

VILLAGE OF EAGLE REGULAR BOARD MEETING
“APPROVED” MINUTES – NOVEMBER 12, 2009

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

Minutes of the October 8th regular meeting were reviewed. President Spurrell noted three (3) revisions: Motion to approve the treasurer’s report was seconded by “Greenberg”, under the 2009 Village Audit, percentages listed are “increasing” not decreasing, and the motion to adjourn should be noted as “Motion carries”. Motion by Rice to approve the minutes as amended. Couch seconded; motion carries.

The treasurer’s report was then reviewed. Couch questioned the payable to the inspection department which was in the amount of \$2297.23. Clerk/Treasurer Mealy explained that this payment was for the months of September and October with only one (1) new building permit being issued to Thurows. Rice then asked for clarification on a few of the balances found in the budget comparison report: “State Shared Revenues” will be received on Monday of next week; “Fire District (Benefits)” which shows an actual of \$12,456.67 compared to \$28,979 that is budgeted. Treasurer Mealy explained that the 4th quarter payment for the Chief’s benefits has not been received and also that the budgeted amount for health insurance benefits was based on family coverage. President Spurrell also explained that the budgeted amount was brought over from the previous year and that the new Chief’s rate is much lower and while there may be a disparity, there also will be a wash with the expense account; and finally, under “Other Financing Sources” Rice was told that any reserve funds if needed, are usually applied at the end of the year. Moved by Block, seconded by Greenberg to approve the treasurer’s report as presented including the November regular accounts payable disbursements (Ck. #'s 14632-14671). Motion carries.

Under Citizen Comments, Ray Russell, 813 Andover Dr., stated that if agendas are placed on the website they should be current. Secondly, under the agenda item for Park and Rec, “Consideration/Approval of request for additional funding for 2009 and increase of 2010 budget allocation” Russell commented that he does read the minutes and stated that the Park & Rec has a tendency to be over budget on a regular basis. He would like to challenge the Board to keep control over Park & Rec. Thirdly, “Consideration/Approval of Lieutenant’s position” under the Police Department, he questioned the benefit of creating a position that he feels the Village does not need and made the comment of adding another chief with no Indians.

Barb Russell of the same address, stated that they have been in Eagle now for approximately eight (8) years and during what she would like to call the Town and Village wars. She attended those meetings too and with police and fire issues coming up, what has recently happened in Pewaukee, and looking at budget constraint issues, for a Village our size, as small as it is, is contracting with Waukesha County Sheriff’s Department something the Board should be looking at? She commented that she does not want the Chief or co-workers to lose their jobs, but this is a very small community and with salaries, benefits, promotions etc. how much tax

revenues can the taxpayer support? Is there statistics to justify the police department or can the Board contract with the Sheriff's Department?

Announcements: President Spurrell read correspondence received from the Palmyra-Eagle Community Band thanking the Village Board members for the donation and also announcing that their annual Christmas concert will be held December 6th at 7:00 p.m. at the Palmyra Methodist Church. Spurrell, on behalf of the Fire Chief, thanked Mike Rice and other trustees for their work on the Halloween party.

Trustee Scheff informed those present that on the NE side of the Wyndham subdivision, Steve (DPW Superintendent) has ditched the area out, seeded and matted it, and the water is now flowing smoothly and under the culvert.

Clerk Mealy announced to the incumbents, Thomas, Rice and Couch, that the first day to circulate nomination papers is December 1st. She will hand them out on November 30th or they can obtain them on-line.

Police Chief Ehlers stated that they are replacing the D.A.R.E. program with a program called "Protecting You Protecting Me". The goal is to protect the injury and death of children due to the underage consumption of alcohol and revolves around a decision-making module; very similar to the D.A.R.E. program but a little more tighter in scope.

