

Village of Egg Harbor Board Public Hearing and Meeting Minutes
Monday, April 14, 2008 at 6:33 p.m.

APPROVAL PENDING

Call to Order and Roll Call President Fisher called the meeting to order at 6:33 p.m. with roll call followed by Pledge Allegiance to the flag.

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

Also present: Paul Denis of Schenck Business Solutions, Peter Devlin of Door County Advocate, Todd Taves of Ehlers and Associates, Jack McCoy, Hilary Hornbeck, Bruce Hill, Tom Kispert, Clarence and Marian Scherer, Karen Peterson, Frank Murphy, Bill Bertschinger, Nancy Bills, Orren Bradley, Deb Merkle, Kaaren Northrop.

1. **Approval of the Agenda** Clerk Gureski corrected the address street address of agenda item 8. Van Lieshout requested to add Review of Village's new website to agenda item 13. Fisher moved to approve the agenda as amended, seconded Anderson. Motion passed unanimously.

2. **Approval of Minutes March 10, 2008 Regular Board Meeting.** Fisher moved to approve the minutes of March 10, 2008 regular board meeting, seconded Mueller. Motion passed unanimously.

Approval of Minutes March 27, 2008 Special Board Meeting. Fisher moved to approve the minutes of the March 27, 2008 special board meeting, seconded Dickson. Motion passed unanimously.

3. **Approval of Minutes April 02, 2008 Special Board Meeting.** Fisher moved to approve the minutes of April 2, 2008 special board meeting, Mueller seconded. Motion passed unanimously.

4. **Open Session.** Bill Bertschinger inquired of the Room Tax distribution information. Marian Scherer asked whether the use of both varieties of the open flags is still acceptable. Fisher responded that the new one is the one that is supposed to be flown, and the Plan Commission is responsible to enforce the ordinance. Fisher congratulated Anderson and Fitzgerald for the successful election results.

5. **Tourism Zone Commission Report.** Bruce Hill stated there are no issues of concern related to the Village in regard to the collection of room taxes. All entities are in compliance. The Commission is now drafting by-laws for the commission. There will be an annual meeting at the Landmark in May. There has been some membership turnover. With regard to marketing, it seems like there is a level of optimism as to what and how the Door County Visitor Bureau is doing. The marketing is changing focus. The commission and Visitor Bureau want to see a more local focus. Some things have changed in the media advertising. Midwest Living Magazine has extra issues sent to targeted areas in the Midwest with a special insert for Door County. Sturgeon Bay and Sturgeon Bay Town have not made significant movement toward adopting the zone. Members of the Commission attended the Gardener Township to encourage their membership.

6. **Report of Annual Audit.** Paul Denis of Schenck Business Solutions referenced page five of the Management Letter noting the general fund year end balances. Denis stated, "because you now have a bond issue you will have separate Debt Service and Capital Improvement Funds. You will find that multiple funds that are more mainstream to use. The results will be pretty

much the same. Denis pointed out the 1,908,208 reserve is unexpended bond proceeds for governmental funds. The general fund has continued appropriations as listed on page five and an undesignated fund balance of 192,838.

You have the special revenue fund which is the harbor and those monies are carried forward also. Page six described the Sewer utility fund. Your operating income came pretty close which means you are generating a cash flow to handle your depreciation cost. You have developed a guideline for plant replacement set aside and the amount of \$262,406 calculates for the past year.

Dickson asked what the suggested undesignated balance of general fund is for municipalities.

Paul Denis and Todd Taves concurred that 20% is a good level.

With no further questions, Paul Denis was thanked for his presentation.

Fisher announced a copy of the audit is available to the public from the Village Office upon request.

7. Financial Planning Workshop No. 3 Fisher introduced Todd Taves of Ehlers Associates for this workshop. Taves described the renaming of the plans; from the Scenario 1a and 1b (*Steel Wall*) to *Preliminary Consensus Plan*; and from *Scenario 2 (Rubble mound break water)* to *Final Consensus Plan* as described. The Village Board at their April 2, 2008 approved the Final Consensus Plan. The Options Comparison on Page 3 show the Harbor Revenues will pay approximately 30.43% of the debt of the marina reconstruction.

Fisher stated the harbor project originally was at minimally a rebuild of 5.5 million and the difference is about 2.5 million for the rubble mound Final Consensus Plan. Fisher asked, "Is the 2.5 covered by the slip fees?" Todd responded the 30.43% of the debt is covered by slip fees.

Orren Bradley asked to put some of this discussion in layman's terms, as he understands the taxpayers' taxes will be raised considerably and that the dock expense is most of that.

Bradley says the cost of the dock is so much, and the minimum amount of coverage return from slip revenues at 30.43% , the Village is subsidizing slip space at the dock.

Todd was able to explain the impact on an average \$250,000 home. Bradley stated he feels the boaters should cover the expense of the construction.

