

**Village of Egg Harbor  
Village Board Meeting Minutes  
March 13, 2017 at 12:00 p.m.  
Paul J. Bertschinger Community Center  
7860 STH 42, Egg Harbor, Wisconsin**

**1. Call to Order and Roll Call**

Smith called the meeting to order at 12:00 p.m. Those in attendance were Joe Smith, Lisa Van Laanen, John Heller, Paula Cashin, Robert Dickson, Ryan Heise, Lynn Ohnesorge, and Megan Vandermause. Also in attendance in the audience were Jane Lautenbach, Tami McLear, Eric McLear, Robert Mueller, Steve Hamming, Dennis Stapleton, Kathy Navis, Cambria Mueller, Frank Kauzlarich, Karen Peterson, Dave Tuch, Barbara Tuch, Sue Iverson, James Iverson, Pamela Wegner, Donald Butera, Steve Bell, Shane Solomon, Tom Stark, and Christine Tierney.

**A. Notice of Meeting**

**B. Pledge of Allegiance**

**C. Approval of Agenda**

Smith moved to approve the agenda with changes of moving agenda item “4” Village President before agenda item “3” Administrator and adding the beach presentation as section “b” under Village President, second by Van Laanen, motion carried.

**D. Approval of February 14<sup>th</sup>, 2017 Village Board meeting minutes**

Dickson moved to approve the February 14<sup>th</sup>, 2017 meeting minutes, second by Cashin, motion carried.

**2. Open Session (10 Minutes)**

- Smith stated that open session is a period not to exceed ten minutes in which gallery members will have a chance to comment on anything they would like whether it is on the agenda or not, each member will have a maximum of three minutes to address the Board and this is not a question and answer session or a debate. Gallery members will not have a chance to speak during the meeting unless they were invited to present, there will be a second open session at the conclusion of the meeting.
- Bob Mueller stated that he would like to ask the Village Board to consider not allowing crafts at the proposed farmer’s market. Mueller stated that he thinks crafts will take away from the businesses in the Village.
- Bob Mueller stated that he supports the farmer’s market in the Village, but not the crafts.
- Navis stated that she would like to commend the Trustees and the library committee for all of the work that they have done over the last few years regarding the library project.

- Navis stated that she thinks the injunction is shameful, and she is hoping that this will be put to rest.
- Navis said that she knows the Wine Fest issue is back on the agenda and she would highly recommend approving option number two which is to close STH 42 from Harbor View Park to Orchard Road.
- Navis said that the closure of the road from the park to Orchard Road will not disturb the businesses that were against the closure.
- Navis stated that at the last meeting there was some confusion regarding the number of letters in favor of the Wine Fest and out of the 11 letters submitted, 8 were in favor.
- Peterson said that she is hoping that the Village Board upholds their decision from the last meeting not to close the road because the detour is the same.
- Peterson stated that closing the road from a hospitality stand point is not appropriate.
- Peterson said that she thinks Church Street with the Peg Egan Center is the ideal site for the Wine Fest.
- Peterson stated that because Wine Fest is a new event a permanent residence could be established for it.
- Kauzlarich stated that he has spoken in front of the Village Board a number of times.
- Kauzlarich said that he is proponent of the library and he has been a proponent of the library prior to living in the Village.
- Kauzlarich said that he spoke at a meeting regarding the highway project and told everyone to calm down and recognize that there is a process. Kauzlarich said that from what he has experiences since he has lived here is that the Village is not very good at process.
- Kauzlarich said that he disagrees with Navis that the group who has filed the injunction should be ashamed of themselves.
- Kauzlarich pointed out that he does not know what has transpired and he only knows what he has read, but he understands that a group of people filed an injunction in a good faith there was a delay on that action so the Village Board could prepare for the hearing.
- Kauzlarich said that last Monday a Village Board meeting was called to take action on something prior to court, and he stated that the court take acting in good faith very seriously.
- Kauzlarich said that he does not know what happened in the court room last Thursday, but he can imagine that the Village was looked very poorly upon in court.
- Kauzlarich said that people have spoken out and have not been heard and regarding the Resolution that the Village Board has the agenda today the section stating that this is the spirit of.
- He has spoken to 19 people unsolicited who have lived in the Village in 2008 and they have stated that the spirit of the 2008 referendum was to limit the expenditures of the Village and the burden upon the tax payers.

- Kauzlarich said that he was so upset he was shaking and asked the Trustees to listen to their constituents.
- Smith stated that Kauzlarich's three minutes ended and thanked him for speaking.
- David Tuch said that he wanted to expand upon Kauzlarich and stated that he did attend the court hearing last week and there seemed to be a level of deception regarding the previous ordinance and if it even existed. Tuch asked if the Village Board has that ordinance because he was here at that point in time and he remembers on two occasions when a vote was taken using the ordinance.
- Tuch said that the Village stating that the ordinance cannot be found is deceiving to him.
- Tuch said that the wording on the resolution is again deceptive because the original ordinance says, will provide certain amount of monies for the project, and the resolution is a break out of hard costs and soft costs not including the land costs.
- Tuch said that all of the costs will come out at the hearing on May 2<sup>nd</sup>, 2017 and the judge will make a decision on.
- Tuch said that if the Village Board votes in the resolution today he feels they will be upsetting the tax payers and the voters.
- Wegner stated that she would like to speak in favor of the farmer's market on behalf of the Egg Harbor Business Association, which voted seven to zero, in favor of the market.
- Wegner stated that she would also like to speak as a business owner who sells jewelry and other items that may be sold at the farmer's market, Wegner said that the vendors will be artisans from Door County.
- Wegner pointed out that Egg Harbor is one of the only Village's in the county that does not have a farmer's market.
- Ohnesorge stated that the ballots for the April election have come in so anyone can absentee vote starting today.

### **3. Village President**

#### **A. Owners of Serendipity Restaurant to introduce themselves**

- Tami McLear one of the owners of Serendipity introduced her husband Eric and herself.
- Tami McLear stated that they have visited Egg Harbor many times and they are very excited to be in the Village.
- Tami McLear stated that anyone can feel free to stop by the restaurant to ask questions or get more information.
- Tami McLear stated that everyone can check out the website to view the menu.
- Eric McLear said that he will be the executive chef at the restaurant and he is very excited to establish local vendors and put together some very interesting dishes.
- Eric McLear said that his training is French.
- Eric McLear said that there will be a wide variety of dishes.

