

VILLAGE OF EAGLE REGULAR BOARD MEETING MINUTES

November 12, 2015

Approved

Call to Order/Open Meeting Law requirements:

R. Spurrell called the meeting to order at 7:00pm.

Roll Call: Present were Trustees G. Hein, J. Hoefakker, R. Spurrell, G. Scheff, L. Neuburg, J. Frisch, P. Jones; also present was Atty. M. Blum

Pledge of Allegiance: Pledge of Allegiance was led by R. Spurrell.

Review/Approval of Minutes: Trustees reviewed the minutes from the Regular Board meeting held October 8th, the Special Board meetings held October 12th, October 20th, October 27th and the Special Board meeting held jointly with the Town of Eagle Board on October 27th.

Motion made by J. Frisch to approve the minutes from the Regular Village Board meeting held October 8th. Seconded by G. Scheff. Motion carried unanimously (7-0).

Motion made by J. Hoefakker to approve the minutes from the Special Village Board meeting held October 12th. Seconded by G. Scheff. Motion carried (4-0-3) L. Neuburg, G. Hein, J. Frisch abstained.

Motion made by G. Scheff to approve the minutes from the Special Village Board meeting held October 20th. Seconded by J. Frisch. Motion carried unanimously (7-0).

Motion made by J. Frisch to approve both the minutes from the Special Village Board meeting and the minutes from the Special Village Board meeting held jointly with the Town of Eagle Board, both held October 27th. Seconded by J. Hoefakker. Motion carried unanimously (7-0).

Review/Approval of Treasurer's Report, including regular monthly accounts payable and journal entry log: Trustees reviewed the reports presented. Motion made by J. Frisch to approve the Treasurer's Report, regular monthly accounts payable, and journal entry log. Seconded by L. Neuburg. Motion carried unanimously (7-0)

Clerk's Report: Clerk C. Zindars announced that the office had received the new election equipment from the county and that it was planned to have the equipment set up in the office during tax collection for viewing.

Citizen Comments/Concerns:

S. Royston, 330 Appletree Ln – stated that it was difficult to hear when Trustees spoke and asked if there were plans to purchase a speaker system. She also stated that she had not yet received anything from the Village Office regarding the petition submitted.

E. Sullivan-Kohls, W349S9052 Nesting Ct – read a statement to the board, which explained that she had over-heard, while out to dinner, that J. Steinhart had made remarks regarding under-age drinking taking place at the unofficial annual Fire Dept/Police Dept family picnic held at Sgt. G. Bruckner's home. E. Sullivan-Kohls stated that she attended the picnic and observed no under-age drinking.

Daughter of M. Kenney, 806 Henley St – read a letter to the Board on behalf of her mother denying the content of statements allegedly made by J. Steinhart regarding M. Kenney's son K. Zettelmeier participating in under-age drinking at the family picnic held at Sgt. G. Bruckner's home. It was stated in the letter that M. Kenney had spoken with her son immediately following his return home from the picnic and observed no signs of intoxication or behaviors relating to the consumption of alcohol.

M. Rice, 601 Old Prospectors Trail – remarked on line item #10 on the agenda ‘Mutual Cooperation Agreement Under The Housing and Community Development Act and The National Affordable Housing Act’. He explained that something similar had been presented to the Board several years ago. He expressed his concerns regarding the possibility of the Planning Commission losing their authority to make decisions regarding multi-family developments and low-income housing units. He strongly urged the Board to take the time to carefully read and review the contract before making a decision.

S. Wilton, 231 Eagle St – explained that he attended the Fire Dept/Police Dept family picnic at Sgt. G. Bruckner’s home and observed no under-age drinking.

Ch. Ballman, 241 Eagle St. – explained that he was also in attendance at the family picnic at Sgt. G. Bruckner’s home and observed no under-age drinking.

Ca. Ballman, 241 Eagle St. – expressed her disappointment in the individual(s) spreading of hear-say regarding the events at the Fire Dept/Police Dept picnic.

