

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
OCTOBER 16, 2002
MINUTES

Chairman Wilton reconvened/called the meeting to order at 8:54 p.m. following special meetings with Library Board representatives and the Planning & Zoning Commission. The Pledge of Allegiance was recited.

Present: Wilton, Burton, Malek, Orchard, Kwiatkowski. Also present: Atty. Adelman, Treasurer Pasterski, Clerk McMillan.

Minutes- Motion by Kwiatkowski, seconded by Burton to approve the minutes from September 18, 2002 as written. Motion carried.

Lake Management/Lake Patrol- Officer Braeger submitted the Lake Patrol's 2002 final report. This year's patrol team included four part-time officers and one administrative clerk. In 239.5 patrol hours between May 1st and October 1st there were 65 arrests, down from 73 last year. 80% of all citations were issued to non-lake residents. The board thanked the members of the Lake Patrol for their efforts. Eagle Springs Lake Management Commission Chairperson Tom Day anticipates more activity on the lake in the future, as lake quality improves and renovations are done on the DNR boat launch. Mr. Day announced Lake District meetings are scheduled for 12/11/02 and 1/22/03 at 7:30 p.m. Discussion will be held at the December meeting regarding data from the lake study. The January meeting will address improving the health of the lake. The cost of the dry hydrant will be much higher than originally anticipated.

Library- Barb Jatzak reported that the "Stranger Danger" program for children preschool age and up will be held on 10/18 from 6-7 p.m. A board game developed by an Eagle resident will be available for patrons to try out on 10/24. Internet classes will be held on November 6th, 13th and 20th at the elementary school. For Children's Book Week, a family program will be presented by a singer/songwriter on 11/21 at 6:30 p.m. in the library. The library is averaging 66 new patrons per month and circulation is up 10% from last year.

Clerk's Report- Several operator's (bartender's) license applications were reviewed. Brookwood Inn: Motion by Kwiatkowski, seconded by Orchard to grant the license for Renee Rick. Motion carried. Eagle Spring Pub: Motion by Orchard, seconded by Burton to grant the license for Winfield Larsen. Motion carried. Motion by Burton, seconded by Kwiatkowski to grant the license for Angela Bahr. Motion carried. Gillette's Country Store: Motion by Kwiatkowski, seconded by Malek to grant the license for Karen Einer pending class completion. Motion carried. Motion by Kwiatkowski, seconded by Orchard to grant the license for Eric Weier. Motion carried. Motion by Kwiatkowski, seconded by Malek to deny the license for Greg Wnuk. Motion carried. A donation request was received from the Palmyra-Eagle Community Band. Motion by Orchard, seconded by Malek to donate \$100. Motion carried.

Claims- Claims totaling \$96,650.11 were reviewed. Motion by Orchard, seconded by Kwiatkowski to approve payment of the claims. Motion carried.

Treasurer's Report- Treasurer Pasterski reported September receivables were \$9,212.86. Total held in all accounts as of 9/30/02 was \$559,781.55. Motion by Burton, seconded by Malek to approve the treasurer's report as presented. Motion carried. A budget recap showed expenses of \$742,113 through the end of the third quarter. Total budgeted for 2002 was \$1,025,597.

Fire District- Atty. Adelman reported that she reviewed the Length of Service Award (LOSA) volunteer retirement program. One concern she has with the program is the cost of administration. She has contacted the state pension program to see if they could administer. Mr. Wilton reported the process for selection of a new chief is underway. Steve Wilton and John Kaiser have submitted letters of intent for candidacy. It was clarified that nominations could also be taken from the floor. Interviews will be held on October 28, and appointment of the new chief will take place in November following the non-binding recommendation of the general Fire Dept. membership.

Park & Recreation- Mr. Malek reported the revised budget report should be ready for review at the budget workshop. The Town's portion of the Park & Rec budget will remain \$11,000 as it was last year. Discussion followed regarding possible future plans for a picnic area at the Town Park.

Business Park – Due to unenclosed storage issues, the building inspector has been asked to examine all properties in the Business Park for compliance. The citation pending for R. Chapman remains on hold.

