

TOWN OF GIBRALTAR
JOINT MEETING
PLAN COMMISSION/TOWN BOARD
TUESDAY, JANUARY 28, 2020
GIBRALTAR TOWN CENTER
6:00 P.M.

Call to order: The joint meeting of the Gibraltar Plan Commission and Gibraltar Town Board was called to order at 6 p.m. by Steve Sohns, Chairperson, Town of Gibraltar.

Roll Call/quorum: Sohns stated that a quorum of the Gibraltar Town Board was present.
Members present: Steve Sohns, Barb McKesson, Bill Johnson
Members absent: Tim Luetgen

Linda Merline, Gibraltar Plan Commission Chair, stated that a quorum of the Plan Commission was present.
Members present: Linda Merline, Brian Hackbarth, Tom Blackwood, Don Freix
Members absent: Len Adent

Proper notice: *Motion (Town Board: Johnson, McKesson) to adopt the agenda as posted. Carried.*
Motion (Plan Commission: Blackwood, Freix) to adopt the agenda as posted. Carried.

Approve minutes of previous meetings: None

Public comment: None

Petition for Conditional Use Permit: Conditional Use Permit Application, Parcel #014-02-27312711C, Nelsons of Fish Creek, LLC (3449 State Highway 42) to establish a retail store (hardware store) that will exceed 20,000 square feet in floor area. Section 2.05(3)(b) (footnote #3) of the Door County Comprehensive Zoning Ordinance requires retail stories that exceed 20,000 square feet in floor area to be approved by Conditional Use Permit.

Merline opened the Hearing and Explained the Procedures. Merline explained that because the addition puts the building's floor area over the allowed 20,000 square feet, they are required to seek a conditional use permit. Merline stated that the Town of Gibraltar is under county zoning, therefore the approval of the conditional use permit will be done by the County resource planning committee. The Town can offer their recommendations on the presented plan. She also stated that the State of Wisconsin has made it very clear that a conditional use permit cannot be denied unless there is factual evidence that would cause the conditional use be denied. You can no longer deny a conditional use permit based on people's opinions.

She invited Nelson's LLC to present their plan.

Presentation: Dale Reiser with PBS and Pete Hurth from Baudhin were in attendance to present on behalf of Nelson's. Reiser clarified that although the plan identifies the building as retail it will be used primarily for storage. PBS is building the addition; Baudhin handled the engineering.

Hurth spoke to the square footage of the building, both the existing and the proposed addition, as well as the existing gravel and the new proposed driveway. He reiterated that the county is requiring the conditional use permit is due to the proposed square footage exceeding 20,000 feet. Hurth explained that they spoke to Rick Brauer with Land Use Services at the County. The original conditional use permit for this site allows for up to 70% hard surface. By eliminating some existing gravel, the plans stay under that threshold.

Reiser said they spoke to Gibraltar's fire chief. This will be a fire separated building. There will be a full height concrete block wall separating the existing store and the proposed storage addition.

Work is scheduled to begin, weather permitting, in March.

Johnson asked if the lighting would be downcast. Reiser said it would be downcast lighting.

Gibraltar Fire Chief Andy Bertges asked if the alarm system would be upgraded. Reiser said it will be upgraded.

Linda Merline asked about the existing vegetations. Reiser said there is very little and that they would not be removing much, if any, of the existing vegetation. The area beyond the driveway won't be touched.

There were no questions from the Town Board.

Merline opened up the floor for questions. Myrv Somerhalder asked what the height of the building would be. Reiser said it would be the height of the existing eaves.

Beth Hagen asked if the storage area would be cold storage or heated storage. Reiser said it would be heated storage. Hagen also asked if the space could be converted to shopping/retail space. Reiser said it could be, although that is not the plan. Hagen explained that she asked for the clarification because the use wasn't clear the way it was written in the application.

Fire Chief Andy Bertges asked for clarification if one side would be for storage occupancy and the other side would be for mercantile occupancy. Reiser said that is the plan. Bertges asked if that would require a change in occupancy. It would not.

