

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
AUGUST 20, 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, Clerk Pepper, Fire Chief Heim, Officer Nork, Librarian Chase, and Commissioner Ward.

Minutes- Motion by Supervisor Malek, seconded by Supervisor West to approve the minutes of June 30, 2008. Upon voice vote, motion carried. Motion by Supervisor Rasmussen, seconded by Chairman Kwiatkowski to approve the minutes of July 16, 2008 with the following corrections: page 2 under Lake Management should read "September 19th and September 20th "; page 3 under Village Board should read "The Village Board would consider a beer garden"; page 3 under Village Board should read "by pumping of water through the new wells"; and page 4 under Public Comment should include who made the comment. Upon voice vote, motion carried. Motion by Supervisor Davis, seconded by Supervisor West to approve the minutes of July 24, 2008 with the following correction: page 1 under Lake Patrol should read "from East Troy Patrol for a cost of \$5,700". Upon voice vote, motion carried.

Clerk's Report- Clerk Pepper reported that she obtained her Certification for the Elections Administration Core Curriculum Class held Tuesday, August 5, 2008. Clerk Pepper also reported that she contacted the Department of Revenue and the Town Accountant for further clarification on the levy limit issue discussed at the Budget Workshop. Both the Department of Revenue and the Town Accountant clarified that the 2% increase is taken from the Town's total taxes, prior to taking the monies out for the special tax for private roads. Clerk Pepper added that she will provide the Board with the written documentation.

Treasurer's Report- Treasurer Pasterski presented the July, 2008 report. Savings balance as of 6-30-08 was \$117,959.14. Total cash is \$584,352.00. Motion by Supervisor Davis, seconded by Supervisor Rasmussen to approve the treasurer's report. Upon voice vote, motion carried.

Claims- Claims totaling \$55,705.97 were reviewed. Chairman Kwiatkowski explained that the bill from Mukwonago Auto is for the brakes for the truck. This bill is a small portion of the repair bill. Supervisors should expect to see another bill from Mukwonago Auto next month. Discussion took place regarding the engineer's bill and the charge regarding the Eagle Spring Boat Launch. Motion by Supervisor Rasmussen, seconded by Supervisor Malek to approve payment of the claims, with the exception of the \$54.00 portion of the engineer's bill, until further clarification. Upon voice vote, motion carried.

Lake Management District/Lake Patrol- Tom Day reported that the Lake Management District held their annual meeting on August 2, 2008. Thirty-nine people were present. The District has eliminated their old by-laws and will be following the Chapter 33 guidelines. He added that they have obtained a permit and will be doing a chemical treatment on September 8, 2008.

Officer Dennis Nork provided the monthly report. Officer Nork explained that from July 14 through August 16, forty-one hours have been put in on the lake. There have been a large amount of kayaks and canoes on the lake. Twenty citations and twenty-five warning were issued during this period.

Officer Nork explained that the issue of a speed limit needs to be addressed at next month's meeting. Officer Nork also reported that there has been considerable verbal abuse of the children who have been conducting the boat inspections.

Weed Commissioner – Commissioner Ward reported that forty-two weed notices were sent out. The Town cut two of those parcels. The first parcel was in the industrial park. The second parcel was located on Highway E. The owners of those have been billed however; the bill for the parcel on Highway E has come back as undeliverable. There was also an issue on Highway 67. The property owner cut seven acres but did not cut the area around the building. The issue has been resolved. Commissioner Ward explained that it has been difficult finding people who will do the cutting for the Town and he continues to look for someone to do the cutting. The Town pays \$25.00 per hour for hand cutting and \$80.00 per hour for machine cutting.

Engineering Fees/Golden Ridge Development Co., LLC, Kaerek Homes/Amber Fields/ S90 W35258 C.T.H. NN – Chairman Kwiatkowski explained that the requestors have asked that this topic be placed on next month's agenda due to a scheduling conflict.

CSM Engineering Bill/Don Wilton/ Property located on the east side of S.T.H. 67, immediately south of the intersection of Wilton Road and S.T.H. 67 – Requestor not present. No action was taken.