- Eric McLear stated that they are very excited to become a part of the community and would like to get involved in whatever way they can.
- Tami McLear stated that they would like to stay open all year.

## **B. Beach Presentation**

- Margaret Boshek with Smith Group JJR joined the meeting virtually and presented the plans for phase one of the beach project.
- Boshek went over the proposals are on the table for moving forward.
- Boshek stated that at a low water level there was a nice long beach, but this as eroded away.
- Boshek said that it was confirmed with the DNR that the existing permit allows sand to be added to the beach as long as it is within the original project design.
- The Miller Engineers survey was done preconstruction and the contour lines were idealized and not actually included in any auto paths.
- There are no post construction surveys to what was actually placed.
- The contour on the construction drawings were in the preconstruction condition.
- The contour lines were matched up with other surveys that were completed in 2012 and 2015.
- All of the data were converted into a standard datum.
- The horizontal datum will have to be visually aligned.
- The DNR does not have a record of what the slope is so it will be approved by the DNR.
- Because the beach material is dynamic it did shift, but the parking lot and the bio filter garden remained the same.
- The Miller Engineers design includes contour lines that were generally draw on to the document and do not represent any type of surface so the contractor interpreted this to the best of his ability.
- The proposed surface is within the permitted right that can be re-nourished.
- The cross section near the west side of the beach shows that at the current waterline there will be an increase in the beach width by about 20 feet.
- The final analysis allows for about 2 to 2 ½ feet of nourishment vertically..
- The sand that was added during the original beach project was a bit fine.
- The new sand will be a little coarser.
- Smith Group JJR has not spoken with local quarries, but there were two that submitted samples for the Sister Bay beach project.
- Using the estimates that the quarries submitted for the Sister Bay project Smith Group JJR is able to estimate that the cost of material could be anywhere between \$70,000 to \$115,000.

- Boshek stated that these numbers will need to be confirmed with the quarries and can be driven by the year.
- The steps to go forward are in the final engineering packet that was sent to the Village.
- The final engineering does include the install of a tile drain because the pavers and bio filters were not draining the storm water quick enough.
- The final proposal packet includes tile draining that will help divert the extra storm waters to an outfall sewage line nearby.
- The sewer system will need to be looked at as well as the tie in.
- The sewer system tie in will need to be located by the engineers.
- The tile draining and the replacement of sand material will not require an additional permit.
- Removing the stones at the water's edge will require a dredging permit.
- The stones are local to the area and Boshek stated that her concern is that over time they will surface again.
- Boshek said that the added sand will cover the stones at the waterline.
- Boshek said that removing the stones may be advantageous in the short term, but they will most likely surface again.
- Boshek said that if the Village would like to go ahead with the dredging permit to remove the rock the permit will likely take about a month.
- Smith Group JJR anticipates the application process taking about 3 weeks.
- Once the applications are submitted the final construction documents can be completed.
- The final engineering and construction documents will take about three to four weeks to put together.
- The bidding period should take about two to three weeks in order to receive competitive bids.
- Once the bids are received construction can start at the site as soon as the contractor can mobilize.
- Boshek said that if the stones are not removed the construction documents can be started.
- Boshek said that the Village received a Coastal Management grant for the Beach Park expansion project, but the funds are not available until July.
- Boshek said that the committee and the Village Board have discussed why the beach expansion would be advantageous.
- The schedule for the phase 2 will take a little bit longer because the grant funds do not become available until July.
- Phase 2 will include a design meeting at the Village and the conceptual design will include an extensive survey of the area..

- Phase 2 will include a Geotech analysis because it includes removing a sea wall.
- Once the design parameters are determined a schematic design is created.
- The permitting for phase two will take about two months.
- The construction will not start until spring and can be dictated by the contractor.
- The bidding phase for phase 2 will be about 6 weeks.
- Throughout this process there is a number of graphics and community outreach that has been included in the proposal.
- Heller asked if there is an estimated cost for the removal of the stone at the water line and if removing the stone would allow for the re-nourishment of sand to take place at a later date.
- Boshek said that the rocks are a natural feature of the area and they are found throughout Door County, and removing them at the base of where the waterline is now there may not be a maximum value of removing the stones because the stones will be covered with about 2 feet of sediment.
- How quickly the stones are exposed depends on environmental conditions and Boshek said that she cannot determine how quickly the stones will resurface.
- Boshek said that she does not have an estimate for how much the stone removal may cost, but she will make some phone calls and will send the Village an estimate.
- Heller asked if the proposal that the Trustees are reviewing is for both phases of the beach project, and Heise stated that he included the proposal for phase 1 in the agenda packet.
- Heise said that the Village Board has until July to review the proposal for phase 2 of the beach.
- Heller asked if the Village has figures for phase 2 and Heise stated that there are figures for the engineering and contract management is around \$80,000 and the Village received the grant for \$32,000 to offset that cost.
- Cashin confirmed that phase 2 will not occur until 2018, and Dickson pointed out that the engineering work can start in July when the grant takes effect.
- Heller asked if there is a possibility for more grant money for phase 2 and Heise stated that the idea is to go back and request grant funding related to the physical cost of the beach expansion.
- The current grant for phase 2 is in the amount of \$32,000.
- Van Laanen asked what will be different at the beach this year, and Heise stated that the beach will be expanded by about 20 feet and the stones at the waterline would be dredged or covered.

- Heller stated that he thinks that the Village needs to get a cost on the removal of the stone at the waterline.
- Heise confirmed that in phase 1 the permitting process includes the physical removal of the stones at the waterline.
- Heller asked that cost estimates for the stone removal be provided to the Trustees.

