

**APPROVAL PENDING**

Call to Order and Roll Call President Fisher called the meeting to order at 6:00 p.m. with roll call followed by Pledge Allegiance to the flag.

Present: President Nancy Fisher, Bob Dickson, Herb Mueller, Chris Anderson, Mike Fitzgerald, Administrator, Josh Van Lieshout and Clerk-Treasurer Pat Gureski.

Also present: Karen Peterson of Egg Harbor Business Association, Marion Scherer, Clarence Scherer, Todd Taves of Ehlers Associates, Peter Devlin of Door County Advocate, Mark Nelson of Door County Legislative Day, Joe Melendes, Jeff Kellner of McMahon Associates, Steve Smith, Frank Murphy, Steve Schaefer, Claire Murphy, Christopher Bolt of JJR, LLC, Jane Lautenbach, and Gary Sedan

1. **Approval of Agenda.** Mueller moved to accept the agenda as posted, seconded Fitzgerald. Motion passed unanimously.

2. **Approval of Minutes of August 11, 2008 and September 8, 2008 Board Meetings** Fisher moved to approve the minutes of August 11 regular board meeting, seconded Fitzgerald. Motion passed unanimously. Fisher moved to approve the minutes of September 8 Special Board Meeting, seconded Fitzgerald. Motion passed unanimously.

3. **Open Session.** Karen Peterson stated she is here to represent the Business Association in agenda item seven.

Steve Schaefer stated he would like to hold his comments for agenda Item 10.

Mueller stated the Fire Commission would like to have a key to the building to meet and open on time.

Fisher commended Yard Works Landscaping Inc for the plantings throughout the Village for the current year and the public works personnel for maintenance and upkeep.

Chris Anderson arrived.

4. **Mark Nelson – Legislative Day and Kids Vote November.** Nelson spoke to the board regarding Legislative Days held in the spring in Madison. The format is that Rob Burke makes contacts to each of the municipalities to see if there are specific issues to be resolved. They also meet with other intergovernmental entities to work with legislators and bureaus, and encourage participation to the spring trip to Madison. They request support from the municipalities to put monies in the budget to support the trip. Nelson listed some of the accomplishments of the Committee in the past recent years.

Nelson spoke to Kids voting practices and encouraged Village participation for preparing children to be educated voters. The program provides curriculum at different levels to the students at the public schools and encourages the students to go to an actual polling place to earn extra credits. They are asking for participation at the polling place to set up mock ballot boxes for students to participate, most likely after school or at least 2:00. Fisher moved to approve Kids Vote for the November 4 election in the Village of Egg Harbor, seconded, Mueller. Motion passed unanimously.

5. **Review of Final Draft of Five-Year Financial Management Plan.**

Todd Taves of Ehlers Associates spoke to the five-year financial plan. Taves pointed out changes since the board last looked at the plan and directed attention to page 30 describing the changes for the dock reconstruction plan options. It shows the total bond principal for the construction for the

next five years, including the construction of a fire station and refinancing the recent borrowing of the bond NANS. Page 31 includes the added projections of operating expenses for the intended capital projects. Page 28 is the projection of the percent increase of tax levy on a given property with improvements. Property values will increase in value at approximately 3.1% per year and that number is used to determine the rate. Taves pointed out that monies granted to the Village reduce the rates accordingly.

Bob Dickson arrived.

Fisher inquired about the going interest rates for municipal borrowing. Taves stated municipal borrowing is currently around 4% for 10 years and 4.5 to 5% for twenty years.

Van Lieshout asked what the average cap was for outstanding debt by similar municipalities because the plan shows the Village would be at about 46% of debt capacity. Taves replied the norm is about 25% but the Village is in a unique situation where it is planning several projects within a short period of time.

Van Lieshout asked about the different kinds of debt the Village might be considering using, and what would be the pros and cons of looking at revenue bonds and G.O. debt combination. Taves replied that Revenue debt means you are depending on operating revenues to pay the debt service. These bring a higher borrowing rate. Revenues bonding require a reserve fund incorporated into the borrowing issue which increases the cost of the project.

G.O. debt is more risk free because it is backed entirely by the municipality and the bidders are more likely to bid more freely.

Fisher inquired about borrowing over a phased period because the marina project will be done over two years. Taves stated you will run into a higher market fund risk and borrowing costs will increase for administrative expenses.

