

TOWN OF EAGLE  
REGULAR TOWN BOARD MEETING  
NOVEMBER 19, 2003  
MINUTES

Mr. Wilton called the meeting to order at 8:04 p.m. and led the Pledge of Allegiance.

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

Budget- The 2004 budget as discussed at the budget hearing and special town meeting was presented for approval. Motion by Wilton, seconded by Orchard to adopt the 2004 budget. Motion carried. Copies of the budget in detail are available for review at the Town Hall.

Minutes- Motion by Orchard, seconded by Burton to approve the minutes from October 15, 2003 as printed. Motion carried.

Clerk's Report- An application was received for a bartender's license for Ralph Grimm at the Brookwood Inn. Motion by Orchard, seconded by Kwiatkowski to grant the license. Motion carried. The Village Police Chief has inquired if the Town will again contribute toward the costs for annual children's Christmas with Santa at the Fire Station. Motion by Wilton, seconded by Orchard to support it by 50%. Motion carried. Correspondence from a town resident regarding the assessor was distributed to board members. No action taken. A request was received from the DNR for waiver for of fees for their conditional use application. Atty. Adelman advised there is no allowance for such a waiver in the ordinance. Motion by Kwiatkowski, seconded by Burton to deny the request by the DNR to waive fees. Motion carried.

Treasurer's Report- October receivables were \$28,274.04. Total held in all accounts as of 10/31/03 was \$394,285.01. Motion by Kwiatkowski, seconded by Orchard to approve the treasurer's report. Motion carried.

Claims- Claims totaling \$48,736.12 were reviewed. Motion by Burton, seconded by Malek that the claims be paid. Motion carried.

Sheriff's Dept.- Deputy C. Spielvogel was present and reported there has been a rash of mailbox smashing. Due to the number of recent accidents with injuries and fatalities on Highway 67 near CTH ZZ, Mr. Wilton asked if the Sheriff's Dept. could send a letter to the State Dept. of Transportation requesting that work be done to the road to improve safety there. Discussion followed regarding patrol for speed control on town roads.

Historical Society Lease Agreement- Don Ledrowski, representing the Historical Society board, submitted for approval a lease agreement for the building on Main Street, which is owned and maintained jointly by the Town and Village. The Village has already signed the lease agreement. Motion by Kwiatkowski, seconded by Malek to sign the lease for the Historical Society. Motion carried.

Library- Librarian Barb Jatzak reported the library is holding a book sale this week. Folk singer/guitarist Fiona Molloy will perform on 11/21 for a family night celebration of Children's Book Week. Interior Designer Stephanie Kalnes came up with ideas to make better use of the library's space and dress up the children's area. In addition, she found furniture that was being discarded by an attorney's office, and with the help of several volunteers, two semi loads were donated and distributed for use by the library, the municipal building offices and the local schools.

Unold Resolution- A resolution was presented for approval to create an additional tax key number for the Unold property, which is currently listed as one parcel but is divided by CTH ZZ. Motion by Burton, seconded by Kwiatkowski that approval be granted. Motion carried.

Lake Patrol & Lake Management – No report.

Fire District- Mr. Kwiatkowski presented the Resolution Committee's recommendations for changes to the makeup of the Fire Commission. The board will review the proposed changes and the issue will be placed on next month's agenda. Two applicants for the Fire Chief's position were interviewed on 11/18. After receiving the non-binding recommendation

of the members of the Fire Department, the Fire Commission will make their selection for Chief on 12/9. Three new lieutenant positions with \$900 compensation were created by the former chief and require approval. Motion by Kwiatkowski, seconded by Malek to approve the new positions and stipends. After further discussion about the number of volunteers versus positions that receive pay, the motion carried. A proposed agreement and resolution regarding participation in the Mutual Aid Box Alarm System was reviewed. Motion by Wilton, seconded by Malek to adopt the resolution. Motion carried.

Breber Deer Farm- James Breber was present to request an extension to the November 10 deadline given in July to bring the number of deer kept on his Markham Road property into compliance. He is waiting for approval from the DNR for the fencing at the location the deer are being moved to. Motion by Wilton, seconded by Orchard to grant an extension until 12/10/03. Motion carried.

Independent Inspections Contract- A new proposed contract was submitted to the board to increase fees for planning and inspection services. Mr. Orchard would like to see the fees for starting work without a permit be more than double. Motion by Kwiatkowski, seconded by Malek to table until next month to give the Town Attorney time to review. After further discussion, the motion carried.

Samuels/Moomey Reimbursement Request- Jim Samuels submitted new requests from himself and Bill Moomey requesting reimbursement for attorney expenses from a lawsuit filed by a town resident that they feel started as a result of their being on the Planning & Zoning Commission. Atty. Adelman advised that Mr. Moomey and Mr. Samuels were sued both as individuals and as members of the P & Z; the Town's attorney that was appointed by the insurance company did represent them for acts in their official capacity, but not as individuals. She further advised that any reimbursement would be entirely discretionary. Discussion followed. Motion by Kwiatkowski, seconded by Orchard to deny the request. Further discussion: Brian Rudy, who also sits on the P & Z, inquired as to his protection from lawsuits. It was clarified that he would be covered for acts as a Plan Commission member. Discussion then followed regarding insurance coverage. It was suggested that Mr. Moomey and Mr. Samuels try to obtain the reimbursement from the insurance company. The motion then carried.

Park & Recreation- No report.

Business Park- No report.

Garbage/Recycling- Mr. Kwiatkowski reported that 48 tons of material, or 30.4 lbs. per person, were recycled in October.

Roads- Mr. Burton inquired as to the top layer of asphalt in the Industrial Park. The developer's plans for that are apparently still pending. Mr. Kwiatkowski and Mr. Wilton evaluated the town roads as required by the state.

Eagle v. Eagle Settlement Agreement/Village Well- The Village has backed away from the agreement. A briefing schedule includes the motion for summary judgement and a motion to enforce the settlement agreement. First briefs are due December 1, with a possible trial date in February.

Attorney's Report- None for open session.

Chairman's Report- None.

Closed Session- Motion by Kwiatkowski, seconded by Malek to go into closed session pursuant to Sec. 19.85(1)(g) Wis. Stats. to confer with legal counsel about strategy in connection with Eagle v. Eagle and Geilfuss cases, and per Sec. 19.85(1)(e) Wis. Stats. for deliberating purchase of property. Roll call vote: Wilton- yes, Burton- yes, Malek- yes, Orchard- yes, Kwiatkowski- yes. The motion carried. After the closed session, a motion was made by Kwiatkowski, seconded by Malek to authorize Don Wilton to proceed with the investigation as discussed in closed session. Motion carried.

Motion by Malek, seconded Orchard by to adjourn at 10:30 p.m. Motion carried.

Sally McMillan  
Town Clerk