Drainage in Wyndham Fields. President Spurrell stated that Waukesha County deferred any decision to the DNR who in return indicated that the project is too small for their consideration. With that, the Village is free to do what they want. Trustee Scheff stated that a bid had previously been received from Todd Day (Teaspoon Excavating) in the amount of \$2,500 to dig out approximately 1½' of sludge all the way down to the membrane. It would also include any work that needs to be done afterward. Spurrell also stated that Steve (DPW) with the assistance of Day poked a hole in the retention pond and the water drained rather easily. He is optimistic that the majority if not all of the water issues will be resolved. Discussion followed regarding when the project would be done. Scheff noted that depending on the weather this winter and next spring, if it is not done this year, there could be problems again in spring. If the project is done this year, the next question raised was where the money is going to come from. Options were further reviewed including the possibility of recouping the money from a future developer, surplus in existing accounts and the overall budget, and the appropriate account(s) to charge the expense. Further discussion followed regarding not only the proper way to account for the expense but also wording in the developer's agreement regarding future maintenance of the pond. It was agreed that the project needs to be done this year, the question is whether to take it from the line item "Unclassified Expenses". Rice made a motion to authorize to covert the retention pond into an infiltration pond for the \$2,500 and have it taken from the "Unclassified Expense" account. Greenberg seconded. Under further discussion, President Spurrell remarked that he understands the necessity of the project, but money wise, he does have a little bit of difficulty with it. Motion carried on a 5-2 vote with Couch and Spurrell being opposed.

Joint Municipal Court Budget for 2010. President Spurrell presented the Joint Municipal Court 2010 Budget indicating that all of the participating municipalities need to approve it in order for the court to have a budget. The Village's yearly expense for the year will be \$12,264.15. He explained that this would be approving the court budget, however the Village

does not budget any monies for the court. The tickets issued have a court cost which has covered the Village's court expense and has actually created a surplus. He explained that there is the potential that a cost could develop if tickets dropped off, but the Village could then use their reserve to make up the difference. Spurrell also explained that there are fixed and operating costs. Discussion followed and it was noted that it is in the best interest of the Village to approve it. Couch made a motion to approve the 2010 Joint Municipal Court Budget as presented. Scheff seconded. All in favor; motion carries.

Auto Medical Payments Endorsement. President Spurrell explained that correspondence has been received from Community Insurance indicating that in this past year, a provision was passed by the State Legislature and signed by the Governor which requires that any policy of insurance that includes automobile liability insurance must include a minimum of \$10,000 per person medical payments coverage, unless the insured declines the coverage. Community Insurance provides automobile liability coverage for the Village and strongly recommends rejecting this provision. Both a rejection and acceptance form were included; the cost of the additional coverage would be \$150.00 annually. Moved by Couch to reject the purchase of additional coverage; Scheff seconded. All in favor; motion carries.

Fire Commission Update. President Spurrell reported that in a memo received from Chief Heim, it states that at their business meeting held on November 9th, the membership of the Eagle Fire Department held a vote and overwhelmingly declared they did not wish to pursue a joint venture with the Palmyra Fire Department for a minimum of five (5) years. Heim also wrote that while he does not agree with their position at this time, he does respect it. Town Chairman Kwiatkowski and Spurrell were going to meet with Palmyra officials after the first of the year. Discussion followed; no action was taken.

Dismissal of Inactive Ambulance Billings. President Spurrell indicated that the Fire Commission had considered this at their meeting held earlier in the week because this money has been used to help supplement the Fire Department's budget. In looking at what money from the reserve can or cannot be used, a spreadsheet was submitted by Kettle Moraine Ambulance who does all of the ambulance billing for the Department, that indicates a substantial amount due, roughly \$50,000. In the packet that the Board members received, Spurrell pointed out that the first sheet is what they would like to dismiss; the rest of the sheets are all of the accounts that are in collection. These accounts are relatively newer accounts or accounts that efforts are being made to pay them. On the first page, some of the accounts are beyond the seven (7) year Statute of Limitations. He further explained the various categories. The recommendation from the Fire Commission was to dismiss all of accounts listed on the first page, approximately \$5,500. Discussion followed regarding dates of the various billings and the discrepancy in those that were not put to collections. Moved by Couch to go along with the recommendation from the Commission and approve that the first page of outstanding accounts received from Kettle Moraine Ambulance be dismissed. Scheff seconded. Under further discussion, Greenberg questioned the dismissal of approximately \$3,000 which may be collectible. Scheff commented that the Fire Department needs to closely watch over the billing agency. All in favor; motion carries.

