



TOWN OF EAGLE  
REGULAR TOWN BOARD MEETING  
AUGUST 19, 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, Deputy Clerk Heath, Fire Chief Heim, Park & Recreation Director Heywood, and Sergeant Nork.

Agenda – A motion was made by Supervisor Malek, seconded by Supervisor Davis to move item 20 after item 8 and to approve the agenda as amended. Upon voice vote, motion carried.

Minutes- Motion by Supervisor Rasmussen, seconded by Supervisor Malek to approve the minutes of July 15, 2009 with a correction on page 2, 5<sup>th</sup> paragraph, line 4 should read “the property”. Upon voice vote, motion carried.

Clerk's Report- Deputy Clerk Heath presented the Accounts Receivable Summary Report.

Treasurer's Report- Treasurer Pasterski presented the July, 2009 report. Savings balance as of 6-30-09 was \$96,503.69. Total cash was \$492,642.52. A motion was made by Supervisor Malek, seconded by Supervisor West to approve the Treasurer’s Report. Upon voice vote, motion carried.

Claims- Claims totaling \$109,377.06 were reviewed. Questions were raised regarding the payment to Gillette and the breakdown of the invoice from Graef. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the payment of claims. Upon voice vote, motion carried.

Park & Recreation- Park & Recreation Director Heywood reported on the current and upcoming recreation programs. Director Heywood announced that Ann Monnet, who is new to the area and has a child in 4K, has been named the new Village Representative to the Park & Recreation Committee.

Director Heywood distributed a budget report comparing the expected income and expenses for the remainder of the year, projecting a \$10,000 shortfall. Once again, the department will soon be requesting an early payment of the quarterly payment. Director Heywood added that the shortfall last year was covered by the remainder of the monies in the savings account.

Supervisor Malek reported that the shortfall is not due to irresponsible spending. The shortfall is due to escalating costs such as equipment replacement, insurance, payroll, referees, instructors, and workman's compensation. In response to Chairman Kwiatkowski's statement that it appears that the Town and Village should consider, as part of the 2010 budget, an additional \$5,000 for park and recreation, Supervisor Malek stated that the committee has a proposal which will be discussed at a future date. Discussion followed regarding fees for surrounding communities and a budget versus actual report for the budget workshop.

Statewide Slow No Wake - Discussion regarding a proposed ordinance to opt out of recent state law requiring a statewide slow no wake zone for motorboats within 100 feet of a lake's shoreline and possible referral to the Wisconsin Department of Natural Resources for their advisory review – Mr. Tom Day explained that the Eagle Spring Lake Management Board met last night and has approved that the draft ordinance be forwarded to the Town Board for action, to refer this draft ordinance to the Department of Natural Resources. Attorney Paul Alexy has suggested that the Board hold off on final adoption until the law goes into effect on February 1, 2010. This new law states that the slow no wake area is within 100 ft. of the shoreline for motor boats, the old law was 100 ft. from a pier. Mr. Day explained that Eagle Spring Lake has a unique situation. This new law would prevent boats from going through the ski channel and would confine boat traffic to the center of the lake. Mr. Day explained that there is too much traffic for this to occur. Discussion followed regarding hearsay that the Department of Natural Resources would like to close the channel.

A motion was made by Supervisor Davis, seconded by Chairman Kwiatkowski to send a copy of the draft ordinance to opt out of the 2009 Act 31 Slow No-Wake Speed Restrictions, as recommended by the Eagle Springs Lake Management District, to the Department of Natural Resources for their advisory review. Upon voice vote, motion carried.

Mr. Day reported that Jacks Bay will be treated for Eurasian Water Milfoil on Monday, September 14, 2009. Mr. Day reported that the Department of Natural Resources will be holding a public hearing on Thursday, September 10, 2009 from 5:00 p.m. to 7:00 p.m. at their office regarding the environmental assessment of the lake water levels. The Eagle Springs Lake Management District will be making a presentation and will be fielding questions.

