

TOWN BOARD MEETING  
HELD JOINTLY WITH THE  
PLANNING & ZONING COMMISSION  
DECEMBER 17, 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 Davis, Malek, Rasmussen, and West; Commissioners Lewis, Olsen, Rudy, and Samuels.

Clarification of Waukesha County's Authority Post Smart Growth with Dick Mace – Discussion took place regarding amendments to the Smart Growth Plan once it has been adopted. Mr. Dick Mace from Waukesha County explained that any anticipated corrections need to be submitted to the Waukesha County Park & Land Use for their approval prior to their January 21<sup>st</sup> meeting. The Waukesha County Board will take final action at their February 24<sup>th</sup> meeting. Discussion followed regarding definitions, district categories, and zoning consistencies. Chairman Kwiatkowski explained that according to state statute, if the County has a zoning plan, the County has the final say. The only benefit to the Town for having their own zoning is control over conditional use permits and certified surveys. In response to Chairman Kwiatkowski, Mr. Mace explained that if the Town approves an amendment to the plan, that project cannot begin until Waukesha County approves the amendment at its January meeting, a process that has been in place since 1997. If the proposed change is consistent with the current zoning, the project can proceed. Discussion followed.

A motion was made by Commissioner Rudy, seconded by Supervisor Malek to adjourn the Planning & Zoning portion of the meeting at 8:27 p.m. Motion carried.

TOWN OF EAGLE  
REGULAR TOWN BOARD MEETING  
DECEMBER 17, 2008

Chairman Kwiatkowski called the meeting to order at 8:27 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.

Sheriff's Report- Chairman Kwiatkowski requested that the Sheriff's Department submit a monthly report, either by e-mail or fax. This report would not need specific details, just simply bullets or briefs of what types of calls there have been in the Town.

Fire Department/Fire Commission- Chief Heim reported that the budget is on target for the end of the year. Eleven fire calls and eighteen EMS calls were received last month. From January 1 to November 284 calls were logged. A break down will be given at the January meeting. In regards to ambulance fees for 2009, residents will not see an increase however; non-resident fees will go up \$25.00 per call. In response to Supervisor Malek, Chairman Kwiatkowski explained that fundraised monies are put into the membership account so purchases, such as the fire nozzle, do not have to come out of the budget.

Chief Heim expressed the Department's sadness on the passing of Jerry Mealy who had 37 years with the Department. Jerry will be greatly missed.

Request from Fire Chief Heim for the Town Clerk to Attend EMT Training – Chief Heim explained that his proposal is for the Fire Department to send Clerk Pepper to Waukesha County Technical College for Emergency Medical Training, with fees and transportation to be provided by the Department. Chief Heim explained that, after looking into the matter further, he found that the Village of North Prairie's Clerk has been active on their department for more than twenty years, leaving her clerk duties to respond to emergency calls. In our case rather, the Eagle Fire Department is proposing that Clerk Pepper leave her clerk duties only for manpower intensive calls, such as cardiac calls, alleviating some of the daytime staffing concerns. Also, the Department is willing to reimburse the Town for hours that Clerk Pepper is away from her clerk duties. In response to Chairman Kwiatkowski, Chief Heim explained that there have been fifty-three calls year-to-date where Clerk Pepper's assistance could have been needed. Chief Heim explained that the most difficult part of this proposal would be sending Clerk Pepper to training. Training classes are held two times per week, Monday and Wednesday from mid January through May 15, 2009, with one week off for spring break. Discussion followed regarding staffing and budget concerns. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to table this item to the July Board Meeting for further discussion. Upon voice vote, motion carried.

Treasurer's Report- Treasurer Pasterski presented the November, 2008 report. Savings balance as of 10-31-08 was \$315,770.69. Total cash was \$377,673.62. Motion by Supervisor Rasmussen, seconded by Supervisor West to approve the Treasurer's Report. Upon voice vote, motion carried.

Minutes- Motion by Supervisor Davis, seconded by Supervisor Malek to approve the Special Meeting minutes of November 19, 2008. Upon voice vote, motion carried. A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to approve the Budget Hearing minutes of November 19, 2008 with the submitted changes. Upon voice vote, motion carried. A motion was made by Supervisor Davis, seconded by Supervisor Malek to approve the Regular Town Board Meeting minutes of November 19, 2008 with the following corrections: page 2, last paragraph, line 5, after "attorney", remove the word "raised"; page 3, first paragraph, line 8, change "of" to "or"; page 3, last paragraph, line 4, should read "lowered by"; page 4, second paragraph, line 4, add "which included regular Park & Recreation Committee business". Upon voice vote, motion carried. A motion was made by Supervisor Malek, seconded by Supervisor Davis to approve the Special Elector's Meeting minutes of November 19, 2008. Upon voice vote, motion carried.

