

**TOWN OF GIBRALTAR  
WEDNESDAY, MAY 4, 2022  
GIBRALTAR TOWN CENTER  
4097 HIGHWAY 42, FISH CREEK WI 54212  
6:00 PM**

To mitigate the impact of COVID-19 this meeting can be attended remotely.

To join via phone: Call 1-312-626-6799

To join via Zoom meeting:

[www.zoom.us](http://www.zoom.us)

Meeting ID: 891 8527 9043

Password: 381250

1. Call to order
2. Roll call/quorum
3. Agenda/proper notice/adopt agenda
4. TID Informational Meeting w/ Cedar Corporation
5. Adjourn

D/A

D/A

D/A

/s/ Steve Sohns, Chairman

**DEVIATION IN ORDER MAY OCCUR**

Posted: April 29, 2022



Kelly Murre, Clerk

Theresa Cain-Bieri, Treasurer

Fish Creek Post Office

Fish Creek BP

Town Center Display Case

Town Website

*In compliance with the Americans with Disabilities Act, any person needing assistance to participate in this meeting, should contact the Office of the Town Clerk at (920) 868-1714. Notification 24 hours prior to a meeting will enable the Town to make reasonable arrangements to ensure accessibility to that meeting.*

*\*Any item may have action taken unless otherwise specified*

**TOWN OF GIBRALTAR  
 REGULAR MONTHLY MEETING  
 WEDNESDAY, MAY 4, 2022  
 GIBRALTAR TOWN CENTER  
 4097 HIGHWAY 42, FISH CREEK WI 54212  
 7:00 PM**

To mitigate the impact of COVID-19 this meeting can be attended remotely.

To join via phone: Call 1-312-626-6799

To join via Zoom meeting:

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Meeting ID: 891 8527 9043

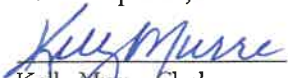
Password: 381250

1. Call to order
2. Pledge of Allegiance
3. Roll call/quorum
4. Agenda/proper notice/adopt agenda D/A
5. Approve minutes of previous meeting(s) D/A
6. Committee reports
7. Public comment
8. 2021-2022 Class "B" and "Class C" Liquor License Application: Kettle Black, Paul Krause, Agent 4158 Main Street D/A
9. 2021-2022 Class "B" and "Class C" Liquor License Application: AIMD Whistling Swan LLC, David Kana Agent 4192 Main Street D/A
10. 2021-2022 "Class A" and Class "A" Liquor License: Rana LLC/Fish Creek BP, Bisal Rana, Agent 3871 State Hwy 42 D/A
11. 2021-2022 Application for Cigarette and Tobacco Retail License: Fish Creek BP D/A
12. Approval of Nicolet Bank Contract D/A
13. Approve Ordinance 2022-33 Adopting Code of Ordinances D/A
14. Approve Formation of TID/Contract with Cedar D/A
15. Selection of Joint Review Board Member D/A
16. Road Review and 5-year plan D/A
17. Consideration of Community Ad Hoc Committee D/A
18. Downtown Campus Design Plans Discussion D/A
19. Set Date for Downtown Campus Workshop D/A
20. New Easement Name Request: Green Acres Trail D/A
21. Bayside Alley Repair Proposal D/A
22. Consideration of Long-term Trailer Parking at the Old Town Shop D/
23. Schedule Chambers Island Road and Facilities Review D/A
24. Approve the Payment of Bills D/A
25. Adjourn D/A

/s/ Steve Sohns, Chairman

**DEVIATION IN ORDER MAY OCCUR**

Posted: April 29, 2022

  
 Kelly Murre, Clerk

- Fish Creek Post Office
- Fish Creek BP
- Town Center Display Case
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*\*Any item may have action taken unless otherwise specified*

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**TOWN OF GIBRALTAR  
REGULAR MONTHLY MEETING  
WEDNESDAY, APRIL 6, 2022  
GIBRALTAR TOWN CENTER  
4097 HIGHWAY 42, FISH CREEK WI 54212  
7:00 PM**

**Approved:**

**Call to order:** Steve Sohns called the regular meeting to order at 7: 03 p.m.

**Pledge of Allegiance**

**Roll call/quorum:**

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

Board member(s) absent: None

**Agenda/proper notice/adopt agenda:** Sohns confirmed the agenda had been properly noticed.

*Motion: (Johnson, Luetzgen) to adopt the agenda as posted. Carried*

**Approve minutes of previous meeting(s):** *Motion: (Johnson, B. Merkel) approve the minutes of the March 2, 2022, as written. Carried*

*Motion: (Johnson, J. Merkel) approve the minutes of the March 11, 2022, as written. Carried*

*Motion: (Johnson, J. Merkel) approve the minutes of the March 22, 2022, closed session as written. Carried*

*Motion: (Johnson, Luetzgen) approve the minutes of the March 22, 2022, special meeting, as written. Carried*

**Committee/Commission Reports**

**Parks & Lands:** Theresa reported the invasive species flyer will be mailed out tomorrow. A grant was submitted to repair the pavers and walls around town. She also stated Parks and Lands is looking for volunteers to help with their Weed Warriors initiative.

**Fire Department/EMR:** Chief Bertges reported March had 12 calls. Projects include classes Chainsaw 1, 2 & 3, and Wildland fighting. Screening to start May 28<sup>th</sup> for Cholesterol and glucose. AEDs are being distributed around the County. They will be conducting a DUI accident recreation for the school.

**Law Enforcement:** Chief Roesch reported the new squad has been received and outfitted. Working to provide refresher training with DNR wardens.

**VFC:** Karley reported March was a little quiet. Working on upcoming projects: Governors' conference, brochure, website redesign first week of May, park visitor guide is at the printer, annual meeting, and concerts in the park.

**Noble House:** Thyssen report the foundation repair project is underway.

**Airport:** Franke reported the airport financial statements were received. Depreciation shows a loss, but the revenues exceeded the expenses. Young Eagles is scheduled for June 4<sup>th</sup>. Drajesk asked the BOA for an update. 3D2 is 1 of 6 that operated in the black for the State.

