

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
MARCH 17, 2004
MINUTES

Mr. Wilton called the meeting to order at 8 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 by Malek that the minutes from January 26, 2004 be accepted as written. Motion carried. In the minutes presented from 2/18/04, clerk noted the addition of the words "Motion carried" after the last sentence. Motion by Kwiatkowski, seconded by Malek to approve the minutes from February 18, 2004 with the correction after the motion by Malek, seconded by Kwiatkowski to adjourn at 9:05 p.m., to add the words "motion carried". Motion carried.

Clerk's Report- Two bartender's license applications were received from the Brookwood Inn. Motion by Kwiatkowski, seconded by Malek to approve the license for Dawn Hadden. Motion carried. Motion by Kwiatkowski, seconded by Wilton to approve the license for Debra Wright. Motion carried. Cost for recommended upgrades to the clerk's computer will be presented next month. Laub & Horton's proposal for the town's insurance policy renewal was submitted for review. Consensus was that some adjustments need to be made to values listed for certain buildings and their contents. Motion by Wilton, seconded by Kwiatkowski to table until next month. Motion carried.

Treasurer's Report- February receivables were \$211,751.66. Total held in all accounts as of 2/29/04 was \$775,749.95. Motion by Kwiatkowski, seconded by Malek to approve the treasurer's report. Motion carried.

Library- Barb Jatczak reported the summer reading programs are being prepared. April is National Library Month; there will be contests and prizes for children. In approximately 18 months, the library will be leaving the constellation group and moving to the Waukesha system. This being her last report due to retirement, Mrs. Jatczak then thanked the Town Board for their support over the years. Candidates for the library director position are being interviewed and a selection is expected to be made by mid-April. Mr. Wilton then presented Mrs. Jatczak with a plaque and the board commended her for her years of service. A short break was taken for a small reception in her honor.

Claims- Claims totaling \$46,432.61 were reviewed. Motion by Burton, seconded by Kwiatkowski that the claims be paid. Motion carried.

Permit Fees Refund- A request for a refund of fees for a building permit that was issued for Dean Achtenhagen but ultimately retracted was discussed. Independent Inspections staff determined \$40 was non-refundable, but the remainder could be reimbursed. Motion by Burton, seconded by Orchard that the monies be refunded minus what must be kept. Motion carried.

Sheriff's Dept.- No report.

Holding Tank Application- A holding tank application and related documents for the Heytens' on Highview Road was reviewed. Motion by Kwiatkowski, seconded by Malek to approve the holding tank application. Motion carried.

Lake Management/Lake Patrol- Tom Day reported that approval for the chemical treatment of up to 27 acres of the lake this spring is in process. Lake residents are being asked for input regarding a speed limit on the lake, which was recommended by the Town Lake Patrol. Discussion followed regarding sale of the old town patrol boat. Value for the boat, motor and trailer was determined last fall to be \$2500. Atty. Adelman was asked to research the process for the sale. Later in the meeting, she reported it would not be required to have the boat bid out or to have voter's approval. Motion by Orchard, seconded by Burton to put Don Malek in charge of disposing of the town boat, and allow if necessary up to \$200 to get it ready, and method of sale at his discretion. Motion carried.

Fire Department/Fire Commission- The ordinance regarding composition of the Fire Commission is waiting for review by village officials.

Park & Recreation- Brief discussion was held regarding policies for dealing with possible issues/problems as they arise. Mr. Wilton explained that the Park & Rec Committee was set up for and has the authority to deal with dispensation of the Park & Rec budget, as long as the budget is not exceeded.

Business Park- No report.

Garbage/Recycling- Mr. Kwiatkowski reported the town is doing well with recycling. Rate is at 328 lbs. per person; DNR regulations require a minimum of 106 lbs.

Roads- Mr. Wilton reported bid opening was held on 2/25/04 for the road bids. Town engineer's memo stated bids were reviewed and Payne & Dolan was low bidder. Motion by Kwiatkowski, seconded by Malek to accept the bid from Payne & Dolan for \$87,940 for this year's road paving project. Motion carried.

