



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

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
January 19, 2011
APPROVED MINUTES

Clerk Pepper called the meeting to order at 7:00 p.m.

Present: Supervisors Davis, Malek, Rasmussen, and West. Chairman Kwiatkowski was excused. Also present: Town Clerk Pepper, Fire Chief Heim, Library Director Chase, Park and Recreation Director Heywood, and Village President Spurrell.

A motion was made by Supervisor West, seconded by Supervisor Rasmussen to appoint Supervisor Malek as Interim Chairman of the Meeting. Upon voice vote, motion carried.

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

Minutes- Motion by Supervisor Davis, seconded by Supervisor West to approve the minutes of the Regular Town Board Meeting dated December 15, 2010, as corrected. Upon voice vote, motion carried.

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

Treasurer's Report- Treasurer Pasterki presented the December, 2010 report. Savings balance as of 11-30-10 was \$221,895.55. Total cash was \$4,212,375.68. Treasurer Pasterki presented the Board with the preliminary Annual Report for 2010. A motion was made by Supervisor Rasmussen, seconded by Supervisor West to approve the Treasurer's Report, as presented. Upon voice vote, motion carried.

Claims- Claims totaling \$3,769,631.13 were reviewed. A question was raised regarding the LOSA payment. Clerk Pepper explained that this is a pass-thru expense. A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to approve the payment of claims. Upon voice vote, motion carried.

Department of Natural Resources Conditional Use Order – Discussion and possible action regarding the Town of Eagle Planning & Zoning Commission's recommendation to draft a Conditional Use Order which is based on the conditional use permit issued to the DNR in 2005 and other matters discussed at the meeting on January 11, 2011 – Mr. Steve Gospodarek, Fisheries Field Technician was present to answer questions on behalf of the Department of Natural Resources (DNR). Discussion ensued regarding establishing a project completion date. Supervisor Davis referred to the proposed Conditional Use Order #8, Approval Period. Supervisor Davis stated that the second line of the paragraph should read "In addition, this order is null and void if the property owner does not commence with the project..." Supervisor West questioned why Mr. Sandgren of the DNR changed the wording under item 2.d. and questioned if the new wording changes the meaning. Supervisor Davis added that

the language in that section should also read “will not increase or decrease by”. Discussion followed regarding other wording that the Board would like to have included in the Order. In response to Interim Chairman Malek, Mr. Gospodarek explained that in regards to a timeline, the DNR uses best management practices and the project will be completed as soon as they can.

A motion was made by Supervisor Davis, seconded by Supervisor West to approve the Conditional Use Order with the following additions: 1) item #8, line 2, add the word “not” after the words “void if the property owner does”; 2) item #2.d., add the words “will not increase or decrease by” after the words “Scuppernon River by”; 3) add “to accurately locate the streambed of McKewan Creek and have that location verified by two (2) Town of Eagle Board Members; 4) include language specifying that the Town receive a copy of the original levels and other documents for Town files; 5) item 2.b., add “and other woody species” after the word “honeysuckle”; 6) item 2.b., add “2014” and change the period from three to four years; 7) add “a copy of the floodplain analysis”; 8) add Waukesha County condition number two (#2) of the 2005 Phase I Conditional Use; 9) add the last line of Waukesha County condition number three (#3) of the 2005 Phase I Conditional Use; and 10) add number five (#5) of the 2005 Phase I Conditional Use; to have the Interim Chairman review the changes to be certain they are accurate; and to direct the Interim Chairman to sign the document. Upon voice vote, motion carried.

Approval to accept bids for the Town of Eagle Highway Department 2000 Ford pick-up truck – A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to begin the bidding process with the amount as researched by Town Chairman Kwiatkowski. Upon voice vote, motion carried.

Outdoor Solid Fuel Heating Devices – Discussion and possible action regarding Ordinance 11-01, an Ordinance to regulate installation, maintenance, and operation of outdoor solid fuel heating devices – Supervisor West questioned the location on which these types of devices would be permitted, if there should be a lot size minimum, and questioned the difference is between a Phase I and a Phase II device. Discussion followed regarding location, stack height, and the Board not understanding enough about these devices to establish rules on how to regulate them.

Mr. Don Jensen, S63 W35554 Piper Road questioned how many complaints the Board received regarding these furnaces. Mr. Jensen stated that he is opposed to #2A of the proposed ordinance which regulates stack heights. Mr. Jensen explained that moving an existing stack could be very costly. Mr. Jensen added that he has been researching wood burners and that with this proposed stack height regulation, his stack would have to be thirty-three (33) feet high and the 100 feet from the property line, limiting where he could locate such a furnace. Supervisor West responded that the distance requirement is there to try to protect the neighbors and suggested that the meaning be better clarified.

A motion was made by Supervisor Rasmussen, seconded by Supervisor West to table this item for further investigation. Upon voice vote, motion carried.