**6. Review and Approve certified Survey Map for Orren and Marilyn Bradley at 7752 East Shore Drive.**

Fisher moved to approve the CSM for 7752 East Shore Drive for Orren and Marilyn Bradley, seconded Mueller. Motion passed unanimously.

**7. Village Officers and Committees: -**

**a) Village President**

**i) Egg Harbor Business Association 2008 Review and Agreement for 2009**

Peterson stated that the Egg Harbor Business Association contract obligations have been completed for the current year and would like to know what the board is thinking from here on. Fisher stated the 4<sup>th</sup> of July was very successful as was the Sunset Concert Series at Peg Egan Performing Arts Center. Fisher stated that there has been some conversation over the year that it might be the thinking that the Business Association be relieved of that contract obligation and that the Village would contract directly with Dragonfly LLC for scheduling and concerts for the coming year.

Peterson stated that the Association's contractual obligations have been met successfully, and would like the board to think of the room tax revenues as open funding for multiple tourist related uses.

Fisher pointed out that the room tax revenues have been directed to the Business Association as well as increased street lighting and sidewalk improvements for tourism comfort, etc.

Dickson inquired why the Business Association couldn't get better funding from the Town, Peterson stated the Town's attorney has stated that whatever functions the Association conducts as a benefit from the Town has to physically happen in the Town on Town soil in order for the Town to support the entity.

Peterson stated the Egg Harbor Business Association wants to know what the Village's expectations are for the coming year.

Fisher stated the Village needs to know a number what the Association wants from the Village for expected expenditures 2009 planning.

Peterson stated there are needs at the Visitor Center and needed compensation for Visitor Center employees. Marketing at \$10,000 is modest; \$15,000 would be preferable we could get into a few different venues than what we have. She would like to see at least \$30,000 to \$35,000 aside of the performing arts center participation.

Dickson asked the percentage of Town's members to Village.

Peterson responded the Town has probably one dozen in the Town aside from lodging facilities.

Fisher stated that she felt the Village has enough information from the Association to work toward budgeting needs and the Village will look at redrafting the 2009 agreement concurrent with the budget planning.

ii) Consider Class A Liquor License Fees

Fisher asked Gary Sedan to speak to the licensing fee issue. Sedan stated that both he and Kathy Navis of Greens and Grains felt that the fee increase was bluntly huge for small businesses such as Made in Britain and Greens and Grains. Such businesses as small as ours has a small portion of its business realized from liquor sales.

Sedan suggested that the Village might consider a fee reduction or a tiered fee structure based on the type of sales that are being made from the different businesses.

Fisher asked the board to consider their thoughts on the fee structure.

b) Harbor Committee

i) Marina Rebuild project update Van Lieshout addressed the issue that the State granted a stay to an appellant to the WDNR issuance of a building permit to the Village, and there will be a hearing on October 28 at the Door County Library. The Village will publish a notice of hearing for that issue. The Village will continue to work on the plans and specifications progression and continue to make refinements for cost of construction.

ii) Marina Operations Report

Steve Smith reported that operations are winding down. The year has been fairly successful, given the conditions of the economy.

Removal of the finger piers will be the next big project and there may be some repairs required.

c) Public Works Committee

i) DOT Intergovernmental Agreement – STH 42 Resurfacing Project

Van Lieshout stated that in the Spring of 2009 STH 42 will be resurfaced and the Village will be making some parking adjustments, adding street lights, sidewalks, and some new crosswalks that will include pressure dome pads for the visually impaired for an estimated cost of \$84,841 to the Village and \$721,700 with federal and state funding. It is estimated the construction schedule will start in May and completion is expected by July 4. The road closure on the hill will be for approximately five days, excluding weekends and the bypass is on Cty G. The Village will plan additional improvements. Mueller moved to approve the proposal for the Intergovernmental agreement No. 4140-21-71 with the DOT for the STH42 resurfacing, seconded Fisher. Motion passed unanimously

ii) Removal of Landscaping from Right of Way of STH 42

Van Lieshout stated he received communication to request removal of landscaping in the STH 42 right of ways. The Public Works Committee has recommended seeking permits for the post and fences, garbage cans and benches. The main removal item is the large dimension stone.

iii) Street Lighting project Update

Van Lieshout introduced Jeff Kellner of McMahan Associates who is filling in for Tom Kispert while he is recovering from an injury. Kellner reported a preconstruction meeting was held last week on the Church Street lighting project. The lighting locations have been marked, and lines and base installation will be starting next week. The power will come from the Performing Arts Center property. The poles will be set near the end of October.

iv) Street sign project Update

Van Lieshout stated he met with Merrill Lundquist twice and to work out the details of constructing the tourist oriented signs to work out how the logos will be placed.

