



TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
SEPTEMBER 16, 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, Fire Chief Heim, and Sergeant Nork.

Agenda – A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the agenda. Upon voice vote, motion carried.

Minutes- Motion by Supervisor Malek, seconded by Supervisor Davis to approve the minutes of August 19, 2009. Upon voice vote, motion carried. Motion by Supervisor Davis, seconded by Supervisor Rasmussen to approve the minutes of September 3, 2009. Motion carried with Supervisor Malek abstaining.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report.

Insight Election Machines – Clerk Pepper reported that an opportunity has arisen to purchase a slightly used Insight Election Machine at the cost of \$3,700. The cost for a new machine is \$6,100. Discussion followed regarding the current budget and the upcoming budget workshop. Chairman Kwiatkowski suggested contacting the Waukesha County Clerk to see if she would tentatively hold one for the Town.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the purchase of the machine, if it is determined to be feasible during next week's budget workshop. Upon voice vote, motion carried.

Treasurer's Report- Treasurer Pasterski presented the August, 2009 report. Savings balance as of 7-31-09 was \$18,009.61. Total cash was \$570,254.15. Supervisor Davis brought light to a typing error. A motion was made by Supervisor Malek, seconded by Chairman Kwiatkowski to approve the Treasurer's Report, as amended. Upon voice vote, motion carried.

Claims- Claims totaling \$86751.56, including the claim for crack filling, were reviewed. Discussion followed regarding possible discounts for early payment. A motion was made by Supervisor Davis, seconded by Supervisor Malek to approve the payment of claims, including the payment to Crack Filling Services in the amount of \$24,400. Upon voice vote, motion carried.

Lake Management District/Lake Patrol- Sergeant Dennis Nork gave his monthly report. Discussion followed regarding the possible revision of the traffic pattern ordinance and regarding patrol boat winterization. Sergeant Nork reported that he attended a Judicial Meeting on September 15, 2009. Discussion followed regarding attorney's fees, possible reimbursement of those fees, and reducing the number of court dates to two.

Lake Management District Chairman Tom Day reported that Jacks Bay was chemically treated on Monday morning. Blue-Green Algae was identified and notices have been posted, as well as posted to the Lake Management Website, that swimming is not advisable for people or pets. Mr. Day asked that the Town publish this information in the Town newsletter. Mr. Day reported that the District received a \$51,441 grant towards the purchase of a 420 Harvester from Aquarius Systems in North Prairie. The old harvester will be sold. Mr. Day reported on the well-attended Department of Natural Resources Meeting held September 10, 2009 regarding the lake water level. Mr. Day stated that the DNR will be closing the public comment period on October 13, 2009.

Eagle Preserve Subdivision- Discussion and possible action regarding Town Engineer's recommendation regarding release of "Letter of Credit " due to expiration of warranty period – Chairman Kwiatkowski reported that Mr. McAdams is unable to obtain the Title Insurance because the Letter of Credit is attached to the property. After discussions with Mr. McAdams, Town Engineer Paulos, and Town Attorney Paul Alexy, Attorney Alexy recommended that if documentation is located that proves that former Town Attorney Betty Adelman approved the reduction, Attorney Alexy would advise to release the Letter of Credit. Clerk Pepper confirmed that the minute documentation was located.

A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to release the Letter of Credit due to the expiration of the warranty period, based on the Town Engineer's recommendation and the documentation which was approved by the previous Town Attorney and passed by the Town Board.

Susan Hunt - Discussion and possible action regarding driveway damage claim at S98 W36920 Juniper Lane – Chairman Kwiatkowski reported that he contacted the Wisconsin Town's Association regarding the Town's liability in this issue. Chairman Kwiatkowski read the e-mail correspondence.

A motion was made by Supervisor West, seconded by Supervisor Davis to deny the driveway damage claim. Upon voice vote, motion carried with Supervisor Rasmussen opposing.

Town Credit Card – Discussion and possible action regarding the Town obtaining a Chase Commercial Credit Card – Clerk Pepper presented the vendor list, showing the highlighted areas indicating the possible invoices that could be paid with a credit card. Discussion followed regarding the current use of personal debit cards being used to make reimbursable purchases for the Town. Chairman Kwiatkowski explained that the Town needs further clarification on how to limit the use of the individual cards. Supervisor Davis reported that the Village of Eagle is under the understanding that purchases are instantly drawn from the checking account.

A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to table this item for further clarification. Upon voice vote, motion carried.

Sheriff's Report- No report.

