

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
JULY 16, 2008
APPROVED MINUTES

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

Present: Chairman Kwiatkowski; Supervisors Malek, West, Davis and Rasmussen. Also present: Treasurer Pasterski, Fire Chief Heim, and Attorney Paul Alexy.

Minutes- Motion by Supervisor Malek, seconded by Supervisor Davis to approve the minutes of June 18, 2008. Upon voice vote, motion carried.

Clerk's Report- No report.

Treasurer's Report- Treasurer Pasterski presented the June, 2008 report. Checking balance as of 5-31-08 was \$9,738.40. Total cash is \$693,330.69. Motion by Supervisor Rasmussen, seconded by Supervisor Malek to approve the treasurer's report. Upon voice vote, motion carried.

Treasurer Pasterski explained that the Board approved the borrowing of \$100,000. He also explained the documents he provided. The following resolution was read into the record by the Town Treasurer. Motion by Supervisor West, seconded by Supervisor Davis to approve the resolution. Upon roll call vote, the motion carried unanimously. Chairman Kwiatkowski explained that the purpose of the loan is for the Town's road program, in order to make up for some "lost time" in maintaining roads. Some roads in some subdivisions have crumbled when snowplows have come over. This loan amount was approved in the Town's budget meeting. The Town will do the Westwind and Stonington Estates Subdivision, both of which have been in disrepair. This will allow the Town to get onto a regular maintenance program.

By the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and,

By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

THEREFORE, BE IT RESOLVED, that the Town of Eagle, in the County of Waukesha, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of One Hundred Thousand And 00/100 Dollars (\$100,000) for the purpose of completing second lift on the West Wind Subdivision and for no other purpose.

The loan is to be payable within 5 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 3.25 percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the Town of Eagle, in the County of Waukesha, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the Town of Eagle by such loan from the state be applied or paid out for any purpose except completing second lift on West Wind Subdivision without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the chairman and clerk of the Town of Eagle, in the County of Waukesha, Wisconsin, are authorized and empowered, in the name of the Town to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the Town pursuant to this resolution. The chairman and clerk of the Town will perform all necessary actions to fully

carry out the provisions of Chapter 24 Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this Town forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

- 1. Chairman Robert Kwiatkowski*
- 2. Supervisor Daniel West*
- 3. Supervisor Donald Malek*
- 4. Supervisor Arvy Rasmussen*
- 5. Supervisor John Davis*

Town Board of Supervisors of the Town of Eagle, County of Waukesha, Wisconsin.

STATE OF WISCONSIN

County of Waukesha

Personally came before me this 16th day of July, 2008, the above named persons known to me as the Town Board of Supervisors of the Town of Eagle, in Waukesha County, Wisconsin, and who are the persons who executed the foregoing application and acknowledged same.

*Clerk Lynn M. Pepper
Town of Eagle
County of Waukesha, Wisconsin*

Claims- Claims totaling \$161,296.14 were reviewed. Motion by Supervisor Rasmussen, seconded by Supervisor Malek to approve payment of the claims. Upon voice vote, motion carried.

Lake Management District/Lake Patrol- Officer Dennis Nork provided the monthly report. Officer Nork explained that from June 15 through July 15, forty hours have been put in on the lake including a fireworks security zone. Due to the recent high water, less boating traffic resulted. Twelve citations were issued during the current period of which a number were life vest oriented. He added that a Boat Safety class will be held on September 19th and September 20th from 6-10 p.m.

Officer Nork explained that the lake patrol's boat will be written off as of the end of this year and the DNR will fund the outstanding balance. Essentially, every year the DNR gives the Town 20% of the cost of the boat. The Town of East Troy is selling a boat that has a bigger engine than the current 1999 patrol boat. This would be helpful in pursuits. The top purchased last year would be transferrable. Officer Nork suggested selling our current boat and applying the money towards the Town of East Troy's boat. He added that if the Board would consider this request, that they would forego any pay increase request.

The Lake Management meeting was held July 15, 2008. Tom Day provided a report regarding the same. The Clean Boats Clean Waters Program is currently going on and the DNR is advising boaters on state law. Tickets are down 50% from last year, partly due to weather issues. The Lake Management Annual Meeting will be held on Saturday, August 2, 2008.

Establishment of Maintenance Standards for Vacant Properties – Renee Carini, W341 S9240 Corner Court and a number of other residents in the vicinity of Hwy. E and Corner Court advised the Board that the property at W340 S9285 Corner Court has either been under construction or not maintained for four years. The residents explained that this was brought to the Town Board and the Building Inspector last year and they indicated that the Building Inspector stated that no occupancy permit would be issued until the property is at one hundred percent. Photos were taken of the property in question and they will be forwarding these to the Building Inspector. Discussion followed regarding the condition of the property in question. Planner Pionke suggested surveying other communities to see how they handle these types of situations. In regards to Building Permit renewals, Chairman Kwiatkowski stated that he would speak with the Building Inspector regarding this issue.

Motion by Supervisor Malek, seconded by Supervisor Rasmussen to authorize the Town Attorney to propose a property maintenance ordinance that would address this problem. Supervisor Davis indicated that the Ordinance Committee is currently working to redo the ordinance regarding noxious weeds and believes that there is substantial progress towards completing this ordinance. Concern was raised as to whether it would be problematic to push ahead one ordinance to address only one problem. Chairman Kwiatkowski proposed a standard boilerplate ordinance separate from what the committee is currently working on. Since the Town is largely rural, its characteristics must be considered. The motion and second were rescinded to permit the Ordinance Committee to continue its work. Discussion of disparate treatment in ordinances vacant properties and occupied properties. Motion by Chairman Kwiatkowski, seconded by Supervisor Malek to direct the Ordinance Committee to develop a property maintenance ordinance. Upon voice vote, motion carried.

