



TOWN OF EAGLE  
REGULAR TOWN BOARD MEETING  
NOVEMBER 18, 2009  
APPROVED MINUTES

Chairman Kwiatkowski called the meeting to order at 7:55 p.m.

Present: Chairman Kwiatkowski; Supervisors Malek, West, Davis and Rasmussen. Also present: Treasurer Pasterski, Clerk Pepper, Town Attorney Alexy, Park & Recreation Director Heywood, and Fire Chief Heim.

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 Chairman Kwiatkowski to approve the minutes of November 10, 2009. Upon voice vote, motion carried. A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to approve the minutes of October 21, 2009 with the following correction: page 3, public comment, the last sentence should read “Supervisor Malek added that annexations and land purchases by the Department of Natural Resources will not be subject to the conversion fee.” Upon voice vote, motion carried.

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

Treasurer's Report- Treasurer Pasterski presented the October, 2009 report. Savings balance as of 9-30-09 was \$279,934.23. Total cash was \$361,142.09. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the Treasurer's Report, as presented. Upon voice vote, motion carried.

Claims- Claims totaling \$149,497.34 were reviewed. In response to Supervisor Malek, Chairman Kwiatkowski explained that the projection for engineering costs for the 2009 Road Program came in higher than expected and the figure does not yet include the costs for the remainder of the year. The total cost will likely come in approximately \$5,000 to \$7,000 over budget. Discussion followed regarding the delays that occurred during the road construction project. A motion was made by Supervisor Davis, seconded by Supervisor Malek to approve the payment of claims. Upon voice vote, motion carried.

Lake Management District/Lake Patrol- Supervisor Malek reported that the lake water level is still in the hands of the Department of Natural Resources. The Lake Management District has not had much contact with the attorney regarding the issue for financial reasons.

Eagles Preserve Subdivision - Tom McAdams concerning forgiveness of legal/engineering costs pertaining to release of Letter of Credit – Mr. Tom McAdams explained that it is his opinion that the attorney bills pertaining to obtaining a Title Policy occurred unnecessarily. Mr. McAdams explained that he had to satisfy the requirements a year ago. A year passed and he called the Town Engineer for the final inspection, which was completed and paid for. Now, Mr. McAdams explained, he was told that additional requirements would need to be met. Mr. McAdams explained that he contacted Chicago Title, who explained to him that they had provided this document previously, yet he provided another copy to the Town anyway. Mr. McAdams stated that these documents, which were previously provided, created the attorney bills.

Chairman Kwiatkowski explained that the issue centers on the requirement for a clear Title Policy, as stated in the Developer's Agreement.

Mr. McAdams explained that the Town's previous attorney, Betty Adelman accepted something other than a clear Title Policy, which is the same document that has been provided to the Town Clerk. Mr. McAdams explained that he contacted the Town attorney explaining that he believed that this issue had been dealt with previously.

Attorney Alexy explained that the Town Engineer was unaware of the dealings that transpired between Mr. McAdams and the prior town attorney, which led to the work being done. Chairman Kwiatkowski added that the Town Engineer was only asking for what was in the Developer's Agreement.

Mr. McAdams stated that, in his opinion, it was unnecessary for the Town Attorney to be involved at all. In response, Attorney Alexy explained that the requirements were sent to the Town Clerk from the Town Engineer. The Clerk then asked for sufficiency of the two-year old document which Mr. McAdams provided. In essence, Mr. McAdams actions contributed to the legal bills. It wasn't until after two submissions that Mr. McAdams recalled what previously transpired.

Chairman Kwiatkowski explained that the Town Attorney reviews many documents, such as Certified Surveys, Land Divisions, Developer's Agreements, and Letters of Credit; to be sure the Town is protected. The Title Policy which was provided by Mr. McAdams was not current, which generated a review. Discussion followed.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to deny the request for forgiveness of the legal bills. Upon voice vote, motion carried.

Snowplowing Contract with Town of Ottawa – A motion was made by Supervisor West, seconded by Supervisor Malek to approve the snowplowing contract with the Town of Ottawa. Upon voice vote, motion carried.

Orchard's Grove Subdivision – Proposed amendment to Subdivision Developer's Agreement concerning reduction of Letter of Credit provided by Eagle Township Ventures, LLC by \$45,000 to \$15,000 – Attorney Alexy reported that the developer is requesting the reduction in the Letter of Credit, as part of the guarantee period. The road work has been completed and the guarantee from Wolf Paving has been provided. Attorney Alexy explained that the amendment draft has been provided in the Board packets, which reduces the Letter of Credit to \$15,000 for one year from the date of completion. The amendment also has minor modifications for consistency. It appears that Orchard's Grove is close to meeting all of the required contingencies however he is unaware of the Town Engineer's final approval.

Mr. P.J. Burbach explained that he is requesting two separate items. The first being the reduction in the Letter of Credit; the second being the completion of the requirements which allows the one year guarantee term to begin. Mr. Burbach explained that it is their intent to complete the requirements in order to allow the term to begin. Mr. Burbach explained that the Developer's Agreement does require a Title Policy for the roadways although at the time of the final plat approximately four to five years ago, the roads were turned over to the Town free and clear.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to accept the proposed amendment to the Developer's Agreement per the conditions set forth in the amendment dated November 13, 2009 contingent that all fees are paid in full. Upon voice vote, motion carried.

Vacation Time Carry Over Request of Town Clerk – A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to approve the request to carry over one week of vacation time to the 2010 calendar year. Upon voice vote, motion carried.

Sheriff's Report- No report.

Library – Chairman Kwiatkowski reported that Board members were given information regarding the Nature Trail project.

