

Village of Egg Harbor Regular Board Meeting Minutes

Monday, July 12, 2010 6:00 p.m.

Paul J. Bertschinger Community Center

APPROVAL PENDING

Present: President Nancy Fisher, Bob Dickson, Chris Anderson, Mike Fitzgerald, Barbara Cammack, Joshua Van Lieshout, and Pat Gureski.

Also Present: Peter Devlin of Door County Advocate, Joe Melendes, Kathy Mand-Beck, T.C. Johnson, Linda Johnson, Steve Smith and John Baudhuin

The meeting was called to order at 6:00 p.m. by President Nancy Fisher.

Call to order and Pledge of Allegiance

President Fisher stated

1. Approval of the Agenda Cammack moved to approve the agenda as posted, seconded Dickson. Motion passed unanimously.

2. Approval of Minutes June 14, 2010 Village Board meeting Fisher moved to approve the minutes of the June 14, 2010 Village Board meeting, seconded Dickson. Motion passed unanimously.

Fitzgerald arrived at 6:03 p.m.

Approval of Minutes June 23, 2010 Village Board Special meeting Fisher requested the amendment to Item 15, Open Session to add that Bob Erickson stated in his opinion there should be many more requirements met before conditional uses are granted. Fisher moved to approve the minutes of the June 23, 2010 Village Board meeting as amended, seconded Dickson. Motion passed unanimously.

Approval of Minutes June 29, 2010 Village Board Special meeting Fisher moved to approve the minutes of the June 29, 2010 Village Board meeting, seconded Dickson. Motion passed unanimously.

3. Open Session (10 Minutes) T.C. Johnson read a statement regarding the escarpment along South Trail and referenced a copy of an email he sent to Roger Kuhns and Roy Lukes on the importance of the escarpment and mentioned the Village's intent to remove some of the escarpment for a walking trail. Kuhns was questioned as to whether it would be wise to do an environmental study prior to such a project, and responded with a definite yes. Johnson asked for the Village to put on hold until further study can be made and offered some suggestions for alternate plans.

Van Lieshout stated the survey work is completed and the topography study is complete. Van Lieshout described the roadway in relation to the right of way. Van Lieshout said in some cases rock removal on the south side of South Trail could be as much as 10 to 15' but in some cases none at all.

Dickson stated that there might be a cost analysis made to use the north side as compared to the south side. Van Lieshout stated on the north side it would require a lot of fill and removal of trees. Van Lieshout estimated the cost to be an approximate \$150,000 as currently planned.

Dickson stated he would like to see a more detailed study including alternatives, such restricting truck traffic from that road.

Fisher suggested she would like to see if Kuhns wants to offer a study.

Van Lieshout stated he had a meeting with the president of Fox Point condominium association and the public works supervisor and are in the process of identifying where the path could be. Van Lieshout stated that consensus of the board last fall was that the south side was approachable. If the board wants to expand the scope of the project you may wish to engage McMahon Engineers.

A meeting was held with John Kolodziej regarding the intersection of County G and Dock Road

Fisher stated the road issues will be on the August board meeting and follow up with traffic studies.

Fisher thanked The Bistro to hold the Sunday evening Peg Egan Performing Arts Center concerts due to rain issues.

Barbara Cammack added that the Orchards relayed to her that the concerts could be relocated to The Orchards.

Fisher reported that conversations in that respect are taking place.

Fisher stated she will be attending the EHBA board meeting to discuss a co-authored parking letter to the businesses requesting them to ask employees to use off site parking spaces and to leave the public places for the tourists. Bob Pollman Sr. spoke to the issue and stated that neither he nor the Village can restrict people from parking in public spots.

Other items she will speak with the EHBA are the Marina Grand Opening and the requirement for park permits and transient permits for events.

She stated that the fire inspector was at the Visitor Center where it was discovered that the building did not have a Knox box, and will share cost for it to be installed.

