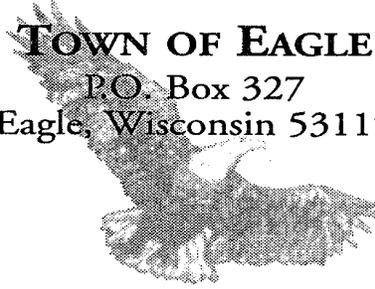


TOWN OF EAGLE
P.O. Box 327
Eagle, Wisconsin 53119



TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
July 20, 2016
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, and Library Director Chase. Acting/Assistant Chief Hein arrived at 7:26 p.m.

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 to approve the Regular Town Board Meeting Minutes of June 15, 2016. Upon voice vote, motion carried.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report and the Budget Report.

Treasurer's Report- Treasurer Pasterski presented the June, 2016 report. Savings balance as of 5-31-16 was \$317,979.47. Total cash was \$652,780.15. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the Treasurer's Report, as amended. Upon voice vote, motion carried.

Treasurer Pasterski stated that a question was raised at the last meeting regarding the cemetery budget. Treasurer Pasterski explained that the Town cemetery is non-profit. The budgeted amount this year for expenses and for income is \$2,000 each. There is no definitive way to determine what we are going to receive or expend. In 2008, the Town had no income but the expenses added up to \$500. In 2010, income was \$1,692 and expenses were \$2,017. So far this year, there have been five (5) burials, three (3) of which were cremations, and two (2) of which were caskets. The Cemetery Sexton has had one (1) sale this year for \$300. The Town was billed \$940 for the five (5) burials. The Town billed out \$840. In addition to the burials, three (3) graves have been marked for monuments.

Borrow Money from the Board of Commissioners of Public Lands – Treasurer Pasterski explained that the Town Board budgeted to borrow \$200,000 for the South Shore Drive Project. The actual cost will be almost \$300,000. In addition, the Town is also involved in the Town of Mukwonago's Red Brae Drive Project for the fourteen (14) homes in the Town's share of the road in the amount of \$60,000. Treasurer Pasterski explained that he recommends borrowing \$260,000 rather than the \$200,000 that

was previously approved.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to increase the requested loan amount to \$260,000. Upon voice vote, motion carried.

Claims- Claims totaling \$149,170.34 were reviewed. In response to Supervisor Malek, Treasurer Pasterski explained that the hydrant fee from the village is for the Town garage. The mileage and fuel reimbursement for the Lake Patrol has been that way since its inception. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the payment of claims. Upon voice vote, motion carried.

Recreation Department – Supervisor Davis reported that two (2) people have expressed interest in the Recreation Director position. Supervisor Davis explained that the committee is working on a plan to be able to service the needs of the community. Supervisor Davis reported that the U14 Boys Baseball team went undefeated and took first place in the league. In regards to soccer registration, only twelve (12) children are registered to date, but keep in mind that they are not all in the same age group. Due to the low enrollment numbers, Interim Recreation Director Blonien has extended registration to July 29th. Supervisor Davis reported that the Recreation Committee will meet again on August 9th.

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

Sheriff's Report – No report.

Acting/Assistant Fire Chief Hein arrived.

Library – Library Director Chase reported that the library was featured on CBS Channel 58 for their Adult Coloring Program. The program started in January and is held twice a month. One program runs from 10:00 to noon. The second runs in the evening from 5:00 p.m. to 7:00 p.m. The news feature has already has 1,992 views.

Director Chase distributed to the Board a brochure for their upcoming program called “Exercise Your Mind in Eagle”, which will be held on Saturday, July 23rd. Participants will be able to tour three (3) special places in Eagle. Those places are the Eagle Historical Society, the Alice Baker Memorial Library, and the Eagle Nature Trail.

Director Chase reported that she will be attending and promoting library services at the Jefferson County Fair Thursday and Friday nights.

Director Chase reported that the summer reading program is coming to a close and the library is gearing up for their fall programs.

