

Town Board Meeting May 11, 2009

James Parent called the regular monthly Town Board meeting to order at 6:05PM in the meeting room at the Town Hall. Present were James Parent, Robert Schultz, Peter Jacobs, Barbara Anschutz, Dale Williams, Douglas Smith and 15 visitors. Lois Pluff was absent.

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

DNR – Discussion/possible decision on mowing procedures for Ridges Road – Jim was called by the DNR and they would like to have this discussion. Joe Henry and Lisie Kitchell of the DNR were present. Joe received phone calls last year regarding mowing Ridges Road. Their concern was that it was mowed during growing season when plants were still in bloom and had not set seeds yet. It was also their understanding that there was an agreement as to when mowing would occur (in the fall). Joe would like to know if there is an agreement or, if there isn't, would like to talk about forming one. Bob explained that some of the roads that have wildflowers are not cut until October 1st. The cutting equipment was up here 1 week early last year, so it was cut at that time, rather than having to pay for the whole crew to come all the way back up here. Ridges Road is not supposed to be cut during the summer. When the road was built, there is only a foot of shoulder and there are ditches that almost go 2 feet deep. The grass can grow 3 to 4 feet high, so it obscures the ditches. Jim asked who the governing body is that says we can't cut it. Lisie explained the Town would be in violation of Fed and State endangered species laws. Technically they could site the Town for mowing. She wasn't sure of the fine, but they try to avoid doing that. They would rather work it out rather than fight it out. They would rather find a solution. She asked why the ditches were so deep. Jim explained there were areas in the road that were breaking up that needed to be built up and since the road could only be so wide, it created big drop offs. She asked if it would be possible to raise the ditch if there are no plants in certain areas. Would have to be looked into.

Jim explained there are two groups of people, one that takes the DNR's stance and one that is more concerned about safety. Sherriff Terry Vogel was in the audience and Jim asked him what kind of laws there are that may apply to this. Pedestrians are to walk on the left facing traffic, bikes are supposed ride with traffic. He doesn't feel adjusting the speed limit would make any difference. With the curves on the road, there are definitely safety issues.

Mark Rispens explained that the vegetation grows up right to the road, so there is no option for walkers to get off of the road. Jim explained we wanted to have a larger shoulder, but when the road was fixed we weren't allowed to do so. In fixing the road, the problem actually got somewhat worse. Bob asked if the wildflowers could be removed and placed farther back. Lisie said it's something worth considering.

Maureen McGrath asked if the designation of Rustic Road could be removed. If it is, then the speed limit would be raised to 45 MPH because there are not enough driveways per 100 feet, per state statute.

Jim asked Terry Vogel who would be liable if something did happen. Terry explained we'd have to talk to the Town attorney, but people could be sued for any reason. Mark said if there is an accident caused by road conditions, it is written down on the accident report.

Jim asked the DNR if it would be feasible to mow at a different height. That could possibly be a good compromise. Tree removal might also be a possibility. One idea would be to go through the original plant survey and look for spots that don't have any endangered species. Those areas could potentially have the ditch raised. Lisie would need another survey done before that, though. Joe Henry reminded the group that it's not just the Dwarf Lake Iris; there are other endangered species too. He feels mowing at a different height sounds like it's feasible, but how do you know exactly what height to mow. Dale said since the road was built according to what the DNR told us we could do, some of the liability should fall back on them if something should happen. The road is not up to state specs. There is supposed to be 3 feet of shoulder on each side. The last half of the road is probably the worst for pedestrians, and the endangered species aren't that populated in that area. Dialogue will continue between the Town Board and the DNR. Mowing will be held off until a solution is found. If another survey is done, the DNR should accompany the botanist.

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

Accept Treasurer Report – Motion made/second Bob/Peter to accept the report.

Citizen input – Maureen McGrath thanked the Board for fixing potholes at the end of Ridges Road.

Roy Cole spoke and explained he had a fire at his property on Chapel Lane. He said it was one of the best and most efficient operations he has seen and that we have a very fine fire department.

Wisconsin Public Service – Consideration of the Dark Skies street light program – Town is looking at replacing the current lights with the dark sky version, meaning the light is directed downward and not towards the sky. We have one on Ahrens Road and you don't know it's there until you're right by it. To change to the dark sky, everything is the same except the fixture itself. We can contact the WPS Business Solution Center if we want to do certain portions of the Town at a time. They could draw up a quote based on the area we want to change. LED lighting is on the horizon, but it's not quite ready yet.

Bryan Nelson – Tourism Zone Commission report – TZC Annual Meeting is May 26 at 5PM at Crossroads at Big Creek. March was down about 25% from last year. Last year, Easter and spring break happened in March, so that might be a contributing factor.

Finance Committee met last week and sees no reason to hit the panic button. Reservations for the year look to be where they should be and some are actually up. Online reservations have been increasing every year. Enforcement continues to go along. There a couple of active lawsuits against non-compliant properties who have at least been communicating now. A Compliance Committee has also been formed.

