



TOWN OF EAGLE  
REGULAR TOWN BOARD MEETING  
September 17, 2014  
APPROVED MINUTES

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

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

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

Minutes- Motion by Supervisor Rasmussen, seconded by Supervisor West to approve the minutes of the Regular Town Board Meeting of August 20, 2014. Supervisor Malek abstained. Upon voice vote, motion carried.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report and the Budget Report. Expenses-to-date for the Town are at 71%.

Treasurer's Report- Treasurer Pasterski presented the July, 2014 report. Savings balance as of 7-31-14 was \$129,070.06. Total cash was \$641,451.57. A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to approve the Treasurer's Report. Upon voice vote, motion carried.

Claims- Claims totaling \$95,697.80 were reviewed. In response to Supervisor Malek, Chairman Kwiatkowski explained that the checks payable to Carl Pettis are hourly wage for the Weed Commissioner position and for mileage. A motion was made by Supervisor Malek, seconded by Supervisor West to approve the payment of claims. Upon voice vote, motion carried.

Recreation Department – Clerk Pepper reported that the soccer and flag football seasons have begun. Clerk Pepper reported that the Recreation Department held their budget meeting on Monday, September 8, 2014. The goal for the meeting was to begin developing next year's budget. Chairman Kwiatkowski explained that the Recreation Department is seeing a decrease in activity enrollment. The decrease has to do with the rift between parents who favor Eagle joining the Mukwonago School District and parents who favor remaining with the Palmyra-Eagle School District. Subsequently, parents who favor Mukwonago are enrolling their children in Mukwonago Recreation activities; parents who favor Eagle are enrolling their children in Palmyra Recreation activities. The Eagle Recreation Department is suffering the consequences of this feud. Chairman Kwiatkowski reported that the Recreation Department's expenses are currently at 53.39%.

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

Sheriff's Report – Chairman Kwiatkowski reported that the Recreation Director caught kids vandalizing the Town Park a few weeks ago. The Waukesha County Sheriff's Department was called and the kids were reprimanded. Waukesha County Sheriff's Second Shift Patrol Lieutenant Anthony Kasta stated that vandalism has decreased since the beginning of the school year. In response to Jacki Lewis, S90 W34240 CTH NN, Waukesha County Sheriff's Second Shift Patrol Lieutenant Anthony Kasta stated that Waukesha County Detectives took two (2) people into custody for the home invasions. Since the arrest, home invasion activity has ceased.

Library – Library Director Chase reported that the library attended four (4) school open houses to inform parents about what the library has to offer. Director Chase stated that the library received a grant for "Pushing the Limits". With permission from the grant, the library purchased a weather station with the left-over funding. The weather station will be located at Eagle Elementary School where it can be used by the students for educational purposes. At this time, Director Chase introduced the new Library Board President Barb Pinekenstein.

Library Board President Pinekenstein, W345 S10489 CTH E stated that she is a Nursing Clinical Professor at the University of Wisconsin – Madison. Library Board President Pinekenstein reported that the library is struggling for space and the Library Board does intend to conduct intensive planning for the next three (3) to six (6) months. The library is a center for the community and the community needs to advocate for it to keep it strong.

Resolution 14-01, a Resolution to be Exempt from the Waukesha County Library Levy - Director Chase explained that annually, Waukesha County requires that communities who wish to exempt from the Waukesha County Library Levy pass a resolution stating that the municipality will levy and expend an amount equal to or greater than the mill rate set by Waukesha County in the preceding year or, because we are a joint library, levy and expend an amount not less than the average of the previous three (3) years. Director Chase stated that the Town library usage was at 52%; the Village's usage was at 48%.

A motion was made by Supervisor Rasmussen, seconded by Supervisor West to adopt Resolution 14-01, 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 that the Fire Department has a failing septic system. As it stand now, the septic needs to be pumped every six (6) weeks. The Fire Commission did approve having a percolation test in the grassy area between the Town and Village garages.

Supervisor Rasmussen reported that there were 26 total calls for service in the month of August; eighteen (18) were medical; eight (8) were fire; and there were no EMS.

