



TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
MAY 20, 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, Park & Recreation Director Heywood, and Officer Nork.

Agenda – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to move item #16 to immediately after “Claims”. Upon voice vote, motion carried.

Minutes- Motion by Supervisor Davis, seconded by Supervisor Malek to approve the minutes of April 15, 2009 with the following corrections to the last page: paragraph 1, fifth line should read “...\$35 to \$100”; paragraph 2, fourth line should read “...would perhaps reduce burning and illegal dumping. Supervisor Malek brought up the idea to possibly use the Village of Eagle’s compost site.”; paragraph 5, last line should read “freeway”; paragraph 6, first line should read “...two culvert permits”. Upon voice vote, motion carried.

Proposed Agreement for Clerical Services for Joint Municipal Court Provided by Town of Mukwonago Police Department – In response to Chairman Kwiatkowski, Officer Nork stated that this service is in addition to the work that the Lake Patrol Secretary does. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the agreement for clerical services for Joint Municipal Court by the Town of Mukwonago Police Department in the amount of \$300. Upon voice vote, motion carried.

Correspondence Regarding Complaint of a Dirt Bike Trail in a Residential Area – Clerk Pepper read the written complaint from Captain H. Kruse dated April 27, 2009 into the record, as requested.

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

Treasurer's Report- Treasurer Pasterski presented the April, 2009 report. Savings balance as of 3-31-09 was \$216,545.96. Total cash was \$668,746.65. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the Treasurer’s Report. Upon voice vote, motion carried. In response to Chairman Kwiatkowski, Treasurer Pasterski reported that the Certificates of Deposit come due on June 5th, August 5th, September 5th, and October 5th. Treasurer Pasterski reported that he took

the liberty of compiling a list of approved Certified Surveys for Building Inspector Montoya.

Claims- Claims totaling \$66,165.89 were reviewed. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to approve the payment of claims. Upon voice vote, motion carried.

Park & Recreation- Park & Recreation Director Heywood reported that the spring soccer tournament was held last weekend, which wrapped up to the season. Over half of the Eagle teams took either first or second place. Director Heywood added that baseball and softball are now in full force.

Director Heywood explained that the next brochure is at the printer and a copy of it has been placed on the Town's website.

Director Heywood reported that, financially, the department has a rough forecast over the next several weeks. After Tuesday's payroll, which includes her as well as the various umpires, the checking account balance will be at \$29.00, savings will be at \$14.00. Also, there are bills that need to be paid by the end of the month and there isn't enough money to pay them. The brochure, once printed, also needs to get mailed, with not enough money for postage. In all, Director Heywood explained that the projected shortfall is approximately \$3,095.83. In response to Supervisor Davis, Director Heywood stated that the shortfall does not include the cost of printing the brochure, which will be invoiced and due in the next thirty days. Director Heywood asked for an advance on the quarterly Town payment, stating that the brochure will generate revenue for the department.

In response to Chairman Kwiatkowski, Director Heywood explained that the budget was not reviewed at the last committee meeting. Chairman Kwiatkowski explained that had it been discussed, action could have taken place at tonight's meeting. Supervisor Malek stated that he just became aware of the situation within the last half hour.

Discussion ensued regarding quarterly payments and the timing of funds. Chairman Kwiatkowski suggested possibly changing the timing of funding to either semi-annually or one lump payment, adding that this topic needs to be discussed at a Joint Town/Village Board Meeting. Supervisor Malek explained that in the past, the Park & Recreation Department has always had a savings account balance to get the department through the gaps in funding. Unfortunately, the savings account is all but depleted. Chairman Kwiatkowski explained that the committee needs to pay close attention to the budget and recommended that this item be one of the first items on their monthly meeting agenda. Chairman Kwiatkowski added that as long as there is a quorum, the meeting should be held, regardless if one member is missing or not.

Chairman Kwiatkowski explained that there is a Park & Recreation Commission, consisting of seven members, which was never activated. This commission, if activated, could create a taxing district, per State Statutes.

Chairman Kwiatkowski explained that the advancement of funds for the Park & Recreation Department will be on the Town Board portion of the Planning & Zoning Commission/Town Board Meeting for June 1, 2009. Hopefully, the Village will do the same at their next meeting.

Discussion took place regarding payables being paid bi-weekly. Supervisor Davis requested a six-month review of the Park & Recreation Department budget at the next Joint Meeting to be held June 24, 2009.

Lake Management District/Lake Patrol- Mr. Tom Day reported that he attended the meeting On May 1, 2009 with the Department of Natural Resources and the Southeast Wisconsin Regional Planning Commission to discuss the Environmental Assessment and the lake water levels. Mr. Day reported that the meeting was very disappointing and that the DNR's position remains to lower the lake water level six inches. In response to Supervisor Malek, Mr. Day stated that SEWRPC and the Nature Conservancy are in favor of the Eagle Spring Lake Management District's position that the water level remains the same. Discussion followed regarding the negative impact lowering the water level may have on the lake as well as on areas upstream and downstream, the DNR's position on the possible removal of the dam, and the need for the DNR to justify their position.

Officer Dennis Nork gave his monthly report. Officer Nork reported that the town received 69.07% reimbursement from the state for lake patrol. In response to Supervisor Malek, Officer Nork explained that the DNR has stated that the Town of Eagle Lake Patrol is one of the most efficient patrols, based on the number of hours worked and the number of citations issued.