External Hard Drive – Chairman Kwiatkowski explained that the Town is not currently conducting full backups of data and that only financial records are being regularly backed up. Chairman Kwiatkowski recommended the purchase of an external drive to allow full back-ups. Motion by Supervisor West, seconded by Supervisor Malek to approve the request. Discussion took place regarding whether or not this is sufficient. Supervisor Davis recommended a 500GB drive with an esata connection. Supervisor West rescinded the motion. Supervisor Malek rescinded the second. Motion by Supervisor West, seconded by Supervisor Malek to authorize Chairman Kwiatkowski to expend up to \$400 to purchase a back up system. Upon voice vote, motion carried.

Building Permit Fees/Dan Stiglitz/ W359 S11060 Nature Road – Mr. Dan Stiglitz explained his recent health issues and requested that the Board consider extending his original permit or permit him to pay the old fee for the issuance of a new permit since he cannot afford the new permit fee. Chairman Kwiatkowski explained that he is not aware of any hardship provision in the ordinance. Whereas this personally may sound fair, the request would have to be reviewed in light of the ordinances to ensure that the Board has a legal basis for considering the request. Motion by Supervisor Rasmussen, seconded by Supervisor Malek to table to review this to see if there is an exception available in the ordinance. Upon voice vote, motion carried.

Library- Director Chase distributed the circulation statistics and programming information to the Board. As of July 15, 2008 four hundred nineteen people have signed up for the summer reading program, 278 of which are children. Director Chase provided the budget report and the library appears to be on track for expenses.

Fire Department/Fire Commission- Chief Heim explained that they are at approximately 48% of the budget to date. To date, there have been 120 calls for the year, which is down approximately 30 calls from last year. The Fire Department is looking at pulling some money from its ambulance operating fund to offset the cost of the proposed Paid on Call. This would result in approximately \$67,000 cost increase versus the previously proposed \$105,000 increase. The Fire Department also has the opportunity to purchase some equipment that has become available due to the inability of communities that ordered them to take delivery. More discussion on this will be held at the Joint Village/Town Meeting on Monday, July 21, 2008.

Village Board Meeting- Supervisor Davis reported on various Village activities. The Village Board would consider a beer garden on the roof of Knuckleheads, if all conditions were met. Residents in Calico Fields complained of standing water on their properties. Residents were assured that the water in their basements was not caused by pumping of water through the new wells. The Village Board then entered into closed session to discuss litigation.

Park & Recreation- Supervisor Malek distributed a Park & Rec program update from January through June of 2008. Over 85% of the offered programs have run successfully. The Director's goals and directives sheet have been more than half completed and she is confident that she will be able to fulfill the objectives by the end of the year.

Road Matters – Supervisor West explained that the paving program will start on Monday, July 21 in the Westwind Subdivision for the second lift. The pulverization in Stonington will likely start at approximately the same time, due to the presence of equipment. The cul-de-sac at the end of Westwind Drive should be taken care

of with a lift. When Bielinski development attaches to it, they will be responsible. The approximate \$3,500 cost to coat this area has been budgeted. Discussion followed whether Bielinski will be responsible. Supervisor West explained that this lift will continue through the subdivision so as to avoid steps in pavement. If it isn't taken care of now, it may be necessary to come back later to repair the area.

Chairman's Report- Chairman Kwiatkowski explained that the Weed Commissioner has sent out forty notices and anticipates he will be done in another two weeks.

Attorney's Report – Attorney Paul Alexy explained the letter to the Board regarding the projected resolution to authorize an increase in the Town Levy resulting from the projected conversion of the Fire Department to a Paid on Call Department. If approved, the levy increase will continue for subsequent years. A referendum must be held if the Board approves the resolution to increase the levy. This would likely happen at a Special Board Meeting. Due to the limits in the statutes regarding how the referendum can be presented, it will be important to inform the public in advance on what the proposed levy increase relates to.

CSM Engineering Bill/Don Wilton – Mr. Wilton requested that his item be tabled. Motion by Chairman Kwiatkowski, seconded by Supervisor Malek to table this item. Upon voice vote, motion carried.

Public Comment- An unidentified resident explained that pumps may be shut down at night regarding Jericho Corners and that the water detention/retention system will be brought up to current standards.

CLOSED SESSION: Town of Eagle v. Berg—Property Maintenance Violation. Chairman Kwiatkowski read the posted notice for the closed session. Motion by Supervisor Malek, seconded by Supervisor Davis to move into closed session pursuant to Wis. Stat. § 19.85(1)(g) for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or likely to become involved. Upon voice vote, motion carried.

Motion by Supervisor Malek, seconded by Supervisor Davis to move into Open Session. Upon roll call vote, motion carried.

Motion by Supervisor Rasmussen, seconded by Supervisor Davis to direct the Town Attorney to proceed as directed in closed session. Upon voice vote, motion carried.

There being no further business on the agenda, a motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to adjourn at 10:17 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Eagle Town Clerk

*Minutes were transcribed off of notes taken by Attorney Alexy.