Library – Chairman Kwiatkowski reported that the library has recently implemented a new tutoring program, as reported in the Mukwonago Chief.

Fire Department/Fire Commission – Chief Heim reported that the Fire Department is at 62% in their budget and the Municipal Building is at 52.4% in their budget. There have been 251 calls to-date. Chief Heim reported that the department has developed a proposed budget reflecting a 0% increase, in part due to additional revenue streams. Chief Heim reported that the department will be conducting a Pancake & Sausage Breakfast on Saturday morning, October 31, 2009. Chief Heim also reported that the department won a \$1,000 gift certificate in a “Sharpest Fire Truck Contest”. The membership intends to use the certificate to purchase new equipment.

In response to Chairman Kwiatkowski, Chief Heim explained the proposed acquisition of a new “Quick Response” vehicle. Chief Heim reported on the current process for nighttime response, averaging approximately 10 – 13 minutes from the placement time of the call to the arrival time versus the approximate response time of 6 -7 minutes with the use of a “Quick Response” vehicle. Chief Heim reported that there was significant debate over the proposal, given the current state of the economy. Discussion followed regarding the proposed financing of the vehicle, the current \$73,000 annual loan which is close to being paid-off, and the \$40,000 total cost of the proposed vehicle. Chairman Kwiatkowski explained that this topic will be discussed further at the budget workshop.

Discussion ensued regarding collection agencies for ambulance services.

Village Board Meeting- Supervisor Davis reported that citizens from Wyndam Fields Subdivision came to the September 10, 2009 Village Board Meeting to express concern over the Simon Group's foreclosure. Supervisor Davis stated that the new location of the nature path was approved by the Village Board, the public hearing for Smart Growth was scheduled for October 27, 2009, and the Board approved the Park & Recreation Department payment requests, pending the approval of the Village auditor, as well as reported on other various activities.

Park & Recreation- Supervisor Malek presented the committee report and reported that the proposed draft 2010 budget has been finalized, for Town Board review.

Request from the Park & Recreation Department for early payment of fourth quarter installment – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to approve the early payment request, pending fund availability. Upon voice vote, motion carried.

Request from the Park & Recreation Department for \$5,000 to cover the projected budget shortfall and to amend the 2009 budget to transfer \$5,000 from the General Fund surplus to the Park & Recreation Department – In response to Chairman Kwiatkowski, Supervisor Davis reported that the Village Board did approve the additional funding.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the request for \$5,000 to cover the projected budget shortfall and to amend the 2009 budget to transfer \$5,000 from the General Fund surplus to the Park & Recreation Department. Upon voice vote, motion carried.

Discussion ensued regarding when the additional monies are needed to be paid. Supervisor West suggested that the Park & Recreation Department submit a year-to-date and a monthly-to-date income report for the Town Board meetings. Chairman Kwiatkowski suggested that the year-to-date report be available for the budget workshop.

Garbage & Recycling – In response to Chairman Kwiatkowski, Supervisor Rasmussen reported that the recycling report is in progress.

Business Park – Supervisor West reported that Crack Filling Services completed the crack filling in the Industrial Park, as well as touched up on Annice and Burr Oak at no additional charge.

Road Matters – Supervisor West reported on the progress of the paving program on Jacks Bay Road. Chairman Kwiatkowski reported on the Simon Group's foreclosure and how it affects the Orchard's Grove Subdivision Letter of Credit. Chairman Kwiatkowski explained that when Scott Simon went into foreclosure, Eagle Development, LLC partner P.J. Burbach was directed by M & I Bank that he was to take over the entire property. Unbeknownst to Mr. Burbach, he also inherited the road construction issues in the Orchard's Grove Subdivision. Chairman Kwiatkowski explained that during his conversation with Mr. Burbach, he told him that he is responsible for the road repairs. The Town Engineer will monitor the repairs and once the repairs are completed, the Town Engineer will conduct an inspection. If the repair passes the inspection, the Town Engineer will send his recommendation to the Town Board regarding the Letter of Credit. Discussion followed. Chairman Kwiatkowski recommended that the Town Attorney draw up a contract to make sure that the Town is protected.

Chairman's Report- Update on the Highway 67 Road Construction - Chairman Kwiatkowski reported that due to significant project needs, the Wisconsin Department of Transportation has delayed the Highway 67 Road Construction Project for two to three years in order for all necessary coordination to take place.

Public Comment – None.

There being no further business on the agenda, a motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to adjourn at 9:20 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper
Eagle Town Clerk