**Watershed:** The water is flowing. Will begin sucker monitoring.

**Plan Commission:** Thyssen reported we'll know about the comprehensive plan grant soon.

**Harbor Commission:** Harris reported getting ready to open May 13<sup>th</sup>. A lot of reservations are coming in.

**Room Tax:** Weddig reported the DCTZ executive committee met to review January. STRs should be paying Personal Property Tax.

**Building Committee:** Stubenvoll reported the committee did not meet but monitoring the progress at the Noble House.

**Door County Coastal Byways Council:** Murre reported the committee is still working on the website update.

1 **Clerk:** Murre reported the annual meeting is April 19<sup>th</sup>. Liquor license renewals have been sent out.

2 **Treasurer:** Cain-Bieri reported Business and STR licenses are coming in.

3 **Administrator:** Thyssen reported new benches arrived. Noble House project is underway. Road  
4 limit signs are up. Construction permits are still coming in for new homes. Applied for \$1.3 million  
5 in grants.

6 **Chairman:** No report

7  
8 **Public Comment:**

9 Lynn Mercurio, recommends the Town solicit another opinion on the stormwater management in  
10 the Town.

11 Christie Mac Donald, suggests the Town reconsider continued COVID precautions.

12 **Agenda Items:**

13  
14 **Remove from the Table: 2021-22 Operator’s License** *Motion: (Johnson, J. Merkel) to remove from the*  
15 *table 2021-22 operators license. Carried*

16  
17 **Approve 2021-22 Operator’s License** The individual that had insufficient information on their  
18 operator’s license application, came in to the office and corrected their application. *Motion: (Johnson,*  
19 *Luetzgen) to approve the 2021-22 operator’s license. Carried*

20  
21 **Remove from the Table: 2021-22 Liquor License Premise Amendment for Alpaca to Apparel**  
22 *Motion: (Johnson, Sohns) to remove from the table 2021-22 Liquor License Premise Amendment for Alpaca to*  
23 *Apparel. Carried*

24  
25 **2021-22 Liquor License Premise Amendment for Alpaca to Apparel:** Ben Kornowski is  
26 requesting their porch be added to their liquor license premise description. *Motion: (Johnson, Luetzgen)*  
27 *to approve. Carried.*

28  
29 **Liquor License Premise Amendment for Dockside Enterprises** Bayside Tavern is requesting to  
30 amend their liquor license premise description to include part of their alleyway. The County relaxed  
31 the rules on outdoor dining and parking requirements due to Covid. This request only applies to  
32 their liquor license and whether the Town would allow them to serve outside. The Town does not  
33 have control over the parking requirement set by the County. *Motion: (Johnson, J. Merkel) to approve the*  
34 *request contingent upon the County approving the parking with a better plan for fencing and screening provided to the*  
35 *Board. Carried.*

36  
37 **Special Event Request DoorCANCer 2<sup>nd</sup> Annual Fundraiser, Top of the Hill Shops** Kelly  
38 Khemchandani presented the request for the DoorCancer fundraiser. Asking for approval for 3  
39 banners: Alibi, the State Park Entrance and Top of the Hill  
40 *Motion: (Johnson, Luetzgen) to approve the banners, the temp picnic license, tent and food trailer. Carried.*

41  
42 **Special Event Request Visit Fish Creek, Concerts in the Park** Karly presented the schedule for the  
43 season. Requesting a second A-frame in case need to be moved for rain dates. *Motion: (Johnson, B. Merkel) to*  
44 *approved. Carried*

45  
46 **Special Event Request Peninsula Pacers LLC, Peninsula Century-Fall Challenge** Brian  
47 Fitzgerald presented the request and stated there was no change from last year. *Motion: (Johnson,*  
48 *Luetzgen) to approve. Carried*

49

1 **Special Event Request National MS Society, MS Door County Challenge Walk** Brian Fitzgerald  
2 presented the request and stated there was no change from last year.

3 *Motion: (Johnson, J. Merkel) to approve. Carried*  
4

5 **Consideration of Nicolet Bank ATM** Nicolet Bank is proposing an ATM to be in the Town  
6 Center parking lot. But before and investment is put into the proposal would like to know if the  
7 Town Board would consider. The suggested location is in the median just behind the building.  
8 Would need to schedule and get estimates for electrical and installation. *Motion: (Johnson, J. Merkel) to*  
9 *approve the ATM on the property with continued discussion on location, 5-year agreement, and terms and conditions.*  
10 *Carried*

11  
12 **Review and Approve 2021 Financial Statements** Leah Lasecki from CLA presented the audit  
13 reports to the Town Board. *Motion: (Johnson, B. Merkel) to approve the 2021 Financial Statements as*  
14 *presented. Carried.*

15  
16 **Remove from the Table: Payment Schedule for Emergency Services for Special Events**  
17 *Motion: (Johnson, Luetzgen) to remove from the table payment schedule for emergency services for special events.*  
18 *Carried*

19  
20 **Payment Schedule for Special Events Services** *Motion: (Johnson, J. Merkel) to approve the payment*  
21 *schedule of \$25 for each special event service. Carried*

22  
23 **Name Easement on Parcel #0140112302741** *Motion: (J. Merkel, Johnson) to name easement on parcel*  
24 *#014-0112302741 Rognat Rd. Carried*

25  
26 **Name Easement on Parcel #0140110302711G1** *Motion: (B. Merkel, J. Merkel) to name easement on*  
27 *parcel #014-0110302711G1 Wild Nest Rd. Carried*

28  
29 **Speed Limit on White Cliff Rd** *Motion: (J. Merkel, Johnson) to lower the speed limit to 25 mph on White*  
30 *Cliff Rd. Carried*

31  
32 **Speed Limit on Cottage Row Rd** *Motion: (Johnson, Luetzgen) to lower the speed limit to 20 mph on lower*  
33 *Cottage Row Rd through the hairpin and 25 mph for the upper. Carried*

34  
35 **Consideration of Fire Truck Purchase Options** The fire department needs replace their pumper  
36 truck. After May 1<sup>st</sup>, the prices go up substantially. If a truck was ordered now, it would not be  
37 delivered until 2024. Financing options include borrowing or leasing. A lease option would allow the  
38 payment to be budgeted. The lease option requires a public hearing.  
39 *Motion: (Johnson, Luetzgen) to schedule the public hearing for the lease option. Carried, J. Merkel abstained.*  
40

41 **Set date for Code of Ordinances Workshop** Staff has been working on the code of ordinances  
42 and would like to schedule time with the Board to review. *Motion: (Johnson, J. Merkel) to schedule the*  
43 *Code of Ordinances Workshop on Monday, April 11 at 6 PM. Carried*  
44

45 **Resolution 2022-03 Applicant Resolution for Outdoor Recreation Grant Application** Staff has  
46 sat in on meetings with representatives for the Knowles nelson stewardship grant committee and  
47 members of the NRDA grant committee.

