

**TOWN OF GIBRALTAR  
REGULAR MONTHLY MEETING  
WEDNESDAY JUNE 3, 2020  
GIBRALTAR TOWN CENTER  
4097 HIGHWAY 42, FISH CREEK WI 54212  
7:00 PM**

**Approved: July 1, 2020**

**Call to order:** Steve Sohns called the regular meeting to order at 7:34 p.m.

**Pledge of Allegiance**

**Roll call/quorum:**

Board members present: Steve Sohns, Bill Johnson, Brian Merkel, Tim Luetzgen and Jayson Merkel.

Board member(s) absent: none

**Agenda/proper notice/adopt agenda:** *Motion: (Johnson, J. Merkel) to adopt the agenda with the removal of #15.*

*Carried*

**Approve minutes of previous meeting(s):** *Motion: (Johnson, B. Merkel) to approve the minutes of the regular meeting of May 6, 2020 as corrected. Carried Motion: (Johnson, J. Merkel) to approve the minutes of the special meeting of as amended. Carried*

### **Committee Reports**

**Parks & Lands:** No report.

**Fire Department/EMR:** Chief Bertges stated the May call volume was 11 (down from 16 in 2019). There was a structure fire in Sister Bay that was caused by a patio heater on a deck. Grills and heaters are specifically not allowed on 2nd story decks.

**Law Enforcement:** Officer Roesch reported COVID-19 safety practices are still in place. Forms are being updated and creation of new forms as needed. The DMV will be hosting a Skype meeting for Badger Tracs. The new program will yield cost savings and technical support efficiencies for our department.

**FCCA:** Denise Stillman, FCCA President stated three restaurants have asked for pick-up signs, several members have asked for open signs and the \$1,500 check for picnic tables is on its way to the town. The second batch of cloth masks from the fire department have been received and are being distributed to member businesses for their employees. Most importantly the association is working toward getting the information center open.

**Noble House:** Laurie Buske thanked members who sent in their memberships even though a membership drive was not mailed out. GHA thanks those who ordered bricks for the walkway. The audio tours are up and running, 24/7; you can get a rack card online or at the information center when it opens.

**Airport:** Jon Neville reported that there has been pretty heavy traffic in the last 2 weeks, that means better fuel sales. The airport has had excellent volunteer help the last few weeks getting ready for the season opening. Thanks go out to the many volunteers. A \$30,000 federal stimulus package has been applied for. The Young Eagles Fly In has been postponed until fall.

**Watershed:** No report.

**Planning:** No report.

**Harbor Commission:** Dave Harris stated the dock house will be open limited hours starting May 26<sup>th</sup>. There will be no ice, restrooms, pump outs, transient overnights, or electric pedestal service. Both ramp piers are in. Along the dock, "manufactured stone" will be added to the deck of the dock for safety. Trailer parking is on the street until the boat trailer parking lot is finished.

**Room Tax:** Bill Weddig stated the executive committee continues to educate itself on what is happening on the state level on postponing tax payments. At this point the commission is not taking the stand that tax payments should be allowed to be postponed. Revenue is down at this point.

**Building Committee:** No report.

**Maintenance Department:** Patrick Strantz reported the previous month was not typical with high water and road construction. Cemeteries were Spring cleaned and Wilder Road brushing completed.

**Clerk Report:** Beth Hagen stated Open Book is next Saturday from 10 a.m. until Noon with the assessor at the Town Center.

**Door County Coastal Byways Council:** The application for the All-American Road and National Scenic Byway was completed and submitted. The answer should be received by September.

**Chairman:** Steve Sohns thanked Barb McKesson for her service on the town board and looked forward to her continued counsel. Steve then welcomed Jayson Merkel to his first regular meeting of the town board as a supervisor. On the beach project, Steve Parent is working with DNR for four permits; anticipated scheduling of construction is in the Fall. Maintenance will be directed to fill holes along the shore with good size stone and cover with gravel. The Fish Creek Beach will be cleaned up and ready to go next week.