Chairman Kwiatkowski reported that Fire Chief Heim and Captain Scott Kugel took a trip to Michigan with the department's grass rig and safety trailer yesterday to have big foot levelers put on the safety trailer. While they were on their way back, one of the tires blew on the grass rig, the vehicles flipped and we expect that both vehicles are totaled. Fire Chief Heim is currently in the hospital with head injuries. Captain Kugel was released. Firefighter Dave Rockteacher stated that Captain Kugel is complaining of injuries to his ribs as well widespread pain. Chairman Kwiatkowski expressed relief that both men are alive following this accident. Chairman Kwiatkowski added that no one else was

involved in this accident.

Fire Department Safety Trailer – Due to the traffic accident, no action was needed.

Request of Brett Sadler to waive the application fees for a partial rezone of Lot 2, CSM#9990 on Bennington Drive - Chairman Kwiatkowski explained that the property in question is located on Bennington Drive and abuts the Town Park. Mr. Sadler had approached him stating that the portion of his lot that is zoned C-1 is not C-1, that it is a mapping error. Chairman Kwiatkowski explained that the burden of proof lies with Mr. Sadler. Mr. Sadler hired that Department of Natural Resources (DNR) to come out to the property to investigate.

Applicant Brett Sadler, W348 S9369 Jordan Trail explained that the DNR came out to the property to determine if the area labeled C-1, which was determined by an aerial view done by the Southeastern Wisconsin Regional Planning Commission (SEWPRC) was indeed a wetland area. Thomas Nedland, DNR Wetland Identification Coordinator did soil borings and inspected the vegetation. Based on the data that he collected, it was determined that wetlands are not located in the review area.

Chairman Kwiatkowski explained that the aerial map done in the year 2000 does not show a wetland area; however the map from 2005 does show it. Chairman Kwiatkowski went on to state that the Town needs to compare Town maps with the new one being presented, for accuracy. In addition to Mr. Sadler's dilemma, the Town Park property also shows C-1, which it is not. Chairman Kwiatkowski stated that he had spoken with Town Planner Schewecke, Waukesha County Parks and Planning Director Jason Fruth and Waukesha County Planner Andrea Hedemann regarding these issues. The Zoning Administrator with Waukesha County has the authority to change any proven mapping errors; the Town does not. In order for the change to take place, Mr. Sadler will need to apply for a rezone. Because this mapping error was not the fault of Mr. Sadler, Chairman Kwiatkowski asked that the Town Board waive Mr. Sadler's rezone application fee.

A motion was made by Supervisor West, seconded by Supervisor Malek to waive Mr. Sadler's rezone application fee. Upon voice vote, motion carried.

Wright/Badciong Wedding – A motion was made by Supervisor Malek, seconded by Supervisor West to approve the request for fermented malt beverages and portable tents at their wedding in the Town Park Pavilion on Saturday, September 20, 2014 from 10:00 a.m. to 11:00 p.m. Upon voice vote, motion carried.

Lake Road Request (Tabled from 9-17/14) – Chairman Kwiatkowski explained that Lake Road is a private road. Their request is for a \$25,000 loan from the Town of Eagle, to be paid back principle and interest over the course of the loan for the purpose of asphaltting their private road. Chairman Kwiatkowski explained that the request would need to be researched by the Town Attorney for the legalities of borrowing money for a private road.

A motion was made by Supervisor Rasmussen to authorize the Town Attorney to investigate the legalities of borrowing money for a private road. Motion failed due to lack of a second.

Ordinance 14-01, An Ordinance to Create a Joint Municipal Court – Supervisor Rasmussen explained that the cost of the municipal court has been shared by the Town of Eagle and four (4) other communities. The new proposal is to pay for the court by usage. If the Town chooses to opt out of the Joint Municipal Court, it must be done by August of next year. Currently, the Town of Eagle has 1.57% of the total municipal court tickets.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to adopt Ordinance 14-01, an Ordinance to Create a Joint Municipal Court. Upon voice vote, motion carried.

Joint Municipal Court Agreement – A motion was made by Supervisor Malek, seconded by Supervisor West to adopt the Joint Municipal Court Agreement. Upon voice vote, motion carried.

Streets & Highways Ordinance –Chairman Kwiatkowski explained that while he was researching the funding of mill roads, he discovered that the Streets & Highways Ordinance may need some updating. Chairman Kwiatkowski suggested that the Town Engineer review/update the Town's ordinance.

A motion was made by Supervisor West, seconded by Supervisor Malek to authorize the Town Engineer to review, edit, and make recommendations to the Town's Streets & Highways Ordinance for Town Board action. Upon voice vote, motion carried.

