

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
October 17, 2007
Minutes

Mr. Kwiatkowski called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

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

Minutes- Motion by Malek, second by Rasmussen to approve the minutes from 09-19-07 with corrections on page 3 as noted prior to the meeting. Motion carried. Motion by Kwiatkowski second by Malek to approve the 09-25-07 Special Town Board meeting minutes. Motion carried. Motion by Davis, second by Kwiatkowski to approve the 10-10-07 Special Town Board meeting minutes. Motion carried.

Clerk's Report- Accounts receivable is \$3,162.12. A Wisconsin Towns Association (WTA) questionnaire re: group health insurance was handed out to each town board member to review. It was decided that the Chairman will fill out the form and return it to the WTA. A bartender's license application was received by Allen Beaumont for work at Eagle Spring Pub. Motion by Davis, second by Malek to approve bartender's license for Allen Beaumont. Motion carried.

Treasurer's report- September receivables was \$12,979.66. Total held in all accounts as of 09-30-07 was \$775,088.42. Motion by Malek, second by Rasmussen to approve the treasurer's report. Motion carried.

Pavilion- Rasmussen advised the Town Board that a refrigerator is being donated by Stewarts Maytag for use in the pavilion.

Claims- The list of claims presented for payment was reviewed. Discussion followed regarding the three bills presented for reimbursement. The checks will be held until further information can be obtained. Pasterski asked that an invoice by T. Day in the amount of \$1,675 be included for payment as the work has been completed but the invoice was received after packets were delivered to board members. Additional discussion followed regarding the list of claims. Motion by Kwiatkowski, seconded by Malek to approve payment of claims presented, holding the three checks as discussed and amending claims to include T. Day's invoice. Motion carried.

Sheriff's Dept- No report.

Library- No report.

Town Park fertilization- Fertilization has been requested to help keep weeds down. The fertilization would not harm children or contaminate the water. Motion by Malek, second by Rasmussen to approve the fertilization of the town park with Malek approving the mix of fertilizer prior to the purchasing and application of the same. Motion carried.

Collection of unpaid fees/charges- Atty Adelman advised special assessments may only be used for municipal work or for proposed work and may not be used for the collection of unpaid fees/charges owed by applicants. Discussion followed regarding collection procedures currently used and alternatives if applicants do not pay promptly. A suggestion was to charge finance fees and the use of a collection agency. Motion by Kwiatkowski, second by Malek to table the discussion. Motion carried.

Stormwater Ordinance- Motion by Kwiatkowski second by Malek to table the consideration/approval of the Stormwater Ordinance. Discussion followed noting that comments by Atty Adelman and the County have been received and are being incorporated into the document. Motion carried.

Erosion Control Ordinance- Motion by Kwiatkowski second by Rasmussen to table consideration/approval of the Erosion Control Ordinance. Motion carried.

Extension of Westwind Dr.- Dan Szcap, Development Manager for Bielinski Homes, was present to explain their plans for the connection of Westwind Dr. to Fox Chase-East subdivision. The plan is to remove the cul de sac, repair of the right of way on either side and restore the road all at Bielinski's expense. Bob Heitzman spoke on behalf of his parents who own property on Westwind Dr. expressing their concern regarding the potential of drivers speeding on the road once it is connected as well as concerns with the landscaping design. Cheryl Gunkel, Westwind Dr. stressed her concern with regard to snowplowing at the area where the Town and Village limits meet on the road. Concern was also expressed regarding Bielinski following through with landscaping plans. Bielinski was not prepared to discuss the design. Brian Rudy said he would like the Town's engineers to review the plans to be sure there is no water runoff into the watershed or the Mukwonago River. Discussion continued and Davis mentioned that Bielinski had worked with residents and the Board to make development pleasant and reminded everyone that the cul de sac was a planned extension. The acceptance of the road extension will be discussed further at the Nov. 5th P&Z meeting.

Fire Department- Skill tests will be completed by the two candidates remaining for the Chief's position. Money received from the sale of tires and the old grass rig at an auction will be kept in the Fire Dept. budget. The Fire Commission approved the recommendation, based on department member's input, to go with Waukesha County Communications Center and move away from Mukwonago dispatch.

Lake Management District- Malek read the Lake Patrol's year end report wherein it was noted that there was an increase in arrests this year over last. There is no wage increase expected for next year but Sergeant Nork does feel the budget for the Lake Patrol should be reviewed. A surge in non-local recreational boaters was recognized.

Report on recent Village Board meeting- Jerry Sagert questioned the approval of the retention pond for Wynham subdivision advising that the overflow outlet looks low and during the last rains it overflowed flooding his and his neighbor's backyards as well as ruining his leach bed. The board is aware of the problem and is looking into it. The developer's agreement for Fox Chase East was approved but approval is still needed by the Town to tie into West Wind Subdivision. Approval was given for special assessment for sidewalks along Markham Rd.

Town Park restrooms- Malek advised there have been many complaints by residents and park users that the facility is so nice but the bathrooms are not open for public use. He would like to see the restrooms available for park users to use during season activities in 2008. Supervisor West contacted some individuals and they are discussing the possibility of maintaining the restrooms for next year.

Park & Recreation- Supervisor Malek provided the June-October program update. Work has begun on the 2008 budget.

Garbage & Recycling- The application for recycling grant was submitted to and received by the DNR.

Business Park- Nothing to report at this time.

Roads- The roads have been completed at West Wind Subdivision. The shouldering issue has been taken care of also.

Sign on NN- The idea of a "No Engine Breaking" sign was brought up by Supervisor Rasmussen. He was advised that Waukesha County has jurisdiction on the county road.

Chairman's report- Kwiatkowski advised that the Board had prepared a preliminary budget. Three items need to be discussed with the Village before the budget can be finalized.

Attorney search- Two resumes were received. Interviews will be set up in the near future.

Good faith law review- Brian Rudy, W398 S10045 Hwy Z, was present and gave a brief explanation surrounding continued noise issues/complaints against the DNR at McMiller Sports Center. Mr. Rudy provided a recap from the last P&Z meeting wherein the DNR was present to give an update on projects planned and/or under construction at McMiller. Atty Adelman advised the board that there was no such thing as a "good faith" lawsuit. Kwiatkowski read Matt Frank's October 10, 2007 letter into the record. The letter was addressed to Brian Rudy, Richard Harthun,

and Robert Agenten and handed to the board members by Brian Rudy at the meeting. Further discussion continued regarding Mr. Rudy's request to have the attorney draft a letter thanking the State for supporting neighbor's concerns revolving around McMiller. Motion by Malek, second by Kwiatkowski to allow Attorney Adelman to send a letter to the State thanking them for supporting neighbors. Motion carried.

Attorney's Report- Issued two citations as directed.

Public comment- Steve Muth advised the board that L. Herek found out that nothing was wrong with his well and the issue was resolved. He commented that it took a long time to get answers from the Village. Nick Wambach commented that he had lived on a cul de sac for 27 years and loved it, noting the Town may be better off leaving the cul de sac closed in West Wind Subdivision.

There being no further business on the agenda, a motion was made by Rasmussen, seconded by Malek to adjourn the meeting at 9:40 p.m. Motion carried.

Respectfully submitted,

Eileen Houk
Town Clerk