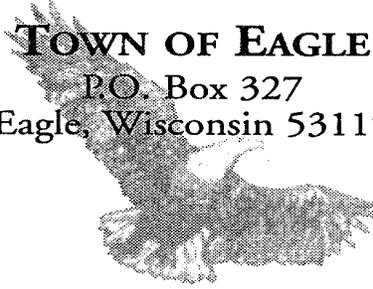


TOWN OF EAGLE
P.O. Box 327
Eagle, Wisconsin 53119



TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
August 17, 2016
UNAPPROVED 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, Library Director Chase, Acting/Assistant Chief Hein, and Lake Patrol Sergeant Schmidt.

Agenda – A motion was made by Supervisor Malek, seconded by Supervisor Davis to move Lake Management District to immediately follow the Treasurer’s Report and to approve the agenda as amended. Upon voice vote, motion carried.

Public Comment – Chairman Kwiatkowski explained that he decided to move the public comment section to the beginning of the agenda to give people the opportunity to speak beforehand. Limited discussion may take place and no decisions will be made.

Minutes- Motion by Supervisor Davis, seconded by Supervisor Malek to approve the Regular Town Board Meeting Minutes of July 20, 2016. Upon voice vote, motion carried.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report and the Budget Report. Chairman Kwiatkowski stated that collection of Chapes’ outstanding fees will be a line item at the next Town Board meeting. Chairman Kwiatkowski explained that when viewing the budget report, realize that what is being shown is an expense statement and that you are not seeing the offset. So while it appears some areas are over budget, it hasn’t taken into account what has been collected.

Treasurer's Report- Treasurer Pasterski presented the June, 2016 report. Savings balance as of 6-30-16 was \$371,979.47. Total cash was \$540,709.31. A motion was made by Supervisor Malek, seconded by Supervisor Davis to approve the Treasurer’s Report. Upon voice vote, motion carried.

Resolution 16-03, a Resolution to Borrow Funds for the 2016 Road Program – Chairman Kwiatkowski explained that the Town Board agreed to move forward with the loan application for the 2016 Road Program for South Shore Drive. Treasurer Pasterski explained that the Town will be requesting the disbursement of the funds sometime in October. The loan payments will begin in 2018.

Supervisor Davis read proposed Resolution 16-03 into the record. A motion was made by Supervisor Davis, seconded by Supervisor Malek to adopt Resolution 16-03, a Resolution to Borrow Funds in the Amount of \$260,000 for the 2016 Road Program. Upon voice vote, motion carried.

Lake Management District – Supervisor Malek reported that the Lake Management District met last night. Sergeant Schmidt reported that there were thirty hours of patrolling and sixteen (16) boat stops since the last report. Sergeant Schmidt reported that the amount of administrative hours is high due to an ongoing training process of the officers. In the past, Sergeant Nork took on all of the paperwork himself. Sergeant Schmidt reported on some of the complaints that the Lake Patrol has received as well as ordinance concerns.

Lake Management District Chairman Day reported that twenty-seven (27) residents attended the Eagle Spring Lake Management District Annual Meeting on Saturday, August 6, 2016. During the one and one-half (1 ½) hour meeting, the district approved their budget and approved their tax levy. Lake Management District Chairman Day reported that the district received a request to remove a buoy, which would cost a significant amount of money. The district did not approve the request.

Supervisor Malek reported that the Town of Eagle Lake Patrol has been patrolling with the current boat for five (5) seasons now. Prior to that, the boat was operated by the Town of Troy for seven (7) seasons. Sergeant Schmidt explained that the Lake Patrol is requesting a new Lake Patrol boat for next year. Supervisor Malek explained that the Department of Natural Resources (DNR) reimburses at the rate of approximately seventy percent (70%) of its reimbursable expenses. Sergeant Schmidt added that the DNR allows for the purchase of a new boat every five (5) years. Sergeant Schmidt explained that a resident in the Town of Mukwonago is a former executive of Yamaha. This gentleman was able to get the Town of Mukwonago a trailer package for approximately \$20,000. In response to Chairman Kwiatkowski, Sergeant Schmidt stated that he would recommend an Alumacraft Classic Series 165, with a four (4) stroke, fifty (50) horsepower motor. Supervisor Malek added that Clerk Pepper tabulated the expenses for the boat over the past few years which totaled over \$2,500. He stated that as the boat ages, more issues are anticipated. Discussion followed on investigating both new and used boats, as well as the cost for a new motor.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to have Sergeant Schmidt proceed with researching what was discussed and to report back his findings. Upon voice vote, motion carried. Sergeant Schmidt stated that he will check with DNR Safety Warden to see if a used boat would qualify for DNR reimbursement.