**Heller moved that the Village Board move forward with phase 1 of the beach project and approve the Smith Group JJR proposal for phase 1 of the beach project, second by Dickson, the Trustees discussed:**

- Van Laanen stated that she received a call from a neighbor earlier today asking about where the sand was being added.
- Van Laanen asked if some information could be sent to the gentleman after the meeting, and Heise said that staff can follow up.
- Dickson asked if there was any prediction of what the lake level will do for 2017, and stated that it appears to be significantly down from last season.
- Boshek said that because the winter was very warm this results in decrease in water levels in the following summer, so the water level will either have stagnation or a deduction.
- Dickson asked how the water level relates to the shaping of the beach and Boshek said that the re-nourishment area remains the same no water where the water level is.
- Boshek said that lower water levels mean that the waves are breaking offshore before reaching the shoreline which will result in a more stable beach.
- Heller pointed out that beyond the stones it is pretty much all sand.
- Boshek said that because the re-nourishment will bury the stones at the water line the stones will be significantly buried for a period of time.
- Dickson stated that Boshek is recommending that the stones do not need to be dredged.
- Boshek said that the dredging could take place during the second phase.
- Heise asked if the dredging is held off on until phase 2 would the Village be dredging through the added sand.
- Boshek said that the process will likely be picking up the material with an excavator and sifting the material so the smaller material can be added back to the beach.
- Dickson stated that it seems obvious that the Village needs to dredge now rather than later, and Heller stated that the Village should get pricing for the dredging.

**The Trustees voted, motion carried.**

#### **4. Administrator**

##### **A. Door County Tourism Zone Commission**

- Dickson asked who the Village representatives on the Commission are and Heise reported that he and Fred Anderson are the representatives.
- Dickson stated that he would like to know more about the room tax dollars going to the state parks because the parks have not been well maintained.
- Dickson said that he would like to know what the money would be used for specifically.
- Heller asked if the Village knows that the parks have not been managed well and Dickson stated that through his experience volunteering and using the park the park is not well maintained especially at Peninsula State Park.
- Dickson said that all the trail pass money goes into the State's general fund not in the State parks fund.
- Dickson said that the state wants to take the Village's room tax money and give it to the state parks.
- Cashin asked if Peninsula Park still has a waiting list for campsites and Dickson said that the park does well with camping, but not with the trails.
- Dickson said that a better trail network could make Door County a more attractive winter destination.
- Dickson said that he thinks that the Village's room tax money is more equipped for Village purposes.

##### **B. Wine Fest Location**

- Smith stated that last month the Trustees voted not to close STH 42.
- Smith said that based on the Village's operating rules the Trustees cannot consider option one. The Village's rules of orders prohibit the Village Board from changing their mind on a vote for 60 days.
- Heise reviewed the letter that was sent by the EHBA which reviewed the options for the Wine Fest location.
- Heise said that option two is to close the road from just north of G to just south of Orchard Road.
- Option three includes closing Market Street and Orchard Road.
- Option four includes no closure.
- Van Laanen said that she thinks that the EHBA should think about using the Peg Egan Center and Church Street for the event and stated that she does not know why this has not been considered.
- Cashin pointed out that the Peg Egan Center would eliminate the concern of pedestrians crossing the highway.
- Heller stated that he does not like option two because it does not address the issue with the gas station at all.

- Cashin said that she personally does not want the road closed.
- Smith stated that he thinks that option three was a clever solution and pointed out that the downtown park would be utilized for the main stage.
- Van Laanen asked if Orchard Road and Market Street were closed where the tents would be set up, and Heise said that the tents would be set up in various locations.
- Heller asked about closing Orchard Road, but not Market Street and having the tents on private property and in the downtown park.
- Smith said that it seems like option three encapsulates the whole down town and he likes having the north and south clusters.

**Smith moved to approve option three as presented, second by Dickson, the Trustees discussed:**

- Van Laanen said that she would feel more comfortable having someone from the EHBA explain exactly what option three is.
- Heller asked what the timeline is on the decision and Heise stated that the decision needs to be made pretty quickly.
- Wegner who is a member of the EHBA explained that the idea is that the tasting tents would be set up on the roads that are closed and in the middle in the Village park would be used for entertainment.
- Heller asked Wegner about using Liberty Square and Mojo's parking lots and Wegner stated that this is an option that was discussed.
- Wegner stated that this is not what the EHBA wanted, but this was an option discussed.
- Dickson said that he wonders what Main Street Market's opinion would be about closing Market Street.

**The Trustees voted. Smith aye. Heller, Dickson, Van Laanen, and Cashin nay, motion failed.**

**Heller moved to allow the closure of Orchard Road and utilize private parking lots on the south side of the Village for the event as well as Harbor View Park and the old Lena lot, second by Cashin, motion carried.**

- Dickson noted that the EHBA representatives are not in attendance because they are at the Governor's Tourism conference.

### **C. Disc Golf Course**

- Shane Solomon a member of the Door County Disc Golf Club was in attendance to explain disc golf and the disc golf proposal.
- Solomon gave the Trustees an explanation of disc golf.

- Solomon said that the Door County Disc Golf Club has been going from community to community to ask if the communities would like to allow Door County Disc Golf club to use public land for a disc golf course.
- Solomon said that Door County Disc Golf Club is not asking for money because they feel like this is something that can be supported through public donations.
- Solomon said that Sister Bay will be putting in a course and Bailey's Harbor is working on putting in a course. Ellison Bay has approached Solomon to have a course put in and Fish Creek and Jacksonport are also discussing putting in courses.
- Solomon said that land just north of the dog park would be used for a pitch and put practice disc golf course.
- The course would have three to five baskets.
- Solomon said that this course would be purely recreational and he would not promise an economic impact from this course.
- Solomon said that Door County Disc Golf Club would raise the funds for the course and is willing to maintain the course.
- Solomon said that if the Village would like to donate to the project they can otherwise Door County Disc Golf would fundraise for the project.
- Cashin asked about the legal status of Door County Disc Golf Club and Solomon said that currently Door County Disc Golf Club is not a legal entity.
- Solomon said that Door County Disc Golf is in conversation with Door County Silent Sports Allegiance about partnering.
- Solomon said that Door County Silent Sports will be making a decision on this on the 20<sup>th</sup> and if they do not support a partnership Door County Disc Golf Club is prepared to file to become a 501c3 non-profit.
- Solomon said that the partnership with Door County Silent Sports partnership seems very promising.
- Solomon said that everything would be in order before the course would be installed and Door County Disc Golf Club would sign an agreement with the Village.
- Dickson asked if the cages that are put in the ground are on sleeves so that they can be removed.
- Solomon said that the Sister Bay course have their cages on sleeves that are underground.
- Cashin said that she likes the idea because this would bring in young people to the Village.
- Van Laanen stated that she likes the fact that the equipment can be removed.

