



**Minutes | August 14th, 2023 | 7:00 PM**  
**Board of Trustees (BOT) Meeting | Village Hall**

Immediately following the adjournment of the 6:30 PM August 14th, 2023 Planning Commission Meeting, President Schall called the August 14th, 2023 Board of Trustees meeting to order at 7:08PM.

Roll Call: President Mark J Schall, Trustee Rick Cermak, Trustee Rich Schmitt, Constable Kristin Wright, Treasurer Robert E. O'Brien, Clerk Dori A. Panthofer

Public: Mark Hyde - 545 Cross Creek  
Connie Mellem - 116 S Vincennes

**Public Comment - None**

**Approval of BOT Meeting Minutes & Stand Up Meeting Minutes (if any) |** Motion to approve the 5PM July 10th, 2023 Board of Review Hearing and the 7PM July 10th Board of Trustees Meeting made by Constable Wright and seconded by Trustee Cermak. All in favor, none opposed. Motion carried at 7:10PM.

**Trustee's Report (1) – Rich Schmitt**

- 2023 WisDOT WISLR Program Pavement Rating |The pavement is aging and roads were torn up during the water main work. Trustee Schmitt obtained a bid from Ayres Associates, Inc.

Michale Payant, PE, Manager of Engineering Services, submitted a \$3000 bid dated July 27th, 2023 to perform and file North Bay's 2023 WisDOT WISLR Programm Pavement Rating report.

Motion to approve the \$3000 bid dated July 27th, 2023 from Ayres Associates Inc. to perform and file the 2023 WisDOT WISLR Program Pavement Rating Report made by Constable Wright and seconded by Trustee Cermak. All in favor, none opposed. Motion carried at 7:14 PM.

- **Village of North Bay weed control |** Aspen Property Care applied a post emergent herbicide treatment on August 1st, 2023, after the weeds had already gone to seed. Trustee Schmitt is awaiting a plan of action for weed control from Aspen.

President Schall      What is the downside to no action?

Trustee Schmitt      An additional treatment may help if there is still active growth but it's already gone to seed so it may not help. The area can't be cut for a few weeks so the herbicide has a chance to work. Currently, all three of the recent landscape contractors (Aspen, Full Blown Smith and Reliable) refuse to mow the bluff because it's too steep and treacherous and are unwilling to risk injury or damage to equipment. The Aspen contract includes herbicide applications but it's not applied unless the Village specifically requests it.

President Schall      Can something else be planted that minimizes the thistles?

Trustee Schmitt      Herbicide is the best option because thistle overtakes everything until you eliminate the thistle from the area.

- President Schall I'm not looking for an answer today, but to talk with them.
- Trustee Cermak Is the current condition of the bluff the issue with mowing, or can it be mowed in spring?
- Trustee Schmitt All three of the recent landscape contractors (Aspen, Full Blown Smith and Reliable) refuse to mow the bluff because it's too steep and uneven and is too treacherous so they refuse to risk injury to their staff and/or damage to their equipment.
- President Schall Can it (the bluff) be plowed and built up and plant grass that's easy to maintain? Should the Board consider making an investment in this? Can you obtain a plan (that includes phases) and a proposal?
- Trustee Schmitt Yes, I'm doing that. Phase #1 is eliminating the thistle. Until the area is cleared of thistle and the terrain is visible, the contractors are not willing to create a plan. What is the budget after eliminating the thistle?
- President Schall We don't have a budget yet per se. The Village will need to look at weed treatment expenditures. Grass is low maintenance. Is there some way to get to grass for routine mowing?
- Trustee Schmitt Access to the bluff south of the Vincennes bridge is blocked by overgrown junipers, which can't be cut back. The Village may need to consider removing the junipers and then rethink the lakefront. Droprite Mulchrite has the equipment to remove the junipers, leaving the roots, which will hold for a while.
- President Schall The Village needs options. Do nothing vs. landscaping, Compare the costs of weed eradication and planned landscaping.
- Treasurer O'Brien If we remove the junipers, the Village will have to do something to stabilize the bluff.
- Trustee Cermak Former Trustee Paul Schroeder at one time remarked that the junipers may have been planted in the wrong place instead of over the edge of the bluff. The junipers choke out most everything underneath them. I don't know if that's the type of plant that should be there or if the Village should plant something else where thistle is a problem.
- Treasurer O'Brien Junipers were not used for erosion control along the shoreline near the zoo.
- Trustee Cermak North Bay resident Randy Jonhson (3737 Lighthouse Dr) has grass planted and he observed thistles have not taken over.
- President Schall Trustee Cermak, can you take photos of landscaping along the shoreline and Trustee Cermak said yes.
- **Village Tree adjacent to 3612 Nicolet** (Bill & Maureen Fritchen) | Per Trustee Schmitt, another large branch came down during a recent storm. Removing the branch will cost approximately \$500. The frequency of branch clean up following storms is getting expensive and the Village should consider removing the tree to protect the Village.
- Constable Wright My concern is the large branch over the roof. If that falls, it'll be more than just branch clean up. Treasurer O'Brien agreed that it is a potential liability.
- President Schall The tree looks out of balance. If we remove the one long branch that