Claims- Claims totaling \$57,200.60 were reviewed. Chairman Kwiatkowski explained that the claim from Lemke Fence is for the replacement of the playground fencing post caps that were recently vandalized. 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 the committee is still in the process of finding a new Recreation Director. Supervisor Davis reported that the Recreation Department will have two (2) fall soccer teams; one (1) pee-wee team and one (1) 3rd – 5th grade team. The Recreation Department was short two (2) kids for the 1st and 2nd grade level. Supervisor Davis reported that some interest has been expressed over holding flag football. Interim Director Blonien opened up registration however there is only one (1) week to sign-up.

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

Sheriff's Report – In response to Chairman Kwiatkowski, Deputy Button stated that the department is aware of the changes made in the speed limits. In response to Supervisor Davis, Deputy Button reported that one (1) squad is traditionally posted in the area with another squad as back-up.

Library – Library Director Chase reported that the library is at 57% for expenses and 73% in revenue. Director Chase reported that, after twenty-one (21) years, the water heater for the library died. She is currently working with a plumber to install a new one. Director Chase reported that the library will be holding a flu shot clinic on Wednesday, September 21 at 10:00 a.m. and on Tuesday, October 4th at 1:30 p.m. Energy Assistance will be here the afternoon of Thursday, October 14th. Library Director Chase reported that a Pulitzer Prize winning artist will be here on Saturday, October 1st at 4:00 p.m.

Resolution 16-03, A Resolution to be Exempt from the Waukesha County Library Levy- Library Director Chase reported that in order for taxpayers in the Town of Eagle to not be double taxed, the certification resolution must be approved by the Town Board. Library Director Chase recommended providing by mill rate. Library Director Chase added that the Village of Eagle passed their resolution last week.

A motion was made by Supervisor Davis, seconded by Supervisor Malek to approve Resolution 16-04, 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. Upon voice vote, motion carried.

Fire Department/Fire Commission/Municipal Building – Supervisor Rasmussen reported that the municipal building and fire department meetings were held last week. Supervisor Rasmussen reported that they approved the resealing and striping of the municipal building parking lot in the amount of \$3,300. He stated he is unsure of when the work will begin. Supervisor Rasmussen reported that there were thirty-two (32) total calls for service in July; twenty-four (24) of the calls were ems; six (6) were fire; and two (2) were fire/ems. Of those calls, fourteen (14) were Town calls while eleven (11) were for the Village. Seven (7) were for mutual aid.

Acting/Assistant Chief Hein reported that the department is sending one (1) person to basic training and four (4) people to advanced training.

Chairman Kwiatkowski reported that the fire department is looking to increase their budget from \$217,035 to approximately \$277,928. The reason for the increase is because they are requesting a new ambulance and the mandatory replacement of breathing apparatus.

Michael LaMar – Request for a Twelve (12) Month Non-Compliance Extension for the Number of Livestock at their Property at W363 S11011 Burr Oak Trail – Michael LaMar explained that he owns two (2) goats. Very recently, his son, a disabled marine, moved in with him, along with his three (3) horses. Mr. LaMar stated that his son does not have employment at this time. Mr. LaMar explained that he is hoping for a twelve (12) month extension to allow his son time to obtain gainful employment and to come into compliance.