P.I.L.T. (Payment in Lieu of Taxes) – Discussion and possible action regarding applying a portion of the Wisconsin Department of Natural Resources P.I.L.T. payment to the Town into the Wambold Road account. Chairman Kwiatkowski explained that the Department of Natural Resources (DNR) does own property on Wambold Road but has never been paying their portion of the private road maintenance tax. Chairman Kwiatkowski explained that he spoke with Jim Jackley at the DNR and explained the situation. Mr. Jackley is looking in to it and believes that it may be possible to incorporate this fee into their annual PILT payment. In the meantime, Treasurer Pasterski is collecting information and numbers for the last five (5) years of maintenance fees. Hopefully the Wambold Road account can recover at least some of the back payments. Chairman Kwiatkowski explained he is not in favor of taking PILT payments and giving a portion of it to a private road. Supervisors Malek, Rasmussen, and West concurred.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to deny the request. Upon voice vote, motion carried.

Lake Management District – Supervisor Malek presented the Year-End Lake Patrol Report. Chairman Kwiatkowski commended that Lake Patrol for coming in under budget.

Lake Management District Chairman Day reported that the lake has been stocked with approximately 4,000 small perch. The \$2,000 cost was taken out of the carp fund. Lake Management District Chairman Day reported that the carp count is at one-hundred fifty (150). No tagged carp were caught.

Lake Management District Chairman Day stated that the Lake District approved the Kroll Millrace specifications. The specifications now move on to the Department of Natural Resources (DNR).

Lake Management District Chairman Day reported that the Lake Management District is working on drafting their letter to Waukesha County in support of no parking on CTH E. A letter from the Town of Eagle has been drafted and he instructed the Town Clerk to not send it until all other interested parties' letters are drafted.

Pete Jensen, Dam Coordinator, W345 S10489 CTH E reported that a flow study of the lake outlets was done by the Milwaukee School of Engineering at no cost to the Lake District. The University of Wisconsin – Parkside is working on data management for the district. The students are thankful for these real-life experiences.

Report on Recent Village Board Meetings – No report.

Garbage & Recycling – Supervisor Rasmussen reported that John's Disposal is increasing their fees by \$.30 per month per the Consumer Price Index (CPI) contract; \$.25 is for garbage; \$.05 is for recycling. Supervisor Rasmussen added that the Town of Eagle recycles weekly and can leave large items, with the exception of electronics, by the curb without a special pickup.

Road Report – Supervisor West reported that Serenity Court came in under budget and construction is completed. Payne & Dolan began the Shearer Road project yesterday and has already pulverized the road.

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. In addition, Mr. Brahm will need to obtain estimates to complete the project and provide the Town a bond in that amount.

In regards to the Stiglitz settlement, the Stiglitz's final inspection failed. The Town Attorney contacted a company who comes in and cleans up the property for scrap. Any additional monies that are owed to the Town will be placed on the real estate tax bill.

In regards to the Hein case, the Municipal Court Judge has not rendered his decision yet.

Set Date for Budget Workshop – It was the consensus of the Board to hold a Budget Workshop on Monday, September 22, 2014 beginning at 7:00 P.M.

Appointment of Town Clerk – A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to appoint Clerk Lynn Pepper as Town Clerk for a three (3) year term. Upon voice vote, motion carried.

Public Comment – In response to Pete Jensen, W345 S10489 CTH E, Chairman Kwiatkowski explained that Fire Chief Heim and North Prairie Fire Chief Taylor were going to develop a preliminary five (5) year budget but have been waiting for the Town and Village of Eagle to get together to discuss what it will take, in regards to parity, for both municipalities to be on board with the possible fire department merger. Discussion followed regarding Eagle ambo funds supporting daytime coverage.

Jacki Lewis, S90 W34240 CTH NN, explained that she ran into a man from the Southeastern Wisconsin Regional Plan Commission who was doing work for the STH 67 project and questioned if a lot of land would be disturbed or lost because of the project. Chairman Kwiatkowski responded that the last he heard, an accident study was to be conducted and the Fire Department was asked to provide fire call information. Chairman Kwiatkowski stated that land with deed restrictions cannot be given away and wetlands cannot be touched.

There being no further business on the agenda, a motion was made by Chairman Kwiatkowski, seconded by Supervisor West to adjourn at 8:11 P.M. Upon voice vote, motion carried.

Lynn M. Pepper

Eagle Town Clerk