J. Suhm, W360S9812 Markham Rd, owner of Suhmer’s Saloon – requested that, as Eagle Business Association President, that the EBA be added back on the Village Board agendas for announcements. She also requested that the repairs of the water-main break at the gazebo be placed on the next DPW agenda. She also requested that police officers not sit directly outside the door of Suhmer’s Saloon as it potentially deters customers from entering the establishment.

R. Kussman, 319 South St. – stated that he expected that a financial comparison between the Waukesha County Sheriff’s Department coverage costs vs. the Eagle Police Department costs would be presented at this meeting. He also provided his dissatisfaction at the Boards lack of long term financial planning for the Police Department and called for new management of the Department’s financials.

S. Dooley, 100 South St. – expressed his dissatisfaction with the proposed noise ordinance. He explained that many other communities provided outdoor music during daytime and nighttime hours and compared his live music events (Coyote Canyon and Knucklehead Pub) to those held in other communities. He stated that the proposed ordinance would place far too much restriction on these events that other communities do not seem to have an issue with.

B. Dingle, 116 South St. – stated his feeling that the decibel levels listed in the ordinance were too high and the hours were too late.

L. Fejnas, 113 Eagle St. – stated that she had stated her concerns to J. Frisch, chairman of the Code & Ordinance Committee regarding the noise ordinance and that she hoped he had conveyed those to the other Trustees.

W. Wilton, 231 Eagle St. – inquired whether what was told to her when asked to sign the direct legislation petition was true. She stated that she was told that if passed, the Village of Eagle property tax would decrease by 10%.

R. Ehlers, 305 Hawthorne Dr. – made remarks about the agenda item regarding an ordinance to amend Chapter 2 of the Municipal Code. He stated that it was his belief that, based on his research, because Cpt. S. Lesniewski had been a voting member on the committee and the ordinance specifically states that the Chief is to be the voting member on the committee, the Committee and Board were in violation of their own ordinance. He asked whether there was to be an investigative action regarding the votes taken at the code and ordinance committee meeting held February 18th through August 18th.

Announcements:

Chief Presiding Officer: R. Spurrell apologized to the Board and residents for his unpleasant demeanor at the last Regular Village Board meeting. He also announced that the Budget Hearing would be held Tuesday, November 24th at 6pm.

Board Members: J. Frisch made an announcement recognizing the service of Veterans for Veterans Day.

Fire Dept. Representative: Acting Chief B. Hein announced that the pancake breakfast was a huge success on October 31st, serving over 250 people. He also announced that Santa would be visiting the Fire Station on December 4th at 6pm.

Police Dept. Representative: Cpt. S. Lesniewski made an announcement regarding the Police Department's participation in assisting the Fire Department with the pancake breakfast. He also announced there was a display of the moving Veteran's Wall at Cross Point Community Church in Oconomowoc.

Consideration/Action regarding Operator's License application for Anna Bahr: Motion to approve Operator's License for Anna Bahr made by J. Frisch. Seconded by L. Neuburg. Motion carried unanimously (7-0)

Consideration/Action regarding the Mutual Cooperation Agreement Under The Housing and Community Development Act and The National Affordable Housing Act: Atty M. Blum provided information about the proposed cooperation agreement, explaining that he had worked with and advised three other municipalities on this issue, and had raised questions with the Waukesha County Corporation Counsel regarding the agreement. Two of the municipalities have signed, and one has not. He explained the types of funding available and reason this agreement was presented. He suggested that he could share the information he had obtained with the Board once he was back in his office. Motion made by J. Hoefakker to table. Seconded by P. Jones. Motion carried unanimously (7-0).

Consideration/Action regarding the direct legislation petition

a. Consideration/Action regarding contracting with Waukesha County Sheriff's Department

b. Consideration/Action regarding a referendum on the ballot for the spring election

