



TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
September 18, 2013
APPROVED MINUTES

Chairman Kwiatkowski called the meeting to order at 7:00 p.m. and recited the Pledge of Allegiance. Open Meetings Law requirements have been met.

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

Agenda – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to move item #11 to immediately follow the agenda approval and to approve the agenda as amended. Upon voice vote, motion carried.

Sheriff's Report - Lieutenant Sarah Massa introduced herself to the Board. Discussion ensued regarding additional patrols for complaints with motorcycles and speeders, especially on Betts and Nature Roads.

Minutes- Motion by Supervisor Davis, seconded by Supervisor West to approve the minutes of the Regular Town Board Meeting of August 21, 2013. Upon voice vote, motion carried with Supervisor Malek abstaining.

Clerk's Report- Chairman Kwiatkowski presented the Accounts Receivable Summary Report and the Budget Report. Chairman Kwiatkowski added that the Town is currently at 71.4% of the budget. The Town is over budget in the Recreation Department and believes it is due to insurance issues. The Town is also over budget in the Municipal Building Fund, which is due to furnace and air conditioning issues. In response to Supervisor Malek, Chairman Kwiatkowski stated that the Town came in under budget for the painting and carpeting of the Town Hall office.

Treasurer's Report- Treasurer Pasterski presented the August, 2013 report. Savings balance as of 7-31-13 was \$223,644.06. Total cash was \$665,397.39. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the Treasurer's Report, as corrected. Upon voice vote, motion carried.

Claims- Claims totaling \$82,770.34 were reviewed. A motion was made by Supervisor Malek, seconded by Supervisor West to approve the payment of claims. Upon voice vote, motion carried.

Recreation Department – Recreation Director Blonien reported that the soccer and flag football season is underway. Information about profits for the Kettle Moraine Days burger stand was provided in the packets. Director Blonien provided the board with monthly reports. Supervisor West questioned if the department will have additional revenue coming in. In response, Director Blonien explained that basketball sign-ups and a few other programs will provide additional revenue this calendar year. Supervisor Davis explained that income will be lower than projected however expenses will also be down because of cancelled classes. Overall it appears that the department will balance out, with the exception of paying unemployment. Chairman Kwiatkowski suggested that Director Blonien evaluate whether or not programs should remain active. Director Blonien and

Supervisor Davis responded that they are already in the process of making those determinations. Chairman Kwiatkowski reported that the department is at sixty-six percent (66%) of the budget for income and sixty-three percent (63%) of the budget for expenses.

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 presented the Lake Patrol Year-End Report 2013. Hours of patrol for 2013 was one-hundred sixty-nine (169) hours. Year 2012 was one-hundred fifty-five (155) hours of patrol, year 2011 was one-hundred eighty-two (182), and 2010 was one-hundred ninety-five (195). Supervisor Malek reported that Sergeant Nork is requesting a six percent (6%) increase in pay for himself and all of the Lake Patrol Officers for next season. Wages have not increased for many years. The increase in pay is needed to keep officers interested in working weekends and holidays. The contract with the Village of Mukwonago for dispatch services will be placed on next month's agenda for action. Mr. Day reported that on September 9th, the Lake Management District treated two (2) areas on the lake for Eurasian Milfoil, south shore and east of the three (3) islands. This upcoming Tuesday, Mary's Bay and the spring's area will be treated, assuming that the Department of Natural Resources (DNR) approves these two areas. The DNR conducted their Dam Inspection and gave them a list of things that the Lake Management District needs to work on. For example, remove a number of trees around the Kroll Millrace and similarly over at the Wambold Dam. Pete Jensen is working on all of these items. Mr. Day reported they had a breach at the lakeside of the Kroll Millrace. There was a hole on the vertical portion of the structure. They just received a proposal on how to fix the problem. The cost will be around \$75,000 to \$80,000. In addition, the list of things that the DNR stated they had to complete will cost approximately \$15,000. These will have to be completed within the next year and a half. Lake Management District Board member Pete Jensen is applying for three (3) grants to help fund these projects. In regards to Jacks Bay, Mr. Day stated that Heidi Bunk with the DNR toured Jack's Bay and verbally stated that she would not recommend removing the sediment from Jack's Bay. She added that the Wildlife and Fisheries Departments would also not recommend it. Mr. Day explained that he would like her understanding that he would like to go back to her supervisor, since her supervisor and another person from the DNR had said, prior to her inspection, that the sediment could be removed. This contact will take place in the near future. Mr. Day stated that the estimated cost of the Jack's Bay project is \$175,000. Mr. Day reported that the cottage on the channel has now been removed.