1 Representatives have indicated to staff the reasons pasts grants were not considered is because the  
2 Town of Gibraltar doesn't have what is called a Comprehensive Outdoor Recreational Plan.  
3 (CORP)

4 Representatives indicated to apply for grants in the next few years we could adopt the Door County  
5 plan until we replaced it with our own.

6 *Motion: (J. Merkel, Johnson) to approve resolution 2022-03. Carried*

7  
8 **Resolution 2022-04 Adopting Door County Comprehensive Outdoor Recreation Plan, 2020**  
9 **Door County Parks and Open Space Plan** *Motion: (Johnson, Sohns) to approve resolution 2022-04.*

10 *Carried*

11 **Consideration of Auction Items for Sale** *Motion: (J. Merkel, Johnson) to sell all the items on the list minus*  
12 *the trackless arm. Carried*

13  
14 **Reschedule Open Book** *Motion: (Johnson, Luetzgen) to reschedule the open book to Monday, May 23, from 4*  
15 *– 6 pm. Carried.*

16  
17 **Approve the Payment of Bills:** *Motion: (Johnson, J. Merkel) to approve the payment of bills as presented.*  
18 *Carried.*

19  
20 **Adjourn to Closed Session according to Wisconsin State Statutes 19.85(1)(e)** *Motion: (Johnson,*  
21 *Luetzgen) at 9:42 by roll call vote: Sohns, Johnson, B. Merkel, J. Merkel, and Luetzgen. Carried*

22 Deliberating or negotiating the purchasing of public properties, investing of public funds, or  
23 conducting other specified public business, whenever competitive or bargaining reasons require  
24 a closed session. Consideration of property acquisition.

25  
26 **Exit Closed Session/ Reconvene to open session pursuant to State Statute 19.85(2) to take**  
27 **any action(s) or adopt resolution on issues discussed in closed session** *Motion: (Johnson,*  
28 *Luetzgen) to reconvene to open session at 10:20 pm . Carried*

29  
30 **Approve action taken in closed session: Deliberating or negotiating the purchasing of public**  
31 **properties, investing of public funds, or conducting other specified public business,**  
32 **whenever competitive or bargaining reasons require a closed session. Consideration of**  
33 **property acquisition.** *None*

34  
35 **Adjourn:** *Motion: (Johnson, Luetzgen) to adjourn at 10:21 p.m. Carried*

36  
37 Respectfully submitted,

38  
39 Kelly Murre, Clerk

**TOWN OF GIBRALTAR  
WEDNESDAY, APRIL 6, 2022  
GIBRALTAR TOWN CENTER  
4097 HIGHWAY 42, FISH CREEK WI 54212  
6:00 PM**

**Call to order:** Steve Sohns called the regular meeting to order at 6: 00 p.m.

**Roll call/quorum:**

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

Board member(s) absent: None

**Agenda/proper notice/adopt agenda:** Sohns confirmed the agenda had been properly noticed.

*Motion: (Johnson, J. Merkel) to adopt the agenda as posted. Carried*

**Ruekert Muelke Traffic Utility Presentation:** Thyssen introduced Ed Maxwell from Ruekert Muelke regarding the traffic utility. This is the first time it is being introduced to the Town Board.

Maxwell gave an overview of a transportation utility.

*Motion: (Johnson, J. Merkel) to move forward with the next step of informational meetings. Carried.*

**Adjourn:** *Motion: (Johnson, J. Merkel) to adjourn at 6:58 pm. Carried*

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**TOWN OF GIBRALTAR  
TUESDAY, APRIL 11, 2022  
GIBRALTAR TOWN CENTER  
4097 HIGHWAY 42, FISH CREEK WI 54212**

**Approved:**

**Call to order:** Steve Sohns called the closed session to order at 6:06 p.m.

**Roll call/quorum:**

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

Absent: Tim Luetttgen

**Agenda/proper notice/adopt agenda:** Sohns confirmed the agenda had been properly noticed.

*Motion: (Johnson, B. Merkel) to adopt the agenda as presented. Carried*

**Set Date for Public Hearing on Fire Truck Financing:** *Motion: (Johnson, J. Merkel) to set the meeting Wednesday, April 27, 2022, at 6 PM. Carried*

**Set Date for Road Review:** *Motion: (Sohns, J. Merkel) Monday, April 25, 2022, at 5:30 AM. and 26<sup>th</sup> as a backup. Carried*

**Municipal Code of Ordinances Workshop:** A notice will be published in the newspaper and the code of ordinances will be available in the office for public review for 2 weeks before the Board can adopt.

