

VILLAGE OF EAGLE
APPROVED REGULAR BOARD MEETING MINUTES
July 11, 2013

The Village Board meeting was called to order by President Spurrell on July 11, 2013 at 7:00 p.m. Open meeting law requirements were confirmed as having been met. Roll Call: Trustees Neuburg, Schoessow, Degenhardt, Jones, Scheff, Rice, and President Rich Spurrell. Also present were Treasurer, Darlene Sterzinger, Fire Chief Heim, Police Chief Ehlers, as well as several residents.

The pledge was led by Lyne Neuburg.

Review/Approval of Minutes – (Regular-June 13, 2013)

Motion: Moved by Trustee Schoessow, seconded by Trustee Scheff, to approve the Minutes of the June 13, 2013 meeting. The motion carried 6-0-1 (Neuburg abstained)..

Consideration of Treasurer’s Report, including regular monthly accounts payable.

Treasurer, Darlene Sterzinger, was present to clarify the questions from last month as to what All Traffic Solutions and Chief Supply expenses were for. Both of these are expenses of the Police Department, which will be reimbursed with State grant monies received.

She stated that with respect to the MailCom program for water billing, there was a slight issue as to being able to pull certain bills. She also read into the record a complaint which was written on the water bill, which she receives at least a complaint each quarter, that the resident is not in agreement with the hydrant fee charge being on the water bill, and they disagree with this type of budget management.

With respect to the \$22,000 in revenue, at year end last year the Police Department was approved to use excess funds for purchases. She will look into this line item further and advise, as there are still concerns of the amount listed. Chief Ehlers stated that he can sit down with her next week to go over this line item.

Trustee Rice questioned other items, which were answered by Treasurer Sterzinger, with respect to the water utility, State shared revenues, Village contributions for benefits, miscellaneous revenues, public safety purchases and reimbursements.

Motion: Moved by Trustee Rice, seconded by Trustee Neuburg, to approve the Treasurer’s Report and Accounts Payable, as presented. The motion carried unanimously.

Clerk’s Report

Clerk O’Brien reported that she will be out of office next week in order to attend the Clerk’s Institute. The insurance carrier has increased the water tower coverage, making the total open space buildings total \$678,091. The additional premium of \$19 was waived. Mark Lake will be presenting a combined CSM for his lots on Sherman. A public hearing may need to be held in

September. Many tall grass complaints have been received and owners notified. I will follow up on those upon my return. Also, Betty Weimer's husband Bill passed away last week.

Citizen Comments/Concerns

Greg Hein, 304 Appletree Ln, asked if the park bathrooms could be open during the day for those walkers who may have need to use them, as well as residents utilizing the park during the day. He suggested the hours of 8 a.m. to 8 p.m. President Spurrell stated that he will speak with Steve about that possibility. Chief Ehlers stated that it would not be a problem for an officer to lock the doors at 8 p.m. Discussion was had about previous problems and vandalism in the park.

Sharon Royston, 330 Appletree Ln., stated that she supported the request of Knuckleheads to have an outdoor band on August 31st. She also made some inquiries as to the line item under Police & Licensing, as it relates to the referendum, and the concern that voters not be influenced by either the Police Department or Village government. President Spurrell clarified that the line item is only relating to the required yes and no answers a referendum must provide to the public, as required by the Government Accountability Board and State Statutes. The line item is on by his request, as he needs clarification from the Board as to how to word the yes and no answers.

Russ Ehlers, 305 Hawthorne Drive, stated that the bathroom issue raised by Mr. Hein is an ongoing issue. The Police Department could lock the bathrooms at night if Steve Deegan can open them in the morning.

Announcements:

President Spurrell stated that EBA met with respect to the Eagle Beautification Plan. The application is being written for the downtown project.

Trustee Rice stated that he received a couple of calls relating to the fireworks on the 4th of July being displayed without permits, with debris landing on houses, etc. Chapter 15 of the Municipal Code does relate to the regulation of sale and discharge of fireworks in the Village. Any use must be authorized under Section 15.01(10) by the Police Department and Fire Department. He wants it be made known there is an Ordinance against fireworks displays.

