

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
APRIL 18, 2007
MINUTES

Chairman Kwiatkowski called the meeting to order at 8:30 p.m. and led the Pledge of Allegiance.

Present- Kwiatkowski, Davis, Malek, Rasmussen, and West. Also present: Treasurer Pasterski, Atty Adelman, Clerk Houk.

Public Hearing- Houk read the Public Hearing Notice regarding an Ordinance to Establish Impact Fees on New Development in the Town of Eagle. The Public Hearing was opened by Mr. Kwiatkowski. Brian Rudy, W398 S10045 County Road C, Palmyra, spoke asking Atty Adelman to explain what the state law was and what it is currently. Atty Adelman explained the following main changes: in the past the Town was allowed to impose an impact fee for vehicles, it was explained the Town can no longer collect impact fees for vehicles. In the past the Town was allowed to require the developer to pay an impact fee upfront at the time the plat was signed. The Town can no longer do this as the fee is collected from the home owner when the building permit is issued. The Town must keep track of the impact fees collected with respect to each particular lot and if the fees are not spent within a seven year period, the funds must be refunded with interest. The Town is allowed to charge impact fees for land and buildings, not vehicles. Mr. Rudy explained that he previously had had a discussion with his State Representative regarding the changing of the law to allow impact fees for fire vehicles and how he was unsuccessful at his attempt to convince the Representative to support a change. Kwiatkowski explained that we were allowed to charge impact fees for fire department buildings, town buildings, library, park expansion, and new land. If the improvements were not made within the specified amount of time, the unused funds were to be returned to the land owner. Mr. Rudy asked if the ordinance maximized our ability to collect the fees as mandated by the State. Discussion followed regarding how the percentage of fees is allocated between residential and commercial properties. Steve Muth, S105 W37110 Estates Dr., Eagle, asked whether the Town was able to recuperate some of the cost from the DNR as they own so much land around the Eagle area and seem to be more of a tax burden. Mr. Pasterski explained the PILT (Payment in lieu of taxes) from the Annual Report and how the DNR pays the taxes on the amount of the value of land they own. If a land owner sells land to the DNR, they must pay an Ag penalty on the difference of the taxes over a given number of years. Jacki Lewis, S90 W34240 Cty Hwy NN, Eagle, asked for clarification as to whether the ordinance would establish the amount of the impact fee or allow the Town Board to set the fees, Kwiatkowski advised that the ordinance would establish the amount of the impact fees to be charges. Nick Wambach, W344 S10609 Island View Lane, Eagle asked whether the equipment that goes into a fire vehicle could be paid for by impact fees and Kwiatkowski advised that was not allowed. Motion by Kwiatkowski, seconded by Rasmussen to close the public hearing. Motion carried.

Consideration of the adoption of the Ordinance to establish impact fees on new development in Eagle- Davis pointed out a typographical error in the draft of the ordinance. Editions will be made and the correct fee amounts per the most recent Impact Fee Needs Assessment dated March 28, 2007 will be inserted. Motion by Davis, seconded by Malek to adopt the ordinance with the numbers adjusted to match the March 28, 2007 Impact Fee Needs Study and the corrections to Section 3. Motion carried. Ordinance No. 07-03.

Minutes- Motion by Kwiatkowski, seconded by Malek to approve the minutes from March 21, 2007. Rasmussen abstained. Motion carried.

Clerk's Report- Open book is scheduled for May 1st. The accounts receivable report was distributed and reviewed. The accounts receivable is \$10,591.55. Discussion followed regarding follow-up with the parties who have outstanding balances due. Monthly bills/statements are being forwarded to all parties at the beginning of each month.

