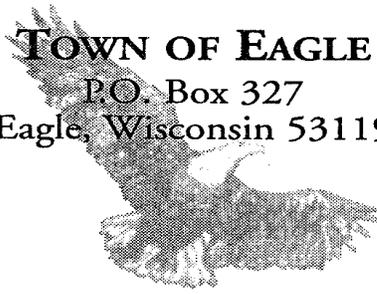


TOWN OF EAGLE
P.O. Box 327
Eagle, Wisconsin 53119



TOWN OF EAGLE
Planning & Zoning Commission
Held Jointly with the Town Board
March 5, 2012
Approved Minutes

Chairman Kwiatkowski called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Present: Chairman Kwiatkowski; Supervisors Davis, Malek, Rasmussen, and West. Commissioners Lewis, Rudy, and Samuels. Also present: Town Clerk Lynn Pepper and Town Planner Tim Schwecke.

Minutes: Motion by Supervisor Malek, seconded by Commissioner Samuels to approve the February 6, 2012. Motion by Supervisor Davis, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Roof Height Extension Request – Request of Kathy & Jason Olsen, W350 S7905 Prairie Farm Court – Town Planner Schwecke explained that the petitioner would like to construct an accessory structure. The proposed structures highest elevation is over 37 feet. The zoning code allows the Plan Commission to grant a special exception in height of up to ten feet, with a maximum of 25 feet, providing all offsets and setbacks are increased by one foot for each foot of additional building height. Since the average height of the proposed building is 32 feet, the accessory building does not qualify for a special exception. Measurement is calculated from the lowest grade.

Chairman Kwiatkowski explained to the petitioner that the Board cannot do anything because the building exceeds their limitations. Chairman Kwiatkowski suggested moving the building to another location so it would be in compliance. Discussion followed. Planner Schwecke explained that the petitioner's propose to have lower level access.

Petitioner Kathy Olsen questioned if they should apply for a variance. Planner Schwecke explained that they can apply but there is no guarantee that the Zoning Board will approve the request. A hardship must be proven for a variance to be granted.

A motion was made by Chairman Kwiatkowski, seconded by Commissioner Lewis to deny the request for additional roof height. Upon voice vote, motion carried. A motion was made by Supervisor West, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Public Hearing - Conditional Use Request for a Hobby Kennel License for Keith & Melanie Morgan, S106 W36653 Saddle Ridge Drive - Applicant Keith Morgan explained that he has four Siberian Huskies who are housed indoors at night. In response to Chairman Kwiatkowski, he does not anticipate getting more dogs.

Amy Kinosian, W369 S10516 Shearer Road explained that she is the Morgan's closest neighbor. Ms. Kinosian stated that the Morgan's are animal lovers, they take meticulous care of their dogs, she never hears any noise, and has no objection to the request.

A motion was made by Commissioner Rudy, seconded by Supervisor Malek to close the public hearing at 7:53 P.M. Upon voice vote, motion carried.

Planner Schwecke reviewed his staff report dated February 29, 2012. Planner Schwecke explained that the applicant has indicated that the dogs will be inside the home when they are not home. Planner Schwecke stated the zoning

code lists six criteria which must be met. In addition, the Planning & Zoning Commission and Town Board can impose conditions as deemed appropriate. Proposed condition #4 allows the Boards to monitor on-going compliance by having the applicant return for a review, as opposed to the Boards dealing with possible complaints. Discussion followed on how many reviews would come before the Boards if this condition were imposed on all conditional uses. Planner Schwecke explained that this condition would only be placed on conditional uses which have room for growth. In regards to condition #9, Mr. Morgan stated that all of his dogs have been either spayed or neutered. Chairman Kwiatkowski suggested striking the second sentence of condition #10.

Supervisor Malek questioned if the dogs would be able to exit the home while the applicants were at work. Mr. Morgan stated that they do have a doggy door which allows the dogs to exit into a 12 X 12 kenneled area. Mr. Morgan showed the Boards pictures of the kenneled area. Discussion followed.

Discussion ensued regarding the proposed annual review.

A motion was made by Commissioner Rudy, seconded by Chairman Kwiatkowski to approve the hobby kennel license with the conditions as recommended by the Town Planner however strike the second sentence on condition #10, and revise condition #11 to state that the dogs shall be kept inside or in the outdoor fenced kennel area when the persons residing at the subject property are not at home. Upon voice vote, motion carried with Commissioner Samuels opposing. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Department of Natural Resources (D.N.R.) – McMiller Safety Audit Update – Chairman Kwiatkowski reported that Mr. Mark Aquino, District Land Program Manager and liaison with the operators of McMiller provided him the timeline for implementing the changes as suggested in the safety audit. Chairman Kwiatkowski stated that the D.N.R. hopes to have the changes made by spring 2013. Commissioner Rudy explained that the budget for these changes needs to be approved by the Building Commission. Chairman Kwiatkowski stated that he will contact the D.N.R. regarding the approval process.

