



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

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
December 15, 2010
APPROVED MINUTES

Chairman Kwiatkowski called the meeting to order at 7:00 p.m.

Present: Chairman Kwiatkowski; Supervisors Davis, Malek, Rasmussen, and West. Also present: Town Clerk Pepper, Fire Chief Heim, Library Director Chase, and Village President Spurrell.

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

Minutes- Motion by Supervisor Malek, seconded by Supervisor Rasmussen to approve the minutes of the Regular Town Board Meeting dated October 20, 2010. Upon voice vote, motion carried. A motion was made by Supervisor Malek, seconded by Supervisor Davis to approve the minutes of the Budget Hearing/Special Elector's Meeting dated November 17, 2010. Upon voice vote, motion carried. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the minutes of the Regular Town Board Meeting dated November 17, 2010. Upon voice vote, motion carried.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report. Supervisor Davis noted that there are no outstanding bills more than thirty (30) days old and thanked Deputy Clerk Heath for her diligence in collecting on the outstanding accounts.

Treasurer's Report- Clerk Pepper presented the November, 2010 report. Savings balance as of 10-31-10 was \$236,525.13. Total cash was \$284,080.30. 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 \$52,689.43 were reviewed. Questions were raised regarding claims from last month's credit card statement, the park sign, address signs, and the winterizing of the boat and truck maintenance. A motion was made by Supervisor Davis, seconded by Supervisor Malek to approve the payment of claims. Upon voice vote, motion carried.

Appointment of Patricia Burstein as Election Inspector, term to expire December, 2012 – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to approve the appointment of Patricia Burstein as Election Inspector, term to expire December 2012, with the proper training. Upon voice vote, motion carried.

Amend or to repeal and recreate Section 10 of Ordinance 08-01A, an ordinance to rezone certain lands in the Town of Eagle located on Hwy 59 to M-1 Limited Manufacturing District and the RRE-1 Rural Residential Estates District and to schedule a date for the public hearing – Chairman Kwiatkowski explained that the

Planning & Zoning Commission has recommended to amend Section 10 of ordinance 08-01A, to add an additional five (5) years to the construction commencement date and that all other conditions remain the same.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

A motion was made by Supervisor Rasmussen, seconded by Chairman Kwiatkowski to schedule the public hearing for the regular Town Board Meeting to be held on February 16, 2011. Upon voice vote, motion carried.

Authorization of a Third Party Administrator, Base for Health Insurance – Village President Rich Spurrell explained that after speaking with the Village's insurance broker, he found out that the Town and Village need to have a third party administrator (TPA) to administer the individual insurance plans. State law states the employers cannot pay for individual policies if the employer has between two (2) and fifty (50) employees. The job of the third party administrator is to collect the monies from the Town and Village and to disperse these monies into the individual's accounts to pay for their health insurance. The Town needs to authorize the use of the TPA because payroll and W-2's are generated through the Town office for the Park & Recreation and Library joint employees. In response to Supervisor Davis, President Spurrell explained that the Village will incur a \$350.00 set-up fee and will pay an additional \$5.25 per employee per month for the plan to be administered. If there are any additional charges to be incurred by the Town, the Village Board has agreed to pay those fees. In response to Supervisor West, President Spurrell explained that rather than the employees being part of a group plan of eight (8), the employees are now individuals in a group plan of 5,000 through United Health. Each employee essentially owns their own insurance. President Spurrell explained that he was not aware of the need for a TPA until the Fire Chief brought it to his attention when he was filling out the insurance application.

Supervisor Davis explained that the Village has had many meetings with their insurance broker. The Village wanted to be sure that changing to individual plans would be comparable to the group plan that the employees currently have. Supervisor Davis questioned whether or not the Village is still confident with this new plan. In response, President Spurrell explained that when it comes to the employees, opinions are differing. Some are saying that they have never had to pay a co-pay before however preventative treatments and physicals are now covered in the new plan. In addition, if the reason for medical treatment is due to an accident, the deductible will be waived. President Spurrell stated that yes, he is still confident in the plan and that it is comparable.

