

Minutes
Village of North Bay Board of Trustees Meeting
July 13th, 2020 - 7 PM



Due to the COVID-19 Pandemic, the Board of Trustees met virtually via GoogleMeet. Those wishing to listen and/or present Public Comment attended via the GoogleMeet.

Roll Call | President Mellem called the meeting to order at: 7:02 PM

Attendees | Visual Attendees: President Roger Mellem, Trustee Paul Schroeder, Trustee Rick Cermak, Constable Kristin Wright, Treasurer Robert O'Brien, Clerk Dori Panthofer

Other Attendees | Audio Attendees: Resident Karen Horwitz (owner of 3733 & 3721 Lighthouse Dr.) resident Richard Schmitt (3740 Lighthouse Dr). Nate Austin (Johns Disposal) switched from an Audio Attendee to a Video Attendee during his presentation.

Public Comment | Public Comment Guidelines read aloud.

7:05 PM: Karen Horwitz (3733 & 3721 Lighthouse Dr.) | TOPIC: Stormwater damage related to Lighthouse Drive stormwater flow. Ms. Horwitz thanked the Village for a timely response to her records request and informed the Board that she retained Attorney John Bjelajac of Racine to assist her in resolving the matter and that Attorney Bjelajac will contact the Village Board and Village counsel to address the issue. "Attorney Bjelajac will be my spokesperson from this point forward." At 7:06 PM, Ms. Horwitz stated "That concludes my Public Comment."

Clerk Panthofer asked Mr. Schmitt if he planned to present Public Comment. Mr. Schmitt's phone number was no longer visible and he did not respond.

Public Comment ended at 7:08 PM.

Nate Austin, Johns Disposal Account Manager

Mr. Austin activated his camera. President Mellem invited Mr. Austin to offer additional information related to his June 9th, 2020 letter to North Bay regarding proposed changes in the waste management agreement. Currently, Johns has one remaining manual recycling collection truck that is only dispatched to North Bay. The proposal includes the same weekly manual style of garbage collection but changes recycling to fully automated bi-weekly collection. A 95-gallon recycle cart would be delivered to each residence and collection is limited to what fits in the container. Johns will work with Village staff to notify residents of the change and deliver a cart and service information to each home.

With the acceptance of the change to bi-weekly automated recycling collected, Johns Disposal will hold the rate for a year and to continue to offer service.

President Mellem asked for clarification of the following language: Johns Disposal proposes entering into a new service contract (thru 12/31/2025). In exchange for a new contract, Johns will hold your current 2020 rate through the end of 2021. President Mellem asked: Is the new 5 year contract driven by this extension? It seems you're tying the contract extension with another 5 year contract."

Mr. Austin stated it's one and the same; it's semantics for your Village Attorney. We can either extend the existing agreement for 5 years or enter into a new contract.

President Mellem stated the letter addresses two different things: 1) A one year extension that changes the recycling service and 2) A separate contract that would go for another 5 years.

Mr. Austin stated that Johns would like to enter into a new 5 year contract that would begin January 1st, 2021 that runs for 5 years. Starting with the new contract, recycling collection would change. It is not a one year extension, it's a new 5 year deal, all other terms and conditions of the current agreement would remain the same.

President Mellem requested a full formal proposal for legal review.

President Mellem addressed the mechanics of the cart size (96 vs. 48 gallon). "Do the residents have the option of selecting the size?" Mr. Austin stated that for ease of delivery, Johns typically provides the 96 gallon cart to every resident. However, Johns will gladly accommodate residents who prefer to start with the 48 gallon car. If the village provides a list of residents who cannot manage a larger cart, Johns will provide a smaller cart.

President Mellem would like to poll the residents to determine the cart size preference for each resident. Following the August election, Clerk Panthofer can create a Google Form that combines the cart size poll and Village directory update. Johns will accommodate resident preferences.

Approval of the June 11th, 2020 Wind Point/North Bay Joint Board of Trustees Meeting Minutes

Motion to approve the June 11th, 2020 Win Point/North Bay Joint Board of Trustees Meeting Minutes made by Trustee Schroeder and seconded by Constable Wright. All in favor and none opposed. Motion passed at 7:21 PM.

