

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
JANUARY 21, 2009
APPROVED MINUTES

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

Present: Chairman Kwiatkowski; Supervisors Malek, West, Davis and Rasmussen. Also present: Treasurer Pasterski, Clerk Pepper, and Fire Chief Heim.

Minutes- Motion by Supervisor Davis, seconded by Supervisor Malek to approve the minutes of December 17, 2008 with the following corrections: page 1, 3rd paragraph, should read "...is control over conditional use permits and certified surveys."; page 4, 1st paragraph, should read "... identifies a habitat and/or "No Dumping" signs".; and page 5, 4th paragraph, should read "that Eagle is the lowest." Upon voice vote, motion carried.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report. In response to Supervisor Rasmussen, Chairman Kwiatkowski explained that two courses of action can be taken for those bills that are more than 90 days past due, either take the issue to Small Claims Court or possibly place the balance on the tax bill. Chairman Kwiatkowski will contact the Wisconsin Town's Association for their opinion. If no opinion can be given, Chairman Kwiatkowski, at the consensus of the Board, will contact the Town Attorney for his opinion. In regards to the amount due from the Eagle Municipal Building, Clerk Pepper indicated she would inquire as to what the amount due is for and would report back to the Board.

Renewing Membership with the Urban Towns Committee in the Amount of \$894.75 – Chairman Kwiatkowski suggested that he, at next week's Wisconsin Town's Association Meeting for Waukesha County, inquire as to the benefits of belonging to the Urban Towns Committee and would report his findings to the Board at the next meeting. A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to table this item to the February Board Meeting. Upon voice vote, motion carried.

Treasurer's Report- Treasurer Pasterski presented the December, 2008 report. Savings balance as of 11-30-08 was \$265,815.30. Total cash was \$3,498,199.31. Treasurer Pasterski reported the 2008 receivables, as required by State Statute. Discussion took place regarding the projected surplus and the projected levy amount for 2010. In response to Chairman Kwiatkowski, Treasurer Pasterski explained that the property tax credit is zero because monies from the state now go directly to Waukesha County rather than the Town. Motion by Supervisor Rasmussen, seconded by Supervisor Davis to approve the treasurer's report. Upon voice vote, motion carried.

Chairman Kwiatkowski read the following notice into the record: CLOSED SESSION: Town of Eagle v. Berg—Property Maintenance Violation. The Board may convene into closed session pursuant to Wis. Stat. § 19.85(1)(g) for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or likely to become involved. Topics for discussion: Town of Eagle v. Berg – Possible settlement of a property maintenance violation. Upon conclusion, the Board will reconvene into open session to take any action required to be taken in open session

Chairman Kwiatkowski explained that the Town Attorney conveyed to him that the Town Board can, without going into closed session, either make a motion to accept or deny the proposal or, if the Board has questions regarding the proposal, they can go into closed session to confer with legal counsel via teleconference.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to move into closed session at 8:03 P.M. Upon roll call vote, Supervisor Davis – aye; Supervisor Malek – aye; Supervisor Rasmussen – aye; Supervisor West – aye; Chairman Kwiatkowski – nay. Motion carried.

A motion was made by Supervisor West, seconded by Supervisor Malek to move into open session at 8:12 P.M. Upon roll call vote, Supervisor Davis – aye; Supervisor Malek – aye; Supervisor Rasmussen – aye; Supervisor West – aye; Chairman Kwiatkowski – aye. Motion carried.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to accept the proposed Stipulation & Order modifications and changes, as accepted by Jim and Cindy Berg regarding the property maintenance and storage violation and to direct the Town Attorney to proceed with those changes, as discussed. Upon voice vote, motion carried.

Claims- Claims totaling \$3,225,037.53 were reviewed. In response to Supervisor Malek, Chairman Kwiatkowski explained that the Town has a contract with Morton Salt for 250 tons of salt at the rate of \$79.85 per ton. Discussion followed. Motion by Supervisor Malek, seconded by Supervisor Rasmussen to approve payment of the claims. Upon voice vote, motion carried.

Fire Department/Fire Commission- Chairman Kwiatkowski presented the Eagle Municipal Building 2008 Budget Report and the Eagle Fire Department 2008 Budget Report, indicating that the Municipal Building came in at 90% of their budget and the Fire Department came in at 87% of their budget. In regards to the Account Balance Report, Chairman Kwiatkowski explained that he has suggested laddering the certificates of deposit in amounts of \$25,000, in three, six, and nine month increments.

