

Town Board Meeting August 13, 2007

The regular monthly town board meeting was called to order by Chairman James Parent at 7:00 PM in the meeting room at the town hall. Present James Parent, Dale Williams, Peter Jacobs, Barbara Anschutz, Robert Schultz, Jane Pluff, Doug Smith, Lois Pluff and 27 visitors.

Clerk verified posting. Motion made/second Peter/Barb to accept agenda with deletion of Kari Anderson. Carried.

Accept minutes – Motion made/second Peter/Bob to accept the minutes. Carried.

Accept Treasurer report – CDs stayed at Baylake Bank because the rate was higher. Motion made/second Barb/Peter to accept the report. Carried.

Citizen input – Mary Ann Johnson reported on Historic Research Group. There's an exhibit of Albert Zahn's work at the Kohler Art Center in Sheboygan. They also have a book that's been put out. Later in September there will be a limited opening (not to the public) of the Zahn house. Another article is coming out on Schmitz Gazebos by the Door County Historical Society. In October there will be a history of the Lutheran Church. Weisgerber's will cater the food. Public is invited.

Jon Jarosh – Presentation on the Economic Impact of Tourism Statistics – See attached report from Jon. Bill Cecil asked what is being done about forcing compliance with the room tax. Jon said the Tourism Zone Commission is in charge of that. Anyone that wants to join the Visitors Bureau, however, has to show their permit.

Larry Fass – Lakeview Road issues – Larry is president of Harbor Sands Home Owners Association (Harbor Sands Condominiums). They enjoy living in Baileys Harbor; however they have three concerns, all sort of related to Lakeview Road. Some things were brought up previously. There's a "water view" sign on Lakeview Road, however there really isn't any water view because of the phragmite growth. When people walk down the road, all they see is the phragmites there, so they end up walking onto Harbor Sands' property to see the "water view." Larry understands it's an ongoing problem in dealing with the phragmites. They'd just like to have some help in eliminating the problem. At their last meeting, the owners association voted to provide limited amounts of financial help to the Town of Baileys Harbor. 2nd issue- Storm Water drain pipe which dumps water on the beach area. Water does not go in a straight line. It has created a swamp area at the base of the road down to the water and has spread over to our beach area. It has been an on going problem. He has been told it comes from some where in town. He was wondering if a channel could be made for the water to go right out into the water, doesn't know if the DNR would allow this. Jim stated that Steve Parent, town engineer, is present and he will give us an update as to how the storm sewer will work. 3rd issue- Concern about the new drainage system plan, where is the water going to go. Jim stated we have had talks with the DNR and they are not as easy to talk to as it may seem.

Larry said he does realize that there are a lot of groups that have to be included in the discussion. Their main concern is adding additional water to a bad situation.

Dale stated we have not received the final plans for the storm sewers that are coming into town in 2009. Dale asked if it was going to be rerouted to a different area. Bob stated it would be the same.

Steve Parent – Update on Frog Town Road/Signage/Ridges Road -

The contract was awarded to Northeast Asphalt for a little over \$84,000 to do the resurfacing work on Ridges Road. He has the contracts for Jim and Jane to sign. Northeast has signed the proper papers. Because we can receive the 50% match up to \$48,000, the next step is to issue a change over to Northeast to purchase more asphalt from them so that we will meet the full grant. We will have a preconstruction meeting with the DNR invited, so we can talk about the plants and provide the protection for the plants. We will start after Labor Day, Storm Sewer will start the week of Sept. 3rd, Curb and gutter of week Sept. 10th, Graveling and pulverizing week of Sept 17th, Paving completed week of Sept 24th, if the weather cooperates. By earlier October it should be done for the color.

Lakeview Road (by Ridges), Steve talked with Christie Rogers from the DNR, she told him the town could go in with a weed cutter but no motorize equipment. We can apply for a dredging permit, but that won't say they will give us a permit. But Steve also stated that when Soil and Water was present they have had talks with the DNR, and they are sounding for reasonable for cleaning up the beaches. Bob stated there is a machine on tracks, it grinds up the material. Jim questions if they would allow it on the lake bed. Grace Frudden stated they have applied for a dredging permit, you can use a machine on the lake bed providing that we have 25% of the Phragmites on that portion of the property. Bob Bultman gave an update regarding the DNR's stance on phragmite removal. Their main concern right now is dealing with public lands, i.e. Toft's Point, The Ridges, etc., so sometimes private land falls by the wayside. Bob thinks they're going to want to see everyone surrounding Lakeview Road to take part.

