

VILLAGE OF EAGLE REGULAR BOARD MEETING
“APPROVED AS AMENDED” MINUTES – September 10, 2009

President Richard Spurrell called the monthly meeting of the Eagle Village Board to order at 7:30 p.m. Open Meeting Law requirements were confirmed. Roll Call: Block, Couch, Greenberg, Rice, Scheff, Spurrell and Thomas were all present. Trustee Rice led the Pledge of Allegiance.

A motion was made by Trustee Rice to approve the minutes of the August 13, 2009 Board Meeting. Trustee Couch seconded the motion. All in favor.

Rice had a question regarding the disbursement of a check to Ruckert-Mielke prior to approving the treasurer's report. President Spurrell explained that the large amount was due to a cost study on the property across the street from the municipal building. Rice then made the motion to approve the treasurer's report including the regular accounts payable (Ck#'s 14477-14498). The second to the motion was made by Trustee Block. Vote was taken. Motion passed unanimously.

Citizen Comments: Prior to hearing citizen comments, President Spurrell announced that the Wyndham Fields issue was a line item on the agenda and the citizens concerned would be able to speak at that time during the meeting. The only other citizen comment that was made was by Jim Frisch of 817 Sutton Drive thanking the Village Board, Steve Deegan and Chief Ehlers for seeing to the resolution of the weed/grass issue on the lots designated for the Senior Housing project.

Announcements: President Spurrell stated that the budget was being worked on and asked for patience during the process as all departments are trying to attain a responsible budget. There will be a budget workshop with members of the Board. Questions will be answered as they arise.

Rice announced that on Saturday, October 31, 2009 the Village will be having a Pumpkin Party with many activities culminating at the Fire Department area. There will again be scarecrows put up on Main Street due to the favorable response from last year's participation. A flyer will be dropped off at area businesses, library, municipal building, etc. for more information.

Police Chief Ehlers reported that at the last Police Committee meeting, there was discussion regarding his use of vacation time by taking hours off instead of whole days. The Chief's hours have been set as follows: 7:00 a.m. to 3:00 p.m. Monday through Friday with the exception of Thursday, which will be 7:00 a.m. to 5:00 p.m. The Chief then announced that there will be a "by invitation only" reception for Sgt. Rob Bord. It was explained that on August 30, 2008, Sgt. Bord was injured in the line of duty and by September 9, 2008 it was discovered that he could no longer perform his duties as an officer because of the injuries. Sgt. Bord has had to retire from law enforcement. In recognition of his honorable service to the Village of Eagle community, his badge number 2565 will be retired. A retirement reception will be held for Sgt. Bord in the month of November, and will be by invitation only.

Fire Chief Heim had no report at this time.

President Spurrell announced the date of the Village of Eagle Children's Christmas Party will be held on Friday, December 11, 2009. Couch moved to make December 11, 2009 the date for the Christmas Party. Motion was seconded by Trustee Greenberg. All were in favor.

Planning Commission: The first item was the Walking Path from the Elementary School to the Library. Due to some miscommunication, digging began on the path before final approval. The project was again brought to Planning Commission and there are just a few things that need to be addressed. There needs to be additional clearing of brush near the compost and burning piles. Questions were taken from Dave Traver and Frank Nardine who handed out packets with maps and layout of the path. Mr. Traver explained that there will be a distance of approximately 30 feet from the burning pile, compost and any roadway that would have any traffic going to the area. Discussion followed regarding the grade to make the path handicap accessible and the necessity to have a clear sight line for safety. It was mentioned that an Eagle Village Trail Advisory Committee has been created to help with planting and nature conservancy. Mr. Nardine commented that in the future there is a plan for a second trail with the help of the nature conservancy to keep the natural growth in order for students and their parents to use the path for science education. There is a need for rock removal, and a few extra chain saws to help clear the way and Traver invited anyone who had dump trucks to assist in the removal and clearing process.

Greenberg moved to approve the walking path as shown in the "Google" earth photograph. Rice seconded the motion. Discussion followed. Again the issue of sight lines was brought up and the reasoning behind the layout of the path as shown. Traver explained that the trees and shrubs would be cleared out making the children more visible as they approach the parking lot. Scheff brought up the safety of crossing the roadway at the parking lot and possible crosswalk lines being painted on the parking lot. The back entrance of the Library had been considered as an option, but was dismissed. Block inquired about the other end of the path that starts at the school parking lot. Maintenance of the path was also discussed, along with a possible short walkway from the back parking lot to connect with the front entrance walk to the library. Traver went on to say that there will be a sort of dedication ceremony with area officials and the community to come on the opening day of the path and could ask for donations at that time. Couch inquired about the hours that the path would be used, and expressed the concern for lighting when the winter hours are in effect. Traver said there would be hours posted, but would mainly be used after school. Spurrell shared his concerns about the children crossing the driveway, even though he understood the reasons for doing it. Discussion continued about the paving of the path. No asphalt will be laid due to the cost of materials and maintenance. Spurrell mentioned that there is a possibility for grant money to be used to fund the project. Nardine stated that there is a chance that a high school class could adopt the path and maintain it for a service project. Rice commended Traver and Nardine for their efforts in making this path possible. There was no other discussion. The vote was taken and passed unanimously.