R. Spurrell explains the process of direct legislation and explains that the Clerk had sent a certified letter to S. Royston outlining the petition's insufficiency. He summarized the reasons for the insufficiency: according to State Statutes the work 'PETITION' must be at the top of each circulating petition, circulator insufficiencies included no certification by the circulator stating that he or she personally circulated the petition and personally obtain each of the signatures, several pages did not contain a circulator signature, several pages have a date by the circulator that precedes the dates of numerous signatures, and according to State Statute, an ordinance or resolution must be presented to the Board – the petition did not propose an ordinance or resolution, therefore it lacked the legislation to be considered by the Board or the electors. R. Spurrell also explained that an inaccurate number was provided to S. Royston in regards to the number of signatures required by the Village, therefore making the petition short in the number of required signatures. He also explained that although this inaccurate number added to the insufficiency of the petition, due to the numerous other insufficiencies, the petition would have been insufficient for direct legislation regardless of the number of signatures obtained. It was proposed by R. Spurrell that the Village have an advisory referendum on the Spring Ballot in order for the Village Board to identify the wishes of Village residents in regards to police services. Motion made by G. Hein to have an advisory referendum placed on the Spring Ballot with language for the referendum to be approved at the next regular board meeting. Seconded by P. Jones. Motion carried (4-3), G. Scheff, R. Spurrell, G. Hein, P. Jones in favor. J. Hoefakker, L. Neuburg, J. Frisch opposed.

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

a. Code & Ordinance –

1. Consideration/Action regarding Ordinance #216 LOUD AND UNNECESSARY NOISE

PROHIBITED: Atty M. Blum made recommendations about correcting language due to

potential issues with the proposed ordinance. Some potential issues presented were to not have certain businesses with special rules, the need to remove the reference as to what is producing the noise, remove reference to establishments serving alcohol, need to be sure that nothing in the ordinance limits the right of free speech. There was discussion between trustees regarding how decibel levels listed in the ordinance were decided on. J. Frisch explained that multiple readings were taken from various areas of the Village during different events over the course of the summer. There was also a suggestion by Atty M. Blum that decibel reading be taken out of the ordinance all together as some other municipalities have done for the fact that many variables can affect the reading of decibels. There was also discussion of where decibel readings should be taken, which was not indicated in the proposed ordinance. Suggestion given by Atty M. Blum was to have the reading taken at the property line that the complaint was made. Motion to send the proposed ordinance to the Village Attorney for review made by L. Neuburg. Seconded by J. Hoefakker.

2. **Roll call vote:** L. Neuburg – yes, G. Scheff – yes, J. Hoefakker – yes, G. Hein – yes, P. Jones – yes, J. Frisch – yes, R. Spurrell – yes. Motion carried unanimously (7-0).
 3. **Consideration/Action regarding Ordinance #217 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS:** R. Spurrell indicated a potential problem with the fact that, in the current zoning code, chickens were allowed in parcels zoned agricultural, but in the proposed ordinance, chickens were listed as a prohibited animal on all parcels. He stated that he believed this was a potential issue that needed to be fixed, and that agricultural zoned properties should still be allowed chickens. J. Hoefakker commented to the Board that chickens were not what he would consider a dangerous animal and did not see why they needed to be regulated and treated the same as the other prohibited animals listed in the proposed ordinance. He stated that the Board should be upholding the Constitution, not the opinions of a few residents or their own opinions on what others should be able to do on their own properties. Motion to send proposed ordinance to the Village Attorney for review made by R. Spurrell. Seconded by G. Scheff.
 4. **Roll call vote:** L. Neuburg – no, G. Scheff – yes, J. Hoefakker – yes, G. Hein – yes, P. Jones – yes, J. Frisch – No, R. Spurrell – yes. Motion carried (5-2).
 5. **Consideration/Action regarding Ordinance #218, an Ordinance to amend Chapter 2 OFFICIALS AND COMMITTEES, Section 2.11 CODE & ORDINANCE:** R. Spurrell explained that by motion and vote by the Board, substitutes were designated to fill the retiring Chief's place on the Code & Ordinance committee. He deferred to Atty M. Blum for whether the actions of the Board were appropriate, with Atty M. Blum stating that it would have certainly have been better to amend the ordinance prior to the designation of a substitute, however stated that he saw no issue with how the Board acted. Motion to approve made by L. Neuburg. Seconded by P. Jones.
 6. **Roll Call Vote:** L. Neuburg – yes, G. Scheff – yes, J. Hoefakker – yes, G. Hein – yes, P. Jones – yes, J. Frisch – yes, R. Spurrell – yes. Motion carried unanimously (7-0)
- b. **Consideration/Action regarding use of official Conditional Use Permit Application:** Trustees reviewed the application presented. R. Spurrell suggested that the application presented appeared to be intended for use at planning commission for zoning variances and that what he would be looking for was something specific to events outside the limits of the proposed new noise ordinance. He also made several suggestions on revisions to the application. No action was taken.