extends towards the house, it would look more balanced and may save the tree.

Trustee Schmitt I'll get a bid from Affordable. The Fritchen's do not want to lose the tree and inquired about annexing the land and tree (to their lot). If the Fritchen's own the land and tree, Village liability is eliminated.

We lived on a property that included land to the center of a creek. The area adjacent to the creek was an easement. He was responsible for maintaining it, and following DNR rules and regulations, and could landscape it.

- **Public land management** | Trustee Schmitt asked, does the Village want to be in the land management business? The Village doesn't have the equipment or staff to manage village land along the ravine. Landscaping ideas differ by owner. If land is annexed into the adjacent lots to the midpoint of the creek with an easement for the Village, encroachment permits would no longer be needed and expenses to maintain the ravine are transferred to the owner.

President Schall stated we don't manage the ravine based on resident preferences.

Trustee Schmitt stated that no matter how we manage it, we'll have ongoing issues.

- **Ravine Maintenance** | Talking points appear below:

President Schall Charlie & Molly Buhler (3634 N Bay Drive) asked permission to landscape the ravine adjacent to their lot. Jodi Reilley and Johnny Frey (3636 Hennepin Pl) have brought this up several times. Currently, the process is to apply for an Encroachment permit and obtain permission from the Village. There is interest in improving the ravine. What does this mean? We need to figure this out. Do we poll other residents?

Molly Buhler is willing to serve on a task force. The task force could bring a proposal to the Board that outlines parameters, and options, to give the Board something to vote on. Doing this as a board is top-heavy. A task force without a quorum of board members allows people to get together without a public meeting. Amy (Cermak) has a lot of passion about the ravine. Trustee Cermak, would Amy be interested in serving?

Trustee Schmitt Everyone will have their own opinion. What about Village access?

President Schall Some people are already maintaining the ravine. Some areas are like a thorny jungle and some are like a garden. Some are cutting almost to the creek. What if we offer an incentive or tax credit to improve the ravine? The Village could maintain ownership and access. I'm not saying make a decision tonight. Is there a way to encourage others to maintain the ravine?

Trustee Schmitt Couldn't we solve this by not going after residents who are encroaching?

President Schall Nobody does go after them. Mr. Frey was just here about the same thing.

Trustee Schmitt Long-term, we've also got an issue along the lakeshore where the

Village owns the beach east of some of the lots along the lake. If they decide to ask the Village to do things along the shore, the Village doesn't have access to get back there, depending on what was needed.

What are the benefits to the Village of owning the public land vs. selling it back to the residents who will maintain and improve it and improve their property value? Selling it may solve the long-term issues of maintaining it.

President Schall That's an option, but it seems top-heavy to bring this to the Board. We need more information about tax implications, mill-rate, etc.

Treasurer O'Brien Who will own the bridges? If we sell the creek to the people, the boundaries and easements would have to be defined.

Trustee Schmitt Bridges are part of the public streets. Nobody owns the street. Properties stop at the street. We still have easements.

President Schall You brought up an idea. Nobody is ruling this out. It would be difficult to come to the Board and have a vote on that without more information.

Trustee Schmitt That's why I brought this up so we could consult the Village attorney about the feasibility.

President Schall I'm not arguing with you. I am looking at the same thing in a different way.

Trustee Schmitt I'm not saying anything.

