

APPROVAL PENDING

Call to Order: President Fisher called the meeting to order at 5:01 p.m. with the following board members present including Mike Fitzgerald by telephone, followed by Pledge Allegiance to the flag.

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

Also present: John Baudhuin Richard and Pam Wagner, Randy Nesbitt of Pinkert & Smith , Peter Devlin of Door County Advocate, Tom Kispert of McMahon Associates, Steve Estes of Little Hoppers, Jeff Johnson of Going Garbage, and Dan Ash of Veolia.

1. Approval of Agenda. Fisher requested to move agenda Item 5(b) Liquor License for Wagner/Anderson to follow Open Session, agenda Item 3. Dickson moved to approve the agenda as amended, seconded Fitzgerald Motion passed unanimously.

2. Approval of Minutes of November 17, 2008. Fisher referred to Page 2 under Harbor Committee to change the DNR hearing date to October 28 from October 21. Fisher moved to approve as amended, seconded Anderson. Motion passed unanimously.

3. Open Session. Nothing from the public.

Fisher thanked Ed Meissner for donating the tree in Harbor View Park for the Christmas Holidays, as well as Claire and Frank Murphy for chairing the Holly Days and members of Choir of Stella Maris for carols.

Fisher announced papers for candidacy are being accepted at the Administrative Office through January 6, 2009.

b) Liquor License Application – Liberty Square Wegner/Anderson – Fisher introduced the application of the Wegner/Anderson. Anderson recused himself from the board. Dick Wegner spoke to the Board to summarize. State Legislation authorized these liquor licenses on an above-quota basis for restaurants with 300 seating capacity. The League of Municipalities has stated in their opinion, granting such a license is under the discretion of the municipality. To assist the board in determining whether our 14,000 sq. ft. complex is suitable, we have submitted a dramatic floor plan to show we can seat over 400. This may not undermine the board's regulatory authority to consider other applications. We are asking you to consider our application under a State Statute that allows such permitting.

Referring to the seating diagram presented, Fisher questioned the issue for the rationale for the 300 seats, even though David Valentine has shown that it really can handle 300 people under the standards. Wegner stated there are ten bathrooms in the Liberty Square complex. Our parking lot has never been full except on Pumpkin Patch weekend. We have the largest parking lot in the Village outside of The Landing. Wegner referenced Attorney Vande Castle's opinion that at the least a temporary tent will enable an entrepreneur capability to meet the State Statute.

Mike Fitzgerald stated he is troubled by what he perceives to be a one-time usage where we issued the license for the Orchards they legitimately have 300 seats and wonder if there would be repercussions from that end without going with 300 seats by another.

Josh Van Lieshout spoke to the fact that Wegner demonstrated their eligibility. He would be inclined to issue a 300 seat restaurant license to the Orchards under this rule and then issue Liberty Square a class reserve license and charge them the fee, and upon checking with the

Village Attorney, might be able to refund the Orchards accordingly. We could explore those possibilities and then make recommendations.

Dickson inquired of Wegner how many parking spaces they have for the number of shops they have. Wegner responded five shops in addition to the restaurant. If a fair standard of parking will be brought across the Village, we are at the top of the establishments for parking per retail space. This is not a regulatory problem for parking. If you apply the standard fairly in Egg Harbor, I can name two that do not have any parking that have similar licenses. We qualify for the criteria for this 300 seating capacity.

Randy Nesbitt spoke from the perspective of the Wegner's. Nesbitt referenced a similarly licensing for the Ladder House in Sturgeon Bay. Nesbitt reiterated Vande Castle's opinion that the applicant needs to show that they can meet the 300 seat capacity for only one time. Wegner added that he believes that the Orchards paid \$10,000 for the reserve license; and we play fair and are willing to pay that amount.

Dickson stated that this will set a precedent that other businesses will be knocking on our door for more such licenses, and asked Randy to comment on the standards for a 300 seat license under this statute and it was left up to the municipality.

Fisher moved to grant a "Class B" Liquor License to Wegner/Anderson at Liberty Square for a cost of \$10,000, seconded Dickson. Voting in favor, Dickson, Fisher and Fitzgerald.

