

VILLAGE OF EAGLE REGULAR BOARD MEETING  
APPROVED MINUTES – July 10, 2008

President Spurrell called the monthly meeting of the Eagle Village Board to order at 7:30 p.m. Open meeting law requirements were confirmed. Roll was taken: Couch, Rice, Scheff, B. Spurrell, Thomas, R. Spurrell were present; Salmela – excused. Also in attendance was the Village Building Inspector, Vince Budiac. Trustee B. Spurrell led the Pledge of Allegiance.

Motion to approve the minutes of the June 12<sup>th</sup> regular board meeting as submitted was made by Thomas and seconded by Rice. Motion carried, all in favor.

The treasurer's report, including a summary of legal fees was reviewed. Trustee Rice questioned the fee by Ruekert –Mielke. President Spurrell explained that the increase in monthly charge was most likely due to the Parish Hill project. Thomas moved to approve the treasurer's report including the monthly disbursements (Ck.#'s 13194-13229). Motion was seconded by Rice. Vote was taken. Motioned passed.

Citizen comments:

Ken Shea, 407 Meadow Lane expressed disappointment after reading the Planning Commission minutes which gave approval to the proposed Knucklehead's addition of an outdoor restaurant. Shea cited concerns over noise, drinking, motor cycles, traffic and sidewalk congestion. Shea asked the Board to seriously think over item 9A on tonight's agenda, stating again concerns over safety and aesthetics of the Village.

Lisa Giese, S78 W37170 Wilton Rd, Town of Eagle, speaking on behalf of Coyote Canyon said she filed a complaint with the Board because she was upset with the handling of outside drinking during the Kettle Moraine Days Parade. She asked that something be done so that this does not happen in the future. She went on to say she felt that the businesses were singled out by the Police department. President Spurrell stated that the Police Committee and Personnel & Finance Committee will look into all complaints. As far as future incidents: the Ordinances and policies will be looked at and measures will be taken to make sure that residents, businesses and police officers are all on the same page regarding the issue.

Greg Hein, 304 Appletree Lane, a 40 year resident of the Village stated that Kettle Moraine Days has always been a fun time for the community. The incident with the bars was out of place. As part owner of Coyote Canyon he thought it was ridiculous to be single out when there were people drinking on their front lawns. As a small community, Hein stated we have to work together .

Trustee Couch wanted to make a point. He said he is not in favor of any of the outside drinking. We have businesses here that will run into situations like that (the outside drinking), and he thinks that since about 2004 when the cycles came, the Village became more congested. Since that time, he believes that the Police Committee and Police have worked well with the establishments in supervision of the drinking. He went on to say that what happened during Kettle Moraine Days was "just plain ridiculous" and believes that the Chief of Police "owes these people, his officers, and the citizens of Eagle an apology for all of a sudden making a decision in the middle of the festivities" that has been going on like that for years. He continued that he hopes that Coyote Canyon was not being singled out. He went on to say that he has asked the Chief, for 2 years, to intermingle, to meet with and discuss what can be done together. Couch added that it must not be on the Chief's agenda, and "yes, these complaints will be addressed".

Trustee Thomas responded by saying they sat in Police Committee meetings for four months in a row talking about people drinking on the sidewalk and how we can't let that happen, and now it's a problem. Couch interjected with "obviously you've been bamboozled, too." Couch went on to say that there was an Ordinance and they have been trying to enforce the Ordinance, but in the middle of the parade, the Chief decided to "shut everything down". Thomas responded with "he didn't shut anything down. He told them to keep the liquor inside"

Ken Shea stated that this is becoming more and more of a problem, and by increasing the capacity of Knuckleheads, we are asking for more problems and are having trouble dealing with them right now.

Lisa Giese questioned whether it was the outside drinking that was a problem, or that there were people in Coyote Canyon that came out. She went on to say that there were people watching the parade in front of Coyote Canyon that had brought their own coolers and were drinking. She saw the judges for the parade drinking, along with the people in the golf carts driven by the fire department. There were people up and down the street outside other businesses drinking. Her problem was that their business was singled out. She stated that after the parade she saw a gentleman walking down the street, was passed by two police officers, but was not stopped for carrying open intoxicants. It seemed to her, that the policing was done only in one area.