**Public Comment:**

- Bill Wolff – Questioned if there was an extension on the Redmann property option. The option ended.
- Andrea Kinsey-Jauquet was concerned over when the landscaping is scheduled for the boat trailer parking lot. Also, there is no access for handicapped to the Post Office.
- Don Freix was concerned that the April 21<sup>st</sup> letter to the Governor regarding “Safer at Home” was partisan and did not go far enough in scope.
- Greg Stillman expressed concern about the width of the Auditorium driveway.
- Nancy Sargent gave a positive comment on the new sidewalks.

**Agenda Items:**

**Consideration of Lautenbach Orchard Country tent request:** Lautenbach’s is requesting a larger tent than what has been allowed for the downtown businesses. Chris Lautenbach asked for a 20’ x 30’ tent that would be placed behind the wine bar patio. State reopening guidelines are being followed regarding the pandemic. Johnson felt that if the COVID situation changes with social distancing that the town should be able to direct the tent to no longer be used. The board was in agreement that during this time the town should be as helpful to the businesses as possible. *Motion: (Luetgen, Johnson) that we accept the Lautenbach larger tent request with the stipulation that the town board can say when you can remove it. This is a special case. Carried with B. Merkel abstained.*

**Remove from the table Open and Award bid for Gibraltar Road and Peninsula Players Road:** *Motion: (Johnson, B. Merkel) to Remove from the table Open and Award bid for Gibraltar Road and Peninsula Players Road. Carried*

**Open and Award bid for Gibraltar Road and Peninsula Players Road:** The town board reviewed the bids. *Motion: (Johnson, Luetgen) to approve Northeast Asphalt bid item #2 and 3 with alternates 1,2 and 4. With the completion dates of Bid item dates extended to October 31, 2020. Carried*

**Determination of road project funding:** Sohns stated there is \$100,000 carried from 2019 postponed work on Peninsula Players. 2020 budget shows \$325,000 for roadwork. Cost estimates for road review projects are not in and depending on what is taken on a short-term loan may be needed for Peninsula Players Road.

**Cedar Corporation Project Updates:**

A. WDOT STH 42 Project General Update:

i. Vinton Construction Company – schedule update: The current detour through to Cty F will be opened by Noon on Friday. The balance of the closure the contractor has until June 22<sup>nd</sup>. The sidewalk restoration should be done by Friday. The DOT has scheduled a walkthrough on June 11<sup>th</sup> to develop a punch list. It starts at 1 p.m. Board members are invited and it will be posted. The DOT did a check of all crosswalks along the project. The beach project crosswalks did not have the proper slope and taper and have to be replaced. There is a driveway west of the first crosswalk that is not compliant. With the DOT project the state is requiring that the sidewalks and driveways in the DOT and Beach projects be brought into ADA compliance. Dennis suggested the town replace the portions needed vs. requesting a variance. There may be some give on allowing time for completion for the repair. Sohns stated this would be another issue to be added to SEH performance conversations.

ii. Vinton Construction Company – Payment Request No. 3: Work was completed between April 24<sup>th</sup> and May 22<sup>nd</sup>. Payable \$232,685.38 includes Spruce Street, sidewalk by the post office and library. *Motion: (Johnson, B. Merkel) to approve the \$232,685.38. Carried*

iii. Restoration at islands at Flashing Beacons: The DOT project indicated that it would be topsoil and finishing would be the town's responsibility. Vinton is looking for direction on height of topsoil. Typically, 4" topsoil is specified; have topsoil flush with curbing. Laurie Buske will check further.

iv. Railing proposals: Last meeting a proposal was sent out. Van Lanen Mfg. are primarily aluminum \$15,600, stainless steel \$30,460. Schuh Construction Inc. are only stainless steel \$29,432. Schuh after final design 4-5 weeks manufacturing. Van Lanen aluminum 8-10 weeks, stainless undetermined as a third party would need to be consulted. Schuh does include ball caps. Van Lanen does not include ball caps. Breaks should be in the railing for maintenance. *Motion: (Johnson, J. Merkel) to go with Schuh and include the consideration for breaking up the sections for repair methods and to add the ball caps. Carried*

v. Temporary railing/sidewalk barricade: Sohns said the sidewalk is usable with the barricades.

