

**Joint Village and Town of Egg Harbor Meeting Minutes
December 9, 2020, 6:00 P.M.**

Members of the public can join the meeting by video conference:

<https://villageofegg Harbor.zoom.us/j/93698100483>

Members of the public with limited internet are encouraged by phone:

Call in Number: 312 626 6799 Meeting ID: 936 9810 0483

John Heller

Joe Smith

Angela Lensch

Lisa Van Laanen

Robert Dickson

Paul Peterson

Steve Schopf

Dale Wiegand

Myles Dannhausen

Elizabeth Gauger

1. Call meeting to order and roll call

Heller called the meeting to order at 6:00 p.m. Those in attendance were John Heller, Joe Smith, Angela Lensch, Lisa Van Laanen, Paul Peterson, Steve Schopf, Dale Wiegand, Myles Dannhausen, Elizabeth Gauger, Ryan Heise, Lynn Ohnesorge and Pamela Krauel. Those also in attendance were Village Attorney Jim Kalny, Fire Chief Andy Staats and David Elliot.

- Heller asked the Board members to identify themselves before speaking.
- During open session any members wishing to speak please indicate who you are and then speak.

2. Approval of the Agenda

Heller moved to approve the agenda, second by Schopf, motion carried.

3. Open Session

- Lisa Van Laanen asked when the tower for internet would be constructed by Hillside road.

4. Approval of October 5, 2020 Minutes

Heller moved to approve the October 5, 2020 minutes with corrections, second by Wiegand, Van Laanen abstained, Smith nay, motion carried.

5. Room Tax Discussion

- David Eliot discussed potential room tax increase.
- The room tax is currently 5.5%.
- David Eliot is the Chairperson in the Town of Baileys Harbor, owner and publisher of Peninsula Pulse, Vice Chair of the Door County Tourism Zone and Chairman of the Door County Strategic Marketing Coalition that campaigned for room tax 14 years ago.
- David Eliot asked the Village and the Town to sign a letter of intent to change our room tax amount and the distribution of it.

- Currently the municipalities receive 30% of the room tax collected in their municipalities. The Tourism Zone keeps 4%. Destination Door County receives 66%.
- David Elliott stated Baileys Harbor has a growing fatigue on the infrastructure, staff and facilities that the visitors primarily responsible for putting the wear and tear on the roads and the facilities that they use.
- We would need 2/3 of the municipalities to agree to raise the room tax.
- 13 of the municipalities would need to sign a letter of intent.
- David Elliott is proposing an increase in room tax from 5.5% to 8%.
- The distribution of the 8% room tax would be 30% to municipalities which is all that the state statute allows, Destination Door County would receive 70%, and the tourism zone would charge a fee to each permit Holder to cover the cost of the budget of the tourism zone.
- David Elliott is also encouraging municipalities to adopt a letter encouraging Destination Door County to give some of these 70% of the room tax they receive to the business associations.
- Joe Smith stated he is not for the fee for the lodging establishments.
- David Elliott responded that they could have a tradeoff of the lodging establishments no longer needing to pay for membership in the Destination Door County or the business associations. Currently the tourism zone does not have enough money to pay off the expenses they have. The tourism zone is not sustainable as it is. They need to add another employee because the number of permits has increased. The state statute states Destination Door County should not receive less than 70% of room tax.
- Joe Smith stated he did not like the tradeoff idea because it affords short term rentals extra privileges.
- David Elliott stated the short-term rental owners have told him they do not see why they should pay more than the brick-and-mortar hotels.
- David Elliott stated he is trying to come up with a solution to properly fund the tourism zone and get the money back into the community associations. The alternative is the money for the tourism zone comes out of the municipal budgets.
- It is David Elliott's opinion that we need to keep as much money in the municipalities to be able to reinvest in our communities and keep up with the expectations our constituents are looking for. We are also dealing with Act 10 regarding air B&B's have wreaked havoc on our tourism zone. Airbnb collects room tax based on zip code and the zip code does not always match the right municipality. An example would be some of the town of Egg Harbor has a zip code of 54235 which is the same zip code as Sturgeon Bay.
- Miles Dannhausen stated that when the room tax was started there were only a little over 100 lodging establishments now there is well over 1000. The room tax Commission needs to find the lodging establishments that are not paying room tax; Sue the establishment if they are delinquent in room tax and discover which municipality should receive the room tax. This cost is becoming excessive and needs to be dealt with.
- Angela Lensch stated we need employee housing. The room tax increase would be justified if we could allocate the money towards employee housing.
- David Elliott stated there are all sorts of needs in the community that we could fund with this money. the WHEDA group is meeting next Friday, and employee housing is

an ongoing discussion. No conclusions are coming out of this group until March or April.