Chairman Kwiatkowski explained that this is not the first time that this property owner has been found in non-compliance. The neighbors have complained in both April and August of this year. In regards to the length of the extension request, Chairman Kwiatkowski stated that the Town Board has never granted an extension for the requested amount of time. In response to Chairman Kwiatkowski, Mr. LaMar stated that currently, there are five (5) grazing animals on his property. The rooster is gone. The extension request is for the number of livestock on the property. Chairman Kwiatkowski explained that Mr. LaMar meets the three (3) acre minimum requirement to be able to have livestock on his property. The issue is that two (2) of his livestock need to be removed.

In response to Mr. LaMar stating that the chickens are fenced in on his property, Supervisor Davis stated that the issue was the rooster, not the chickens.

Supervisor Malek stated that the neighbor's needs and concerns need to be taken into consideration. This issue needs to come into compliance. He does not support a twelve (12) month extension.

Supervisor Rasmussen stated that he feels that Mr. LaMar should be granted an extension but twelve (12) months is too long. Supervisor West expressed concern over allowing an extension for a 2nd non-compliance. Where should the Town draw the line? Supervisor West stated that Mr. LaMar has to make a choice on whether to remove the goats or remove the horses. Mr. LaMar responded that the horses belong to his son who has just moved here from Wyoming.

Bob Lynch, W363 S10999 Burr Oak Trail stated that Mr. LaMar does not have a shelter for the horses, only the chickens. In addition to the other violations, Mr. Lynch stated that Mr. LaMar also has four (4) dogs on the property. Chairman Kwiatkowski stated that Mr. LaMar will need to apply for a conditional use in order to have more than two (2) dogs. In response to Chairman Kwiatkowski, Mr. LaMar stated that he has a barn on the property however the horses and the chickens cannot both be sheltered in the barn at the same time.

Discussion ensued regarding what the Town Board felt was a reasonable amount of time in which to give an extension.

A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to give the property owner sixty (60) days from the date of this meeting in order to come into compliance, contingent that the property owner applies for a conditional use for a hobby kennel and contingent that the property owner put up a lean-to structure for the horses. If the property owner fails to come into compliance, the non-compliance will be sent to the Town Attorney for citation. Upon voice vote, motion carried.

Adam and Jennifer Benjamin – Request for a Non-Compliance Extension on the Ordinance Violation of Utilizing their Camper Until Remodel Work is Complete on their Home at S102 W36682 CTH LO – Jennifer Benjamin explained that Building Inspector Montoya conducted a rough inspection. It will be approximately two and one-half (2 ½) weeks until the drywall is completed. Ms. Benjamin asked for more time to come into compliance. In response to Supervisor Malek, Ms. Benjamin explained that they didn't intend to remodel the interior but things such as live wires and galvanized pipes forced their hand. In response to Supervisor Malek, Chairman Kwiatkowski explained that putting up new siding on the exterior of a house does not require a building permit. They will however be paying double permit fees for not having a permit prior to the remodel. In response to Supervisor Malek, Adam Benjamin stated that while they sleep in the camper temporarily, they use the shower and the toilet inside the existing home. Chairman Kwiatkowski suggested that all new residents check the zoning code, particularly the regulations for unenclosed storage.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the request for a non-compliance inspection to September 30, 2016. Upon voice vote, motion carried.

Repeat Zoning Violations – Chairman Kwiatkowski stated that there are continuing violations for the property on Shearer Road. A court injunction has been filed through the Circuit Court. Chairman Kwiatkowski reported that another repeat zoning violation offender is once again displaying a business sign on his property. This gentleman currently owes the Town \$60,000 in fines for the same violation. Chairman Kwiatkowski explained that the Board needs to decide if a policy should be put in place to handle repeat zoning violations. These repeat violations are not fair to the neighbors or to the neighbor's property values. Chairman Kwiatkowski explained that the first step would be to have the building inspector send a non-compliance notice with a certain timeframe to come into compliance. How much time should they be given? If there is a second violation for the same thing, should it be sent to the Town Attorney for legal action? Discussion followed. Supervisor Davis added that the

request for an extension be made early on in the process. It was the consensus of the Town Board to have this topic placed on the next Town Board agenda for action.