The next topic from Planning Commission was the Plan of Operations for Commercial Use. Trustee Couch had been working with Building Inspector Budiak to compile the forms. Planning Commission recommends the approval of the forms for commercial use.

Couch added that when asked about similar forms for residential use, Budiak stated that what is now in place should be left as is. It is adequate for residential permit requests, since so much detail is not required as is for commercial projects. There was discussion regarding the payment agreements and filing fees. Spurrell asked the paragraph regarding the fees be removed from the application (page 3). Couch agreed to have it removed. Greenberg questioned a need to put in something about toxic or hazardous materials. Spurrell explained that the section about sanitary facility installation should cover it. It was decided to put in a line about potential hazardous/toxic materials. Couch stated in the Ordinances it is mentioned, but Couch will revise the areas that need to be addressed. Motion to approve as amended was made by Spurrell and seconded by Block. Motion carried after the vote was taken.

Smart Growth chapters have been presented to the Planning Commission and Rice stated that there are minor revisions that need to be made before a clean copy can be sent to the County and to the State. Drafts need to be sent out 30 days before a Public Hearing, and the Public Hearing date was set for October 27, 2009, 7:00 p.m. Planning Commission will meet in conjunction with the Public Hearing, and Spurrell requested that all Board members be present as well so they can hear the citizen concerns since they will be the ones approving the Smart Growth chapters.

Item number 10 on the agenda was the consideration of builder's responsibility for Simon Group/Wyndham Fields subdivision. Sharon Royston of 330 Appletree Lane was spokesperson for members of the subdivision who were present. She had requested that the Village Attorney and the Village Engineers, Ruekert & Mielke, be present, but President Spurrell explained that the engineers would not have much in-put and would be charging the Village a hefty fee as would the lawyer. Spurrell stated that by hearing the concerns of those present, he would better be able to explain the situation to the attorney.

When the floor was opened for questions and concerns, one of the first things brought up was if there was any action being taken by the Village and has there been any verification of the bankruptcy. There has been no official notification given to the Village. Village concerns are the areas that have not been completed, specifically the road paving.

The discussions went on to share concerns the right of way, open area upkeep, unfinished projects, who is responsible for issues that arise during the foreclosure process, and for the retention pond that is on the east end of the subdivision. Sharon Royston presented the Board with a fact sheet of unfinished developer's requirements.

. Resident from 405 Appletree Lane, name not given, began to explain the east end retention pond problem and how it has affected his year old property. Board members were not aware that this was a problem and most of the time was getting the facts about where and how the retention pond is failing. Major amount of time was spent on the retention and drainage problems.

Royston suggested that Ruckert & Mielke check out the storm water plan for the subdivision to see where the problem can be. If a new developer should take over the subdivision, they should be made aware of these issues. Spurrell explained the differences of retention and infiltration ponds and the relation to what the Board has found out since the Fox Chase/Fox Chase East subdivisions have been developed. The Wyndham Fields residents were told by President Spurrell that the Board would be looking into their concerns and try to get some answers for them.

The next order of business was the retention pond near the Sagert/Weidensee properties. Jerry Sagert of 309 Appletree Lane asked if the retention pond on the west end has been accepted by the Village and was told that it had not. Spurrell explained that since last meeting, he spoke with Connie Weidensee and she was agreeable to putting in a berm as a possible solution to the water issues with that retention pond. Trustee Greenberg and Steve Deegan from Water Utility explained that there is not much room to put a berm and discussed other possibilities such as a French drain. Deegan stated that the DNR informed him that the retention pond could be made into an infiltration pond because it is under an acre and had a letter stating that fact. Couch is concerned about what the DNR says we can do; what the County allows; and how all of this can effect what the engineers recommend. Couch wants only what is best for the residents and wants to settle this matter. Deegan recommended removal of a few feet up to the driveway and put in a sand mix which he believes would handle the problem. Discussion followed about what the DNR submitted. Rice moved that the matter be tabled until more information is attained. Thomas seconded. Greenberg said we need to do something because the issue was tabled last month. Discussion followed. Couch added that there are two separate issues that need to be addressed and Greenberg commented that the Village is trying not to spend money, but will have to spend money to come up with solutions. Rice withdrew his motion and Thomas withdrew his second. Rice moved to table the barrier construction at this point and conduct an investigation into what our most viable option will be on working on the retention pond. Thomas seconded the motion. Discussion of what the investigation would entail followed. President Spurrell will make some phone calls to Maureen at the DNR and the County. Vote was taken and motion carried unanimously.

