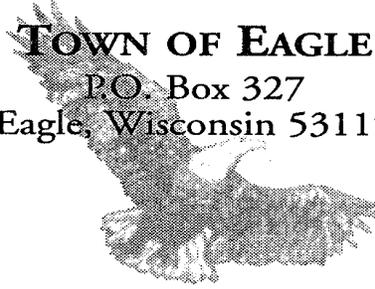


TOWN OF EAGLE
P.O. Box 327
Eagle, Wisconsin 53119



TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
April 15, 2015
APPROVED MINUTES

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

Present: Chairman Kwiatkowski; Supervisors Davis, Rasmussen, Malek and West. Also present: Town Clerk Pepper, Town Treasurer Pasterski, Acting Chief Hein and Fire Captain Kugel.

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

Minutes- Motion by Supervisor Malek, seconded by Supervisor Davis approve the Regular Town Board Meeting minutes of March 18, 2015. Upon voice vote, motion carried. Chairman Kwiatkowski abstained.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report. The Town is at 21.8% of the year-to-date expenses.

Treasurer's Report- Treasurer Pasterski presented the March, 2015 report. Savings balance as of 3-31-15 was \$161,033.27. Total cash was \$619,281.50. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the Treasurer's Report. Upon voice vote, motion carried.

Claims- Claims totaling \$300,942.22 were reviewed. A motion was made by Supervisor West, seconded by Supervisor Malek to approve the payment of claims. Upon voice vote, motion carried.

Recreation Department – Supervisor Davis reported that the soccer season has started and Eagle Recreation has seven (7) teams for spring. Due to the rift between some of the parents of the Mukwonago and Palmyra-Eagle School Districts, Eagle Recreation only had enough children to fill two (2) baseball teams, one (1) t-ball team, and (1) coach pitch team. Last year there were a total of eight (8) teams plus one (1) shared team. The Recreation Department serves all residents in the Town and Village of Eagle, no matter what school or homeschool the children attend. Going forward, the department will be focusing on more programs for small children and activities for seniors. Supervisor Davis reported that the Recreation Department will once again have a burger stand at Kettle Moraine Days. The event will be held during the last weekend of June. Volunteers are needed. Supervisor Davis reported that the marquis outside of the municipal building is going to be changed to read, "Proudly serving all ages, all school districts". In response to Supervisor Malek, the marquis only allows for three (3) lines of text. The size of the letters and duplicating of letters also limits their messages.

Supervisor Malek suggested purchasing more letters. The Town Board agreed.

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

Library – Supervisor West reported that the Library Board has a new member. Supervisor West reported that there has been some discussion at their meetings regarding four (4) different options for possible library expansion. An architectural representative and a financial representative came to their meeting to discuss funding options. Supervisor Davis stated that the Village Board received a full report at their Village Board Meeting last week. Chairman Kwiatkowski stated that the Town Board needs to be informed as well since the Town funds a majority of the library.

Fire Department/Fire Commission/Municipal Building – Supervisor Rasmussen reported that only one (1) roofing contractor bid for the Fire Department Building Roof Replacement Project. The budgeted amount for this project was \$40,000. Waukesha Roofing came in with a bid of \$36,235. The project was awarded to Waukesha Roofing. Supervisor Rasmussen reported that there were twenty-one (21) total calls for service in the month of March; eleven (11) of which were medical, two (2) were EMS/Fire and eight (8) were fire. Acting Chief Hein reported that the month of April to-date has already had twenty-five (25) calls for service.

Acting Chief Hein stated that the membership continues to conduct a gun raffle to try to raise funds for a new \$20,000 All-Terrain Vehicle. One-thousand tickets are being sold at \$20.00 each and there are still some tickets available.

Sheriff's Report – Supervisor Malek reported that there has been quite a bit of activity at the corner house at the intersection of STH 67 and Betts Road. He has had numerous calls from neighbors about their displeasure. Supervisor Malek reported that there was a call at that location on March 22nd for a car fire. Captain Kugel confirmed that the incident took place at approximately 3:00 P.M. Waukesha County Sheriff's Second Shift Patrol Lieutenant Anthony Kasta stated that he will assign extra patrol around that area.