- John Heller asked how we should proceed.
- David Elliott stated he would like each municipality to approve a letter of intent.
- John Heller recommended we put the letter of intent on the village board agenda.
- Angela Lensch asked if David Elliott had any ideas from the Baileys Harbor board.
- David Elliott stated the Baileys harbor board was in favor of the room tax increase and they would like to make sure their Community Association is funded to maintain what they are doing already. Also, to have the right checks and balances in place and to move everybody forward.
- The tourism zone has created two ad hoc committees to look at this room tax increase. One committee is to look at the tourism zone budget and the second committee is made up of lodging and innkeeper owners. They are working on a study being done by UW whitewater on rather the tax increase would detour visitors from coming to the County. One of the professors in the group stated that increasing the room tax in Door County is a no brainer. Our community could absorb an increase in room tax and not lose any visitors. Because of covid Door County has become more of an ideal destination. This would be the best time to do an increase in room tax.
- David Elliott asked Paul Peterson if the town would consider putting the room tax increase on their agenda.
- Paul Peterson stated yes, they would put it on their next agenda.

6. Discussion on Fire Department and Joint Fire Commission

- Village attorney Jim Kalny gave a presentation of review of the joint fire agreement and the statutes that govern what the village and town boards and fire Commission can do.
- It involves a section of the law 6213 that has to do with fire commissions, it is an extremely complicated section of the law.
- Looking at the joint fire agreement the operations are left to the chief and subordinates. This is very typical. The town treasurer acts as the Department treasurer. The village clerk acts as the Fire Commission clerk. There is equal ownership of all the assets between the entities, except real estate. An interesting provision is the fire Commission works with the chief to put together the fire Department budget, that is then submitted to the town and village boards. That is a very important provision because when it comes to money the town and village have the final say. It is not a fire Commission issue on how the money is spent. The fire Commission can give a recommendation on how the money is spent. The equipment and acquisition of the equipment is shared equally. There is a provision in the Joint fire agreement of how you are going to operate and deal with the funds. Put the funds in a joint municipal account. Both entities will equally contribute to the account and then capital costs will be distributed.
- Article 2 forms the joint fire Commission. it states that the town chair and the village president each get to appoint three members to the Joint Fire Commission in staggered three-year terms. The residents must be from the respective communities and file oaths with the respective clerk. No elected officials are allowed on the joint fire Commission. The town chair and the village president are

official non-voting members of the joint fire Commission. Meetings are at the call of the Commission president or any majority.

- The powers are listed in the joint agreement and track with statute 6213.
 1. Appoint the chief, suspend, or remove for cause.
 2. Approve subordinates appointed by the chief.
 3. Adopt rules for examination of physical and educational experience.
 4. Print and distribute those rules.
 5. Control examinations.
 6. Suspend the chief or subordinate pending disposition of charges.
 7. Suspend chief or subordinate for just cause.
 8. Subpoena when there's hearings on charges.
 9. Reinstate if the charges are not founded.
 10. suspend and reduce or remove after hearing.
 11. Make recommendations on organization and supervision, rules, and regulations for the control in management of the Department.
 12. Contracts for purchase of the necessary apparatus. This is important to note this is only for recommendations.
 13. Review bills over \$5000.
 14. Compensation for the members set by the respective body.
- The joint fire agreement is a 10-year agreement. It was originally executed in March 2011. There is a 30-day notice for termination of the joint fire agreement.
- The joint fire agreement references two statutes. One is 60.55 (1). Chapter 60 is the town's law. Under this chapter it gives you the general authority to provide Fire Protection by joining with another town, city, or village. The statute states if you do this you need to create a joint board. The joint fire agreement also references chapter 61.65 (2)(a)(3). This statute authorizes the village to join a town, city, or village to provide Fire Protection.
- What is not referenced in the joint fire agreement but is very important to the joint fire agreement is refers to the statutes that are in the joint fire agreement. It is statute 61.65 (3)(g). This talks about how the joint fire Commission should be run. This statute states:
 1. You need to create a joint town and village board.
 2. You can jointly determine the apportionment of the costs between the municipalities.
 3. It allows you to set up the board how you want to set it up.
 4. It gives you the opportunity to figure out how many Commissioners members you would like and their term.
 5. One thing it does NOT eliminate is the duty to create a record. Any fire Commission created needs to create a record.
 6. Any board or joint board created under this section is subject to 62.13 (2)(12) pertaining to a board of fire commissions. These provisions are appointments, promotions, suspensions, removals, dismissals, reappointments, compensation, rest days, exemptions, supervision of departments, contracts, and audits. Some do not apply, and some do. There is a reference to the optional powers of a joint board under 62.13(6). These are powers that can be given to a fire Commission, but only if there is a referendum in both municipalities that approves giving these powers to the fire Commission. These powers are basically

