

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
JULY 16, 2003
MINUTES

Mr. Wilton called the meeting to order at 8:03 p.m. and led the Pledge of Allegiance.

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

Minutes- Motion by Burton, seconded Orchard by to approve the minutes from June 18, 2003 as presented by mail. Motion carried.

Lake Patrol- Officer Russ Ehlers submitted the written report. The Lake Patrol would like to issue 15-day releasable citations to owners of several rafts and piers that have been detected without red reflectors, which is not compliant with Town Ordinances. Atty. Adelman suggested writing compliance orders (warnings) first, rather than citations. The proposed **Ordinance to Prohibit Obstructing Town Officials** was reviewed. An amendment to include penalties for refusing to aid an officer as written in the State Statutes was discussed. Motion by Malek, seconded by Orchard to adopt the ordinance with the amendment to be added by the Town Attorney. Motion carried. Forfeitures were set at \$100 minimum and \$1000 maximum with a \$500 bond. The Eagle Fire Dept. will apparently not be providing divers for the boater safety classes; Mukwonago will be contacted to do so for an \$80 fee as a last resort. A donation for speakers and door prizes for the graduates of the boater safety class was requested. Motion by Kwiatkowski, seconded by Malek to donate \$200 for refreshments and a stipend for speakers, and to have Don Malek re-contact Eagle Fire Dept. regarding the divers. Motion carried. The Town Boat has been experiencing electrical problems. The Discovery Channel filming of the Lake Patrol should air in March.

Sheriff's Dept.- It was clarified that the Sheriff's Dept. had the authority to enforce the parking violations on Wambold Road that continue to be a problem. Deputy Charles Spielvogel was present and will arrange for a memo to be distributed to convey that to the department.

Amon & Sons Quarry- Tom Amon and Atty. William White were present to request a designation of legal non-conforming use for the sand and gravel pit (the "Burton Pit") which is located at approximately CTH N & Z, in order to lawfully continue mineral extraction activities. Copies of a letter sent from Atty. White to the building inspector in January requesting the designation and giving background on the property were distributed. Discussion followed regarding the mineral extraction law, particularly with regard to continuous use and expansion of a legal non-conforming use, and whether the Town Ordinance is consistent with state law. Mr. Burton disputed several points in the letter. He also pointed out that a proposed rezone for that property, which would have allowed enlarging the pit, was highly contested by the neighbors because of anticipated well problems and was denied. Discussion then followed regarding the reclamation plan and future use, which according to Mr. Amon is intended be returned to agricultural. Atty. Adelman outlined for the board the qualifications for active and actual use as well as legal non-conforming use, according to State Statutes and the Town's Ordinance. Motion by Malek, seconded by Orchard to stand by the Town Ordinance, which is sufficient with the 36-month cumulative use requirement, and that the use is not legal non-conforming. Motion carried 4-0, with Burton abstaining.

Treasurer's Report- June receivables were \$28,012.98. Total held in all accounts as of 6/30/03 was \$581,614.94. The budget/expense report for the first two quarters showed that 49.8% of the total 2003 budget of \$1,055,245 has been expended. Motion by Burton, seconded by Kwiatkowski to accept the treasurer's report as presented. Motion carried.

Claims- Claims totaling \$110,673.29 were reviewed. Motion by Burton, seconded by Kwiatkowski to approve payment of the claims. Motion carried.

Public Hearing: Ordinance to Limit the Number of Applications to One per Year- The legal notice as published was read into the record. Sandra Shore, S108 W37605 Draper Road, was present and voiced opposition to the ordinance and questioned the reasons for it. It was clarified that this would apply only to the same or substantially similar applications. Steve Muth, S105 W37710 Estates Drive, was present and was also opposed. He asserted that waiting for 12 months for reapplication is too long, and to include all applications is excessive. Motion by Kwiatkowski, seconded by Malek to close the public hearing. Motion carried. Discussion followed regarding revisions to the first paragraph for clarity. Motion by Kwiatkowski, seconded by Malek to table until after a rewrite. Motion carried.

Clerk's Report- Several applications for bartender's licenses were presented for approval. For Eagle Springs Golf Resort: Motion by Kwiatkowski, seconded by Orchard to approve the license for Kody Pangburn. Motion carried. Motion by Kwiatkowski, seconded by Orchard to approve the license renewal for Janice Wills. Motion carried. Motion by Kwiatkowski, seconded by Orchard to approve the license renewal for Dana Syring. Motion carried. Motion by Kwiatkowski, seconded by Malek to approve the license renewal for Jeremiah Chitwood. Motion carried. For Eagle Spring Pub: Motion by Kwiatkowski, seconded by Malek to approve the license for Christine Koprowski. Motion carried. From Gillette's Country Store: Motion by Kwiatkowski, seconded by Malek to approve the license renewal for Geraldine Mehlberg. Motion carried. The town newsletter should be ready for review at next month's meeting.

Library- Barb Jatzak reported on upcoming library programs including the Mama Baer Children's Program, a Teen Mystery Night and an Internet Genealogy Research class.

Lake Management- The annual meeting will be held on August 16. The dry hydrant is operational.

Fire District- The committee formed for dispute resolution has had several meetings, including a closed session, and is making progress. Regarding the recent applicants for the full-time Firefighter/EMT position, Mr. Malek inquired as to the legality of obtaining copies of the applications and letters of recommendation. Atty. Adelman advised it is a personnel matter, and the people involved should be given written notice that the custodian of those records will release them unless a court order is received preventing such release. The next meeting will allow for input from Fire Dept. membership. Recommendations from the committee will be presented to the Town Board at a future meeting.

Park & Recreation- No report.

Roads- Construction in Eagle Oaks subdivision and on Burr Oak Trail will start 7/21. Phone calls have been received regarding an accumulation of sand/gravel on Corner Court, and some residents are requesting that the street be swept. After discussion regarding expense and precedent, it was decided not to sweep.

Industrial/Business Park- Mr. Malek has been in contact with Larry Chapman. His property is being cleaned up and work is being done on the berms. He has also agreed to mow all vacant lots in the Industrial Park. Discussion followed regarding the second lift of asphalt, ditch work and special assessments. Atty. Adelman outlined special assessment procedures. Some board members would like to start moving toward special assessments for the roadwork. The sign for Godfrey Lane (East) was obtained for installation by Mr. Chapman.

Garbage/Recycling- No report.

Weeds- Complaints have been received regarding weeds at the Amon (quarry) property. The weed commissioner will be contacted.

Eagle v. Eagle Settlement Agreement/Village Well- Atty. Adelman reported that the Village still has problems with regard to the well committee agreement. The border agreement from the Village Attorney will be obtained for signing. The monitoring of the Village Well was only done for 24 hours instead of 72 as was expected.

Attorney's Report- Citations were issued to Larry Chapman and Robert Kestly for Zoning Code violations. A report on Western Eagle violations is being sought from the building inspector. A motion to dismiss the Stiglitz appeal has been filed.

Chairman's Report- None.

Motion by Kwiatkowski, seconded by Malek to adjourn at 10:33 p.m. Motion carried.

Sally McMillan
Town Clerk