In regards to item 8a on this agenda, Mr. Day reported that the bill requiring a statewide slow no wake zone for motorboats within 100 feet of a lake's shoreline has not been signed into state law yet and requested that this item be placed on the next Town Board agenda.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to table this item to next month. Upon voice vote, motion carried.

Public Hearing: Regarding Zoning Map Amendment for ZT09-01: Jeff and Maureen Schaf, W352 S10496 Tuohy Road – Chairman Kwiatkowski opened the Public Hearing at 8:38 P.M. and asked for public comment. After hearing no public comments, a motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to close the public hearing at 8:39 P.M.

Chairman Kwiatkowski reported that an e-mail was received from Dick Mace from Waukesha County which explained that the reason the County approved the rezone with a smaller buildable area was because of the limits of the wetland delineation. This wetland area is zoned C-1 by the County and cannot be built on or disturbed. Chairman Kwiatkowski explained that the Schaf's were aware of restrictions all along. In response to Supervisor Malek, Chairman Kwiatkowski explained that the Schaf's will have to use the footprint around the house for their excavation.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to deny the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to approve the rezone in the areas as dictated by Waukesha County and shown on the Zoning Map Amendment. Upon voice vote, motion carried.

Establishing the 2009 Trick-or-Treat Hours for the Town of Eagle – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to set the Trick-or-Treat hours on Saturday, October 31, 2009 from 4pm-6pm, the same as the Village. Upon voice vote, motion carried.

Appointments to the Various Town Committees - A motion was made by Supervisor Malek, seconded by Supervisor West to appoint Chairman Kwiatkowski to the Fire Commission. Upon voice vote, motion carried.

A motion was made by Supervisor West, seconded by Supervisor Rasmussen to appoint Todd Gillette to the Fire Commission. Upon voice vote, motion carried.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to appoint Supervisor Davis to the Planning & Zoning Commission. Upon voice vote, motion carried.

A motion was made by Supervisor Malek, seconded by Supervisor Davis to appoint Jim Samuels to the Planning & Zoning Commission. Upon voice vote, motion carried.

A motion was made by Supervisor Davis, seconded by Supervisor Malek to appoint Tom Day as Chairman of the Board of Zoning Appeals for a three-year term. Upon voice vote, motion carried.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to appoint Nick Wambach to the Board of Zoning Appeals for a three-year term. Upon voice vote, motion carried.

A motion was made by Supervisor Malek, seconded by Supervisor Davis to appoint Gordon Erickson to the Board of Zoning Appeals for a three-year term. Upon voice vote, motion carried.

A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to appoint Rick Harthun to the Board of Zoning Appeals for a three-year term. Upon voice vote, motion carried.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to appoint Supervisor West to the Board of Zoning Appeals for a three-year term. Upon voice vote, motion carried.

Sheriff's Report- No report.

Library- Appoint David Traver, as Recommended by the Library Board, as the Town Representative to the Library Board - Discussion took place regarding the vacancy. A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to appoint David Traver as the Town Representative to the Library Board. Upon voice vote, motion carried.

Fire Department/Fire Commission- Chairman Kwiatkowski explained that Fire Chief Heim is unable to attend the meeting tonight because he has another meeting in Jefferson County. Chairman Kwiatkowski reported that there were fourteen fire and seventeen EMS calls last month. He added that Kettle Moraine Days will be held June 26 – 28 at the Village of Eagle Park.

Chairman Kwiatkowski reported that the Fire Department is currently investigating the advanced life support level, which is a level between IV Tech and Paramedic. More information will be reported at the next Fire Commission Meeting. Discussion followed regarding procedures that IV Techs are not permitted to do.

Chairman Kwiatkowski reported that, after receiving a letter written by Village President Spurrell and himself on behalf on the Joint Fire Department, the owner of Scherrer Construction came to take a look at the construction problems that have been occurring at the Fire Department. He acknowledged that the trusses were not properly anchored to the header and stated that they will rectify the situation, including patching the drywall, at no cost to the department.

Village Board Meeting- Supervisor Davis reported that the Village Board Meeting of May 14, 2009, President Spurrell announced that, for the record, the Village of Eagle did not file a formal complaint with the Town of Eagle for the reimbursement of 50% of the Recreation Director's Wage for the Presidential Election Day. Supervisor Davis reported that he and Supervisor Rasmussen presented the idea of using the Village's compost for the Town residents. The Village Board expressed concerns over the current limited capacity at their site. This subject will be reviewed at the next Joint Town/Village Board Meeting. Supervisor Davis reported on the various Village activities.

Garbage & Recycling – Supervisor Rasmussen reported that he filed the annual report and the recycling grant money should arrive sometime in June. Discussion followed regarding John's Disposal's offer to place a garbage truck, at no charge to the Town, in the municipal building parking lot for one day in the spring and one day in the fall and if it would need to be monitored. Supervisor Rasmussen will check with John's Disposal regarding monitoring the collection and will report back to the Board.

Business Park – Nothing to report.

Road Matters – Supervisor West reported that they are waiting for the engineer's work on Jacks Bay Road. Also, discussion will be coming regarding crack filling.

Chairman's Report- Chairman Kwiatkowski gave updates on Update on Waukesha County Comprehensive Development Plan 2035 and 2009 Comprehensive Development Plan Amendments, the Transfer of Land in Waukesha County from the Department of Natural Resources to Kenneth and Gerard Kau and the Acquisition of Land in Waukesha County from Kenneth and Gerard Kau to the Department of Natural Resources.

Public Comment – None.

There being no further business on the agenda, a motion was made by Supervisor Davis, seconded by Supervisor West to adjourn at 9:13 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Eagle Town Clerk