President Schall My suggestion, take this offline and have a group of Board Members and residents consider this. Talk with the lawyer. Talk with other communities. Figure out the implications. Come up with recommendations, something that we can vote on.

There are overlapping issues. The beaches, the ravine, trees, they are all overlapping issues. Let's get all the information in something that is absorbable. We don't want to have a Stand Up Meeting every week.

Let's have a group of residents and a couple of Board Members come up with a recommendation.

Constable Wright That sounds fine to me. Who would put this group together? Are you (President Schall) going to do it as you spoke with Molly Buhler?

President Schall Molly Buhler said she would do it. I could be on it. Trustee Schmitt, would you be on it? Trustee Cermak, would Amy Cermak (1 N Vincennes Cir) be interested? Do I have to ask Amy or since you will see her sooner, would you (Trustee Cermak) ask her? I'll also ask Lisa Ptacek (3654 N Bay Dr). I'll copy Clerk Panthofer on correspondence.

Trustee Schmitt Yes, I'll be on it.

Trustee Cermak Yes, I'll ask Amy Cermak.

- **Private drives** | Trustee Schmitt reported inquiries related to private drives.

Trustee Schmitt The Village is unaware of any private maintenance agreements among the private drive owners. Do any agreements exist? Moving trucks are

	having issues. South Creek is deteriorating which may eventually impede service issues, including police, fire, waste collection, snow removal. A private drive owner inquired about installing speed bumps.
Constable Wright	Johns Disposal indicated South Creek is a problem. The street is in poor condition but it's still passable, however, the trees are an issue. Wind Point Police stated so far, the conditions are not an issue.
Mark Hyde	There are formal agreements, there has been discussion but nothing happened. Mr. Hyde contacted the fire department about Cross Creek for the encroachments but they declined. It is a safety issue. It's a county responsibility so if we (the private drive residents) decided to do a lawsuit, it would be through the county.
	Will the Village replace the downed/missing Private Road Dead End signage? The previous signage matched the old Village street signs.
President Schall	When concerns were raised about blind spots (caused by planting of trees, walls, gates) at Cross Creek and Main Street, the Village attorney advised the Board that the Village has no jurisdiction or authority on private drives because the Village doesn't own the land.
Treasurer O'Brien	The Village is legally obliged to mark street names for fire and police. All the old street name signs were replaced a few years ago.
Trustee Schmitt	If the Village replaces the no outlet sign, it must meet the DOT standards.
Clerk Panthofer	The Village paid Wind Point Public Works to post a No Outlet sign on North Vincennes and Lighthouse Drive. WPPW followed WI DOT signage requirements

#### **Trustee's Report (2) – Rick Cermak**

- **2023 CMAR** | Trustee Cermak submitted the report online and gave a copy along with the DNR response to Clerk Panthofer to file.
- **Beach water quality** | City of Racine testing results have been very good.
- **Sewer pipe jetting is due.** The last jetting of the entire system was 2015. Since 2015, the Village has televised specific areas (Main Street and North Bay Drive). Televising may require contracting an engineering firm to evaluate and propose preventative maintenance. A proposal will be presented at a future meeting.
- **City of Racine Water Utility Storm Sewer Ownership letters** | The City of Racine claims that the Village of North Bay owns the storm sewer. Trustee Schmitt spoke with Jerome Cannon, Construction Supervisor, Racine Water Utility, who stated he had never heard of this before. Trustee Cermak will contact other Villages to discover they are responding to the sewer ownership notice.

#### *Talking points:*

- If storm sewer maintenance is required, what is the Village financial responsibility?
- Is the City of Racine claim valid or legal?
- North Main Street is a county road. It has curbs and stormwater flows into the city sewer system.
- Per Trustee Schmitt, WisDOT WISLR Program Pavement report does not include Main Street (County G) and Erie Street (we do not report ratings because both are county roads).
- Following Trustee Cermak request for the maintenance history, the City mailed a memory

- stick (\$4.12 postage due) that arrived this week, which Trustee Cermak will review.
- Clerk Panthofer asked if Attorney Eric Larson had reviewed the matter.
- President Schall stated we will do this casually before going to Attorney Larson. Let's give it a couple of months. If Main Street is really the Village, do we want to put in a bike lane like they did south of the Village?
- Treasurer O'Brien stated the City's goal is to continue the bike lane to 3 Mile Road and per Trustee Schmitt, possibly to 4 Mile Road.
- Trustee Cermak stated that if the section of North Main Street that runs through the Village, per the County the cost would be shared with the Village. I don't know much about this. Also, John Rooney stated when the population was larger, the county needed the double lanes each way but with the lower population, it was scaled back to allow for a bike lane.
- President Schall stated that the Village would bring in the Village lawyer.