Renewal of Contract for the Town Planner – Town Planner Pionke explained that there are no changes to the proposed contract, with the exception of the dates. A motion was made by Supervisor Malek,

seconded by Supervisor Rasmussen to approve the renewal of the contract with Town Planner Brian Pionke through December 31, 2009. Upon voice vote, motion carried.

Participation in the UWM School Architectural Urban Development Class Project – Supervisor Davis explained that the University of Wisconsin-Milwaukee Architectural Urban Development Class is conducting a class project and is requesting municipalities to apply. The proposal is for students to go out into the communities, at no expense to the municipalities, and take a look at the aspects of planning. Supervisor Davis explained that this project would be a benefit to the Village however; he is not sure that it would benefit the Town. Planner Pionke added that these students would be more adept to working with urban areas like the Village. The areas that the students would most likely be studying would be future recreational needs or future business parks. Supervisor Davis added that the Village Board deferred this topic to their Economic Growth Committee, who subsequently approved the Village's participation in the program. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to not pursue participation in the UWM School Architectural Urban Development Class Project, as advised by Supervisor Davis. Upon voice vote, motion carried.

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

Reappointment of Election Inspectors – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to appoint Judi Heinz, Susan Hunt, and Leslie Kreiser as Election Inspectors through December 2009. Upon voice vote, motion carried.

Claims- Claims totaling \$75,539.78 were reviewed. Supervisor Rasmussen raised issue with check #28134 to B.R. Amon and explained that B.R. Amon should repair Susan Hunt's driveway. Discussion followed regarding the hold back amount of \$2,500. In response to Supervisor Davis' question regarding check # 28119 to CareerTrack, Clerk Pepper explained that the Village of Eagle, the Eagle Police Department, and Eagle Park & Recreation have been invoiced for their portion of the payment. In response to Supervisor Malek, Chairman Kwiatkowski stated that he is notified when repairs to equipment need to be made. Motion by Supervisor Rasmussen, seconded by Supervisor Malek to approve payment of the claims. Upon voice vote, motion carried.

B.R. Amon's Reduction of Road Security Deposit as Recommended by the Town Engineer – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to approve the reduction of road security as recommended by the Town Engineer. Upon voice vote, motion carried.

Mailbox/Post Damage Claim from Jim Jerome, S95 W34430 Jonah Court – Chairman Kwiatkowski reported that he was contacted by Mr. Jerome regarding damage to his mailbox post. Discussion followed regarding the policy that the Village of North Prairie adopted claiming no responsibility for damages. A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to approve the claim in the amount of \$20.00. Upon voice vote, motion carried.

Opening of the Sealed Lake Patrol Boat Bids – Clerk Pepper opened the sealed bids. Chairman Kwiatkowski reported that the first bid was from Randy Patasius, 1201 Lee Avenue, West Bend WI in the amount of \$2,800. The second bid was from Brian Kimball, 2736 N 88<sup>th</sup> Street, Milwaukee WI in the amount of \$2,662.26. A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to accept the cash bid from Randy Patasius in the amount of \$2,800. Upon voice vote, motion carried.

Request from the Friends of Mukwonago for “No Dumping” Signs to be Erected on CTH X Along the Jericho Creek – Chairman Kwiatkowski explained that Waukesha County had given HWY X back to the Town. Plan Commissioner Jacki Lewis explained that a clean up effort was done on Jericho Creek where it was discovered that people have been dumping debris into the creek. Commissioner Lewis explained that the Friends of Mukwonago are requesting signs that either identifies a habitat and/or “No Dumping” signs. Chairman Kwiatkowski explained that Clerk Pepper posed the question to the Wisconsin Town’s Association. The Association stated that, per Wisconsin State Statutes 287.81(2), littering violates state law. Signs can be erected and enforced by the Sheriff’s Department. Discussion followed regarding who would absorb the cost of the signs, other locations where dumping has been occurring, and possible cost savings by purchasing signs in a greater quantity. A motion was made by Supervisor Rasmussen, seconded by Supervisor West to direct the Clerk to check on pricing and availability and to table this discussion to the February Joint Plan Commission/Town Board Meeting.

Proposed Waukesha Countywide Mutual Aid Agreement – Chairman Kwiatkowski explained that, at the last meeting, he reported that four municipalities, including the Town of Eagle, expressed concern over this proposal and agreed to have the attorney review the proposal, with the cost to be shared evenly between the municipalities. Attorney Macy reviewed the document and submitted comments regarding such. Chairman Kwiatkowski explained that he contacted the Town’s insurance company, the Horton Group regarding the blanket liability. The Horton Group stated that the Town’s current liability is set at three-million dollars. To increase it to five-million would cost the Town an additional \$800 to \$1,000 per year. Discussion followed. A motion was made by Chairman Kwiatkowski, seconded by Supervisor West to table this item until Waukesha County responds to Attorney Macy’s comments. Upon voice vote, motion carried.