Roger Kussmann, 319 South Street had comments on two of the agenda items. First was the Planning Commission and the roof garden at Knuckleheads. He stated that he wanted to deal with general operations. The Smart Growth program gives methods on how to make decisions, what criteria is to be considered when approving business plans. No one on the Planning Committee applied systematic methodology, according to Kussmann. He stated that there should not have been a 6-0 vote if analyses were done. It appears to him that this project is on a "fast track". He hopes that the Planning Commission does not continue this approach unless they are willing to adopt a resolution to forego the Smart Growth expenditure, forego the training, forego the work and use some other method.

Trustee Scheff stated that Kussmann is misconstruing Smart Growth. It will not be completed for another three years and some of the people on the Planning Commission have no idea what it is yet. He went on to say Smart Growth is not to maintain policy.

Kussmann responded that he would categorically refute everything that was just said because he had been involved in Smart Growth and there are parts he does not agree with. But he does know what it is, and it requires some criteria, some system for making decisions. He did not see that present at the Planning meeting. The other item he wanted to comment on was the Personnel and Finance Committee. His major concern is that by this time of the year there has been a statement to maintain the per household tax levy. He has not seen any statements from any of the minutes that reflect this. He stated that it was always a way for the Board to get focused on the total budget picture and start working on the budget with restraints on spending. He cited the wages for Police Sgt and Police Officers' wage scale: he cautioned the mid-year pay increase requests and what it could do to the overall budget unless there is some wage restraint resolution.

Greg Hein brought up the need for "flexibility" for the Kettle Moraine Days situation. It's been going on for 40 years that he has witnessed, and we shouldn't be here discussing this.

Melissa Dooley, Town of Eagle, owner of Knucklehead's said that they police their own property and is frustrated that this issue has been discussed for months and not relayed to the bar owners. The middle of the parade should not have been the time to enforce it. And, she said, the businesses are more than willing to work with the Police, if they would communicate what it is they are enforcing.

President Spurrell reiterated that the involved committees will be discussing this at their upcoming meetings. He asked for any other Citizen Comments, then explained that the flooding concerns in Calico Fields will be open for comments when that item comes up on the Agenda.

Announcements:

President Spurrell asked for all the Committees to get budget numbers in as soon as possible keeping in line with what citizen Kussmann was asking for as far as the tax levy, and keeping the per household goal in line. He stressed that the Committees assess the wants versus the needs of the Committee. He pointed out that the Fire Dept. budget will increase because of the paid on-call positions that they are working toward. The budget will be tight this year. The sooner the numbers can be turned in and worked on the better it will be for the process.

Trustee Thomas announced the distribution of a program update sheet and goals sheet for the Park & Rec Department.

Trustee Rice announced the Historical Society Ice Cream Social and Band Concert will be held on Sunday July 13.

Chief Ehlers reported that the issue of complaints from citizens is being addressed and he encouraged the Board members to investigate these complaints through whatever channels they have. He then explained that there are very strict State laws that govern outside drinking, and that the Police Committee has discussed this at length, as well as the Board's comments during the renewal of licenses. Although locally the Village has been lax over the years, the fact remains that State Law is very specific. Under the circumstances, after hearing from the Police Committee members and the Board itself, he felt he could not turn his back on the situation, because then he would not be doing his job. He continued that he does not feel he needs to apologize because he believes he was doing what the leadership of the community wanted him to do. The Chief again encouraged the Board and the Committees to do their investigations, and he welcomes the opportunity to sit down with the parties involved to discuss this if they so choose.

Trustee Couch responded by saying that what the Chief said was eloquent, but couldn't he have given some consideration to notify the owners prior to that day that this was what the Police would be doing. With the Ordinance in effect for years, why is the Chief using the Board & the Police Committee as his bosses at this time. President Spurrell interjected that the announcement portion of the meeting is not the time for debate. The Chief asked for investigations of the complaints, and they will be addressed.

President Spurrell stated there was no report from the Fire Department in lieu of the fact that Chief Heim is in the middle of moving his family to Eagle from Indiana.