### **Constable's Report – Kristin Wright**

- Wind Point Police Report | 65 Citations (23 exceeding speed limit by 11-15 mph; 3 exceeding limit by 16-19 mph), 91 Police Activity/incidents –
- Caledonia Fire Dept | 0 Calls
- Animal Welfare | 0 incidents for the last 2 months. The contract automatically renews annually on August 1st and ends annually on July 31st. There was 1 rescue for 4 days
- Yard waste stickers : \_\$22 cash – 3640 Nicolet Pl; \$55 check – 75 Shore Acres Dr.; \$ 3 cash – 3615 Nicolet (owes 30 cents....)

**Treasurer's Report – Bob O'Brien** | The most recent financials reviewed, handout filed in minute binder.

**President's Report – Mark Schall** | No report.

### **Clerk's Report – Dori Panthofer**

- **Public Records Request (PRR) Fee Schedule.** Attorney Eric Larson crafted a response related to an extensive public records request. North Bay does not have published rates. Attorney Larson's response included defining an hourly rate. Talking points:
  - Record locating fee is \$25 per hour, minimum of \$25 per request.
  - \$0.25 per page for standard letterhead (paper or digital)
  - Actual reproduction costs for photos or any document larger than standard letterhead (paper or digital)
  - Actual mailing or shipping costs.

Motion to approve Resolution 2023-2 Public Records Request Fee Schedule made by Constable Wright and seconded by Trustee Schmitt. All in favor, none opposed. Motion carried at 8:19 PM.
- Municipal Flag | Has the Village ever posted a municipal or state flag in addition to the USA flag? The consensus is that the Village only posts a USA flag at Village Hall on Election Day as required by the Wisconsin Election Commission.
- **2023 VNB Preliminary Population Estimate** | 206 and 176 estimated electors per the Wisconsin Department of Administration

- Clerk Panthofer will be out of the country September 12th, 2023 through October 4th, 2023.

**Accounts Payable** | Motion to accept the amended July 2023 accounts payable in the amount of \$13,868.81 that includes a check to the US Treasury and updated check to CLA (the Village accounting firm) and the preliminary August 2023 accounts payable in the amount of \$12,894.67, with permission to pay the City of Racine for July street sweeping services that arrived on August 14th, 2023 for an updated total of \$13,252.04 made by Constable Wright and seconded by Trustee Schmitt. All in favor, none opposed. Motion carried at 8:25 PM.

#### **Old Business**

- **2023 WisDOT WISLR Program Pavement** | See Trustee (1) report.
- **Storm Sewer Ownership** | See Trustee (2) report.
- **Exposure of rebar on bridges** | Per Trustee Schmitt, Brian Bailey, Wind Point Public Works, hasn't responded to inquiries related to the bridge and is currently awaiting a response to schedule an appointment with 2 contractors; 1) Langenfeld Masonry & Concrete (262) 639-9257 and 2) Primo Concrete (262) 504-9625.

#### **New Business**

- **BOT meeting dates through year end** | To comply with Wisconsin State Statutes related to Municipal Budgets, the November and December meetings will be moved up. The next 3 BOT meeting dates are: October 9th, October 30th, November 27th, 2023.
- **Public Records Request (PRR) Fee Schedule** | See Clerk Report.
- **2023 VNB Preliminary Population Estimate** | See Clerk Report.
- **Private drives** | See Trustee (1)
- **FEMA and Wisconsin Mandate RE: Flood Plain Ordinance update** | Action pending response from Attorney Larson.
- **Ravine maintenance** | See Trustee (1) report.

**Adjourn** | Motion to adjourn made by Constable Wright and seconded by Trustee Schmitt. All in favor, none opposed. Meeting adjourned 8:28 PM.