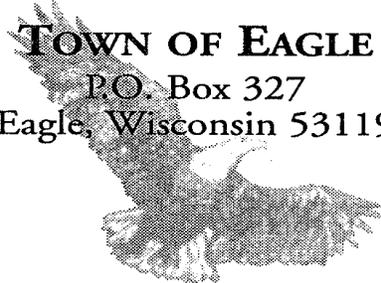


TOWN OF EAGLE
P.O. Box 327
Eagle, Wisconsin 53119



TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
August 19, 2015
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 Treasurer Pasterski, Acting Chief Hein, Deputy Chief Wilton, Library Director Chase and Recreation Director Blonien.

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

Minutes- Motion by Supervisor Rasmussen, seconded by Supervisor West approve the Regular Town Board Meeting minutes of July 15, 2015. Upon voice vote, motion carried with Supervisor Malek abstaining. A motion was made by Supervisor West, seconded by Supervisor Davis to approve the minutes of the August 10, 2015 Special Meeting of the Town Board, as amended. Upon voice vote, motion carried with Supervisors Malek and Rasmussen abstaining.

Clerk's Report- Chairman Kwiatkowski presented the Accounts Receivable Summary Report and the Budget Report. The Town is at 31.9% of the projected expenses. In response to Supervisor Malek, Chairman Kwiatkowski stated that the open deputy clerk position was re-advertised. To date there are no applicants.

Treasurer's Report- Treasurer Pasterski presented the July, 2015 report. Savings balance as of 7-31-15 was \$186,039.15. Total cash was \$353,379.50. In response to Supervisor Rasmussen, Treasurer Pasterski explained that monies received from the Joint Municipal Court go into the Fines and Judgements account. A motion was made by Supervisor Malek, seconded by Supervisor West to approve the Treasurer's Report. Upon voice vote, motion carried.

Claims- Claims totaling \$80,387.51 were reviewed. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the payment of claims. Upon voice vote, motion carried.

Recreation Department – Director Blonien reported that the Recreation Committee will be meeting in September. She and Supervisor Davis have been reviewing the budget numbers. They believe that the department should break even this year. Director Blonien reported that they have two (2) flag football teams this year. The department did have to refund between twenty (20) and twenty-five (25) kids for soccer. Supervisor Davis added that the cancellation was due to Mukwonago not having enough kids for a team. In response to Chairman Kwiatkowski, Director Blonien stated that the Kettle Moraine

Days booth profited \$200.00. Lastly, Director Blonien stated that she is hoping to add an additional after-school class this year.

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

Park Pavilion Roof Repair – Chairman Kwiatkowski explained that the park pavilion roof has had some damage from recent storms. Apparently the ridge vent has been losing some of the caps because the nails aren't long enough and are lifting up and bowing. In response to Supervisor Davis, Chairman Kwiatkowski stated that the contract he signs will be only for the \$1,195.00, as presented.

A motion was made by Supervisor West, seconded by Supervisor Malek to contract with Waukesha Roofing for the park pavilion roof repair, not to exceed \$1,195.00. Upon voice vote, motion carried.

Sheriff's Report – No Report.

Library – Library Director Chase reported that since Jefferson County joined the library system, the new name for the library system is Bridges Library System. Director Chase reported that the library will be having new furnaces and new air conditioners installed and apologized for any noise disturbances. Director Chase stated that the Summer Reading Program is almost complete.

Resolution 15-05, a Resolution to Certify that the Town Shall Provide for and Allow the Library to Expend No Less than the County Rate in the Prior Year – Library Director Chase explained that two (2) things must happen in order to claim exemption from the special levy. First, the Library Board must certify that the library meets or exceeds the standards, which the Library Board has already done. The second is that the municipalities must expend an amount equal to or greater than the mill rate or an amount not less than the average of the previous three (3) years. Supervisor West added that historically, the Town has funded by the mill rate because it is the most economical.

A motion was made by Supervisor West, seconded by Supervisor Malek to approve Resolution 15-05, a Resolution to Certify that the Town Shall Provide for and Allow the Library to Expend No Less than the County Rate in the Prior Year, by the mill rate. Upon voice vote, motion carried.

