

TOWN OF EAGLE  
REGULAR TOWN BOARD MEETING  
MAY 18, 2005  
MINUTES

Chairman Gillette called the meeting to order at 7:35 p.m. and led the Pledge of Allegiance.

Present: Gillette, Malek, Kwiatkowski, West; Orchard at 8 p.m. Also present: Town Engineer Mike Paulos, Clerk McMillan; Treasurer Pasterski and Atty. Adelman at 7:55 p.m.

Public Hearing: Special Assessments- Mr. Gillette opened the public hearing regarding special assessments upon certain properties in the Eagle Industrial/Business Park for asphalt paving and related work to public comment. Roger Couch, acting chair for the Eagle Business Park Assn., commented that he feels the assessment process could have been avoided if the property owners were informed sooner that the work was going to be required to get done. In addition, he believes that some properties are being assessed erroneously, and that to be fair, the assessments should only be conferred upon the original owners that paid for the first lift of asphalt. Subsequent owners apparently had road construction payments included as part of their property purchase from the original developer, Mr. Godfrey. Discussion followed regarding history: the original roadwork, what happened when the next developers came in (Price and Chapman), payments for the retention pond, land donation for the road, etc. Al Koss and Richard Barreau with B & H Lumber were present and explained that they have paid twice for roadwork costs, and think this should cover their payments. It was clarified that assessments were based on road frontage of individual properties. (Atty. Adelman arrives.) Regarding Mr. Couch's point that the property owners could have been informed sooner, Atty. Adelman advised she has correspondence to Mr. Couch that shows that he was aware of the possibility of special assessments as far back as five years ago. Jerry Heckel, owner of Heckel properties, was present and stated that he was not informed until he received the letter regarding the hearing. (Mr. Orchard arrives.) Mr. Paulos pointed out the original resolution to initiate special assessments was done in 2000. He also clarified that the assessments of \$5.05 per foot of frontage were based on construction costs plus 20% overhead. Attorney fees and engineering fees were included as part of the assessments, however the Town will be absorbing a portion of those. Town resident Carl Seitz was present and questioned the use of the engineer, based on the fact that the retention pond has no water. Jerry Heckel stated that his paperwork from his purchase of the property included money for roadwork, and showed that the side road would be the responsibility of the Town. He also raised ditch issues that he feels the Town should do something about. Discussion followed. Property owner Jerry Buscher was present and explained history regarding his property. He feels that due to certain facts, including being denied access to Henry Lane, it would be wrong for him to be responsible for that road. Mr. Malek pointed out that details of some of the past transactions were worked out by the former Town Chairperson and Mr. Godfrey. Assessments to the Heckel and Carey properties, B& H Lumber and Chapman Oil were identified by Mr. Couch as unfair. Richard Barreau with B& H Lumber gave reasons why he feels they have already paid their fair share. Discussion followed regarding the original road/driveway access to CTH NN. Atty. Adelman clarified that the issue on the table is whether the citizens of the entire Town of Eagle will pay for the roadwork, or if just those owners whose property abuts it will pay. Mr. Malek shared his unease for the Town taxpayers being responsible for attorney and engineering fees related to this roadwork. Mr. Gillette then summarized options. Plan A: stick with the Town's original proposal, with special assessment of \$5.05 per ft.; Plan B: to have the people that paid for the original road pay for the final work, with Mr. Couch agreeing to work with Larry Chapman and someone from the Town Board working out the deal, and completing by a set deadline. Plan C: the assessments would be made as originally proposed, but with the Town paying for 300 ft. of Henry Lane. It was clarified that Mr. Heckel's ditchwork problem is a separate issue. Motion by Kwiatkowski, seconded by Malek to close the public hearing. Motion carried. The options were then discussed further. Motion by West, to accept "Plan C", with the Town paying for 300 ft. on Henry Lane, which is a \$1550 value, and the rest would be charged the \$5.05 per ft. assessment fee as stated. Motion carried. Atty. Adelman advised that a resolution must be adopted as part of the process. Motion by Kwiatkowski, seconded by Orchard to adopt Resolution #05-02 with modifications- deleting 300 feet of Henry Lane, and deleting the installment plan. Motion carried.

Minutes- Motion by Orchard, seconded by Kwiatkowski to approve the minutes from April 20, 2005 as printed. Motion carried. Motion by Orchard, seconded by Malek to approve the minutes from May 2, 2005 as printed. Motion carried.

Treasurer's Report- Mr. Pasterski reported April receivables were \$48,889.73. Total held in all accounts as of 4/30/05 was \$745,665.14. Motion by Orchard, seconded by Malek to approve the treasurer's report. Motion carried.

Claims- Claims totaling \$82,634.84 were reviewed. Motion by Kwiatkowski, seconded by Orchard that claims be paid. Motion carried.

Sheriff's Dept.- No representative present.

Library- Director Alison Senkevitch reported on events and activities at the library. Wireless Internet is being pursued. Board asked for more information regarding security. Information was also requested regarding spending figures as shown in the Milwaukee Journal Sentinel.

Letter of Credit Reduction: Eagle's Preserve- Mr. Gillette explained the progress that has been made in the work at the subdivision entrance. The Town Engineer recommended approval of the reduction to the letter of credit. Discussion followed. Motion by Orchard, seconded by Malek to reduce the bond to \$121,416. Motion carried.

Roads- Mr. Gillette explained there were two bidders on several proposed 2005 paving projects. Board could choose to award a contract for all or part of the work. Low bid for combination of all projects was \$104,503.60 from Wolf Construction. Treasurer Pasterski was concerned that this would "break the bank" (use too much of the road budget). Discussion followed. Motion by Orchard, seconded by Malek to accept Wolf's bid on all three projects. Motion carried. Mr. Gillette reported that he, Mr. Paulos and Tom Betts viewed Betts Road with respect to culvert and ditchwork needed there. Landowners will be responsible for the culvert, Town would be responsible for the ditch. Bids will be obtained. Carl Seitz requested that Antique Lane be viewed for possible future roadwork.