Merline asked if anyone else had questions or comments. There were none.

Testimony in Opposition: None.

Rebuttal: None

Correspondence in Support: None

Correspondence in Opposition: None

Merline Closed the Hearing. Hearing no additional questions or comments, Merline closed the hearing portion of the meeting. Merline recapped the key points to the Plan Commission. Hackbarth added that he was in support of the plan. He added that the Town needs this type of development. Blackwood asked if there are other conditions that haven't been discussed that should be applied to this development. Hackbarth asked if Blackwood had concerns. Blackwood did not. Freix added that he did not see anything listed in county zoning that would make this an objectionable project.

Motion (Plan Commission: Hackbarth, Blackwood) to recommend this be approved with no conditions and that the Town Board make the recommendation to the County. Carried.

Motion (Town Board: Johnson, McKesson) to approve as submitted with no additional conditions. Carried.

Plan Commission Goals 2019 & 2020

Merline explained that the Plan Commission would like to review the goals with the Town Board for their input.

Goal 1: Annual Joint Meeting with the Town Board – Plan Commission Goals

Fulfillment of this goal is taking place at this meeting.

Goal 2: Annual Joint Meeting with Park & Lands Committee – Discuss/Plan for Shared Goals

This has been done for the past two years and both parties would like to continue doing this.

Goal 3: Implement the Fish Creek Watershed Plan

This goal has several sub-components. See below.

A. Pursue Grant Funding to Complete the Fish Passage at the Culvert

Merline feels the commission is in a good position to move forward with this project and apply for the River Management Grant to move forward with the next phase. The deadline is next week, but most of the information needed for the application is already gathered.

Sohns asked if the application deadline was feasible. Merline said she would like to try to meet the deadline as she feels it is the best grant for the project with having already received money for the design. The board agreed. The Town Office staff will assist Merline with completing and submitting the grant application by the deadline.

Freix added that in regard to funding, Green Tier might offer opportunities for project funds. This is something to keep in mind moving forward.

B. Work Toward Fish Passage at the Dam with Grant Funding

Merline said, according to the DNR, the only way to pursue this goal is with the Redmann's agreement and partnership. Merline said she would like to pursue this and continue talks with the Redmann's if the Town is open to that partnership. The Town Board agreed and would like Merline to pursue next steps.

Merline asked how to approach it. Sohns suggested Merline reach out to the Redmann's to have a preliminary discussion to first see if there is interest. Merline asked Barb McKesson for her help with this task. McKesson agreed.

C. Pursue Restoration of the Fish Creek Meander – On going

This on-going goal has stalled out for the time being due to several different factors, including personnel changes at the DNR, confusion over necessary permits, hydrology studies, etc. Miller Engineers & Scientists provided (not at the direction of the Town) a meander design in addition to the designs they provided for the culvert, but it did not align with the original goal of restoring the original channel. Currently we are waiting for Nick Legler, Fisheries Biologist from the DNR, and Gary VanVreede from Fish & Wildlife to connect. Merline feels she needs to come back to the Town to get direction before proceeding any further. She is willing to talk to Gary and/or Nick to get the project moving again.

Sohns asked where the miscommunication happened between Miller and the design for the meander. Merline said the Town contracted with Miller Engineers & Scientists to do an H & H on the meander and when Miller presented it they also offered their opinion of what would need to be done to complete the meander project. Their view conflicted with the Town's vision and that of Gary, Van Vreede, of FWS, who was present at the meeting. At this point Gary offered to contact Nick Legler, a fishery biologist at the DNR to discuss the project and we agreed. The meeting between Gary & Nick has yet to happen.

Sohns asked whether a simple plan for the meander is still needed to give the DNR. Merline said she believes that is why VanVreede wanted to talk to the DNR. What is needed is a very simple plan/design.

