

## Town Board Meeting March 26, 2009

James Parent called a special Baileys Harbor Town Board meeting to order at 6:00PM in the meeting room at the Town Hall. Present were James Parent, Robert Schultz, Barbara Anschutz, Douglas Smith, Kevin Egan, Brett Reetz, Melanie Hass, Randy Nesbitt and Bill and Denise Hanusa. Peter Jacobs was absent.

Clerk verified posting. Motion made/second Barb/Bob to accept the agenda. Carried.

Consideration of surrender of liquor license – Brett Reetz explained that Blue Sky Harbor is willing to surrender their liquor license contingent on PC Junction receiving it. Kevin Egan, on behalf of the owners of Blue Sky Harbor, thanked the Town Board for their patience while they tried to work out a plan for using the license. Motion made/second Barb/Bob to conditionally accept the surrender of the liquor license from Blue Sky Harbor in order to reissue it to PC Junction. Carried.

Consideration of liquor license application for PC Junction, Ltd – One concern was the number of questions about PC Junction's buildings being in compliance with zoning ordinances. Jim would like to see a letter from Rick Brauer stating everything is compliant. Rick wasn't able to supply that letter in time for tonight, but the Board can conditionally approve the license and wait to receive the letter. Bill presented a letter from Rick Brauer, but it wasn't quite what Jim was looking for. It simply stated that the zoning was appropriate for the use. Brett Reetz asked if something is out of compliance, would PC Junction be given the opportunity to fix the problem. Yes. Denise asked why this is necessary since so many inspectors have been out there. Brett explained that what the Board is asking for is really nothing significant. Bill asked why it's necessary when building inspectors have given a final to all the buildings. Jim explained it's simply to answer questions that have been asked of the Board. Once the Town receives a letter from Zoning, the Clerk may issue the license.

One other issue that Jim brought up was the fact that would like to license the entire acreage that they own, including the 25 acres. Randy Nesbitt's recommendation is that it's not a good idea, as you're licensing an unknown. The person who owns the license is responsible to control all of the area that they are licensed to serve. In an undeveloped area it could invite many things to happen. Bill asked Randy to explain a golf course scenario. Randy explained that golf courses typically license the whole property and that's really the only situation it happens in. The reason being is that they are developed and it's also regularly controlled and maintained by the golf course, so it's not that someone else can come on the property and start doing things they don't know about. A vacant field is an unknown. Bill asked if he wanted to have a hayride and let people take their drinks along with them, would that be a violation? Randy explained that the business owner is always in violation if a person buys alcohol on the premises and then takes it off that premises, whatever the premises is defined as. Bill said that's why he'd rather encompass his acreage so he's not in violation when they take it into the woods. If it's not in the description, he couldn't even entertain the thought of taking groups on hayrides or busrides out into his field. Randy did talk to Roger Johnson at the Department of Revenue who said it's not a law and it's up to the Town Board, but he and his staff recommend licensing a small area. Bill asked what his current beer/wine license

reads. Clerk explained it's the same as he has on the new application, which includes the 25 acres. Bill said that he has the ability right now to load a keg on a hay wagon and disburse it over his entire property and asked how it's different with the hard liquor license. Jim asked if we can change the description of the premises if we'd go ahead and allow him to let the entire property be license. Randy explained that it can be changed at any time. One of the concerns is that it sort of creates an open ticket to do anything on the land. Brett asked Randy how simple it is to change the description. Randy explained that it's easy, however it could result in legal action in regards to property rights. Brett asked Bill if he has any intentions beyond the described hayrides and/or tours of his property. He does not. Denise asked if they'd be able to set up a tent like their neighbors do. Brett suggested attaching an intent to the description of the liquor license explaining what the Hanusa's intend to do and that the license is granted with the understanding that the property can be used in that way. Jim doesn't want to inject the Town Board on everything little thing they want to do. If the intent is to say it needs to be used in a responsible manner, he doesn't have a problem with that.

Kevin mentioned that the license Blue Sky gave up says "buildings, decks, and grounds" on the description so people could have tents and weddings, etc. However, it was put on there with the understanding that if there are complaints, it would be restricted. The Town currently has an ordinance on file for noise. Jim feels that as long as the Town retains the right to change the description, he doesn't have a problem with it. If the premises is defined as the whole of the land, he would have a greater responsibility to regulate it. The Town has no additional liability if the entire acreage is licensed and we can undo it if there's a problem. Motion made/second Jim/Bob to grant the Class B liquor license to PC Junction under the following conditions: 1) A letter from the Planning Department stating that PC Junction's place of business is compliant with Door County Zoning ordinances. 2) It's the understanding of the Board that the property will be used for licensed activities (specifically mentioned, hayrides, walks, and others) and that the licensing of that additional property is subject to review should problems occur. Carried.

Consideration of the purchase of two lawn mowers – New one was purchased last year for the ball field, which will stay at the Rec. Park. We have two others and were going to try to make at least one last and buy a new one and get in some kind of rotation. However, neither one is going to last the season. So Jim was thinking to buy two new ones and then maybe trade one in a year or two to get in a rotation. It would be close to \$20,000 for to of them. We have \$9,000 in new equipment. However, for the Anclam Park job, we had about \$90,000 budgeted and the bid came in at \$36,000, so we saved some money there. Motion made/second Bob/Barb to buy both of the presented lawnmowers with the addition of a bumper to one, with a cost of up to \$21,822. Carried.

Motion made/second Bob/Barb to adjourn at 6:52PM. Carried.

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

Douglas Smith  
Town Clerk