vi. Update and next steps with STH 42 radar sign: Sohns stated SEH had a radar sign set near the gas station and nothing has been done. The contract is a lump sum of \$12,500 with the RRFB; Jeff Saxby is checking on the split for the balance of the agreement. A DOT permit is needed for the sign which the town can apply for. Two vendors meet the criteria needed: Trafficalm \$4,875 and Elan City \$3,179. The town can do the installation. *Motion: (J. Merkel, Johnson) to go with the Elan City quote for \$3,179. Carried*

#### B. Town Center Projects

i. Roof Downspout update: The project is complete.

ii. Library and Post Office sidewalk update: The project is complete.

iii. Asphalt and curb/sidewalk project – Contract A-20, award bid: One bidder – Vinton bid \$312,335.55; Change order#1 \$49,711.44 Brian Merkel questioned if there was a penalty for not finishing on time. Dennis stated in public work it is the liquidated damage of \$500/day. *Motion: (Johnson, J. Merkel) to approve the Vinton Construction bid amount of \$282,686.53 with a completion date of July 3<sup>rd</sup>. Carried*

C. Parking Lot paving project – Contract B-20, award bid: One bid was received. *Motion: (Sohns, Johnson) to award the bid to Northeast Asphalt Inc. in the amount of \$312,335.55. Completion date of July 3<sup>rd</sup>. Carried B. Merkel opposed.*

D. Maintenance Shop paving project – part of Contract A-20, award bid: Completed.

**Request for additional ATV Routes on certain Gibraltar town roads:** Dick Franke contacted Sohns requesting additional roads to the ATV routes in Gibraltar. Last year West Meadow was approved as a route. Franke stated roads are trying to be tied to Baileys Harbor. Roads requested: Triangle, East Grove East, High Ridge, High Plateau. Andy Coulson and Judith Kalb expressed concern and opposition based on safety, traffic and noise that will increase on Triangle Road. Sara Lancaster and Beth Hagen expressed concern and opposition based on safety, traffic and noise on South Highland Road. Further discussion yielded the regulations that are currently in place. *Motion: (Johnson, J. Merkel) to add these additional roads as proposed into the existing ordinance and revise it to reflect that in there. Review the ATV routes in a year and if there is an issue fix it. Carried*

Joe stated Baileys Harbor has extra signs that the town can purchase and he will take care of the installation. Signs are estimated at \$110.

**Consideration of Parcel # 014-170052 for potential Chambers Island fire apparatus storage:** Sohns spoke with Jon Blahnik regarding the parcel. The size (reduced to 180') and maintenance (normal forestry practices) of the buffer and date of completion (May 2022) were points of discussion. Sohns felt the building should be up next year. Estimates are needed for a new structure. The old department building will need to be taken down. Neither the parking lot nor the lighthouse property are ideal for the fire department building. Costs for the building should be available for the electors meeting. *Motion: (Johnson, Luetgen) to purchase Parcel # 014-170052 for Chambers Island fire apparatus storage for a sum of \$1, motion rescinded, Motion (Johnson, J. Merkel) to put the purchase of the Chambers Island property for the fire storage in front of the town electors for \$1 as soon as possible and that we request the Blahnik's give us the conditional use permission to proceed with that process. Carried*

**WPS Request to Relocate Utility Pole in ROW at 9664 Cty Rd A:** Sohns detailed the WPS request by the Vande Walle's to move the poles off the ROW which would require a substantial number of trees cut. We can stipulate tree cutting on the Airport property to be only those necessary to service the pole. *Motion: (Sohns, Johnson) the town does not want any of the trees cut on our property except to service the pole but any trees that Vande Walle's want to cut on their property is their issue. Carried*

**2020 Road Review Findings and Determinations:** Sohns said there is more maintenance than asphaltting.

- Pull out asphaltting and get a price: Cottage Row, Island View, Cemetery
- Prices for chip sealing
- Wandering Road lateral crack warranty job by the County
- Second lift on Spring Road, may have pitch issues there
- Determine a number for graveling and crack filling
- Breaker run and gravel for Chambers Island, 90 yards \$4,500 *Motion: (Johnson, J. Merkel) approve the 90 yards of breaker run and gravel for \$4,500. Carried*
- Town Road 68 - have the county check what needs to be done

Numbers to be brought for next month.

