



TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
August 20, 2014
APPROVED MINUTES

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

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

Agenda – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to move item #13 to immediately follow the Treasurer’s Report and to approve the agenda as amended. Upon voice vote, motion carried.

Minutes- Motion by Supervisor Rasmussen, seconded by Supervisor Davis to approve the minutes of the Regular Town Board Meeting of July 16, 2014. Upon voice vote, motion carried. Motion by Supervisor Davis, seconded by Supervisor Rasmussen to approve the July 1, 2014 Special Town Board Informational Meeting minutes. Upon voice vote, motion carried.

Clerk's Report- Chairman Kwiatkowski presented the Accounts Receivable Summary Report and the Budget Report. Income is at 73.5%; expenses are at 67.8%.

Treasurer's Report- Treasurer Pasterski presented the June, 2014 report. Savings balance as of 6-30-14 was \$143,542.17. Total cash was \$507,057.12. A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to approve the Treasurer’s Report. Upon voice vote, motion carried.

Lake Road request for \$25,000 loan from the Town of Eagle, to be paid back principle plus interest over the course of the loan, to asphalt the gravel road – Chairman Kwiatkowski explained that Lake Road is a private road. There is currently \$9,804 in their bank account, which is used to pay for road improvements, minor maintenance, and snowplowing. Chairman Kwiatkowski explained that the bank cannot give a loan out to a road so the Lake Road Master has requested that the Town take out the \$25,000 paving loan, with the account making the payments, including interest. Treasurer Pasterski explained that he went back in the town records and found that the town has been handling the road account since at least 1950. Treasurer Pasterski explained that the Highway Commissioner had been given the authority to approve any road improvements. In response to Chairman Kwiatkowski, Mr. Jeff Prokhop, Road Master for Lake Road stated that he did obtain a bid for the repaving project.

Chairman Kwiatkowski explained that Wisconsin State Statutes only allow for a maximum of 3 mil per \$100 of valuation. These funds are only to be used for road improvements. There is nothing allowing for payment of interest. Chairman Kwiatkowski explained that Town Attorney John Macy recommended that the town deny the request and suggested that Lake Road tax to the maximum. Currently, the assessment for Lake Road is \$3,159,900. Take that figure and multiply by .003 and that equals a maximum tax of \$9,479. The project may

have to be done over the course of a few years, until completion. Chairman Kwiatkowski explained that taxing the maximum tax does impact the levy limit. The only way to exceed the levy limit is by referendum. Another taxing concern that the town has for next year is the Piper Road paving project.

Highview Road Master Tom Day explained that it is his recollection that the town took out a loan for Tuohy Road eight (8) or nine (9) years ago. That loan has since been paid off. Highview Road Master Tom Day explained that the typical annual taxation amount is approximately \$3,000. Asking Lake Road to tax to the maximum is taxing the Lake Road residents triple what they typically pay. Lake Road Master Jeff Prokhop explained that the bank felt that the town could borrow the money. Chairman Kwiatkowski suggested asking the bank if they would give out a loan if all of the Lake Road residents signed for the loan.

Chairman Kwiatkowski reported that Lake Road is in Waukesha County Shoreland/Floodland jurisdiction. The paving project may need county approval. The project also has to be constructed in accordance with the Town's Stormwater and Erosion Ordinance. There is no question that the road does need attention. Chairman Kwiatkowski explained that while it is possible that loans may have been taken out in the past, times are different now and the Town Attorney is recommending not getting involved. The Town Board may, at the next regular meeting, move to authorize the town attorney to research the legality of the subject.

Treasurer Pasterski explained that Wambold Road Master Gordy Wambold consistently taxed higher for seven (7) years in order to build up enough money in the account to resurface the road. Chairman Kwiatkowski read the account balances for all of the private roads in the Town of Eagle.

Chairman Kwiatkowski stated that this item will be on next month's agenda. Again, the Board could authorize the legality research while still meeting state statute. The next question would be whether or not to proceed with a loan. Another possible option could be to take the money out of the town reserve, to be paid back by the Lake Road account. Chairman Kwiatkowski suggested that the road master contact Waukesha County to determine their requirements.