Approval of the June 15th, 2020 Board of Review Minutes

Motion to approve the June 15th, 2020 Board of Review Minutes made by Constable Wright and seconded by Trustee Cermak. All in favor, none opposed. Motion passed at 7:22 PM.

Approval of the June 15th, 2020 Board of Trustees Meeting Minutes

Motion to approve the June 15th, 2020 Board of Trustees Meeting Minutes made by Constable Wright, seconded by Trustee Schroeder.

President Mellem requested a roll call voice approval, and asked each voting Board Member for a verbal response. Responses are recorded as follows:

Constable Wright: "I approve."

Trustee Cermak: "Approve."

Trustee Schroeder: "Approve."

President Mellem: "I abstain from voting due to the communication problems we had during the course of the meeting. I missed a good deal of it and it's unfortunately attributed to GoogleMeet."

Three in favor, one abstained. Motion passed at 7:34 PM.

Trustee's Report (1) – Paul Schroeder

Resident complaints:

- 305 S Vincennes Cr. (Allen Roscoe) | Complaint filed RE: 311 S Vincennes Cr. (Susan Namowicz)

Trustee Schroeder encouraged Mr. Roscoe to talk with his neighbor to work it out but Mr. Roscoe stated his efforts to resolve the matter were unsuccessful. Mr. Roscoe's reported the sump pump for 311 S Vincennes Cr. constantly runs and flows through a moveable hose that drains directly into the street which pools at the end of his driveway, causing a constant green slippery puddle. Mr. Roscoe considers flowage into the street is an encroachment in violation of Ordinance 7.04 (2) Encroachment on Public Property (see page 7-6 number 2 Definitions "...diverting... draining onto..."). Per Trustee Schroeder, since the flow into the public street is directly next to Mr. Roscoe's driveway, the complaint is legitimate and asked for Board guidance regarding an Encroachment Violation Notice. President Mellem directed Trustee Schroeder to draft and send a certified letter on Village letterhead to Susan Namowic stating the flow is in violation and to make other accommodations for drainage. If the letter does not resolve the matter, the Village Attorney can be involved.

- 3615 Nicolet Place (Stephanie & Chuck Coda) | Three surrounding property owners filed complaints about a huge pile of branches located on the property adjacent to the ravine that may present a health hazard due to rodents and other wildlife inhabiting the pile. Mr. Coda became confrontational when the neighbors approached him. On multiple occasions, Trustee Schroeder spoke with Mr. Coda, who claims he is unable to find a contractor. The pile is a Code Violation of Ordinance 14.01, see page 14-1 Item 2 Definitions; Public Nuisance affecting health. President Mellem directed Trustee Schroeder to create a chain of action by sending a certified letter that cites the Ordinance violation and notifies the owner that if the pile is not cleaned up, the Board will be forced to take action. Trustee Schroeder expressed concern that a letter will be ineffective because past notices (order to remove dead ash tree) have been ignored.

Clerk Panthofer requested the dating of all letters of notice and to file a copy with the Certified Mail receipt in each respective Village Hall property folder.

- Several dead Ash trees on public land (5 near North Street & Chatham, others near Nicolet, North Main Street, between Village Hall and 3627 Hennepin Pl and 1 N Vincennes) | President Mellem approved Trustee Schroeder's request to obtain an estimate that divides the areas into line items to help the Village prioritize the removal schedule.

Trustee's Report (2) – Rick Cermak

- Lighthouse Drive stormwater drainage | President Mellem, Trustees Cermak and Schroeder met Engineer Mark Kolczaski of Baxter Woodman at the following two sites to evaluate stormwater flow and the catch basin: 3702 North Bay Drive and 3737 Lighthouse Drive. Trustee Cermak confirmed that the Board members received Mr. Kolczaski's July 9th, 2020 "Village of North Bay - Lighthouse Drive Drainage Improvement" proposal and sought Board input on how to proceed.