**WPS Pole Ordinance update:** Currently wood poles are the standard for installation unless specified by ordinance. The cost difference between the trident poles and wood poles \$10-15,000. if the town is requiring it should the town cost share. Brian stated it is cheaper to bury, he would not vote in favor of an ordinance. Sohns stated if there is a trident pole ordinance it does not stop someone from going underground. *Motion: (Johnson, J. Merkel) to table for further discussion. Carried*

**Adopt Tower Ordinance No. 2020-01:** Sohns gave an overview of the clarification changes made to the ordinance. *Motion: (Johnson, Sohn) to adopt Ordinance 2020-01 Tower Siting. Carried*

**Approval of 2019-2020 Operators Licenses:** There were none.

**Approval of 2020-2021 Operators Licenses:** *Motion: (Johnson, Luetzgen) to approve the 2020-2021 Operators Licenses as presented. Carried*

**Disposition of old Fire Truck used for watering:** Sohns stated this came up during road review; it leaks. Strantz said to sell the truck. *Motion: (Johnson, B. Merkel) to dispose of the 1960 Chevy Fire Truck at auction. Carried*

**Approval of 2020-2021 Cigarette Licenses:** *Motion: (Johnson, Sohn) to approve the 2020-2021 cigarette license for Dockside Enterprises Inc. Carried Motion: (Johnson, Luetzgen) to approve the 2020-2021 cigarette license for Bad Eleven Provisions LLC. Carried Motion: (Johnson, J. Merkel) to approve the 2020-2021 cigarette license for Jacobson Enterprises Inc. Carried*

**Consideration of 2019-2020 temporary liquor license description changes through 6/30/2020:**

Dockside Enterprises: *Motion: (Johnson, Luetzgen) to approve the amended map less "F". Carried*

Gibraltar Grill: *Motion: (Johnson, Luetzgen) to approve the amended map. Carried*

Greenwood Supper Club Inc.: *Motion: (B. Merkel, Johnson) to approve the amended map for the supper club. Carried*

**Approval of 2020-2021 Liquor Licenses and associated temporary description requests:**

*MOTION: (Johnson, Luetzgen) to approve a Class "B" Beer and "Class C" Wine License to Gibraltar Grill, Inc. with the modified description and map to sunset on November 2, 2020 with the license reverting to the original approved map through 6/31/2021. Carried*

*MOTION: (Johnson, Luetzgen) to approve a "Class B" Combo License to Dockside Enterprises Inc. (Bayside Tavern) with the modified description and map to sunset on November 2, 2020 with the license reverting to the original approved map through 6/31/2021. Carried*

*MOTION: (Johnson, Luetzgen) to approve a Class "B" Beer License and a "Class B" Winery License to Lautenbach's Orchard Country Inc. with the conditional map change until November 2<sup>nd</sup>, 2020 afterword the license will revert to the original map through 6/31/2021. Carried*

MOTION: (Johnson, B. Merkel) to approve a "Class A" Liquor and Class "A" Beer License to Jacobson Enterprises Inc. (Fish Creek BP). Carried

MOTION: (Johnson, Luetzgen) to approve a "Class A" Liquor and Class "A" Beer License to Salt + Cedar LLC. (Fish Creek Market). Carried

MOTION: (Johnson, Luetzgen) to approve a "Class A" Liquor and Class "A" Beer License to Hide Side Ltd (Hide Side Corner Store). Carried

MOTION: (Johnson, Luetzgen) to approve a "Class A" Liquor and Class "A" Beer License to Bad Eleven Provisions LLC (Bison Bison). Carried

MOTION: (Johnson, Luetzgen) to approve a "Class A" Liquor and Class "A" Beer License to Loretta Robertoy (Hyline Orchard Farm Market). Carried