Claims- Claims totaling \$67,984.14 were reviewed. In response to Supervisor Davis, Supervisor Rasmussen explained that the payment to North Prairie was for the year-to-date court costs. The budget for municipal court is \$2,000. Treasurer Pasterski reported that the addition to the final claims is for the payment to Gaver's Pavers for the 700 sq. ft. of patchwork on Wambold Road. Treasurer Pasterski stated that the monies are being taken from the Wambold Road mil tax account. A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to approve the payment of claims. Upon voice vote, motion carried.

Recreation Department – Director Blonien reported that baseball, softball, and t-ball has wrapped up for the season. Soccer and flag football is beginning. Director Blonien reported that the department's burger booth at Kettle Moraine Days profited between \$450 and \$500, which is comparable to last year. In response to Supervisor Davis, Director Blonien stated that the new supply of Six Flags tickets was mis-delivered to the elementary school. She does have them now and ticket sales remain relatively high this year. Supervisor Davis reported that the Recreation Department's next meeting is scheduled for Monday, September 8, 2014. The goal for the meeting is to develop next year's budget.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to pay the Recreation Department claims as presented. Upon voice vote, motion carried.

Sheriff's Report – None.

Library – None.

Fire Department/Fire Commission/Municipal Building –Supervisor Rasmussen reported that there were 37 total calls for service in the month of July; twenty-three (23) were medical; twelve (12) were fire; and two (2) were ems/fire. Last July's total calls for service were twenty-eight (28).

Fire Chief Heim reported that there was discussion at the Fire Commission meeting regarding the failing septic system at the fire station. As it stand now, the septic needs to be pumped twice monthly. The Fire Commission did approve having a percolation test however that test failed. There are only two (2) other options. The first would be to install a bigger holding tank; the second would be to have another percolation test in the grassy area between the Town and Village garages. Action on either of these options will take place at next month's meeting.

Chief Heim reported that the fire department station is in need of a new roof. Chief Heim reported that WCTC fire/ems classes for department members have begun. Lastly, Chief Heim reported that the department is having a very hard time dealing with the tragic and sudden death of Lieutenant Jed Ellenson. Lieutenant Ellenson will be sorely missed.

In response to Supervisor Davis' question regarding the possible merger with the Village of North Prairie Fire Department, Chief Heim explained that the Town and Village Boards need to meet, along with the Fire Commission to determine what the Village of North Prairie would be need to do in order to come into parity with the Eagle Fire Department. Chief Heim explained that he has not yet begun working on a "five (5) year plan" until parity is determined. Chairman Kwiatkowski explained that North Prairie has a sense of urgency. Chairman Kwiatkowski explained that North Prairie does not know what their true fire costs are because the department has been run through the Village's general fund. Chief Heim stated that North Prairie does have a rough budget ready for 2015, as a stand-alone department. Discussion followed regarding setting up a meeting. Chief Heim reminded the Board that North Prairie Fire Chief Taylor will be retiring at the end of next year. If the departments merge, the Boards will have to decide if they want one (1) fire chief for both stations. Additionally, if it is decided to have one chief, the chief would no longer be available to act as a firefighter/ems responder.

Recommendation of no parking of car trailers on CTH E from South Shore Drive to CTH LO – Chairman Kwiatkowski reported that the Lake Management District have requested that the Town support no car trailer parking along CTH E. The original request was from South Shore Drive to CTH LO. The Lake Management District is now asking for support for no car trailer parking from the county line to CTH LO. Chairman Kwiatkowski explained that there is no good place to park along CTH E. CTH E is a winding road and parking along that stretch of road endangers public safety.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to send a letter to Waukesha County recommending that there be no car trailer parking on CTH E from the county line to CTH LO. Upon voice vote, motion carried.

Developer's Financial Guarantee Options – Discussion and possible action regarding amending the ordinance to allow for a Surety Bond or a Letter of Credit – Chairman Kwiatkowski explained that Attorney John Macy is suggesting to amend the financial guarantee's because traditional letters of credit expire on an annual basis; surety bonds do not. Surety Bonds would be a way for the builder/owner to guarantee work completion. If the person defaults, the money to complete the project is already in place. In response to Supervisor Davis, Chairman Kwiatkowski explained that a surety bond is cash in the bank; a letter of credit is the bank guaranteeing that the person is credit worthy because they have assets to back them up.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to amend the Town's ordinance to allow for a Surety Bond or a Letter of Credit. Upon voice vote, motion carried.