- Van Laanen said that members of the Door County Disc Golf Club could volunteer for events as a fundraising effort.
- Solomon said that Door County Disc Golf is not asking for money, but they would accept a donation from the Village.
- Vandermause stated that she spoke with the Village's insurance company about the liability concern and the insurance agent stated that the Village's liability insurance would cover the land, but if the equipment were damaged or vandalized the Village would not be liable to cover this.
- Vandermause said that recreational immunity also applies and Solomon stated that he is aware that the baskets would need to be owned by the Village for recreational immunity to take effect.
- Solomon said that Door County Disc Golf Club would donate the equipment to the Village as long as they would have the opportunity to get the equipment back if the Village ever wanted to remove the course.

**Smith moved to approve allowing staff to work with the Door County Disc Golf Club to establish a pitch and putt disc golf course in Village View Park, second by Cashin, motion carried.**

#### **D. Orchards Properties CSM**

- Smith stated that this CSM was presented to the Plan Commission at their last meeting and the Plan Commission voted unanimously to recommend that the Village Board approve the CSM.
- Dickson pointed out that in the Plan Commission minutes he noticed that Smith indicated that the driveway would most likely not be off of STH 42.
- Smith stated that lot one does contain an easement for a roadway to access lot two.
- Van Laanen asked if the lots are about to be sold and Smith stated that he is not certain.

**Smith moved to approve the Orchards Properties CSM as presented, second by Van Laanen, motion carried.**

#### **E. Public Arts Initiative Update**

- Smith reported that he was able to speak with Kathy Mand Beck the other day who was happy to announce that the group has received their 501c3 status and is working on their sculptor project.
- Smith stated that the group is looking for the financial support for the project from the Village that the Village Board budgeted.
- Heise said that group seems to be making great progress and is very organized.

- Heise stated that the sculptor project will have sculptors in ten locations around the Village.
- Heller asked if there has been any response to the call to artists and Vandermause stated that the group did not have any responses to the call to artist at their last meeting at the end of February, but it is open until the end of March.
- Van Laanen stated that the group has worked really hard on the project and was expecting the donation so they should receive the money.
- Cashin asked what the responsibility of Village staff will be and asked if the \$20,000 includes the costs of the concrete pads and the employee costs.
- Vandermause stated that because the Village Public Works Department is currently hiring, she recommended that the group hire out for the installation of the concrete pads.
- Heller pointed out that the cost of the installation of the concrete pads will be paid for with the \$20,000.
- Cashin confirmed that the group is doing all the preparations for advertisement.

**Smith moved to approve the donation to the Public Arts Initiative of Egg Harbor in the amount of the remainder of the budgeted amount which is \$18,685.81, second by Van Laanen, motion carried.**

#### **F. Social Media Policy**

- Vandermause stated that the Trustees have not reviewed the social media policy since the January meeting and at the January meeting the Trustees asked that Attorney Vande Castle review the social media policy.
- Vandermause stated that Attorney Vande Castle's correspondence is attached in the agenda packet.
- Smith asked Vandermause what her recommendation is to the Village Board after reviewing Attorney Vande Castle's review.
- Vandermause stated that she is suggesting that the Village Board approve the social media policy as the Attorney seemed very happy with the policy and did not recommend any changes.
- Vandermause stated establishing a social media policy is the first step in getting back into the social media world, and she knows that social media accounts are very important in the marina's marketing plan.
- Vandermause stated that the social media policy needs to be approved and then staff will work on the implementation of an archiving solution before moving forward with any social media accounts.
- Heise stated that this is all part of staff's communications campaign strategy and staff will be returning with the cost of the capture software.

**Dickson moved to approve the social media policy as presented, second by Cashin, the Trustees discussed:**

- Heller asked if this would be for audio and Vandermause stated that this would be for Facebook, Twitter, Instagram or any other social media accounts that the Village has.
- Vandermause stated that the new agenda building software and the archiving software are two separate things. Any correspondence that the Village received on social media would need to be archived to be compliant with open records laws.

**The Trustees voted, motion carried.**

**G. Consideration of Ordinance repealing Direct Legislation requiring electoral approval of Village capital expenditures of One Million Dollars or more on municipal financed construction projects**

- Smith said that the language of this ordinance was submitted by Attorney Lehocky and it is her recommendation that the Trustees approve this ordinance.
- Heller asked why the Trustees are discussing this.
- Heise stated that approving this ordinance brings the Trustees back to what they thought they were operating under when they approved the library contract.
- Heise stated that there was an ex parte motion filed by the plaintiffs' attorney to prevent the Village Board from taking action at the meeting that was cancelled last Monday.
- Heise stated that the Judge lifted this order at the hearing last Thursday, and the Judge stated that he could find no compelling evidence to prevent the Trustees from meeting and taking action as is their constitutional right.
- Heller asked if there were some additional filling by the plaintiffs' attorney last Friday.
- Heise stated that he did not see anything from the Judge not allowing the Village Board to take this action.
- Van Laanen said that when the Village Board made the motion to approve the library contract they did not know that the original ordinance was still in effect and nobody thought that this ordinance was on the books.
- Dickson asked if the new direct legislation will still appear on the April ballot.
- Heise stated that there will be a referendum on the April ballot for direct legislation that limits the village's spending and entering into contracts to \$1.5 million.

- Smith said that he knows that all of the Trustees were under the understanding that the direct legislation had expired after two years.
- Cashin stated that she thought it had expired.
- Dickson stated that most people believed the 2008 direct legislation had expired including those community members that got signatures for the new referendum.