In response to Chairman Kwiatkowski, President Spurrell explained that Citizen's Bank is the administrator of the Health Savings Account (HSA) and they are responsible for making sure that it is administered properly according to Internal Revenue Service (IRS) regulations. Library Director Chase added that she uses her HSA account with a debit card. When the card is swiped, it tells if the purchase is an allowable purchase. In addition, any monies not exhausted at the end of the year carry over into the next year. In response to Chairman Kwiatkowski, President Spurrell explained that Flexible Savings Accounts requires receipts. In response to Supervisor Malek, President Spurrell stated that overall; the insurance rates for the Town and Village will be decreasing.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to authorize Base to act as the Third Party Administrator and that the Village reimburses the Town for the additional expenses. Upon voice vote, motion carried.

Health Insurance Accounts for Health Insurance Deductibles – Village President Spurrell explained that the new individual policies have a lower deductible than last year. Past practice has been that the Town and Village share the cost towards half of the employee's deductible. Discussion took place at the last Village Board Meeting where the Board decided to stay with the past practice, contributing towards half of the deductible. The lower deductible will not only be a savings for the employee, but will also benefit the Town and Village in regards to the contribution amount.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to contribute half of the employee's deductible, as did the Village. Upon voice vote, motion carried.

Approval to accept bids for the Town of Eagle Highway Department 1994 Ford pick-up truck – Discussion took place regarding the year of the truck. Chairman Kwiatkowski suggested that Highway Superintendent Betts compare the vehicle identification number on the truck to the number on the title to make sure they match.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to table this item to the next meeting. Upon voice vote, motion carried.

Adoption of the Town of Eagle budget for 2011 – Chairman Kwiatkowski explained that at the Budget Hearing held on November 17, 2010, the electorate approved the budget. The Board however needs to formally adopt the budget.

A motion was made by Supervisor Malek, seconded by Supervisor Davis to adopt the Town of Eagle 2011 Budget, as published and discussed at the November 17, 2010 Budget Hearing. Upon voice vote, motion carried.

Amend Ordinance 90-4, Objectionable Odors ordinance to control wood burning furnaces – Chairman Kwiatkowski explained that he has been receiving calls regarding the drifting odor from some of the outdoor wood burning furnaces. Chairman Kwiatkowski explained that he has found some criteria on how high the stacks should be on these furnaces relative to how far they are located from the neighbor. The current ordinance doesn't address this issue and is also outdated in other areas. The Town Attorney has recommended that the Town repeals and recreates the ordinance, to allow furnaces, but set criteria such as what can be burned, the minimum lot size to be able to have such a furnace, and how high the stack must be. Chairman Kwiatkowski explained that using the ordinance process allows the Town the ability to regulate existing furnaces as well as new furnaces. The zoning process would grandfather existing furnaces. Discussion followed regarding specific incidences of smoke entering neighboring houses and how the unit itself heats buildings and water.

A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to direct the Town Attorney to draft an Objectionable Odors Ordinance, to include the regulation of outdoor wood burning furnaces.

Amend Ordinance 89-2, Parking on Town Roads Ordinance – Chairman Kwiatkowski explained that complaints have been received regarding the overnight parking of semi-trucks and tractor-trailers. Chairman Kwiatkowski explained that Board Members need to look at other communities' ordinances regarding parking and bring to the table suggestions to update the Town of Eagle Parking Ordinance. Chairman Kwiatkowski also suggested speaking with Highway Superintendent Betts regarding possible suggestions.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to table this item to the next meeting. Upon voice vote, motion carried.

Desktop computer for the Deputy Clerk – Chairman Kwiatkowski explained that the deputy's current laptop computer has been having issues and the CD Rom is not working. In response to Supervisor Rasmussen, Clerk Pepper explained that the hard drive on the proposed computer is sufficient because the Town now has a server, which is backed up daily in-house as well as an off-site location.

A motion was made by Supervisor Rasmussen, seconded by Supervisor West to purchase the proposed Dell desktop computer in the amount of \$924.96 and that these monies be taken out of this year's budget. Upon voice vote, motion carried.