Supervisor Malek stated that he stopped in on Wednesday last week and saw a lot of cars in the parking lot. He originally thought there must be a meeting taking place in the building. As it turns out, everyone was here for a library program. Director Chase added that the library runs one (1) or two (2) programs on a weekly basis.

Director Chase also reported that she was contacted by Waukesha County regarding being a cooling station due to the extreme heat. Director Chase stated that she informed Waukesha County that the building can be used as a cooling station during regular business hours.

Resident Tom Day Discussion on the Proposed Library Expansion – Resident Tom Day reported that he attended the Village Board Meeting last week to discuss the process for a proposed library expansion. Mr. Day explained that the Village Board failed to take any action to which he was very frustrated. Following the meeting, he approached Village President Spurrell and asked if he would consider meeting with Library Board President Pinekenstein. Resident Tom Day added that Library Board President Pinekenstein would like the Town Chairman to attend as well. Resident Tom Day explained that the village is struggling with the potential impact on village residents. The average projected cost to Town residents is approximately \$35.00 yearly; the impact to village residents is \$110.00 yearly. Resident Tom Day stated that he feels that the residents should be able to make a choice by way of a referendum rather than the Village Board shooting it down by not allowing it to go to referendum. Resident Tom Day requested that the Town Board take action on proceeding with the process by way of a fall or spring referendum. Resident Tom Day reiterated that he is not present tonight on behalf of the library rather on behalf of the residents by letting them choose.

Chairman Kwiatkowski explained that the Town supporting the process for a referendum does not do any good unless the Village is also on board with proceeding to referendum.

Discussion ensued regarding the atmosphere of the Village Board Meeting. Supervisor Davis stated that a few Village Board Trustees were worried about the library plan and the cost of the plan. A statement was made at the meeting that “a referendum is just asking the residents to do the Board’s job.” Supervisor Davis reported that there were citizen comments from both Town and Village stating that they are disappointed in the lack of action. The Village Board took no action and is expecting the Library Board to come up with a better solution. Resident Tom Day explained that if action isn’t taken soon, it will be too late for a November referendum. Supervisor Davis expressed his opinion that a November referendum will draw voters out that may not understand what they are voting for. A spring referendum would allow the library time to educate the voters.

Discussion ensued regarding the projected cost of the proposed expansion and letting the voters decide.

Resident Tom Day requested that this topic be added to the September Planning & Zoning Commission/Town Board Meeting agenda.

Fire Department/Fire Commission/Municipal Building – Supervisor Rasmussen reported that there were thirty-four (34) total calls for service in June; twenty-one (21) of the calls were ems; eleven (11) were fire; and two (2) were fire/ems. Of those calls, nineteen (19) were Town calls while twelve (12) were for the Village. Three (3) were mutual aid.

Acting/Assistant Chief Hein reported that he was contacted by North Prairie Fire Department stating that their ambulance blew a head gasket and would be out of commission for repair. Acting/Assistant Chief Hein stated that Eagle will be on automatic mutual aid until it is repaired.

Ordinance 16-01, an Ordinance to Reduce the Speed Limits on Certain Roads – Chairman Kwiatkowski explained that the proposed ordinance lowers the speed limit from 45 mph to 35 mph on Town roads that intersect a subdivision.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor West to approve Ordinance 16-01 which lowers the speed limit on Markham Road, Nature Road, Shearer Road, South Road, and Sprague Road. Supervisor Malek stated that, for the record, he opposes lowering the speed limit. Supervisor Malek stated that he heard from a number of residents who were opposed to the idea. Supervisor Malek explained that, in his opinion, this proposed change should have been addressed as a

public hearing. Supervisor Rasmussen stated that he concurs with Supervisor Malek however he did not hear from any constituents. In response to Supervisor Malek, Chairman Kwiatkowski stated that the three (3) letters that were included in the Board packets were all anonymous letters. Supervisor Davis stated that he is in favor of the speed limit reduction. He stated that he was in favor of the the original request to lower the speed limit on Shearer Road, due to increased traffic and increased access points. The Board chose to not address Shearer Road as a stand-alone but rather as a group of roads. Supervisor Davis added that non-motorized citizens need protection too. Chairman Kwiatkowski explained that the Town of Eagle is no longer a totally rural community. Areas that are rural will not see any speed limit changes. In regards to a loss of time due to the reduction, how much time loss is there for a road that is only one (1) mile long? Upon roll call vote, Chairman Kwiatkowski – aye; Supervisor Davis –aye; Supervisor Rasmussen – nay; Supervisor Malek – nay; Supervisor West – aye. Motion carried 3-2.