Regarding the standing water on Ridges by Harbor Sands, Steve is proposing to raise the road in that area and put in storm sewer. It will direct more water down Lakeview but it's more surface water. With the drainpipe that's there, it's draining the low area next to Blacksmith Inn. There's water coming from other areas as well. The flow will improve, but the volume will not be reduced. Jim would like Steve to look into different ways to make the drainage situation better for Harbor Sands. As for phragmites, Clerk will get the dredging permit request form put together.

Frogtown Road – Permit application was submitted to the DNR in June. They did an initial review and gave the town the public notice that had to be published in the paper. There was a 30 day period where the public was allowed to give comment and that 30 days is up. Steve is expecting a permit to be issued this week. One thing to keep in mind is that the town doesn't actually own the shore frontage. We have a right-of-way, but the

shore is actually owned by each of the homeowners, so we also had to notify all the effected homeowners, either that we're doing work in front of, or any property we'd have to cross to do the work. Before any work can begin, we also have to have their permission to do that. Jane and Steve put together a notice that went to all the property owners explaining the circumstances that this is an issue of community welfare. It's a public highway and therefore the town has the obligation to do the work and there won't be any charges to the property owners. All of those letters have been returned affirmatively and were sent to Carrie Webb. One of the methods that was talked to about was to fill the void underneath the escarpment with shot rock or breaker run and large riprap in front of that. Then, every so many feet along the top, drill a 3 to 4" hole and pump a lean concrete in there to provide support for the road. The DNR is willing to permit that. The other option, which is a better one from a contractor's standpoint as far as doing a good job would be to actually do nature's work for her and knock off those overhangs and then work our way back up. The problem is, the first method only effects 6 ½ to 10 feet of shore frontage. If that would be dropped off, that would be 12 to 15 feet. The DNR probably would not go for that method.

Signage (Chapel Lane) – Everyone on the board has gotten phone calls regarding the “No right turn” sign at the end of Chapel Lane. The board didn't think it would create as many problems as it has. Bob says it should be taken down. Jane Hillstrom thinks the sign discriminates against people on Chapel Lane. The signs will be taken down. Mr. Carlson questioned when the gravel area on Frogtown will be paved. We will be doing that when Ridges is paved. Agnes Kubicz asked what kind of equipment will be used for the repairs on Frogtown and will the road be closed completely. To get equipment down onto the shore, we will be using the town property. A lot of the trucks will probably go down that way. As much work as possible will be done from the shore. There may be a requirement to have a flag person. Once we know exactly how the process will go, we'll have a better idea of how it will work.

Kari Anderson was not in attendance.

Discuss/decide on issues at Bues Point Boat Ramp (moved up) – George Cassidy spoke. The concern is what's going on with the boat ramp. It's gotten to be a pretty serious situation. In the last week, the police have been out there twice. One of the biggest problems is when the bars empty out. Everyone finishes up whatever they started in a bar out on the boat ramp. This week there were some guys who were trying to break open a cash box. The night before that, there was a fight between some women and men. Last week, there were fireworks shot off two nights in a row. Sometimes even fisherman are coming in at 3AM and making noise. When the boat ramp was getting built up, they were assured that it wouldn't be a problem. The worst situation is just the partying at 2AM that goes on. Before there's more of a situation, they'd like to see it have set hours and enforced. The ideal thing would be to have it gated between 10PM and 5AM. They have poachers at first light and get the ducks. It's just been in the last year that it's gotten bad. Dale said we should have Mark Merrill increase patrols. Because the DNR funded the project, we probably cannot put gates up. Clerk or Deputy Clerk will call to find out if we can put a gate up or not, as well as the hours. There is already a sign up stating the

hours, but no one really enforces it. We could possibly pass an ordinance that has rules regarding the boat ramp. There are some areas in Sturgeon Bay with hours posted and fines that are given out. Another possibility would be a motion light. It was decided to talk to Mark Merrill and the Door County Sherriff's Department to have them increase patrols. We'll start there and then see if there is a possibility of passing some sort of ordinance for times out there.

Approve Door County Soil & Water Conservation Department Beach Contamination Reduction Cooperative Agreement Policy: Final Construction Plans – Last year we were in an agreement with Soil & Water to fund the engineering that's been going on with the beach clean-up. This year they want \$7,000. Motion made/second Dale/Barb to approve the Door County Soil & Water Conservation Department Beach Contamination Reduction Cooperative Agreement Policy: Final Construction Plans. Carried.