Treasurer's Report- March receivables were \$117,318.48. Total held in all accounts as of March 31, 2007 was \$1,145,219.21. Motion by West, seconded by Malek to approve the treasurer's report. Mr. Brent Rush questioned if there were other individuals authorized to sign checks and move funds in the event that Mr. Pasterski was unable. He was advised that new signature cards were signed by the Chairman, Clerk and Deputy Clerk to provide for said authorization. Motion carried. Pasterski advised that Clerk Houk and Deputy Clerk Heath were appointed to

Deputy Treasurers due to the handling of funds for the park department. Discussion followed regarding the inclement weather and the toll it took on fuel costs.

Town Park Pavilion- Pasterski discussed the desire to have a sign posted displaying that the park would be closed at dusk due to the possibility of damage and graffiti. Sometime during January of this year someone tried to break into the garage heavily damaging the steel door. Tire tracks and torn up grass were also reported to the police. Painting of the interior and exterior is still needed. The painters are waiting for a few warm days and they can then complete the painting. The swing is in need of repair/moving, a sidewalk needs to be repaired and one needs to be added to make the building handicap accessible. The top lot needs to have the chips replaced. Pasterski sent out 5 bids for fencing and received 3 responses ranging from \$6,738.00 to \$12,021. Discussion followed with regard to the type of fence material and time line of installation and completion of park pavilion. The projected completion date is June 1st. Malek expressed his support of Pasterski's recommendation regarding Lemke Fence. Gerber Leisurer had the lowest quote for 6 picnic vinyl coated steel benches, order time is approximately 4 weeks. Discussion followed regarding an entrance/exit sign and the design of same, further research will be conducted. Pasterski advised he may have some out of pocket expenses for moving benches at the park and supplies. Kwiatkowski advised him to submit a reimbursement form to the Town so he could be reimbursed for any expenses incurred. A rental policy needs to be established. Kwiatkowski advised that there is a committee in place which will review and come up with a policy.

Claims- Discussion followed regarding the Graef, Anhalt, Schloemer & Associates, Inc. invoice. The consensus of the Board was that they would like more detail on the invoice. Kwiatkowski advised that he has a meeting scheduled next week with the engineering firm and he will address the issue with them. Motion by Malek, seconded by West to accept claims as reported. Motion carried.

Ordinance for Payment of Town Costs- Kwiatkowski led the discussion regarding the adoption of an ordinance to provide for prepayment of town costs. The Town's engineering firm will provide data in an effort to establish fees for certified surveys, plat, subdivision final, rezones, conditional uses, variances, etc. All fees would be paid at the time of application by the applicant. Any remaining unused funds would be returned to the applicant when the project is completed. Motion by Malek, seconded by Davis to approve the Ordinance for Prepayment of Town Costs. Motion carried. Ordinance No. 07-04.

Porter's Pointe update- Staff review changes are needed, the engineering firm is waiting for the developer's agreement and the subdivision covenants. Atty Adelman has been reviewing updates and reviews as received.

Stormwater Management- A rough draft is in currently being prepared and will be presented at the next meeting by engineer Paulos or Cook of the engineering firm Graef, Anhalt, Schloemer & Associates, Inc.

Insurance- All proposals received were reviewed noting all quotes were extremely high, in the range of \$18,000-\$19,000 annually. The Horton Group submitted the lowest quote at \$14,206. This was the accepted quote per Mr. West.

Sheriff's Dept.- No representative appeared at the meeting this evening.

Library- Director Alli Chase provided a report on circulation numbers and a handout on Library Capital Costs. The circulation numbers have increased substantially, and are expected to continue to increase. Records for January through February showed less residents going to Mukwonago and Waukesha libraries and more items being checked out to Eagle's own residents. Currently the library is at 31% of the total budget which is on target of where the library should be. A plaque was accepted from the Mukwonago Chamber of Commerce last week. Director Chase will be attending a conference in Madison next week regarding buildings and capital campaigns. Ms. Chase discussed her recent vacation in Mississippi where she volunteered doing hurricane relief work. She has pictures for people to view in the library if interested. National Libraries Week is this week and a reminder that Fridays are coffee hour at the library. The summer reading program is coming soon.

