

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
MARCH 18, 2009
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, and Fire Chief Heim.

Minutes- Motion by Supervisor Davis, seconded by Supervisor Malek to approve the minutes of February 18, 2009. Upon voice vote, motion carried.

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

Treasurer's Report- Treasurer Pasterski presented the February, 2009 report. Savings balance as of 1-31-09 was \$1,408,268.44. Total cash was \$780,072.99. Motion by Supervisor Rasmussen, seconded by Supervisor Malek to approve the treasurer's report. Upon voice vote, motion carried.

Claims- Claims totaling \$1,008,175.46 were reviewed. Supervisor Malek referred to the invoice from the Town Attorney. He questioned why the attorney's office placed some of the billed items under the subtotal for traffic. Those items were the court costs for the Town of Eagle v. Berg case and should have been subtotaled as such. Motion by Supervisor Davis, seconded by Supervisor Malek to approve payment of the claims. Upon voice vote, motion carried.

Possible Discontinuance of Publishing Town Board and Planning & Zoning Commission Meeting Minutes – Supervisor Malek stated that the Town spent \$5,232 on publishing for a twelve month period. Chairman Kwiatkowski explained that this total includes minutes, public notices, ordinances, and election notices. Discussion followed regarding condensing the minutes even further.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to instruct the Town Clerk to publish the abbreviated version of the minutes, stating the action and the results, and include the footnote that the full version is available at the Town Hall or on the website. Upon voice vote, motion carried.

Approval of Town Insurance Bids – Chairman Kwiatkowski reported that Robert Krohlow from The Horton Group and Don Lynch from Rural Mutual are here tonight to present their bids.

Mr. Krohlow explained that their bid proposal reflects no changes to the current limit coverage, at a less than 3% cost increase. Mr. Krohlow explained that what distinguishes The Horton Group from

Rural Mutual is that The Horton Group property insurance guarantees replacement cost. This is important in today's economy because one cannot determine the cost of materials. With regards to the auto policy, The Horton Group provides no cap on the liability limit. Mr. Krohlow explained that the Town is responsible for choosing their deductible amount for comprehensive and collision and currently has a \$5,000 deductible on property and a \$250 and \$500 deductible of auto. In response to Supervisor West, Mr. Krohlow stated that the Town's insurance rating went up from an A- to an A+.

Mr. Lynch stated that Rural Mutual offers actual cash value rather than replacement. If the correct values are placed on the buildings, Mr. Lynch stated that receiving actual cash value would not be an issue. Mr. Lynch explained that Rural Mutual provides a blanket bond, with the property schedule for the Town Hall at \$1.4 million. In response to Chairman Kwiatkowski, the automatic inflation factor is built into the policy. Mr. Lynch explained that the current Horton Group policy offers \$3 million per loss with \$6 million aggregate. Rural Mutual is proposing \$5 million with \$10 million aggregate. In regards to deductibles, Mr. Lynch explained that deductibles will remain as current and added that their policy includes glass breakage as well. In response to Chairman Kwiatkowski, Mr. Lynch stated that Rural Mutual would cover up to \$1,500 for towing a vehicle which has been involved in an accident. If a rental vehicle is needed while the vehicle is in for repair, Rural Mutual would cover the cost up to \$10,000. In response to Supervisor Rasmussen, Mr. Lynch stated that Rural Mutual rated the Town at an A-.

Supervisor West questioned the difference in the prime quote from the insurance companies. Discussion followed regarding the coverage of the library books in and off premises, coverage for outdoor property such as guardrails, dividend calculations and how they are based, retroactive responsibility, as well as insurance coverage for the Town Park.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to retain The Horton Group for Town insurance. Upon voice vote, motion carried.

Ordinance 09-03, An Ordinance to repeal Ordinance 01-08, An Ordinance to Delegate Authority to Issue Burning Permits and to repeal and recreate Ordinance 92-04, An Ordinance to Regulate Fires – Chairman Kwiatkowski read the proposed ordinance. Chairman Kwiatkowski explained that the intent of the ordinance is to eliminate the need for residents to have to obtain a burn permit, with the exception of controlled burns. Chairman Kwiatkowski added that the cost for outsourcing the permit process with the Town of Mukwonago Dispatch cost the Town \$1,500 per year. Discussion followed regarding filing a plan with the Fire Department for controlled burns.

Fire Chief Heim reported that he spoke with the Department of Natural Resources, after receiving a call from the Nature Conservancy. The DNR has since reviewed the proposed ordinance and felt that the language covered the Nature Conservancy's concerns.