*Motion: (Johnson, J. Merkel) to publish and notice the code of ordinances. Carried.*

**Adjourn:** *Motion: (J. Merkel, Johnson) to adjourn at 7:05 p.m. Carried*

Respectfully submitted,

Kelly Murre, Clerk



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**TOWN OF GIBRALTAR  
ROAD REVIEW  
MONDAY, APRIL 25, 2022**

**Approved:**

**Call to order:** Steve Sohns called the closed session to order at 5:30 a.m.

**Roll call/quorum:**

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

Absent: Tim Luetgen

**The Town Board met with Administrator Thyssen for the Annual Road Review.**

**No actions were taken.**

**Adjourn:** *Motion: (J. Merkel, Sohn) to adjourn at 9:49 a.m. Carried*

Respectfully submitted,

Kelly Murre, Clerk

To: Town Board

From: Town Staff

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Request:

2021-2022 liquor licenses & Cigarette License

Analysis:

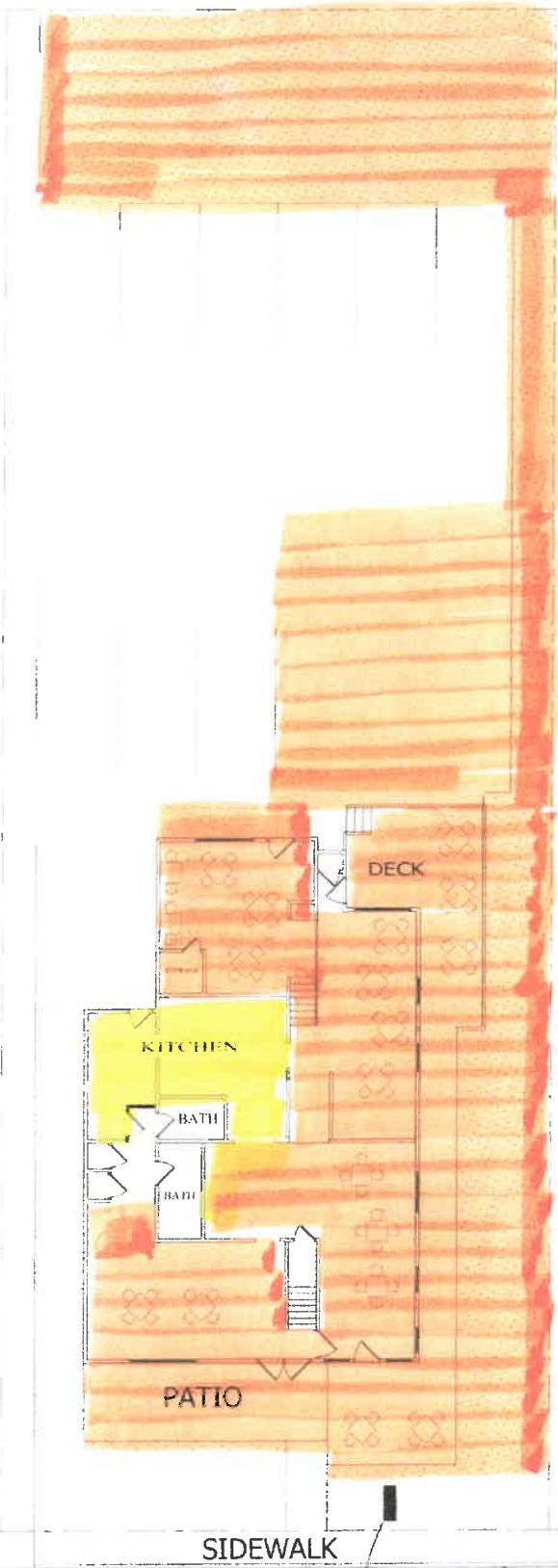
**# 8.** 2021-2022 Class "B" and "Class C" Liquor License Application: Kettle Black, Paul Krause, Agent 4158 Main Street New Request – See Site Plan

**# 9.** 2021-2022 Class "B" and "Class C" Liquor License Application: AIMD Whistling Swan LLC, David Kana Agent 4192 Main Street - No change in premise description from previous owner - Beer & Wine Only

**# 10.** 2021-2022 "Class A" and Class "A" Liquor License: Rana LLC/Fish Creek BP, Bisal Rana, Agent 3871 State Hwy 42 No change in premise description from previous owner – contingent upon sale, official closing, and relinquishment of Jacobson's license.

**# 11.** 2021-2022 Application for Cigarette and Tobacco Retail License: Rana LLC/Fish Creek BP No change in premise description from previous owner – contingent upon sale, official closing, and relinquishment of Jacobson's license.

ALLEY



BEVERAGE  
STORAGE IN  
"YELLOW"

BEVERAGES  
SERVED IN  
"ORANGE"