Public Nuisances – Discussion and possible action regarding Ordinance 11-02, an Ordinance to repeal Ordinance No.90-4 regulating objectionable odors and to create regulations concerning public nuisances – Interim Chairman Malek explained that the old ordinance stemmed from S & S Egg Farm spreading chicken manure and other firms cutting sludge into farmlands, an old practice. Discussion followed regarding the extremeness of the proposed ordinance. In response to Interim Chairman Malek, Mr. Jensen explained that some of the proposed language is included in case there is an ordinance violation. The Town would then be able to recoup the fines rather than the County or the State.

Supervisor West explained that he thought the public nuisance ordinance was going to address the smoke issue. Clerk Pepper explained that the Town Attorney felt that wood burning furnaces should be addressed as a separate ordinance. Supervisor Davis added that the original ordinance didn’t have the majority of the language that is being proposed and it appears that the attorney used a template from another municipality.

A motion was made by Supervisor West, seconded by Supervisor Davis to table this item. Upon voice vote, motion carried.

Parking on Town Roads - Discussion and possible action to amend Ordinance 89-2, Parking on Town Roads Ordinance – Interim Chairman Malek explained that this ordinance stemmed from the complaints of semi-truck parking on Town roads. Interim Chairman Malek explained that he feels that there should be no overnight parking of any vehicles on Town roads.

Supervisor West explained that there are also issues of daytime and nighttime parking on Eagle Springs Lake. Parking on these roads causes issues for both the Fire Department and snowplows. Supervisor West suggested no parking during a snow emergency. Discussion followed regarding limiting parking during the winter months, residents parking along both sides of the road, restricting parking for automobiles versus trucks, and start dates and end dates.

Mr. Tom Day, W350 S10115 Highview Road suggested that renters be notified that the right-of-ways cannot be blocked, which would inhibit emergency vehicles. Fire Chief Heim added that state law allows for the impounding of vehicles. Mr. Jensen, a former traffic sergeant for the City of Milwaukee added that if a vehicle is obstructing the road, the vehicle can be relocated at the owner's expense.

Supervisor West suggested restricting trucks based on the size and tonnage. He also suggested looking at the different classes of the roads to determine what size trucks are allowable. In response to Supervisor West, Mr. Jensen explained that fines are set by the Town of Eagle, based on the criteria set by State Statute.

A motion was made by Supervisor Rasmussen, seconded by Supervisor West to table this item to the next Town Board Meeting. Upon voice vote, motion carried.

Lake Management District – Lake Management District Chairman Tom Day reported that the Lake District had several significant projects ongoing the past two years. In 2009, the lake water level issue has been resolved. In July 2009, the Department of Natural Resources stated that the Lake District was in violation for completing dam work without a permit. The Lake District has declined to pursue a jury trial and has sent the fine money to Waukesha County. Mr. Day stated that the passage of the 500 year flood should be completed by November of 2012. The Lake District submitted its engineering requirement in August and it is in its final stages of getting a permit with Waukesha County. Lastly, Mr. Day stated that the Lake District is updating its Lake Management Plan, as drafted by the Southeast Wisconsin Regional Planning Commission (SEWRPC) and the final document should be completed within two (2) to three (3) months.

Mr. Day explained that the Lake District received a proposal from Pete Jensen for a warning system for the lake. The Board decided not to pursue the \$23,000 system. The Lake Management District is rather recommending homeowners purchase their own emergency frequency radio.

In response to Supervisor Rasmussen, Mr. Day stated that there were five (5) sightings this past summer but no one caught any of the tagged carp. The Lake District is researching on how to better control the odor of the dumped carp. In addition, there is still a moratorium in place by the DNR on the commercial shocking of carp. If the moratorium is lifted, the Lake District will pursue investigating the matter.

Sheriff's Report- No Report.

Library – Director's Report – Library Director Chase presented her library report. Director Chase reported that she will be serving on the Act 150 Planning Committee. So far, Library Director Jane Ameel of Waukesha Public Library and Dennis Sampson, Library Director at the New Berlin Public Library will also serve. Director Chase reported that she will provide more financial information and statistics for 2010 at a future date, her annual report is due to the state by March 1, 2011, and she negotiated to make payments on three bills owed by the library so that the library wouldn't have cash flow issues in January.

Fire Commission/Municipal Building – Supervisor Rasmussen reported that the Commission approved the part-time employment of one firefighter. Supervisor Rasmussen reported that the Board approved three (3) of the four (4) requests for the use of the Municipal Building. The denial was for the Recreation Department’s request for use on Sundays.

Fire Department – Chief Heim reported that the new employee is a career firefighter with the City of Waukesha. The Department also has four (4) new volunteers, three (3) of which are attending EMT Training and one(1) attending Firefighter School.

In response to Fire Chief Heim’s request that the Town Board direct the Highway Department to plow by the dry hydrant down by the lake, Mr. Day stated that this area was plowed today.

Chief Heim reported that there were 391 calls for service last year.

Request by Eagle Fire Department to purchase a Sensit Gold gas detection instrument, a non-budgeted item – Chief Heim reported that Sensit Gold is a device that detects gas leaks. Recently there have been calls from Generac regarding possible gas leaks. The unit that the Department is currently using did not detect the one-inch gas line leak that was later detected by WE Energies. This unit will not cost more than \$2,000. In addition, the Department already has the money; the purchase would mean a reallocation of funds.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to approve the purchase of the Sensit Gold gas detection instrument, not to exceed \$2,000, and the funds be taken from the Major Equipment Fund. Upon voice vote, motion carried.