**Smith moved to approve Ordinance 2017-04 which is repealing the Direct Legislation requiring electoral approval of Village capital expenditures of One Million Dollars or more on municipal financed construction projects, Smith aye, Van Laanen, aye, Heller nay, Dickson aye, Cashin aye, motion carried.**

- Heise stated that the Village did receive an order from the judge to limit the Village's spending to no more than \$1 million on the library project which is the order that came out of the hearing.

#### **H. Resolution 2017-05**

- Heise stated that he would like to address some quotes that appeared in the Peninsula Pulse.
- In the Peninsula Pulse Doneoff was quoted in saying that the tax impact of the project could be increased up to 30% up to 20 years.
- Heise stated that this is a pretty outstanding statement considering that the fact that the Village is only borrowing for a ten year note.
- Heise stated that the Village's financial advisor did run the number on the project.
- The average percentage increase over ten years is 2.29% and the average percentage for the project over ten years for the debt service only component is 1.64%.
- Heise said that the resolution lays out the Village's position regarding the whole matter.
- Heise stated that he knows there was a comment made early on in open session regarding the spirit of the direct legislation and the Village is staying within the legal confines of the previous direct legislation.
- Heise stated that the resolution lays out all of the positions and talks about the fact that there is a new referendum for direct legislation on the ballot in April.
- Smith said that he thinks that the language looks great and the resolution captures the Trustees feeling very well.
- Dickson asked if the language was reviewed by the attorneys and Smith stated that both Attorney Lehockey and Attorney Vande Castle reviewed the resolution.

**Smith moved to approved Resolution 2017-05 which is a resolution statement of intent for financial oversight of the library community center project, second by Cashin, Smith aye, Van Laanen, aye, Heller nay, Dickson aye, Cashin aye, motion carried.**

**I. Contract Ratification**

- Heise stated that this was recommended by Attorney Vande Castle.
- This allows for the Village to ensure the corporate council for Boldt construction that they have the full faith and credit of the Village that the contracts are valid and binding.
- Heise said that this would be nice to have but is not a must.

**Smith moved that the Village Board delegate authority to President Smith to confirm and ratify construction contracts for the library community center upon publication of the adopted ordinance, second by Cashin, motion carried. Heller voted nay.**

**J. Appraisal for Shipwrecked Site Related to County Highway G Improvements**

- Heise stated that in regard to the CTH G project which includes extending a sidewalk to the beginning of the bird trail, burying utilities, and installing a storm water management system.
- Heise said that there are two options for the placement of the sidewalk.
- One of the options for the sidewalk would be having the sidewalk on the east side of the road running from the corner at Shipwrecked down to the beginning of the bird trail.
- Heise stated that this option requires some property acquisition from Shipwrecked which they use for dining purposes.
- Heise said that he was able to speak with the owner of Shipwrecked about this issue, but the owner did not seem too interested in working with the Village.
- The other option is to run the sidewalk on the west side and does not require the property acquisition from Shipwrecked.
- Heise is recommending that if the Trustees want to move forward with the east side option there will need to be a professional appraisal complete on the Shipwrecked acquisition.
- Heise said that this would be a commercial appraisal and there is a cost associated with receiving the appraisal which is \$2,250.
- Van Laanen said that the committee concurred that the sidewalk on the east side of the street makes the most sense because of safety reasons.
- Van Laanen said that she thinks that the Village has a lot of good faith with Shipwrecked.
- Van Laanen said that she would agree with funding an appraisal.
- Smith stated that he spoke with Dawn McGinnis who would like the sidewalk on the west side of the street.

- Smith stated that he agrees with McGinnis.
- Heller suggested that this appraisal not be considered until the Trustees know the full cost of the CTH G project.
- Heise stated that the committee is waiting on two components to determine the full cost of the project and these components are the cost of burying the utilities and the cost for the Shipwrecked property acquisition.
- Heller stated that he feels the Trustees should be reconsidering a lot of different projects because some of the items on the agenda need to be prioritized.
- Cashin said that the reason for looking into the CTH G project was because the county was looking into completing a road project on CTH G.
- Dickson said that the County will be resurfacing CTH G in the Village of Egg Harbor.
- Heller stated that the full cost of the project needs to be known.
- Heise said that the County would just do a resurfacing of the roadway and not the curb and gutter.
- Heller stated that if the resurfacing of CTH G would have to be redone when the economic conditions were more favorable, so be it.
- Van Laanen stated that CTH G has been on the Village radar for at least a decade, especially when the marina project occurred.
- Van Laanen said that this is a very well used area as it is the roadway between the marina and the beach.
- Van Laanen said that this area reflects the Village a lot and it doesn't look good.
- Dickson said that there is problem with people parking in the roadway on CTH G.
- Dickson stated that if the County's project took care of the parking issue on CTH G he would agree with Heller.
- Dickson stated that if putting the sidewalk on the west side will cost less than purchasing a piece of Shipwrecked he supports the sidewalk on the west side.
- Van Laanen stated that the sidewalk will be in place for decades and having the sidewalk on the east side is safer.
- Smith stated that the project is getting to the point where a decision needs to be made on where the sidewalk will go.
- Smith stated that the Shipwrecked property is likely to be a very expensive piece of property.
- Smith said that he thinks the Village Board should instruct the Parks and Public Works Committee to construct the sidewalk on the west side of the road.

- Van Laanen said that she couldn't disagree more with the sidewalk on the west side of the road because of safety issues.
- Van Laanen stated that she wants to do it right the first time.
- Smith said that another safety issue is cars using Van Laanen's driveway and the Shipwrecked parking lot as a turnaround because the Shipwrecked building creates a blind spot right where the sidewalk would be running.
- Heise stated that he has countered Smith's safety concern by stating that the ingress could be next to the building and the exit could be further away.
- Dickson stated that the Shipwrecked acquisition would drive up the cost of the project.
- Heller asked if the CTH G and STH 42 intersection is addressed with the CTH G project.
- Dickson said that he believes that the turn lanes on both sides of the street should stay.
- Van Laanen said that she thinks that both plans would allow for both turn lanes to remain.
- Heise stated that he was hoping to get approval to have an appraisal done of the Shipwrecked property so that he could develop a full cost for the project.
- Van Laanen stated that she is not ready to take anything off the table.