Building Permit Fees/Dan Stiglitz/ W359 S11060 Nature Road – Chairman Kwiatkowski explained that there is no hardship clause and there are no provisions for a legal reduction of fees. Motion by Supervisor West, seconded by Supervisor Rasmussen to direct the Chairman to contact Mr. Stiglitz with the information as noted. Upon voice vote, motion carried.

Adoption of Ordinance 08-03, an ordinance repealing and recreating Section 1 of Ordinance 98-05, an ordinance to regulate noise. More specifically, to include the prohibiting of engine braking in the Town of Eagle – Clerk Pepper read the proposed ordinance into record. Motion by Supervisor Davis, seconded by Supervisor Malek to adopt Ordinance 08-03. Upon voice vote, motion carried.

Ordinance 08-04, an ordinance repealing and recreating Ordinance 02-07, an ordinance to regulate residential property maintenance, outside parking, and storage – Chairman Kwiatkowski explained that he has several questions and concerns regarding the proposed ordinance. He would like the Committee to clarify the questions and concerns raised tonight, and re-submit the new draft. In regards to page 2, Section 4(a), Chairman Kwiatkowski asked that the Committee clarify where the parking should occur. He added that he would like clarification on the commercial parking issue as the current ordinance is quite strict. On page 3, Section 4(b)(1), Chairman Kwiatkowski suggested checking with the current ordinance for clarification on the storage and/or parking of agricultural equipment as this is typically limited to active farms. Discussion took place regarding turf grass, natural lawns, the proposed height restrictions of these grasses, and how will it be determined how much of one's property can stay natural and how much should be mowed. Discussion took place regarding firewood storage. Chairman Kwiatkowski explained that he feels that the height and width limits are too restrictive and questioned who would determine if the wood were in a deteriorating state. Supervisor West suggested addressing the issue of visibility of the wood. In regards to page 3, Section 4(e), Supervisor West questioned where/how should residents store their garbage receptacles. Motion by Chairman Kwiatkowski, seconded by Supervisor Malek to send the noted suggestions back to the Ordinance Committee for clarification and to have the Town Attorney review and give direction on the proposed ordinance prior to its adoption. Upon voice vote, motion carried.

Alcohol Consumption for Swenson Party – Motion by Chairman Kwiatkowski, seconded by Supervisor Malek to approve the Deborah Swenson alcohol consumption request for August 23, 2008 in the Town Park. Upon voice vote, motion carried.

Operator's License Requests – Motion by Supervisor Rasmussen, seconded by Supervisor Malek to approve the Operator's Licenses for Kathleen Bourget, Natalie Buer, Jacqueline Hatch, and Lori Scrima. Upon voice vote, motion carried.

Sheriff's Report- None.

Village Board Meeting- Supervisor Davis reported on various Village activities. Chapters 1, 2, and 3 of Smart Growth will be presented to the Village Board on August 26, 2008. President Spurrell attended the last Park & Recreation Committee Meeting and reported that the meeting ran much smoother. The issue of volunteerism versus working for pay and the volunteer request sign for Knucklefest was discussed. Supervisor Malek added that the sign was taken down after discussion with the Village.

Library- Director Chase distributed the circulation statistics and programming information to the Board. In July, the library circulated 2664 items to residents of the Town of Eagle and 2407 items to residents of the Village of Eagle. Director Chase provided the budget report and the library appears to be on track for expenses.

Discussion took place regarding County Library Ordinance 11-4 which allow the implementation of library standards and the estimated impact for non-exempt status. Chairman Kwiatkowski reported that the Village of Eagle tabled this item at their last meeting until further clarification. If the Board tables this item until the September 2, 2008 meeting, Supervisor West and Trustee Scheff will meet with Library Director Chase for further clarification. Motion by Supervisor Davis, seconded by Supervisor Rasmussen to table this item for further clarification to the September 2, 2008 Town Board portion of the meeting. Upon voice vote, motion carried.

Fire Department/Fire Commission- Chief Heim reported that he has submitted his draft 2009 budget and the numbers came in lower than expected. Chief Heim explained that the department has been very aggressive in public relations in regards to the upcoming Paid-on-Call Referendum and noted that he wrote an article in today's Mukwonago Chief regarding the same. Chief Heim reported the activity of the department for the last month and added that they are still conducting a recruitment campaign.