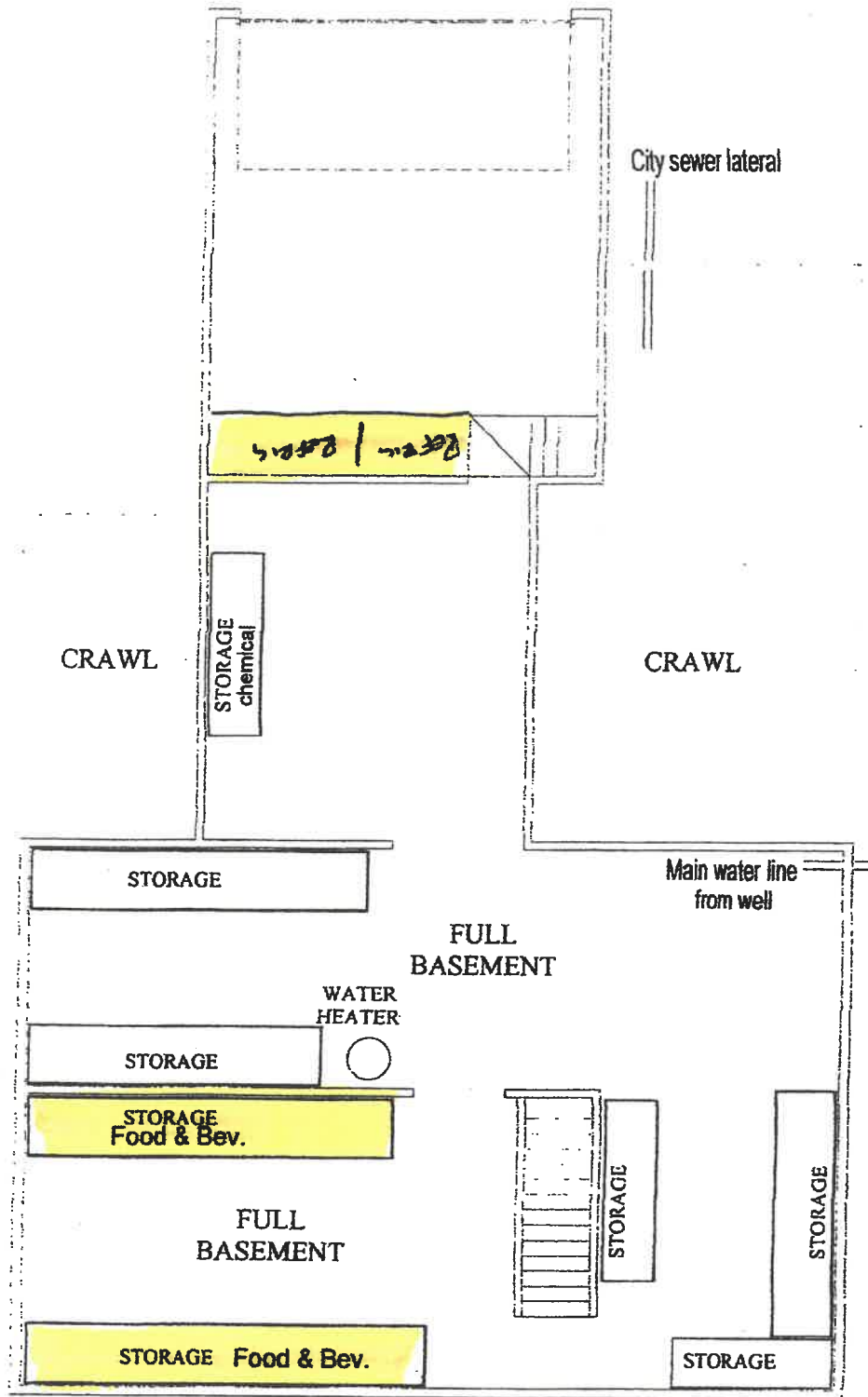
**SITE PLAN**



SIDEWALK

EXISTING  
SIGN

**Main Street**



Bev  
YELLOW = STORAGE

# LOWER LEVEL PLAN





# Map

Printed 04/29/2022 courtesy of Door County Land Information Office

... from the Web Map of ...  
( /www.co.door.wi.gov )



**Door County, Wisconsin**  
**... for all seasons!**



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.

To: Town Board

From: Staff

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Request:

Nicolet bank is working with staff to provide an ATM in the rear parking lot behind the town center

Analysis:

Nicolet bank provides service to many businesses in the Town of Gibraltar. Having access to a deposit area as well as direct access to their banking will provide a convenient service to the residents.

The visitors will be able to use the ATM and be provided additional conveniences. This will add an additional source for monies when other ATM machines are out of money as the case with Winterfest.

Nicolet bank is providing the ATM and all the subsequent work involved in the installation.

Nicolet bank will be leasing the space from the town for five years with an additional five-year option.

Background:

The Town of Gibraltar recently installed a large parking lot, having the ATM in the back of the Community center will potentially direct visitors to park in the lot before venturing into the town.

All costs associated with maintenance and install are born by Nicolet.

Police chief doesn't see any issues with having the machine placed in the lot.

Recommendation:

Town staff has reviewed the request as well as town legal counsel. Both feel this will be a good addition to the town center and provide a service to or guests and residents.

Fiscal Impact:

The town will receive \$1,000.00 per year lease for five years and \$1,200.00 per year if an extension to the contract is requested.

**LEASE AGREEMENT**  
(ATM Site)

THIS LEASE AGREEMENT (this "Lease") is made effective on the 21 day of April, 2022 by and between TOWN OF GIBRALTAR ("Town") and NICOLET NATIONAL BANK ("Nicolet").

**RECITALS**

WHEREAS Town owns real property and related improvements located at 4097 Main Street, Fish Creek, WI (the "Property");

WHEREAS Town has requested that Nicolet install one (1) SelfServ 84 Drive-up ATM (the "ATM") on that portion of the Property depicted on Exhibit A (the "Leased Area"), and to complete construction to the Leased Area necessary to install the ATM; and

WHEREAS Nicolet agrees to install the ATM on the Leased Area, in accordance with this Lease.

NOW, THEREFORE, in consideration of the mutual promises contained here, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Town and Nicolet covenant and agree as follows:

**AGREEMENT**

1. Construction and Installation of ATM. Town grants to Nicolet and its agents, at any reasonable time and always during business hours, the right to enter upon the Property and the Leased Area for the purpose of completing the following tasks, all of which shall be at Nicolet's sole cost and expense:

- a. Initial Construction and Installation. Preparation of the Leased Area to include, among other things, construction of a 10'x5' concrete island, excavation, preparation for electrical conduits, and installation of the kiosk and bollards. Nicolet will install an alarm and a camera inside of the unit. Nicolet shall obtain Town's prior approval of all construction plans.
- b. Operation and Maintenance. Nicolet and its agents will perform cash replenishment and auditing of the ATM on a regular basis, as provided in Section 4. Nicolet will use a third-party armored truck service for all cash replenishment.

2. Term and Early Termination. The Initial Term of this Lease shall extend for five (5) years commencing on the date that the ATM is first fully operational (the "Effective Date"). Upon expiration of the Initial Term, and if Nicolet is not in default of any of its obligation under this Lease, Nicolet shall have the option to renew this Lease for one additional 5-year term (the "Renewal Term") by providing Town with written notice of its election to do so at least thirty (30) days prior to the end of the Initial Term. Upon termination of this Lease, Nicolet shall promptly remove the ATM from the Leased Area at Nicolet's sole cost and expense. Town may, at its election, terminate this Lease prior to the end of the Initial Term or the Renewal Term; however, Town agrees to pay the following Early Termination Fee to Nicolet, the purpose of which is to reimburse Nicolet for a portion of Nicolet's initial investment in

installing the ATM:

Timing of Termination by	Early Termination Fee
During 1 <sup>st</sup> year following the Effective Date	\$20,000
During 2 <sup>nd</sup> year following the Effective Date	\$16,000
During 3 <sup>rd</sup> year following the Effective Date	\$12,000
During 4 <sup>th</sup> year following the Effective Date	\$8,000
During 5 <sup>th</sup> year following the Effective Date	\$4,000
After 5 <sup>th</sup> year following Effective Date	\$0

3. Lease Payment. Towns waives any Lease Payment for the first twelve months of this Lease, beginning on the Effective Date. Thereafter, Nicolet shall pay to Town the amount of \$1,000 annually (the "Lease Payment") within 30 days after receiving an invoice from Town. The Parties agree that if Nicolet exercises its five-year Renewal Term as described in Section 2, the Lease Payment will be \$1,200.00 annually for this Renewal Term.