The Scope of Services is to present a plan on how to remedy the drainage basin and limited to 1) Reviewing existing data and 2) Construction Exhibit that includes A) Preparing one exhibit drawing and B) An opinion of probable construction costs based on the proposed construction work. The Scope of Services DOES NOT include preparing specifications, construction contract documents, bidding services, and construction engineering services, which will be separate expenses to the Village if requested.

Mr. Kolczaski conveyed to President Mellem and Trustees Cermak and Schroeder that a landscape service may be able to complete the project instead of a construction company. Plan creation cost will not exceed \$2600. The plan could include more robust erosion protection. This fee EXCLUDES a bid process. Trustee Cermak stated this project may not require a bid process. The proposal will be a guide for the Village to obtain bids or estimates.

Constable Wright asked to clarify that it's possible that a landscaping firm may be able to understand and execute Mr. Kolczaski's design and Trustee Cermak, Schroeder & President Mellem confirmed "yes, that is our understanding."

President Mellem and Trustees Cermak and Schroeder solicited qualified landscaper recommendations from Mr. Kolczaski; Reliable could be one of them. President Mellem stated "in a way, it's kind of combined with the lakefront issue where the armourstone has shifted."

Constable Wright asked, "How is it combined, I'm confused." Trustee Cermak responded that "it's the same kind of work. If we're going to put a bandaid on the lakefront, a landscaper can do that, dump rock in the hole"... "it's maybe the same kind of equipment and skill set that could be used that would repair the eroded area at the end of Lighthouse Drive."

Clerk Panthofer asked if the solution would prevent future catch basin & flow alterations. President Mellem deferred to Trustee Cermak.

Trustee Cermak stated the design will be more robust; laying stone or other material that is more resistant to washing out. The washing out was initiated by the encouragement of 3702's owner to go to the driveway drain rather than flowing to the drain in the catch basin. The erosion accelerated as water flowed from future rainfalls and snow melt-off.

Per Trustee Schroeder, concrete lattice work is a newer product with driveways. It's used in grassy areas to hold material in place. It's much tougher to dig up and if something is altered, repair areas would be 1'x'1 or 18"x18" squares similar to patio shifting. Trustee Cermak indicated blocks are used in parking areas that bear weight and also allows grass to grow through.

President Mellem referred to the Wind Point Lighthouse parking area all Board Members except Trustee Cermak observed on June 11th, 2020. Mr. Kolczaski also identified riprap as a potential material.

Treasurer O'Brien asked when the brickwork was built up around the drain located near the end of and a few feet west of the 3737 Lighthouse Driveway. Per Trustee Schroeder, this drain is for driveway drainage. The loose dry stack of bricks limits clogging from dirt, debris and sticks. Due to the nature of the elevation, the Village spills into the drain so Trustee Schroeder periodically personally cleans and resets the drain.

Trustee Cermak stated that the 3737 Lighthouse Drive driveway slopes west into the drain and flows through the manhole and travels east to the lake into the drainage path that comes from the north.

Per Trustee Schroeder, more permanent collars and tubing made may offer a more permanent

fixed solution instead of dry stacked bricks. Per President Mellem, Mr. Kolczaski can be asked to incorporate a fixed solution into the easement plan. Trustee Cermak stated a precast sewer ring or manhole could be used.

Treasurer O'Brien prefers a material that cannot be easily disturbed. Trustee Cermak stated North Bay can direct Mr. Kolczaski to create a plan that prevents alteration and improves the erosion resistance. Treasurer O'Brien questioned ownership of the bricks. Trustee Cermak's opinion is that the bricks were placed when the basin was designed, although some are no longer effective.

President Mellem directed Trustee Cermak to notify Mr. Kolczaski to address this in his study used to prepare the plan.

Constable Wright requested the outcome of Attorney Geary's letter to Mr. Mullugar. President Mellem indicated Mr. Mullugar was cooperative, although there was a language barrier that was difficult. President Mellem and Trustee Cermak stated Mr. Mullugar was present and cooperative during the Mr. Kolczaski's site visit and stated he would like to have it fixed.