**Van Laanen moved to approve getting an appraisal for the Shipwrecked property, second by Dickson, the Trustees discussed:**

- Heller confirmed that the cost of the appraisal is \$2,250.

**The Trustees voted. Van Laanen and Heller aye. Cashin, Smith and Dickson nay. Motion failed.**

## **5. Parks and Public Works**

### **C. Comments and remarks from Committee Chair**

- Van Laanen stated that the committee has been discussing downtown public restrooms.
- Van Laanen said that the committee is looking into three different sites on private properties and one site on public property.
- Van Laanen stated that she would be more comfortable discussing possible private property acquisitions in closed session.
- Van Laanen said that at one of the last meetings someone brought up that the public restrooms would only be for the businesses or for people using the park and, Van Laanen stated that the public restrooms are for visitor's and community members.

- Van Laanen said that this project has wide community support because there are not enough public restrooms in the Village.
- Van Laanen said that the committee does want to move forward on this project and make it a priority.

#### **D. Farmer's Market**

- Smith stated that Kathy Navis is the spokesperson for the farmer's market which is coming from the Egg Harbor Business Association, and Smith pointed out that the Parks and Public Works Committee had a split vote on this issue.
- Navis stated that she, Al Lohman, and Myles Dannhausen are a small committee of the Egg Harbor Business Association that is working on the farmer's market project.
- Navis said that the farmer's market would be located on the Lena property starting on May 26<sup>th</sup> and running through the Friday before Pumpkin Patch.
- Navis pointed out some of the benefits of farmer's markets and that she thinks that the farmers market is a win-win for everyone.
- Navis stated that she knows that there has been some concern from the businesses in Egg Harbor about having crafts at the market. Navis said that the break out of the market would be 30% crafts and 70% produce.
- Navis said that the buyers at farmer's markets like having crafts.
- Navis said that the parameters for the farmers market would declare that all of the vendors are Door County residents and the products must be made or grown in Door County.
- No store bought or whole sale products will be allowed.
- Navis said that there are some concerns about vendors selling farm products because there are some shops in the Village that sell farm products.
- Navis stated that she personally thinks that drawing a bunch of additional people into the Village that may not have come here otherwise will help the businesses.
- The market will be held on Friday mornings from 8 a.m. to 12 p.m. The idea is that the shoppers may go to local restaurants for lunch or get other items they need with their farmer's market purchases from businesses in the Village.
- Navis pointed out that all vendors will be juried.
- Navis said that at this point food trucks and prepared foods would not be allowed at the market.
- Navis said that the booths would be a 10'x10' space and a \$250 charge would be the vendor fee for the season.

- Navis said that paying in advance would make the process a lot easier and would make the vendors more inclined to show up because they already paid for their spot.
- Navis said that the committee would like about 10 vendors the first year possibly up to 24 in the future.
- The grass area in the center of the property would be for the shoppers and the vendors would set up in the parking lot so that vendors that need a vehicle will have easy access to it.
- Navis said that the \$250 fee will be divided in some manor between the EHBA and the Village.
- Navis said that either the Village or the EHBA would need to supply a porta potty and picnic tables on the lot.
- Navis said that the way the fee is split is up for discussion.
- Navis stated that the committee would like to have a semi-permanent sign on the property that would be designed in compliance with Village ordinances that would stay on the lot during the season to make visitors aware of the market.
- Navis said that the committee is open to suggestions regarding the sign.
- Navis said that there will be a couple of vendors on site that would act as market managers.
- Myles Dannhausen would be one of the market managers as well as Kathy Navis's farmer.
- Dickson asked if the market managers would be the ones that make sure the market is 30% to 70% and Navis stated that the vendors would be juried beforehand, but the market managers would be the ones policing vendors on site.
- Navis said that the spaces would be preassigned so the 30% to 70% would be predetermined.
- Navis stated that if a vendor stops showing up for an unexcused reason then the committee can invite another vendor.
- Navis said that all the growers are from the county and the money will stay in the county which creates a sustainable business model.
- Navis stated that the farmer's market will allow residents to become familiar with the farmers in the county.
- Navis said that farmer's markets are a wonderful thing for young farmers because this is one of the few ways that young farmers can make a living from farming.
- Navis said that she thinks for businesses here the farmer's market can be a fantastic showcase for what is sold in the businesses.

- Vendors at the farmer's market could direct buyers to where they can buy the products in the Village.
- Dickson asked about the deal that the vendors are getting because they only pay \$12.50 per week for a booth for the season.
- Navis said that vendors do not make a lot of money at farmer's markets and usually at farmer's markets vendor have to turn in a certain percentage of their sales up to \$25. Navis said that she normally has to turn in about \$10 because she rarely makes over \$100.
- Dickson confirmed that the fee was determined as a way to get the farmer's market going and then after the season the committee will meet and determine the fees.
- Navis said that at the end of the season there will be a meeting with everyone to determine how the market went and changes that need to be made.
- Dickson asked Wegner how she feels about the farmer's market being that it will take place across the street.
- Wegner stated that she thinks this is a wonderful idea because Egg Harbor is the only community that does not have a farmer's market, and she agrees with everything Navis said.
- Jan Luser stated that the Main Street Shops Board met this morning and they felt the same way as Wegner.
- Van Laanen said that the farmer's market has wide spread support.
- Cashin asked what would happen if the Village was to sell the property in the middle of the season and Navis stated that the committee would then look into an alternate site.
- Navis stated that this is a known risk and it is something that could be dealt with if need be.
- Van Laanen asked how the farmer's market is connected to the EHBA and Navis stated that this is an EHBA sponsored event.
- Van Laanen stated that she feels that the EHBA should fund the porta potties, garbage pickup, sign permit, signs and advertising.
- The Village will pay for the property maintenance.