During the Lake Patrol report portion of the meeting, the Lake Management District discussed the possible consolidation of Lake Patrols. Four (4) members of the Lake Management District Board expressed that they would not vote in favor of consolidation. Conversations regarding volunteers will continue.

Library – Resolution 13-02 – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to adopt Resolution 13-02, a resolution to be exempt from the Waukesha County Library Levy. Upon voice vote, motion carried.

Fire Department/Fire Commission/Municipal Building– Supervisor Rasmussen reported at that the Municipal Building portion of the meeting, the committee discussed the sealcoating and crackfilling of the parking lot. The proposal came in at \$4,000 for the front part of the building and the proposal for the entire lot was at \$7,000. Due to budgetary concerns, this item was tabled to the next meeting. Supervisor Rasmussen reported that the Fire Department Building Committee did approve the sealcoating and crackfilling of their parking lot. The proposal was \$744 for the front and back lots. Supervisor Rasmussen reported that there were thirty-three (33) calls for service for the month of September: 27 were medical, 2 were fire, and 4 were EMS.

Supervisor Rasmussen reported that discussion took place regarding a Village of Eagle Police Officer who has been attending EMS training. The officer has paid for much of the training herself. Some funds have been reimbursed through the Village of Eagle Police Department's budget. The officer is requesting that the \$250.00 balance also be reimbursed. The idea of her being trained is so in the event an EMS is needed, she would be able to meet up with the ambulance to render aid. At this time, the Village is worried about her being away from her duties as an officer to render aid. In addition, there is the potential for extra wear and tear on the police squad, as

well as additional hours of pay. No action was taken regarding the reimbursement request.

Reconsideration of the Town Board Approval of Nature Conservancy's Request for a Plan of Operation Amendment – Supervisor Malek stepped down from the Board for this line item.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to recess the meeting at 7:33 p.m. The meeting reconvened at 7:43 p.m.

Chairman Kwiatkowski explained that some questions arose from the public comment portion of the last Planning & Zoning/Town Board meeting where the Commissioners and Board Members were advised by a resident that Newell Meyer had different intentions for the use of their donated property to the nature Conservancy. The donation transpired upon their deaths.

Supervisor West explained that he visited the Waukesha County Courthouse where he obtained a copy of Newell Meyer's will and a copy of the deed of the property. It shows that there is a Land Management Plan, with advisors to said plan. Supervisor West stated that the Town Board should have been privy to this information from the very beginning, going back to when the Nature Conservancy submitted their first plan to the Town. In addition, the deed also states that there is grant from the stewardship funds. Supervisor West reported that the four (4) million dollar grant was for 374.45 acres and 29.6 acres; the Meyer Preserve and a project area in Door County. Nature Conservancy Director Pat Morton explained that the Meyer property was given to them upon the Meyer's deaths.

Supervisor West explained that the original plan submitted to the Town showed parking lots and driveways. These areas have not been addressed since the first submission. In response to Supervisor West, Director Morton explained that there is a lot there and that the concrete pad remains where the garage used to be. The lot has not been expanded because the Nature Conservancy tries to maximize conservation. Supervisor West reported that the Land Management Plan shows that there is supposed to be a gravel drive with a loop for bus parking. Director Morton responded that small mini-buses were brought in for the land dedication. Director Morton went on to explain that the original plan brought before the Town showed that the Nature Conservancy intended to use the residence as an office. Meanwhile, the economy tanked, employees were let go, and they amended their site plan to say that they no longer intended to use the residence for an office, and the residence would be razed. Supervisor West pointed out that the Nature Conservancy should have addressed the parking lot issue when they submitted their first amended plan.

Supervisor West reported that when the Planning & Zoning Commission and the Town Board approved to their forestry plan, the specific mention of maple trees was not in the list of trees to be removed. Director Morton explained that the legal agreement lists their forestry activities. Director Morton explained that the first plan, submitted in 2009 mapped out their four-year plan. The plan was updated in 2012 and the major restoration was completed at the end of 2012.