MOTION: (Johnson, Luetzgen) to approve a "Class A" Liquor and Class "A" Beer License to Joyce Adent (Lagniappe of Door County, LLC). Carried

MOTION: (Johnson, Luetzgen) to approve a "Class A" Liquor and Class "A" Beer License to Alpaca to Apparel LLC. Carried

MOTION: (Johnson, B. Merkel) to approve a "Class A" Liquor and Class "A" Beer License to Fish Creek Campground & RV LLC. Carried

MOTION: (B. Merkel, Luetzgen) to approve a "Class A" Liquor and Class "A" Beer License to White Cottage Red Door LLC. Carried

MOTION: (Johnson, Luetzgen) to approve a "Class B" Combo License to Door Inc., (English Inn). Carried

MOTION: (J. Merkel, Johnson) to approve a "Class B" Combo License to Peninsula Players Theatre Foundation Inc. Carried

MOTION: (B. Merkel, Johnson) to approve a "Class B" Combo License to Greenwood Supper Club Inc. with the conditional map change until November 2<sup>nd</sup>, 2020 afterword the license will revert to the original map through 6/31/2021 Carried

MOTION: (J. Merkel, Luetzgen) to approve a "Class B" Combo License to Blind Dog Inc., (Juniper's Gin Joint). Carried

MOTION: (Johnson, Luetzgen) to approve a "Class B" Combo License to Alexander's of Door County, Inc. Carried

MOTION: (Johnson, Sohns) to approve a "Class B" Combo License to Summer Kitchen Inc. (Fish Creek Grill). Carried

MOTION: (B. Merkel, J. Merkel) to approve a "Class B" Combo License to DLD Enterprises LLC, (Barringers). Carried

MOTION: (B. Merkel, Johnson) to approve a Class "B" Beer and "Class C" Wine License to Unkefer Inc. (Wild Tomato Wood Fired Piz̄za & Grill) Carried

MOTION: (Johnson, Sohns) to approve a Class "B" Beer and "Class C" Wine License to Peterson of Door County Inc., (Pelletier's Restaurant). Carried

MOTION: (Johnson, J. Merkel) to approve a Class "B" Beer and "Class C" Wine License to WGI Inc. (White Gull Inn). Carried

MOTION: (Johnson, Luetzgen) to approve a Class "B" Beer and "Class C" Wine License to Cookery Inc. Carried

MOTION: (Johnson, J. Merkel) to approve a Class "B" Beer and "Class C" Wine License to MOJO Real Enterprises II LLC (Villaggio's/Bangkok). Carried

MOTION: (Johnson, J. Merkel) to approve a Class "B" Beer and "Class C" Wine License to Julie's Park Caf̄e & Motel LLC. with the modified description and map to sunset on November 2, 2020 (lawn by Shore Road temporary) with the license reverting to the original approved map (motel lawn with gazebo to be included on original map) through 6/31/2021. Carried

MOTION: (Sohns, Johnson) to approve a Class "B" Beer and "Class C" Wine License to Whistling Swan Hotel, Inc. with the modified description and map to sunset on November 2, 2020 with the license reverting to the original approved map through 6/31/2021. Carried

MOTION: (Johnson, Luetzgen) to approve a Class "B" Beer and "Class C" Wine License to Taco Cerveza, LLC (Taco Cerveza). Carried

MOTION: (Johnson, Luetzgen) to approve a Class "B" Beer License to Peninsula Gun Club Inc. Carried

MOTION: (Johnson, Sohns) to approve a Class "B" Beer License to Hands On Studios, Inc. using last year's map. Carried

MOTION: (B. Merkel, Johnson) to approve a Class "B" Beer License to Gallant Management Group LLC (Settlement courtyard Inn). Carried

**Payment of bills:** Motion: (Johnson, Luetzgen) to approve the bills for payment as presented. Carried

**Adjourn:** *Motion: (Johnson, Luetzgen) to adjourn at 12:23 a.m. Carried*

Respectfully submitted,

Beth Hagen, Clerk