Planning Commission:

President Spurrell reported on the conceptual plans submitted by Knucklehead's pub to open a "beer garden" on top of the building. He stated that there were concerns regarding the building's integrity, if the building can sustain this type of operation and the sheltering from residents. Some questions were not able to be answered because of unknown factors. The Planning Commission recommends the approval of the concept.

B. Spurrell said that answers are needed. Safety is a concern. The structure, number of people allowed, engineering questions need to be taken into consideration.

President Spurrell explained that the hand drawings submitted showed a basic layout with fencing, and where the dining area would be located away from the edge, etc. The Dooleys are asking for the approval of the conceptual plan before they spend money on engineering plans.

Trustee Rice wanted to know, not just as a Board member, but as a member of the community, how will the noise levels be handled: is there any music up there; how late will it be open; have the neighbors been alerted or contacted for input.

Trustee Thomas stated he had the same concerns as resident Shea has. He said that there are some solutions to these issues, and others that still cause concern can be controlled with the issuance of a liquor license which they would have to reapply for.

President Spurrell addressed some of the concerns stated: there would be no music, only dining; the drinking would not be in glass containers; hours of operation would be open for discussion. He continued that hours of operation, noise control, and safety issues would have to be addressed before there could be approval. There was more discussion that followed regarding access, etc. Rice stating he would want more input from the neighbors. Couch expressed that he understands the concerns, but there is a lot of engineering that needs to be done before it can go further.

President Spurrell said that there are many unknowns that need to be addressed and assured the audience that this is a conceptual plan and if approved, it does not necessarily mean that the project will go through because of the number of standards that have to be met.

Couch moved to accept the conceptual plans for the Knucklehead's Pub & Grill proposed "beer garden". Scheff seconded the motion. Rice stated he wanted to clarify for the gentleman in the audience, and other residents, that there is a long way to go before there is a final approval of the final plan. Vote was taken. All were in favor. Motion carried.

The next item from the Planning Commission was the approval of site plans submitted by Dennis Tomasik for a building located in the industrial park to be used for storage equipment, no work will be done at this location. Planning Commission recommends approval. Couch asked if asphalt is required. R. Spurrell stated that the plan right now is for a gravel driveway and questioned if it had to be asphalt. Building Inspector Budiac responded that the Ordinance states paving is required to control the dust particles. He went on to explain that recycled asphalt is laid similar to regular asphalt. Couch asked Tomasik if he agreed to pave if that was required. Tomasik stated he would. Scheff asked if it was going to be stated asphalt or recycled asphalt until the Ordinance is clarified. Scheff also asked how long recycled asphalt lasts. Budiac responded that it has a shorter life, but it can be resurfaced just like asphalt.

Couch made a motion to approve the site plans for Dennis Tomasik for the building in the industrial park to be used for storage of equipment. Rice seconded. President Spurrell injected the consideration of the driveway to be included, and Couch and Rice both agreed to that addition to the motion. No further discussion. All were in favor.

The final item from Planning was the final approval for Parish Hill. Mr. Marzion was not present to answer questions. A letter was received from Ruckert-Mielke regarding the storm water management plans that according to the engineers do tie into the final plat. Ruckert-Mielke does not have a problem with the construction plans, but there were changes to the storm water management after discussions with St. Theresa's parish, the neighboring property, and they have not seen the revised plan and expressed concern. Discussion followed, especially the idea of a flood plane, designs and zoning. Rice stated if Ruckert-Mielke is uncomfortable with it, he is too. Couch agreed. President Spurrell stated that Planning Commission is for approval with the final plat being approved pending

simultaneous filing with the quick claim for the purchased land that Marzion needs and our engineers giving final approval for the storm water management. Rice moved to table the approval of the Final Plat for Parish Hill until everything is in compliance with Ruckert-Mielke. Second was made by Scheff. Vote was taken, all were in favor, motion carried.

Consideration of a temporary picnic license for the Eagle Horseshoe League Tournament being held the weekend of August 1-3<sup>rd</sup>, 2008. Motion to approve was made by Couch and seconded by Thomas. All were in favor. Approved.

President Spurrell explained that before he would open the floor for citizen comments regarding the flooding in Calico Fields, he wanted to make an informational statement. He explained about the ground saturation since November of 2007, the record snow fall in winter and the effects that it has had on subsequent heavy rain fall. He reiterated that this was a unique situation.