Property Insurance Bid –Horton Senior Account Manager Michelle Strauss explained that she has three (3) recommendations for the board to consider. These changes will bring the Town of Eagle up to the current standards. The first recommendation would be to increase the injunctive relief from \$10,000 to \$50,000, at additional \$525.00. For example, if the Town were to be sued for a zoning matter, the Town would have more coverage for legal services. Her second recommendation is to consider increasing the umbrella limit from (\$2,000,000/\$4,000,000) to (\$4,000,000/\$8,000,000), at an increase of \$455.00. Lastly, Ms. Strauss suggested that the Town increase the Workers Compensation Limits from the current \$100,000 to \$500,000. The increase in cost is \$75.00. Ms. Strauss added that due to the workman's compensation audit, the Town workman's compensation will be reduced by \$400.00.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to approve the recommended changes in the liability insurance, the public officials insurance and the workman's comp insurance. Upon voice vote, motion carried.

Election Equipment Purchase Intergovernmental Agreement – Clerk Pepper explained that Waukesha County is offering municipalities the opportunity to enter into an agreement where Waukesha County will purchase the new voting equipment and will bill back the participating municipality for one third (33.33%) of the cost. Reimbursement will take place over the next three (3) year period at no interest.

This is a one-time offer. If municipalities choose not to participate and decide to purchase later, the cost of the equipment will be born solely by the municipality. In addition, if the municipality does not participate, the municipality will be responsible and will have to pay for having the voting equipment memory devices programmed for each election. Clerk Pepper stated that Eagle joined along with other municipalities and has asked Attorney John Macy to review and suggest recommended changes to the contract.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to approve the Election Equipment Purchase Intergovernmental Agreement, contingent upon attorney approval. Upon voice vote, motion carried.

Ordinance 15-01 - Amendment of the Town's Land Division Ordinance with regard to prior review of sales or exchanges of parcels between adjoining landowners – Chairman Kwiatkowski opened the public hearing at 7:29 P.M. He explained that the proposed ordinance requires that any proposed lot line adjustments go before the Town Planner for review. If the Town Planner feels that the request doesn't violate any Town of Eagle codes, then the applicant can go straight to Waukesha County. Planning & Zoning Commissioner Jacki Lewis and resident of the Town of Eagle stated that this gives the Town a chance to review the adjustment prior to submission at the county. In response to Supervisor Malek's comment where Waukesha County does not allow meets and bounds, Chairman Kwiatkowski stated that Waukesha County requires a Certified Survey Map.

After hearing no other public comment, Chairman Kwiatkowski closed the public hearing at 7:31 P.M.

A motion was made by Supervisor Davis, seconded by Supervisor West to adopt Ordinance 15-01, an ordinance to amend Section 2 and create Section 8(8) of ordinance 87-06, which is entitled "An ordinance to regulate land division in the Town of Eagle, Waukesha County, Wisconsin," with regard to prior review of land transfers between owners of adjoining property. Upon voice vote, motion carried.

Ordinance 15-02 - Amendment of the Town's Land Division Ordinance with regard to financial guarantees, subdivision development agreements, improvements, and related matters – Chairman Kwiatkowski opened the public hearing at 7:32 P.M. Chairman Kwiatkowski explained that this ordinance pertains to the process of creating a subdivision. Currently, the Town requires a Letter of Credit. The Town has found that often these Letters of Credit are not automatically renewed and the developer goes into default. This ordinance now states that final acceptance by the Town will not occur until after the final inspection. Once it passes final inspection, the subdivider must give the Town a cash deposit or an automatic renewable Letter of Credit for continued maintenance, and then the Town will give written acceptance to the subdivider. This language has been recommended by the Town Attorney.

After hearing no public comments, Chairman Kwiatkowski closed the public hearing at 7:34 P.M.

A motion was made by Supervisor Davis, seconded by Supervisor Malek to adopt Ordinance 15-02, an ordinance to amend and create multiple sections of ordinance 87-06, entitled "An ordinance to regulate land division in the Town of Eagle, Waukesha County, Wisconsin," with regard to financial guarantees, subdivision development agreements, improvements, and related matters, as recommended by the Planning & Zoning Commission. Upon voice vote, motion carried.