Chief Heim presented the Board with graphs comparing the number of fire and emergency medical calls for both the Town and the Village for the years 2007 and 2008. For the record, Chairman Kwiatkowski stated that 20% of the calls last year were fire calls, 33% were motor vehicle accidents, and 47% were emergency medical services. Discussion followed regarding reimbursement from the state for calls on state highways.

Chief Heim reported that there have been eighteen calls to date, one of those being a structure fire which occurred yesterday, with incident. Chief Heim reported that as the engine was driving up the steep driveway, a low hanging tree sheered the ladder rack right off the top of the 2006 Pierce Apparatus however; the incident did not hinder the operation. In Chief Heim's estimate, there is approximately \$30,000 in damage, of which \$1,000 applies to the deductible. The loss of use will be approximately four to eight weeks, although the department does have a reserve engine. Discussion

followed regarding private property clearances. Chairman Kwiatkowski stated that he will check to see if the Fire Department can bill back to reclaim the \$1,000 deductible.

Ordinance 08-07, An Ordinance to repeal and re-create the Ordinance adopted 04-20-1994 which created the Fire Department and Fire Commission and ordinances amendatory thereto – Chairman Kwiatkowski explained that in order to follow state statutes regarding the procedure to hire, promote, or discipline within the Fire Department, the current ordinance needs to be amended. The proposed ordinance is a codified version of the original documents of 1994 and the amendment in 2004, along with the changes which follow state statute. Chairman Kwiatkowski stated that the make-up of the Fire Commission will not change, only the Chief's duties and the management of the Department. He added that approval is needed from both the Town Board and the Village Board in order for this ordinance to take effect. A motion was made by Supervisor Davis, seconded by Supervisor Malek to adopt Ordinance 08-07, An Ordinance to repeal and re-create the Ordinance adopted 04-20-1994 which created the Fire Department and Fire Commission and ordinances amendatory thereto. Upon voice vote, motion carried.

Proposed "Hours of Work and Pay for Joint Employees" Policy Which Has Been Initiated by the Village Board – Chairman Kwiatkowski explained that Eagle Village President Rich Spurrell presented him with a copy of the policy that the Village Board recently adopted and asked him if the Town Board would consider adopting this policy for all joint employees. Chairman Kwiatkowski explained that his concern is that the current salaried employees were hired as salary exempt. In other words, they do the job until the job is done, no matter how many hours it takes. Discussion followed regarding the Department of Labor's three criteria for salary exempt employees. It was the consensus of the Board that no action would be taken.

Possible Purchase of "No Littering"/"Speed Limit" Signs – Discussion took place regarding possible locations of the "No Littering" signs. A motion was made by Supervisor West, seconded by Supervisor Malek to purchase four "No Littering" signs for Highway X and Sprague Road. Upon voice vote, motion carried. Chairman Kwiatkowski added that he will have Highway Superintendent Betts check to see if any road signs need replacing.

Mailbox/Post Damage Claim from Lennie Bane, S94 W34320 Jericho Drive, John P. Jonas, W367 S9675 South Road, Ronald and Beverly Bowles, S98 W36745 Hearthwood Lane, and Kevin and Jackie Kuehl, S98 W36751 Hearthwood Lane – Chairman Kwiatkowski explained that he spoke with Highway Superintendent Betts regarding the mailbox/post issues. Superintendent Betts explained that the weight of the thrown snow caused the mailbox posts to snap in half. Chairman Kwiatkowski added that the Town of Troy has had recent vandalism of mailboxes on Betts Road, including Supervisor Malek's mailbox in the Town of Eagle. Superintendent Betts indicated to him that he went with the Highway Superintendent from the Town of Troy to examine the Betts Road mailboxes. Footprints were observed in the snow and it was apparent that the mailboxes were ripped off their bases. Chairman Kwiatkowski explained that the Town of Eagle's current policy states that there is a twenty dollar claim reimbursement. He added that the Town of Troy and the Village of North Prairie both have policies of no payment and suggested that the Town consider this in the future. A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to approve the \$20.00 payment of mailbox/post damage claims for Lennie Bane, John P. Jonas, Ronald and Beverly Bowles, and Kevin and Jackie Kuehl. Upon voice vote, motion carried.

