

**TOWN OF GIBRALTAR
REGULAR MONTHLY MEETING
WEDNESDAY, MARCH 1, 2023
GIBRALTAR TOWN CENTER
4097 HIGHWAY 42, FISH CREEK WI 54212
7:00 PM**

Approved: April 12, 2023

Call to order: Steve Sohns called the regular meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll call/quorum:

Board members present: Steve Sohns, Bill Johnson (via zoom), Jayson Merkel, Brian Merkel, and Karl Stubenvoll.

Board member(s) absent: clerk, Kelly Murre.

Adopt agenda: *Motion: (Stubenvoll, Johnson) to approve the agenda as presented. Carried.*

Approve minutes of previous meeting(s): *Motion: (B. Merkel, Stubenvoll) to approve the minutes of the February 1, 2023, regular meeting, as written. Carried*

Committee/Commission Reports:

Parks & Lands: Buske reported that the committee is working on preparing for the upcoming season.

Fire Department/EMR: Bertges reported that Winterfest went well. Worked with PD and the drone and did a couple ice rescues. A hiker was lost in the Ephraim swamp, successfully recovered. Chainsaw 3 and 4 training classes were completed. Capt. Merkel is working on the 509 truck, two of our trucks are up for sale, and we have two interested parties at this time. The At-risk population list only has 2 people on it, if we can get up to 6 that would be great. An AFG grant application was submitted for an engine on Chambers Island. Looking to set up a Driver-Operator course for 4 fire fighters. The department is working with Pierce on the new engine design, delivery date around October 2024. Bertges will attend training in March.

Law Enforcement: Training was attended fulfilling state requirements. Winterfest went without incidents. Reps from T-Mobile met with public safety and presented upcoming infrastructure changes that could benefit the county. We will look if the changes have any benefit in the future. Working on updating some police department IT equipment.

VFC: No report

Noble House: Buske reported completed all things chocolate, completely cleared out. We had over 50 volunteers and surpassed our sales from 2 years ago. It was a huge success and thanked the community. Working on events and outreach to the school. **Airport:** Sohns read submitted report from Drajesk, we have finished negotiations with the seller of the property to the immediate southwest of the airport along Maple Grove Road through the WI Bureau of Aviation and closing is expected in early May (due to BOA processes taking 6-8 weeks). We have signed letters of intent for 2-3 of the 6 hangars planned. We are hoping for late Summer/Fall for construction to begin with clearing of the lot/trees beforehand. The airport has been plowed quickly after every snowstorm, with a repair to the tractor required recently.

Watershed: Merline said she was contacted by DNR to get started on testing and verifying we are still participating. The data submission website will also be updated. A contact from the Shed Aquarium contacted her about monitoring the suckers, Merline updated her about the fish ladder. Karen from the Aquarium will come up here on March 11th to place instruments in the Creek to collect the data.

Plan Commission: Merline said the committee has been working on the Comprehensive Plan, a draft was sent to Brandon at Baylakes Regional planning. The committee is hoping to meet March 7

at 6pm to add another chapter to the plan and address the vision statement. Then everything will be sent to Baylakes for completion, at the end of March the plan will be unveiled so that people can look at it and give input.

Harbor Commission: Harris reported the Harbor Commission is set for staffing. Four slips turned over, and reassignments are almost completed, other discussion is on the agenda.

Door County Tourism Zone: Cain-Bieri nothing new to report.

Building Committee: Stubenvoll reported the committee looked at replacing concrete around the community center and carpeting for many of the buildings and buying the materials in bulk. We are still waiting for carpet bids and concrete is on the agenda.

Coastal Byways: None

Clerk: Murre absent. Cain-Bieri reminded everyone of the April 4th primary, please request your absentee ballot early if you are going to vote absentee.

Treasurer: Cain-Bieri reported that DDC has reimbursed the town for the Tourism Zone Admin fees for \$51,644. We no longer must provide receipts for the reimbursement. The town received another donation for the playground, we are now at \$14,600 of the \$14,811.22 cost. Business and STR licenses delinquent notices are going out next week.

Administrator: Thyssen reported staff has been looking up grants. We sent out the RFP for the waterfront consulting firm, staff will be reviewing them. The internet committee has sent out their RFP and we have been fielding questions. The committee will be meeting and putting together a point system for evaluation. Maintenance has been busy with storms, and one of our maintenance personnel took a new job so we are down. Kudos to the 2003 Comprehensive plan committee as they put together a solid foundation for continuing the plan now.

Chairman: Sohns said the Town Advocacy Council committee is finalizing plans for lobbying. One focus will be reevaluating and changing the shared revenue aid. Another item mentioned was talking about making it easier for municipalities to change speed limits. There is also a push for towns to break from county zoning every 10 years.

Public Comment: Nancy Sargent read and submitted a public comment, “I am pleased to know, as are many citizens, that the board is moving ahead by hiring a firm to acquire “best uses” of the Kinsey property. I am assuming you are including the Retreat property purchased some years ago in this discussion as well. Neither of these properties were ever purchased to become parking lots. We need to find a solution in getting visitors, workers, and boaters to USE a parking lot designed for the downtown overflow. That is another discussion. However, It is important that the citizens that pay the taxes have equal use of THEIR waterfront. I am assuming there will be a timeline forthcoming with citizen input before any decisions are made.”