Jeff Kellner spoke to the generator installation project at the wastewater treatment plant that will start next Wednesday. The transfer switch will come around October 1 and the generator around Dec. 1.

8. **Clerk-Treasurer**

a) Budget Year to date and other financial reports The financial reports were reviewed and accepted by the Board.

b) Property Assessment Revaluation for the Year 2009

Fisher asked the board to consider the planning for 2009 revaluation. A proposal will be requested from Action Appraisers for consideration at a future meeting.

9. **Administrator:**

Terry Lundahl arrived.

a) Review of Peg Egan Performing Arts Center performance and management agreement

Van Lieshout spoke to correspondence provided by Dragonfly Agency LLC describing eight to ten musical concerts for the coming year. There are three components, marketing, management and production. It appears the Peg Egan Performing Arts Center could be a venue for other events other than the Sunset Concert Series.

Lundahl spoke to the summer of 2008 that it went very well. The concert series exceeded the original expectations. Secondary sponsorships could be expanded to allow expanding the venue to bring in more big name performances. Lundahl stated the Village doesn't want to get too big too fast.

Additional performances could be extended through Labor Day weekend.

Lundahl suggests looking at six to eight concerts; and there is a goal for getting more outside funding, and then if that is successful the concerts could be upgraded and possibly increased. Fisher moved to approve the agreement between the Village and Dragonfly LLC for \$35,000 for the 2009 season to produce up to ten sunset concerts at the Peg Egan Performing Arts Center in 2009 and represent the center to other groups from September 1, 2008 through August 31, 2009, seconded Fitzgerald. Motion passed unanimously.

b) Nuisance Ordinance Draft Amendments and Zoning Code Draft Noise Regulations

A suggested addition is for establishing standard hours for construction/demolition that may be from 7:00 a.m. to 7:00 p.m. and provide a copy of the ordinance to the contractor, and if they

need exception they will obtain written approval from the Village. The ordinance will be brought back to the board at a future meeting for consideration.

c) Pumpkin Patch Report

Van Lieshout reported event applications have been submitted. Reserve deputies have been requested for Saturday from 10:00 to 6:00 p.m. and 10:00 a.m. to 4:00 p.m. on Sunday; and the major compliance issues we face is compliance to the alcohol sales standards. The deputies provide a calm presence to the festival.

Fisher referenced the suggested need for increased port a potties and having the washrooms open at least at Dock Park and Cherry View Park to be open at least on Saturday.

d) Correspondence regarding Class "A" and "Class B" Alcohol Sales License Fees

This item was handled above in agenda item 7.

e) Correspondence from Chris D. Johnson regarding discharge of firearms

Van Lieshout referenced correspondence from Chris Johnson suggesting the incorporation of prohibition of discharge of firearms within the Village limits. Van Lieshout was directed to draft Code language for this issue.

Five Minute Break at 8:22 p.m.

Meeting resumed at 8:27 p.m. Fisher moved to go into closed session at 8:27 p.m. seconded, Mueller. Motion passed unanimously.

f) Recommend motion to Move Into Closed Session per State Statute 19.85(1)(g) concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; regarding the municipal harbor improvement project and the disposition of current litigation and then to Return to open session.

Fisher moved at 9:15 to return to open session, seconded Mueller. Motion passed unanimously.

Fisher moved at 9:16 to go into closed session as listed below, seconded Fitzgerald. Motion passed unanimously.

g) Recommend motion to Move Into Closed Session per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation, and to discuss strategies for collective bargaining with employees union and then to Return to Open Session

At 9:40 p.m. Fisher moved, Mueller seconded to return to Open Session. Motion passed unanimously.

10. Open Session resumed at 9:41 p.m. Steve Schaefer asked if there is any action the Board can speak of as a result of closed session. Fisher stated there was none.

11. Adjournment Fisher moved to adjourn, seconded Dickson. Meeting adjourned at 9:42 p.m.

Recorded by,  
Patricia C.Gureski, Clerk-Treasurer