

TOWN OF SILVER CREEK  
COMMITTEE OF THE WHOLE MEETING  
MARCH 6, 2018

The Committee of the Whole meeting of the Town Board of the Town of Silver Creek was held on Tuesday March 6, 2018 in the Board Meeting Room for the purpose of discussing all issues before the board.

Present: Supervisors Greg Hull and Dennis Moen; Clerk Alison Oftedahl; Town Operations and Facilities Manager Conrad Swanson; Snow Plow Operator Allen Anderson; Lake County Commissioner Rich Sve; Lake County Environmental Services Director Christine McCarthy; and Dean Sand.

Absent: Supervisor Mike Hoops.

Chairman Hull called the meeting to order at 6:00 p.m.

1. Tax Forfeit Gooseberry Village Property – Dean Sand addressed the Board on behalf of the investor group currently interested in purchasing the property and developing Gooseberry Village. Sand was one of the original investors from 20 years ago, who would like to see it completed. He explained that he and partner David Janssen are aggressively pursuing financing. He stated that his purpose in coming to the meeting was to identify any hurdles the project may face with regard to the permitting process. Sand expressed his desire to work as a team with the Town of Silver Creek and Lake County. The development plan is very similar to the original one from 2002; however construction may occur in 2 phases with the lodge first and retail coming later. Moen expressed overall support for the project. Hull then guided the group through a list of potential issues the project would face:
  - a. Wetlands – Christine McCarthy distributed a memo outlining Lake County’s findings with regard to wetland mitigation. In summary, it was found that the wetland replacement plan from 2002 would no longer be valid, and that the credits purchased back then may not have the same value now. Wetland delineation would need to be re-done in the spring after the thaw. Then the Gooseberry Village team would have to start over with a new Replacement Plan. It was also noted that the development proposal now includes an RV Park which could increase the percentage of impervious surface. McCarthy also advised Sand that an Environmental Assessment Worksheet may need to be completed as this can be triggered by petition should any of the neighbors have concerns. It was suggested to Sand that the project would need a consultant to develop the Wetland Replacement plan and potentially complete an EAW so that the project doesn’t get held up later.
  - b. Conditional Use Permit – Hull reported that even though the land is zoned “Resort Commercial” already, that a Conditional Use Permit would be required and the old one was expired. He noted that conditions such as quiet hours would likely be part of granting the permit.
  - c. Set-backs – The new preliminary Gooseberry Village plan did not show enough detail to determine whether all buildings would meet Silver Creek’s setback requirements. A copy of Silver Creek’s Land Use Ordinance was provided to Sand to take back with him.
  - d. RV Park – While the group felt generally favorable towards an RV park, it was called out that this is an addition to the original plan. The RV park may increase the percent of impervious surface area beyond what is allowed by ordinance.
  - e. Storm Water Ponding – Due to changes in laws, after discussion, the group believes that a new storm water plan would need to be created and submitted.
  - f. Nestor Grade Access – The need to maintain access for the Nestor Grade cabin owners was discussed. Sand responded that access would be provided via a different route than the current one. The group discussed the importance that the easement be granted in perpetuity.

- g. Access to Snowmobile and 4-Wheeler Trails – Hull suggested that the Gooseberry Village team consider what route guests might take to access trails from the resort to determine whether legal access exists.
  - h. Building Height Restriction – The CDSSD ordinance has a strict building height limit and Sand was directed to consult the ordinance to ensure their lodge will fall within the restriction.
  - i. Liquor License – Sand was asked if the restaurant would serve liquor. Sand agreed it was likely. Hull informed the group that he normally votes against liquor license requests on the basis of public safety. For that reason Hull wanted the investor team to know that the license wasn't guaranteed, it would depend upon the votes of the other members of the Board.
  - j. Sewer Flows – The CDSSD sewer was planned and built under the assumption that Gooseberry Village would be connected. Hull provided Sand with the upper flow limit of 4.85 million gallons, which should be plenty. It was noted that if the development exceeds that flow then new assessments would be levied to pay for increased infrastructure.
  - k. Land Repurchase – With the tax forfeit process, Sand's new group must be legally designated as Gooseberry Village in order to do a "repurchase by owner" of this property. There is also the issue of timing of funding. Commissioner Sve stressed that rather than waiting around, Lake County will be moving forward in seeking special legislation to permit a sale of the property to the Town of Silver Creek. The sale will make the County whole in the sense of recouping the back taxes. If Silver Creek purchases the property, they could then sell to the new Gooseberry Village investor group.
2. Lake County Grant Application for Recycling – Christine McCarthy explained that Lake County Environmental Services is applying for a grant to enable the purchase of several mobile recycling trailers and to provide for an informational campaign. She requested a letter of support for the grant application. The mobile trailers would be used at special events, and also could be moved periodically to sites around the county providing more convenient recycling for residents. Moen and Hull both expressed verbal support and the Clerk agreed to draft a letter.
3. Road and Safety – Swanson reported that roads could use grading, but cannot be graded due to ice. He has been working on clearing ice out of a frozen culvert on the Alger Grade near the Gooseberry. He also reported progress with the Encampment River culvert replacement project. Silver Creek has identified this as the highest priority bridge project for our township. The necessary DNR documentation supporting the need to install a much larger culvert was located and has been forwarded to Lake County. Swanson reported that unfortunately, this project is not likely to be funded this year, but hopefully will be next year. Finally, Swanson reminded the Board that he will be gone next Thursday attending DOT Training.
- Hull requested that Swanson prepare a road report for next week's Annual Meeting. Swanson was also asked to develop recommendations on summer staffing levels based upon upcoming projects. The purchase of a mower arm for the skidsteer was briefly discussed as it would eliminate the high cost of renting a large mower and would allow for mowing along the roads throughout the summer.
4. Sewer Operations – In preparation for the CDSSD Rate Hearing, the group considered the worksheet used to calculate rates. It was noted that the CDSSD Ordinance has requirements for rate calculation that base rates on proportional use. Moen and Hull examined the data, and reviewed the results of the formulas in the worksheet. While supervisors expressed general support, no decision on rate changes will be made until the regular meeting.
5. Town Hall Fence Project – This project is waiting until spring.

6. Employee Wage Garnishment – Payments have been coming in every 2 weeks towards the repayment of monies owed to the township.
7. Stewart River SSD – Sve spoke about plans to accompany Hoops to the Capitol next week to lobby legislators in support of the sewer project.
8. Cemetery Kiosk – Moen reported that the cemetery directory project is going well.

There being no further business, the meeting was adjourned at 8:05 p.m. upon motion by Moen, second Hull. The next regular meeting of the Town Board will be held on Tuesday, March 20, 2018 at 6:00 p.m.

Respectfully submitted,  
Alison Oftedahl, Clerk