management authority. The fire Commission deals with who it does not deal with how. The management is left to the elected bodies.

- ✓ The powers are organization and supervision of the fire department. The fire commission cannot do this unless the referendum is passed.
 - ✓ Contracts for purchase of apparatus and supplies.
 - ✓ Audit bills and claims.
- There is another very important provision under statute 61.55. This is the village president and the town chair are deemed to be a mayor under statute 62.13. A mayor under 62.13 is considered to be the head of the fire Department. He would be able to direct the fire Department, do performance reviews, you would also be privy to the records on your request. You do not have hire, fire, or discipline authority.
 - Participation in discipline in the fire Department by an elected official is not permitted.
 - Lisa Van Laanen asks if the elected officials are bystanders regarding what the fire Commission does.
 - Attorney Jim Kalny stated yes regarding the hire, fire, demotion, and discipline of the fire department members. The joint board can discuss and be a part of how many members there should be.
 - Cambria Mueller stated she has emailed many of the board members and you have also received emails from concerned citizens in the community regarding what has been happening in the fire Department right now. In the last five years as the result of two members of the fire Department we have lost over 125 years of service. After people have served our community, they were either terminated or have left to go to a different department. For the North End of the village of Egg Harbor we have two EMRs, and one is currently on medical leave. She worries about this as a parent of two young boys that if they need medical attention it is going to take too long for somebody to get to them. She would ask the board to recommend to the fire Department to hire more people for the North End of Egg Harbor. She has asked for information on response times in the village and the town and the Fire Chief had gotten her that information. She noticed the Fire Chief has an 111% response rate 2 fire calls and 113% response rate to EMR calls. numbers like that should throw up questions. We should be questioning how the Fire Chief is getting that percentage rate. She started looking into this because she did not like the lack of coverage for the village of Egg Harbor. Being fearful of something would happen they would not be covered. The more she investigates this it is red flag after red flag, and nobody is answering any questions. The joint board is elected to look out for us and right now the fire Commission and our fire chief is not looking out for us and something needs to be done. So, she is asking you to do whatever is in your powers Anne investigate this and fix it please.
 - Paul Peterson asked if they could extend the probationary period for the Fire Chief.
 - Attorney Jim Kalny stated the board could only recommend that the fire Commission extend the probationary period for the Fire Chief.
 - Joe Smith stated he hears that a command vehicle is being used by the fire Department he does not remember the board purchasing a command vehicle.
 - Clerk Ohnesorge stated the command vehicle was purchased with fire Association donation money.