Sohns also suggested going back to Sarah Szabo at the DNR now that she has been in her role with the DNR a little longer. Perhaps she will be of better assistance now.

Merline suggested going back to VanVreede first for direction. She also noted that his services are free.

Sohns said he would like to see this goal move forward due to the amount of time and resources already invested in this goal.

Merline said the other part of this is the money allotted for the meander was spent to do the H&H study instead of construction

of the meander. Either 1) the Town would need to fund the next step of the meander construction because there is no money left in the grant, or 2) VanVreede told Merline that his organization has money to do the actual construction work (they just don't pay for consultant fees).

Sohns said worst case scenario, funds would have to be identified to conduct a simple study to outline what criteria is needed. Merline felt VanVreede would do that; they don't provide the detailed drawings needed for the DNR permit.

Hackbarth suggested Merline move forward as it sounds like both the Plan Commission and Town Board is in agreement with moving forward. Merline said she will contact VanVreede and report back to Sohns.

D. Work Toward the Raising & Replacement of the Boardwalk Crossings in FC Park

This is a new goal. Merline specifically pointed out the boardwalk crossing on the meander as it is a barrier to the fish passage.

Sohns said he thinks this will be a goal the Town Board deals with in addition to other trail work in town. Sohns said he has the office staff looking into possible grants available for this work. With the addition of the new parking lot he feels it is timely.

Merline asked if it should be kept on her list of goals because it is a barrier to fish. Sohns agreed it should stay on the Plan Commission list and encouraged her to work on it with Parks & Lands as well.

E. Actively Support Park & Lands Reforestation of the Fish Creek with Priority Attention to the Fish Creek Corridor - Ongoing

Merline said this is an ongoing goal. Hackbarth added that 100 trees have been ordered to be planted this spring. At this morning's meeting, the Parks & Lands Committee voted to get bids to cut down an additional 20 dead ash trees. He said the Parks & Lands Committee looks forward to working with the Plan Commission on this goal.

Sohns asked what was done with the trees cut down previously. Hackbarth didn't know. Beth Hagen said they were dropped and left. Sohns stated if downed ash trees were available, his family would be able to saw some boards at their mill for short-term repair of the boardwalk. Johnson pointed out the difficulty might lie in how to access and remove the downed trees without damaging the forest. Sohns asked if the new trees would be planted along the meander or anywhere near where work would need to be done. Merline said she feels there needs to be a plan in place for the meander before new trees are planted in that area so they are not in the way of that work. Hackbarth said 100 trees have been ordered already and asked that the Parks & Lands Committee be notified of any areas to avoid as soon as possible.

F. Actively support Parks & Lands Removal of Invasive Species and Replacement with Native Plants in Fish Creek Park and on Other Town Properties

Hackbarth said approximately 2 acres in Fish Creek Park were cleared of invasive species and those efforts continue. Johnson asked if care is taken to not injure or harm the good plants during the removal of the invasive species. Hackbarth stated the people responsible for doing that work are very careful.

G. Work to Raise Awareness of the Dangers of Coal Tar Asphalt Sealant to Ground & Surface Water

Merline would prefer to go down the positive road by encouraging people to use a positive alternative vs. banning, which is viewed as a negative. Merline said that with the large number of parking lots in the area it might be worth looking into an alternative.

Sohns said, according to John Kolodziej from the County Highway Department, the County has not used anything with cold tar since he became Highway Commissioner. He also said it is very difficult to find a seal coat company that is still using it. Sohns doesn't feel it is a bad thing to make the public aware of this issue, but he questions how big of an issue this is. Suggestion was made to include an article in the Town newsletter or on the Town website to raise public awareness.

H. Research the Possibility of Using the Current Well in Fish Creek Park for the Purpose of Monitoring the Ground Water Levels.

Merline explained that part of the Fish Creek Watershed Plan is putting in monitoring wells to monitor the level of the water table. This would be done in conjunction with monitoring the creek. There is already an existing well in Fish Creek Park that Parks & Lands has considered using. She would like to research the possibility of using that existing well as a monitoring well. The first step entails what is meant by that goal and what is to be measured and how.