Eagle Relief Committee - Approval to fund the cost for the Disaster Relief application notice in the newspaper – Supervisor Davis reported that the committee developed a letter and application that will be available to all affected residents. The committee would like to publish a notification in the newspaper, to inform the residents that the application is available in both the Town and Village's offices as well as on both of their websites.

Supervisor Davis explained that they contacted the Mukwonago Chief, hoping that they would publish this notice as a public service but were told that they would not be able to. The committee is now asking both the Town and Village to contribute the cost of the legal notice, rather than taking the money out of the fund. Supervisor Davis added that the Village Board did approve the payment of two legal notices, at the cost of \$50.00 per insertion.

A motion was made by Supervisor Davis, seconded by Supervisor Malek to approve the insertion of the legal notice for the Disaster Relief Application twice, at the cost of \$50 per insertion. Upon voice vote, motion carried.

Lake Management District – Supervisor Malek reported that the Lake Management District does not meet until next Tuesday so at this time, there is nothing to report.

Sheriff's Report- No Report.

Library – Director's Report – Library Director Chase presented her library report. In response to Chairman Kwiatkowski, Director Chase explained that CAFÉ is the acronym for the consortium of 14 libraries in Waukesha County that have a shared automation system. What this basically means is that library customers are able to see all of the holdings for 14 libraries. There is van delivery service between libraries where items are transited in and out between libraries.

In response to Chairman Kwiatkowski, Director Chase explained that the Governor signed Senate Bill 269 into law in 1998 and it became Act 150, modifying numerous sections of Chapter 43 of Wisconsin Statutes. The Act calls upon counties to periodically appoint planning committees to consider library service issues. Some of the issues in the last plan included county funding collection and distribution formula, standards for libraries, technology planning, cooperative purchasing, system contracts, relations with other systems, building and capital costs, local library development and planning, library establishment, local autonomy, county shared services legislation, and district library legislation.

Director Chase explained that funding formula is the distribution of monies collected in the county for TNRs (True Non Residents -- those folks who live in communities in Waukesha County without libraries).

Director Chase explained that the Collection Development Policy is the policy which was adopted by the Library Board on 12/13/2010 that describes how materials are selected and deselected from the collection. The policy in its entirety will be posted on the Alice Baker Library web site. Discussion followed regarding E-Books.

Director Chase reported that Library Board President Bob Anderson has officially retired and that Anna Hagen will be the new President, Julianne Koestler will be serving as Vice-President, Lois Dewey will be serving as Treasurer and she will be serving as Secretary for 2011. Supervisor West added that Terry Pisarek has asked to come on as the new Town Representative.

Supervisor West explained that one of the concern's of the Library Board is regarding which organization is responsible for repairs to the shell of the building, including windows, the roof, and doors, and other openings including windows. Also, at which point, if ever, does liability accrues to the Library for injuries near or within the shell of the library and who is responsible for major repairs to and replacement of HVAC and other attached and unmovable equipment. Chairman Kwiatkowski suggested that this topic be added to the next Municipal Building Committee agenda for discussion.

Supervisor West explained that the library and school have been working together collaboratively. Director Chase explained that she attended the Anti-Bullying seminar at the Country Springs Hotel on 11/10/10. Director Chase stated that staff from the Eagle Elementary School came to the library on the nature trail for a staff meeting on 11/17/10 and she asked the staff to make recommendations about materials to strengthen the use of the outdoor classroom space. Director Chase explained that she also pitched Kids' Choice.

Director Chase stated that Principal Sara Norton extended an invitation for the library to set up a table during EES' PT meetings, that she is working to set up collaborative training for library staff and teachers on anger management and that she is working with Officer Bruckner to set up Internet Safety classes for adults and students.

Fire Commission – Chairman Kwiatkowski reported that they reviewed the Fire Commission payables reports and the approved the Fire Department proposal for Paid-On-Call.