Sheriff's Report- Chairman Kwiatkowski reported that Board members were each given a year 2008 incident report in their packets. The report shows that there were over 1800 contacts for various activities in the Town of Eagle from January 1, 2008 through December 18, 2008. Chairman Kwiatkowski explained that Sheriff Department coverage is provided for the Town through the Waukesha County taxes. Chairman Kwiatkowski commended the Sheriff's Department for their outstanding service. Discussion followed regarding the Town of Lisbon's disbanding of their police department, thus saving their Town over \$250,000.

Library- The 2008 Year End Financial Report and 2007 and 2008 Circulation Reports were distributed to the Board. Chairman Kwiatkowski reported that the library overspent their budget within 1%, or \$2,600.

Lake Management District/Lake Patrol- Mr. Tom Day explained that the Lake District will be meeting January 30, 2009 with the Southeast Wisconsin Regional Plan Commission (SEWRPC) and the Department of Natural Resources regarding the lake water level. SEWRPC will convey that they agree with the Lake District, that the water level should remain where it is currently.

Proposed Speed Limit Ordinance Amendment for Eagle Spring Lake – Mr. Tom Day presented the Lake District memo dated January 13, 2008, recommending a maximum speed limit of 50mph on Saturdays, Sundays, and Holidays on Eagle Spring Lake. Mr. Day explained that if the Town Board would like the Department of Natural Resources to take the recommendation into consideration, the Lake District memo, along with a cover letter from the Town should be submitted to Mr. John Plenke, Recreational Safety Warden at the DNR. The DNR will have sixty days to review the recommendation and take comments from the public. Mr. Day requested, if approved by the DNR, that the Town Board place this item on their April 6, 2009 Board agenda for Town Board action only. It was the consensus of the Board to recommend that the Department of Natural Resources take the suggested 50mph speed limit into consideration.

Village Board Meeting- Supervisor Davis reported that Bielinski Homes did obtain financing for the senior housing project however; concern was expressed over the current economy. Supervisor Davis reported that the Village Board reviewed the proposed Park & Recreation By-Laws, suggesting that the director position be given more of a lead role. Additionally, the Village Board questioned the length of term for the Park Committee appointees as well as questioned if the Chairman position would be on a rotating basis. The Village Board sent this item back to the Committee. Also, Supervisor Davis reported that the Village's has created a Development Assistance Committee, asking interested parties who reside in the Village for their help regarding future development.

Park & Recreation- Supervisor Malek distributed the Park & Rec program 2008 update. Discussion followed regarding the cost effectiveness of programs in which there have been minimal participation.

Possible Approval of the Recreation Department By-Laws – Supervisor Malek suggested that since the Village sent this back to Committee, the Town should not take action tonight. Supervisor Davis suggested that, under Financial Policy, the second paragraph should include that the Park & Recreation Director review the bills and submit them for payment. Supervisor Davis suggested that, under Financial Policy, second paragraph, the last sentence should end at "The Clerk will issue a receipt." Under Budget Preparation, Supervisor Davis suggested that the paragraph should state that the Park & Recreation Director prepares a preliminary budget for submission to the Park Committee. Supervisor Davis also, as did the Village, had questions regarding the length of term of the appointees as well as the Chairman's rotating term. Chairman Kwiatkowski suggested that the Park Committee use the

language from the Fire Commission's By-Laws regarding setting a meeting date and time on an annual basis. A motion was made by Chairman Kwiatkowski, seconded by Supervisor West to table this item to allow the Committee to review the suggestions.

Garbage & Recycling – No report.

Business Park – In response to Chairman Kwiatkowski, Supervisor Malek suggested that the Clerk contact Town Planner Brian Pionke for a copy of the Industrial Park Architectural Requirements.

Road Matters – Chairman Kwiatkowski reported that Mike Paulos contacted him regarding the upcoming 2009 Road Program. Chairman Kwiatkowski explained that he told Mr. Paulos that the Town will contact him sometime in March, once the snow melts to discuss the proposed projects.

Chairman's Report- Chairman Kwiatkowski reported that the Wisconsin Town's Association will be conducting the Waukesha County Unit Meeting on Wednesday, January 28, 2009 at 7:00 P.M.

Public Comment – No comments.

There being no further business on the agenda, a motion was made by Supervisor Rasmussen, seconded by Chairman Kwiatkowski to adjourn at 9:31 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Eagle Town Clerk