



TOWN OF EAGLE
P.O. Box 327
Eagle, Wisconsin 53119

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
MAY 19, 2010
APPROVED MINUTES

Chairman Kwiatkowski called the meeting to order at 7:00 p.m.

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

Approval of Agenda – A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the agenda. Upon voice vote, motion carried.

Minutes- Motion by Supervisor Malek, seconded by Supervisor West to approve the minutes of the Regular Town Board Meeting dated April 21, 2010. Upon voice vote, motion carried.

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

Municipal Clerks Conference in Green Bay, WI – A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to approve the Clerk's request to attend the Wisconsin Municipal Clerk's Conference in Green Bay August 18-20, 2010. Upon voice vote, motion carried.

Master Academy Scholarship Award – Clerk Pepper reported that she applied for and won a full scholarship to attend the Wisconsin Municipal Clerk's Master Academy July 2010.

Treasurer's Report- Treasurer Pasterski presented the April, 2010 report. Savings balance as of 3-31-10 was \$220,051.66. Total cash was \$595,373.59. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the Treasurer's Report, as presented. Upon voice vote, motion carried. Treasurer Pasterski reported that the State of Wisconsin, in the effort to address their six billion dollar deficit, intends to try to hold municipalities to their 2009 expenses for the year 2010.

Claims- Claims totaling \$47,963.00 were reviewed. In response to Supervisor Malek, Chairman Kwiatkowski explained that the Town signed a contract with the North American Salt Company for 200 tons of salt. Because of the light snowfall this past winter, the Town did not take delivery of all of the salt. If the Town pre-pays for the remainder of the salt, the salt company will store the salt in their storage facility until winter. A motion was made by Supervisor Malek, seconded by Supervisor Davis to approve the payment of claims. Upon voice vote, motion carried.

Eagle Meadow Farms – Chairman Kwiatkowski explained that all of the required data has been received. A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to release the Letter of Credit for Eagle Meadow Farms. Upon voice vote, motion carried.

Tom Hein, Freedom Fireworks – Request for a Fireworks “Proper Use/Safety Demonstration” to be held in the Town Park on Saturday, June 19, 2010 from 8:00 p.m. to 10:00 p.m. – Mr. Tom Hein explained that he is asking permission to use the Town Park ball diamond to shoot off fireworks for the purpose of demonstrating fireworks safety. Mr. Hein explained that he would be giving verbal tips on fireworks safety from 8:00 p.m. to 8:30 p.m.; setting-up for the demonstration from 8:30 p.m. to 9:00 p.m.; the shooting of the fireworks would take place from 9:00 p.m. to 9:30 p.m.; and clean-up would take place from 9:30 p.m. to 10:00 p.m. Mr. Hein explained that he would supply a one million dollar liability policy to the Town.

In response to Supervisor Davis, Mr. Hein explained that he would only be shooting off Class C Fireworks and that he would not be selling fireworks at this event. Mr. Hein added that he has spoken with Fire Chief Heim who agreed that this type of event is a good idea. Mr. Hein stated that the Fire Department will check the site the day before the event to make sure that the conditions are not too dry. If so, the event would be rescheduled.

Supervisor West explained that while the safety demonstration is a good idea, the idea of holding the event in the Town Park would set a double standard. Supervisor West stated that he does not want to give the impression that the Town condones the use of fireworks. Discussion followed. Fire Chief Heim explained that state law permits jurisdictions to specify which organizations or businesses permits can be issued to. The Eagle Spring Lake Management District does get a permit from the Fire Department for their fireworks display. Chief Heim explained that as long as the indemnification issues are met and an insurance policy is provided, the Fire Department does not have an issue with the fireworks safety shoot. Chairman Kwiatkowski added that the insurance policy needs to name the Town as co-insured. Discussion followed regarding Mr. Hein finding an alternate location to hold his demonstration.