Fire Department- Fire Commission Report- Per Chairman Kwiatkowski the fire department membership has offered to donate a defibrillator unit to the town and village hall, in return they have asked that the Town and Village split the cost of a replacement battery when necessary. Motion by Malek, second by Rasmussen to support the Town's portion of the battery as required at 50%. Motion carried.

Fire Chief's Report- The department received a \$3,300.00 grant to be used for further computer training of the department's members. Currently, they are 4 months from being in compliance with NIMS. Discussion followed regarding the future address signs. Chief Eeten brought sample photographs showing the difference in the current signs and the new reflective signs both in the daylight and in the dark, noting the reflective signs stood out and were easier to read. He did a demonstration by turning off the lights and shining a flashlight on the sample sign to show how reflective the sign is. Discussion followed about pricing, noting that a blue sign with a blue enamel dipped post would cost more than a blue sign with a galvanized steel post. Additionally, the galvanized steel post would last longer than the blue enamel dipped post. West brought up the possibility of a GPS system which would pinpoint an address and which actually talks to the driver telling the directions to the address entered. Eeten advised such a set up would be approximately \$36,000 per vehicle and the dispatch would need to be outfitted as well. The cost of the GPS could not be justified by Chief Eeten. Discussion followed regarding daytime coverage hours and the monitoring of the same as well as the cost of the paramedic mutual aid. Consensus was that the department would continue to utilize the paramedic intercept program due to cost constraints.

Lake Management District- The district recently received a check in the sum of \$6,910.00 from the State of Wisconsin Dept of Natural Resources for reimbursement of the costs. The district spent \$13,147.00. Per Mr. Day, the Eagle Spring Lake Management Newsletter has been distributed. In an effort to ensure safety, updated brochures listing boating regulations and showing a map of Eagle Spring Lake will be available at the boat launch kiosk in addition to being handed out by boat patrol. Discussion followed regarding weed management and dredging vs. drawdown. The DNR is discouraging dredging resulting in the research of other options. The patrol boat will be in the water by the first weekend in May as the fishing season opens May 5th.

Human Resources Policy Revisions Status- Paperwork is needed and when received board members will review and discuss at a later meeting. No action was taken

Town Appointments- Kwiatkowski requested appointments to fill vacant positions on committees. Motion by Malek, seconded by Davis to approve the appointment of Rasmussen as the recycling supervisor for two years. Motion carried. Motion by Malek, seconded by Rasmussen to approve the appointment of Karen Olsen as an alternate on the Board of Review for a one year term. Motion carried. Motion by Malek, seconded by Rasmussen to reappoint Steve Muth to the well grievance committee for a one year term. Motion carried. Motion Malek, seconded by Davis to approve the appointment of Karen Olsen as an alternate for the Board of Zoning and Adjustment committee for a one year term. Motion carried. Motion by Malek, seconded by West, to approve the appointment of Todd Gillette to the Fire Commission for a term of two years to replace Karen Olsen, and that Robert Kwiatkowski continue his term as member on the Fire Commission. Motion carried. Motion by Malek, seconded by Davis to appoint Eileen Houk as Town Clerk for a term of 6 months which covers the term as agreed to in the offer of employment for the probation time. Motion carried. Motion by Malek, seconded by Kwiatkowski to approve the appointment of Davis to replace Kwiatkowski on the Planning & Zoning committee for the remainder of what was Kwiatkowski's term. Motion carried. Discussion followed with West questioning some committees which have been inactive. The town park committee will be tabled until the ordinance has been reviewed. The municipal committee has no change and will continue. Mr. West had a question regarding whether the Historic Landmark Preservation Committee was inactive, Mr. Kwiatkowski responded that the ordinance would need to be reviewed, Attorney Adelman advised that when the ordinance was adopted, as part of the adoption it was approved by the State Historical Society which means that any amendments to it would need to be approved by them as well. The ordinance could be removed without consent but any amendments required approval. After discussion, consensus was that the board would review the ordinance and discuss further at a later meeting.