Ms. Pat Morton with the Nature Conservancy stated that the Nature Conservancy appreciates the Town considering the allowance of controlled maintenance burns for the Kettle Moraine. Ms. Morton introduced Hannah Spaul, Director of Land Conservancy and Jason Dau with the Waukesha County Land and Water Conservation.

Mr. Steve Muth, S105 W37110 Estates Drive questioned the restriction of night burns. Chairman Kwiatkowski replied that there is a provision that does allow for campfires.

Supervisor West presented a copy of the burn rules for the Village of North Prairie. Supervisor West

explained that the Village of North Prairie lists the types of burns that are permitted and suggested that the Town consider doing the same. Chairman Kwiatkowski suggested approval of the ordinance with the suggested amendment.

Ms. Hannah Spaul explained that the Nature Conservancy would like to be able to work with the Fire Chief on a burn plan for the entire property. She also suggested that the Town consider the option of possibly exempting state natural areas in the ordinance. Ms. Spaul stated that she would like to commend the Town of Eagle for considering and addressing their concerns in the proposed ordinance, while meeting the needs of the community and the fire department.

At this time, Supervisor Malek stepped down from the Board.

Supervisor Malek explained that he has been conducting, as instructed by a naturalist, forty to fifty acres of controlled burns for the past twenty years. Based on the small window of opportunity to conduct the burns, to be required to notify the neighbors seems unreasonable. In response, Chairman Kwiatkowski suggested notifying the neighbors who, as determined by the prevailing wind, would be impacted by the burn. Chief Heim added that the intent of the language to notify the neighbors' is to reduce the number of rescue calls i.e. asthmatics.

Supervisor Malek stepped back onto the Town Board.

Ms. Pam Meyer, S101 W34849 CTH LO stated that the proposed ordinance is a very valuable tool however; wants to be sure that the Board understands that a burn plan may be submitted and the actual burn may or may not take place. Chief Heim replied that the persons conducting the burn should call to advise him of the status. In response to Ms. Meyer, Chairman Kwiatkowski added that controlled burns are burns in excess of one acre.

Discussion took place regarding burns that continue to smolder at night. Chief Heim stated that he would be in favor of allowing night burns at the discretion of the Fire Chief of his/her designee.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to adopt Ordinance 09-03 as amended. Upon voice vote, motion carried.

Sheriff's Report- No report.

Library- No report.

Fire Department/Fire Commission- Chairman Kwiatkowski reported that the agenda, minutes, and accounts receivable report from the Fire Commission have been distributed. Chief Heim reported that the Fire Department Building is currently having structural issues, which will be discussed in detail at tomorrow night's Joint Board Meeting. Chief Heim reported that there were twenty-three EMS and nine fire calls last month. Chief Heim reported that the damaged fire truck will be back in service in the Town of Eagle on April 1, 2009. In response to Supervisor Malek, the department is not able to recoup the monies for the deductible.

Village Board Meeting- Supervisor Davis reported that the Village held their regular Board Meeting on March 12, 2009. There was some citizen concern over the senior housing program and the age breakout. Supervisor Davis reported that the Hen House will be holding "Meet the Candidates" for the Village Board on Sunday, March 22, 2009 from 3 P.M. to 5 P.M. The Village Police Department will

be conducting an Open House on Friday, March 27, 2009 from 4 P.M. to 7 P.M. Supervisor Davis reported on the other various topics discussed.

Lake Management District/Lake Patrol- Mr. Tom Day reported that the district is applying for a permit from the Department of Natural Resources for the Monday, May 11, 2009 chemical treatment of the 9 acres of water. Mr. Day reported that a meeting was held March 4, 2009 with the Department of Natural Resources relative to the emergency spillway issue. The Lake District did receive the direction they were looking for and Ehlers & Associates will be entering data and determining capacity.

Chairman Kwiatkowski reported that the Town's old Lake Patrol boat has been picked up and asked Supervisor Malek to contact the Lake Patrol and have one of their officers contact East Troy to arrange a time to pick-up our new boat.

In response to Chairman Kwiatkowski, Mr. Day stated that Clerk Pepper sent a letter as well as a copy of the signed Speed Limit Ordinance to the Department of Natural Resources, notifying them that the Town Board did adopt the ordinance.

Park & Recreation- Supervisor Malek explained that the Park & Recreation Committee reviewed the suggestions of the Town and Village Board regarding the proposed by-laws. Trustee Tom Thomas finalized the proposed document. Chairman Kwiatkowski expressed concern that the Town is not receiving the same information as the Village. Supervisor Malek reported that the January & February program updates, as well as information on the two fundraisers, were included in the Board Packets.