Appointment of Election Inspectors – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to appoint Diana Morgan, Diana Brown, Sandy Lindstadt, Margaret Klieforth, and Beck Woods as election inspectors, terms to expire December 31, 2017. Upon voice vote, motion carried.

Operator's License – A motion was made by Chairman Kwiatkowski, seconded by Supervisor West to approve the Operator's License request of Michael Finn. Upon voice vote, motion carried.

Price Development Outstanding Fees – Chairman Kwiatkowski explained that he is looking for a motion to place outstanding professional fees and other additional costs on their property tax bill as a special charge.

A motion was made by Supervisor Davis, seconded by Supervisor Malek to place outstanding professional fees and other additional costs on the property tax bill as a special charge. Upon voice vote, motion carried.

Report on Recent Village Board Meetings – Supervisor Davis reported that the Village Board met on Thursday, August 11, 2016. Supervisor Davis stated that the Village of Eagle has put out a plea for election inspectors. Supervisor Davis reported that the Village of Eagle will be hosting a small town/downtown forum put on by UW-Extension. This forum targets small municipalities with populations of 1,500 and under. Supervisor Davis reported that the Village Police reported on break-ins to unlocked vehicles. Supervisor Davis reported that the Village approved a saddle shop business for 103 E. Main Street and a massage parlor at 135 E. Main Street. Supervisor Davis reported that the Village discussed possible changes in zoning for the property at Markham and Sutton and a public hearing will be held for senior housing at that location. Supervisor Davis reported that St. Theresa and the Archdiocese is looking for an indemnity clause for the clock tower, since the clock tower is owned by the Village of Eagle. Lastly, Supervisor Davis stated that the Village Board set a date for their budget workshop.

Garbage & Recycling – Supervisor Rasmussen stated that he contacted John's Disposal to see if they are tagging televisions informing residents that, by state law, they can no longer pick them up. Owner Brian Jongetjes stated that they are. Supervisor Rasmussen reported that the fall year waster drop-off date has been set for Saturday, November 5, 2016 from 8:00 a.m. to 11:00 a.m. at the Town Park.

Road Report – Supervisor West reported that the ditching and stone work has begun on South Shore Drive. The equipment to pulverize and pave should be on-site shortly.

Piper Road Repair – Supervisor West stated that some of the gravel along Piper Road has not been holding up against the amount of water runoff. At a cost of approximately \$6,000, Wolf Paving will prep and pave the shoulder area on Piper Road, approximately ¼ mile east of Highway 67.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to contract with Wolf Paving for the prep and repair work on Piper Road, for \$2,500 plus \$6.00 per linear foot, not to exceed \$6,000. Upon voice vote, motion carried.

Driveway/Culvert Widths - Supervisor Davis reported that over the past few years, residents are requesting to install culverts larger than the standard twenty-two (22) feet long culverts. The reason for these requests is because people are driving larger trucks and trailers. Supervisor West questioned if

there should be a size range for culverts. In response to Chairman Kwiatkowski, Acting/Assistant Fire Chief Hein stated that the tinter is fourteen (14) feet wide and fourteen (14) feet high. Discussion followed regarding issues such as maintenance, sizes, hill, and ditch depths.

A motion was made by Supervisor West, seconded by Supervisor Malek to draft an ordinance that states that the culvert be a minimum of twenty-two (22) feet and twenty-eight (28) feet wide. Upon voice vote, motion carried.

Chairman's Report – Chairman Kwiatkowski reported that someone purchased the old Apron Annie's building. A letter will be going out to the new owner notifying him or her that a site plan/plan of operation needs to be applied for. Chairman Kwiatkowski asked that the Board Members let Clerk Pepper know of their availability for the excessive assessment claim court case for the spring or summer of 2017.

There being no further business on the agenda, a motion was made by Supervisor Malek, seconded by Supervisor Davis to adjourn at 8:41 P.M. Upon voice vote, motion carried.

Lynn M. Pepper
Eagle Town Clerk