4. Ownership, Maintenance and Operation of ATM. The ATM will remain the personal property of Nicolet, and Town agrees not to claim any ownership in or lien against the ATM (regardless of the methods used to affix the ATM to the Leased Area). Nicolet shall be solely responsible for all aspects of operating and maintaining the ATM including, but not limited to, the following at Nicolet's sole expense:

- a. Maintain the ATM in good working order and repair;
- b. Store and maintain an adequate supply of paper within the ATM to provide user receipts for transactions;
- c. Monitor and maintain enough cash in the ATM; and
- d. Maintaining adequate security cameras.

In the event of any ATM failure, damage, or other problem requiring repair, replacement, adjustment, or maintenance, Town shall notify Nicolet, or a person designated by Nicolet within twenty-four (24) hours of first becoming aware of such failure or problem. Town will not permit anyone, other than an authorized representative, or designee of Nicolet, to perform any service or repair work on the ATM without Nicolet's prior written approval. Nicolet will bear the entire risk of loss of the ATM and will pay all personal property taxes, similar assessments, and insurance directly relating thereto. Town shall not move or relocate the ATM without written consent and agreement from Nicolet.

5. Maintenance, Taxes and Utilities. Town shall maintain the Property and the Leased Area in a safe condition for the public, invitees, and guests. Town shall be responsible for all maintenance of the Property, including all snow removal, lawn maintenance, and exterior lighting. Town will pay any real estate taxes or similar assessments attributable thereto. Town will pay all electrical costs associated with the Property and Leased Area, including any electrical usage for the ATM (excluding initial installation of electric circuits, which Nicolet will pay pursuant to Section 1). Town agrees not to block the view of the ATM, to allow Nicolet to place signage on and around the ATM, and to provide space for the ATM as is reasonably necessary to enable customers to have unobstructed access to the ATM.



6. Signage. Nicolet shall be allowed to install signs identifying the ATM and displaying Nicolet's name, Nicolet's ATM trademark name, and the names of the ATM networks in which Nicolet may maintain membership from time to time in accordance with such network's graphic standards, subject to the prior written approval of Town, which approval shall not be unreasonably withheld or delayed. Town shall also take any action necessary to allow Nicolet to erect signage facing Main Street (adjacent to town sign).

7. Indemnification. Each Party shall indemnify and defend the other Party, their officers, employees and agents against and hold them harmless from, without limitation, any and all liabilities, injury, death, penalties, losses, costs, damages, claims, expenses, attorneys' fees, expenses of litigation, suits, judgments, liens, and encumbrances brought, suffered, or incurred by the other Party or third parties (collectively, "Claims") attributable to the respective acts or omissions of such Party, their employees, officers, agents or subcontractors, while engaged in the performance of their duties under this Lease; excluding however, Claims to the extent that they arise directly from the gross negligence or willful misconduct of the other Party, its officers, employees, or agents. Each Party shall give prompt notice of any such Claims and shall reasonably cooperate in the defense of such Claims.

8. Confidentiality. The Parties acknowledge that, by reason of their relationship under this Lease, they may have access to Confidential Information of the other. As used in this Lease, "Confidential Information" means the information and materials related to the other's business, plans, customers, software technology, and marketing strategies that are confidential and of substantial value to the other, which value would be impaired if such information were disclosed to third parties. Each Party agrees that it shall not use or disclose Confidential Information other than for the purpose for which it was disclosed by the other. Each Party further agrees that (a) it shall not use in any way for its own account nor for the account of any third party, nor disclose to any third party, any Confidential Information revealed by the other, and (b) it shall take every reasonable precaution to protect the confidentiality of the Confidential Information. Subject to these restrictions, a Party may disclose Confidential Information to its employees, agents, and subcontractors so long as such information is necessary for those employees, agents, and subcontractors to perform their respective jobs or tasks called for in this Lease. Each Party is responsible for ensuring that all its employees, agents or subcontractors comply with the provisions set forth in this Section. The Parties acknowledge that the Town must comply with Wisconsin open records law and must disclose records as defined by Wisconsin law should the Town receive an open records request.

9. Commercial General Liability Insurance. Nicolet and Town shall each maintain commercial general liability insurance written on an occurrence basis in the amount of at least \$1,000,000.00 per occurrence on account of bodily injury, death, or property damage arising from the operation of the ATM. The respective policies of the parties shall be primary and noncontributing. Town shall identify Nicolet as an additional insured on Town's commercial general liability insurance policy contemplated by this paragraph.

10. Notices. Any notices or other communication to be given under this Lease shall be sent via certified or registered mail, return receipt requested, or by Federal Express or other reputable overnight courier to the parties at the following addresses:

Town: Attn: Town Administrator  
PO Box 850  
Fish Creek, WI 54212

Nicolet: Attn: Legal  
111 N. Washington Street  
Green Bay, WI 54301

11. Merger. This Lease supersedes any prior written or oral negotiations or understandings, and any such negotiations or understandings are merged herein.

12. Authority to Execute. Each of the undersigned individuals warrant and represent that they have been granted authority by the respective Parties to execute this Lease and that all appropriate governance action has been taken to grant such authority.

TOWN OF GIBRALTAR

By: \_\_\_\_\_, Its \_\_\_\_\_

NICOLET NATIONAL BANK

By:   
David S. Konrath, Its Director of Security

To: Town Board

From: Staff

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Request:

Adopt Code of Ordinances

Analysis:

The Code of Ordinances has been made available for public inspection and noticed in the Peninsula Pulse for 2 weeks. The Next step is to adopt the code.