Jack McCoy asked about the mil rate and how it will change as a result of the long term financing. McCoy asked if this financial plan indicates that all other Capital Improvement projects will stop due to this equation.

Taves responded the plan allows for annual vehicle replacement and equipment finance for the next five years. It is implied that the 200,000 in the tax levy will be used for debt service.

McCoy pointed out that the Village doesn't know what the end cost will be until the bidding is done and you don't know what the interest rate will be.

Fisher stated the application to the WDNR has been made with the Final Consensus Plan and the WDNR will conduct a hearing on the information presented. The Village has requested the hearing be held in Egg Harbor. Van Lieshout stated the hearing is to determine whether the project complies with Com 30. and whether the Village has met the permit requirements. Additional presentations are being made to the State Water Ways Commission for funding. This will most likely happen in July or August. Concurrently we will be preparing plans and specifications for bidding after which we should know project cost from bids, possible grant funding and any other funding that will be available to us. As the project develops we will be making as many applications as we can. That puts us in a position as to whether we will be ready for awarding contracts in August or September.

8. Class "B" Beer License and Class "C" Wine License for Hilary Hornbeck at 7881 STH 42 for the period ending June 30, 2008. Hornbeck stated her development plan for the business includes the alcohol licenses for the premise.

Fisher moved to approve the Class "B" Beer and Class "C" Wine licenses for Hilary Hornbeck for the period ending June 30, 2008, seconded Fitzgerald. Motion passed unanimously.

9. Operator's License for Jerry Levine at the Bistro

Fisher moved to approve Operator's license for Jerry Levine, seconded Mueller for period ending June 30, 2008. Motion passed with Anderson abstaining.

10. Plan Commission

a) Establishing Architectural Review Guidelines and Committee.

Fisher referenced discussions within the Master Comprehensive Plan and the Plan Commission has come to recognize that there is a lot of interest in the Village for some type of architectural review committee. Would like to get some feeling from the Board where a committee like this might provide a service. Fisher stated the review guidelines could encompass more than the commercial and multi-use areas. Fisher asked the board to consider whether a committee like this should be tucked under the Plan Commission or whether it should be a stand alone committee.

Dickson inquired what would be the intent of such a group. Fisher stated that some members of the Plan Commission spoke with Martenson and Eisele and concluded that there could be regulation on types of structures, colors, and aesthetically pleasing to the neighborhood and Village character.

The question was asked how restrictive could the committee be on the permitting process.

Building styles, exterior treatments, landscaping plan is currently not regulated.

The question was asked what would prevent this committee to act arbitrarily against an unfavorable person. The suggestion was that persons would take pictures and decide what you like and dislike, then develop criteria for guidelines. And from there the committee can decide whether an application fits into the guidelines.

Alternately, the Village can say it likes what it has and development can be hodgepodge.

Alternately the Plan Commission can review every application including residential single family homes.

Discussion suggested the Village could develop guidelines from the M-U district as a starter. Or the Plan Commission could be more authoritatively restrictive as to what would be allowed.

Dickson asked to see a model of guidelines.

11. Village Officers and Committees

a) Village President Review Rules of Order: Fisher stated the suggested changes are to begin regular monthly meetings at 6:00 p.m. rather than 7:00 p.m.; changing posting requirements from 48 hours to 24 hours. Van Lieshout stated Item No. 24 might be adverse to the recently adopted purchasing policy.

Fisher announced she will represent the Village at the Municipal Taxpayers Commission meeting in Ephraim on Thursday April 17, 2008.

b) Harbor Committee Fitzgerald stated the wave test was successful. Last week he met with Curt Rice and he will be servicing the finger piers and set up for the season. Marina opens the 15th of May.

c) Public Works Committee:

i) Beach Improvement Project Van Lieshout reported on the cooperative agreement with Door County Soil and Water Department for the beach waterfront improvement. Early next month we will have the final plan to approve at the May meeting and the project will go to bids. Van Lieshout was asked to relay to Door County Soil and Water that the Village does not want the project to be undertaken during the prime of the summer season.

ii) Annual Beautification Proposal –Yardworks, Inc. Estimate Mueller reported the committee felt that perennial plants might be added to the areas to lessen the annual planting costs. Deb Merkle stated that at the corner of Orchard and 42 the stumps need to be ground up so Baylake Bank can plant flowers to match the Village's beautification efforts. Mueller moved to approve the estimate of Yardworks Landscaping Inc. for plantings at the Paul J. Bertschinger Community Center, Harbor View Park and the terrace area in front of Shipwrecked for approximately \$4,400, seconded Dickson. Motion passed unanimously.

iii) Troup Demolition at Beach Park Annex. Mueller reported bids were opened for the demolition of the Troup house and repair of the screen house. Van Lieshout stated the public works personnel can manage the demolition of the screen house and recommends not awarding that portion to any of the bidders. The screen house has tipped past plumb, so it is not safe to use. Mueller moved to award the contract for house removal and site restoration to Express Excavating, Inc. for the sum of \$21,036, seconded Fitzgerald. Motion passed unanimously.