Village Board Meeting- Supervisor Davis reported that the Village Board met on Thursday, January 13, 2011. Supervisor Davis reported that Kettle Moraine Days has been set for June 24 -26, 2011, the idea of an ice skating rink in the park was approved, Dave Burns was appointed to fill the vacancy on the Fire Commission, the gas detection unit was approved, and the Board went into closed session to discuss the insurance issues.

Village President Rich Spurrell explained that last month the Town Board approved the use of a Third Party Administrator for the Individual Employee Policies. It has since been discovered that the Village’s Human Resource Policy specifically states that the employee’s will receive group health insurance. Even though the Village could simply change the policy, the language for group health insurance is also specifically stated in one person’s individual contract. President Spurrell explained that the Village received a letter, signed by all of the affected employees to cease the individual policies. Anthem Insurance was already continued through the end of January. At the end of closed session, the Board came into open session and announced that the Anthem Insurance will be continued indefinitely however the Board will continue to look into other options. The Board wants to make sure that a new plan will be a comparable plan for the employees. President Spurrell stated that the good news is that the Joint Departments budgeted the insurance premium based off of last year’s numbers. President Spurrell apologized to the Town Board for the inconvenience. In response to Interim Chairman Malek, President Spurrell stated that the new figures have not been received yet but there will likely be a slight increase. If the Village decides to change insurance companies, the Village will take into account any deductibles already spent. In addition, employees will need to write an individual letter to the “new” dental and vision insurance companies letting them know that the policies are canceled.

Park & Recreation – Director Heywood presented the Profit and Loss statement, which was included in the Board packets. Director Heywood announced that the Park and Recreation Department checking account balance as of 12-31-10 was \$1,052.00. Director Heywood reported that Park and Recreation reports will be run from the first of the month through the end of the month for report consistency for the Town and Village Boards. Director Heywood reviewed her goals and objectives from 2010. Director Heywood stated that the Activity Guide was cut down from 24 to 16 pages; it went from color to black and white, and the quality of the paper has been reduced to newspaper quality. The changes reduced the printing cost by 2/3rds and reduced the

postage by ½. In response to Interim Chairman Malek, Director Heywood explained that residents along the lake without Eagle mailing addresses will be receiving the brochure on the next mailing. These brochures will have mailing labels affixed to them after they have come back from the printer.

Director Heywood reported that Eagle, along with Palmyra and Whitewater created their own youth sports league this past year. This enables the teams to travel more locally and has cut also cut their traveling costs. Director Heywood reported that participation numbers are up to 1,807. Bingo participation is also up. Interim Chairman Malek requested that Director Heywood get a breakdown in program participation numbers and do a presentation to both Boards as a comparison of 2009 to 2010. Director Heywood reported that the new Recreation Department intern will be starting next year. Supervisor Davis suggested using the upcoming Village Park ice skating rink for programs. Director Heywood thanked the Board for the new Town Park sign and explained that she has received numerous compliments on it.

Discussion ensued regarding business advertising, AROPA sponsorship, and the naming of fields after the sponsor. Supervisor West suggested that Recreation Director Heywood personally visit local businesses during the slower months, including businesses like Wal-Mart, to ask them if they would be willing to sponsor a team.

In response to Supervisor West, Director Heywood explained that her goal of better communicating with the Boards was more meant for the Village Board. Town Board Members have never has an issue contacting her directly with questions or concerns.

Garbage & Recycling – Nothing to report.

Business Park – Nothing to report.

Road Matters – Supervisor West reported that there have been several reports from all three (3) snowplow drivers that residents are pushing their snow out onto the roads. This is causing large ice patches and is creating a very dangerous situation. Mr. Jensen added that the Waukesha County Sheriff's Department can enforce the violation as long as there is a complainant that sees the violation occur. Supervisor West reported that the Highway Department has received four (4) loads or eight-eight tons of salt this year, which is 2/3rds of our salt supply.

Chairman's Report – Nothing to report.

Public Comment – Mr. Tom Day, W350 S10115 Highview Road commended John's Disposal for their excellent level of service that they provide to the Town. Mr. Nick Wambach, W344 S10609 Island View Lane agreed.

Mr. John Mann, W349 S10110 Bittersweet Ct. questioned the progress of the Eagle Disaster Relief Committee. Supervisor Davis reported that the Town and Village Boards met to review applications and appoint Committee Members. The Committee Members then met to develop the application. Trustee Al Salmela is filling the vacancy left by Trustee Roger Couch in reviewing the Committee's progress. A meeting is scheduled for tomorrow night where the final criteria will be reviewed. Supervisor Davis added that even though the fund is currently sitting at \$41,000, monies are still being donated.

Mr. Wambach questioned why the employees couldn't be at the beginning of the agenda, rather than the end of the agenda.

There being no further business on the agenda, a motion was made by Interim Chairman Malek, seconded by Supervisor Davis to adjourn at 9:45 p.m. Motion carried.

Lynn M. Pepper
Eagle Town Clerk