A motion was made by Supervisor Malek, seconded by Supervisor Davis to table this request until an alternate location is proposed and until an outline of the presentation is received. Upon voice vote, motion carried.

McMiller Gun Range – Department of Natural Resources Request for a Safety Audit – Chairman Kwiatkowski reported that a letter was received by the Town from Town residents Brian Rudy and Rick Harthun, which detailed possible safety issues with the McMiller Gun Range. Chairman Kwiatkowski reported that he and Mr. Rudy met with Paul Sandgren from the Department of Natural Resources on Monday to tour the 50 yard, 100 yard and 300 yard ranges. Chairman Kwiatkowski went on to explain some of the areas where he had concern.

Mr. Brian Rudy W398 S10045 CTH Z reported that there are overhead baffles at the 300 yard gun range but no ground baffles. Mr. Rudy added that none of us are experts but everyone agrees that no projectile should ever leave that range.

Chairman Kwiatkowski reported that Mr. Sandgren informed him that a safety evaluation has not been conducted since 1975. Mr. Rudy requested that the Town draft a letter to the Department of Natural Resources, requesting a safety evaluation of the gun range. Mr. Rudy also asked that a copy of the letter be sent to Mr. Steve Miller.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to send a letter to the Department of Natural Resources requesting an immediate safety inspection of the range by a certified official, if any range is found to be unsafe, the range should not be used until the situation is rectified, and to send the Town a copy of the written safety inspection report. Upon voice vote, motion carried.

Working Lands Initiative - Nature Conservancy Request to Co-Host Seminar - Chairman Kwiatkowski reported that the Nature Conservancy contacted him to ask if the Town would be willing to co-host a seminar on the new

Working Lands Initiative. The Town's involvement would be to hold the event at the Eagle Municipal Building. The target audience for this event is people who live in the Mukwonago River Watershed Area.

A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to approve the Nature Conservancy's request to Co-Host a Working Lands Initiative Seminar. Upon voice vote, motion carried.

Kettle Moraine Days Donation Request – Chairman Kwiatkowski reported that the Town cannot legally give donations unless it is a specific line item in the budget and the donation would have to be a benefit to the public. Chairman Kwiatkowski went on to explain that Kettle Moraine Days is hosted by the Eagle Fire Department and proceeds from the event go into the fund which is used to off-set costs for equipment. Chief Heim reported that the department used \$7,500 towards an electric lift for the fire truck.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to amend the 2010 budget to reflect a separate line item for Kettle Moraine Days Donation in the amount of \$500.00. Upon voice vote, motion carried.

Town Credit Card – Chairman Kwiatkowski explained that the purpose of obtaining the credit card is more for a matter of convenience rather than for the incentive rebates. The payment dates will be set by the Town, to coincide with the Board Meetings. Both the Fire Chief and the Town Clerk have made online purchases on their personal credit cards and have had to be reimbursed. The proposal is for the Fire Chief, the Assistant Fire Chief, the Town Clerk, the Deputy Clerk, and the Park & Recreation Director to hold the cards. These expenditures will continue to be approved through the Town Board Meeting process.

Chairman Kwiatkowski explained that he would like the “allowed uses” to be more specific in the policy. In addition, he felt that #3 and #7 could be combined.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to table this item to the June 7, 2010 Town Board Only portion of the meeting. Upon voice vote, motion carried.

Dermot Molloy & Lisa Kennedy Request for Alcohol at their Family Picnic – A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the request of Dermot Molloy and Lisa Kennedy to serve fermented malt beverages at their family picnic. Upon voice vote, motion carried.

Establish the 2010 Trick-or-Treat hours for the Town of Eagle – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to establish the 2010 Trick-or-Treat Hours for Saturday, October 30, 2010 from 4:00 – 6:00 P.M. Upon voice vote, motion carried.