Trustee Degenhardt stated she has received complaints as to the dead trees in the park.

Trustee Scheff congratulated Alli Chase, for the grant received by the library.

Trustee Neuburg thanked Steve Deegan for trimming the trees on Markham.

Chief Ehlers stated that Don Bishop's parents were not physically able to be present, and therefore, the award he planned to present is postponed. The Oconomowoc Rotary Club is also presenting an award honoring Officer Bishop at Zanellis in Oconomowoc at 7 a.m. He then stated that with respect to the fireworks, the department can only be reactive, and there are occasions when the display is over before they get there. They do care, and there are issues in the Town as well, but it is nearly impossible to go to each call. The Kettle Moraine

Days event was active for arrests this year. There were a total of 272 calls for service this month.

Consideration/action-Operator's license requests:

- a. Deanna Hardrath, serving at Suhmer's Saloon
- b. Katelyn Prohaska, serving at Suhmer's Saloon
- c. Brittany Bunk, serving at Suhmer's Saloon
- d. Caitlyn A Reinhardt, serving at Coyote Canyon

The Board reviewed the license applications which were approved by the Eagle Police Department. There were questions as to the violation listed on Kately Prohaska's application, which the Chief will need to look into. After discussion, the following motion was made:

Motion: Moved by Trustee Neuburg, seconded by Trustee Degenhardt, to approve the Operator's license requests of Deanne Hardrath and Brittany Bunk, serving at Suhmer's. and Caitlyn A. Bernhardt, serving at Coyote Canyon. The motion carried unanimously.

With respect to the request of Katelyn Prohaska,

Motion: Moved by Trustee Degenhardt, seconded by Trustee Scheff, to table the request for an operator license pending clarification of the conviction as specified on the application by the Eagle Police Department. The motion carried 6-1, with Spurrell voting nay.

Discussion/Consideration - request of Knucklehead's request for a band performance on the outdoor patio from 8-midnight on August 31, 2013

Melissa and Scott Dooley were present on behalf of Knuckleheads. Scott stated that the band John Stone, which genre is country, would be performing. He went to the residential neighbor to the south, who he referred to as CJ and Linda, and they are not opposed. This is the only residential property that abuts his property. He brought up the issue of bands at the park, stating that there are occasions when they can be heard and are not required to go to the abutting neighbors. The new request is from 8 to midnight, previously the request was from 7 to 11 p.m.

Trustee Rice stated he agrees with Scott's concern with the park. His concern however, was that Suhmer's had to go through the Police Department for procedures to be in place for their events. President Spurrell pointed out that Suhmer's had to come in as it was outside their liquor license application. These were different requests. Knuckleheads will be having a band within the confines of their liquor license, and probably did not have to come to the Board for this request. Trustee Rice stated that the Board should be made aware and questions should be asked. The board represents all people in the Village, not just business owners. He is concerned that once approved, there may be no way to repeal it.

Trustee Degenhardt stated that this establishment is in a residential area and she wanted to make sure everyone was okay with it. To go to one neighbor is not what she was requesting. She does not want to hear complaints. She was offended by the letter Mrs. Dooley presented, as she did not say "how bad do you want it". She believes that was taken out of context. Mrs.

Dooley stated that she respects the board's position, however, when the matter was voted no, she was attempting to determine what the issue was and to what extent she had to go to remedy the problem. She did not get an answer other than Trustee Degenhardt asking "how bad do you want it". That was the reason for her written comment. Trustee Degenhardt went on to say that was not the way she intended the question. She also stated that she was told there was loud music from a band a couple of Saturdays ago. Some people do not come in, but the Board does still represent them. She will be their voice.

Trustee Scheff stated that two bars in the Village will bring business into the community that weekend, as it is also Harley Fest, and the Village will benefit from that.

Trustee Rice stated that there is no ill repute against the Dooleys or their establishments. He supports what is going on. He asked that this be done right and one time, but he cannot speak as to the other board members.

Chief Ehlers spoke as to the reputation of the bars, and stated that the Dooleys work well with the Police Department. He has no concerns as to public safety and noise will rise given the height of the fence.

Trustee Jones stated he did speak to neighbors and they are okay with it for that night.