Nature Conservancy Complaint – Request for the Town of Eagle to investigate the Stiglitz property for possible violations of ordinances and laws pertaining to vehicle and hazardous waste storage – Chairman Kwiatkowski explained that the Town received a complaint from the Nature Conservancy regarding possible zoning violations on the Stiglitz property and that the Planning & Zoning Commission need to make a recommendation to send the building inspector out to the property for an inspection.

A motion was made by Commissioner Lewis, seconded by Commissioner Rudy to have the building inspector through the appropriate official process, inspect for possible zoning violations. Upon voice vote, motion carried. Chairman Kwiatkowski explained that the vehicles stored on the property could be hazardous to the wetland area. A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to accept the recommendation of the Planning & Zoning commission. Upon voice vote, motion carried.

Mr. Dan Stiglitz explained that when the issue last arose, the D.N. R. told him that he could have 2,000 vehicles as long as they were not hazardous. Mr. Stiglitz stated that the Nature Conservancy is not his neighbor. Mr. Stiglitz stated that a “spill” is five (5) gallons or less. A “hazard” is five (5) gallons or more. Mr. Stiglitz stated that although he understands where the Board is coming from, he is offended that anyone would think that he is contaminating his own property, especially since he has his own pond on his property. Mr. Stiglitz welcomed the Board to conduct soil borings on his property, at no cost to him.

Status Reports – No report.

Mukwonago River Initiative (MRI) update – Commissioner Lewis reported that the Oak Savanna Alliance held a workshop and it was very well attended. Commissioner Lewis reported that the Nature Conservancy gained another eighty (80) acres, located close to the Crooked Creek Preserve on Eagle Road. Commissioner Lewis also reported that the Southeastern Wisconsin Regional Plan Commission presented at their February meeting. The topic for discussion was groundwater and high capacity wells.

Public Comment – Mr. Tom Day, W350 S10115 Highview Road suggested that the Town advise the first applicant on proving a hardship during the variance appeal process is very difficult, should the applicant proceed with applying to the Town for a variance.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to adjourn the Planning & Zoning portion of the meeting at 8:37P.M. Upon voice vote, motion carried.

TOWN BOARD ACTION ONLY:

Sale of the Town's Old Lawnmower – A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to authorize the Town Chairman to advertise the sale of the lawnmower by sealed bid, with the minimum price to be set by the Town Chairman. Upon voice vote, motion carried.

Town Planner's request to serve as Village Planner for the Village of North Prairie – Chairman Kwiatkowski explained that the only issue he can foresee would be if the Town needed to have a boundary agreement with the Village of North Prairie, then the Town would need to find a new planner for that agreement. Planner Schwecke responded that when the Town of Mukwonago and the Village of North Prairie developed their boundary agreement, both municipalities had the same attorney, John Macy. Planner Schwecke explained that essentially a boundary agreement is mutually agreeable and that as planner, he would try to find something mutually agreeable.

Supervisor West questioned what would occur should the Village of North Prairie want to annex parts of the Town. Chairman Kwiatkowski explained that annexation can only occur if the landowner initiates the petition to annex.

The Board agreed that they are pleased with the way Planner Schwecke is handling the Town and would not oppose him as also serving the Village of North Prairie as their Village Planner.

Use of Town E-Mail Accounts – Computer Tech Michael Pepper suggested using the “townofeaglewi.us” email accounts since it is hosted at the same place as the town's website and the account has unlimited space. Discussion followed. It was the consensus of the Board to change to “townofeaglewi.us” email accounts.

Using Nextiva as a phone service provider – Computer Tech Michael Pepper explained that Nextiva works as voice over internet. One of the benefits for switching to this provider for phone service is that each individual can have their own voice mail and that the user can have the audio file emailed to them. This system is capable of voice forwarding, auto responder, and caller ID, as well as instantaneous call logs. The quoted rate of \$156 per month is for unlimited calls.

Chairman Kwiatkowski explained that the Fire Department has recently switched over to this service provider.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to table this item, to see how well it works for the Fire Department before the Town agrees to a contract. Upon voice vote, motion carried.

Joining either the Wisconsin Association of Public Purchasers (WAPP) or the Volume Acquisition of Large and Uniform Expenditures (VALUE) Organization in order to be a contract participant in the JP Morgan Chase Credit Card Consortium for Waukesha County - Chairman Kwiatkowski explained that this program, he believes is an opportunity for purchasing power by purchasing under a blanket. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to table this item to the next Town Board meeting. Upon voice vote, motion carried.

A motion was made by Supervisor West, seconded by Supervisor Davis to adjourn the Town Board portion of the meeting at 8:54 P.M. Upon voice vote, motion carried.

Lynn M. Pepper
Eagle Town Clerk