Jumped to item #12 - Consideration of Parks Committee recommendation for landscaping company at Anclam Park – Parks Committee interviewed three landscape architects and four landscape design firms for possible improvements at Anclam Park. Barb handed out a sheet showing the seven different companies and their bid proposals. After much discussion, the Parks Committee is recommending Lakeshores Landscaping to do the conceptual design for Anclam Park. This would probably be a 1-3 year project that could be done in phases. There was nothing budgeted for this, but there were thoughts about the Room Tax money going towards it. Lakeshores is a design/build firm. After the design was done, if he was awarded the job to do it, some of the costs of the design would be credited back to the Town. John Meredith of Lakeshores was present. He explained a lot depends on what the DNR will allow us to do. He gave two options, 1 being more the “dress it up” option, where the other is a better long term options in terms of addressing the entire jetty and area. There may be some negotiating with the DNR as to what can be done, even though it’s below the high water mark. John will be meeting with Rick Brauer from County Zoning and Carrie Webb of the DNR tomorrow morning at Anclam for information gathering. Once we know what we can do, we should have a joint meeting with the Parks Committee to go over what we can do. Even if the DNR would come back and say there’s not much we can do, there are still options available. Motion made/second Jim/Dale to approve Lakeshores Landscape to continue the process and come up with a final plan based on whatever the DNR will allow us to do and Lakeshores would be compensated accordingly. Carried.

Consideration of the Door County Senior Center’s request to hold senior lunches at the Town Hall every weekday – Currently they are here on Wednesday and Friday from about 10:30AM to 3:00PM. Liberty Grove has it for three days. Jim feels this could create a lot of conflict in regards of renting the Town Hall out. Francha Barnard feels there would be enough people to keep it going everyday. Maybe they could just add a Monday. Motion made/second Barb/Peter to keep Senior Citizen lunches on Wednesdays and Fridays. Carried.

Discuss/decide disbursement of remaining BHCA share of room tax money – These are the funds we received in 2008, payable in 2009. Budgeted was \$25,000, we’ve given them \$12,500 so far. Motion made/second Peter/Bob to disburse the remaining \$12,500 to the Baileys Harbor Community Association. Carried. Clerk will cut the check.

Discuss/decide revised State Municipal Agreement – The original was signed in June of 2008. Dan Segerstrom found there was an agreement that they would pick up about \$44,000 of the cost, so this new revised agreement reflects that. It also includes the storm sewer run to the Catholic Church. There will need to be a discussion on who pays for

that. Motion made/second Jim/Bob to accept the revised State Municipal Agreement. Carried.

Consideration of Sewer Committee recommendation to get more information on the Wisconsin Retirement Fund – The Town Board needs to request them to come up here for more information. Motion made/second Dale/Bob to call the Department of Employee Trust Funds to present information on the Wisconsin Retirement Fund. Carried.

Discuss/decide repairs to '97 Ford maintenance truck – This is the first time it's really had a problem. Motion made/second Barb/Bob to accept the repairs on the '97 Ford maintenance truck. Carried.

Discuss/decide legal bill for formation of the Baileys Harbor Athlete Club – Had originally told the ball team we would cover the cost for the formation of the non-profit. Total right now is \$385. The paperwork was sent to the Fed and it will probably be a while before it's actually formed. Motion made/second Jim/Barb to pay the legal bill for the Baileys Harbor Athlete Club. Carried.

Discuss/decide paint sprayer for Rec. Park – Old sprayer broke. Found a new one for \$1,820. They normally run between \$2,500 and \$3,000. Motion made/second Dale/Barb to approve the payment for the paint sprayer for the Rec. Park. Carried.

Discuss/decide pay request #1 for Ward Street Sanitary Sewer Extension – Dale left the room and abstained from the conversation and the vote. Received a memo from Steve at Baudhuin. He is recommending a 5% retainage and therefore a payment of \$22,806.25 is due to Harbor Construction. Steve has done an examination on it and says it is okay to pay. Motion made/second Peter/Barb to accept the engineer's recommendation of pay request #1 for the Ward Street Sanitary Sewer Extension. Carried. Clerk will cut the check.

Chairman report – Jim feels it's not fair to the Schorer's to make them hold on to the McArdle house for us. He thinks they should list it, so they don't miss the whole summer. Jim will still be appointing a committee to research such things. Since we're not sure we'll have an answer by fall, they shouldn't be made to wait. It will take some time for the new committee to do some research. It was very nice of them to offer it to us first. They could still reserve the Town as a private buyer. Jim will tell them to go ahead and list it.

Bob – Roads – Going back to the fire on Chapel Lane, the Fire Dept. did an excellent job. However, he wanted to go on record and say the pumper truck was able to drive in. The rest of the trucks had to back in, one at a time. The department did a great job this time, but if there is a bigger fire, there could be problems. He also wanted to go on record and say he's not happy the way the storm sewers are being done. He feels they are going to settle. Dale agrees. Joe Parent spoke. He stated he has never seen such a poor operation. He heard loads of complaints regarding the semi/machine sitting in the front the Lutheran

Church for days. They didn't have a permit to move it out of Town. Also, when the traffic is flowing through Town, there is too much dust. Jim and Dale will make some calls. Bob continued. We also need to get some gravel on Mill Street.

Barb – Town Hall/Cemetery/Parks – None.

Dale – Sewer Committee – None.

Peter – Planning Commission – None.

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

Motion made/second Peter/Barb to adjourn at 8:15PM. Carried.

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

Douglas Smith
Town Board