Recommendation:

To adopt ordinance 2022-33 Municipal Code of Ordinances.

Fiscal Impact:

None

**TOWN OF GIBRALTAR**  
**ORDINANCE 2022-33**  
**ADOPTION OF CODE OF ORDINANCES**

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The Town Board of the Town of Gibraltar, Door County, Wisconsin, does hereby ordain as follows:

The code of ordinances in book form entitled, "Town of Gibraltar Code of Ordinances", having been placed on file and open to public inspection in the office of the town clerk for a period of two weeks commencing, April 15, 2022, pursuant to Wis. Stat. s 66.0103, is hereby adopted as the general code of ordinances in and for the Town of Gibraltar, Door County, Wisconsin.

This ordinance shall take effect upon passage and posting as required by law.

Dated this 4<sup>th</sup> day of May, 2022

Town of Gibraltar

\_\_\_\_\_  
Steve Sohns, Town Chairman

\_\_\_\_\_  
Kelly Murre, Town Clerk

ATTEST:

I hereby certify that the above is a true and correct copy of the ordinance passed by the Town of Gibraltar board of the Town of Gibraltar at the regular meeting thereof held this 4<sup>th</sup> day of May, 2022.

\_\_\_\_\_  
Kelly Murre, Town Clerk

To: Town Board

From: Staff

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Request:

Approve Formation of a TID and approve hiring Cedar Co. for technical services to implement.

Background:

The Town Board has approved looking into the formation of a TID to provide sewer service to the area on to of the bluff near the Settlement Shops.

The TID will use increment financing to pay for engineering, design, acquisition and construction of the main interceptor as well as road improvements in the new town dedicated right of way.

Analysis:

Cedar Co. has been a vital partner in securing State legislation and has extensive experience in managing the start to finish aspects of TID districts.

Cedar Co. will complete all the legal, technical, and oversee the JRB with guidance and information.

Recommendation:

Staff recommends formation of TID #1 and to contract Cedar Co. to manage the operations of TID #1

Fiscal Impact:

The TID will be formed to fund development, engineering, and management. The cost of the contracted services will be added to the TID

To: Town Board

From: Staff

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Request:

Each taxing entity in a TID district will appoint a member to sit on the Joint review board (JRB)

Background:

The Gibraltar schools, Northeast Technical College, Door County, and the Town of Gibraltar will each have a representee on the JRB. The Town will choose who will serve on the JRB with the other three members and the members of the JRB will choose a member of Gibraltar township at large to serve on the JRB.

The Purpose of the joint review board is to create a separate oversight independent of each taxing entity to provide oversight of TID #1

Analysis:

The town is required to have one member sit on the JRB. The Town chairman will appoint a member and the town board will confirm the nomination.

Recommendation:

Staff recommends confirming an appointment to the JRB.

Fiscal Impact:

There is no fiscal impact to appoint someone to a joint review board.

**2022 Town of Gibraltar Road Review**

**Date: 4/25/2021**

**Start Time: 5:30 a.m.**

ROAD NAME	2020 NOTES	2021 NOTES	2022 NOTES
Town Center Parking Lot		None	Back of Building Needing Replacement Soon
Boat Trailer Parking Lot		Signs -- lights, dead fall between, fences	Ok
Hill Street	Potholes - Pave soon - Survey road	First part shot; price to pave; drainage	Phase 1
Bluff Lane	Pavement soon - Potholes - Survey road	Price to pave	Phase 1/ Striping until redone
Spruce Street	Phase 2 Project - Stripe		Stripe
Cottage Row to Main	Good		OK
Ula Street	Condition?		OK
Main to Sunset	Phase 2 - Park Plan - Stripe		OK
Main to Cedar	Phase 2 - Corner to pothole		Potholes
Cedar Street	Phase 2 - Pothole, catch basins and video storm drains	Parallel parking striping by Whistling Swan	Phase 1
Maple Street\Dock Road	Ok - Watch, Maple to W Cedar ok		
Dock Parking	Clean - Blow	Clean up	Clean Up
Retreat Parking	Mow/trim - Trim tree, Needs signage	Clean up	Clean up
Hwy 42 to Main Street/Cedar	42 - Cottage Row Stripe, Main to Sunset pot hole repair		Stripe if needed
Cottage Row South	Price to pave whole road - Pot holes?	Price to pave	Pave this year

Gibraltar Bluff North to Hwy 42	Good - Brush with mower	Crack fill	Crack fill - Centerline Bad/Shouldering
Bluff Circle	Crack fill, losing edges		OK
Clark to Bluff Circle	Crack fill, losing edges		OK
Cottage Row East to Hwy 42	Brush/tree cutting dead tree	Dead white ashes	Shouldering, potholes, dead Ash
Sky View	Brush	Cracks -- one at entrance	OK
Sky View Spurs (2)	None		Grade In-house
Gibraltar Bluff Middle	Price to blackout - Survey (priority) - Brush	Survey; price estimate	Survey, Price on Re-do
Orchard Rd	None		Price on Redo
Gibraltar Bluff South	Brush Dead	Chip seal	Tree Trimming
Peninsula Players to Dead End	Brush at water	Brush at water	Brush at water, price on fixes
Peninsula Players to Cty A	Brush/trim - Culvert Krause to Hackbarth ditch	Tree branches	Tree branches hanging over road - south side
Juddville Rd to Quarterline	Road cut question - Check guardrail		Price on Guard rail replacement, spot shouldering
Short Road	Brush	Pot holes	Gravel and grade
Quarterline Road	None	Crack fill	Spot shouldering and dead tree
Quarterline Road East	None		Gravel and grade, trim trees
White Cliff Rd	Brush (south end) - Survey whole road? - Potholes	Crack fill; chip seal; estimate to pave	Price for Redo, Start trimming/brushing
Juddville Road (Hwy 42 to water)		Price estimate to budget to grade end of road	Part of grant, call county about pothole on 42
Islandview Rd	Survey - Brush - Future blackout	Same as 2020 (price estimate)	Price on Redo, Start brushing
Juddville Hill Rd	Brush	Price estimate to budget	Price to redo
Daisy Patch	Brush - Branches (*Brush along road)		Spot shouldering, tree trimming
Wildflower Patch	None	Crack fill	Grade In-house