- c. **Eagle Recreation Department** – P. Jones stated that the Eagle Rec Dept. was accepting applications for the part-time director position and that four applications had come in to date.
- d. **Fire & Building**
 - 1. **Consideration/Action to approve hiring of John Macy for researching structuring of the Fire Commission:** R. Spurrell explained that the Town Chairman had suggested that the Town Attorney be used for structuring of the Fire Commission. L. Neuburg inquired as to how long the process would take and the cost involved. R. Spurrell stated that it was unknown, but cost would come from the Fire Department budget. It was explained that there were concerns over the Fire Commission authority over hiring/firing, and other personnel issues, which needed to be addressed. Motion to approve hiring of John Macy for researching structuring of the Fire Commission made by L. Neuburg. Seconded by P. Jones. Motion carried unanimously (7-0)
 - 2. **Consideration/Action to approve usage of Fire Department’s savings accounts for expenditures for the remainder of the 2015 year:** R. Spurrell explains several unforeseen expenses over the year that contributed to the shortage in the EFD budget. He explains that funds would be taken from Certificates of Deposit that were coming due. Motion made by L. Neuburg to approve usage of Fire Department’s savings accounts for expenditures for the remainder of the 2015 year. Seconded by G. Scheff. Motion carried unanimously (7-0)
- e. **Library** – Director A. Chase indicated that the library was at 100% revenue YTD and 76% of budgeted expenses. She reviewed upcoming library programs and announced the ‘go live’ date with the Jefferson County Library System of December 10th.
- f. **Nature Trail** – J. Hoefakker stated that the committee would be changing its meetings to the second Tuesday of the month.
- g. **Personnel & Finance** –
 - 1. **Consideration/Action to update the Village of Eagle HR Policy:** R. Spurrell explained that a change was made to overtime pay, which would change from being paid for any time worked over 80 hours biweekly to being paid for any hours worked over 40 hours weekly. There were also changes made to clarify retirement eligibility and employee benefit responsibility. Motion to approve updates to the Village of Eagle HR Policy made by J. Frisch. Seconded by G. Scheff. Motion carried unanimously (7-0)
- h. **Police & Licensing** –
 - 1. **Consideration/Action to approve a contract for the garage roof repairs:** Motion to table made by G. Scheff. Seconded by J. Frisch. Motion carried unanimously (7-0).
 - 2. **Consideration/Action for approval of a Police Chief Job description:** L. Neuburg provided hand-outs to Trustees outlining hours and duties for Police Chief expectations. She explained that after including all expected duties, with anticipated hours, the committee had come to the conclusion that the Chief position would be need as a full time position. R. Spurrell presented concerns about the hours listed mainly as first shift, stating that the concern was that people who worked first shift would not get an opportunity to meet with the Chief. He also stated that there needed to be a budgetary discussion regarding the cost of a new Chief. L. Neuburg explained that promoting from within would eliminate the need for budgetary discussion because it would not add to existing staff. Discussion continued about potential clarification and changes to the proposed job description. R. Spurrell stated that the job description provided was a good start, however he would like more time to review and provide suggestions. Motion to table made by R. Spurrell. Seconded by P. Jones. Motion carried (6-1) L. Neuburg opposed.

3. Consideration/Action regarding the position of the Police Chief: L. Neuburg stated that the committee recommended a full time position, promoted from within. Motion to table made by P. Jones. Seconded by G. Hein. Motion carried (4-3) P. Jones, R. Spurrell, J. Hoefakker, G. Hein in favor – J. Frisch, G. Scheff, L. Neuburg opposed.

i. Public Works & Property – G. Scheff assured J. Suhm that the water issue brought up in public comment would be looked into and fixed hopefully in November.

Adjournment: Motion to adjourn made by J. Hoefakker. Seconded by J. Frisch. Motion carried unanimously (7-0). Meeting adjourned at 9:54pm.