



TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
JULY 21, 2010
APPROVED MINUTES

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

Present: Chairman Kwiatkowski; Supervisors Malek, Davis and Rasmussen. Supervisor West was excused. Also present: Treasurer Pasterski, Clerk Pepper, and Weed Commissioner Ward.

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

Minutes- Motion by Supervisor Malek, seconded by Supervisor Rasmussen to approve the minutes of the Regular Town Board Meeting dated June 16, 2010, as corrected. Upon voice vote, motion carried. Motion by Supervisor Davis, seconded by Supervisor Malek to approve the minutes of the Special Board Meeting dated June 24, 2010. Upon voice vote, motion carried. Motion by Supervisor Malek, seconded by Supervisor Davis to approve the minutes of the Special Town Board Meeting dated June 30, 2010, as corrected. Upon voice vote, motion carried. Motion by Supervisor Malek, seconded by Supervisor Davis to approve the minutes of the Special Town Board Meeting dated July 13, 2010. Upon voice vote, motion carried.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report. Clerk Pepper reported that the application for the credit card is being processed. According to a representative from Chase Bank, the Town will not be penalized if the Town does not spend the required \$250,000.

Treasurer's Report- Treasurer Pasterski presented the June, 2010 report. Savings balance as of 5-31-10 was \$121,657.17. Total cash was \$493,174.38. A motion was made by Supervisor Rasmussen, seconded by Chairman Kwiatkowski to approve the Treasurer's Report, as presented. Upon voice vote, motion carried. Treasurer Pasterski presented the Board with the Summary for Statement of Assessment for the year 2010. Treasurer Pasterski explained that the small growth which the Town experienced will compute to approximately \$347.61 in additional taxes. Treasurer Pasterski also presented the Board with an article from the Milwaukee Journal-Sentinel regarding the State of Wisconsin using funds from their malpractice account to help balance their budget. The Supreme Court has ruled that those monies must be refunded to that account. Treasurer Pasterski fears that the state will begin reducing municipality funding in order to balance the state budget.

Claims- Claims totaling \$175,604.43 were reviewed. Questions were raised regarding the break-out of the Civitek Consulting bill, and bills for storm damage. A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to approve the payment of claims. Upon voice vote, motion carried.

Weed Commissioner Report – Weed Commissioner Ward reported that twenty-two (22) notices were sent out this year and only six (6) parcels had to be cut. The biggest problem he had was with the Mark Day property and trying to locate the mortgage company who manages the property. The property was eventually cut. Commissioner Ward reported that another parcel which was cut was the Royal Angus Farm property. Hand cutters were sent and subsequently stopped by Diane Zakrzewski, who finished the cutting herself. She asked that any further notices be sent to her directly. One parcel on STH 67, just east of Orchard's Grove was also cut. The house is vacant and the real estate broker was very appreciative that the property was being cut. The Chapman Price property in the Industrial Center was cut, as it is every year. The owners of Amber Fields responded to their weed notice quite well. They had Wayne Pett come out and scrape down the hill that was loaded with thistles. Then another group came out and cut fifteen (15) parcels. The developer of Orchard's Grove also responded well to their weed notice by chemically spraying the thistles.

In response to Supervisor Malek, Commissioner Ward stated that the Town pays for his time, as an employee. Commissioner Ward went on to explain the notice process. Commissioner Ward added that the State Forest exempted themselves ten (10) years ago from having to control their noxious weeds.

Eagle Volunteer Fire Department's Membership Request for Paid-On-Call – Assistant Fire Chief Dave Rockteacher and Assistant Fire Chief Jeff Nelson explained that the Fire Department membership voted eighteen to zero (18-0) to have them present the concept of paid-on-call to the Town Board. This meeting occurred prior to the tornado. Assistant Chief Rockteacher explained that the department has been operating with volunteers for the 6:00 P.M. to 6:00 A.M. shift for the past seventy-five (75) to eighty (80) years. The Eagle Fire Department is one of the very last departments not to have paid-on-call. The membership is requesting that the Town and Village set aside monies in their budget to fund paid-on-call. Assistant Chief Nelson added that the requested funding is to help sustain the membership within our own community.

Chairman Kwiatkowski explained that he feels paid-on-call is a good idea. The Fire Department's coverage is declining and needs more volunteers. At the last Fire Commission meeting, the commission discussed trying to keep the funding within the current budget guidelines however the state puts a cap on how much municipalities can raise their tax levy. If the Town Board cannot keep within the budget, the topic of paid-on-call may need to go to referendum. Chairman Kwiatkowski suggested that the Assistant Chiefs present their request to the Village Board at their next regular meeting.

Discussion ensued regarding giving Eagle residents' incentive to work for their own Fire Department, the ambulance fund, and daytime and nighttime staffing issues.