A motion to approve the "Village of North Bay - Lighthouse Drive Drainage Improvement" proposal dated July 9th, 2020, created by Baxter Woodman Engineer Mark Kolczaski made by Trustee Schroeder and seconded by Constable Wright. All in favor, none opposed. Motion passed at 7:51 PM. Once signed by President Mellem and Clerk Panthofer, the Clerk will forward it via email to Mr. Kolczaski.

- July 10th, 2020 Baxter & Woodman engineering opinion regarding the subject: "Village of North Bay - 3737 Lighthouse Drive Property." Engineer Mark Kolczaski's stated his professional opinion regarding the significance of the waterflow coming from the west and the issues on the 3737 Lighthouse property. President Mellem confirmed the Board received and reviewed the July 10th, 2020 letter and because Ms. Horwitz retained legal counsel and the matter will be resolved between the lawyers.

For Ms. Horwitz's benefit, Clerk Panthofer announced both the July 9th and July 10th Baxter Woodman letters along with the June 15th, 2020 approved Board of Trustees Meeting Minutes would be electronically forwarded to her via email no later than 5 PM July 14th, 2020.

- Public shoreline erosion control (North Bay Beach) | No action at this time. Trustee Cermak stated it makes sense to complete lakefront work at the same time the Lighthouse Drive drainage easement is restored because the equipment will be onsite. Trustee Cermak stated options are not ready for a board motion.

Constable Wright expressed confusion regarding the public lakefront and asked if it is on hold. Trustee Cermak responded that Edgewater prepared a "band-aid fix" estimate because the Village didn't want to spend money on an engineering plan. When the Village finds a landscaper to complete the Lighthouse Drive drainage easement restoration, the Village can do the temporary fix. Trustee Cermak has been monitoring the conditions and stated that "northeasterlies are not common this time of year". It's been pretty stable. My only concern is "we have those big holes there and hopefully the caution tape will keep people away from them."

President Mellem stated the Lighthouse Drive drainage easement and public beach erosion are two separate projects and could be serviced by the same contractor. Mr. Kolczaski was asked to provide Trustee Cermak with contractors qualified for both projects.

Relative to lakefront restoration, Constable Wright stated the Village should begin addressing looming bridge work. Trustee Cermak stated Edgewater suggested that when the Village addresses the bridge, that may be the appropriate time to complete a lakefront engineering study. In the meantime, the holes are significant and we may see more erosion from northeasterly storms.

Trustee Schroeder added that pushing commercial grade fabric into the hole and filling it with gravel rocks and folding the fabric over and covering it with rocks may be a simple and sufficient temporary fix. This offers minimal disturbance to the parkway.

President Mellem asked Constable Wright if she was spooked by the \$75,000. Constable Wright stated the Village must discuss much bigger issues. Treasurer O'Brien stated that combining the bridge and lakefront may be in the range of \$10,000 per household. Constable Wright is concerned residents are not aware of what's coming. If we start spending \$75,000 here, we need to communicate about the bridge and what's going on.

President Mellem stated the viability on the bridge is still good and there is a little while longer and that Trustee Cermak's concern pertains to the foot of the north side of the bridge. Addressing dynamic water movement now may be a band-aid until the Village can address the total bridge replacement.

Clerk Panthofer expressed concern about the longevity of a temporary repair. The proposal could not guarantee how long a temporary repair would last. It appears that one storm could wash away the temporary repair materials. Trustee Schroeder stated that following a recent storm, a Caledonia man reported a \$30,000 erosion control was pulled away. There is no guarantee. Constable Wright stated she needs to see numbers. Trustee Cermak stated that according to Edgewater, North Bay's situation "is not a dire situation by any means" compared to bluffs north and south of North Bay.

Clerk Panthofer asked since North Bay is one of a few beaches on Lake Michigan with conditions that are right for surfing and that the Vincennes bridge is 100 years old, why wouldn't we capitalize on pursuing grant money? Why would we spend \$75,00 that could be washed away in one storm instead of using the money towards doing it right?

Trustee Cermak asked to ignore the \$75,000 figure. President Mellem said the figure has nothing to do with this. Trustee Cermak said that was something that the guy threw out because the Village said we didn't have that kind of money to spend, he pulled the number out of the sky. There was no discussion about that or anything.

