

Town Board Meeting June 30, 2010

James Parent called a special meeting of the Baileys Harbor Town Board to order at 7:00PM in the meeting room at the Town Hall. Present were James Parent, Robert Schultz, Roberta Thelen, Barbara Anschutz, Peter Jacobs, Douglas Smith and 1 visitor.

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

Discussion/possible decision on Anclam Beach bulkhead line ordinance – Steve spoke with the DNR and found out that typical property ownership is to the ordinary high water mark. Anything below that is considered lake bed, which the state has title to. A bulkhead line defines an area in which the Town can do maintenance without having to go for a permit each time. Mr. Christianson, who owns the property directly north, was present and handed out a DNR pamphlet. Steve spoke with Carrie Webb and in order to do what's proposed in the landscape plan, the best way is to establish a bulkhead line. The line only goes to the north property line right now. Jim's discussion with Carrie is that he would like to extend it to the northern two property owners in order to be able to do maintenance there that has always been done. Steve could add the properties to the legal description. An agreement with the property owners might be in order as to who's responsible for what, and also to maintain Town access. Mr. Christianson's concern is the fireworks on the 4th of July, with the litter left on his beach. He is planning on putting in a temporary fence for the night of the 4th. Steve will talk with Carrie Webb and Town attorney Randy Nesbitt about including the two properties to the north and have something ready for the meeting on July 19th.

Approve payment plan for Town sidewalk improvements by the Lutheran Church – Clerk received invoices from Martell and Harbor Construction. Steve broke it down to work in the public right of way and to work beyond the public ROW. Beyond the public ROW would be the church's responsibility. Town's responsibility comes to just under \$18,000. Church's responsibility comes to about \$5,500. Presented breakdown looks good.

Discuss/decide change orders and/or pay request for County Road F project – Harbor Construction is done with their portion of the work. They did agree that the landscape portion will have to be looked at and fixed up after the 4th of July. Aside from that, Steve would say that they are done with their work. Martell did submit all of their extra work. There's a little additional curb where F meets 57. There is also a little extra sidewalk in that area too. \$15,000 is all of the extras that Martell did. Steve is proposing that the Board consider the base bid as being 100% done and to also pay the \$15,000 extra for the change order. The remaining items that Harbor Construction hasn't billed could be considered retainage. Performance and payment bond is good for one year. Jim asked about late penalties. Steve explained it's the Board call, but cautioned that if it does end up in court, the Town has to show that it was damaged by them being late. Jim just doesn't want to see deadlines being ignored in the future. We will watch it in the future. Steve's recommendation is to pay the balance due currently of \$59,813.43, knowing that there is probably \$10,000 to \$12,000 that will be due later. The contract to date is \$210,000 vs. the original \$195,000. Motion made/second Bob/Barb to authorize payment of \$59,813.43 to Harbor Construction. Carried.

Discuss/decide engineering report on Ward Street curbing issue – Jim Parent is abstaining from discussion and decision on this item. Steve explained that the Town's position has always been to upgrade roads as needed. If there is a big development, like the apartment complex, the developer will pay to have sewer extended. What's happening on Ward Street is kind of in between. It's a road that should eventually be upgraded, but Harbor Terrace wants to be able to put curbing on the back of their

property, so they would like to see the Town act now in order to be able to do that. They would pay for their portion of the curbing. Phase 1 would be to extend curbing on the east side of Ward Street to Harbor Terrace's south property line. On the west, it would stop at Linzmiers' driveway. The road would also be repaved up to that point. The County is also responsible for some repaving at the intersection of Ward/Bluff. Phase 2 would go all the way to Catholic Church (just to the north boundary). As for cost of Phase 1, the County would pay about \$1,400. The curbing in front of Harbor Terrace would be about \$2,000. The Town would take care of the remaining \$16,000. Bob said since the Church doesn't yet know what, exactly, they're doing, the second phase shouldn't be done right now. The other section could be done. Based on the \$16,000, the roads budget should be fine. Roberta asked if any notification would be done to people in the immediate vicinity. Bob usually goes right to each person and talks with them. What should be done more is to send a letter out. The whole project would be about 2 weeks. Motion made/second Barb/Peter to go ahead with phase 1 of the Ward Street upgrade in the amount of \$19,400, sharing cost with the County of \$1,400 and Harbor Terrace of \$2,000. Discussion: This will be bid out under Class 1 notice rules, with one publication. Clerk stated that if a project is to be done in phases, the \$25,000 rule would still apply. However, the second phase of this project may or may not happen, therefore the Class 1 notice would be sufficient. Barb/Peter amend motion/second to go ahead with the Ward Street upgrade from Bluff Road to the southern boundary of Harbor Terrace in the amount of \$19,400, sharing cost with the County of \$1,400 and Harbor Terrace of \$2,000. Motion carried, with Jim Parent abstaining.

Discuss/decide approval of purchase of a spare fish grinder for the Marina – The plan was to buy a new fish grinder for this season and use the old one as a spare. The old one lasted five years, but when it came to try to rehab it for a backup, the company said it has served it's time. Jim would like to get a new one purchased for a backup. If something would happen during Salmon season, it would be a disaster. Lois knows about it and said the money situation is fine. Motion made/second Bob/Roberta to purchase a new fish grinder. Carried.

Discuss/decide issuance of cigarette license and liquor/beer or beer/wine license to PRB Sports Consulting & Management LLC at Maxwelton Braes Golf Resort – Paul Becker is running the golf course this year. The Board did not approve the Class B liquor for Maxwelton Braes. It was in the old company's name, and they wanted to transfer it to a new property. Jim talked them out of that. One thing he suggested we think about is, rather than reissue the liquor license, Paul is fine with a beer/wine. Jim's thought was to put the Class B liquor on the shelf with the idea that it wouldn't be given or offered to anyone else and that it's there whenever there is a buyer for the property. This would give the Town a little more leverage with Baylake Bank, as it didn't seem like they were going to open the course at all this year, until they received pressure from the Town residents. Barb feels we really need to look at the liquor license ordinance at some point in the near future. We don't want to hinder the bank's ability to sell the property, but we just need to protect ourselves. Motion made/second Bob/Barb to issue a Class B Beer/Class C Wine and cigarette license to PRB Sports Consulting & Management LLC for use at Maxwelton Braes Golf Resort. Carried. Jim explained that if, after the liquor license ordinance is complete, we could issue a 300 seat license to Maxwelton if they need it, and hold on to the other Class B liquor.

Motion made/second Peter/Bob to adjourn at 7:15PM. Carried.

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

Douglas Smith
Town Clerk