Clerk's Report- A donation request was received for the Kettle Moraine Days Parade. Motion by Kwiatkowski, seconded by Malek to give Kettle Moraine Days a donation of \$500, or the same as last year. Motion carried. Ideas for improvements to communications, accessibility of the Town Hall, and efficiency of the Clerk are being studied, and will be presented next month.

Lake Management/Lake Patrol- Mr. Malek reported the Lake Patrol would start next weekend. Tom Day reported the public launch is closed for two days. The Lake Management District is working with the DNR to address some issues at the launch. Chemical treatment of the lake took place on 5/9/05.

Fire Department/Fire Commission- Chief Steinbach reported the ambulance and truck committees are working hard to prepare information for the Fire Commission. The membership will be donating money to add a sprinkler system to the Survive Alive House that is being acquired with the FEMA grant funds. Regarding the National Incident Management System (NIMS), the Town needs to adopt an ordinance and have a board member participate in training so that the Fire Dept. will be in compliance by 10/05. Mr. Kwiatkowski reported that the Fire Commission is drafting a policy regarding communication with legal counsel. Jeff Steinbach was reviewed, and officially approved by the commission as Fire Chief.

Yard Cleanup, Eagle Drive- Mr. Gillette and the building inspector have viewed the Micuda property, and found it to be in compliance. Mr. Gillette will visit the complainant to explain.

Offers on Town Lots on Bennington Drive- One offer for each of the lots for sale on Bennington Drive was received from Brett and Nancy Sadler. Offer for Lot 1 was \$55,000; for Lot 2 was \$65,000. Discussion followed regarding possible counter offer. Motion by Malek, seconded by Kwiatkowski to table until Friday, May 20 at 8 p.m. for a closed session to look at sale of lots. Motion carried.

County Board Supervisor's Report- Carl Seitz reported on the denial by the County Board of the Aurora Hospital in the Town of Summit. Mr. Seitz was in favor of the proposal and explained his reasons why, including job creation and supporting the decision of the local governing body (Summit).

Burning Permit Citation Concerns- Mr. Seitz had concerns with high fines for citations for burning without a permit, and the acquisition of permits by phone. He thinks there should be an individual that people can contact in

person for a permit. Chief Steinbach explained the reasons for the current phone system. The phone number to obtain a permit will be put on the Town's voicemail message and listed in the phone book.

Town Attorney Change- Mr. Seitz explained that he brought this issue forward because of concerns he heard from the public during his election campaign in April. He went on to say that he believes it was an error that he was found out of order at the Annual meeting with this topic. He stated that Atty. Adelman does a wonderful job, but that we are "in a mess" with regard to the Village/Town relations. Mr. Gillette explained he also had concerns, but he feels that fences are being mended with the Village, so this should not be factor. In addition, he has found that Atty. Adelman's services are a good value cost wise, and stated that he is impressed with the job that she is doing.

Communication Suggestions- Resident John Davis suggested better ways of getting information to the Town residents, such as an opt-in e-mail service with a link on the Town website, whereby residents could receive agendas automatically. Consensus was this is a good idea.

Trail Dedication- Mr. Davis invited the Town Board and all citizens to the dedication of a new forest-long horse and snowmobile trail, the Moraine Ridge Trail, on 6/18/05.

Public Works Phones- Mr. Orchard suggested eliminating the Town garage phone, since Tom Betts also has a cell phone. Motion by Orchard, seconded by Malek to table and get actual costs from the bills. Motion carried.

Joint Powers Agreement- Atty. Adelman will review. Motion by Kwiatkowski, seconded by Malek to table. Motion carried.

Park & Recreation- Mr. Malek reported there were nine applicants interviewed for the Park & Rec Coordinator position. The committee's recommendation is to hire Sheryl Emanuel, with the same salary as previous coordinator. Motion by Kwiatkowski, seconded by Orchard to approve the recommendation of the Park & Recreation Committee. Motion carried.

Garbage/Recycling- No report.

Business Park- Covered in the public hearing.

Chairman's Report- Mr. Gillette recommended establishing a human resource committee to address policies for Town as well as joint Town/Village employees. Chief Steinbach suggested the Town and Village consider sharing the cost of a human resource professional. Mr. Gillette then made recommendations for appointments: Weed Commissioner- Don Ward; Planning & Zoning Commission- Jim Pasterski, Brian Rudy, and Jacki Lewis (terms thru 2008), Jim Samuels, Don Malek and Bob Kwiatkowski (already have terms thru 2006); Chairman is Todd Gillette. Motion by Orchard, seconded by Kwiatkowski to approve the Planning & Zoning Commission appointments as recommended. Motion carried. Additional appointments: Road Commissioner- Todd Gillette and Dan West, with Mr. Gillette as the main contact; Cemetery Sexton- Jim Pasterski. Motion by Kwiatkowski, seconded by Malek to approve. Motion carried.

Attorney's Report- Atty. Adelman reported that she has not yet received an answer regarding obtaining a contract with a neighboring municipality for dispatch of warrants. Updates regarding the Western Eagle case were given. Although improvements have been made, there have been expenses incurred by the town. Consensus was, therefore, that Atty. Adelman should proceed.

There being no further business, a motion was made by Kwiatkowski, seconded by Malek to adjourn at 11:34 p.m. Motion carried.

Respectfully submitted,

Sally McMillan  
Town Clerk