In response to Supervisor West, Director Morton explained that the trails are mowed as frequently as possible however due to the large amount of rain this year, there has been tremendous growth. Director Morton added that the trail system was completed this past year. In response to Supervisor West, Director Morton explained that large donors to the Nature Conservancy are given a naming opportunity. A particular large donor wanted to name the trail, the suggestion was brought before both advisors, and both agreed to the naming of this trail.

Supervisor West questioned if the changes were approved by the Department of Natural Resources (DNR), as part of the stewardship grant. Director Morton stated that although they share information with the DNR regardless, they are not required to have changes approved because the Meyer Preserve is not a dedicated state natural area. Supervisor West asked if the Town could obtain this information. Director Morton stated that the most recent plan was a forestry plan for the Upland Conservancy area. The maps that are here tonight are the maps that went with the original management plan, as part of the legal agreement with the Meyer's. In response to Supervisor Davis, Director Morton stated that they received a permit from Waukesha County for their forestry plan. Chairman Kwiatkowski asked that Director Morton fax over a copy of the permit from Waukesha

County, for the Town's file.

In response to Supervisor West, Director Morton explained that since the residence would no longer be an office, both the residence and the garage, whose roof was already collapsing, were removed. Keeping up with the buildings would prove to need too much ongoing maintenance. Director Morton reported that items that were salvageable were recycled, and the area would be restored to its natural state.

Supervisor West reported that according to Article II of the agreement, a letter was prepared regarding the distribution of the personal property. Director Morton stated that she is unaware of such letter. Supervisor West went on to explain that according to the Stewardship Grant, of anything sold or removed, a certain percentage was supposed to be given to the DNR as revenue. Director Morton stated that she is unaware of this.

Chairman Kwiatkowski explained that the reason this topic is on the agenda is because of what was expressed by a resident during the public comment portion of the last Planning & Zoning/Town Board Meeting. Chairman Kwiatkowski explained that what he heard from a third party was that Newell Meyer had wanted the residence to be turned into a museum, to display his wife's artwork. Chairman Kwiatkowski explained that he also heard that the Nature Conservancy was given eleven (11) million dollars to maintain that property. In response, Director Morton explained that, since the property was given to the Nature Conservancy, they are not subject to the stewardship rules for public access. They however had no doubt that the preserve would be open to the public, as all of their property is. Director Morton went on to explain that the eleven (11) million dollars was the value of the entire estate, which includes the 374 acres of land, the buildings, and the assets. As part of the liquidation of the assets, Newell Meyer wanted the Nature Conservancy to contact museums to see if they would be interested in any of Ann's paintings, Newell's sculpture, or any of their musical instruments. The Eagle Historical Society was interested and came out to the property to view the items. Some of these items were donated to the Eagle Historical Society for a permanent exhibit, which was showcased at their open house in 2010. Also as part of their legal agreement, Director Morton explained that the Nature Conservancy was instructed to sell the remaining items and that the remaining funds should be used towards conservation.

Supervisor West explained that he was told that the remaining monies were to be used to purchase any adjoining properties to the preserve. Director Morton responded that this was not true however; there has been some discussion on the topic and about it being loosely interpreted. Director Morton stated that this confidential document, of which she has a copy, is of an "acquisition area." This "acquisition area" is a boundary that was created by the Nature Conservancy, around the Meyer properties. Their document states that the Meyer money can only be used to purchase those particular pieces of property. Any other land purchases will have to be financed either by a loan or by a donation. Director Morton added that the Nature Conservancy document is not a public record.

In response to Supervisor Rasmussen, Supervisor West explained that the Nature Conservancy should have made changes regarding parking in their first amended site plan.

Chairman Kwiatkowski made mention that the agreement between Newell Meyer and the Nature Conservancy is a private contract. It is not a contract with the Town. The Town however is responsible for making sure that the Nature Conservancy is adhering to the terms of the conditional use and that they are meeting the zoning code. Chairman Kwiatkowski suggested that Director Morton check with the Town Clerk and the Town Planner to see if any minor modifications need to be made to their conditional use.

In response to Chairman Kwiatkowski, Director Morton explained that the Nature Conservancy just finished restoring the property on either side of the driveway, back to natural prairie. The reason to remove the maple trees from alongside the driveway was to provide the habitat for the declining ground nesting prairie birds. Vertical structures on a prairie give predators, such as hawks, a place to sit and wait for the opportunity to pounce on the birds that the nature Conservancy is trying to protect.