Village of Eagle Matters- A copy of the preliminary plat for Wyndham Fields, a proposed new 25-lot subdivision in the village, was submitted to the Town Board for review and comments. Board opinions included: lot sizes are too small, will create too much of a burden on the community, not a good transition into property to the north, and the number of homesites should be decreased. A letter with the comments as discussed will be sent to the village. Atty. Adelman then reviewed the documents relating to Eagle v. Eagle with the board in detail. First was the village ordinance to detach the land that was previously annexed (the well site property), which has already been passed by the Village Board. Next was the stipulation and order, which lists the terms as agreed to in mediation. Atty. Adelman then explained the proposed town ordinance to attach certain lands. This ordinance will return the well site property to being located within the town, although still owned by the village. She clarified this will also mean that the property will then be subject to all the town's regulations and ordinances, and will need to be rezoned back to the original town zoning. Next, she reviewed the well-head protection ordinance, which imposes restrictions as established by the DNR on certain activities within distances from 50 ft. up to 1200 ft. of the well heads. Board had questions and concerns regarding restrictions on manure and solid waste storage. Atty. Adelman advised that both the rezone and the well-head protection ordinance will require a public hearing, and suggested that the DNR be invited to the hearing to address those concerns. Next, the provisions of the village's ordinance to establish a well grievance committee were reviewed. Basically, this ordinance makes a committee available to handle complaints from town residents within a designated area in the event they experience a problem with their private well that they believe is related to the new village wells. Discussion then returned to consideration of the town ordinance attaching certain land to the town, and adoption of the stipulation and order. Motion by Kwiatkowski, seconded by Malek to adopt the ordinance to attach certain lands to the Town of Eagle. Motion carried. Motion by Kwiatkowski, seconded by Burton to approve the stipulation and order. Motion carried. Public hearings for the rezone ordinance and well-head protection ordinance were scheduled for April 14, 2004 at 8:00 p.m. Discussion followed regarding the village's referendum on whether to dissolve the village, and if an informational meeting should be scheduled by the Town Board to address this topic. The board answered questions from several town residents who were present to make inquiries as to the origins of the petition and referendum and what the impact on town residents would be should the referendum pass. It was clarified that village residents circulated the petition that caused the referendum, and that town residents do not have a vote on this issue. As far as tax impact, it was explained that this would be unknown until the budget is set, and that the town's electors would ultimately decide the tax levy as well as what services the town should provide. It was also made clear that expenses related to the village water utility would not be the responsibility of the town residents; only those that use it pay for it. Mr. Wilton then explained that if the 440 acres that surrounds the village limits right now were to be annexed, and development occurred with the lot sizes now allowed in the village, a significant impact on the schools and on the water supply could be expected, as compared to what it might be if that acreage remained in the town. Other options in lieu of an informational meeting were then considered, such as an informational letter or newspaper ad. Board members expressed concern about being looked at as being supportive of the dissolution of the village or causing further conflict. It was reiterated that certain questions could not be answered at this time. After further discussion, it was decided that an informational meeting would not be held unless the referendum passes.

DNR Letter Re: Lead Abatement- Atty. Adelman explained the DNR sent a letter regarding lead problems at the McMiller shooting range, which basically said they do not believe they are in violation of the law, but they are making it a priority to obtain funds for lead cleanup. She suggested asking the Attorney General's office to pursue the matter. Motion by Kwiatkowski, seconded by Orchard to direct the Town Attorney to send a letter to the Attorney General. Motion carried.

Attorney's Report- A copy of the brief responding to the lawsuit filed against the town regarding the Amon quarry was made available to the board for review. A response was received regarding a short time extension for removal of the vehicles on the Stiglitz property, which Mr. Stiglitz would like to remove himself. Regarding the Kestly matter, recent activities allow for the initiation of further enforcement proceedings.

Chairman's Report- None.

Motion by Orchard, seconded by Kwiatkowski to adjourn at 10:25 p.m. Motion carried.

Respectfully submitted,

Sally McMillan
Town Clerk