Shops of taking the private driveway and creating a one way public road. It would then have the amenities that the Village streets with lighting, etc. The Main Street Shops board will be invited to the next Plan Commission to discuss this. The second issue is looking at reducing the required lot size in the MU district.

e) Joint Fire Commission Report Fisher stated no Village trustees were able to attend the August meeting. Paula Cashin will be attending in September.

f) Ad Hoc Committee on Joint Fire Station Dickson stated the issue of asbestos came up at the preconstruction meeting. An evaluation is being undertaken and the results of which are expected soon.

g) **Harbor Committee**

a. Comments and remarks from Committee Chair - Dickson reported the Committee talked about the no-wake issue and will invite Mike Neal to join the committee. The Committee will more closely look at harbor safety in relation to the no wake zone.

b. Report on Marina Day Celebration August 13, 2011 Dickson reported the celebration went well. They sold out on food and would like to continue it on a low key manner to keep it a nice family day. The sail training will be expanded for 2012 as it was very successful this year.

h) **Public Art Committee**

a. Comments and remarks from Committee Chair Cammack stated "The performers" stone art is currently being carved on a stone at the Peg Egan Performing Arts Center. Carving the Seafarer will require to be done at a time when the boats are not present as a lot of dust is generated with the carving.

i) **Parks and Public Works Committee**

a. Comments and remarks from Committee Chair Hill introduced the capital planning as reported in the Committee minutes.

Fisher asked the administrator to move the 15 mph sign further into the road. The suggestion was made to make the slower speed limit seasonal.

Fisher stated that it appears the fascia at Peg Egan Performing Arts Center building appears to be cracking. Van Lieshout stated it is being looked into by the Public works personnel to do the job yet this year.

b. Capital Planning Priorities The Parks and Public Works Committee minutes of September 7 were referred to for this item.

c. Harbor School Road Van Lieshout presented a urban rural design for Harbor School Road with the urban section to Apple Ridge Road on the north side of the Road; and total rural from Apple Ridge Road to Heritage Lake Road.

d. STH 42/CTH G Intersection marking project and other striping projects The Parks and Public Works Committee minutes of September 7 were referred to for this item.

e. Public Works building The Parks and Public Works Committee minutes of September 7 were referred to for this item.

j) **Utility Committee**

a. Report of Committee Chair Cashin reported the committee responded to John McCoy's inquiry regarding depreciation within the Utility Enterprise. The Committee addressed a requested change on the Reu at Black Smith Clothing by Lisa Van Laanen. Van Laanen had also requested a refund of previous payments against the Reu's paid.

Van Lieshout stated Van Laanen was given a seasonal occupancy application and upon submittal it was determined she does not qualify for seasonal status.

b. Approve increasing permanent, seasonal, holding and septic tank user rates

Hill moved to increase the sewer rates by 4% starting January 1, 2012, seconded Fisher. Motion passed unanimously. The Committee will continue to research metering as suggested by Fred Anderson in an email received today.

c. Approval of a contract to purchase lift station pumping and generator equipment in the amount of \$125,978 from Energenecs, Inc.

Van Lieshout stated there is an increase in the cost for a total of \$127,028.00.

Fisher moved to approve the agreement for White Cliff lift station replacement procurement for a total cost of \$127,028.00 seconded Cashin. Fisher stated she would like to have T Kispert sign off on each of the milestone payments before being made. Motion passed unanimously.

g) Clerk Treasurer

a. Budget year to date and other financial reports The reports were presented and Gureski responded to questions of the Board.

b. Approval of Beverage Operator License – Roger Ludka at Liberty Square Fisher moved to approve the operator license for Roger Ludka, seconded Dickson. Motion passed unanimously.

c. Revision of Room Tax Report Hill spoke to the room tax revenue report revision. He created an additional table to show a month to month year-to date comparison. Consensus of the board was to use this form in the future.

Fisher referenced a memo from Clerk Gureski concerning the recent book sale in relation to funding for a future library. Fisher spoke to the book sale that took place this past weekend and explained that the idea was for one half of the proceeds to go to the Door County Library and one half for the proposed new library fund. This item will come to the October Board meeting.

Fisher moved at 9:10 to move into closed session for the below mentioned items, seconded Cammack. Roll call vote was taken to move into closed session Fisher aye, Cammack aye, Dickson aye, Hill aye, and Cashin aye in favor. Motion passed unanimously.

1) Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties for a library and public parking lot, and 19.85(1)© Considering employment, promotion, and to discuss filling of the Clerk/Treasurer position, staffing for 2012, and management priorities and then return to open session

5) Compliments and complaints Nothing

6) Open Session Nothing.

7) Adjournment Hill moved to adjourn at 10:09 p.m., seconded Cashin. Motion passed unanimously.

Recorded by, Patricia C. Gureski, Clerk-Treasurer