Ordinance 08-07, An Ordinance to repeal and re-create the Ordinance which created the Fire Department and Fire Commission – Chairman Kwiatkowski explained that he met with Town Attorney Paul Alexy who has recommended additional changes needed in order to align more closely with state statutes. A motion was made by Supervisor West, seconded by Supervisor Malek to revise the Ordinance per Attorney Alexy’s comments and to table this item until the January Board Meeting. Upon voice vote, motion carried.

Operator’s License Request from Sandra Matson Pending Clear Record Check – Clerk Pepper reported that Sandra Matson’s record check was clear. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to approve the Operator License for Sandra Matson. Upon voice vote, motion carried.

Proposed New Design for the Town of Eagle Website – Clerk Pepper presented the proposed new design that, at no charge, her son created. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve and implement the new website design subject to the e-mail fields being mandatory. Upon voice vote, motion carried.

Joint Powers Agreement for the County 9-1-1 Emergency System – A motion was made by Supervisor Davis, seconded by Chairman Kwiatkowski to enter into the Joint Powers Agreement. Upon voice vote, motion carried.

Increase the Wages of Debbie Bliese by 5.8% Cost of Living Increase (COLA) for the Weekly Cleaning of the Municipal Building – Chairman Kwiatkowski explained that Debbie Bliese brought her request to the Building Committee and has been forwarded to both the Town and the Village

Boards. A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to approve the 5.8% wage increase for Debbie Bliese pending approval by the Eagle Village Board.

Library- Chairman Kwiatkowski explained that the library will be hosting the Holiday Broadway Review on Sunday, December 21<sup>st</sup> at Mukwonago High School.

Lake Management District/Lake Patrol- Mr. Tom Day explained that, at the request of the Lake Patrol, a motion was made at last night's Lake Management Meeting to approve the maximum speed limit of 50 mph on the lakes for weekends and holidays. The Lake Management District is also working on another ordinance regarding high water/slow no wake. Discussion followed.

Village Board Meeting- Supervisor Davis reported that he did not attend the last Village Board meeting because he was in attendance at the Waukesha County Smart Growth Public Hearing.

Park & Recreation- Supervisor Malek distributed a Park & Rec program update from January through December of 2008 and the 2009 Winter/Spring Activity Guide. Supervisor Malek explained that a survey had been conducted regarding salaries of Recreation Director's in the State of Wisconsin. The current director was disappointed with the salary results which showed that Eagle is the lowest. He explained that, although nothing can be done for the upcoming year because the budget has already been approved, it is important the director's salary be reviewed, to bring it into parity with surrounding communities. In response to Chairman Kwiatkowski, Supervisor Malek explained that the committee intends to obtain salary and benefit information from East Troy, Palmyra, and Ottawa. Discussion followed regarding program fees. Chairman Kwiatkowski explained that Eagle Parks and Recreation is low on their fees, compared to the fees for surrounding communities. Because the Committee sets the fees low, the committee should not complain about the operating costs of the department. Chairman Kwiatkowski explained that the realization needs to be made that the Recreation Department will never be self-sufficient. The reason that the department can continue is due to their fundraising efforts.

Garbage & Recycling – No report.

Road Matters – Supervisor West submitted his report to the Board.

Business Park – No report.

Chairman's Report- Chairman Kwiatkowski explained that he has gotten word that Amber Fields did transfer Lot 1 back to Carey Edelbeck. Jan Francki intends to check with their attorney regarding whose responsibility it is for the removal of the building and the driveway. Chairman Kwiatkowski added that Kaerek Homes did sign the final plat, where the removal condition was listed.

Chairman Kwiatkowski reported that he met with Town Attorney Alexy regarding the 2009 budgeted amount for attorney's fees. He explained that he showed him the breakdown of last year's charges and this year's charges to date. Chairman Kwiatkowski explained that he spoke with him regarding the agenda reviews, the upcoming zoning recodification review, and the potential cost to review the Smart Growth Plan and directed Attorney Alexy to check to see what they charged the Town of Mukwonago for their Smart Growth Review. Time was also spent reviewing the proposed Fire Department Ordinance. In response to Supervisor Davis, Chairman Kwiatkowski explained that Attorney Alexy critiques the agenda as if he were an outsider. If it doesn't make sense to him, it wouldn't make sense to citizens and could possibly violate the Open Meetings Law.

Attorney's Report – No report.

Public Comment – Mr. Tom Day, W350 S10115 Highview Road explained that he suspected that the Town Attorney reviewed the agendas and that he thinks that the reviews are too critical. Discussion followed.

There being no further business on the agenda, a motion was made by Supervisor West, seconded by Supervisor Malek to adjourn at 10:25 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper  
Eagle Town Clerk