

VILLAGE OF EAGLE REGULAR BOARD MEETING
“APPROVED” MINUTES – JUNE 11, 2009

President Richard Spurrell called the monthly meeting of the Eagle Village Board to order at 7:30 p.m. The Clerk confirmed Open Meeting Law requirements. Roll was taken: Lee Greenberg, Rick Block, Thomas Thomas, Greg Scheff, Mike Rice, Roger Couch, Spurrell all present. Trustee Block led the Pledge of Allegiance.

Motion by Greenberg to approve the minutes of the May 14th regular board meeting. Scheff seconded. Motion carries.

Moved by Rice to approve the treasurer’s report including the June regular disbursements (Ck. #'s 14248-14275) and review of legal fees as submitted. Scheff seconded; motion carries.

Citizen Comments: Terry Brunette ,337 Kettle Moraine Dr. stated he had no objection to allowing horses at 108 Waukesha Road (Berndt/Laurion residence).

Bea Marquardt, 230 Park Ave. indicated that there have been horses at 108 Waukesha Road for years and years; they were always grandfathered in.

Julie Falada, 531 Kettle Moraine Dr. stated she can vouch for the grandfathering in, but expressed her concern with the Generac project indicating she wanted to be reassured of the proper setback and perhaps the closing of the overhead doors to decrease the noise. Ms. Falada was referring to the training center; this is a different project and involves the west side of the main building. John Piasek from Generac will however check into the noise issue.

Russ Ehlers, 305 Hawthorne Dr. indicated that he would like to preserve what Eagle was years back and that perhaps the ordinance could be changed so that the horses could stay on the Berndt property.

Maria Knepel, 812 Andover Dr. who has concerns regarding the retention pond in Fox Chase East was told she would be allowed to speak during the discussion on this agenda item later in the meeting.

Announcements: President Spurrell reported that Personnel & Finance will begin working on the 2010 budget and requested all Board members to start looking at budgets for their individual departments.

Police Chief Ehlers indicated that at last month’s Board meeting Dave Rockteacher had made a public comment regarding an unregistered car near his residence. The Chief apologized for not looking into this issue sooner stating it was a low priority at the time, but reported that he has since spoken with the owner who just recently filed a Certificate of Non-Operation with the DOT. His son will be taking driver’s ed during this summer and following that they will fix up the car and register it. The Chief gave them a deadline of November 1st.

The Chief also publicly acknowledged the efforts of Officer Bushey, Town of Linn PD, who taught the DARE program this year. The committee will be meeting next month to discuss sending one of the Village’s officers to DARE school.

Ehlers then indicated to the Board that there will be new signage at the Police Department which will be much more visible from a passerby.

Planning Commission Recommendations:

Addition to Generac. President Spurrell reported that the addition is for a cold storage unit to be used for storage only. It will sit on the existing concrete slab located on the far west side of the main building. Planning Commission has recommended approval. Trustee Couch

inquired as to the construction schedule to which he was informed they are in the process of getting State approval. Couch then encouraged the Generac representatives to use local contractors if available. Moved by Greenberg to approve the addition as it is drawn up and presented to the Board. Rice seconded; motion carries on a 6-0-1 vote with President Spurrell abstaining.

Horses at 108 Waukesha Road. President Spurrell explained that there had been quite a lengthy discussion at Planning regarding rezoning or a conditional use permit. He indicated that Ms. Berndt is looking for some kind of approval from the Board to allow her to keep her horses. Berndt distributed a list of her neighbors who are in favor of her being allowed to keep the horses and explained that the lady at the place where her horses were previously boarded was forced to foreclose on the property leaving her in a last minute situation to move them to her property. She is in the process of filing a quit claim deed for a 4-ft. piece of unclaimed land which will bring her acreage to 5.13 acres. She explained to the Board that information gathered by the Village Clerk's office through an open records request, indicate that in 1991 a petition was received to try and open up the zoning for these types of property and in 2002 there was another property that wanted horses. Whether it be for rezoning or a conditional use, she stated that she just wants the Board to work with her. The clause "grandfathered in" was reviewed and Trustee Greenberg indicated that he was unsure as to whether a conditional use could be grandfathered in. Discussion followed regarding the possibility of rezoning and creating a non-conforming lot; minimum lot size for A-2 (Limited Agriculture) is 10 acres. Conditional uses under the various zoning classifications were also reviewed. It was noted that a public hearing to hear public comment is required for either a rezoning or a conditional use. Further discussion followed regarding the objectives of Smart Growth; Trustee Rice commented that rezoning from residential to agricultural in the Village is going backwards, to which President Spurrell agreed. From the grandfathering aspect, Spurrell commented that his interpretation is that once the condition ceases, it does not allow for it and the grandfathering stops there. Again discussion followed. President Spurrell asked the Board what direction they wanted to go; the recommendation from Planning was a denial unless the landowner found more paperwork. Individual Board members expressed their viewpoint for or against allowing Ms. Berndt to keep her horses; the situation that exists is unique, keeping of the rural atmosphere, consequences of allowing horses in a residential district, acreage of the property, Smart Growth, timelines and so forth.