**Van Laanen moved to support the farmer's market as an EHBA event, the vendor fees must be split between the EHBA and the Village, the EHBA must cover the fees for the porta potties, garbage pickup, signage, and sign permits, a review must be complete after the season is over, and staff is directed to prepare the amendments to the appropriate ordinances for the next Village Board meeting, second by Heller, motion carried. Smith voted nay.**

#### **E. Bike Share**

- Van Laanen stated that the committee has been working on this project for several months and has finally put together a final proposal.
- Smith stated that two bike racks would be put in the Village, one at the marina and one at the top of the hill near Fat Louie's, and the bikes would work on an honors system.
- The rules would be posted at the bike racks.
- The total cost would come in around \$7,500 the committee is hoping to get business sponsors to offset the costs therefore making the total cost for the Village about \$4,500.
- Van Laanen said that one the quotes includes the cost of a rescue station and Van Laanen stated that this is something that could be added in the future.
- Van Laanen said that there are a lot of bike initiatives around the world, and there are very few programs geared for small tourist villages.
- The committee feels that the program will be well used.
- The bikes would be very distinctive so that everyone will know that the bikes belong to the Village.
- Van Laanen stated that there is no state requirement to wear a helmet and the Village will be covered insurance wise through recreational immunity.
- Heller confirmed that the bikes would not need to be checked out and would work on the honors system.
- Heller asked how the boaters will feel about the program, and Dickson said that the boaters may like having a bike available.
- Dickson stated that he is a little concerned with staff having to get the bikes back to the bike racks. Dickson stated that he would be in favor of bikes with GPS trackers, but he does know that this is very expensive.

**Van Laanen moved to approve the bike share program with the Village funding \$4,200 of the program, second by Cashin, motion carried.**

## **6. Utility Committee**

### **A. Comments and remarks from Committee Chair**

- At the last meeting the committee discussed grease traps.
- A spot audit was completed on the haulers and the amount of the material coming in to the plant was checked.
- The committee found that the compliance was excellent.
- A letter will be sent to the haulers letting them know that the audit was completed.
- Heller stated that the WWTP project to replace equipment will start at the end of the month.

## **7. Plan Commission**

### **A. Comments and remarks from Committee Chair**

- Smith stated that the Plan Commission had a nice meeting a few weeks ago and the Commission met the owners of Serendipity when they submitted there conditional use permit application.
- Smith said that there will be a public hearing for the conditional use permit prior to the next meeting and the Commission will take action on the permit at their regular meeting to follow.
- The commission heard from Myles Dannhausen who will be redoing his parking lot and they approved his landscape plan for his parking lot.
- The Commission also discussed and approved the Orchards Properties CSM.
- Smith stated that the Commission discussed an issue regarding the outdoor storage of recreational vehicles.

### **B. Ordinance No. 2017-03, Outdoor Storage of Recreational Vehicles**

- Smith said that Vandermause took everything that the Plan Commission has been discussing over the past few months and put it into an ordinance.

**Smith moved to approve Ordinance No. 2017-03 outdoor storage of recreational vehicles, second by Van Laanen, the Trustees discussed:**

- Cashin asked what the penalty is if someone is in violation of this ordinance and Smith stated that the repercussion is the same general penalties of all of the ordinances.
- Van Laanen asked if this ordinance includes all zoning districts and Smith confirmed that the ordinance reads that it is for the residential district.
- Smith pointed out that the ordinance does not include work trailers.
- Van Laanen stated that the vehicles must be in working order and owned by a resident of the property.
- Van Laanen asked if the ordinance should also include the commercial district and Dickson stated that the compliant came from the residential district.

**Smith aye, Van Laanen aye, Heller aye, Dickson aye, Cashin aye, motion carried.**

### **C. Ordinance No. 2017-02, Screening Definition**

- Smith stated that the Village did not have a definition of screening and Vandermause came up with the verbiage for the definition of screening.

**Smith moved to approve ordinance no. 2017-02 screening definition, second by Van Laanen, the Trustees discussed:**

- Van Laanen said that it is about time the Village has a definition for screening.

The Trustees voted, Smith aye, Van Laanen aye, Heller aye, Cashin aye, Dickson aye.  
Motion carried.

## **8. Harbor Committee**

### **A. Comments and remarks from Committee Chair**

- Dickson stated that two slips are still available at the marina.
- The marina staff is updating the website and SG Marina is updating sales documentation.
- Dickson stated that there have been some updates to the waitlist to clean it up and ensure that it is a viable list.
- Dickson stated that the work will begin along with the WWTP project to update the grinder pump at the marina.
- Projects are moving along for the upcoming season.

## **9. Library Ad-Hoc Committee**

### **A. Comments and remarks from Committee Chair**

- Dickson reported the committee is prioritizing the budget to make sure that all that is needed for the building is covered and where additional fundraising dollars would go.
- Dickson stated that construction is moving along.
- The completion date for the library is late November.
- Heller confirmed that there is still about a \$350,000 shortfall for the project.

## **10. Bird City Ad Hoc Committee**

### **A. Comments and remarks from Committee Chair**

- Heller stated that the committee had their first meeting that was centered on reviewing Tom Prestby's report and developing priorities.
- Heller said that the committee would like to complete a bird survey to become more familiar with the area.
- The committee would like to identify invasive species and remove them. Then replace the invasive species with planting to attract birds.
- Heller stated that the committee decided to move the purple martin house from the marina to the beach and to construct some bat houses.
- Van Laanen asked if there were funds budgeted for Bird City and Vandermause confirmed that there is about \$2,500 in the budget for Bird City.

## **11. Village Clerk/Treasurer**

### **A. Year to date financial statements**

### **B. Room Tax Report**

- Cashin pointed out that there was an 11% increase for January and February.

**C. Approve 2017 Donation Request from Door County Costal Byways for \$300**

Dickson moved to approve the 2017 donation request from DCCB in the amount of \$300 second by Cashin, motion carried.

**D. Approve 2017 Donation Request from Door County Humane Society for \$580**

Dickson moved to approve the 2017 donation request from Door County Humane Society in the amount of \$580, second by Van Laanen, motion carried.

**E. Approve 2017 Donation Request from Door County Economic Development Corporation for \$1,000**

- Dickson asked if Heise attends the meetings and asked if Heise has met the new director.
- Heise reported that he has met the new director and he believes that the direction of the program is very good.
- Heise is involved with the Door County Economic Development Corporation's legislative days and thinks that the Village should support the group.