Report on Recent Village Board Meetings- Mr. Davis reported on the April 12, 2007 meeting. New Trustees are David Byrnes and Greg Scheff. Actions included approval of business/site plan for Thurow's Mobile Marine Repair, approval of site plan for the addition to the Generac training center, and approval of the preliminary plat for Fox Chase East. Review of the Human Resources policy for Park & Rec was postponed as there was not representation by the Village at the meeting. After discussion, it was decided that the booking of the park would continue to be done through the clerk and not through the Park & Rec Director. The Town's business park was used as an example of a good looking park, a motion was made and passed for the Code & Ordinance committee to meet with business owners in the Village, get their input and propose some new ordinances. All reports were compiled on the wells and groundwater, there was confusion over a well head protection ordinance. A copy of the Town's was offered as a reference. The Police Chief's contract was presented for approval. After much discussion the contract

was approved 5-1 with Mr. Kussman strongly opposing. Rich Spurrell asked for approval to authorize a 3 year audit of the Fire Department's finances. The cost for the audit would be \$300.00 per year for a total of \$900.00. Motion was made and approved.

The Town would be responsible for ½ of the total cost of the audit to come out of the fire department portion of the budget. Motion by Kwiatkowski, seconded by West to move funds from one account to another to provide for the payment of the Town's portion of the 3 year audit. Motion carried.

Mr. Muth stressed that the Village should be made aware of the fact that the Town does have a well grievance ordinance committee.

Park & Recreation- Malek distributed a report covering the period from January–April 2007 listing the programs and events by groups and the number of participants. Mr. Malek referenced a letter in which the Park & Rec Director expressed interest in managing the Pavilion once completed. Further discussion will take place at a later date once the pavilion is completed and fees & policies have been established.

Garbage Pickup and Recycling Report- Mr. Rasmussen announced the receipt of an \$11,390.47 grant from the DNR for the 2007 recycling program.

Business Park- There was nothing to report at the present time.

Roads Update- Mr. Kwiatkowski and Mr. West are scheduled to meet with the Town's engineers Thursday, April 26th to review the road program and to discuss what can be done to stay within budget, West Wind subdivision being one of concern. Discussion followed concerning the difference in height between the approach of an existing concrete driveway when a road is resurfaced causing a cutback and the new resurfaced road. After discussion it was decided a review of the ordinance pertaining to the paving over culverts is needed. It will be reviewed and addressed at a later meeting.

Chairman's Report- Repair of the 1947 FWD, currently at Matt's Repair for servicing, was discussed. The repair of the truck at a minimum for parts and some of the labor required is \$4,482.00 and a maximum of \$8,269.00. Labor is the real issue. The exact amount of labor will not be known until the mechanic begins working on the truck and can determine what actually needs repair/replacement and time involved. The truck is currently uninsured and a new truck is due to arrive in May. Consensus was to compare what would bring the most money in for the truck, auction or junk yard. Mr. Kwiatkowski will research and address at a later meeting date.

Attorney's Report- Atty Adelman reviewed the proposed zoning changes and had some concerns. One being with unenclosed storage in nonresidential districts. Unenclosed storage has been a concern that has taken a considerable amount of attorney time in the past number of years and should be reviewed. This being a planning and zoning issue, it was decided it would be addressed at a Planning and Zoning meeting. The second is that the ordinance adopted in 2001 regarding gravel and sand quarries needs reviewing. Discussions have been ongoing with the Trainor's counsel with regard to unenclosed storage.

Public Comment- No public comment.

There being no further business on the agenda, a motion to adjourn was made by Rasmussen, seconded by Malek to adjourn at 10:43 p.m. Motion carried.

Respectfully submitted,

Eileen Houk
Town Clerk