

**Town of Sturgeon Bay**  
**Door County, WI**  
**Website: Townofsturgeonbay-wi.gov**  
**Town Board Meeting**  
**December 4, 2023 – Minutes**

**Call to Order**

The December 4, 2023, Town of Sturgeon Bay Town Board Meeting was called to order by Chairman Jeff Feuerstein at 7:00 p.m. at the Arle Memorial Hall.

**Establish a Quorum**

Board members present: Chair Jeff Feuerstein, Supervisor Dawn Uecker and Supervisor Kent Moraga.  
Quorum complete.

Also present: Town Treasurer Lynne Gustafson, Town Clerk Nancy Anschutz and Public

**Approval of Agenda** –Supervisor Moraga made a motion to approve the agenda for December 4th, 2<sup>nd</sup> by Supervisor Uecker. Motion carried by voice vote.

Minutes from the November 6, 2023 meeting available on the town website. A motion was made by Supervisor Uecker to approve the minutes as posted, 2<sup>nd</sup> by Supervisor Moraga. Motion carried by voice vote.

**Treasurers Report** - Treasurer Gustafson gave the following financial report:

|                  |                |
|------------------|----------------|
| Checking Account | \$138,671.35   |
| Savings Account  | \$109,758.25** |

\*\* Includes payment from American Rescue Plan Act (ARPA) of \$86,874.90

A motion was made by Supervisor Uecker, 2<sup>nd</sup> by Chair Feuerstein to accept the Treasurers Report. Motion carried by voice vote.

**Broadband Committee Report** – Chair Feuerstein reported the committee continues to meet twice a month at the DC Library (agenda posted on town website). He reported AT&T submitted two grant applications to the capital project on behalf of the town. The capital project is Federally funded. Work continues on the resolution for the broadband expansion project.

**County Board Update** – Representative Hugh Zettel reported on current county board activity:

- There has been a substantial increase in sales tax throughout the county, applied to county levy,
- Annual County Fair meeting reported 2023 was successful, positive impact in attendance,
- Accepted donation to Parks Dept for LaSalle Pavilion project,
- Approved agreement with Bay Electronics for maintenance of the public radio system.

**Roads and/or Parks:**

Completed road projects include:

- Buffalo Ridge Road – grading completed
- Shiloh Road – repairs to shoulders completed
- Buffalo Ridge Rd. & Buffalo Trail – potholes repaired
- South Lake Mich Dr. – Tree removal (38 count) completed

Pending road projects include: None

An Intergovernmental Agreement with the DC Hwy Dept and the Town was signed and turned.

**Old Business:**

Mileage Reimbursement Policy: A mileage reimbursement form was submitted by Supervisor Moraga. A motion was made by Chair Feuerstein, 2<sup>nd</sup> by Supervisor Uecker to accept the policy effective January 1, 2024. The motion was approved by voice vote. Reimbursement for mileage should be turned in annually, April 1<sup>st</sup> of each year.

Portage Park Funding Application: Supervisor Uecker had nothing to report.

Noise ordinance: Chair Feuerstein investigated County enforced noise ordinances. There currently are two county ordinances: 1) Public Nuisance and 2) Bullying. There are two types of nuisances, private (affects only one property owner) or public (affects more than one). County ordinances are enforced by the Sheriffs department. Attachment A included with more detail.

**New Business:**

Broadband Expansion; Resolution – No update at this time.

Request to vacate Evergreen Avenue, on plat of Cromell's Grove – Tony Hayes asking for resolution from the town to vacate the proposed road. The board did not want to take any action until survey map is presented. Hayes spoke on behalf of the Beilfuss's in support of the vacation and Larry Madden present spoke in favor of the vacation. Chair Feuerstein stated he heard from two parties opposing this request, one party suggesting the town should have trees planted in this right-of-way to create a vegetation buffer. Supervisor Moraga asked to do a site visit to become more familiar with the area. This topic will be tabled until the next meeting in January 2024.

Tom Gross, Sunrise Shores subdivision – A covenant states cottages are restricted to maximum size of 300 sq. ft. and this has made it impossible for him to sell his lot. Supervisor Moraga researched and found that there is nothing the town can do. The property owner will need to seek personal legal advice to clarify the question.

Treasurer Gustafson and Clerk Anschutz met with Nicolet Bank at the bank's request. The bank is recommending fraud protection coverage for accounts. Nicolet to follow up with cost if the town is interested.

**Correspondence:** None

**Public Comment** – Clerk Anschutz reminded all that as of January 2024, town board meetings will be held on the 2<sup>nd</sup> Monday of each month starting at 6:00 p.m.