Trustee Neuburg stated that as far as asking neighbors, she stated the Dooleys were very considerate in doing so, however, it is part of the bar business and she did not believe it was necessary, as this type of event is to be expected with a bar. We need to support local business. The requesters have followed up with the neighbors and the Chief and she apologized for the miscommunication between the board and the Dooleys. This is a one night event on a busy weekend, with a reputable business and the board should support it.

Trustee Rice stated that the board does support business. The board also represents the residents of the Village. The Dooleys do a lot of work for this community. Trustee Degenhardt stated that she does support businesses here.

President Spurrell stated that there is no problem with getting clarification and he agrees 100% that the Village Board represents the residents and the businesses in the community. They must do so in a professional way. Suhmers was not asked to ask the neighbors. The Board needs to treat everyone equally. He heard music at his home from both Kettle Moraine Days and Suhmers. This is a holiday event, and the Board must be careful in making decisions.

Trustee Degenhardt stated that these are two different areas. Mrs. Dooley pointed out they have a 15' fence around the property.

Trustee Rice stated that a clarification has been made tonight.

Motion: Moved by Trustee Scheff, seconded by Trustee Neuburg, to approve the request of Knuckleheads for a band performance on the outdoor patio from 8-12 a.m. (midnight) on August 31, 2013.

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Further discussion ensued, with Trustee Scheff then amending the motion to include this is a one time approval, non-precedent setting, not an annual approval, with Neuburg seconding. The motion carried unanimously by roll call vote: Neuburg, aye; Schoessow, aye; Degenhardt, aye; Scheff, aye; Jones, aye; Rice, aye; and Spurrell, aye.

Discussion/action on location of County Historical Society Village of Eagle sign

Clerk O'Brien stated that Mr. Revoy of the County stopped in and recommended the sign be placed at the Welcome Center, facing Hen House, at the corner of Hwy 59 and Hwy 67 off Partridge.

Motion: Moved by Trustee Degenhardt, seconded by Trustee Scheff, to approve the placement of the County Historical Society sign at the corner of Hwy 59 and Partridge, facing the Hen House. The motion carried unanimously.

Library Director Report- None

Discussion/Consideration for Resolution 2013-03, A Resolution for the Village of Eagle's Endorsement of the Year 2035 Regional Housing Plan for Southeastern Wisconsin

President Spurrell stated that he has not had the opportunity to review the document, and requested more time to do so.

Motion: Moved by President Spurrell, seconded by Trustee Degenhardt, to table the consideration of Resolution 2013-03 for Endorsement of the Year 2035 Regional Housing Plan for Southeastern Wisconsin. The motion carried unanimously.

Consideration/action –Tax Billing Contract for 2014 and 2015 between the Village of Eagle and Waukesha County entitled Waukesha County Data Processing Services Property Tax Assessment and Billing

President Spurrell stated that the County for as long as he can remember, prepares the Village tax bills. There is no increase in the cost of preparing the bills for the years 2014 and 2015.

Motion: Moved by Trustee Degenhardt, seconded by Trustee Rice, to approve the Tax Billing Contract for 2014 and 2015 between the Village of Eagle and Waukesha County entitled Waukesha County Data Processing Services Property Tax Assessment and Billing. The motion carried unanimously.

Discussion turned back to the operator license for Ms. Prohaska.

Motion: Moved by Trustee Degenhardt, seconded by Trustee Scheff, to take the motion to table off for reconsideration. The motion carried unanimously.

President Spurrell stated that the Police Chief is in possession of information on the Prohaska request for operator license. Chief stated that there are two Waukesha County Sheriff reports with liquor law concerns which are not available to his department at this point. He will need to check into it further.

Motion: Moved by Trustee Degenhardt, seconded by Trustee Scheff, to table the request of Katelyn Prohaska until further documentation from the Sheriff's Department can be obtained. The motion carried 6-1 (Spurrell voting nay).

Committee Reports/Action Items: (Information on discussion and action taken at previous meeting(s), future agenda items and upcoming scheduled meeting(s))

Code & Ordinance/Action Items:

Trustee Rice stated that the last meeting was not held due to a lack of quorum. He stated there was some miscommunication between the Clerk's Office and him as to Chapter 2 and Chapter 17. These will be reviewed at the next meeting and then brought back to the Board.

