



TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
July 17, 2013
APPROVED MINUTES

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

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

Open Meetings Law – Clerk Pepper verified that the Open Meeting law requirements have been met.

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 of June 16, 2013. Upon voice vote, motion carried.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report and the Budget Report. Clerk Pepper announced that Deputy Clerk Judi Heinz tendered her resignation but is willing to cover the office while the clerk is at her conference in late August. Clerk Pepper explained that she will handle the office and will let the Board know what the office needs are at next month's meeting.

Treasurer's Report- Treasurer Pasterski presented the June, 2013 report. Savings balance as of 5-31-13 was \$178,884.21. Total cash was \$611,188.01. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the Treasurer's Report, as corrected. Upon voice vote, motion carried. Discussion followed regarding the new charges for opening and closing of cemetery plots.

Claims- Claims totaling \$161,206.72 were reviewed. A motion was made by Supervisor Malek, seconded by Supervisor Davis to approve the payment of claims. Upon voice vote, motion carried.

McMiller Sports Center – Clerk Pepper reported that she contacted Eagle Collections Corporation regarding the outstanding debt for attorney's fees owed to the Town of Eagle by the operators of McMillers Sports Center. Clerk Pepper explained that the collection agent recommended that the Town use their Town Attorney to collect this debt. The gentlemen explained to Clerk Pepper that if an account is hard to collect, they typically send the account to a collection attorney, who would get 20% of the debt owned. Based on the type of debt and the amount owed, a collection attorney would likely not take the case. Chairman Kwiatkowski explained that the Town required the operators to submit a site plan/plan of operation, as with any business in the Town of Eagle, and did not ask for a conditional use. The operators, under advisement of their own attorney, did not comply with the requirement. Chairman Kwiatkowski stated that he intends to contact the Secretary of the Department of Natural Resources as well as Neil Kedzie and Steve Nass regarding the outstanding debt.

Recreation Department – Supervisor Davis reported that the Recreation Committee did not have a meeting this

month. Director Blonien reported that the department saw a \$500 profit from the Kettle Moraine Days burger booth. The Parent-Teachers Organization (PTO) profited about the same. Director Blonien announced that there will be a U-10 softball tournament this weekend in the Village Park. Discussion followed regarding connection issues with the department cell phone.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to approve the claims as presented. Upon voice vote, motion carried.

Lake Management District – Supervisor Malek reported that the Lake Management District Board met last night. Supervisor Malek reported that samples were taken to determine if asbestos is present on the district property. Supervisor Malek reported that following their closed session, the Lake Management District elected a new dam operator, Pete Jensen. Tom Day and John Mann will be the back-ups. Lake Management District Board Member John Mann added that the Department of Natural Resources (DNR) accepted the Lake District's dam maintenance plan. Supervisor Malek presented that June 16, 2013 to July 13, 2013 Lake Patrol Report. Supervisor Malek reported that the Lake Management newsletter includes special recognition to retiring Lake Patrol Officer Charlie Braeger.

Sheriff's Report- No report.

Library – Supervisor West reported that Library Board Member Anna Hagen is leaving the Library Board, creating a vacant seat. A vacant village resident seat also remains. The Library Board approved a Grievance Policy. They continue to work on a Human Resources Policy.

Supervisor Davis reported that the Nature Trail monies have been moved from the school to the library. Supervisor West added that a Nature Trail Board has been established.

Fire Department/Fire Commission/Municipal Building– Chief Heim reported that Focus on Energy completed their energy audit. Focus on Energy proposed that the department replace some of lights at the cost of \$2,400. Because of the infrequent usage, the department does not intend to act on the recommendation. Chief Heim stated that village resident Jim Fritsch has offered to monitor the electric meter on a daily basis and hopes to obtain a recording device to determine where the energy draw is coming from. Discussion followed regarding watching the kilowatt hours. Chief Heim reported that Kettle Moraine Days was pretty successful. Supervisor Rasmussen reported that there were thirty-one (31) total calls for the month; eighteen (18) were medical; eight (8) were fire, and five (5) were EMS.

Discussion ensued regarding beginning talks with neighboring municipalities regarding any possibility of consolidating departments. A motion was made by Supervisor Malek, seconded by Supervisor Davis to authorize the Fire Commission to participate in discussions to determine if consolidating departments would be feasible. Upon voice vote, motion carried.

Operator's License Requests – Clerk Pepper reported that the mandatory classes were completed and the record checks are clear. A motion was made by Supervisor Davis, seconded by Supervisor Malek to approve the Operator's Licenses requests of Jennifer Blaszkowski and Christy Talavera Upon voice vote, motion carried.