4. Village Officers and Commissions

a) Village President

a) Appointment to Commissions, Committees:

Fisher appointed Margaret Lockwood as artist to the Public Art Committee,

Fisher made reappointments of Robert Dunworth and Bill Cammack to Harbor Committee for term ending May 2013; Pam Wegner to Public Works Committee for term ending May 2013, and T.C. Johnson to Utility Committee for term ending May 2013.

b) Recap of Independence Day Celebration activities

Fisher stated she received very positive comments on the festivities and asked for comments from the board. Consensus was that it went well. Van Lieshout referenced his memo regarding event control of large festival events and subleasing vendor spaces. There are a few issues that need to be worked on such as transient merchants and non-event license holders sponsoring vendors, and limiting the number of events that can be held in the park. Recently we have had a wedding request for up to two hundred people and it is felt that things like this need to be addressed. Fisher asked Van Lieshout to continue work on this after Pumpkin Patch to have something to bring to the board in January.

b) Public Art Committee

a) Approval of Art pieces for Harborview Park locations

i. Recommendation of David Riemer, Harbor View Park, upper park location

Fisher introduced Kathy Mand-Beck who described Riemer's artistic talent. Mand-Beck stated she met with Josh to review proposed site for the sculptures. For the first item, Starflare, he will be able to provide the first sculpture on loan to the Village for three to five years for by the August 14 Marina Grand Opening.

Fisher moved to accept the three David Riemer sculptures and look to have them installed by August 14th in Harbor View Park, seconded Dickson. Fitzgerald asked for location markers for the board to see exact placement plan.

Van Lieshout spoke to the location for the Starflare was to the southwest of the Christmas tree location near the birch tree. Voting on the motion was unanimous in favor.

c) Plan Commission

a. Comments and remarks from Committee Chair – Anderson was absent.

b. Recommendation to Approve CSM Plat Review for Horseshoe Bay Plat Van Lieshout described the Plan Commission's recommendation. Fisher moved to approve the plat for Horseshoe Bay, seconded, Dickson.

c. Recommendation to Approve concept plat for The Orchards near the intersection at the corner of CTH EE and Heritage Lake Road Van Lieshout spoke to the concept plan for the Orchard's development for 29 lots around the Orchards Golf Course on the intersection of Cty EE and Heritage Lake Road. Van Lieshout spoke to the fact that the annexation agreement does not reflect that a one-acre park was required, however, Jack Jackson had stated in the recent Plan Commission meeting that he is willing to dedicate the desired area for the park. The development plan is for three phases the first lots 30 through 39, and some of the course will be rearranged to accommodate the plan. Fitzgerald asked that the Village define the park space and the space needs to be dedicated to the Village. It was pointed out that the proposed green space for a park between lots 17 and 23 is land locked, but the park space needs to be accessible to the public. The consensus was to go back to the Orchards to designate a park space accessible to the public. Van Lieshout stated that perhaps his preference would be lots 27-29, but it is still negotiable.

Fitzgerald moved to accept the concept of the Orchards based on the Village receiving one acre for public use park with public access from street frontage, seconded Cammack. Motion passed unanimously.

d) Public Works Committee

a. Comments and remarks from Committee Chair

Cammack reported recycling yard waste was discussed at the Committee meeting and we are looking to put that in the budget for next year. The new Harbor View Park sign did not get up by July 4. Van Lieshout stated that he is working with Merrill Lundquist for completion of the signs.

Two planters are placed on poles at the Park and so far it has been successful.

The Beach project has really gotten use. The fence to protect the plantings is taking a little abuse from parking but all in all it is going well.

Dickson referenced item No. 9 of the committee meeting minutes to redo the terracing in Harbor View Park in August. It was consensus of the board to wait until after Pumpkin Patch. It would not be timely to do the project in August.

e) Harbor Committee

a. Comments and remarks from Committee Chair Fitzgerald reported there was a progress meeting Thursday and we picked up one of the two weeks we lost. The plaza wall really looks nice. The break wall should be completed this week and seating the outside rocks. The granite rock will be a base for the sail sculpture. The photos that came through with regard to the fuel dock and gas sales building look great.

b. Harbor and Marina Improvement Project Status and Update

i. Progress at marina especially on fuel dock and launch Progress at marina especially on fuel dock and launch ramp. Van Lieshout distributed a time line and spoke to the fact that the request has been made to the DNR to continue work on the launch ramp. Van Lieshout explained the construction schedule as was developed from the construction progress meeting on Thursday.