According to President Mellem, some years ago, he and Constable Wright spoke with then Racine County Engineer Nathan Plunket who advised the Village that once reaching a 50% sustainability point, the Village must replace the bridge which could be close to \$1 Million to replace the entire

bridge structure. The annual October bridge inspection monitors the rating.

In response to Clerk Panthofer's concern about riprap, President Mellem stated the preferred material is armourstone over riprap.

Treasurer O'Brien asked to use the Newsletter to alert residents that bridge repairs are looming. Clerk Panthofer requested language for the article from the Board.

- The CMOM Manual (Capacity, Management, Operation & Maintenance) document, which is a guide to scheduling maintenance, indicates that the system should be jetted every five years and is due this coming November. Trustee Cermak requested a proposal from Green Bay Pipe and is seeking another estimate.
- CMAR was delayed due to COVID. The new deadline is the end of August 2020. Trustee Cermak stated he will request by email utility information required for the report.

Constable's Report – Kristin Wright

- Constable Wright electronically submitted her report to the Board and filed in the Minute binder.
- Georgia Herrera began her Judicial appointment and is shadowing the interim judge.
- Zero animal incidents.
- COVID update: The number of confirmed cases has risen but the death toll is holding fairly steady. Hospitals are currently full but if a spike occurs, the hospitals may be problematic.
- CRCHD and Racine County Health Departments may be merging.
- 3737 Lighthouse Drive police incident: The incident is considered a Criminal Trespass and not a Burglary because entry occurred through an open window. Initially, there was concern that a TV was taken. However, nothing was taken from inside. Packages delivered at the front door were also not taken.

Treasurer's Report – Bob O'Brien

- Financial Reports were emailed to the Board and filed in the Minute binder.
- The 2nd quarter dog report was filed. No fees are due to the County until later this year.
- Records request fee analysis | Treasurer O'Brien surveyed other municipalities. Wind Point charges 25 cents per page. Attorney Geary advised Clerk Panthofer to charge either the actual cost to reproduce records or 25 cents per page, whichever is greater. The maximum research fee is \$50.

President's Report – Roger Mellem

- Virtual Meeting Challenges | Virtual meetings keep us safe but limit what we can do. With the July 25th expiration of the Emergency Proclamation, future meetings will be in person at Village Hall. Please note, state statutes stipulate that providing only remote access is not always permissible.
- Agenda changes | Clerk Panthofer asked the Board to submit Agenda items or request changes by Noon on Friday, July 10th to allow time to post the Agenda. President Mellem emailed Clerk Panthofer to update the Agenda on Saturday, July 11th, who responded she was unable to accommodate the request because she was unavailable over the weekend and things which came

up after the Noon request could be addressed under New Business. President Mellem asked if this was a Dori rule or a state statute. Clerk Panthofer responded that her request to submit agenda items by Noon was because she was unable to work on Village business over the weekend. Early in her term, Clerk Panthofer was advised that if someone asks her to work beyond normal business hours, she can decline. Clerk Panthofer is usually able to accommodate after hour changes, however, there are times when it is not possible, and this was one of them.

President Mellem stated Agendas must be posed 24 hour in advance of the meeting. He contacted Treasurer O'Brien to update the website but O'Brien was unable to login to WordPress because passwords had changed. Clerk Panthofer stated that O'Brien definitely possesses full system administrative privileges on the website. In October 2019, an invitation from WordPress with the new GSuite credentials was emailed to vnbtreasurer@northbay-wi.us and will help troubleshoot access after the meeting.

- EMS & Fire Contract | North Bay received an unsolicited contract quote from the City of Racine. Upon receipt of Caledonia's bid, President Mellem will email both bids to the Board for review. Until then the Racine bid will be kept confidential. The current contract expires December 31, 2021.