Lake Management District/Lake Patrol- Sergeant Dennis Nork gave his monthly report. Sergeant Nork voiced his opinion that he is in agreement with the draft ordinance to opt out of the statewide slow no-wake zone for motorboats. Sergeant Nork explained that the fuel pump in the boat has been replaced and he will let the Board know how the boat is running at the next Board meeting. In response to Chairman Kwiatkowski, Sergeant Nork stated that the patrol season should be ending at the end of September.

Release of Letter of Credit for Eagle's Preserve – A motion was made by Chairman Kwiatkowski, seconded by Supervisor West to table this item until the proper documents have been received. Upon voice vote, motion carried.

Susan Hunt - Driveway Damage Claim at S98 W36920 Juniper Lane – Supervisor Rasmussen explained that the claimed incident took place on August 11, 2008. The claim states that the pavers' roller went onto the driveway, causing the 3" thick concrete to crack. Amon & Sons argues that the crack appears to be an old crack. Discussion followed regarding the thickness of the concrete and whether or not this would be considered normal thickness or sub-standard. Supervisor West explained that the Town has an ordinance stating that the Town does not have any responsibility for structures in

the right-of-way. Chairman Kwiatkowski agreed and suggested that this may be a civil matter between the complainants and Amon & Sons.

In response to Chairman Kwiatkowski, Ms. Susan Hunt explained that she did not see them roll up on her driveway however the 1" wide crack was not there earlier.

Supervisor Rasmussen explained that he understands how approving a repair would set a precedent if the damage were caused by a Town truck however this damage was caused by a contractor.

In response to Supervisor Malek, Mr. Jon Rutshky explained that the two 8 x 10 sections are in need of repair. Discussion followed regarding the projected cost of the repair.

Discussion ensued regarding the level of involvement of the Town in this situation and who has liability. Treasurer Pasterski explained that when the Town enters into a contract, the contractor must provide liability insurance, which should be on file.

A motion was made by Supervisor Rasmussen to direct the Town Chairman to contact the Town Attorney regarding the liability issue. Motion dies due to lack of a second.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to direct the Town Chairman to contact the Wisconsin Town's Association regarding the liability issue. Upon voice vote, motion carried with Supervisor West opposing.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to table this item until the next regular Board Meeting. Upon voice vote, motion carried with Supervisor West opposing.

2008 Road Improvement Program - Release of \$2,500 Retainage to the Amon & Sons for Completed Contract – A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to table this item until the next regularly scheduled Board Meeting. Discussion followed. Upon voice vote, Supervisors Malek and Rasmussen voted aye. Supervisors Davis and West and Chairman Kwiatkowski voted nay. Motion failed.

A motion was made by Supervisor Davis, seconded by Supervisor West to release the \$2,500 retainage to Amon & Sons for the completed contract. Upon voice vote, Supervisors Davis and West and Chairman Kwiatkowski voted aye. Supervisors Malek and Rasmussen voted nay. Motion carried.

Town Credit Card – Discussion/Presentation by a Chase Bank Representative Regarding the Town Obtaining a Commercial Credit Card – Mr. Jason Klein, Vice President of Chase – Brookfield Branch, gave a presentation regarding obtaining a commercial credit card. Mr. Klein explained that there are no annual fees or reporting fees for the credit card and the Town can place their Federal Identification Number on the card for tax exempt purposes.

In response to Chairman Kwiatkowski, Mr. Klein explained that the card is both a purchasing card and a credit card. Mr. Klein explained that the administrator of the cards can pre-set spending limits on each individual card. The administrator can also limit the number of times the card can be used in a given day. Mr. Klein explained that the card will not be in a particular person's name rather it will be under the Town of Eagle. This ensures no personal liability and also helps in fraud prevention.

Mr. Klein explained the Public Sector Consortium. The individual program must have annual spending of \$200,000 to qualify for rebates. The amount of the rebate is dependent on the total amount spent in the consortium.

Discussion took place regarding other communities in the consortium program such as the City of Racine, the Village of Mukwonago, and the Village of Big Bend.

In response to Chairman Kwiatkowski, Mr. Klein explained that if the card is not paid-in-full monthly, the interest rate is approximately 12.5%. In response to Supervisor Davis, there are no set-up costs for reporting in Quickbooks or Peachtree software.