Fire Department/Fire Commission/Municipal Building – Supervisor Rasmussen reported that of the forty-four (44) total calls for service in the month of July, thirty-three (33) were EMS; nine (9) were fire, two (2) were fire/EMS. Thirteen (13) of those calls were mutual aid; ten (10) of which were for Palmyra.

Discussion took place regarding the number of mutual aid calls for Palmyra. Chairman Kwiatkowski explained that Village of Eagle President Spurrell attended at Palmyra Village Board Meeting and explained to them how their mutual aid requests are impacting the Eagle Fire Department. Acting Chief Hein explained that the Village of Palmyra Board was made aware of their situation by their Fire Chief however they didn't realize how bad their situation really is. Chairman Kwiatkowski stated that the Palmyra Administrator of Fire & Police/Full-time Emergency Medical Technician attended their last Fire Commission Meeting. Chairman Kwiatkowski stated that he told him that Palmyra needs to come up with a plan and present it to Eagle Fire Department at next month's meeting. He told him that the Eagle taxpayers are currently funding their calls, our equipment is getting more wear and tear and our firefighters are getting burnt out. Chairman Kwiatkowski reported that firefighter Dave Rockteacher reported to the Fire Commission that it takes them anywhere between fourteen (14) and eighteen (18) minutes to respond to a Palmyra Mutual Aid call.

Garbage & Recycling – Supervisor Rasmussen explained that the Town received a proposal from Waukesha County Recycling for their recycling program. The estimated dividend, based off of 2014 Town statistics is \$15,580.61. Supervisor Rasmussen explained that if the Town were to sign on with Waukesha County for recycling, the Town would still have to pay John's Disposal to haul it away. In addition, the contract term for Waukesha County Recycling is ten (10) years. Supervisor Rasmussen explained that Option 5 from John's Disposal would be the best option for the Town of Eagle. John's would take the money from the recyclables to offset the Town's costs.

In response to Supervisor Malek, Supervisor Rasmussen stated that Option 4 from John's Disposal requires the large totes with bi-weekly pick-up only. Supervisor Rasmussen explained that if the Town were to contract with Waukesha County Recycling, the Town would have to go with Option 2 from John's Disposal, which hauls the recycling materials to the Materials Processing Facility in Milwaukee. If the Town were to contract with Waukesha County, the Town would end up losing close to \$450.00 annually. Supervisor Rasmussen stated that his recommendation would be to contract with John's Disposal for Option 5.

Brian Johgetjes, President of John's Disposal stated that fuel costs have gone down. The Town's current costs are \$16.40 per household. The new rate for Option 5 is \$15.85. In response to Supervisor Davis, John's Disposal will continue to offer the two (2) yard waste drop off events. Discussion followed regarding the Consumer Price Index and how it affects costs.

A motion was made by Supervisor Malek, seconded by Supervisor Davis to sign the five (5) year contract for Option 5, manual garbage and recycling with John's Disposal. Upon voice vote, motion carried.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen deny the proposal from Waukesha County Recycling. Upon voice vote, motion carried.

In response to Supervisor Malek, Brian Johgetjes, President of John's Disposal stated that they have been issuing notices to residents that they no longer take electronics but it doesn't seem to be working. They will be looking into notification stickers instead. In response to Supervisor West, Brian Johgetjes, President of John's Disposal stated that if a resident is in need of a new yellow recycle bin, they should contact John's Disposal directly.

Proposed Fire Department Consolidation –Supervisor Davis reported that Village President Spurrell gave an update at their Village Board Meeting. He explained to the residents that the Eagle Fire Department Membership took a second vote. The second vote came out with a different result than the first. Village President Spurrell added that the Fire Commission tabled any further consolidation. Chairman Kwiatkowski stated that a second vote was called to the membership however the Fire Commission was unaware that this was going to happen. Acting Chief Hein explained that Village President Spurrell approached him about him coming to speak at their officer's meeting where he asked if the membership would take another vote. Acting Chief Hein explained that they did vote for a second time, and the results were different than last. Supervisor Davis stated that Village President Spurrell contacted him on the evening of the meeting with the understanding that the Village President Spurrell was going to talk to the officers to see if they were in support of continuing the consolidation talks. Supervisor Rasmussen added that he sits on the Fire Commission and understood that the tabling of this item was simply to end the discussion for that night.