Ordinance 15-03 – Repeal and recreate Ordinance 09-02 an ordinance to provide safety and welfare on and around Eagle Spring Lake – Discussion and possible action regarding the proposed ordinance –

Lake Management District Chairman Day explained that the proposed changes to the ordinance. The first change is to Section 12.02(9) – No person shall operate a motor vehicle weighing in excess of 1,500 lbs. He explained that the current ordinance states 1,000 lbs. Given the weight of current ATV's, raising the weight limit is the only way to make them legal. The second change is to Section 12.02(10) – No person shall drive a motorized vehicle, including a snowmobile recklessly or imprudently on the ice. The current language only refers to a car. The third change is to Section 12.02(12). This changed the official name of the island to Travers Island. Lake Management District Chairman Day explained that the next change is to Section 12.05 Buoy Placement. The Lake Management District created a new buoy map, which has been approved by the Department of Natural Resources (DNR). The change states to refer to the Buoy Map 2015. Lake Management District Chairman Day stated that two (2) buoys will be placed at the exit of the ski channel to protect the lilies. An extra buoy will be placed in Lower Clarks Park to protect the pencil reeds. Discussion followed regarding boat speed on the lake.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to adopt Ordinance 15-03, an ordinance to repeal and recreate Ordinance 09-02, an ordinance to provide safety and welfare on and around Eagle Spring Lake. Upon voice vote, motion carried.

Ordinance 15-04 - Emergency Slow No Wake – Discussion and possible action regarding the proposed ordinance – Lake Management District Day explained that the DNR has requested that we have this ordinance in place, for safety and erosion issues. In response to Supervisor Davis, Lake Management District Chairman Day stated that residents can find out if the Slow No Wake order has been issued through direct e-mails.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to adopt ordinance 15-04, Emergency Slow No Wake. Upon voice vote, motion carried.

Ordinance 15-05 -Require reverse motor action by boat operators when they enter the channel going south to Lulu Lake – Discussion and possible action regarding the proposed ordinance – Lake Management District Chairman Day explained that the current signs that are posted ask boaters to reverse their motors before entering Lulu Lake. The Nature Conservancy is requesting that the Lake Management District make the motor reversal mandatory. The passing of this ordinance would be the first in the State of Wisconsin. If the town adopts this ordinance, the Town of Troy will likely follow suit. This ordinance has been reviewed by the DNR. Local lake patrols will enforce the ordinance. Lake Management District Chairman Day stated that the Lake Management District will be conducting a survey this summer to see if any weeds are on the props before boaters enter Lulu Lake.

In response to Chairman Kwiatkowski, Lake Management District Chairman Day stated that the ordinance will be posted at the boat launch. Chairman Kwiatkowski stated that ordinances are supposed to be for the health, safety and welfare of the people. Lake Management District Chairman Day explained that controlling Eurasian Milfoil costs the Lake Management District between \$5,000 and \$10,000 annually.

Supervisor Rasmussen stated his opinion that people out on the lake should be able to enjoy themselves and not have to worry about wardens on the lake trying to enforce the ordinance. He stated that maybe this ordinance should be revisited after the study has been completed. Supervisor Malek added that Eurasian Milfoil is a big issue. Lake Management District Chairman Day stated that the DNR will not be sitting there, watching them. Boaters will likely be given a warning. Chairman Kwiatkowski stated that he also has an issue with the language that refers to the length of time that boaters need to reverse their motor. Chairman Kwiatkowski added that he would like to hold off on adopting this ordinance to see what the Town of Troy comes up with.

A motion was made Chairman Kwiatkowski, seconded by Supervisor Rasmussen to table the proposed ordinance. Upon voice vote, motion carried with Supervisor Malek opposing.

Town Park Baseball Diamond/Pavilion Rental Request – Chairman Kwiatkowski explained that Generac has requested the use of the Town Park fields for one of their fundraisers. It was the consensus of the Board that Generac can use the fields at no charge since this is a fundraising event. Should Generac need to use the pavilion, Generac will have to pay the pavilion rental fee, along with the deposit. There are to be no sales of alcohol.

SC43 Soccer Club Request – Chairman Kwiatkowski explained that the soccer club has requested the use of the Town Park fields for their practices. Supervisor Davis explained that the club has also been using other communities' fields. He feels that the Town should not charge them a fee this year, see if any damage was done to the fields and re-evaluate the need for charging based on the conditions of the fields at the end of their use. Chairman Kwiatkowski added that Highway Superintendent Betts does not have to set up the fields for them. They intend to set them up themselves and bring their own equipment. It was the consensus of the Board to let them use the fields this year, at no charge.

Hagen Wedding Reception – A motion was made by Supervisor Rasmussen, seconded by Supervisor West to allow the consumption of fermented malt beverages at their wedding reception to be held on June 18, 2016 from 11:00 a.m. to 11:00 p.m. Upon voice vote, motion carried.

Energy Saving System – Chairman Kwiatkowski explained that since this maintenance agreement was an approved, budgeted item, no action needed to be taken.

Appointment of Election Inspector – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to appoint Peter Gottgetren as an Election Inspector, term to expire December, 2015, with the required training. Upon voice vote, motion carried.

