

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
OCTOBER 15, 2008
APPROVED MINUTES

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

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

Minutes- Motion by Supervisor Malek, seconded by Supervisor Davis to approve the minutes of September 17, 2008. Upon voice vote, motion carried.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report.

Treasurer's Report- Treasurer Pasterski presented the September, 2008 report. Savings balance as of 8-31-08 was \$293,344.87. Total cash was \$528,443.91. Motion by Supervisor Malek, seconded by Supervisor Rasmussen to approve the treasurer's report. Upon voice vote, motion carried.

Treasurer Pasterski reported that he distributed the informational beginning worksheet for the upcoming budget meeting.

Claims- Claims totaling \$151,306.49 were reviewed. Discussion took place regarding repairs to the Highway Department vehicle, the Lake Drive road sign, and the lights for the new boat. Motion by Chairman Kwiatkowski, seconded by Supervisor Malek to approve payment of the claims. Upon voice vote, motion carried.

Sheriff's Report- A deputy from the Sheriff's Department reported that there have been several issues regarding theft of political signs and explained that the department is keeping a log of these thefts.

Chairman Kwiatkowski reported that since the last Town Board Meeting, the Waukesha Sheriff's Department has issued sixteen tickets for parking on the grass in the Town Park.

Lake Management District/Lake Patrol- Supervisor Malek presented the monthly report. Supervisor Malek reported that he interviewed Mr. Jason Steinbrenner for the position of Lake Patrol Officer per Sergeant Nork's recommendation. Supervisor Malek explained that Mr. Steinbrenner is currently a full-time officer for the Village of Mukwonago and although he has no lake patrol experience, Sergeant Nork has agreed to work with Mr. Steinbrenner and teach him what he needs to know. Supervisor Malek recommended that the Board employ Mr. Steinbrenner as the new lake patrol officer.

Motion by Supervisor Rasmussen, seconded by Supervisor Davis to accept Supervisor Malek's recommendation to employ Mr. Jason Steinbrenner as a Lake Patrol Officer. Upon voice vote, motion carried.

Supervisor Malek presented the Lake Patrol's Year End Report which addressed staffing, the administrative clerk, equipment, the budget, the Clean Water Program, as well as a proposed speed limit on the lake. Supervisor Malek explained that the Lake Patrol is endorsing the speed limit proposal and added that Sergeant Nork, in his report dated September 30, 2008 presented examples of speed limits on area lakes. Mr. Tom Day, Lake Management Chairman explained that they intend to look at the proposal at their next meeting and will make their recommendation to the Town Board.

Non-compliant outdoor storage issue Troy and Karen Tadysak at S102 W35425 CTH LO – Chairman Kwiatkowski explained that a complaint was received regarding the Tadysak's parking commercial vehicles, among other violations. Mr. Troy Tadysak explained that he is requesting an extension until next summer in order to erect a storage building. Discussion followed regarding the two work vehicles and the antique car. Mr. Tadysak explained that his intention is to sell the car and remove one of the work vehicles. Chairman Kwiatkowski explained the process for obtaining a building permit and suggested that Mr. Tadysak contact the building inspector regarding temporary storage. Discussion took place regarding an extension deadline and the fact that if Mr. Tadysak does not come into compliance by the set date, fines will go back to the date of issuance and the matter will be turned over to the Town Attorney. A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to grant the Tadysak's an extension for one of the work trucks to be removed within one week and an extension to December 15, 2008 for the removal of the antique car.

Non-compliant hobby kennel for Diane Wehrheim at S72 W34790 Heritage Drive – Ms. Diane Wehrheim, S72 W34790 Heritage Drive explained to the Board that on March 17, 1983, she made an offer to purchase her home, contingent on Town approval of a hobby kennel license. She stated that approval was granted in either April or May and that she closed on her home May 27, 1983. Ms. Wehrheim explained that three of her neighbors have indicated that they recall receiving a certified letter which gave notice to the meeting and read letters and e-mails from some of them attesting to the fact. Ms. Wehrheim's ex-husband, in his letter, indicated that after the approval process, he requested documentation of the action and was told that the documentation would be found in the minutes of the meeting. Ms. Wehrheim explained, after receiving the notice of non-compliance, she contacted Town Hall to request a copy of the minutes. After much searching, the minutes do not reflect the Wehrheim's ever coming before the Plan Commission or the Board for approval. Ms. Wehrheim explained that she was not aware that dog licenses needed to be obtained yearly because dog license notices are sent with the tax bill and her taxes were sent directly to the mortgage company. Once she became aware, Ms. Wehrheim reported that she did obtain the proper dog licenses and provided a photocopy of the \$78.00 check. In response, Treasurer Pasterski commented that the clerk, treasurer, and the Plan Commission secretary worked out of their homes in 1983 and that the document that Ms. Wehrheim requested may have been misplaced.

Mr. Don Wilton, former 1983 Town Board Supervisor stated that he recalls the Wehrheim's request for a hobby kennel license from the Town Plan Commission. Mr. Wilton explained that Mr. Eugene Kuhl was clerk at the time and that the meetings were not audio recorded. Mr. Wilton explained that Louise Hedrick was the Plan Commission secretary at the time and told of the time when Ms. Hedrick accidentally left papers on top of her car and drove off. Mr. Wayne Pett added that he recalls picking the papers up the next morning.

Chairman Kwiatkowski reported that the Town has been contacted regarding verbal and written complaints from some of the neighbors regarding barking dogs. Based on the information received tonight, Chairman Kwiatkowski explained that he is convinced that the Wehrheim's were granted permission for a hobby kennel license in 1983 however; the nuisance barking still needs to be addressed. Discussion followed regarding the past process for obtaining a conditional use and that the Town was under county zoning at that time.