Chairman Kwiatkowski explained that he has several concerns. One concern is that a vote of the

membership was already taken and none of our Board Members were made aware that there was going to be a second vote. Chairman Kwiatkowski stated that at the onset, he has voiced his opinion that this process should not move forward until Eagle Fire Department has a Fire Chief in place because from an operational standpoint, how do any of us really know what is needed to run a Fire Department. In regards to how this proposed consolidation would be handled financially, apparently three (3) funding scenarios were presented to the Consolidation Committee however only one (1) was presented to the boards. Chairman Kwiatkowski stated that the Town Board receives copies of everything so they are kept informed. Chairman Kwiatkowski explained that another concern is in regards to Wisconsin Retirement. He stated that he asked the Town Clerk to investigate what would happen if North Prairie Fire consolidates with Eagle. The bottom line is that if North Prairie decides to not join WRS, Eagle's current WRS participants will only be receiving retirement benefits on the Town of Eagle's and the Village of Eagle's percentage. As it currently sits, those eligible employees are receiving benefits on 100% of their wages because both the Town and the Village of Eagle are WRS participants. Another thing to consider is if the merger moves forward and North Prairie does not participate in WRS, wages for North Prairie WRS eligible firefighters would become reportable wages for the Town of Eagle and the Village of Eagle's percentages. Chairman Kwiatkowski stated that Village President Spurrell is also aware of these findings and has indicated that if North Prairie does not join, consolidation talks will cease. Chairman Kwiatkowski suggested simply asking the North Prairie Village Board where they stand on WRS before any further discussions take place. Discussion followed regarding Fire Districts versus Fire Commissions.

Chairman Kwiatkowski stated that he went onto the Village of Dousman's Fire Department website and printed a document that shows how they charge contracted municipalities for services. Chairman Kwiatkowski reported that he spoke with the Chief Financial Officer at the North Shore Fire District. The Chief Financial Officer explained to him that there are seven (7) communities in their district. To derive at their numbers, they took out land values as part of their equalized value and weighted the numbers for commercial buildings, etc. All seven (7) communities agreed. Chairman Kwiatkowski added that she would be willing to help us arrive at our numbers.

Chairman Kwiatkowski reminded the Board that if the Town hadn't joined WRS, the employees would only receive 25% retirement since at that time, only the Village was a WRS member. Joining WRS was the right thing to do to keep these affected employees whole. Supervisor Rasmussen added that the employees at the time of retirement would also be much less.

Acting Chief Hein stated that the downside of not consolidating is that what is currently happening with Palmyra could happen with North Prairie in the next two (2) years.

Supervisor West stated that at the onset, the Village of North Prairie stated that they would have to spend an extra \$132,000 if they had to fund their own fire department. As it stands now, the North Prairie Fire Department only has approximately eighty (80) calls per year. The proposed consolidation contribution for North Prairie is \$80,000. Their cost before Ottawa and Genesee left them was \$250,000. The numbers just don't add up. Supervisor West stated that the Wisconsin Retirement issue needs to be addressed by the Village of North Prairie Board. In regards to the suggestion for postponing the consolidation topic until the Fire Chief is in place, Supervisor West stated that he agrees. The Boards shouldn't be creating a consolidated department and expect the chief to run it their way when the Boards don't know how it needs to be run.

Chairman Kwiatkowski stated that he would like to explore alternate ways of funding the proposed department. Chairman Kwiatkowski stated that he would like to take a look at North Prairie's actual revenues and expenses for 2015. Chairman Kwiatkowski stated that at this point, it is up to the Boards

on whether or not to proceed with discussions. We have to decide on what is best for the community.