Couch moved that the Board does not deny the use of their land right now, but table it for (60) days to see if something can be worked out. President Spurrell clarified that the motion was to table the matter, but at the same point, while the Board is working on it, the horses do not have to be removed; Greenberg seconded. Under further discussion, Spurrell questioned as to what was going to be found out in 60 days and there are three (3) options: deny it, move forward with the rezoning, or move forward with the conditional use. He did not see what tabling was going to accomplish. Couch retracted his motion; Greenberg his second.

Block then made a motion that the Board move forward with the conditional use permit. Scheff seconded. The voice vote was verified; Block, Greenberg, Scheff, Thomas – affirmative; Rice, Couch, Spurrell – negative. Motion carries 4-3. A public hearing tentatively will be held before the July 9th Board meeting providing the permit is completed, notice is properly published, and the certified letters are sent.

Rezoning of property at 229 E. Main Street. Landowner Ron Beilfuss was not present. President Spurrell indicated, as stated in a memo from Village Attorney Reilly, the

rezoning to B1-A is a possibility however there are questions to be answered. Discussion followed. Moved by Greenberg to table any action until the issue comes up again. Block seconded. Motion carries.

Building Inspection Fees. Vince Budiach, Village Building Inspector had submitted a chart to Planning recommending a change in some of the building fees. Planning Commission has recommended that the Board move forward with the adjustments. Couch moved that the Board accept the new inspection fees; Scheff seconded. Under further discussion, President Spurrell stated for verification that the majority of the fees, from a revenue aspect, is more for new development; fees for remodeling, additions etc. are still very reasonable for Village residents. Motion carries.

Policy for Planning Agenda Items. President Spurrell indicated that the Commission submitted a policy to help the people who are coming to Planning as well as the office giving a deadline of Tuesday before the meeting which is one (1) week before the meeting; all information must be in, applications, paperwork etc. This will allow members to review the materials before the meeting and make educated judgments. He also suggested that if approved, a similar policy be drafted for Board meetings. Moved by Scheff to approve the policy; Greenberg seconded. Under further discussion, President Spurrell requested that the policy be put on the website. Motion carries.

Liquor Licenses. The list of the renewals was read by President Spurrell. Couch moved to approve all of the licenses; Scheff seconded. Under further discussion premises were defined and reviewed as noticed in the paper. Clerk Mealy stated the information provided in the notice was taken directly off the applications. For clarification, President Spurrell stated that the garage as listed on the application for Knucklehead's is on Coyote Canyon's property. Couch took back his motion; Scheff his second. Spurrell reviewed the application for Coyote; there is no deck at present. With the deadline being as it is. discussion followed as to how to proceed without interrupting the serving of alcohol at the two (2) establishments. Chief Ehlers on a different note, remarked that he would like to obligate Bruce Hanke of the Kettle to keep the liquor encased in glass so that it can be locked when the only person working is in back stocking the cooler. Ehlers is concerned because of the amount of unpaid liquor that is leaving the place, particularly by underage individuals. Greenberg started to make a motion approving the permits with the exclusion of the enclosed backyard at Knucklehead and removal of the alcohol from the counter at the Kettle; with the latter being a different issue than the actual renewal and a matter that the Chief will try and resolve with Mr. Hanke, Greenberg withdrew his motion. Discussion continued on the "condition" at the Kettle and Spurrell was not sure the Board can or cannot renew a license because of a condition. He also has concern with Coyote Canyon and the deck listed as a premise; it was the enclosed backyard in years previous and if the Board approves the deck, does that mean it does not have to be enclosed? He believes the solution to the Kettle is to have the Police Chief write a firm letter and if Mr. Hanke does not cooperate within a stated period of time, the Board could readdress the approval of that license. The individual applications were then acted upon in non-sequential order:

Moved by Rice, seconded by Block to approve the renewal of a Class B Fermented Malt Beverage, Class B Intoxicating Liquor license to Wm. And Janis Suhm at 201 Kettle Moraine Drive, Suhmer's Saloon. Motion carries.