Lake Management District - Supervisor Malek read the monthly report from Officer Chuck Braeger. In response to Supervisor Davis, Supervisor Malek explained that he will contact either Sergeant Nork or Officer Braeger to find out if verbal warnings are no longer permitted.

Supervisor Malek reported that he received an e-mail from Sergeant Nork regarding a request for an additional Lake Patrol Officer. In response to Supervisor Davis, Supervisor Malek stated that the additional officer is needed to help cover existing patrol hours. Supervisor Malek reported that he interviewed Officer Armando Brazzoni, who has lake patrol experience. Chairman Kwiatkowski explained that he would like to meet with Sergeant Nork, prior to hiring an additional officer, to answer some lingering questions that he has had. Chairman Kwiatkowski added that Sergeant Nork's suggestion to begin patrolling Memorial Day weekend next year rather than the first of May is a good idea.

Mr. Tom Day, Lake Management District Chairman explained that old weed harvester has been sold to the Sportsman's Club in the amount of \$6,500, even though some members of the board felt it could have sold for more money. Mr. Day reported that progress has been made on their millrace and landscaping site plan. The specifications for the 500-year flood compliance should be completed in the next 7 – 10 days and will be going

before the Department of Natural Resources and Waukesha County for approval. Mr. Day reported that the carp initiative is generating interest. To date there are 134 dead carp. Mr. Day requested that any calls received by the Town regarding smells and noises be directed to him. Mr. Day reported that there has been a request to discontinue publishing the lake Management District Meeting minutes, which could save the district approximately \$1,300. This topic is currently under consideration and may be voted on at their next regular meeting. Lastly, Mr. Day reported that a Boater Safety Class will be held at the Mukwonago Fire Department on Friday, June 11 and Saturday, June 12, 2010.

Sheriff's Report- No report.

Library Report – No report.

Fire Department/Fire Commission – Fire Chief Heim reported that there have been eighteen EMS and nine fire calls in the past month. Chief Heim reported that the department is beginning to get into the budget cycle, Kettle Moraine Days will be held at end of June, and the Town made it's last 2006 pumper truck payment. In response to Supervisor Rasmussen, Chief Heim reported that the next capital expenditure purchase is planned for 2015/2016. Discussion followed regarding the Town's financial report which is submitted to the State.

In regards to the municipal building, Chairman Kwiatkowski reported that the committee is investigating security keypads locks to the building doors. A quote has been obtained in the amount of \$5,000. This is not a budgeted item. The Fire Department however is requiring crash bars on all municipal building exit doors. A quote is in the process of being obtained.

Village Board Meeting- Supervisor Davis reported that the Village Board met on Thursday, May 13, 2010. It was noted at the meeting that the Fire Commission has changed their standing meeting date to the first Tuesday of the month. Supervisor Davis reported that the Village approved the revised plans for Phase I of the walkway behind the Municipal Building. Supervisor Davis reported that according to the market study which was recently conducted, Eagle would be a logical location for a grocery store. In regards to the proposed Bielinski Senior Housing Development, Bielinski Homes stated to the Village that they will not proceed with the development unless they are given a major reduction in impact fees. Bielinski Homes requested that the Village review their ordinance as it relates to assisted living. Lastly, Supervisor Davis reported that the Village is considering including their fire protection fee as part of their monthly utility billing rather than as part of the tax bill.

Park & Recreation – Supervisor Malek reported that Town Committee Member Mary Schueller attended her first Park & Recreation Committee Meeting and seems to be quite informative. Line items for payment of claims were reviewed and approved as presented, the Committee discussed the Park & Recreation's involvement in Kettle Moraine Days, and the Park & Recreation account balance as of May 10, 2010 was \$34,596. In response to Chairman Kwiatkowski, soccer shirts are paid for by the participants. Discussion followed regarding monitoring and discontinuing unsuccessful programs and the status of the department's budget, revenue sources, and paid advertising.