Acting Fire Chief Hein explained that from an operational standpoint, it would take very little to merge the two (2) departments. The hard part is figuring out the funding. Acting Chief Hein explained that his concern is that historically, the North Prairie Fire Department's revenues have gone directly into the Village's general fund and no money has been saved for a rainy day. A lot needs to be purchased for both departments. In response to Chairman Kwiatkowski, Acting Chief Hein stated that the Eagle Fire Department has no knowledge of how much training their firefighters have had. Discussion followed regarding the list of potential issues.

Joint Municipal Court – Supervisor Rasmussen explained that if the Town would like to opt out of Joint Municipal Court, the Town would have to give notice by the end of this month or the Town would be committing to another four (4) years. Opting out would mean that citations would run through Waukesha County Circuit Court. The Town would not receive any portion of the forfeiture. In addition, the Town would be responsible for paying the Town Attorney fees. Supervisor Rasmussen stated that on average, the Town issues between eight (8) and twelve (12) tickets per month during the summer months. Supervisor Rasmussen explained that court costs are now being based on the percentage of use. The Town of Eagle is at 1 ½% usage. Supervisor Rasmussen explained that the Town is now receiving checks from the Joint Municipal Court every month, after our share of the court costs. Supervisor Rasmussen added that Treasurer Pasterski had told him that the Town received a check in the amount of \$190.00.

A motion was made by Supervisor Rasmussen, seconded by Supervisor West to stay with the Joint Municipal Court. Upon voice vote, motion carried.

Municipal Court Documents Attorney Review – Chairman Kwiatkowski explained that Attorney John Macy represents all of the Joint Municipal Court municipalities, with the exception of the Village of Eagle. The Village of Eagle does not have legal representation. Attorney Macy saw the proposed municipal court documents, drafted by the Village of Eagle President and suggested that the documents be reviewed to be sure they are written per state statutes.

A motion was made by Supervisor West, seconded by Supervisor Rasmussen to pay the Town's portion of the review costs, provided the other affected municipalities agrees to the cost share. Upon voice vote, motion carried.

Ordinance 15-06, to Allow the Town of Vernon to Join the Joint Municipal Court – Supervisor Rasmussen stated that the proposed ordinance creates a Joint Municipal Court, with the inclusion of the Town of Vernon.

A motion was made by Supervisor West, seconded by Chairman Kwiatkowski to table this item. Upon voice vote, motion carried.

Joint Municipal Court Operation Agreement – Chairman Kwiatkowski stated that the municipalities that are currently a part of the Joint Municipal Court, must each individually decide if they want to allow the Town of Vernon to join our court system.

Supervisor Rasmussen explained that he spoke with North Prairie Village Clerk Rhoda Bagley who has stated to him that from July 14, 2014 through July 15, 2015, the Town of Vernon has only issued two (2) citations.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to allow the Town of Vernon to join the Joint Municipal Clerk, subject to Attorney review. Upon voice vote, motion carried.

Addition of Municipal Court Dates – Supervisor Rasmussen stated that due to court volume, Joint Municipal Court Judge Powers is requesting an additional court date be added to the calendar.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the increase in monthly court dates. Upon voice vote, motion carried.

Susan Hunt – Appointment to the Zoning Board of Appeals – Chairman Kwiatkowski explained that Zoning Board of Appeals Member Rick Harthun resigned his position.

A motion was made by Supervisor Davis, seconded by Supervisor West to appoint Susan Hunt to the Zoning Board of Appeals. Upon voice vote, motion carried.

Resolution 15-06, a Resolution to Borrow Funds for the 2015 Road Program – Chairman Kwiatkowski explained that the first loan was cancelled because the deadline for disbursement had passed. At the last meeting, Treasurer Pasterski informed the Board of the cash flow issue. Chairman Kwiatkowski read proposed Resolution 15-06 into the record.

A motion was made by Supervisor Davis, seconded by Supervisor Malek to adopt Resolution 15-06, a Resolution to Borrow Funds in the Amount of \$200,000 for the 2015 Road Program. Upon voice vote, motion carried.