Committee Reports

Water Utility: Scheff reported that every five years there is a required inspection of the water tower. After the inspection, the Village received a proposal for maintenance items that needed to be repaired. The total of the proposal was \$6,850.00, and there is money in the Water Utility account. The main issue was a communications dish and antenna that was put on the top of the tower that caused some damage. It was not known why the Village or the Water Utility was not notified of the placement of the dish. Deegan then explained that when the inspection was done, it was brought to his attention that with the dish on the tower, there needed to be a wind load test done to be given to the DNR. Dixon Engineering that did the tower inspection about 14 years ago gave a price of about \$2,400.00 to inspect and do the wind load rating.

In doing his own inspection, Deegan noticed a lot of damage done to the paint, which could result in rusting. His question was who would pay for this. He did get a price from Lane Tanks that was "not to exceed" \$1,500.00 if he doesn't have to go down the side of the tower. It was determined that Radio Services of Waukesha County is responsible for the communications equipment that was placed on the tower. Discussion included who will pay for the repairs, who uses the tower dish, can a rent be charged for the use of the dish. Chief Ehlers explained that he believes that Deegan should be the only person responsible for letting workers into the tower. If there would be an emergency where Deegan was not available, the Fire Department could be called and they could just cut the lock. Contact people were discussed and who would make contact with them. Deegan commented that it would cost \$600,000 to replace the tower so we need to keep the one we have. President Spurrell will make the contacts rather than Chief Ehlers.

The next item under the Water Utility was the painting of Well #2. Rick Weber offered to do the job for \$995.00. Since there was no need to have Board approval because of it being below the \$1,500.00 amount for review, Deegan will contact Rick Weber to start the job which will be paid out of the Water Utility Budget.

The item listed as "hook-up fees to existing towers" on the agenda was clarified by Scheff. It did not have to be discussed because it was part of the discussion of rental of space for the dish on the tower. There was no need to go into it again.

Park & Rec: Trustee Block passed out updated balance sheets, financial statements and profit and loss statements for the Park & Rec Department. Block asked for an early fourth quarter release on payment in order to cover expenditures moving forward. Income during November and December are stagnant as far as collecting revenue. It was pointed out that this is exactly what was done last quarter and last year. Couch asked if the early payment was separate from the \$5,000.00 request. Spurrell clarified by stating that right now all that is requested is early payment. Scheff made a motion to authorize the early release of payment for the fourth quarter with Greenberg seconding the motion. The motion carried by unanimous vote. Block then requested \$5,000.00 to cover the department's short fall, which is roughly the time and amount as last year. Options are still being explored. Greenberg questioned if this was just for the quarter, or for the year, and what happens if the funding is not given. Block explained cutting programs would be one result. Abolishing Park & Rec would be another. Spurrell asked specifically if the Board does not approve the \$5,000 tonight, would the program be abolished. Scheff and Block clarified that it would not be abolished but it has to be addressed for the future and budgeting needs to be examined. Couch asked what happened to the concept of the Department goal of being self funded. It was brought to light that, as an example, Mukwonago states that it is self funding, but in fact, they pay their director, and the programs pay for themselves. The impression that Eagle Park & Rec would be self funding was that the Department would be self funding. The concept of Programs being self funded is possible. Greenberg spoke of the need for the Program and personnel budget needs to be looked at.

Rice questioned if the \$5,000.00 is only the Village amount. It was explained that the Park & Rec Committee will be going to the Town of Eagle with the same requests. Greenberg made a motion that \$5,000 be funded to continue the program. Motion was seconded by Scheff.