Steve Smith described the progress on the launch ramp and expects the completion date will be August 4.

c. Marina grand opening status The grand opening general mailing will be sent out today or tomorrow and next week the mailing will go to dignitaries. The Hackley presentation will be interesting.

d. Reconsider Amenity dock purchase (from June 29, 2010 board meeting) Fisher took a poll of the board members present on the issue. It was consensus that the board members still feel it is too soon for the amenity dock construction as was decided on June 29.

e. Recommendation to deny claim from Port A Pier for design expenses incurred in 2005 Fitzgerald moved to deny claim from Port A Pier for the 2005 expenses, seconded Fisher. Motion passed unanimously.

f. Recommendation to Village Board regarding commercial marina tenants Fitzgerald stated the Committee recommends that the Village wait until next year to make consideration of commercial business. The board agrees.

f) Utility Committee

a. Comments and Remarks from Committee Chair

The last meeting basically consisted of the plant operator's report. Van Lieshout spoke to the issue of the consideration of the trucks using South Trail needs to be studied thoroughly as the haulers are a big portion of the plant operation. Suggestions for lowering the speed limits and caution pedestrian signs were made. The August regular board meeting will consider speed limit reduction.

g) Clerk-Treasurer

a. Budget Year to date and other Financial Reports Accepted by the board as presented.

b. Approval of Temporary Alcohol License for Northern Door American Legion Baseball Team September 4 at Harbor View Park, and Temporary Operator's License – Mark Sawyer Fisher moved to approve the Temporary Class "B" license to the Northern Door American Legion Baseball Team, seconded Cammack. Motion passed unanimously. Fisher moved to approve the Temporary Operator's License for Mark Sawyer, seconded Dickson. Motion passed unanimously.