Bernadette Weiss of 517 Homesteaders Retreat said that although this rain is a unique situation, they still have standing water in their ditch. The area of concern is basically two (2) streets: Tenderfoot Trail and Old Prospectors Trail. She went on to say that the water comes from all over the Village through the culvert in the park and into the subdivision and has nowhere to go. The farm field at the end of Tenderfoot Trail is just full of trash. Who will clean it up? Selling a home will be a problem because disclosure will show water in the basements. The Village needs to do something to get the water to move, or stop it from coming from the park.

Mr. Karsten of 696 Tenderfoot Trail states he still has water and his sump pump is still running. He says that the water has increased in the past five (5) years.

Robert Woolridge of 407 Conestoga Circle has been in his home for 18 years and with any rain that they have had, there has been a flood of water in the ditch. He feels that they are getting the water from the whole Village, (from Main Street, the park, etc) draining into the ditch.

President Spurrell said that he was surprised to find out that the water does make it to Calico Fields. He is aware of the water coming into the park, behind the ball diamonds, and that is part of the concern. We don't have the answers tonight. The respective Committees will be investigating all complaints that were submitted in writing. He went on to explain that there is a number for FEMA on the website, with more information on how to get forms.

Claudette Kresten, 516 Homesteaders Retreat brought pictures of the water that came through the subdivision. She expressed concerns over property values if they chose to sell, and stated that they have two sump pumps that are still running.

Mrs. Karsten of 696 Tenderfoot Trail shared that their sump pump is still running all day and night and expressed fears of leaving on vacation due to the water problems.

President Spurrell thanked everyone for coming to the meeting and sharing concerns with the Board. He expressed his concerns over the ground water level still being up, and it's not over yet.

Ms. Weiss wanted to add a point that if FEMA is not able to help in this instance, then the Village needs to look into defining the flood plane, and get involved with the federal insurance programs.

Gary Phinney of East Troy observed that the Board needs to be conscious of the other developments and retention ponds for run off problems. Long term effects of this situation need to be looked at and something done to control it. Discussion followed about the new subdivisions and the extensive water systems they have.

Ms. Weiss asked about wells raising the water tables. President Spurrell gave an explanation that the water table will not be affected by the wells. Discussion followed.

**Committee Reports:**

**Code & Ordinance**-Chairman Rice gave an update on Impact Fees and the State of Wisconsin giving an extension of time. We need to update our Ordinance to adopt the current State of WI Act 44 which would amend the time from 7 years to 10 years to use any Impact Fees. There will be a meeting with Ruckert-Mielke on Wednesday, July 16, 2008 regarding the current Impact Fees that can be used. Thomas moved to table the impact fee issue until all the information is available. B. Spurrell seconded it. Vote was taken and all were in favor to table.

Rice explained the Chapter 14 licensing for the proposed farmer's market. If Civic organizations are involved in running the event and is approved by the Board, there would be no need for any additional Codes or Ordinances. Rice stated that this is just an overview. Research found that no new licensing is necessary for a farmer's market because it is covered in the existing Ordinance.

Rice then discussed FEMA Insurance plans and the need to update our Ordinance regarding the flood plane. The advantage to working with FEMA is that insurance can be obtained at a lower rate and no one can be denied. Code & Ordinance will continue to get more information to determine if this is something we want to pursue.

**Historical Society**-Chairman Scheff reported bids for repairs were received yesterday (7/09/08) and contact needs to be made to understand what all the figures mean. Scheff will be meeting with parties involved next week.

**Water Utility**-Chairman Scheff reports receiving a bid for the cleaning of the inside and outside of the water storage tank (the yellow one). This is required by the D.N.R. periodically. A cost of \$4300.00 is anticipated. Payment will come from the Water Utility because it is maintenance. Scheff suggests that we schedule for September or October when water usage is less, and recommends that Steve Deegan set it up. Thomas asked about the underground tank cleaning. President Spurrell believed that it would fall under the same D.N.R. requirements.