Land restoration will be about mid-June and final completion end of June.

d) Utility committee:

i) Manager requested replacement of lights and windows in garage not to exceed \$2200. Dickson moved to approve the expenditure, seconded Mueller. Motion passed unanimously.

ii) Dickson stated our plant is one of the few that doesn't have the standby power capability. Dickson moved to approve the engineering services of McMahan for design, bidding, construction and start-up phase for the standby generator not to exceed \$11,700, seconded Anderson. Motion passed unanimously.

Kispert spoke to the plan stating that some of the issues may be that the generator will take months from award of bid to installation. We may want to tie in the power after labor day. It requires taking the entire plant off line for approximately one-half day.

Tom Kispert was asked to speak to the STH 42 Sewer Construction project. There is an issue of sink holes in the highway that public works crew will clean up on and will be billed back to PTS Contractors. Installation is done and waiting for asphalt plants to open up to apply permanent pavement; after which landscape restoration will be completed.

12) Clerk-Treasurer Report Clerk Gureski reported the spring election experienced a 35% voter turnout and the 2007 audit has been completed.

b) Capital fund 2007 balances. Fisher moved to approve the 2007 year end balances of \$605,215 to the designed fund expenditures per the recommendation of clerk-treasurer and auditor, seconded Dickson. Motion passed unanimously.

c) Fisher moved to designate the 2007 \$41,002.20 year-end interest earned and continued earned interest to be directed to the Debt Service Fund, seconded Mueller. Motion passed unanimously.

13) **Administrator**

a) **Ordinance for Neighborhood Electric Vehicle Ordinance** Van Lieshout explained that if the Board is inclined to allow this type of vehicle, this ordinance will serve the purpose. This is a lower impact means to help with the transportation costs. The State Statute requires the Village obtain agreements with other road management entities such as the County and State before implementation. Fisher moved to adopt this Neighborhood Electric Vehicle ordinance with the deletion of the word "posted" from (C)(1) to allow neighborhood electric vehicles in the Village, seconded Dickson. Motion passed unanimously.

b) **Wireless High Speed Internet Service Update** –Van Lieshout stated he hasn't started on this project yet as our village engineer doesn't handle this type of work, but will pursuing some direction in the very near future.

Dickson stated that he received a call from Heartland Business Systems who has new technology. There is also interest from the condominium associations for this type of service. There are many facets of the system to consider. Dickson also stated in his conversation with Heartland Business Systems they somewhat discussed the Govern issue. There was consensus the Administration Committee will meet in the near future to address some of these issues.

c) **Decision on necessity of a spring road tour** - Fisher suggested that the public works crew and administrator could make road work recommendations after which the Board can make decisions.

Van Lieshout provided copies of an Electronic Communications Policy drafted by William Vande Castle and information from the League of Wisconsin Municipalities' recommendation on longevity which is seven years. Van Lieshout referenced the Wisconsin Municipal Clerk's Association records retention guidelines that the Village staff has been following, however, that do not include email direction.

Dickson then asked about back-up tape retention. Our procedures were explained. This will be another item of discussion at the Administration Committee meeting.

d) **Electronic Communications and Information Technology Use Policies** Fisher stated that the Section 2.1 needs to be updated with regard to electronic public record retention. Fisher moved to adopt the Policy with the one change to Section 2.1 to include the League's policy of 7 years for email records retention, seconded Mueller. Motion passed unanimously. Administrator Van Lieshout was asked to take the electronic communications guidelines drafted by Barbara Grant to staff meeting and come back with recommendations to be added to the Electronic Communications Policy.

e) **Egg Harbor Business Association Agreement**. Karen Peterson, representing the Business Association stated these modifications do not address the elimination of the 10% of the room tax revenues that the Association expected to continue receiving. The \$20,000 allocated in the agreement, other than that for the Peg Egan Performing Arts Center (PEPAC) that you are giving the Association, is a very small percentage out of the \$85,000 revenues taken in by the Village. Discussion continued on the fact that the Association feels \$40,000 may not be enough to support the PEPAC, fireworks and 4th of July and all the expected costs of the Association.

Fitzgerald moved that the Board accept the revisions to the agreement for Egg Harbor Business Association for the current year not to exceed \$40,000, seconded Mueller. Motion passed unanimously.

f) Visitor Center Lease Agreement - Mueller moved to approve the lease agreement with the Egg Harbor Business Association for \$1 per year according to the terms of the agreement presented, seconded Dickson. Motion passed unanimously.

14) Adjournment Dickson moved for adjournment, seconded Mueller. Meeting adjourned at 9:49 p.m.

Recorded by
Patricia C. Gureski, Clerk-Treasurer