

**TOWN OF GIBRALTAR  
REGULAR MONTHLY MEETING  
WEDNESDAY, MAY 3, 2023  
GIBRALTAR TOWN CENTER  
4097 HIGHWAY 42, FISH CREEK WI 54212  
7:00 PM**

**Approved: June 7, 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, Vinni Chomeau, and Tom Birmingham

Board member(s) absent: None

**Adopt agenda:** *Motion: (Birmingham, Chomeau) to approve the agenda as presented. Carried.*

**Approve minutes of previous meeting(s):** *Motion: (Johnson, Merkel) to approve the minutes of the April 12, 2023, regular meeting, as amended, Chomeau and Birmingham abstained. Carried*

*Motion: (Johnson, Merkel) to approve the minutes of the April 24, 2023, public hearing, as written. Carried*

**Committee/Commission Reports:**

**Parks & Lands:** Buske reported P&L has received another donated bench for the cemetery, working on CORP plan, May 12<sup>th</sup> is the FOG event.

**Fire Department/EMR:** Chief Bertges reported 17 calls in April. ½ of the calls were lift assists. Have an interested party in the purchase of Engine 08. Little fire in Liberty Grove, assisted in water supply. Some members completed driver ops training. Open water rescue taught to Washington Island Fire. Participated in Healthy kids' day for the YMCA. Working on Child Abduction Response Training class. Working with Pierce on the new truck. Half marathon is this Saturday.

**Law Enforcement:** EMR recert has been completed. Working on WPS grant. Defective antenna replaced on the squad.

**VFC:** Lancaster reported their member spring social is May 16<sup>th</sup> at 4:30 pm. Concerts in the Park lined up for the season. New rack card with QR codes have arrived.

**Noble House:** Buske reported busy planning for the season, unveiling wedding dresses and customs. Membership drive is going strong.

**Airport:** Drajesk reported the Airport will be open for Memorial Day. Closing on the adjacent property has been pushed to June. Engineering firm has been named for runway and taxiway. June 3<sup>rd</sup> is Young Eagles event. Can pre-register through the EAA website. 2 warbirds will also be coming in that day.

**Watershed:** Merline reported wrapping up participation with the Shedd Aquarium. Will start monitoring May 10<sup>th</sup> for the season through October. Creek level is very low.

**Planning Commission:** Merline reported the Commission met with BLRP and focused on future land use. Will meet May 9<sup>th</sup> to finalize the draft this month. Then 30-day display for public input.

**Harbor Commission:** Murre reported the dock is preparing to open the weekend before May 15<sup>th</sup>.

**Door County Tourism Zone:** Thyssen reported the commission is working on the grants.

Yesterday they disclosed each municipality will get extra money for parks.

**Building Committee:** Stubenvoll stated the committee did not meet. New concrete at the post office is in and the updated bathrooms at the Old Town Hall will soon be open.

**Coastal Byways:** Murre reported the Coastal Byways is working on the coloring book update and will be sending out a letter to sponsors.

**Broadband Ad-Hoc Committee:** Wessels reported responses were received from the RFPs. Will be inviting them in this month for interviews. Hoping for a recommendation in July.

**Clerk:** Murre reported liquor license renewals are due May 15<sup>th</sup>.

**Treasurer:** Cain-Bieri reported she attended the MTA conference last week. Was awarded a partial scholarship to the treasurers' institute in July.

**Administrator:** Working on the closing of the property purchase. A few grants look very promising. Need to schedule a vote of the electors. Staff will have a kick-off meeting on Friday. Maintenance has been spring cleaning and will be mulching next week.

**Chairman:** Sohns welcomed Vinni Chomeau and Tom Birmingham to the Board. He thanked Stubenvoll and B. Merkel for their service. The lower Redmann property plan with hopefully all grant funding is moving forward.

TAC shared revenues formula is going to get changed at the state. Will be in Madison tomorrow to testify in front of the assembly.

Next week will be going to Washington DC.

Johnson asked about Cedar Ct ROW issues.

**Public Comment:** None

**Consideration of Resolution 2023-01 to initiate process to layout or alter a roadway – Sugar Bush**

**Road Extension:** Susan Bratt asked if the road could be 15 ft road width. Fire dept driveway ordinance requirement is 16 ft. *Motion: (Johnson, Merkel) to approve the Sugar Bush Rd layout at a 16ft width with shoulders. Carried.*

**Consideration of property owner agreement to extend Sugar Bush Road:** *Motion: (Merkel, Birmingham) to approve entering into an agreement with the property owners. Carried.*

**YMCA Yoga in the Park:** *Motion: (Birmingham, Chomeau) to approve in the Kinsey Park with cost of \$25. Carried.*

**Determine Reserve Liquor License Issuance Procedure:** Andy Coulson in favor of the Board take an active interest in the location of the reserve license and issuing it to benefit the Town in the best way possible. Thyssen stated needs to be treated fairly.