Smith moved to approve the donation to the Door County Economic Development Corporation in the amount of \$1,000, second by Dickson, motion carried.

**12. Joint Fire Commission**

**A. Comments and remarks from Village Representative**

- Cashin said that there was one fire call in January and ten first responder calls.
- Cashin stated that the DOT did an inspection of firetruck no. 6 which was completed in the past.
- The first responders have completed their certification which is good for two years.
- The ISO has done an audit and the results will come back in a couple of months.
- The current rating for the department is 7 which cannot go higher without a fire hydrant system.
- Cashin reported that Sturgeon Bay went from class 3 to class 2.
- The mutual aid agreements are going to be reviewed by the chief and the officers and the process was started in February.
- The officers will be getting their annual physical exam and it is not going to be free like they were hoping it would be so the chief is looking to see if Aurora can do it for free.
- The bills totaled \$6,646 the next meeting is scheduled for April 20<sup>th</sup> and there will be no meeting in March.

- Heller asked what the cost of the new fire truck is and Ohnesorge stated that she thinks its \$375,000.

**B. Select a Trustee for attendance to the next meeting**

- Cashin suggested a new Trustee attend the meeting.

**13. Correspondence**

**14. Open Session**

- Barb Tuch read letter that was submitted to the Trustees by Carol Straubel.
- Tuch read the letter “Dear Board Members, Last week a Village board meeting was scheduled to repeal the 2008 Direct Legislation. I wrote to all of you at that time requesting that you not repeal this item and the reasons why not to repeal. Only one person had the courtesy to acknowledge my communication, Lisa Van Laanen. Before the meeting an Ex Parte Order of Mandamus was issued by Circuit Court Judge Ehlers preventing the repeal and that meeting was cancelled. There is another Village board meeting scheduled for March 13 and once again the consideration for repeal is once again on the agenda. Is the Ex Parte Order no longer in effect? When was it canceled?”
- Tuch stated that prior to the vote being taken Heise stated that he didn’t know about the injunction, and Heise stated that these are two different things.
- Cashin stated that Tuch should be allowed to finish and Tuch stated that she had to sit through the meeting and listen to projects such as disc golf.
- Tuch stated that if she is cut short she will be upset.
- Tuch asked Heise why he just remembered about the order after the vote.
- Tuch continued reading Straubel’s letter, “If it was cancelled then I am once again asking the Village board members to honor the will of the residents of Egg Harbor who made their wishes explicitly known when they overwhelmingly voted for the 2008 Direct Legislation. As I said in my previous letter there were very specific reasons why the residents of Egg Harbor created and voted for the 2008 Direct Legislation. Many residents wanted to avoid the negativity, rancor and anger we saw displayed during the Marina and Beach projects era. We wanted a more transparent, inclusive and equitable way for the community to proceed with expensive, large public projects that would effect the finances of the Village and tax payers rather than have these decisions made by as few a 3 board members in the middle of winter. The 2008 Direct Legislation was created and overwhelmingly passed not to stifle growth of the community or to prevent the Village board from planning for the future but ensure the residents that their wishes would be considered on projects that directly effect their taxes, the financial security of the village and the future direction of the Village.”
- Smith thanked Barbara Tuch and stated that her three minutes was up.
- Van Laanen stated that the Trustees hear a lot of voices some are big and some are small, and said that the Trustees do hear the public.

- Smith pointed out that the Trustees all have a copy of the letter.
- Bell continued reading Carol Straubel's letter "This is a perfectly reasonable expectation of every resident of Egg Harbor. The Library/Community Center project is the largest, most expensive project with the most serious financial implications for the Village of Egg Harbor budget and taxpayers that has been proposed. The yearly operational cost of this building are well beyond anything the Village has ever considered or accomplished. No one on the board has explained how the expenses for this building will impact the yearly budget. What will need to be cut to support this building? If ever there was a project that should have been submitted to the residents for a vote this is it. Why has the current Village board and Administration refused to do this? Why are there so many dubious, sketchy, unethical methods being tried and done to avoid this? I attended many Library Ad Hoc Committee meetings and Village Board meetings over the summer and fall. Over and over it was stated the the project was fully and widely supported by the community. Then why didn't the Village board put the project out for a vote? If the support is there it would have passed and all the legal expenses, maneuvering, division and questionable tactics and behavior would have been avoided. But more importantly the residents of Egg Harbor would be able to believe their Village board and Administration are operating in a transparent, ethical manner. The decisions you are considering make that continued belief very difficult if not impossible. Which leads me to Resolution 2017-15. The ideas behind and expressed in this resolution is so ludicrous and absurd that I don't even know where to begin. The idea that the "verbiage" of the 2008 Direct Legislation puts "no Village financial limitations associated with the planning and design of a project" and the cap is limited only to the "physical construction" is such a perverted interpretation of the 2008 Direct Legislation it is staggering. I am appalled that the board and Administration are even considering this because no rational, reasonable person would. Only someone trying to subvert the intent or the 2008 Direct Legislation in any way no matter how deceptive or duplicitous would consider voting for this resolution. How in good conscience can any of you think a vote for this resolution honors the will of the residents expressed in the 2008 Direct Legislation? How can any resident believe that our elected officials will act with integrity and provide ethical, transparent governance if you vote for this resolution? As a board and an Administration are you really willing to take that step and break the public trust? Sincerely, Carol Straubel I request that this letter be read into the minutes at Open Session"
- Kauzlarich said that ignorance is pleaded today, and asked whose responsibility is it to know.
- Kauzlarich said that when you buy a house you do a title search and check out things thoroughly.
- Kauzlarich stated that he is just hearing what he's hearing and reading what he finds online.
- Kauzlarich said that ignorance is not a plea and "I didn't know" rings allow with the residents.
- Kauzlarich asked how the Trustees will interpret the \$1.5 million for the new referendum.

- Kauzlarich said that he is reading all the stuff coming at him and people would not be elevated in their anxiety or upset if the process was followed.

#### 15. Adjournment

Cashin moved to adjourn, second by Dickson, motion carried.

*Respectfully submitted by,  
Megan Vandermause*

DRAFT