Garbage & Recycling – Supervisor Rasmussen reported that John's Disposal has agreed to hold a Spring Yard Waste Drop-Off Event on Saturday, May 22, 2010 from 8:00 a.m. to 11:00 a.m. at the Town Park, at no cost to the Town. Supervisor Malek raised the issue of the John's Disposal Recycling Truck and the possibility of them netting or enclosing the truck to prohibit items from falling out of the truck and littering the ground. Supervisor Rasmussen stated that he will contact John's Disposal to see what they can do to solve this situation.

Business Park – None.

Road Matters - Contract with Crack Filling Services to Repair Road Cracks – Supervisor West reported that the proposal for this year's Road Program is Option 2 as follows: To contract with Crack Filling Service, Corp in the amount of \$21,800 to crack and spot seal the entire Jericho Corners Development, Conner Drive, and Carter Lane; to contract with Scott's Construction in the amount of \$11, 742.00 to crack seal and sealcoat Corner

Court and Meadow Lane; and to complete the second lift on Jacks Bay Road. Discussion followed regarding the proposals. Chairman Kwiatkowski noted that the proposed program comes under budget by \$13,458.

A motion was made by Supervisor Rasmussen, seconded by Chairman Kwiatkowski to contract with Crack Filling Service, Corp in the amount of \$21,800 and to contract with Scott's Construction in the amount of \$11,742.00, as proposed by Supervisor West in Option 2. Upon voice vote, motion carried.

Chairman's Report - Traffic Sign Retroreflectivity Requirements - Chairman Kwiatkowski reported that traffic sign Retroreflectivity is a requirement that the state is imposing. Municipalities have until 2012 to develop an implementation plan and have until 2015 to comply. All traffic signs, other than those which have been purchased or replaced in the last four years are required to be retroreflective.

Waukesha County Community Block Grant – Chairman Kwiatkowski reported that the last grant that was awarded to the Town was for the handicap accessible path to the Town Park Pavilion. At the upcoming Joint Town/Village Board Meeting, discussion will take place regarding ideas for the grant that could benefit the community. One suggestion is to combine grant money with the Village to purchase handicap accessible doors for the Municipal Building.

Public Comment – In response to Mr. John Putnam, former joint employee of the Fire Department, Chairman Kwiatkowski explained that the rumor that he heard regarding the state pension is true. An informational letter was given to all active employees; inactive employees will receive information as soon as all affected inactive employees are identified and as soon as the Town has more detailed information. Mr. Putnam responded that this could have a huge impact on his retirement and noted that he was hired with the agreement that his pension be through the Wisconsin State Retirement System. Mr. Putnam requested that the Town do everything it can to keep the state retirement intact.

Mr. Brian Rudy, W398 S10045 CTH Z explained that prior to the Gun Range Law, there were no requirements for health and safety.

In response to Mr. Tom Day, W350 S10115 Highview Road, STH 67 is scheduled for resurfacing this year. Chairman Kwiatkowski explained that the state did conduct an accident study but the project has been delayed 2013 due to issues that arose with right-of-way issues. In the meantime, the state intends to resurface the payment from the Village of Eagle limits to STH 18. In addition, some trees will need to be removed for visual obstruction reasons.

Mr. Rick Harthun, W391 S10607 Meadow Lane stated that he, as well as other residents appreciates the sand being removed from the roads at the end of the winter season. In addition, Mr. Harthun stated that he would like to commend the Town of Eagle with their snowplowing efforts. The Town of Eagle does the best job of snow removal anywhere.

Mr. Nick Wambach, W344 S10609 Island View Lane explained that the seal coating process that the City of Milwaukee uses does not work. He does understand though that this is the only process that is allowed. Chairman Kwiatkowski responded that he hopes that this is not the case with the road in the Town, seeing they are not as heavily traveled.

There being no further business on the agenda, a motion was made by Supervisor Malek, seconded by Chairman Kwiatkowski to adjourn at 9:16 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Eagle Town Clerk