Spurrell wanted it on the record that he is in favor of Park and Rec, but expressed his concern that the \$5,000 is 33% of the \$15,000 Park & Rec budget. He stated that he does not know if the Board has the authority to approve the increase of \$5,000 in order to reconcile the budget. And in order to reconcile the budget, it takes a public hearing. If it was a few hundred dollars over budget, that happens and it would not be a problem. Couch suggested that we should wait to see what the Town Board is going to do. The ramifications of not approving the money were discussed. Block stated that it is up to the Board to move forward. Greenberg questioned how to find out if the Board can authorize the amount. Spurrell stated the audit service would have to be contacted. Thomas suggested that the issue be tabled until that information is obtained since the approval has already been made to make an early payment for the fourth quarter. If necessary a public hearing could be set when information is received. Greenberg made a motion to amend his first motion to approve with the authorization of the Village auditors, if not there would have to be a public hearing. Scheff seconded the motion to amend. Rice questioned where the money coming from. Spurrell explained that it would come from the Park & Rec account, but would be over budget. That is why it is necessary to find out if it would take a public hearing to reconcile that before we go that far over budget. A vote was taken to approve the amendment. Vote resulted in 6 aye votes and one opposed. Amendment of the motion passed 6 to 1. The motion on the table now is to approve the \$5,000.00 if authorized by the auditors. There was no further discussion. Vote resulted in favor unanimously.

Development Assistance: The update was that the Committee met and there will be another meeting with other people, and the infrastructure cost is pending the outcome of that meeting.

Fire Commission: The only update is the review of the budget which has been distributed to the Board members. The actual approval has to be done at the Joint Town and Village meeting which is not yet scheduled. The increase of the budget to the Village is approximately \$23. Thomas questioned an item of a vehicle purchase. The discussion resulted in explanation of a command vehicle so that the major equipment truck does not have to go to every scene. The current training vehicle is not large enough to turn into a command vehicle. Chief Heim gave information about the need for such a vehicle and the costs and financing involved. He continued with information on the major equipment fund and the concerns to keep money in the account. The Chief explained the goal of the department is for the benefit of the first responders as well as quicker access when the alarms go off at 3:00 in the morning. More discussion followed regarding revenue, profit and expenses for the department. Spurrell reminded the Board members to check over all the budgets to prepare themselves for the Joint meeting. Chief Heim invited everyone to come to see the equipment and to answer any questions.

Personnel & Finance: First item discussed was the Commercial Card with Chase Bank. The compatibility issue is there and is all done by their team that will come down and help. The Village Clerk contacted Work Horse Accounting and they have never heard of this program and has no software to implement it. Work Horse would have to see the Chase software and program something to work with it. Personnel and Finance Committee had recommended previously to go with this program pending it is compatible. However, it sounds as if it is not necessarily compatible. Deputy Clerk commented that it was discovered that it is a debit card, not a credit card and the accounting would be difficult to maintain entries. Spurrell made a motion to table until there is much more information, clarifying that tabling would not be for a month, just until we had more information. Block seconded. Motion carried with unanimous vote.

Budget: Two packets were given to Board members. First packet is preliminary budget numbers. There appears to be a \$206,792 deficit. These numbers are preliminary and are a lot of "wish lists" from different aspects. The Police Department has already adjusted their numbers and it is not reflected in the preliminary budget. Park & Rec preliminary budget was for \$30,000 for next year. The Development Assistance would like to put in an infrastructure and there is a \$60,000 entry for a possible loan type payment. If there is no infrastructure, the \$60,000 comes out. Decreases in revenue, transportation aid, state aid, state revenue resulted in 15% which is simply an educated guess. If the state says is only 3%, then that will be taken into account. Reserve funds, transfer from other funds, and so on were presented and discussed. If the garbage/recycle fee and the hydrant rental fee were taken off the tax bill, there would be a significant difference. Spurrell pointed out that garbage/recycle is a service, but the hydrant rental fee is a state mandate, so it should not be on the tax bill. Hydrant rental fee can be collected on the water bill. The summary of the 2010 budget draft shows the hypothetical scenario. There was a lengthy description of the scenarios. The results could be difficult for the residents by increasing their water bills. Public Service Commission (PSC) would have to be contacted in order to put it on the bill and there would have to be a public hearing. Issues of water bills are not escrowed as the tax bills are were discussed, and this will be a major concern. Thomas brought up that there is only a 2% tax levy allowed, and it would not cover the increase. Spurrell brought up again that this is not a service and it should come out of the water bill because it is a water expense. Homeowners will have to be told that it is more fiscally beneficial to pay an increased water bill rather than increased property taxes. There is a need for responsible budgeting. Rice feels that it is wrong to take the rental fee out of our water bills; it seems shifty. Scheff requested a workshop. Couch stated it is not easy to make a quick decision. Rice wants to really be prepared with all the figures and information. There will be a budget workshop on Thursday, September 24, 2009 at 6:00 p.m.

Motion to adjourn was made by Rice and seconded by Couch.

Meeting adjourned at 10:23 p.m.

Respectfully submitted,
Darlene Sterzinger, Deputy Clerk