Set date to review Employee Policy Manual – Date is set for August 27, 2007 at 7:15PM.

Adopt Destruction of Records Ordinance – The ordinance was developed from a model ordinance and approved by our attorney and the State Historical Society. The purpose is for cleaning out the records room, but we need an ordinance saying we can destroy certain documents. Motion made/second Peter/Bob to adopt the Destruction of Records Ordinance. Roll call vote, Jim yes, Barb yes, Bob yes, Peter yes, Dale yes.

Adopt resolution for gift of land from McArdle family – This is regarding the property at the Kangaroo Lake Boat Launch. Jim and Kris Schorer spoke. We have the unnumbered resolution. Terry McArdle drew it up and we sent the papers to Jim Smith. Motion made/second Jim/Barb to approve the resolution to legally accept the gift of the additional land from the McArdle Trust by the Kangaroo Lake Boat Launch, subject to final approval by legal counsel and approval of the legal description. Carried.

Discuss/decide if anyone is interested in attending the annual Wisconsin Towns Association meeting in Green Bay in October – Clerk and Deputy Clerk will be going. Bob would like to go. Everyone else will let us know by the end of the month.

Appoint Mark Franke and Mike LeClair to the Parks Committee – Chairman Jim Parent appoints Mark Franke and Mike LeClair to the Parks Committee.

Committee Reports – Chairman – Jim had heard that the toilets at the Rec. Park are getting blocked up a lot and asked if they were too small. Barb stated they are commercial grade toilets. Bob said there's not enough pressure and it happened twice on Sunday. Barb will look at putting in pressure tanks. Bob, for Parks, people have contacted him regarding possible non-residents using the recycling at the Rec. Park. Jim had actually talked with the recycling company's employees a while back and they said that, even if non-residents were using it, it was such a small amount it really wasn't affecting our cost. Lois stated we did receive \$4605 from recycling aid and it's based on the tonnage (i.e., how much we use it). Bob just wanted to bring it up so it's on record. Grace Frudden asked to go back to roads for a second. Some residents on Ridges have

been asking her about transplanting some of the endangered plants that may be disturbed by the road resurfacing. Her understanding that there is going to be an identification of what the plants are during the construction of the road. The residents can't transplant anything until there is an OK from the DNR. Grace is requesting that, once we know what can be transplanted, the town send a letter to the residents letting them know. Bob stated that we won't really know anything until we have our pre-construction meeting. Jim said he can't imagine anyone on the Board or our engineer taking any part in any kind of plant identification. Grace would like to be notified when the pre-construction meeting is. Regarding Parks, Dale happened to go by Kangaroo Beach Road and noticed that people are launching boats even though the signs are up saying "No Launching." We also have the concrete bumpers there, but they did it anyway. Another item, the Parks Committee would like to see mats underneath the playground equipment. The total cost is \$1791 (9 mats), without shipping. There is only \$853.90 in the playground budget. Jim said just order them. Motion made/second Dale/Barb to purchase 9 mats for playgrounds. Carried. One other thing Bob brought up, the roads budget will be a little short. There is some money from other areas that could possibly be transferred. We may have to borrow some money anyway for Frogtown Road. Dale, sewer – Steve Leonard from Ridges would like to do the sewer extension. Steve Parent is working on it. Earthtech called and finally sent up a quote. Another engineering firm called and came up and met with Don Prust to give a quote. Barb, Town Hall – Received a quote from Carlson-Erickson. Their estimate came in at \$24,983. Eric Peil was around \$19,000. For just the Cupola repair, Carlson-Erickson was at \$2300. Peil was just under \$2000. This couldn't be done this year. It will need to be posted in the paper, but not put out for bids because it's under \$25,000. We will budget for it for next year. Barb stated that Anschutz Plumbing was contacted about the inspections in the bathrooms at the Rec. Park. Clerk will talk to inspectors, letting them know that Brett Timme was present for an inspection. Peter Jacobs, Planning Commission – Planning Commission recommended that the Town Board recommend approval to the county for Heidi Walter's zoning change (from wetland to heartland 3.5). Motion made/second Jim/Bob to send a letter recommending the zoning change from wetland to heartland 3.5. Carried. Clerk or Deputy Clerk will send letter to county that it was unanimous.

Payment of bills – Motion made/second Barb/Dale to pay all bills. Carried.

Motion made/second Bob/Peter to adjourn at 9:45PM. Carried.

These minutes are subject to correction at the next regular monthly Town Board meeting.

Doug Smith
Deputy Clerk