Hein Non-Compliance for Home Occupation – Chairman Kwiatkowski reported that the Town Attorney needs Board authorization to proceed. A motion was made by Supervisor Rasmussen, seconded by Supervisor West to authorize the Town Attorney to initiate prosecution in the municipal court for violations at S90 W35660 CTH NN, Eagle. Upon voice vote, motion carried.

Ordinance 13-02 Related to Board of Review – Clerk Pepper explained that it was discovered that the Board of Review was never defined as part of the Town's Code of Ordinances. A motion was made by Supervisor Davis, seconded by Supervisor Malek to adopt Ordinance 13-02, an Ordinance to Create Section 1.05(4)(a) of the Town of Eagle Code Related to the Board of Review. Upon voice vote, motion carried.

Ordinance 13-03 Related to the Filing Deadline for Board of Review – Clerk Pepper explained that Attorney John Macy suggested that this ordinance be adopted by all municipalities. The proposed ordinance clarifies the filing requirements for the Board of Review. It explains that no document transmitted by facsimile transmission or by email transmission while the Board of Review is in session shall be deemed filed with the Clerk during the session. A motion was made by Supervisor Rasmussen, seconded by Supervisor West to adopt Ordinance 13-03, an Ordinance to Create Section 1.05(4)(b) of the Town of Eagle Code Related to Filing with the Board of Review. Upon voice vote, motion carried.

Ordinance 13-04 Prohibit Disorderly Conduct – Chairman Kwiatkowski explained that this ordinance was suggested by a Waukesha County Sheriff's Deputy. An incident took place at the Town Park where the property was torn up. The municipal citation that was issued to the offender was for a park nuisance rather than disorderly conduct because the Town's ordinance for disorderly conduct only allows Lake Patrol Officers to issue citations. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to adopt Ordinance 13-04, an ordinance to Repeal and Recreate Ordinance 98-02, an Ordinance to Prohibit Disorderly Conduct. Upon voice vote, motion carried.

Ordinance 13-05 Banning the Sale of Fireworks – Clerk Pepper explained that the Town Board needs to decide if they would like to expand on the state's definition of fireworks. It was the consensus of the Board to not expand on the state's definition. A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to adopt Ordinance 13-05, an Ordinance to Ban the Sale of Fireworks in the Town of Eagle. Upon voice vote, motion carried.

Kaye Non-Compliance for Outside Storage - Chairman Kwiatkowski reported that the Town Attorney needs Board authorization to proceed. Chairman Kwiatkowski reported that the Town received an extension request late yesterday afternoon however the request needed to be filed on or before last Friday. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to authorize the Town Attorney to initiate prosecution in the municipal court for violations at W362 S10227 Lewin Lane, Eagle. Upon voice vote, motion carried.

Report on Recent Village Board Meetings – Supervisor Davis reported that the Village Board held their regular meeting on Thursday, July 11, 2013. Supervisor Davis reported that there was citizen concern over the Village Park bathrooms being locked. President Spurrell stated that he will speak with Public Works Director Deegan regarding any issues that may have occurred in the past. Village Police Chief Ehlers added that one of their police officers could lock the bathrooms every night. Supervisor Davis reported that the Village Board received complaints regarding fireworks debris. Supervisor Davis reported that all but one of the operator's licenses was approved, the other was tabled. Supervisor Davis reported that Knuckleheads appeared before the Village Board asking for reconsideration for them to have a band on Saturday, August 31, 2013 from 8:00 P.M. to midnight. After discussion, the Village Board approved their request as a one-time only occurrence. Supervisor Davis reported that the "Village of Eagle" sign will be re-erected at the Visitor's Center at the corner of STH 59 and Partridge Drive. Supervisor Davis reported that the Village intends to post an explanation of the referendum questions because they fear that the questions could be misinterpreted.

Garbage & Recycling –No report.

Business Park – No report.

2013 Road Program – Supervisor West explained that he, the Town Chairman, and the Town Engineer met to discuss the options for the 2013 road program. Engineer Lynch's written recommendation proposes road work on Saddle Ridge Drive, Nature Road, Markham Road, and Betts Road. The total estimated cost for the recommended work is \$132,000. This will provide a cushion for bidding and construction unknowns. The Town Engineer also recommended waiting on the crack and spot sealing until the public bidding for the asphalt project is completed. Chairman Kwiatkowski added that because the Letter of Credit for Saddle Ridge was not renewed, the Town Board voted to proceed with the second lift on Saddle Ridge Drive, with a special assessment to be placed on the lots that front it. A motion was made by Supervisor Davis, seconded by Supervisor Malek to proceed with the Town Engineer's recommendations for road improvements. Upon voice vote, motion carried.

Chairman's Report – No report.

Public Comment – None.

There being no further business on the agenda, a motion was made by Supervisor West, seconded by Supervisor Malek to adjourn at 8:30 P.M. Upon voice vote, motion carried.

Lynn M. Pepper
Eagle Town Clerk