Chairman Kwiatkowski suggested that the Town Board and Fire Department hold a public informational meeting to explain the need for a paid-on-call department.

Countywide Mutual Aid Agreement between Waukesha County and other participating municipalities – Chairman Kwiatkowski explained that the Town opted not to participate in mutual aid last year. In hindsight, he stated that he felt the Town should have. In response to Supervisor Davis, Chairman Kwiatkowski explained that the agreement allows participating municipalities to use each other's services in the event of an emergency for forty-eight (48) hours, without charge. Anything after forty-eight (48) hours can be billed back to the municipality which needed the additional help. A motion was made by Supervisor Malek, seconded by Supervisor Davis to sign the Countywide Mutual Aid Agreement between Waukesha County and other participating municipalities. Upon voice vote, motion carried.

Operator's License Requests – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to approve the Operator's License requests from Victoria Scheidt and Shannon Lassator. Upon voice vote, motion carried.

Richard & Lori Kugel – Request for approval for fermented malt beverages at their graduation party to be held at the Town Park on August 14, 2010 from 2:00 p.m. to 11:00 p.m. – A motion was made by Chairman

Kwiatkowski, seconded by Supervisor Malek to approve the request of Richard & Lori Kugel for serving fermented malt beverages at their graduation party to be held at the Town Park on August 14, 2010 from 2:00 P.M. to 11:00 P.M. Upon voice vote, motion carried.

Lake Management District - Supervisor Malek read the monthly report from Sergeant Dennis Nork.

Lake Management District Chairman Day reported the Lake Management District will hold their Annual Meeting on Saturday, August 7, 2010. Chairman Day reported that Waukesha County has reviewed the districts' proposal for the 500 year flood plan, stating that the district will have to apply for a Conditional Use which would define all that is being done on the property. A Joint Waukesha County/Town of Eagle Planning & Zoning Commission Public Hearing is being scheduled for September. Lake Management District Member Nick Wambach stated that part of the confusion is that Amy Barrows from Waukesha County thinks that the property is zoned C-1, whereas the Lake District believes the property is zoned P-1. Discussion followed. In regards to the carp eradication, the numbers of carp caught have slowed down. The Lake District only needs to catch forty-four (44) more carp to reach one-thousand (1,000) for the years 2009 and 2010. Discussion ensued regarding the boat patrol boat's recent motor problems.

Chairman Kwiatkowski brought it to the Lake District's attention that a complaint has been raised regarding parking at the boat launch. Apparently kayakers are parking their vehicles in the "cars and trailers only" parking spots. Discussion followed regarding the parking issue being the responsibility of the Department of Natural Resources (DNR). Lake District Chairman Day stated that he will contact Nancy Wallman at the DNR to request additional signage.

Sheriff's Report- Chairman Kwiatkowski reported that the Sheriff's Department submitted copies of citations written from January to date.

Library Report – Chairman Kwiatkowski reported that a written report was submitted and stated that the library is keeping track of "Town versus Village" circulation. Chairman Kwiatkowski reported that the Library Board has finished their new by-laws. There will now be a voting Village Board member and a voting Town Board member on the Library Board. An appointment to the Library Board will be made at the next regular Town Board meeting. In regards to budget, Chairman Kwiatkowski reported that the library is at fifty-nine (59%) percent of their budget.

Fire Department/Fire Commission – Chairman Kwiatkowski reported that Fire Chief Heim is not present tonight because he is at training. Chairman Kwiatkowski reported that discussion took place at the Fire Commission meeting regarding possible paid-on-call. The department is still having issues with daytime coverage and the list of volunteers is dwindling.

Village Board Meeting- Supervisor Davis reported that the Village Board held their Board Meeting on Thursday, July 8th. The owner of the Mukwonago Culvers presented a check for \$2,382.99 from a fundraiser they had for the Eagle Relief Fund. During announcements, President Spurrell thanked everybody for their cooperation and patience during the tornado aftermath. St. Theresa's donated \$5,100 for the Eagle Relief Fund with more to come from their fundraising efforts. Police Chief Ehlers stated that the accident report for the visitor center has been located, it was misfiled. The driver does have liability insurance and the Village will be covered for the damages. Supervisor Davis reported that Chief Heim informed the Village Board that the Fire Department has been receiving a lot of photos and paperwork which were lost in the tornado. The department would like to scan the photos and have them posted on the Village and Town's websites for owner identification. Scott and Melissa Dooley requested approval to use the Village Park for a festival on Labor Day weekend. The proposed festival would not be Knucklefest. Knucklefest was cancelled due to tornado damage at the Kettle Moraine Ranch. The proposed festival will be a benefit to replace trees within the community that were lost in the tornado. All net proceeds would go into a fund, which will be distributed by a committee made up of both Village and Town residents. The Dooley's expressed that this is not a motorcycle event; the only vendors will be food vendors. The Board pointed out that they only rent their park out for events like this which