Judith Kalb supports what Nancy Sargent said. Strongly support the connectivity trail and drawing that sort of tourism to our township and county is more sustainable and will enable us to protect the beauty and character of the village.

Mike McCarthy, Village Green Lodge, Ephraim, the connectivity trail is critical for the community. The trail could be an intermodal system for workers, the trail system could get them to and from the downtown areas more safely and a wonderful asset for tourists.

Special Event Request w/ Temporary Picnic License: Peninsula School of Art Plein-Air Festival: Ginny Sowinski was at the meeting for Peninsula School of Art. The picnic license is for the week of the festival and the event will be much like in years pasts. There were parking problems last year. Staff asked for no parking on County F, appropriate signage, and allow for emergency access to the building at all times. *Motion: (B. Merkel/Stubenvoll) to approve the picnic license, accommodating the requests of the town staff. Carried.*

Special Event request: Visit Fish Creek Concerts in the Park: *Motion: (Stubenvoll, J Merkel) to table since no one from Visit Fish Creek was present. Carried.*

Special Event Request w/Temporary Picnic License: Northern Sky Theater Raise the Curtain May 27, 2023: *Motion: (B Merkel, J Merkel) to approve the Northern Sky Theater Raise the Curtain event and Temporary Picnic License. Carried.*

Application for Temporary Picnic License: Northern Sky Theater Fundraising Event, July 23, 2023: Holly Feldman said this is the 25th anniversary of “Guys on Ice.” This event will celebrate the anniversary. *Motion: (Stubenvoll, J Merkel) to approve the Temporary Picnic License for Northern Sky on July 23, 2023. Carried.*

Set Road Review Date: Staff recommends doing it early to set priority for bidding. Road review set for March 20th at 6 am.

Consideration of Reserve Liquor License and Fees: Administrator Thyssen gave a background of the correspondences between the Town, Town Attorney, and the Dept of Revenue (DOR). A letter was sent to the DOR asking if we could issue the 9th license (reserve). There were correspondences but not a clear “yes” or “no” answer from the DOR. Attorney Gagan, said the key document is the minutes from 1999 where the board voted to issue the license. The license was put on the shelf and never issued to an establishment. We cannot issue the above quota license until the reserve is issued. Sohns said it has come up at least twice that we have a reserve license. Thyssen said his interpretation was that the DOR had their own process of muddled affairs with issuing the licenses and rescinding, so the DOR is reluctant to say “yes” or “no” but agreeing that if we issue the 9th license, we can issue an above quota license. The DOR never said not to issue the license, legal assumption is that the board issues the license. Thyssen said if the board wants to move forward staff will do the necessary research to amend the ordinance and look at reasonable fees, just want to establish whether we want to issue the reserve. Thyssen will have a signed directive to the clerk by the board to issue the reserve license.

Motion: (Johnson, Sohns) to direct staff to research the ordinance and value and bring it back to the board for approval. Carried.

Consideration of Above Quota Liquor License (Discussion only, no action to be taken): If the town issues the reserve liquor license an above quota liquor license could be available to qualifying applicants. An above quota license is only offered to 1) a full-service restaurant that has a permanent interior seating capacity of 300 or more persons, 2) a hotel that has 50 or more rooms of sleeping accommodations with either an attached restaurant (seating capacity of 150 or more persons) or a banquet room (banquets attended by 400 or more persons may be held) 3) An opera house or theater for the performing arts operated by a nonprofit organization qualified as a section 501(c)(3) tax exempt organization. Staff will move forward with researching fees and updating the ordinance accordingly.

Building Committee Recommendations: Stubenvoll said we have concrete issues around the community center due to drainage issues. The damage and lose material need to be replaced and add a handicap ramp near the post office entrance. We only received one quote from David Schleicher for \$14,000; but it was difficult to find contractors. Thyssen said staff calculated the square footage and felt the price was reasonable. The Building Committee recommends moving forward with the repairs and approve the quote. The base will be compacted, and rebar will be used. The other item was replacing carpeting with 2x2 carpet squares, but more bids are coming in. The committee is considering ordering in bulk for better pricing, with an installation later as the budget permits. *Motion: (B. Merkel, Stubenvoll) to accept the quote for concrete repairs around the town community center. Carried.*

Destination Door County Grant List: Staff is compiling a list with ideas from town committees and commission, please bring your ideas to the office.

Report on 25MPH Speed Limit on Gibraltar Bluff Rd: Thyssen said at the last meeting it was approved to change the speed limit to 30 mph, but it was never previously recorded on the speed limit ordinance. So, Chief Roesch will compile a report and speed study to bring back to the board and then we can set the appropriate speed and amend the ordinance. The town will now handle the process within recommendation of Wisconsin towns and legal. Tom Birmingham recommended reviewing the speed on upper Cottage Row. B Merkel asked to have the speed study done in July for accuracy since it is busier.