Discussion ensued regarding purchases/bills that the Town could pay using the proposed card. Chairman Kwiatkowski suggested that the clerks review the Town accounts to determine where the card could be used.

Chairman Kwiatkowski expressed concern over having the card for the joint ventures, unless there is a written agreement with the Village of Eagle.

In response to Supervisor West, Mr. Klein explained that each card has a spending limit, as set by the card administrator. Mr. Klein suggested speaking with Cindy Graego at Waukesha County regarding the spending control placed on the individual cards. Mr. Klein added that there are free webinars that anyone can attend to get further information on how the program works and how shared departments could use the card.

Humane Animal Welfare Society Services Agreement – Chairman Kwiatkowski explained that the Town can choose either a one-year or a three- year contract. The advantage to the three-year contract is that the price is frozen at \$1155 per year.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to approve the service agreement with the Humane Animal Welfare Society for the three- year period at the cost of \$1155.00 per year. Upon voice vote, motion carried.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to amend the motion to include the years 2010, 2011, and 2012 in the motion. Upon voice vote, motion carried.

Professional Reimbursement Form – Chairman Kwiatkowski explained that this reimbursement form better protects the Town.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to approve the professional reimbursement form as presented. Upon voice vote, motion carried.

Identity Theft Policy - Chairman Kwiatkowski explained that while this policy is not necessary for the Town, Attorney Alexy has recommended its adoption.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to approve the Identity Theft Policy. Upon voice vote, motion carried.

Sheriff's Report- No report.

Fire Department/Fire Commission- Fire Chief Heim reported that the Department had 200 calls for the year. Chief Heim stated that he presented the department's proposed budget to the Fire Commission and their recommended changes will be reflected by the end of the week. Chief Heim added that approximately \$33,000 will be carried over into next year's budget.

Chief Heim reported that the department will be conducting a burn/car crash training at the old house located at HWY 67 and Betts Road. In response to Supervisor Davis, Chief Heim explained that they will not be closing the road for the training. In addition, the department is hoping to be working with Waukesha County on the training. Supervisor Malek expressed concern over the possible loss of the large spruce tree in the front yard. Chief Heim explained that it is likely that it will be affected by the radiant heat.

Library- County Library Ordinance 11-4 – Discussion took place regarding the proposed resolution which is adopted yearly. Supervisor West explained that if the resolution is not passed, the Town will incur an additional \$100,000 for the Waukesha County taxes.

A motion was made by Supervisor Davis, seconded by Supervisor Malek to adopt Resolution 09-02, A Resolution to Certify That the Town Shall Provide For and Allow the Library to Expend No Less Than the County Rate in the Prior Rate. Upon voice vote, motion carried.

Village Board Meeting- Supervisor Davis reported that discussion/action took place at the Village Board Meeting regarding a letter which was written thanking the Fire Department for their assistance in a traffic accident and regarding the amended liquor licenses for Suhmer's and Knuckleheads. The Board discussed giving the coaches a key to the Village Park bathrooms while other options are being researched. Discussion also took place regarding a proposed grocery store. In response to Chairman Kwiatkowski, Supervisor Davis stated that there was no discussion regarding the library funding.

Garbage & Recycling – Nothing to report.

Business Park – Nothing to report.

Road Matters – Supervisor West reported that the paving program on Jacks Bay Road will begin on Monday, September 14, 2009 and a permit was issued to Centurytel to move their line. Supervisor West reported that the culvert at the Denio property on Nature Road has been clogging and Highway Superintendent Betts proposed installing larger stone to help prevent a wash out. Supervisor Malek suggested placing fabric erosion cloth down prior to the placing of the stone.

Chairman's Report- Chairman Kwiatkowski reported that an outdoor gas leak was discovered at Town Hall, after the meter. Highway Superintendent Betts has fixed the leak. Chairman Kwiatkowski also reported that the Town's interior front door/frame needs to be repaired.

Public Comment – None.

There being no further business on the agenda, a motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to adjourn at 9:25 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper

Eagle Town Clerk

\*Minutes were transcribed from notes taken by Deputy Clerk Heath.