Scott Schmitz also in favor of the board having a part and not leaving it up to chance.

*Motion: (Birmingham, Johnson) that the board review the applications on the merit of the business. Carried*

Staff will compile a report of the applicants.

**Board Approval of Direction of Liquor License:** Clerk Murre is wanting a directive from the Board to issue the Reserve License. *Motion: (Johnson, Birmingham) to approve the declaration to issue the reserve license. Carried.*

**Consider 2023 Road Work/ Approve 2023 Road Bids:** Thyssen reported 4 roads were of the lowest PACER scale ratings. Northeast Asphalt (NEA) will have a temporary plant in the northern door, leading to reduced cost. The 2023 budget does allow for this work to be completed. Sohns would still like to complete the road review. Debbie Eckert stated Highland Rd is a disaster.

*Motion: (Merkel, Johnson) to have NEA do the asphalt reconstruct of Juddville Hill Rd, Gibraltar Bluff Rd & Peninsula Players and Door County Hwy do Clark Bluff Circle. Carried*

*Motion: (Sohns, Merkel) to utilize TUF to help pay for the projects. Carried.*

**Resolution 2023-03 To Allow for a Quorum of the Town Board to attend Town Meetings Virtually:**

Steve would like exceptions to suspend the rules to allow it. Johnson stated he would resign from the board if virtual attendance wasn't allowed.

Commissions and Committees at the discretion of the chair of the committee.

*Motion: (Birmingham, Chomeau) to discontinue virtual participation among supervisors. To include case by case approval if someone is involuntarily disposed. Carried, Merkel, Johnson, and Sohns opposed. Motion Fails.*

*Motion: (Chomeau, Merkel) to allow supervisor virtual attendance up to 6 times a term. Carried.*

**Amend Ordinance 2022-24 Noise to include Sunday:** *Motion: (Merkel, Chomeau) to amend ordinance 2022-24 to include Sunday. Carried*

**Dark Sky/Light Pollution Guidelines and Best Practices:** There is nothing we can do to enforce what people can do on their property. The Plan commission has created a brochure of best practices and will work with the building inspector. Johnson suggests communicating with the neighbors. Buske suggested adding to the newsletter. Kudick suggested including best practices be included with STR applications.  
Add timed lighting to the brochure.  
Chomeau suggests an ordinance as an education piece.

**Plan Commission Recommendation Re: Rezoning Parcel #014-02-33312713E, 3815 CTH F:** Merline summarized the Plan Commission recommendation.  
Concerned about unanswered questions. Concerned how to keep it from becoming tourist housing. 3 in support, 2 opposed. Motion did pass with recommendation to support. A point was made to let it play out to see where it goes.  
Sohns opened the floor to any new information.  
Linda Birmingham stated last summer and fall the smell can be terrible at times. Sewage odors can contain harmful pollutants. The density is a lot for that parcel.  
Richard Untch posted an online petition with 165 individuals in opposition. 42 property owners in Fish Creek and 8 Northern Door County.  
Chomeau clarified the applicant for the rezoning is the Michael Niss on behalf FCSD, separate from the Town. Consent was given by the FCSD to pursue.  
Wouldn't the Town want to wait for the Comprehensive Plan to be complete.  
The parcel stays rezoned for perpetuity.  
The owner would still be the Sanitary District.  
Comment made about the buildings being a better buffer. But what would buffer the new buildings.  
Johnson the trees are not buffering.  
Sohns stated being FCSD property they would still have control over the property. The buffering that is proposed may be better than what is already there.  
Niss showed the board the area of natural buffer.  
Tom Birmingham wrote Bill Weddig and read a letter from him that provided background. Buffering should remain a buffer. Has issues with the process that the developer has applied for the zoning change. The Town and planning committee should have reviewed before the request went to the County.  
Johnson left the meeting at 9:30 PM  
Would recommend Mr. Niss withdraw his petition.  
*Motion: (Birmingham, Chomeau) to deny support of the petition. Tie vote, motion fails, Merkel and Sohns opposed.*

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

**Adjourn to closed session according to Wisconsin State Statutes 19.85(1)(e)(c):**

- Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved
- Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: Employee Review

*Motion: (Merkel, Birmingham) to enter closed session at 10:16 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: (Merkel, Chomeau) to reconvene to open session at 11:08 pm. Carried*

**Approve action(s) taken in closed session.**

*Motion: (Merkel, Chomeau) to sign the agreement with SEH. Carried*

**Adjourn:** *Motion: (Birmingham, Chomeau) to adjourn at 11:08 p.m. Carried*

Respectfully submitted,  
Kelly Murre, Clerk