

TOWN OF EAGLE  
SPECIAL TOWN BOARD MEETING  
JANUARY 26, 2004  
UNAPPROVED MINUTES

The meeting was called to order at 6:30 p.m.

Present: Wilton, Malek, Orchard, Kwiatkowski. Excused: Burton. Also present: Mediator/Judge Patrick Snyder, Atty. Adelman, Clerk McMillan; Village Atty. Reilly, Village Board members R. Spurrell, B. Spurrell, Casper, Kussmann, and Salmela. Media representatives as well as several residents of both the Town and Village of Eagle were also present.

Mr. Spurrell gave the announcement for the Village Board closed session and took roll. Roll call was also taken for the Town Board. Mr. Wilton then announced the Town Board closed session may be held after initial discussion in open session with the Eagle Village Board and the mediator about the resolution of "Town of Eagle vs. Village of Eagle". The purpose for closed session was to confer with legal counsel regarding this litigation, per 19.85 (1)(g) Wis. Stats. The Pledge of Allegiance was then recited.

Mediator/Judge P. Snyder gave an opening statement. He shared his background in municipal law and explained the purpose of the mediation, then gave instructions to both boards on the rules and procedure for the mediation.

Mr. Wilton then gave opening remarks on behalf of the Town Board. He gave background on the relations between the Town and Village in the past. Regarding the water issue and annexation, he explained that the Town never intended to stop the Village people from having safe water. He then spelled out the potential problems that the Village well and annexation issues could create for the Town, it's residents and it's natural resources. He also illustrated and summarized the details of the border agreement, which was initially agreed to verbally by both boards as a resolution to these problems, but that the Village Board has now decided not to sign. He stated there should be compromise, and it was time for mediation.

Mr. Spurrell then gave opening remarks on behalf of the Village Board. He explained the process the Village Board has been through to find a new water source. He stated from the Village Board's point of view, they have to answer to the Village residents as well as to higher governments. The EPA has mandated them to take action and abide by their water standards. He feels did what they had to do, and stated they are not interested in springboarding the Village's land by annexing around the well site. He added that both municipalities need to work together to resolve the litigation.

Closed Session- Motion by Kwiatkowski, seconded by Malek to go into closed session. Roll call vote was taken: Wilton- yes, Malek- yes, Orchard- yes, Kwiatkowski- yes. The motion carried. The Village Board also took a roll call vote to go into closed session.

After the boards reconvened into open session, it was noted that the same members were present. Judge Snyder then asked permission from the Town and Village leaders and their attorneys to make an announcement to the crowd. He praised both boards for reaching a compromise and explained that it was agreed upon that the lawsuit would be settled under these conditions: The Village will detach the previously annexed 40 acres of land (the well site). The land will remain Village owned, but will be in the municipality of the Town. This detachment is contingent upon adoption by the Town of a well-head protection ordinance which is acceptable to the DNR. Also, the Village will apply to the Town for a Conditional Use Permit, which the Town will grant subject only to a certain amount of money being spent on landscaping around the buildings. The Village will not petition to annex this land for a period of 15 years. The Village will establish a grievance committee within 60 days to funnel complaints from Town residents whose wells may be affected, with the committee to include one ex-officio member from the Town Board. In addition, all plaintiffs must sign the settlement agreement.

The lawsuit will be terminated when the Conditional Use is granted and the well-head protection ordinance is adopted by the Town.

The Village Board meeting then adjourned. There being no further business, a motion was made by Kwiatkowski, seconded by Malek to adjourn the Town Board meeting at 9:58 p.m. Motion carried.

Respectfully submitted,

Sally McMillan  
Town Clerk