Establish Trick-or-Treat Hours for Saturday, October 25, 2014 from 4:00 P.M. to 6:00 P.M. – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to establish trick-or-treat hours for Saturday, October 25, 2014 from 4:00 P.M. to 6:00 P.M. Upon voice vote, motion carried.

Lake Management District – Lake Management District Chairman Day presented the Lake Patrol Report dated July 13, 2014 through August 17, 2014.

Lake Management District Chairman Tom Day reported that Lake Management District held their annual meeting on Saturday, August 2, 2014. Approximately thirty (30) people were in attendance. The members approved a motion to spend up to \$2,000 to apply for a grant from the Department of Natural Resources (DNR) to remove sediment from Jacks Bay. The application process could take a year or more. Lake Management District Chairman Day reported that the carp count is at one-hundred forty-five (145). Sometime in mid-September, the lake will be stocked with approximately 4,000 small perch.

Lake Management District Chairman Tom Day reported that the Lake Management District, the Town of Eagle, the Town of Troy, and the Nature Conservancy are all in support of no parking on CTH E. All entities' will be sending Waukesha County a letter to that fact. Lake Management District Chairman Tom Day explained that the Nature Conservancy has requested that a sign be located at the beginning of the channel to LuLu Lake, stating to "please reverse your motor before proceeding", in the effort to reduce invasive species. The Lake Management District Board will take action on this at the September meeting. In addition, the Nature Conservancy asked if an ordinance would be appropriate requiring the motor reversal and indicating that there is a fine for violators. The Lake Management District Board did feel it appropriate to research the subject.

Lake Management District Chairman Tom Day reported that Elaine Ledrowski with the Eagle Historical Society has requested that the Lake Management District submit an article for their newsletter. A draft article will be sent out asking for review and comment prior to submitting the final draft. Treasurer Pasterski stated that there is a light, lime green booklet that gives the history of Eagle Springs Lake and suggested that it could be used as a reference.

Report on Recent Village Board Meetings – Supervisor Davis reported that he attended the August 14, 2014 Village Board meeting. Three (3) board members were excused from the meeting and Lyn Neuburg chaired the meeting. Most of the items were tabled to a later date, for action by the full board. Supervisor Davis reported that Dave Rockteacher commented that the Eagle Police Department and the Waukesha County Sheriff's Department have been working together, better than what has been done in the past. Supervisor Davis reported that on Friday, September 19, 2014, the village will be holding an "Eagle Night Out" at the village park. The night will include organizations and vendor displays. More details will follow as they become available. Supervisor Davis reported that the Village's Code and Ordinance Committee have had a lot on their agenda, including discussion regarding possible fines for Trustees who do not attend meetings and talks on whether or not to allow chickens in a residential area.

Garbage & Recycling – Supervisor Rasmussen reported that surrounding communities have been having disposal of tires issues. People are waking up to find tires dumped on their property for waste collection. It is believed to be that due to the limit of two (2) tires per week with a maximum of eight (8) tires per year, people are finding other creative ways to dispose of them.

Road Report – Chairman Kwiatkowski reported that Shearer Road and Serenity Court will be repaved in the next few weeks. Betts, Nature, Markham, and South Roads are on the master plan for future reconstruction.

Chairman's Report – Chairman Kwiatkowski reported that the attorney for the property owner on Annice Lane has contacted our Town attorney regarding the possibility of a settlement. Chairman Kwiatkowski explained that he instructed the town attorney that as part of the settlement, to make sure that the house would be completed enough to where the home would get occupancy.

Chairman Kwiatkowski reported that the Hein trial was held two (2) weeks ago. The trial was rather lengthy, lasting until 11:30 P.M. No decision was made by the court due to the lateness of the hour. The judge directed both the Town and Mr. Hein to summarize their position in writing and to submit it no later than August 19, 2014. The judge instructed Mr. Hein to explain in his summary how he is not running a business out of his home.

Chairman Kwiatkowski reported that the final Stiglitz inspection is fast approaching.

Set Date for Budget Workshop – It was the consensus of the Board to hold a Budget Workshop on Wednesday, August 27, 2014 beginning at 7:00 P.M.

Public Comment – None.

There being no further business on the agenda, a motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to adjourn at 8:20 P.M. Upon voice vote, motion carried.

Lynn M. Pepper
Eagle Town Clerk