Freix asked if the well has been condemned. To the best of the Town's knowledge and research to date it has not. It is just a forgotten well.

Discussion was had about how measurements would be taken. That is to be researched.

Sohns suggested taking the existing well out of the picture and first finding out the reasoning for the measurements, what needs to be measured and how. The next step would be a discussion about whether or not the existing well meets those requirements or if there is another, more accurate method to obtain those measurements. Johnson suggested a shallow point well.

I. Actively Support & Encourage Parks & Lands to Continue to Reduce and/or Eliminate Pesticide, Herbicide & Fertilizer Use in the Town Parks

Hackbarth said the Parks & Lands Committee has been reducing such use more and more. This is an ongoing goal.

Goal 4: Continue to Work with Gibraltar Schools to Plan/Carry Out 5th Grade Field Trip to Fish Creek Park with focus on the Creek & its Wetlands

This was a success last year and the school would like to do this again with the Town this year. In the meantime, the school has also collaborated with the Ridges and currently has a program where students go out into nature once a month with a naturalist.

Hackbarth said Parks & Lands would like the school to be a part of the tree plantings this year. Hackbarth suggested allowing the kids to help plant the trees with adult supervision/assistance.

Goal 5: Request an Update from County Sanitation Department on Oversight of Private Onsite Wastewater Treatment Systems (POWTS) – Ongoing

Merline explained that this is something done every year with the Sanitation Department.

Johnson would like to know if the County has a formal process in place for checking POWTS and if it includes determining the condition of steel tanks. Merline to follow up with the County.

Goal 6: Research/Prepare/Budget for Creation of a 2024 Comprehensive Plan

Merline suggested researching, preparing and budgeting for next year to begin this process. Hackbarth suggested beginning discussions as to how deep changes to the current plan should be, whether subcommittees will be needed, and what the overall process will entail.

Sohns mentioned he has real issues with the current County Zoning and how it doesn't align with the wishes of the Town. He would like to see those issues addressed.

Hackbarth feels the current comprehensive plan doesn't fit the way the Town is today. Blackwood doesn't see a need to start a new comprehensive plan from scratch. Merline would still like to include some visioning and public involvement to see what people feel is important today. The categories contained in the plan would still remain as they are directed by the State.

Sohns asked if the consensus is that the process will involve more than just the Plan Commission making some minor changes to the existing comprehensive plan. Merline said because the life of the plan is set to expire in 2024 public involvement is

necessary to identify what should be changed. The extent to which the old plan is replaced is up to the people. It might also be beneficial to see how surrounding communities approached their updated comprehensive plan.

Beth Hagen mentioned that while she does not have anything against Bay Lake Consulting and Planning, but due to the high cost of their services, she would encourage the Plan Commission to explore additional municipal planners as well.

Hackbarth suggested starting with an RFP for the planners with the additional goal of having a budget number by August. Johnson reiterated the importance of speaking with nearby communities to see how they approached this process.

Goal 7: Research/Evaluate/Pursue Town Zoning

Merline stated this goal, Pursue/Show/Improvement in County Zoning Services, was completed last year and ~~that~~ the Town Board has those recommendations. She questioned whether this goal should be re-worded or eliminated entirely.

Hackbarth said he would like to see the Town pursue the idea of breaking away from County Zoning completely.

Sohns said the change of the sign ordinance makes this issue relevant again and something that should be a priority of the Town. Sohn suggested the Plan Commission contact Mariah Goode at the County to voice the Town's concerns and explain what has started to happen as a result of the overlay being lifted. McKesson said she has already received phone calls about neon signs popping up in town. There is concern about a domino effect taking place (i.e. if one person can do it, so can I.).