Clerk's Report – Dori Panthofer

- **Election Update**
 - WEC & Racine County Clerk approved Clerk Panthofer's access to WisVote. Absentee Ballots sent to date: 11 Indefinitely Confined and 36 Regular.
 - Caledonia Clerk Karie Pope coordinated and submitted to the Journal Times the required Public Notice of Public Test and Absentee Voting for all Racine County Municipalities.
- **Monthly Permit Report:**
 - F2020-02 Complete | 333 S Vincennes Cr (Owner: Nilles)
 - B2020-02 Complete | 3636 Hennepin Pl (Owner: Reilley)
 - Agenda item (Old Business) 400 Cross Creek (Owner: Von-Schilling Worth) | Fence Permit
 - B2020-02 | 3612 Hennepin Place (Harden) | Inspector Kosterman approved permit issuance.
 - B2020-03 | 119 N Vincennes Cir (Kalina) | Inspector Kosterman approved permit issues. Contractor & Owner reminded that Plumbing &/or Electrical permits are required if the project involves either. Owner requested placement of a dumpster and the Board approved subject to notification of the dates to WInd POnt Police Department and that it does not impede site line or access to driveways..
 - B2020-04 Issued 7/6/2020 | 3721 Lighthouse Dr (Horwitz) |Following a site visit by Inspector Kosterman, the Inspector approved issuance of a Homeowner Applicant Building Permit. Change orders are anticipated - fees to be adjusted as changes are made; final fee calculation and payment due prior to final inspection

Ms. Horwitz withdrew Plumbing & Electrical Permit Applications and redirected funds to Building Permit. Ms. Horwitz stated that her Contractor, Vortex, will apply for the Electrical & Plumbing Permits and pay the respective fees. To date, Vortex has not applied for either.

- Variance & Zoning Applications still under construction.
- Resident communication (New Business): A noise complaint received by email from Allen Roscoe (owner of 305 S. Vincennes) was referred to Constable Wright. Sound was not detected by Trustee Schroeder but was audible to Constable Wright. Treasurer O'Brien visited the site but it was noisy and Mr. Roscoe stated the sound was audible when it's still.

ADDITIONAL INFO AFTER AGENDA WAS POSTED:

1. Website updates occurred early evening July 10th. 2 pages added: Village Meetings under Village Services and Agenda & Minutes under Document Center
2. Monthly Newsletter published Friday night, 5 hard copies mailed to residents that opted out of email delivery.
 - a. Ash Borer Treatment sign up is due July 31st for coordinated treatment

REMINDER: Clerk Panthofer is on vacation July 18th - 25th and will have very limited access to email. Constable Wright agreed to pick up mail and assume Permit duties.

Accounts Payable - July 2020 as of July 13th, 2020 -- \$9,792.66

Clerk Panthofer asked the Board to consider auto-pay both AT&T bills and the WE Energies group bill. Treasurer O'Brien will consider it. .

Motion to approve July 13th, 2020 in the amount of \$9,792.66 made by Trustee Cermak and seconded by Trustee Schroeder. All in favor, none opposed. Motion passed at 8:42 PM.

Old Business

- **Fence Permit Application | 400 Cross Creek** | Motion to approve the 400 Cross Creek fence permit made by Trustee Schroeder and seconded by Constable Wright. All in favor and none opposed. Motion passed at 8:52 PM.

New Business

- **Private road inquiry by resident Kay Mackay** | Clerk Panthofer forwarded a message from Kay Mackay that inquired if the public is allowed to walk on private roads. Per President Mellem, if one of the property owners asks her not to walk on the private road, she should honor the request because it is private property. Constable Wright will respond to Kay Mackay.
- **Village Hall Multifunction printer/copier/scanner** | Treasurer O'Brien stated that Clerk Panthofer declined a North Bay printer at the beginning of her term. The Clerk's hardware is aging and becoming unreliable so she requested a new machine be purchased and installed at Village Hall. Treasurer O'Brien located a Cannon machine (black and white only) priced between \$200-\$225. A motion to approve buying a Village printer not to exceed \$225 was made by Trustee Schroeder & seconded by Constable Wright. All in favor, none opposed. Motion passed at 8:58 PM.

Adjourn

Motion to adjourn made by Constable Wright, seconded by Trustee Cermak. All in favor, none opposed. The meeting adjourned at 8:58 PM.