Chairman Kwiatkowski explained that the proposed budget has not been approved yet. The outcome of the referendum will predicate the entire budgets. In regards to the financial reports, Chairman Kwiatkowski explained that he will get copies to Clerk Pepper, who will distribute them to the Board.

Park & Recreation- Supervisor Malek distributed a Park & Rec program update from January through June of 2008. Supervisor Malek explained that the committee is looking at restructuring the by-laws and would appreciate suggestions from both the Town Board and the Village Board. Discussion took place regarding the request from Knuckleheads to borrow the Town Park bleachers for Knucklefest. Chairman Kwiatkowski explained that he spoke with the insurance company regarding the potential liability. The insurance company advised that should the Town decide to loan the bleachers, the Town would need to obtain a Certificate of Insurance from Knuckleheads. This certificate would need to show that Knucklefest insurance would cover the Town for up to one million dollars. Discussion followed regarding the protection of the bleachers themselves. Motion by Supervisor Rasmussen, seconded by Supervisor Davis to deny the use of the Town Park bleachers for Knucklefest. Upon voice vote, motion carried. Mr. Brent Rush, S108 W37103 Draper Road commented that he does not want to see anything happens to the bleachers either however Knuckleheads does donate to the Park & Recreation Department.

Garbage & Recycling – Nothing to report.

Road Matters – Supervisor West reported that the paving program has been completed for this year. Stonington has received two lifts while Westwind received its second lift. Crack filling was done on both Lewins Lane and Burr Oak Trail.

Chairman's Report- Chairman Kwiatkowski reported that there has been some mass protesting regarding the shouldering of the new roads. Gravel is needed to provide proper drainage and to support the edge of the road. If the roads are not shouldered, a lip would form which becomes a potential safety hazard. Chairman Kwiatkowski explained that a number of homeowners have put in topsoil to the edge of the road and have also installed signs in their yards which read “no shoulders”. Highway Director Tom Betts has submitted a list of these addresses to the Town Clerk.

Chairman Kwiatkowski reported that he has spoken with Lynette Check from the Department of Natural Resources and explained that she indicated that the DNR is interested in working with the Town to improve drainage in all areas of the boat launch. In response to Tom Day, Chairman Kwiatkowski indicated that he will ask Ms. Check for another copy of the topography map of the area and the Clerk will forward the map to him. Mr. Day added that SEWRPC is currently reviewing the DNR's latest plan and hopefully will have their evaluation of plan completed by next week.

Attorney's Report – None.

Public Comment- Mrs. Cindy Berg, S108 W37606 Draper Road commented that she is disappointed that the proposed ordinance regarding property maintenance was not read in its entirety. Chairman Kwiatkowski explained that it will be read in its entirety upon its adoption. In response to Mrs. Berg, Chairman Kwiatkowski explained that Ordinance Committee Meetings are open meetings. Clerk Pepper explained that agendas are posted on the door window at Town Hall, the Post Office, Citizen's Bank, and Gillette's Country Store.

Mr. Steve Muth, S105W37110 Estates Drive questioned the Park & Recreation's association with Knucklefest and stated that he was surprised that Knucklefest was taking place this year. Mr. Muth complained that the music was too loud and that it went on too long into the night. In regards to ordinances, Mr. Muth explained that he feels that the Town is beginning to go ordinance nuts. In regards to engine braking, Mr. Muth questioned why motorcycle noise wasn't included in the noise ordinance.

CLOSED SESSION: – Motion by Supervisor Malek, seconded by Supervisor Davis to move into closed session pursuant to Wis. Stat. §§ 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Topics for discussion: Performance review for Town Clerk.

Motion by Supervisor West, seconded by Supervisor Malek to move into Open Session at 10:00 p.m. Upon roll call vote, Kwiatkowski – aye; Davis – aye; Malek – aye; Rasmussen – aye; West – aye. Motion carried.

Re-appointment of Town Clerk - Motion by Supervisor Rasmussen, seconded by Supervisor Davis to re-appoint Lynn Pepper to a three-year term based on the annual performance review. Upon voice vote, motion carried.

There being no further business on the agenda, a motion was made by Supervisor Davis, seconded by Supervisor Malek to adjourn at 10:04 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Eagle Town Clerk