Property Maintenance – Chairman Kwiatkowski explained that the Property Maintenance Ordinance is an ordinance that applies to all of the properties within the Town of Eagle, including those properties lying within the Waukesha County Shoreland/Floodland Jurisdiction. Chairman Kwiatkowski questioned the Town Board if the current ordinance should be updated to address issues such as outdoor storage, garbage, grass length, and junk.

Supervisor West reported that he took a look at Mukwonago’s and East Troy’s property maintenance regulations. Supervisor West stated that fences are already regulated in the Town. Supervisor West explained that the ordinance should state that buildings should be kept in a manageable state. Roofs should be intact. There should be no broken windows. Junk refrigerators should not be left outside on the property. Supervisor West explained that the ordinance should address abandoned cars, trailers, and unlicensed vehicles. Height of weeds should be addressed as well.

Supervisor Malek reported that he reviewed residential property maintenance regulations of seven (7) nearby municipalities. Supervisor Malek compiled a list of things he felt should be addressed in the ordinance. Some of which are fire signs, trailers, firewood, grass length, maintenance, retaining walls, litter, number of licensed vehicles, and more.

Supervisor Rasmussen stated that a lot of these suggestions are already covered in the zoning code. Supervisor Rasmussen stated that Section 4, D. is too restrictive which states that a motor vehicle not registered to the owner or occupant of the property at that address shall not exceed three (3) days. Supervisor Rasmussen stated that in his opinion it should read thirty (30) days. In regards to Section 4, A, trailers should be excluded.

Supervisor Davis stated that he felt that the property owner should be responsible for property maintenance violations, not the occupant. Supervisor Davis stated that vacant properties should have to abide by the same rules. Supervisor Davis suggested that language be included to state that it is unlawful to sell, lease, or rent the property until compliance is met or proof that the party is taking full responsibility.

Acting/Assistant Fire Chief Hein suggested that language be added that addressed driveway clearance of twelve (12) feet wide and fifteen (15) feet high for emergency vehicles. Chairman Kwiatkowski added that people should be responsible for repairs if the engine or ambulance gets damaged.

Chairman Kwiatkowski stated that storage of recreational vehicles, number of any kind of trailers, house condition, landscaping maintenance, and dumpsters are topics that should be addressed. Chairman Kwiatkowski stated that property maintenance regulations are put in place to not affect

neighboring properties and to not deteriorate the value of those neighboring properties.

Operator's Licenses – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to approve the Operator's License requests of Amber Agen, Carrie Jacobsen, Stacy Kreuziger, and Amy Muth. Upon voice vote, motion carried.

Proposed Resolution 16-03 – Chairman Kwiatkowski explained that Governor Walker does not want to raise taxes in order to fix roadways. Chairman Kwiatkowski stated that the Wisconsin Town's Association is asking Towns in Wisconsin to adopt this resolution, urging the state legislature to "Just Fix It." Supervisor Davis explained that the way he reads the language in the proposed resolution, he thinks that it essentially says to raise taxes. Discussion followed.

A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to deny proposed Resolution 16-03. Upon voice vote, motion carried.

Report on Recent Village Board Meetings – Supervisor Davis reported that the Village Board met on Thursday, July 14, 2016. Supervisor Davis stated that Town Resident Tom Day approached the Village Board about the library expansion process just as he approached the Town Board tonight. Supervisor Davis reported that a citizen raised the topic of chickens and goats. Village President Spurrell informed them that the proposed ordinance to allow chickens did not pass however there is no ordinance that states that they cannot have them. Supervisor Davis reported that the Eagle Horseshoe League donated lights for the Village Park. Supervisor Davis reported that a Village resident who lives along the pathway that runs from the Fox Chase Subdivision to the Town Park became overly frustrated at people letting their dogs relieve themselves on his property. So much so that he tore up a small section of the pathway. The Village Board decided to not cite him however he will have to pay the costs for the repair.