Harbor Commission Gravel Parking Lot Recommendation: Harris said we currently have 24 parking spots for 64 moorings and approx. 60 slips. Last year when we had it permit only, towards the end of the summer we became aware that it wasn't being utilized especially during the week and asked the board to open it up to the public. Staff and law enforcement have looked at this and recommended splitting the lot between public parking and dock. Thyssen said we learned a lot last year during the trial year. Chief Roesch said he thinks it is a good idea to allow the public in and will put less pressure on the Harbor staff. Johnson asked for clarification if the Harbor Commission controls the parking lot for the slip holders and those using the dock. Sohns said at this point it has been recommendation from Harbor to the Town Board. Thyssen said that by purchasing the property we assumed 28 more slips and no more parking acquired but more parking needed to accommodate the slips. A time restriction on parking is difficult for law enforcement to regulate and control. Chief Roesch said he relies heavily on the dockmaster and staff to help regulate the parking lot. Judith Kalb reminded the town of the annual meeting when the property was purchased with the intention for that property NOT to be a parking lot. She said the large parking lot should be utilized and we should encourage the usage. Sohns said this will be a big part of the discussion with the consultant that is hired for the waterfront property. Kathy Diltz echoed Kalb and asked for more signage and education for the large public lot.

Motion: (Johnson, Stubenvoll) to allow the gravel parking to be half dock permit parking and half public lot from Memorial Day-Labor Day for the 2023 season. Opposed B Merkel and J Merkel. Carried.

Connectivity Trail Proposal: Thyssen said staff recommends working with Baylakes Regional Planning to collaborate with the town and apply for grants and get feasibility and public involvement to create a plan. *Motion: (B Merkel, Sohns) to support staff recommendation regarding the trail plan. Carried.* Sohns recommended reaching out to the county board to encourage involvement.

Report on Mobile Vending Ordinance, Application and Fee Schedule: Thyssen said most of it is written and has been sent to the attorney, the full documentation will be ready for the April meeting. We currently have two applicants interested in operating in the town. Thyssen will send out the draft to the supervisors when it is available.

Consideration to allow Dockmaster onsite rental: Thyssen said the topic has come up again to allow the dockmaster. Last year when issues arose the dockmaster was able to respond quickly. Staff is impartial. Staff recommended an increase in rent to help offset the utilities. Harris said when the weather is bad it is nice to have someone there. B Merkel said that last year it was supposed to be for one season only and will not support it. *Motion: (Johnson, Stubenvoll) accept staff recommendation for the 2023 season to offer rental to dockmaster with the recommended increase to \$650/month. Opposed B Merkel, J Merkel. Carried.*

Consideration of Bids Approval/Denial for Fire Department Breathing Air Compressor System: Chief Bertges said we received a grant for \$44,000 for the compressor and received one bid back. One party did not follow proper procedure. McQueen's quote was.

\$47, 217, 10% more than was obtained by the grant and does not include the electrical work. Chief Bertges recommends accepting the MacQueen quote with the following changes: Utilize our existing cascade system bottles and save \$10,560, upgrade the compressor to a 4-stage, saving \$3,927. This brings the new total to \$40,584 which allows \$3416 in remaining grant funds for the electrical work. Sohns asked what it costs to fill the tanks now. Bertges said about \$750. Approx. every 4-6 weeks we must have our tanks topped by Sister Bay. Electricity is an allowable use under the grant. The \$2000 match has already been budgeted. Thyssen said the compressor would allow the department to assist neighboring communities as well. The current bottles we have are good for 10 years. Bertges will confirm with the AFG that our existing bottles are compliant. *Motion: (Johnson, J Merkel) to accept McQueen bid with the suggested changes made by Bertges. Carried.*

Consideration of Contract with Awarded Party for Fire Department Breathing Air Compressor System: *Motion: (Johnson, J Merkel) to accept contract proposal based on fire chief recommendation. Carried.*

Approve the Payment of Bills: *Motion: (Johnson, Stubenvoll) to approve the payment of bills. Carried.*

Adjourn to closed session according to Wisconsin State Statutes 19.85(1)(e)(c): *Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the government body has jurisdiction or excises responsibility- Employee compensation. Deliberating or negotiating the purchasing of public properties, investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session -Consideration of property acquisition. Motion: (Stubenvoll, J Merkel) to enter closed session via roll call vote. Carried.*

Reconvene to open session pursuant to State Statute 19.85(2) to take any action(s) or adopt resolution on issues discussed in closed session: *Motion: (J Merkel, Stubenvoll) to enter open session. Carried.*

Approve action(s) taken in closed session. *Motion (Johnson, J Merkel) to pay out accrued Comp and PTO time for Bob Bittorf. Carried.*
No other action taken in closed session.

Adjourn: *Motion: (B Merkel, Stubenvoll) to adjourn at 9:16 p.m. Carried*

Respectfully submitted,
Theresa Cain-Bieri, Treasurer