are sponsored by non-profit organizations. After further discussion, the motion was made to approve, if the Dooley's get a non-profit sponsor, insurance and Chief Ehlers approves the security plan. The motion passed 4-3. Since this time, a Special Village Board Meeting was called to reconsider the Dooley's request. After about an hour of discussion, the vote was called and the reconsideration was voted down by a 5-2 vote. The original motion stands. Supervisor Davis reported that the Village is looking into upgrading their web site and changing hosts. A proposal was presented to go with the State Hosted site. After discussion and un-answered questions, a motion was made to proceed with the switch. The motion carried 5-2. Trustee Rice felt that they are moving forward on this proposal without all of the facts. Supervisor Davis reported that President Spurrell gave an update on the tornado recovery. He stated that the Village declared a State of Emergency, the Town did not. Because of the declaration, the bills will be running through the Village office because of the 70% refund. Trustee Block thanked President Spurrell for his hard work and services during this time and President Spurrell received a round of applause.

Park & Recreation – Supervisor Malek reported that the committee met on July 12, 2010, reviewed the monthly claims and discussed Kettle Moraine Days. Supervisor Malek stated that the Park & Recreation Department profited approximately \$2,000 as compared to last year's figure of approximately \$1,400. Supervisor Malek thanked all of the volunteers who helped with and donated to the booth. He stated that a big thank you goes out to Scott and Melissa Dooley for donating over 1,000 buns, the seasoning, and the butter to the Park & Recreation Department's burger stand.

Discussion ensued regarding Park & Recreation Department's balance sheet. Chairman Kwiatkowski noted that it appears that the Park & Recreation Department will run out of funds in approximately three (3) months.

In response to Chairman Kwiatkowski, Supervisor Malek explained that the check to John Putnam was to refund him for the purchase of equipment. Mr. Putnam was given authorization from Jeff Steinbach to purchase the equipment. This topic was discussed at the Park & Recreation Committee meeting. The committee chose to reimburse Mr. Putnam for his expense but cautioned both in a letter that reimbursement will not occur again unless authorized by the Park & Recreation Director. This language has already been added to the informational sheet given to the coaches at the beginning of each season.

Garbage & Recycling – Nothing to report.

Business Park – Nothing to report.

Road Matters - Contract with Crack Filling Services to Repair Road Cracks – Chairman Kwiatkowski reported that he received a call from Wolff Construction, stating that they have an opening within the next few weeks and will be able to complete the second lift on Jacks Bay Road. Chairman Kwiatkowski explained that he spoke with Town Engineer Mike Paulos who explained that the Town can hold back monies until the ditches are re-seeded. Chairman Kwiatkowski stated that he will contact Wolff to proceed. A letter will be sent to the residents notifying them of the scheduled date.

Chairman's Report - Update on Wisconsin State Retirement – Chairman Kwiatkowski reported that Deputy Clerk Heath received and submitted the requested documentation, dating back to 1997, to the Wisconsin State Retirement Fund for review. The state will also be reviewing who should have been included in the fund. Once the state's recommendation is received, Chairman Kwiatkowski explained that he and Town Attorney Alexy will be headed to Madison for a face-to-face meeting to discuss possible options. Currently, the Town's portion of the retirement monies is being held by Village Clerk Shirley Mealy. Chairman Kwiatkowski explained that he is surprised that no one knew that participants are only eligible for the Village's contribution towards their Wisconsin State Retirement. The Town will be receiving back from the state the Town's portion of the monies contributed however any investment appreciation is not going to be paid.

Public Comment – Treasurer Jim Pasterski read his letter to the Board regarding a possible donation to the United Methodist Church for monies and time that they spent feeding the tornado clean-up volunteers. Chairman

Kwiatkowski stated that this will be added to next month's meeting agenda.

In response to Supervisor Malek, Clerk Pepper reported that Mark Bischmann, the new owner of the house at Amber Fields stopped in to the office to apologize for not moving forward with the demolition of the building. Unfortunately, he has been very busy with storm clean-up on his own property. Mr. Bischmann indicated that he will update the Board on his progress at the next Town Board Meeting.

Commissioner Ward questioned if the delivering/throwing of advertisers onto residents driveways is permitted. He stated that he feels that this is littering and that these flyers should be placed in the newspaper boxes. Supervisor Malek will look into who is delivering these advertisements.

There being no further business on the agenda, a motion was made by Supervisor Rasmussen, seconded by Supervisor Malek adjourn at 8:50 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Eagle Town Clerk