4. Village Officers and Committees

a) **Village President**

i) Consider Adoption of 2009 Budget – Sewer Fund. Fisher moved to adopt the 2009 Sewer Utility Budget with operation revenues of \$929,511 and expenses of \$1,206,664 including capital expenses, seconded Dickson. Motion passed unanimously.

ii) Committee and Commission membership appointments.

1) Plan Commission – Fisher announced the resignation of Jeff Tunney from Plan Commission and expects to make an appointment at the January meeting.

iii) Project Planning for 2009 Fisher spoke of 2008 that we were late getting into the full swing of things, and want to just make a point that Memorial Day is the date we are expecting everything in place.

iv) Approval of video recording and reproduction services agreement for January 21, 2009 Harbor Informational meeting. Fisher spoke to the possibility of displaying our January 21 meeting on our website so that people can have the most up-to-date information on the marina project. Tom Soik has made a proposal to video tape the meeting for \$275.

Dickson suggested You Tube. Another possibility is we might look at whether our web site can allow us a link to You Tube is. We might have to pay Soik Communications to break it up into smaller chunks. If we can do this in a cost-effective fashion it would benefit the Village.

Fisher moved to approve \$500 to employ Tom Soik to videotape the session on the marina for January 21. Of that \$275 is the recording fee and the remainder for some DVD's through the libraries and whatever, and give the Village content for payback on our web site, seconded Fitzgerald. Motion passed unanimously.

Before leaving, Dickson spoke to the fact that the Public Works Committee made the same recommendation again to get rid of the compactor, so at a minimum he would hate to see that happen. Dickson left the meeting at this time.

v) Request for posting of Village Board minutes 48 hours after conclusion of Meeting and Posting Audio Files from Village Board meetings on Website

Fisher stated there has not been standard set for a deadline for posting the minutes on the web site and as more days or weeks go by, I would like to see a 48 hour or two working days for the clerk

or whomever is taking the minutes to establish a baseline of 48 hours for posting the minutes after conclusion of the meeting. We have also had a request to post audio files on the website and our web page has a maximum capacity of 15MBs, and there is roughly 2 minutes capacity on our website. Chris Anderson spoke that there doesn't appear to be enough demand. Fisher moved that for all Village board, commission, and committees meetings the goal is to have minutes on the website within 48 hours of the meeting, seconded Fitzgerald. Motion passed unanimously.

b) Plan Commission

i) Approval of Cowles CSM – Government Lot 2 of Section 3, Township 29 North, Range 26 East, Town of Egg Harbor, Door County, Wisconsin Fisher introduced the application of the CSM creating an 8 acre parcel including the barns at Horseshoe Bay Farms, that in the near future may be a part of the County park. Fisher moved to approve the CSM, seconded Anderson. Motion passed unanimously. Original was signed by Village President and Clerk at this time.

ii) Set Public Hearing Date to Amend Ch 152.046 (G)(1) permitting 500 sq. ft. dwelling units in MU zoning district

Fisher moved to set the public hearing date at Jan 12, 2009 at 6:00 p.m. for the amending of Ch 152.046, seconded Anderson. Motion passed unanimously.

iii) Approval of Engineering Proposal for Services combining Beach Park parcels
Van Lieshout introduced an agreement for professional services of McMahon Associates for combining the Beach Park parcels into one. It was consensus of the Board to approve the contract at \$4800.

c) Public Works Committee Van Lieshout reported the Public Works Committee met December 2 and came back with the same recommendation to approve the recycling hauling services as they did in November.

i) Approval of Recycling hauling services award ii) Approval of Solid Waste hauling services award - Fisher commented that she agrees with Dickson's earlier statement, that she agrees the compactor is good for the Village.

Herb Mueller arrived at this time.

Fitzgerald asked for a difference in cost factor of compacting versus recycling and dumping twice a week. Mueller stated the Public Works committee recommended the non-compactor provider based on the rate.

Dan Ash from Veolia was allowed to speak to the issue and offered to match the lowest price of the bid as long Veolia gets both the recycling and solid waste contracts. Fisher then suggested having the three contractors rebid on an even level. Fisher moved to table both the issues to have the three bidders resubmit bids that included compacting, seconded Mueller. Motion passed unanimously.

iii) Street lighting project update Josh Van Lieshout spoke to the fact that this week Bodart Electric is scheduled to begin the underground work and pole installation next week.

iv) Recommendation to Adopt Ordinance regulating Tree Topping, Disfiguring and Removal
Van Lieshout stated private parties at Fox Point requested tree topping in Nature Park earlier this year. Jeff Tunney pointed out that the Village tried dealing with this issue in 2005 and brought up a draft ordinance that had not gotten adopted. The ordinance only regulates action on public property. Mueller moved to adopt the ordinance regulating Tree Topping, Disfiguring and Removal in the Village, seconded Fitzgerald. Motion passed unanimously.