Garbage & Recycling – Supervisor Rasmussen reported that he spoke with Brian Johngetjes of John's Disposal. Brian explained to him that the state is considering doubling the tipping fees. This would amount to an additional \$5.00 per household or \$6,500 per year for the township. Supervisor Rasmussen suggested that citizens contact their legislators Steve Nass and Neil Kedsie to voice their concerns.

Business Park – Chairman Kwiatkowski reported that the Dretzka CSM is near completion.

Road Matters – Supervisor West distributed some information that has been collected regarding the upcoming road program, based on the 2008 figures. Discussion took place regarding the costs for engineering, drainage issues, and obtaining bids. Supervisor West suggested the possibility of letting the contractors present their ideas to the Board rather than hiring the engineer to provide a solution. Supervisor Malek explained that the engineering is done more for the standardization of the bids. In regards to the logistics for having an engineer spec out the project before it goes out to bid, Chairman Kwiatkowski explained that the engineer's spec details give the contractors a level playing field. Chairman Kwiatkowski explained that another reason it is important to have an engineer on the project is because the engineers are then responsible for the policing of the project, as well as checking the compaction of the roads. What warrants further discussion is how much of the process does the Town want to pay for. Chairman Kwiatkowski suggested that he, Supervisor West, and Highway Superintendent Betts meet soon to take a look at the condition of the roads.

Chairman's Report-

a. Proposed abandonment of the well located at S91 W35297 CTH NN. – Chairman Kwiatkowski explained that this well is located at the park pavilion and cannot be used for drinking water. The issue at hand is the removal of the electric meter, not the abandonment of the well.

A motion was made by Supervisor Malek, seconded by Chairman Kwiatkowski to disconnect the electrical meter from the well. Upon voice vote, motion carried.

b. Possible participation in the State Road Salt Purchase Program. - Chairman Kwiatkowski explained that an application has been sent to the state regarding next year's program. The Village of Dousman and the Town of Summit contracted with the state this year at the rate of \$49 per ton. The Town of Eagle's current rate with Morton Salt is \$80 per ton.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to authorize the Town Chairman to submit the Town of Eagle to take part of the Road Salt Bid Program. Upon voice vote, motion carried.

c. The Federal Stimulus Program and Its Impact on the Town. – Chairman Kwiatkowski explained that he has done online research regarding the special programs eligible to receive stimulus monies. Unfortunately, the Town will not see any benefits because the Town does not have any collector roads. The Joint Fire Department and the Village Police will however possibly be eligible for other benefits.

d. Damage to the Town Park Fence. – Chairman Kwiatkowski explained that Supervisor West observed an accident in which the Town Park fence was damaged. Clerk Pepper contacted the installer who will be providing a repair estimate. Clerk Pepper will forward this claim onto the operator of the vehicle.

Public Comment – Mr. Steve Muth, S105 W37110 Estates Drive commented that he thought that the well abandonment on the agenda was perhaps the Village well. Mr. Muth stated that he will check with the Village to see if they intend to blend in the future. Mr. Muth suggested that the Smart Growth Committee consider a future possible shallow well around Eagle Spring Lake. In response, Chairman Kwiatkowski explained that this will be addressed at the Southeastern Wisconsin Regional Planning Commission Informational Meeting to be held on April 9, 2009 at the Mukwonago Town Hall. Mr. Muth suggested that the Town consider placing the contact information for the State Representatives in the Town newsletter. Mr. Muth questioned why the Town does not qualify for the stimulus package. In response, Chairman Kwiatkowski explained that in order to collect monies, the Town must have collector roads. The collector roads located in the Town are Hwy LO and Hwy NN, which are owned by the County.

Mr. Nick Wambach, W344 S10609 Island View Lane commented on the state proposed garbage tipping fees. Mr. Wambach suggested that the increase may be due to the fact that states such as Illinois and Minnesota are hauling their garbage to Wisconsin due to low fees. Supervisor Rasmussen added that if bordering states were to choose to not haul here, the State of Wisconsin would still need to make up for the lost revenue. Mr. Wambach asked if the Town could get additional funds from the Department of Natural Resources for fire protection. In response, Chairman Kwiatkowski explained that the Town receives \$3,000 per year for municipal services.

There being no further business on the agenda, a motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to adjourn at 9:41 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Eagle Town Clerk