Moved by Thomas, seconded by Scheff to approve the renewal of a Class A Fermented Malt Beverage, Class A Intoxicating Liquor, Cigarette and Soda license to Robert Chapman at 101 South Street, Chapman's BP. Motion carries.

Move by Block, seconded by Rice to approve the renewal of a Class A Fermented Malt Beverage, Class A Intoxicating Liquor, Cigarette and Soda license to Bruce Hanke at 214 Grove Street, the Kettle. Motion carries.

Discussion followed regarding the renewals for Coyote Canyon and Knucklehead's where the premises have changed from previous applications. President Spurrell mentioned options that would approve the licenses and allow them to keep operating their businesses; denying the deck at Coyote and denying the enclosed backyard and garage at Knucklehead. When the premises change, they would then have to relinquish these licenses (if approved) file for a new license and go through the publication requirement and approval process. Greenberg made a motion to approve the permits excluding the deck at Coyote Canyon and the enclosed backyard and garage at Knucklehead Pub. Scheff seconded. The owners will be notified that they will have to file a new liquor application. Discussion followed regarding fees for the new applications. President Spurrell made an amendment to the motion that for formality the application does not have to be attached with a fee. Couch seconded. The motion to waive the application fee carries. The motion on the floor is to approve Coyote Canyon liquor application for the bar and restaurant, but deny the deck and approve Knucklehead's for the restaurant, bar and basement, but deny the enclosed backyard and garage and to waive the fee for the new application. Motion carries.

Picnic License. Moved by Couch, seconded by Block to approve a Temporary Picnic License to St. Theresa's for dates as listed on application. Motion carries.

Soda Licenses. Moved by Block to approve a Soda License to Melinda Kenney for Tasty Z's. Couch seconded; motion carries

Moved by Rice to approve a Soda License to Mary Matuszewski for the Hen House. Motion was seconded by Scheff. Motion carries on a 6-1 vote with Couch being opposed.

Fox Chase Retention Pond. Maria Knepel explained the situation indicating that she was told by Maureen McBroom from the DNR that the pond is basically constructed the way it is supposed to be. She was also told that 2 additional feet needs to be taken out from the bottom of the pond and that in five (5) years it must be online. Knepel is looking for a solution to alleviate the problem she is having with the amount of debris that is going into her backyard. She has had various conversations with both the DNR and Bielinski being told one thing or another but getting nowhere. President Spurrell explained that the Board approved/allowed Bielinski to include Lot 29 in Phase I, with the condition that the retention pond was taken care of. Spurrell indicated that he met with Brian and Ryan from Bielinski and then visited the site and saw a different picture than what he was told. At present, Bielinski would like the Board to table any action until after they meet with both himself and the Knepel's. Discussion followed regarding the condition of the pond, timeline and percentage of construction before the pond must be fixed, and what alternatives the Board has. Motion by Couch to send a letter to Bielinski stating that the retention pond needs to be finished to a finished construction state before Lot 29 can proceed. Discussion then followed regarding "fixing" and "finishing". Block seconded the motion; motion carries

2-Yr. Appointed Positions. President Spurrell indicated that it was his own error, in that at last month's meeting the committee assignments were made and approved, however the

appointed positions should have been made at the same time. He made the following appointments asking for Board approval: Village Attorney, Shawn Reilly, Village Engineers of Ruckert Mielke, Village Assessors of Magnan Assessment, Village Building Inspector of Wisconsin Building Inspections, LLP and Village Clerk/Treasurer, Shirley Mealy. Couch made a motion to approve the appointments as presented. Greenberg seconded; motion carries 6-0-1 with Spurrell abstaining. Spurrell went on record thanking the Clerk for being at this meeting without the appointment being made last month.

Committee Reports:

Code and Ordinance: Chairman Rice indicated that the committee has been working on Ch. 15 Orderly Conduct for the last couple of months to bring it up-to-date and current with existing laws. He summarized the various changes as indicated in a draft copy of the chapter that members of the Board received earlier. President Spurrell raised a few questions relating to emergency telephone calls, exceptions listed under Carrying a Firearm in a Public Building, curfew for minors, and the definition of "Property." Discussion followed. Thomas moved to repeal the previous Ch.15 and adopt this Ch. 15 with the two (2) amendments: striking the paragraph "Emergency Telephone Calls" under the section Offenses Endangering Public Safety, and clarifying the exception of curfew for Kettle Moraine Days until 12:30 a.m. Block seconded. Under further discussion the various amendments were reviewed. Motion carries.