Nature Trail

Trustee Neuburg stated that she was voted as a member of the Nature Trail Committee. The pier has been closed due to a falling tree. No burn was done, but anyone is welcome to pull thistle, yellow clover or queen ann lace. The funds have been transferred from the school to the library, who will oversee the funds from this point forward. They are posting the nature trail meetings. The Committee also has benches for sale at a minimum cost of \$75. Donations over and above that amount are also accepted.

Fire Commission

Chief Heim stated that some accounts will be combined to clean up the accounting. He also had the Clerk provide a copy of the Focus on Energy contract he received. He gave background as to why this proposal was received, what is covered, what will be replaced, etc. This proposal is for \$1,000, with an annual savings of \$831/yr. It would take thirteen months to pay back, however, no action has been taken yet at the Fire Commission level, as their meeting was held and the document came the next day. It is his recommendation that a commercial electrician come out and test circuit by circuit to find where the increase in usage is coming from, as light fixtures were replaced last year and an increase has occurred.

Motion: Moved by Trustee Rice, seconded by Trustee Neuburg, to table enrollment into the Focus on Energy program until such time as the Fire Commission has the opportunity to review the document in detail. The motion carried unanimously.

Public Works & Property

1. Update on street repairs

Trustee Scheff stated that there was no meeting, however, he and Steve Deegan did meet to discuss the topcoating of South St. The proposal from Payne & Dolan came in at \$21,718, which leaves approximately \$5,100 for crackfilling. As this improvement comes in under \$25,000, no bids are needed. Wolf is to meet with him and Steve next Tuesday, but it is his recommendation, given the status of South St. less than one year later, that Payne & Dolan be contracted for this overlay. Discussion turned to Andover's shoulders being completed as well.

Trustee Scheff with check with Steve as to the status of the shouldering. President Spurrell stated that publication must occur before work can begin.

Police & Licensing

Trustee Scheff stated that there was a meeting last Monday, with a recap of Kettle Moraine Days occurring. The next meeting will consist of preparing the 2014 budget.

Discussion/consideration of posting for explanation of the special election questions

President Spurrell stated that when reviewing explanations prepared by the Village Clerk, it came to mind that not all people will read the questions in the same way. He had no problem with the explanations as written, however, he would like clarification from the board as to how to present this.

What is the intent of the board as to what is considered the Police budget? How do we represent this to the residents? In his opinion, the money allocated to the building only should be specified, i.e. rent, utilities, cleaning, maintenance, etc. It is his understanding that the loan payment is to be less than the rent and all costs associated with the building should be less than what they are now. Discussion ensued as to what line items to include, as listed on the budget, and recommended by Trustee Neuburg.

It was then stated that the Board will need to define what the current costs are related to the building itself, or to define what the overall budget includes. Currently, the Police budget is \$430,017. There is a difference between the overall budget and a building budget. Trustee Schoessow recommended that the building be kept separate, with all direct and indirect costs for the building being what is limited.

Further discussion ensued. Trustee Schoessow then recommended that the board should keep the building and services separate. The loan for the building budget should not exceed the current building expenses. President Spurrell agrees that the residents need to understand how we define this. Trustee Rice then stated that Schoessow had a good idea of defining the budget of the building, not the overall Police services. It should include insurance, utilities, bricks and mortar, and the loan, but exclude service costs.

After much more discussion and debate, the following motion was made:

Motion: Moved by President Spurrell, seconded by Trustee Degenhardt, to approve the explanation for posting that the overall budget be defined as all direct and indirect costs relating to the building, excluding service costs. The motion carried unanimously.

Personnel and Finance

President Spurrell stated that the P&F did not meet.

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Park & Recreation Committee

Trustee Jones stated that there was no meeting, as they will meet quarterly from this point forward.

Adjournment

Motion: Moved by Trustee Degenhardt, seconded by Trustee Scheff, to adjourn the meeting at 8:59 p.m. The motion carried unanimously.

Respectfully submitted,
Jeanne O'Brien, Clerk