Following the approval of bills, a motion to adjourn at 8:25 p.m. was made by Supervisor Moraga, 2<sup>nd</sup> by Supervisor Uecker. Motion approved and carried by voice vote.

Respectfully submitted,

Nancy Anschutz, Clerk

Attachment A (3 pages attached)

## Noise Issues in Town of Sturgeon Bay

Several residents had brought concerns to the last town meeting and the board agreed to investigate.

County ordinances are enforced by the Sheriff's Department and prosecuted by the DA.

Towns may create ordinances to cover issues not covered by county ordinances or where tighter controls are desired. Several other towns have noise ordinances which have to be enforced by constable or town officials. Any fines have to be brought to court.

The county had revised its ordinances several years ago to match certain state statutes. There are 2 on the books that should cover the recent issues.

### Public Nuisance

**Bullying/Harassment.** An intentional course of conduct which is likely to create an offensive environment and which serves no legitimate purpose.

Note that there are public and private nuisances. A private nuisance would only affect one owner/property. Public nuisances affect more than one.

I had contacted Chief Deputy Pat McCarty and Lt. Brad Shortreed at the Sheriff's Department to discuss. They agreed the recent incidents should have been covered under the Public Nuisance ordinance. They were unaware that their deputies did not take action. They promised to get the word out and would appreciate a call in the future if there were any concerns with lack of enforcement.

Going forward. If there is a disturbance have multiple people call in a complaint to the Sheriff's office at 920-746-2400. Each day is a separate offense.

### **§ 31.03 – Public Nuisance**

- A.** This section is enacted pursuant to and consistent with §§ 59.01, 59.02, 59.03, 59.04, 59.54, 66.0113 and Ch. 823, Wis. Stats., which are each incorporated herein by reference.
- B.** The predominant aim of this section is to address public nuisances that concern health and safety.
- C.** Public Nuisance / Private Nuisance
  - 1.** A “private nuisance” is a claim where a particular property owner is adversely affected by the nuisance.
  - 2.** A “public nuisance” is where the general community is adversely affected by the nuisance and is not tied to the adverse impact upon a specific private property.
  - 3.** Sometimes a nuisance gives rise to both public and private nuisance claims caused by the same activity.

This section is not intended to address a nuisance that is primarily private in nature.

- D.** Offenses / Violations
  - 1.** Any act required to be performed or prohibited by Ch. 823, Wis. Stats., is required or prohibited by this section.
  - 2.** Any person who shall, within Door County, violate any provisions of Ch. 823, Wis. Stats., shall be deemed guilty of an offense under this section.
  - 3.** Each violation, and each day a violation continues or occurs, constitutes a separate offense.
- E.** Penalties
  - 1.** Violators shall, for each offense:
    - a.** Pay a forfeiture of not less than \$50.00 nor more than \$1,000.
    - b.** Pay costs, fees and surcharges imposed under Ch. 814 Wis. Stats.
    - c.** Make any other payment authorized by law.
  - 2.** A separate offense is deemed committed each day a violation occurs or continues.

## Chapter 25 Door County Code

### BULLYING; HARASSMENT ORDINANCE

A. Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

1. Bullying.

Bullying is deliberate or intentional behavior (e.g., words or actions), intended to cause fear, intimidation, or harm. Bullying behavior may:

- a. be a single instance, have the potential to be repeated, or could be repeated behavior;
- b. involve an actual or perceived imbalance of power;
- c. be intended to control others;
- d. be motivated by an actual or perceived distinguishing characteristic (e.g., age, national origin; race; ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic, or family status);
- e. be physical (e.g. assault, hitting or punching, kicking, theft, threatening behavior);
- f. be verbal (e.g. threatening or intimidating language, teasing or name-calling, racist remarks); and/or
- g. be indirect (e.g. spreading cruel rumors, intimidation through gestures, social exclusion, and sending insulting messages or pictures by mobile phone or using the internet – also known as cyber bullying).

2. Harassment.

Any conduct, whether verbal, physical, written or by means of any mode of communication, which:

- a. Is prohibited by §§ 947.01, 947.012, 947.0125 or 947.013, Wis. Stats.; or
- b. Is any intentional course of conduct which is likely to create an intimidating, hostile or offensive environment, and which serves no legitimate purpose.

Course of conduct is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

B. Prohibitions.

1. It shall be a violation of this ordinance for any person to engage in any bullying or harassment of a person or induce another person to engage in such bullying or harassment.
2. It shall be a violation of this ordinance for any person to retaliate or threaten to retaliate against another person for reporting an incident of bullying or harassment.

C. Constitutionally Protected Activity or Speech.

1. This ordinance shall not be construed to apply to any constitutionally protected activity or speech.