Fire Department – Chief Heim reported that, beginning January 1, 2011 the Eagle Fire Department will be beginning Paid-On-Call and presented the Board with the compensation guidelines which will be used to compensate employees based on seniority in the organization as well as by certifications obtained. Chief Heim explained that the compensation rate has a cap of \$16.00 per hour, with the exception of the Fire Chief and the Assistant Fire Chief. Chief Heim explained that the wage for training has been set at \$8.00 per hour. Paid-On-Call employees must sign and obtain the signature of an officer on every timesheet and will be paid on a quarterly basis. Compensation begins when the pager goes off and compensation ends once the equipment is returned to a serviceable state or state of readiness. In response to Supervisor West, Chief Heim stated that officers generally know how long it takes to make the equipment serviceable. Chief Heim added that employees cannot be paid for paid-on-call if they are already scheduled for duty. Any disputes that should arise should be reported to him and if not satisfied with the outcome, the dispute could go before the Fire Commission. Discussion followed regarding the drafting of the Standard Operating Guideline. Supervisor West expressed concern over the merit based raises being at the sole discretion of the Fire Chief and suggested that the Fire Commission be involved in these raises. Supervisor West also suggested that an employee signature line be added to the timesheet. Chairman Kwiatkowski suggested that the employee signature line suggestion be added to the next Fire Commission agenda.

Discussion ensued regarding paid-on-call employees and how state retirement may be affected. Chief Heim explained that it is not the department's intent to have employees enrolled into the Wisconsin Retirement System (WRS) however it will happen. Chief Heim explained that if one (1) volunteer were to work one (1) day per week for the entire year, that person would already accumulate three-hundred (300) hours. Chairman Kwiatkowski added that as part of the Fire Department's Human Resource Policy, part-time employees who enter into the WRS are only entitled to the employer contribution towards retirement. The employee would be responsible for paying the employee portion. Chairman Kwiatkowski stated that Paid-On-Call will hopefully attract more people to work day-time shifts and will give the department a larger pool of people to draw from. In response to Supervisor Malek, Chief Heim stated that the Village was presented with the Standard Operating Guidelines at their meeting last Thursday.

Chairman Kwiatkowski reported that there were six (6) fire calls, twenty-eight (28) emergency services call last month, and three-hundred forty-three (343) calls-to-date. Chief Heim stated that the department is now at three-hundred fifty (350) calls-to-date. Chief Heim reported that the department burned down the CTH NN house this past Saturday. Chairman Kwiatkowski suggested that the Town and Village should consider a chargeback for burns and for the staffing of special events.

Village Board Meeting- Supervisor Davis reported that he did not attend the last Village Board Meeting due to his attendance at the Farmland Preservation Meeting.

Park & Recreation – Supervisor Malek reported that the Village did pass the proposed new Park and Recreation Office hours of Monday through Thursday 9:00 A.M. to 4:00 P.M. and Friday from 9:00 A.M. to 12:00 noon. Supervisor Malek stated that Recreation Director Heywood was informed to post the new hours. Chairman Kwiatkowski suggested that Supervisor Malek contact Director Heywood to let her know that the new hours begin immediately. Supervisor Malek presented the Board with the department’s projected expenses through the end of the year. In response to Supervisor West, Clerk Pepper stated that the Director’s mileage may be high due to attending out-of-town meetings. Supervisor Malek stated that he intends to study the mileage reports and will be requesting that the reports include the date, destination, reason, and total miles to and from her destination. Chairman Kwiatkowski commented that the department is showing a surplus of \$2,900 at the end of the year, in part because the Director cut the costs for the activity guide by using a less expensive paper, which subsequently lowered the cost for postage.

Garbage & Recycling –Nothing to report.

Business Park – Nothing to report.

Road Matters – Supervisor West reported that the tree trimming on Sprague Road has been completed.

Chairman’s Report – Nothing to report.

Public Comment – Mr. Nick Wambach, W344 S10609 Island View Lane, explained that he is a Town of Eagle resident but has a Mukwonago mailing address and has not ever received a Park & Recreation Activity Guide. Chairman Kwiatkowski explained that the Park & Recreation newsletter is pre-printed with Eagle addresses. Chairman Kwiatkowski added that he has spoken with the Recreation Director regarding the address situation and hopes that it will be corrected when the next newsletter is printed.

There being no further business on the agenda, a motion was made by Supervisor Malek, seconded by Supervisor Davis to adjourn at 8:38 p.m. Motion carried.

Lynn M. Pepper
Eagle Town Clerk