Fisher inquired on Item 8 of Public Works December 2 meeting minutes concerning expansion of the recycling the site for composting. Van Lieshout stated this would be providing a compost drop off site and once or twice a year hiring a tub grinder to grind this material into fine compost and make it available to the public for use. The committee needs to look at the site to determine where this would fit within the parcel.

d) Harbor Committee

- i) Recommendation Regarding Waterside Terraces and Seat Walls Van Lieshout requested to suspend all of Harbor issues pending the arrival of Christopher Bolt of JJR LLC.
- ii) Recommendation Regarding Bidding and Referendum Timeline

5 Clerk-Treasurer

a) Budget Year to date and other financial reports Budget Revenue and Expense Statements for all funds through November 28, 2008 were approved by the Board. Clerk Gureski reported there will be appeals coming on the special assessments that were placed on the 2008 tax roll.

6. Administrator:

- a) Approval of Street lighting design services for new lighting on STH 42 (in conjunction with sidewalk extensions) Van Lieshout described the expansion plan for the eight additional streetlights along STH 42 at both the north and south ends. Fisher moved to approve the agreement dated November 26, 2008 for the services not to exceed \$15,000, seconded Mueller. Motion passed unanimously.
- b) Approval of a General Engineering Services Agreement for 2009 Van Lieshout stated this is a continuation of the 2008 general services agreement. Fisher moved to approve the McMahon engineering agreement dated December 1 for the period beginning January 1, through December 2009 in the amount of \$5,000, seconded Fitzgerald. Motion passed unanimously.
- c) Approval of Noise Ordinance Regulating Peace and Order Van Lieshout spoke to the noise ordinance and presented a revision from the last ordinance the Village Board considered. This will require having a meter to measure the noise levels from the property line. Fisher pointed the time frame is specific to construction from 7:00 a.m. to 7:00 p.m. Van Lieshout stated it can be at any time otherwise. Fisher moved to approve the ordinance 2008-16 to enact Section 96.02 into the Code of Ordinances, seconded Mueller. Motion passed unanimously.
- d) Approval of Resolution to form ad hoc Committee on Events Van Lieshout stated this stemmed from Pumpkin Patch and as a result the Village staff drafted this resolution. Fisher moved to adopt the resolution excluding the paragraph following the seven listed items; seconded, Mueller.
- e) Approval of Special Assessment Policy for Construction & Reconstruction of Streets, Sidewalks and Storm Sewers and other street improvements Van Lieshout introduced the special assessment policy for the construction and reconstruction of streets, sidewalks, and storm sewers. Van Lieshout stated there are some issues to be worked out such as the developer's role and what gets assessed and what doesn't with regard to street reconstruction. Fisher moved to table for further study, seconded Anderson. Motion passed unanimously.
- f) Approval of letter of support for Door County Triathlon Sean Ryan provided the event guide from last year. His proposal requested to move to a two-day format from the previous one day format and requested a letter of support from the Village for the event. . Fisher moved to author a letter of support to the Door County Triathlon to be held July 18 and 19, seconded Anderson. Motion passed unanimously.
- g) Approval of the purchase of a utility tractor and financing Van Lieshout introduced this item stating this is listed in the 2009 budget. Fisher moved to approve purchase of the John Deere tractor and auxiliary equipment at a cost not to exceed \$35,000, seconded Mueller. Van Lieshout stated the Village could pay cash or finance the equipment. Baylake Bank has quoted a rate of 3.54 percent for five years with annual payments split between the general and utility fund in the amount of \$7,000 +/- . Fisher restated her motion to approve purchase of the John Deere tractor

and auxiliary equipment at a cost of \$34,697.69, and finance with Baylake Bank for 3.5% for five years, seconded Mueller. Motion passed unanimously.