Roads- Mr. Burton will research if other communities are charging fees for permits to utility companies and/or cable companies that need to use/excavate Town roads. Atty. Adelman will check state statutes regarding utilities for possible related references. If allowed per statutes, there would need to be an ordinance passed to collect such fees. Discussion followed regarding an ordinance possibly already on the books requiring Town Board approval if a certain amount of dirt is moved.

Garbage/Recycling- Mr. Kwiatkowski reported that the 2003 recycling grant application has been submitted.

Humane Society Agreement- Atty. Adelman spoke to HAWS representative Jay Blankenship regarding the proposed agreement. He agreed to redraft the contract and make the changes she requested concerning transportation of dogs and collection of impounding fees.

Conditional Use Permits- No report.

Non-Metallic Mining Permit Fees- Atty. Adelman recommended adopting annual fees for non-metallic mining as established by the Wisconsin Administrative Code. Fees would be based on mine size in unreclaimed acres, rounded to the nearest whole acre as follows: 1-5 acres: \$450, 6-10 acres: \$600, 11-15 acres: \$750, 16-25 acres: \$1000, 25-50 acres: \$1100, 51 acres or larger: \$1250. Motion by Burton, seconded by Malek to adopt fees as recommended. Motion carried. Atty. Adelman also recommended adopting a Town reclamation plan review fee applicable to all non-metallic mines, except mines that submit a reclamation plan pursuant to s. NR 135.18(1)(c) of the Wisconsin Administrative Code, in the amount of \$100 for administration plus all amounts charged by the Town Engineer, the Town Planner and the Town Attorney for reclamation plan review. The applicant shall pay a deposit of \$3000 to the Town at the time of filing the proposed reclamation plan. The fees and charges should be paid out of this deposit as they are incurred. If the deposit is not adequate, the applicant shall pay an additional deposit to the Town in amounts established by the Town Board. After the Town has approved the plan, the Town shall refund any unused amount to the applicant. Motion by Burton, seconded by Malek to adopt the plan review fees as recommended. Motion carried. Discussion followed regarding the non-metallic mining permit application received from B.R. Amon & Sons. Atty. Adelman advised the application is incomplete. Motion by Orchard, seconded by Kwiatkowski to deny the application. Motion carried. The clerk will send a certified letter notifying the applicant of the denial.

SEWRPC Proposal for Smart Growth- Atty. Adelman reviewed the proposal. She explained it is actually the County's proposal as prepared by SEWRPC for a plan to meet the Smart Growth requirements for the entire County and any communities that want to participate. Should the Town choose to participate, access to the data gathered would be available via computer. The Town would also be obliged to supply certain data (which was not specified) to the County and SEWRPC. Discussion followed regarding benefits and possible problems with participation. Costs for participation are unknown. Atty. Adelman presented possible provisions to add to Section 1 with respect to Term, and to Section 4 with respect to Scope of Services. Motion by Malek to table the issue. Motion died for lack of a second. Motion by Burton, seconded by Orchard to decline to participate. Motion carried.

County Shared Dispatch Resolution- Atty. Adelman reviewed the resolution regarding participation in the Waukesha County Shared Dispatch System. She had concerns from a legal perspective as related to tax levy certification. The savings on the Town's share of costs if a commitment were made by October 17 would be \$1700 over 8 years. Motion by Orchard, seconded by Kwiatkowski to participate in the County Shared Dispatch System. Motion carried 4-1.

Proposed County Zoning Code Amendments- Atty. Adelman reviewed the 32 pages of proposed changes to the County Zoning Code. She cited examples in Sections 4, 24 and 36 of areas in which the ordinance gives the County the right to overrule or ignore the Town's wishes, thereby expanding the County's power and diminishing the Town's authority. She also questioned the legality of a provision related to plats. Motion by Burton, seconded by Malek to file an objection with the County to the proposed ordinance as written. Motion carried.

Communications Towers: Town Zoning Code Amendment Draft- Atty. Adelman reviewed the document prepared by Town Planner Jason Zimmermann and made suggestions for changes to make it more easily understood. Motion by Kwiatkowski, seconded by Orchard to table until the board has reviewed it completely. Motion carried.

Motion by Kwiatkowski, seconded by Orchard to adjourn at 10:52 p.m. Motion carried.

Sally McMillan
Town Clerk