Hackbarth said zoning would have to come in house in order to be enforced in house. Sohn said breaking away from county zoning may be the only way to preserve the look of the Town and it needs to be done soon. He suggested that Goal 9 goes hand in hand with this goal, Goal 7.

Merline asked if the goal should be left as is. McKesson and Blackwood suggested re-wording the goal to read "Research/Pursue/Evaluate Town Zoning".

Goal 8 is to be added back onto the list of Plan Commission 2020 goals. Goal 9 (Research/Make Recommendations on Community Housing Solutions for Seasonal Employee Housing/Year-round Family Housing) should also be added back onto the list of 2020 Plan Commission goals.

Sohns was unsure as to why the Plan Commission's recommendations that addressed conditional uses in the Town's exclusive zoning categories was tabled at the last joint meeting. Sohn asked the Town Office to research minutes from the last joint meeting of the Town Board and Plan Commission to see where the conditional use conversation was left.

Sohns suggested the Plan Commission continue to work toward the route of separate zoning, but in the short term, Merline will contact Mariah to see if there is something that can be done about the sign issue. He said *what* people have on their sign isn't the issue with the Town as much as it is the *type* of sign and whether the *type* of sign fits the look of the Town.

Goal 8: Pursue Adjustment of County Zoning to Match the Vision of the Comprehensive Plan

This goal was added back in following the discussion above.

Goal 9: Research/Make Recommendations on Community Housing Solutions for Seasonal Employee Housing/Year-round Family Housing

This goal was added back in following the discussion above.

Goal 10: Manage the Town's Green Tier Legacy Community Commitments

Merline explained that an annual report needs to be submitted to Green Tier. She asked if the Town Board would want that report to be a formal agenda item for their review. Sohn said that would be a good idea.

McKesson suggested adding a "Green Tier Suggestions" form to the town website to encourage public involvement.

Merline said she went to one of the Green Tier quarterly meetings yesterday, but reiterated that she doesn't have to be the one to attend these meetings. Anyone who is interested can, even those from other committees. She said the more people that get involved, the more people will utilize the program.

Sohns asked if the meetings are laid out following an agenda. Merline said the meetings do follow an agenda. Sohns suggested that if there are certain agenda topics that are of more interest to certain committees or members to share that information to get their involvement. Merline added that the meetings are convenient to attend as they are held using regional and satellite meeting locations. Attendees can call in or attend in person.

Goal 11: Gather Ideas/Recommend Action for Meeting the Town's Immediate Economic Needs

Hackbarth said he feels it is time to form a sub-committee of the Plan Commission that is an economic development committee to address some of the goals discussed this evening. He is concerned about the health of the economy in Fish Creek and that there are a number of things that could change that are within the Town's control to help. Blackwood asked for some examples. Hackbarth mentioned the lack of festivals and activities, available services (e.g. transportation/trolley), and the housing issue as a few examples.

Sohns asking if it a zoning issue. Hackbarth said it is in part.

Sohns liked the idea. Johnson said there are things that could be done to enhance the economic development of the town, without changing the essence of the Town. He also said it shouldn't be limited to the business area, but expanding the view to include the rural community too. He said it is important to help the rural area to understand that their taxes aren't low because the Town isn't spending money, but because of the strong village presence and the infrastructure that is in place. Johnson also suggested having a way for part-time residents to be involved in this sub-committee.

McKesson suggested exploring a community technology hub and how something like that could bring the Township together. She would like to see the Township, both the rural and village area, come together.

Hackbarth said the first step will be to draft a charter for the subcommittee and then present them to the Town Board.

Merline asked if there was any additional discussion about the goals. She reminded the Plan Commission that future Plan Commission members should plan to be active participants. This list of goals and the steps that need to be taken might be an opportunity for that to happen again, especially if there are going to be subcommittees tied into these goals.

Set the next meeting date: N/A

Adjourn: *Motion: (Hackbarth, Johnson) to adjourn at 8:07 p.m. Carried.*

Respectfully Submitted,

Sara Rae Lancaster
Administrative Assistant