Director Morton explained that the Nature Conservancy recently invited both the Town of Eagle and the Town of Troy Fire Departments to visit the preserve. They toured and talked about access to the property, as well as

gates and locks. In regards to the maples along the driveway, the fire department had mentioned that they would never be able to get back to the property with the maple trees in the way.

At this time, Chairman Kwiatkowski requested that Director Morton explain the maps that are being presented.

Director Morton explained that the first map, the Grassland Restoration Map was attached to the original submission in 2009. The grassland restoration has already been completed. Typically, the agriculture areas are on a corn-soybean rotation. Director Morton explained that the last rotation for the agriculture area is soybean and then the seeding begins. The final seeding was completed at the end of December, 2012.

The next map is the Wetland Map, explained Director Morton. The invasive species such as purple loosestrife and phragmites were removed from the wetlands. Phragmites is a non-native tall grass with a head on top. These grasses can take over a wetland area. Contractors have been removing these grasses over the course of a few years. It has now come to a point where the Nature Conservancy can remove the few grasses that may remain by hand-pulling the grasses themselves. Director Morton pointed out the Meyer property on the map. She explained that the Nature Conservancy was able to acquire the Zimdar tract. Because of this acquisition, the trail plan had to be updated, showing the trail all the way across the properties. Director Morton mentioned that there are no more agriculture leased land on the property.

In regards to the Oak Savannah Restoration, Director Morton explained that the Nature Conservancy talked about selectively removing the trees that are not native to the area or selectively removing trees that are in the wrong proportion.

In response to Supervisor West's questions regarding his visits to Lulu Lake Preserve and Crooked Creek Preserve, Director Morton explained that many non-native pines, or plantation pines, were logged off of Crooked Creek Preserve and some were logged off of Lulu Lake Preserve. She explained that the areas were less than an acre in size. In regards to the slash piles that Supervisor West spoke of, Director Morton explained that loggers do not take everything. What is left behind is thrown into piles where the piles are then burned off in the winter. This past winter did not allow for burning because there must be at least eight (8) inches of snow on the ground in order for them to burn the piles. The Nature Conservancy hopes to get these slash piles burned off this winter.

Director Morton explained that in regards to land management, the Nature Conservancy goes back to the earliest photos, aerials, or maps to give them an idea of what the area used to be like. In 2009, dams were removed from the Crooked Creek Preserve, going back to the old landscape. The water is now moving back to the river in its natural path.

Director Morton referred to the areas that had been leased out for agriculture. All of the leases are no longer in existence. Director Morton encouraged anyone who has questions about the Nature Conservancy should call and she would be happy to answer their questions.

In response to Supervisor West, Director Morton explained that restoring the area back to prairie involves seeding and re-seeding the area for approximately five (5) years. In response to Chairman Kwiatkowski, Director Morton explained that it is true that if the area is burned off, the native seeds would regenerate themselves however; seeding speeds up the process. Director Morton stated that the Nature Conservancy only collects the seed from their property; they do not purchase seeds from the internet. Director Morton explained that that by taking out the underbrush, such as honeysuckle and buckthorn, under the Oaks Management Plan, the underlying area opens up to the sun. These newly exposed areas have native plant seeds that are underneath the underbrush. These native plant seeds can now regenerate. In response to Chairman Kwiatkowski, Director Morton explained that Oak trees are fire tolerant.

Director Morton explained that in 2009, the Nature Conservancy presented the Town Board with what they thought the trail system would look like. Chairman Kwiatkowski asked that the Town be provided a copy of the newest trail system map.

Director Morton stated that the Nature Conservancy gives out one (1) hunting permit yearly for every twenty (20) acres of land they own. The Nature Conservancy uses hunting as a land management tool as well as to maintain Wisconsin's hunting heritage.

In response to Supervisor Davis, Director Morton explained that they do not intend to provide access to the other end of the trail, which has been joined by the acquisition of the Zimdar property. Discussion followed regarding parking and if there are enough parking spaces for the public. Chairman Kwiatkowski referred to the Lulu Lake Preserve DNR parking lot on Nature Road and the small parking lot on Betts Road for the Crooked Creek Preserve. Director Morton explained that so much of the property is wetland. The DNR is very specific on what they can and cannot do in these types of areas. Director Morton explained that the LuLu Lake Preserve was once a boy's and girl's camp, there was an ice factory, and it once was a corporate center for Baxter. A number of the buildings on the property have been saved. In fact, the cabin is currently being rented out to someone who oversees the comings and goings of the preserve. The Lakeview Lodge building is offered for school groups to use, as well as to hold corporate meetings. The Mukwonago River Initiative group meets there regularly. The Land Trust Alliance has even come out for a field trip. Director Morton stated that the area does accommodate buses. In addition, the Nature Conservancy has a boat house on the property, with canoes that groups can use at no charge.