**Streets & Sidewalks**-Chairman Couch reported on the Visitor/Information Center. A meeting is set up for all people involved and the neighboring households. Pett Construction submitted a bid for the underground construction needed to complete the project. Discussion followed. Village Water Utility has paid for some of the construction, and President Spurrell explained why the funds could be used. Discussion followed regarding revenues and expenses. Couch recommended that the proposal for the Pett Construction bid be signed and approved.

Scheff reported that he spoke with Steve Deegan regarding the pot holes on Main Street and getting them fixed. Waukesha County will be contacted to do the repairs.

**Personnel & Finance**-President Spurrell reported that a discussion of the HR policy(ies) was discussed at the meeting before this Board meeting. Policies need to be reviewed and documented. Discussion followed. The renewal of a CD is due on July 26, 2008. Recommendation was made to have Clerk/Treasurer Shirley Mealy to shop around to get the best rate and authorize the best rate. B. Spurrell moved to stay with the \$100,000 short term CD and get the best rate available. Scheff seconded the motion. Discussion followed to keep it short term. All voted in favor and motion carried.

President Spurrell began to speak of a resolution regarding the Police Officers wage scale. Since the resolution was not at hand, he moved that the issue be tabled until the correct information was available. Rice seconded the motion. Vote was taken, all were in favor.

The next item discussed was the promotion of Rob Bord to Sgt as of May 1, 2008. There was a recommendation from Police Committee to approve a \$1.00 per hour raise. Spurrell explained that this could potentially have an effect on next year's budget. There is an understanding that this wage change is not for merit, rather a promotion. Personnel & Finance does recommend the approval of the \$1.00 per hour increase, and it was requested that it be retroactive to May 1<sup>st</sup> when the promotion was accepted. Discussion followed. Thomas pointed out that with the resignation of the full time 3<sup>rd</sup> shift officer, it opened up wages. Thomas moved to approve the \$1.00 per hour increase retroactive to May 1<sup>st</sup>, 2008. B. Spurrell seconded the motion. Vote resulted in a 3 ayes, 2 no votes and 1 abstained. Motion failed due to lack of majority vote.

Rice moved to approve a \$1.00 increase be made beginning with tonight's activity. Discussion followed regarding the timing of the pay rate. It was decided that the increase would be effective on July 11, 2008. Couch seconded the motion. Thomas wanted to be on record that he thought it should be retroactive. All were in favor.

**Smart Growth**-Rice reported that the next meeting is scheduled for Tuesday, July 15, 2008. They have finished Chapter 3 and are moving on to first view of Chapter 5.

**Fire Building & Commission** -President Spurrell explained again that the Chief is in the process of moving his family from Indiana and is not in attendance tonight. Spurrell wanted to give a brief budget update and prepare everyone for the Joint Village & Town meeting that will be held on July 21, 2008 at 7:00 p.m. Current budget for last year was roughly \$65,000; the proposed budget for next year is close to \$111,000. There will be money available from unused areas that will be put back into the budget. The amount is approximately \$18,700. The large increase is due to the change from volunteer to paid-on-call system of service. The Board is trying to be financially responsible to residents, and he explained that the Town is 75% responsible for the Fire Department, the Village 25%, but the budget must be approved by both the Town & the Village.

The next agenda item was the donation to HAWS, which was carried over from last month. There was a movement to raise additional monies for HAWS with a due date of June 30. Discussion followed. Rice motioned to not give any additional donations to HAWS. The second was made by Couch. Vote was taken, and all were in favor.

B. Spurrell moved to go to closed session pursuant to WI State Stat. 19.85(1)(g) for discussion of written advice from legal counsel with respect to possible circuit court litigation. Thomas seconded the motion. Roll call vote was taken: Couch, no; Rice, yes; Scheff, yes; B. Spurrell, yes; R. Spurrell, no; Thomas, yes. 4-2 vote. Board went into closed session at approximately 9:25 p.m.

At 10:03 p.m. motion was made by B. Spurrell to go back to open session. Scheff seconded the motion. All were in favor.

Motion to adjourn made by B. Spurrell and seconded by Rice. All voted in favor. Meeting adjourned at 10:06 p.m.

Respectfully submitted,  
Darlene Sterzinger  
Deputy Clerk