Report on Recent Village Board Meetings – Supervisor Davis reported that the Village Board met last Thursday. Trustee Salmella chaired the meeting due to the illness of President Spurrell. There were over thirty (30) people in attendance. Supervisor Davis reported that concerns were raised over the 400 block of Main Street. He stated that the noise ordinance was still in progress. Residents raised questions with the proposed chicken ordinance. After almost an hour of discussion, the Village Board voted on the proposed ordinance and the chicken ordinance failed. Supervisor Davis reported that there also was discussion in regards to the land across the street from the Municipal Building and the possible library expansion.

Lake Management District – Supervisor Malek reported that the Lake Management District Meeting will be held next Tuesday. Lake Management District Chairman Day stated that the Lake Management District will be held immediately following the Town's Annual Meeting. Supervisor Malek reported that the Lulu Lake Coalition held its first meeting on March 19, 2015. Right now the committee has identified the following six (6) topics that need attention: 1) the need to establish what is happening on the lake; 2) the need for a toilet; 3) the need for a shoreline trail system; 4) the need for more signage along the shoreline and the channel; 5) the need to provide education for all ages; and 6) the need for watching/policing volunteers. Supervisor Malek stated that the next Lulu Lake Coalition Meeting will be held tomorrow night at the Town of Troy.

In response to Supervisor Rasmussen's question regarding the dredging of Jack's Bay, Lake Management District Chairman Day explained that the Lake Management District was instructed that

they need to apply for the more restrictive permit. He also heard that the permit application is likely to be denied. They may have to look for other options. In response to Supervisor Rasmussen, Lake Management District Chairman Day stated that they stock fish in /Eagle Spring Lake. He thinks that Lulu Lake does not.

Garbage & Recycling – Supervisor Rasmussen reported that the Town will be holding a Yard Waste Drop-Off on Saturday, April 25 from 8:00 a.m. to 11:00 a.m. at the Town Park. Supervisor Rasmussen reported that the annual report has been filed with the state. The Town should be receiving their grant money sometime this summer.

Road Report – Supervisor West reported that the Notice of Award for the Piper Road Project was given to Payne & Dolan. The electric company anticipates that their part of the project should be completed by the end of June. The repaving should begin sometime later this summer.

Chairman's Report – Chairman Kwiatkowski reported that a litigation case has concluded and the Town was awarded \$98,000. A judgement was rendered in another case and the Town was awarded approximately \$64,000. Chairman Kwiatkowski reported that the DNR made contact with Highway Superintendent Betts regarding their piece of property on South Shore Drive in Eagle. The DNR is proposing turning their property into a parking lot for people who want to launch canoes and kayaks. The DNR was asked to contact Lake Management District Chairman Day for his concerns. Chairman Kwiatkowski voiced his concern that will have a negative effect on the residents who live there. A parking issue could create havoc, notwithstanding the increase of traffic. The Town will end up having to deal with the backlash. Chairman Kwiatkowski asked that everyone pay attention to the legal notices for the public hearing notice. Lake Management District Chairman Day stated his opinion that the current boat launch is adequate. In addition, if the area is zoned residential, then the zoning change would have to be approved by Waukesha County.

Public Comment – Nick Wambach, W344 S10609 Island View Lane raised the issue of emergency vehicles that may need to navigate South Shore Drive.

Wally Eckhart, S107 W36780 Annice Lane explained that he is concerned about the dilapidated buildings on the Shearer Road property at Saddle Ridge. People have been removing the boards on the barn and the door is off. The building is vacant and it could be a public hazard. Chairman Kwiatkowski explained that this issue has been brought to the Town's attention. The first part of the process is to have the Town Building Inspector tag it. Chairman Kwiatkowski explained that prior to the bankruptcy, Saddle Ridge intended to do the asbestos abatement and then intended to contact the Eagle Fire Department to burn it down. Since then, the Town was unable to enforce the agreement because the property was in the bankruptcy process.

Steve Muth, S105 W37110 Estates Drive explained that the bank owns the property now and the lots are for sale really cheap. Mr. Muth raised concern over the restrictions placed on this subdivision and whether or not they are enforceable. In particular, Mr. Muth had concern over the minimum square footage for these new homes.

There being no further business on the agenda, a motion was made by Supervisor Malek, seconded by Supervisor West to adjourn at 8:34 P.M. Upon voice vote, motion carried.

Lynn M. Pepper
Eagle Town Clerk