Fire Department/Fire Commission – Chief Heim reported that the Pancake Breakfast was a successful fundraiser, with 600 -700 people in attendance. Chief Heim reported that there have been 249 calls year-to-date, the building fund is at 64% of the budget, and the Fire Department is at 75% of the budget.

Controlled Debit Card Request from Fire Department – Chairman Kwiatkowski explained that Chief Heim has requested a controlled debit card for purchasing supplies online. Chairman Kwiatkowski explained that he spoke with Attorney Alexy who stated that the Fire Department, as its own entity, can have such a card with the proper policy and procedure in place. Discussion followed.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to authorize the Town Chairman to draft a policy at the Fire Commission level, for Town Board approval. Upon voice vote, motion carried.

Outstanding Accounts Receivable for Fire Department – Chairman Kwiatkowski reported that enclosed in the Board packets was a list of all of the outstanding accounts for the Fire Department. Some of these accounts are past the Statute of Limitations. Others were accounts that were never billed out. Discussion followed regarding how these accounts were possibly missed, as well as discussion regarding the collection process. Attorney Alexy suggested that outstanding bills could be added to the tax roll as a special charge but that it would only apply to residents.

A motion was made by Supervisor Davis, seconded by Supervisor Malek to remove the outstanding accounts, as shown on page one, which are past the Statute of Limitations and to remove those accounts which were never recorded. Upon voice vote, motion carried.

Village Board Meeting- Supervisor Davis reported that one couple appeared at the Village Board Meeting held November 12, 2009 and raised several points. First, they liked the posting of agendas on the website but wished that the agendas stayed current, second was regarding the Park & Recreation budget shortfall, and third was that the Police Department does not need a highly paid lieutenant and they suggested contracting out police services. All of these public concerns were addressed by the Village Board. Supervisor Davis reported that the Village's Smart Growth approval was tabled to a special meeting, in order to correct disparity between versions. Supervisor Davis reported that Park & Recreation Committee Member Rick Block asked the Village for \$5,000 to cover the budget shortfall as well as asked for an additional \$5,000 to be allocated for the 2010 budget. It was decided that the Village will not contribute an additional \$5,000 for the 2010 budget but they would contribute the additional \$5,000 for the 2009 shortfall. Supervisor Davis added that the formal resolution for the shortfall will be on the Village's next meeting agenda and that he is unsure whether or not the resolution adoption will pass. Supervisor Davis reported on other various activities.

Budget Shortfall for Park & Recreation- Supervisor Malek reported that the committee conducted Director Heywood's evaluation. The information will be compiled and will be presented to her at their next meeting.

In regards to the budget shortfall, Director Heywood presented the projected expenses through the remainder of the calendar year. In response to Supervisor Davis, Director Heywood explained that approximately \$2,000 of the 2009 budget was used to cover expenses made in 2008. Supervisor Davis questioned how the department expects to be able to run on \$40,000 for 2010 when the department needed \$48,000 for 2009. Chairman Kwiatkowski responded that the Town was willing to contribute \$25,000 for 2010 however the Village would not match the number. Discussion followed regarding a projected shortfall for 2010.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to amend the 2009 budget to transfer funds in the amount of \$5,000 from the General Fund to the Park & Recreation Budget and to approve request from Park & Recreation Committee for additional \$5,000 to cover projected budget shortfall, contingent that the Village also approves the additional funds request. Motion and second withdrawn.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to amend the 2009 budget to transfer funds in the amount of \$5,000 from the General Fund to the Park & Recreation Budget and to approve the request from the Park & Recreation Committee for additional \$5,000 to cover the projected budget shortfall. If the Village does not approve the additional funds request, then the Town's \$5,000 contribution shall be taken from the Town's 2010 budget contribution. Upon voice vote, motion carried.

Garbage & Recycling – Supervisor Rasmussen reported that twenty residents showed up for the yard waste collection event held on Saturday, November 14, 2009 from 8:00 A.M. to 11:00 A.M. John's Disposal reported that the event collected 4,500 pounds of waste. Supervisor Rasmussen recommended holding this event twice a year, at no charge to the Town.

Business Park – No report.

Road Matters – Supervisor West reported that he will submit a list of those who have filed for permits at next months meeting. Supervisor West reported that Time Warner installed cable lines in the Industrial Park.

Chairman's Report- None.

Public Comment – In response to Mr. Brent Rush, S108 W37103 Draper Road, Chairman Kwiatkowski explained that the home on Saddle Ridge has not been burned by the Fire Department due to issues with asbestos abatement, which is now being handled by professionals.

In response to Mr. Steve Kezman, W377 S10427 Betts Road, Chairman Kwiatkowski explained that the house on Hwy 67 and Betts Road will be burned as soon as the Fire Department receives the State Permit.

Mr. Kezman questioned if the Town Park could be a source of revenue for the Park & Recreation Department. Chairman Kwiatkowski responded that the Town rents the pavilion approximately three or four times per year. In regards to the Park & Recreation budget, Chairman Kwiatkowski explained that both the Town and the Village contribute \$15,000 each for the department's \$60,000 budget, whereas most communities contribute the Park & Recreation Director's salary.

CLOSED SESSION: A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to convene into closed session pursuant to Wis. Stat. § 19.85(1)(c) for purposes of considering employment, promotion, compensation, or performance evaluation data of a public employee over which the governmental body exercises jurisdiction. Topics for discussion: Town Planner. 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 Malek, seconded by Supervisor Rasmussen to reconvene in open session.  
Upon Roll Call Vote: Supervisor Davis – aye; Supervisor Malek – aye; Supervisor Rasmussen – aye; Supervisor West – aye; Chairman Kwiatkowski – aye. Motion carried.

There being no further business on the agenda, a motion was made by Supervisor Malek, seconded by Chairman Kwiatkowski to adjourn at 10:11 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper  
Eagle Town Clerk