Report on Recent Village Board Meetings – Supervisor Davis reported that the Village Board met last Thursday, August 13, 2015. Supervisor Davis reported that the Village reviewed their claims and their budget. They are currently over budget in the attorney category. Chairman Kwiatkowski explained that the Village has been talking to their personnel attorney at the rate of \$200.00 per hour regarding the issues with the Police Chief. Supervisor Davis reported that the Village launched their new website. Supervisor Davis reported that the public comment portion took up one (1) hour of their two (2) hour meeting. Supervisor Davis reported that the noise ordinance, as well as the topic of chickens was discussed at the meeting. Police Chief Ehlers gave his farewell retirement speech. Supervisor Davis reported that Bielinski Homes presented a conceptual plan for a sixty (60) unit senior housing development and asked the Village of forgo any impact fees. President Spurrell informed Bielinski that the Village does not want to commit to waiving the impact fees until they know how much they are. Supervisor Davis added that there was some public opposition to the senior housing proposal. Supervisor Davis reported that the Village Board unanimously decided to move forward by obtaining a proposal from Waukesha County Sheriff's Department for police services.

Lake Management District – Supervisor Malek reported that Lake Patrol Sergeant Dennis Nork will be retiring at the end of the boating season. Sergeant Nork has been with the Town of Eagle Lake Patrol for the past sixteen (16) years and has done a great job. Sergeant Nork cited spending time with his grandkids and needing more free weekends as his reason for retiring. Supervisor Malek reported that Sergeant Nork has recommended Eric Schmidt as his replacement. Officer Schmidt currently patrols lakes for the Town of Troy and the Town of Norway. Officer Schmidt's full-time position is as a Sergeant for the Town of Mukwonago Police Department. Sergeant Schmidt also patrols Phantom Lake. Supervisor Malek stated that he would like to proceed with appointing Sergeant Nork's replacement. Chairman Kwiatkowski suggested having another conversation with Town of Troy regarding revisiting possible consolidation. Supervisor Malek responded that the Town of Troy Sergeant that the Town spoke with no longer works for the Town of Troy. Supervisor Malek requested

that appointing Sergeant Nork's replacement be placed on the next Town Board agenda.

Supervisor Malek distributed the Lake Patrol report.

Supervisor Malek reported that the Lake Management District held their monthly meeting last night. The carp count is currently at one-hundred twenty-nine (129). Supervisor Malek reported that the Lake Management District conducted a survey in relation to the new reverse motor ordinance. At the north end of the channel, thirty-six (36) of the thirty-nine (39) watercraft, or 92.3% reversed their motor. At the south end, thirty-eight (38) of the fifty-one (51) watercraft, or 75% reversed their motor.

Supervisor Malek reported that forty (40) lake residents attended their Annual Meeting earlier this month.

Discussion ensued regarding the parking issues at Eagle Springs Pub. Chairman Kwiatkowski explained that he had a conversation with the owner and advised her that, while he understands her dilemma, the Town has no authority over private property.

Supervisor Malek reported that the Department of Natural Resources (DNR) has distributed their draft plan for a proposed canoe/kayak launch on South Shore Drive. A public meeting has been scheduled on August 31, 2015, for the DNR to take public comment on the proposed plan. Supervisor Malek stated that the Town should take a stance on whether or not we are for or against the plan. Safety issues need to be addressed. Chairman Kwiatkowski stated that the Town will post a Quorum Notice in the event that a quorum of the Board attends the public meeting. Chairman Kwiatkowski added that this topic will be added to the Town Board Only portion of the September 1, 2015 Planning & Zoning/Town Board agenda for possible action. Chairman Kwiatkowski went on to explain that his issue is the parking issue that this launch will cause and expressed his concern over the phone with a gentlemen from the Department of Natural Resources.

Road Report – Supervisor West reported that the Piper Road Project started a week ago Monday. The first lift is installed. Piper Road has historically had a few hill and site view issues. Luckily there has been rain which allowed them to observe the path the rainwater takes. The second lift will be installed shortly.

Chairman's Report – Chairman Kwiatkowski presented the July Permit Report from Independent Inspections.

Public Comment – None.

There being no further business on the agenda, a motion was made by Supervisor West, seconded by Supervisor Rasmussen to adjourn at 9:00 P.M. Upon voice vote, motion carried.

Lynn M. Pepper
Eagle Town Clerk