Town Rd #68 or #69 (aka "Bare Ass Beach Road")	Standing water -- add gravel	Back blade pile on end of road; brush end of road	Trim trees at shore
Old Cty EE Lane	None	Redo next year with Cty EE	Same
Long View Road	None	Grind (leave gravel?); price estimate to redo when county does Cty EE or leave gravel	Add gravel at transition from blacktop In-house
Little Marsh Road	Crack fill	OK	Spot shoulder, overhanging branches
Gardner Court	Crack fill - Potholes on gravel town, brush	Crack fill; potholes; grade?	OK
High Plateau	Brush / Crack fill	Shouldering (touch up)	Tree trimming, leaves in ditch
S Highland East to Cty F	Crack fill	Shoulder intersection and Cty Hwy F intersection	OK
High Ridge	Blacktop from intersection of Highland to 8398	Price estimate for paving/black top	Shoulder North end, Price for Double lift: 8398 to North and South Short (old section). No culvert in driveway
Shine Ln	None	Grind and gravel (price estimate)	Brush Cedar Trees
S Highland North	Shouldering/Chip seal	Shoulder	Brushing
Highland Spur	None		Gravel and grade
Shady Lane	None		Brushing
Maintenance Shop	None	Sweep; fix shoulders; downspout on cold storage building (east side)	OK
Fire Department	Weeds in cracks	Crack fill	Striping, survey NW section
Maple Grove East	Replace next year	Price estimate? Widen shoulder; double lift; price estimate to pave/blacktop	Maple tree limbs
West Meadow North	Good (Brushing)	Stripe center of curve	OK
Wilder Road	Good		Price Chip seal - last chance - Ephraim pay 1/2
West Meadow South	OK	Shoulder	Good
Triangle Road	Good		Good
Triangle Spur	Good		Chip seal (last chance)

Maple Grove Road to Gibraltar	Chip seal			OK, shoulder inside of curve In-house
Gibraltar Road East	Holding but tough		Survey - Cedar Ridge	Spot shouldering
Gibraltar Court	OK			OK
Sugar Bush Spur	OK		Potholes; clean up end with gravel	OK
Sugar Bush Lane	OK (brush in road right of way)			Chip seal
Maple Grove Road North	Pothole at 9641		Chip seal (price estimate)	Crack seal
Airport Parking Lot	Good			
Gibraltar Road Middle to Cty A	Good		Touch up shoulder	Spot shoulder
Gibraltar Road/Cty Rd A to School	Bid on (YMCA, electric, culvert), brushing			OK
Town Shop	Junk/Docks, Review of piers and old trash, save pier cleats, 2 parking bumpers			Call if sawmill could use cedar
Spring Road to Wandering	Good		Crack filling	OK
Wandering Road	Chip seal (to south of 8984) - Redo creek area (warranty) - Brushing		Crack filling; shouldering (South of 8984)	Crackfill
Spring Road to Wandering	Fix			Crackfill, north done last year
Spring Road	2nd lift, fix drainage per Steve's address and property north of Woerfel's lot south of the creek			Crackfill, may pass on 2nd lift
Elm Road	Shouldering, change sign to no parking this side of street, road breaking down on South of street due to parking			Crackfill, striping, shoulder
Evergreen Rd	Good		Crack fill	OK

Shore Rd	Good/New			OK
Blossomberg Cemetery			Shoulder spots (Town staff)	OK
<u>Striping</u>	<u>Crack Seal</u>	<u>Chip Seal</u>	<u>Gravel &amp; Grade</u>	
Old Downtown Elm Rd Main Street Fire Station	Gib Bluff (North to Hwy 42) Sugar Bush Ln Wandering Rd Spring to Wandering Spring to Pen Players Elm Rd	Wilder Rd (1/2 Ephraim) Triangle Spur Airport Parking Lot	Short Rd Quarterline East Highland Spur	
<u>Asphalt/Milling</u> Juddville Hill Rd White Cliff RD Orchard RD	<u>Survey</u> Gibraltar Bluff (Middle) Fire Department NW Section	<u>Spot Shouldering</u> Gib Bluff (North to 42) Cottage Row (East to 42) Juddville RD Daisy Patch Little Marsh Rd Gibraltar Rd (Middle to Cty A) High Ridge (North End)	<u>In-house Grade &amp; Gravel</u> Sky View Spurs Wildflower Patch Longview Rd Maple Grove Rd (Inside Curve) Elm Rd	
High Ridge (Each end)				

To: Town Board

From: Staff

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Request:

Door County, Land Use Dept is requesting an easement be named.

Analysis:

An easement on parcel #014-0234312743D to be named. The owners of the property have requested the easement be named "Green Acres Trail".

Recommendation:

The proposed name is not being objected by the County and staff doesn't see any conflicts with the road name proposed by the owners.

Fiscal Impact:

None

# Map

Printed 04/29/2022 courtesy of Door County Land Information Office

... from the Web Map of ...  
( [//www.co.door.wi.gov](http://www.co.door.wi.gov) )



**Door County, Wisconsin**  
**... for all seasons!**



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To: Town Board

From: Staff

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Request:

To participate in the share cost of asphalt reclamation at the bayside/town alleyway.

Background:

The asphalt at the alleyway has exhausted its useful life. Many potholes and separation are present.

The owners of Bayside are having their section done and are asking the town and the Krause family to participate in the cost share.

Analysis:

The town can contribute and receive economies of scale. To have the project completed together would look the best.

Recommendation:

Town should take part in the cost share for the pavement replacement.

- 3650 total asphalt replacement
- 913 Krause area
- 913 Town of Gibraltar area

Fiscal Impact:

The amount of the cost share for the towns portion is \$2839.43 this covers the 913 square feet that is owned by the town. This will be taken out of the \$350,000 earmarked in the budget for road repairs.