Chairman Kwiatkowski asked that the Nature Conservancy call the Town if they plan on making any changes to their approved plan.

Chairman Kwiatkowski called for a motion for reconsideration. After three (3) calls for reconsideration, there was no response. Pat Morton stated that she will get a hold of the clerk and planner to be sure that their conditional use is up-to-date and current.

Supervisor West explained that while he voted to approve their plan at the last meeting, he personally does not agree with their changes. All he sees is changes and in his opinion, the changes are too drastic. Supervisor West explained that the wetlands that are clear-cut are drying up now and that is hurting the environment that he grew up in.

At this time, Supervisor Malek returned to the Board.

Report on Recent Village Board Meetings – Supervisor Davis reported that he attended the Village Board Meeting held Thursday, September 12, 2013. Supervisor Davis reported that the Village Board announced the results of the non-binding referendum. All three (3) advisory referendum questions failed on a two (2) to one (1) vote margin. Several residents commented that they hope that the Village Board listens to the residents regarding the referendum questions. Supervisor Davis reported that the Village Board motioned to approve a payment of up to \$800 for their share for the chimney repair at the Eagle Historical Society. Supervisor Davis reported that the Village Board heard a presentation from a rehabilitation facility for native wildlife. The group even brought in the Grey-Horned owl named Dakota. Dakota is the owl that was kidnapped a few years ago. Supervisor Davis explained that complaints were received from residents regarding the tents that were left up after the event at Suhmer's Saloon. Supervisor Davis reported that the Village Board discussed the concept of a Village of Eagle Police Officer responding to calls as an Emergency Medical Technician in the Town. Supervisor Davis reported that the Village Treasurer Darlene Sterzinger has announced her intent to retire at the end of the calendar year. The village currently employs a part-time clerk and a part-time treasurer. The Finance Committee has recommended to the Board that the Village hire a full-time Clerk/Treasurer. The Village will be running an ad in the newspaper for the position. The current part-time clerk is welcome to apply for the position. Lastly, the village is looking for some IT help. The item was tabled because the Village had yet to talk to the candidate to see if he is interested in the position.

Business Park – No report.

Garbage & Recycling – Supervisor Rasmussen reported that the fall yard waste drop-off will be held on

Saturday, November 9, 2013 from 8:00 a.m. to 11:00 a.m. Brush must be in lengths no longer than four (4) feet. In response to Waukesha County Board Supervisor, at this time the Town does not intend to consider single stream recycling. Chairman Kwiatkowski explained that the question had gone out to our residents and the answer was a resounding no. The residents with the long driveways objected because they would have to drag the large containers down those driveways. Right now, the residents take their garbage down their driveway in their vehicles. Supervisor Rasmussen reported that John's Disposal will be increasing the garbage fees for next year. The increase will be up 35¢ per parcel per month, or 2.2% of the cost of living increase.

Roads – Supervisor West reported that the road construction has started on Markham Road. They are planning on being done with Markham Road, Nature Road, and Saddle Ridge Drive within the next two (2) weeks. Supervisor West reported that he and Town Treasurer Pasterski will be attending the TRIP program meeting at Waukesha County tomorrow night. If anyone from the Board are welcome to attend.

Chairman's Report – Chairman Kwiatkowski explained that one (1) of our seasonal snowplow drivers has retired and the Town needs a replacement for his position. A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to post and publish for the seasonal part-time snowplow driver. Upon voice vote, motion carried.

Public Comment – Jacki Lewis, S90 W34240CTH NN stated that the Town receives excellent garbage service from John's Disposal. County Board Supervisor Pam Meyer commented that she was not aware of the amount of items that John's is willing to haul.

There being no further business on the agenda, a motion was made by Supervisor Malek, seconded by Supervisor Davis to adjourn at 8:42 p.m. Upon voice vote, motion carried.

Lynn M. Pepper
Eagle Town Clerk