Streets & Sidewalks: Trustee Scheff indicated he has received a bid of \$400 from Adam Seitz to remove a tree that is in the park and borders the back property of 619 E. Main Street (Dickson's). Another bid for \$700 was also received. It was verified that there is money in the park budget to cover this expense. Moved by Rice to approve the bid of \$400. Scheff seconded; motion carries.

Historical Society: Trustee Scheff stated that the Society requested the Village to obtain quotes for painting the building and other minor repairs. He has obtained two (2): One from Adam Seitz and one from Webber. Because this is a joint venture with the Town, this item will be placed on the June 24th joint meeting agenda.

Smart Growth: Trustee Rice reported that the Village group has completed Ch. 9 (Land Use), Ch. 6 (Housing), and Ch. 4 (Agricultural, Natural, Cultural and Historic Resources). They will be meeting with the Town group to have them review Ch. 9 before presenting it to the Planning Commission; Chapters 4 and 6 will be sent to Planning for their review and recommendation. The group is finishing up on the Transportation section and will begin work on Implementation.

Police: Chief Ehlers stated that discussion has been ongoing regarding the vacancy of Sgt. Bord. Sgt. Bord has informed the Chief that he will not be returning; his injuries are permanent. With that position being open and Officer Bruckner out on maternity leave, from a budgetary aspect, they are in good position to fill Sgt. Bord's position, but not necessarily to offer insurance benefits. The Chief distributed a contract which creates the Position of Temporary Full Time Police Office for Officer Ryan Brehmer. Brehmer would not receive full-time benefits, but technically be a part-time officer working full-time hours. It is a temporary full-time position expiring December 31st or sooner if determined by either Officer Brehmer or the Village. Discussion followed. If either party terminates the contract, it will not be considered a breach of contract. Motion by Thomas to approve the contract with Ryan W. Brehmer for the position of temporary full-time officer. Scheff seconded; motion carries.

Park & Rec: Citizen Appointment. The committee is recommending Kristie Oliver to replace the Village representative who resigned. Block then made a motion to that effect. Rice seconded. Under further discussion, Spurrell indicated that he did speak with his previous appointed representative and he went on record to say that from his viewpoint, a committee member's role is overseeing the park and rec programs, decisions, helping, supervising the director. If a member wants to help with fundraisers that is great, but he doesn't think the committee has to be expected to help with the fundraisers. It was his understanding that one of the committee members stated they have to do this, and she (the Village rep) has physical limitations; Spurrell felt she would have brought a unique prospective to the committee because she is what would be classified a senior. Again for the record, Spurrell stated it is a disappointment that one of our members does think that physical limitations would prohibit someone from being a contributing factor on a committee.

Second point on the committee, Spurrell indicated that it is his appointment, with Board approval. He had received a letter from Ms. Oliver and also spoke with other residents who responded to the mailing and were second in line in case the primary decided not to. His recommendation for appointment is Anne Minett. From Park & Rec's point, he understands they know Kristie and she wants to get involved, and he knows she would do a good job, however it is not park and rec committee's appointment. Trustee Block commented that Spurrell just gave a lot of good information, and maybe next time he could share it with him. For the record, Block also stated that it wasn't a Village representative that was discriminatory toward any physical capacities. President Spurrell apologized to Block stating he did not know they were coming for a recommendation; Spurrell had placed this on the agenda. Following discussion, Block withdrew his motion and Rice his second. Spurrell, per ordinance, made an appointment for Anne Minett for park and rec citizen appointment, and requested Board approval. Couch made a motion to approve the appointment as stated by President Spurrell; Greenberg seconded. Motion carries on a 6-0-1 vote with Spurrell abstaining.

Advance Payment to Park & Rec. President Spurrell indicated that the Town will also be addressing this item and stated the park & rec program is unique in that most of their revenues and expenditures are in late spring and early summer. They are paid on a quarterly basis and by mid-summer while they have received one-half of their money, they will have to spend a large portion of that. Spurrell then made a motion that the Village pay July's payment now. Block seconded; motion carries.

Water Utility: There was no discussion/consideration of a special assessment for the Kettle; the matter has been resolved.

Fire Commission. President Spurrell updated the Board members that the fire station structural integrity has been fixed by Shearer Construction at no charge. Also, with the restructuring of the department the Chief recommended and the Commission approved the following: Bob Baker and Bruce Hein – Assistant Fire Chiefs, Jeff Nelson and Dave Rockteacher – Deputy Chiefs, Heather Nelson and Jeff Steinbach – Lieutenants.

Motion to adjourn by Rice, seconded by Thomas. President Spurrell adjourned the meeting at 9:54 p.m.

Respectfully submitted,
Shirley K. Mealy, Village Clerk