- Joe Smith asked who is paying for insurance and gas for the command vehicle.
- Clerk Ohnesorge stated she does not know.
- John Heller stated we are probably paying for the gas and insurance on the command vehicle.
- Joe Smith asked who has the title for the command vehicle.
- Clerk Ohnesorge stated the Fire Department holds the title for the command vehicle.
- Joe Smith asked how we acquired the asset without accepting a donation.
- Steve Schopf stated the Joint Board was made aware that the fire association was raising the money to purchase a command vehicle and then donate it to the fire department.
- Joe Smith asked if we need a resolution to accept this donation.
- Steve Schopf stated they never needed one in the past for the other things the fire association has donated to the fire department which included vehicles.
- Angela Lensch stated she thinks we should start doing resolutions to accept donations from the Fire Association so there is documentation.
- Attorney Jim Kalny stated this is something you could put in the joint fire agreement.
- Angela Lensch stated we should ask the Joint Fire Commission for their feedback on these items. Is there a map of the Village and Town to show how much coverage there is? When there is a lack of coverage the Board members are notified?
- Dale Wiegand stated this is a volunteer fire department. There are going to be times when no one is available. Luckily, this year we always had somebody attend to an emergency medical call. Years ago, there used to be a lack of people at the Southern part of the Town. Now it is the opposite. He would like the Village to do something about getting people to volunteer. One good thing is the ambulance service has stepped up. There is not a wait like there used to be in years past. Sometimes they used to wait a half an hour with the patient in the Village. This has completely changed. The County has stepped up. It is better than the past even if there is not a responder there. We do have mutual aid. They can't be everywhere. People work. It is hard to get here in the summer with the traffic.
- John Heller stated that they appreciate the effort. They know there are difficulties.
- Angela Lensch stated her point was not about a lack of ability or response. It was as a Village to be aware when there is a lack of coverage. These are the kind of stats that need to be updated in our monthly meetings, so they know if they need to work on finding more volunteers.
- Dale Wiegand stated we should have a push to get more people involved in the department from the Village. There are people out there they just aren't joining.
- John Heller asked Dale Wiegand, who is an active member of the fire department how the moral is.
- Dale Wiegand stated the moral on the fire department now is good. There has been a lot more training. They are getting back to were they want to be, but it will take a lot of work.
- Lisa Van Laanen stated over the last couple of months the Village and Town Board members have been getting a lot of E-mails that are one sided. They may or may not be true. She is wondering if the Fire Commission can answer each charge. She doesn't know if anyone is answering the E-mails. She is frustrated with the name

calling. She would like it to be resolved. How can we make that happen? What can we do? How can we direct the Fire Commission to make this happen?

- Angela Lensch stated she would like the Fire Commission to look at how many fire fighters would return if they were to reorganize the personal. Let us reevaluate the situation. What is more important the number of people on the team or the roles they have. How are the Commissioners going to manage the lack of personal that we have? Are they asking these kinds of questions?
- Lisa Van Laanen stated that it seems like we have two camps and at what point do they drop their swords and come together.
- Joe Smith stated he would like to know what is going on. He made a request for the grievances. We have only heard one side of the story. He thinks it would make people more comfortable.
- Attorney Jim Kalny stated that some of those records would be available, but you would have to follow certain procedures.
- Dale Wiegand stated it is sad it has come down to this. If you are fire fighter or EMR you, do it for the community. He was going to retire, but now he is back. Other people are back and stepping up. You have to look at the other side. If other people come back how many people would you lose. You have to be careful of what you do in the future.
- John Heller stated that we need more personal in the Village of Egg Harbor. Especially EMR's. That has to be the top priority.
- Steve Schopf asked the Attorney if the Fire Commission could have a closed session with the Joint Board to hear what transpired in the Fire Commission closed sessions.
- Attorney Jim Kalny stated that he does not know if closed session would be appropriate. If you would talk about officials in a way that could harm them then you would. He understands this discipline has been completed. Those would become available records eventually. There is a right for a person to keep the records about themselves from becoming available with a court order.
- Myles Dannhausen stated he is a retired fire fighter. The one that is a disciplinarian you don't want to lead the department. You want the person that has the support of the fire fighters. Can the Village and Town have a training workshop to have an outside party come in to talk about how to create enthusiasm and participation in a fire department.
- Attorney Jim Kalny stated the joint board could budget funds for a workshop.
- Angela Lensch asked how often the Fire Commissioners get replaced.
- Joe Smith stated that each May one of the three seats is open and the Village Board can choose to keep the member or appoint someone new.
- Clerk Pam Krauel stated that it is sad how the Fire Commission has taken such negativity and the brunt on this, when these are appointed community members. Their compensation is \$40 per meeting and the rest is their given time.
- John Heller stated he agrees with Pam Krauel.
- Clerk Ohnesorge asked if the Joint Board wants to meet with the Fire Commission in the future.
- Attorney Jim Kalny stated that you may want to review the records in closed session with just the Joint Board. It would be cumbersome to have the Fire Commission there too.
- Angela Lensch stated she thinks this would be a great idea, so we know what is happening.

- John Heller asked the Village Attorney to recommend any changes to the joint fire agreement.

8. Schedule Future Meetings

The next meeting is February 24, 2021 on Zoom at 6:00 p.m.

9. Adjourn

Heller moved to adjourn, second by Dannhausen, motion carried.

*Respectfully Submitted by,
Lynn Ohnesorge
Village of Egg Harbor
Clerk-Treasurer*