Lake Management District – Supervisor Malek reported that the Lake Management District met last night. Supervisor Malek reported that there were fifty-two (52) hours of patrol; forty-four (44) of which were on the water; eight (8) were administrative. There were twenty-three (23) boat stops since the last report. Supervisor Malek reported that the Town of Eagle Lake Patrol has been patrolling with the current boat for five (5) seasons now and was previously operated by the Town of Troy for seven (7) seasons prior to that. The Lake Patrol is requesting a new Lake Patrol boat for next year. Supervisor Malek added that the Department of Natural Resources (DNR) reimburses at the rate of approximately seventy percent (70%) of its reimbursable expenses. Supervisor Malek asked that this topic be added to the next Town Board agenda.

Lake Management District Chairman Day reported that the Lake Management newsletter has been mailed. Lake Management District Chairman Day reported that no more tagged carp have been caught. The current carp count is at one-hundred fifty seven (157). Lake Management District Chairman Day reported that people have been expressing that they are dissatisfied with the fireworks this year. Lake Management District Chairman Day reported that the drought conditions and high temperatures are causing water level issues. The Eagle Spring Lake Management District is required to let out a significant amount of water and is not permitted to cut back the flow because it goes into the Mukwonago River. Lake Management District Chairman Day reported that the lake is having some algae issues, possibly due to phosphorus from dead plants. Dam Operator Pete Jensen will try to figure out exactly what kind of algae it is.

Garbage & Recycling – Chairman Kwiatkowski asked Supervisor Rasmussen to contact John's Disposal to see if they are tagging televisions informing residents that, by state law, they can no longer

pick them up. Supervisor Malek added that there was a television at the end of Betts Road. It was sitting out there so long that the owner started dismantling it.

Road Report –Supervisor West reported that the Red Brae Drive road project is almost complete. The shouldering of the road will be completed this fall. Supervisor West reported that he has heard that a couple of people are not satisfied with their driveway entrances. In regards to Piper Road, Supervisor West reported that he is still waiting for the pricing on the run-off area. In regards to the South Shore Drive Project, tree trimming and ditching has begun.

Chairman's Report – Chairman Kwiatkowski reported that in regards to the Victor Non-Compliance issue at W369 S10410 Shearer Road, Ms. Victor has hired an attorney, who has been having discussions with the Town Attorney. In regards to the Miller case on STH 67 and Betts Road, Mr. Miller has paid his first installment.

Public Comment – Steve Muth, S105 W37110 Estates Drive commented that he listened to Supervisor Malek state his opinion on property maintenance and a certain number of allowable cars. Mr. Muth explained that he has six (6) classic cars himself. Mr. Muth suggested that the Town Board consider lots sizes and older subdivisions as they update and revise the property maintenance ordinance. As far as lawn maintenance, Mr. Muth suggested that thistles, and possible other noxious weeds be addressed.

Tom Day, W350 S10115 Highview Road explained that he intends to raise the question regarding Smart Growth at the proposed Land Division Ordinance Public Hearing to be held on August 1, 2016. Mr. Day stated that Smart Growth is separate and relates to zoning; Land Division relates to a developer dividing a subdivision.

John Mann, W349 S10110 Bittersweet Court commented that Lake Patrol claims are reported once a year at the annual audit. After all of the statewide audits have been completed, the Department of Natural Resources (DNR) reimburses the Town a percentage of the year's claims. Mr. Mann questioned if regulations such as outside lighting would be addressed and would it affect lake properties. Chairman Kwiatkowski stated that the Town Board intends to have ordinances that blanket the entire Town uniformly.

There being no further business on the agenda, a motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to adjourn at 8:55 P.M. Upon voice vote, motion carried.

Lynn M. Pepper
Eagle Town Clerk