- c. Approval of Original Class "A" Beer and "Class A" Liquor License to Blind Dog Inc., dba Fat Louie's Olive Oil Company, Stacy Sawdo, Agent Fisher moved to approve the Class "A" Beer and "Class A" Liquor Licenses to Blind Dog Inc., dba Fat Louie's Olive Oil Company, Stacy Sawdo, Agent, seconded Dickson. Motion passed unanimously.
 - d. Approval of "Class A" Liquor License to Lodgeminium Inc., Myles Dannhausen, Agent, at 7933 STH 42. Fisher moved to approve the "Class A" Liquor Licenses to Lodgeminium Inc., Myles Dannhausen, Sr., Agent, seconded Fitzgerald. Motion passed unanimously.
 - e. Approval of Operator's Licenses – Matthew Streckenbach at Shipwrecked, Renewal of Paul Boex at Mojo Rosas, and Renewal of Richard Larson at Mueller's Mini Mart Fisher moved to approve operator's licenses to Matthew Streckenbach, Paul Boex and Richard Larson, seconded Dickson. Motion passed unanimously.
 - f. Survey of municipal Room Tax revenue usage Fisher requested the clerk inquire how other communities are using Room Tax monies to compare how the Village uses the money. Attorney Vande Castle suggested asking the Door County Taxpayer's Commission to do the survey.
- h) Administrator
- a. Resolution to Amend Fee Schedule to Include One and Two Family Inspection by Fisher moved to approve the 2010 fee schedule to include inspection fees for one and two family dwellings by a State approved building inspector, seconded Dickson. Motion passed unanimously/
 - b. Renewal of Administrator's Contract Fisher suggested a floating increase somewhere between 1.5 and 3.5percentage each year to be decided by this board in July. Fisher moved to extend the administrator's contract for three additional years, seconded Cammack. Motion passed with Fitzgerald abstaining. Fisher suggests a percentage of 2.5 for the coming year August 1, 2010 through July 31, 2011. Fisher moved that the administrator's compensation increase be 2.5 percent for the year August 1, 2010 through July 31, 2011, seconded Dickson. Motion passed unanimously.
 - c. Report of Code enforcement activities: Van Lieshout referenced his memo with Code enforcement concerns. Some of the concerns are of the smoker and dumpsters at Casey's BBQ and Smokehouse; propane tank use at Casey's, open flag at Greens & Grains, roadside mowing in Point Beach and recycling activity at the recycling site. Fitzgerald elaborated on the concerns at Casey's BBQ and Smokehouse and was asked to provide some pictures for documentation. Van Lieshout will continue to investigate the possible violations and take action.
 - d. Village of Egg Harbor v. Mojo Real Estate III, LLC d/b/a Mojo Rosa's, Case Number 10-SC- Van Lieshout referenced the Circuit Court complaint filed against Mojo Rosa's dated 7/2/10 for enforcement of the zoning Code. The emblem sign on the face of the building, he believes, has become a trademark more so than a work of art. The first hearing will be July 26 at 1:30 p.m.
 - e. Water Star Program Update Fisher asked Van Lieshout to report back to the board by the December meeting.
 - f. Approval of Temporary sign for Pumpkin Patch Fisher moved to approve the placement of the EHBA five signs as requested, seconded Cammack.
 - g. Approval of temporary parking lane closure for the Door County Triathlon on July 17 and 18, 2010 Van Lieshout stated the route map was not provided, but the request is to close the parking lane on southbound Hwy 42.
 - h. Limited Term employee search update Van Lieshout stated the position was posted on the Village web site and the staff has an interview scheduled for July 19 with a prospective hiree.
 - i. Vending and kayak concession services at Beach Park Fisher introduced a Kayak Concession Stand through Team Leadership Center of Door County, headed by Tim Flieger, for instructional and kayak rentals. A contract will need to be created. Van Lieshout added that the Village has the opportunity to take control of the vending machines that the Lions Club has operated at the marina and extend it to the Beach Park. The Village would receive a 10 percentage of the revenues of each rental. Dickson moved to direct Van Lieshout to contract with Tim Flieger for Kayak services at the Village beach, seconded, Cammack. Dickson amended his motion the contract would be for the 2010 season, seconded Cammack. Voting on the motion was unanimous in favor.

It was consensus of the board to allow the Village to take over the soda vending machines at the marina, but not expand it beyond there.

Five minute break at 8:27 p.m.

At 8:31 Fisher moved to go into closed session. Roll call vote for approval: Fisher, Cammack, Dickson and Fitzgerald.

Fisher moved to include Captain Steve Smith in the first session, seconded Dickson. Motion passed unanimously.

- i) Recommend motion to Move into Closed Session per State Statute 19.85(1)(c) considering employment, promotion, compensation, and performance evaluation.
- j) Recommend motion to Move into closed session per State Statute 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering 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
- k) Closed Session per 19.85(1)(e) for the purposes of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session as related to Fire Station Number 1 and the Intergovernmental Agreement; and then to Return to Open Session to take further action or to adjourn the meeting
- l) Set time and date for next Joint Board meeting
- m) Compliments and Complaints

Fisher read an email from a business owner complimenting on the beach project.

Fisher referenced an email from Dan Wilson at the Manney Place, complimenting the Village on the improvements at the Beach Park and Marina and walking path along County G. He also asked if the Village has an ordinance on chain restaurants and that they might look into adopting such.

5. Open Session Van Lieshout passed around the proposed bronze plaque to be displayed at the Marina on the completion at a total cost of \$5756 for rocks and other displays.

6. Adjournment Fitzgerald moved to adjourn at 9:45 p.m., seconded Fisher. Motion passed unanimously.

Recorded by Patricia C. Gureski, Clerk-Treasurer