Fisher moved at 6:58 p.m. to go into closed session per State Statute 19.85(1)(e) for deliberating or negotiating the purchase of public properties, 19.85(1)(c) considering employment and 19.85(1)(g) regarding oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved then to return to open session, seconded Mueller.

8. Open Session resumed at 7:16 pm.

Fisher stated the results of the closed session are that the Village does not have any interest at this time in purchasing the Harbor Square building and congratulations to Charity Forsch on her accepting a new position at Ephraim, and thirdly the Village will appeal the decision in case No. 07- CV 216. There were no comments from the public.

Harbor Committee.

Recommendations from Harbor Committee on terraces, seat walls and referendum time line.

Fitzgerald was asked to report on the Water Ways meeting last week. Fitzgerald stated it was a great meeting. It couldn't have gone better. The Water Ways Commission clearly has Egg Harbor on their mind.

The meeting was turned over to Christopher Bolt who showed the revised version of Option C2 updated completed just today. Many of the revisions included a gateway to the main dock with seating and flower plants including three step downs to the water interspersed throughout. The renderings of revised option C2 has provided several enhancements. Additionally, Van Lieshout introduced the thought of discontinuing Dock Road at the north end of the Village property. The fuel docks could be on land on a 10' by 40' space on a smaller scale than previously shown surrounded by green space or a smaller scale floating fuel dock on the west edge of the bulkhead. The footprint of rubble is the same that has sheet piling in the rock under the walkway but has been lowered 18' in some places. The Yardarm is at the first turn. The culverts at the entrance of the main dock are replaced by a raised walkway supported with piling and rock with a hand railing.

Fisher stated we want to present this plan at the January 21 meeting for the public. We want to make a point to present this revision versus a rebuild of the existing. Fisher asked what the timeline is with permitting with the DNR. Bolt stated they would be sending this revision to the DNR yet this week.

Bolt stated the cost of the rock piling is estimated at \$4m. Bidding out the rock is a high priority. Some can come by ship and conveyor it off the ship or it can come by truck. Phase I is the rock and we expect it to be lower than the \$4m. We need to work out details of cross sections and access bridge with bid ad placed by February 10th and bid opening February 24th. Phase II are the docks and landward replacements that would be bid in April or May. There are not as many unknowns here. The rock is the biggest unknown.

Phase I can be built without interference of marina summer activity after which in October the second Phase would begin. There are options for building Phase I as to whether the rock comes via ship or truck.

Fitzgerald stated the board should consider whether they want the floating dock for fueling purposes, the dispenser would be at the same level as the boats. Mueller stated it would make more sense for the safety of the boater and dispenser versus providing space for one more transient space. The floating docks are warranted to stay in the water over the winter. You could have bubbles to keep the water from freezing around those docks.

Fitzgerald commented that on Feb. 24th the Village will know the contractor's solid pricing on the breakwall on the rubble and incremental pricing on the piers, tanks and landward. Finger piers would be bid out later in the spring, and the Village could take the option to buy the large

components to save the sales tax. The Village would have solid numbers with a 5% contingency with the uplands part of it. We don't want to have too much time lapse between the informational meeting and the bidding date.

Fisher then referenced the timeline suggested by the Harbor Committee.

Van Lieshout explained the statutory timing for a referendum election and publication time that requires publication of the referendum four weeks before the election. Fitzgerald suggested getting the notice of the election referendum, and then get the numbers on the 24th of February. It was consensus of the Board the timeline will not allow a practical earlier election and have accurate numbers to be provided to the public for the referendum election. Christopher Bolt was consulted on the timing for awarding the contract in relation to the April 7 referendum election and stated that would still be workable for rock delivery by early summer. Discussion confirmed that getting the accurate information to the public as early as possible would be most beneficial. It doesn't affect the grant eligibility. It was consensus the referendum election will be April 7.

Approval of interim rules regarding operation of the harbor in the event of partial closure during the 2009 boating season

Van Lieshout presented the draft of interim rules

Fitzgerald moved to adopt the interim rules if the marina is not open for the 2009 boating season, and the administrator distributes the interim rules, seconded Mueller. Motion passed unanimously.

9 Adjournment Mueller moved to adjourn the meeting, seconded Anderson. Meeting adjourned at 8:27 p.m. Motion passed unanimously.

Recorded by,
Patricia C.Gureski, Clerk-Treasurer