Supervisor Malek explained that he believes enough documentation has been given to show that the hobby kennel license was issued and questioned that process that needs to be taken from here forward. Chairman Kwiatkowski explained that, in his opinion, the record should reflect that the Board acknowledges the Wehrheim's hobby kennel license and the record should reflect that Ms. Wehrheim is not in violation of the Town ordinance. In regards to a conditional use, Chairman Kwiatkowski explained that the Town will need to find out if conditional uses go with the property or with the owner. Supervisor West agreed however; suggested that the Wehrheim's still submit a Plan of Operations.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to acknowledge that Diane Wehrheim does have a hobby kennel license with a ten-dog limit in the Town of Eagle and to direct the Town Chairman to investigate whether the license stays with the property or the property owner. Upon voice vote, motion carried.

Chairman Kwiatkowski explained that the next issue to address would be the noise ordinance violation. He stated that he has received several calls of which he could hear the dogs barking over the phone line.

Mrs. Karen Czajka, S72 W34780 explained that she did attend the meeting when the hobby kennel license was issued however; it was stated at that meeting that the kennel was to be a "No Bark Kennel". Mrs. Czajka explained that she does not have an objection to the kennel, just to the excessive dog barking. Mr. Bob Czajka explained that the barking issue is not a new issue. The dogs begin barking as soon as it gets dark and they continue to bark until one o'clock in the morning. He explained that he has contacted Ms. Wehrheim regarding the issue to no avail. Mr. Czajka added that the situation has improved over the last month, that the dogs do bark but no longer to the point of being a nuisance.

Ms. Wehrheim explained her work schedule, stating that fourteen nights a month she doesn't get home from work until midnight. She then proceeds to go to the back building to let the dogs out one more time for the night. She stated that she has been trying to make a concerted decision to lock the dogs up when she is not at home. In regards to the business, which has never been filed as a business, Ms. Wehrheim explained that she travels to show her dogs. She does sell litters but that does not make money.

Ms. Barb Rupp, S71 W34985 Hwy 59 who lives directly behind the subject property for the last seven years explained that she has no complaints regarding the dogs. She added that she contacted her mother-in-law who also lives in the area and her mother-in-law indicated to her that the dogs were not an issue for her either.

It was the consensus of the Board and all parties involved for Chairman Kwiatkowski to follow-up with them in one month to see how the situation stands.

Closed bid sale of the lake patrol boat – Chairman Kwiatkowski reported that he contacted the boat dealer, AlumiCraft regarding the value of the lake patrol boat. AlumiCraft indicated that the retail value for the boat would be in the range of \$3,585 as a low and \$4,020 as an average. The question tonight is where the Board would like to start the bidding at. Chairman Kwiatkowski explained that he made contact with the Wisconsin Towns Association who indicated that it is illegal for Town employees and the Town Board to bid on Town equipment. In response to Supervisor West, Chairman Kwiatkowski explained that the state will reimburse the Town the cost between the sale of the old boat and the purchase price of the new boat. Discussion followed regarding the condition of the AlumiCraft boat. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to set the starting bid at \$2,500. Upon voice vote, motion carried.

Joint Meeting Date – Chairman Kwiatkowski reported that the Joint Budget Workshop will be held on Monday, October 27, 2008 beginning at 7:00 P.M.

Fire Department/Fire Commission- Chief Heim reported that the Fire Commission passed the 2009 proposed budget and that there is less than a \$500 increase for 2009. Chief Heim reported that they have received seventeen EMS and two fire calls this month; four or five of them were assisting the Town of Palmyra. In regards to this year's budget, the department is in the seventy-five percent range. Chief Heim reported that an Automated External Defibrillator or AED has been purchased for the municipal building and that the monies for this unit came out of his budget. Training on the AED will be conducted after the election. In response to Supervisor Malek, Chief Heim explained that there were a lot of children at the Fire Department last week for Fire Prevention Week.

Library- No report.

Village Board Meeting- Supervisor Davis reported that the Visitor's Center will be turned over to the Village of Eagle this Saturday beginning at noon. Organizations may purchase a locked display case where they can display any belongings or such.

In response to Chairman Kwiatkowski, Supervisor Davis explained that he feels it beneficial for a Town Board Supervisor to attend the Village Board Meetings and offered to continue to attend.

Park & Recreation- Supervisor Malek distributed a Park & Rec program update from January through October of 2008. Supervisor Malek explained that the Park & Rec Committee met for their budget workshop last Monday and that final proposals will be submitted to both the Town and Village Boards for the joint workshop.

Garbage & Recycling – Supervisor Rasmussen reported that the application for the grant has been mailed and accepted.

Road Matters – Supervisor West reported that the Highway Department has been contacted regarding tree trimming issues. Supervisor West explained that he would like consent to borrow a chipper from the Town of East Troy and consent for the additional manpower needed for the job. Currently, Asplund is doing the tree trimming for the electric company.

Chairman's Report- Chairman Kwiatkowski read his letter that was addressed to Dave Dubey, Town of Mukwonago. The letter was written in regards to drainage into Jericho Creek.

Public Comment – Town resident, Mr. Walker stated that he is in attendance at tonight’s meeting just to see how business is being conducted in the Town of Eagle.

Mr. Nick Wambach, W344 S10609 Island View suggested that the Board lower the starting bid for the lake patrol boat due to the tough market. Chairman Kwiatkowski explained that if the boat does not sell, the boat could be winterized, stored in the barn, and sold in the spring.

Attorney’s Report – None.

There being no further business on the agenda, a motion was made by Supervisor Davis, seconded by Supervisor Malek to adjourn at 9:26 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Eagle Town Clerk