Committee Reports/Action Items.

Code & Ordinance (Amend Chapter 16 Public Nuisance): Chairman Rice reported that the Committee met and reviewed the changes from last month's meeting to the Public Nuisance Chapter 16. He had distributed copies of the original chapter, a copy with the noted changes from both meetings, and finally Ordinance #198 which amends and replaces Chapter 16. President Spurrell who reviewed the revised ordinance, expressed a couple of concerns. At the previous meeting applying the penalties to all areas had been expressed and with that change, the section numbers also changed. Under "Initial Notice of Removal" Spurrell questioned the wording which states "Whenever the Chief of Police or any member of his/her department shall find or be notified that any abandoned or junked motor vehicle or motor vehicle accessories have been stored..."; is it giving notice on the notice as listed in the first paragraph or notice of the confirmation. Discussion followed regarding when the investigation occurs and the initial notice and how it is worded. It was agreed that in the above noted sentence, the words "shall find or be notified" will be replaced with the word "confirms". In that same sentence further down, "...or by personal service thereof, "or" a Notice..." "or" should be removed. Trustee Greenberg commented that just like the fire department is looking at their receivables, the Board needs to look at what revenues could be generated for the Village as well. Penalties need to be enforced. Again discussion occurred. On Page 9, first sentence "Each day violation..." , it should read "Each day "of" violation..."). Rice also noted a cut and paste error on Page 8, under (5) "Authority For Removal"; "member of g company", everything before the g had been deleted. Further discussion followed regarding enforcement with consistency and reasonableness. Moved by Greenberg to accept the version of Chapter 16 Public Nuisance as being acceptable with all amendments; the newest version of Chapter 16 will all amendments be accepted. Thomas seconded. All in favor; motion carries.

Chairman Rice reported that the Committee is currently working on Ch. 1, (Village Board Meetings) Ch. 2 (Officials) and Ch. 18 (Park Regulations).

Smart Growth (Adoption of the Village of Eagle Comprehensive Development Plan 2035, Ordinance #199): Trustee Rice stated that the printed copy of the Plan that was distributed did not match the copy that was sent by Brian (Pionke) word for word, and both Rich and himself have noted several changes, revisions, and discrepancies. He stated that the committee worked on this for two (2) years and he would like to see it done right and be sure that the documents are accurate and do match. The deadline for submittal is December 31st. Discussion followed. President Spurrell indicated that with all of the changes, he was not comfortable with voting on it tonight and suggested that it be placed on the agenda for the special Board meeting scheduled for November 30th. Moved by Couch to table any action on this Ordinance until November 30th; Block seconded. All in favor, motion carries.

Personnel & Finance: Revised Evaluation Forms. The revised employee evaluation forms were distributed. Summarizing, President Spurrell stated that Parts 1 and 3 of the old forms were identical for all employees; Part 2 was very job specific in the duties that were expected. Each line then got rated on a scale of 1-5. In the beginning, Spurrell indicated that this system worked well, however after a few years, it has lost some of its effectiveness. The new forms combine Parts 1 and 3, and will still be ranked on the 1-5 scale; Part 2 lists the job specifics and will be reviewed for each employee and then given an overall rating, not a line by line. There is an area to list concerns relating to the job specifics by either the employer or the

employee. Part 3 was completely revised and now has an area where the evaluators shall list a minimum of two (2) areas that the employee needs to demonstrate improvement on in the next year and also an area where the evaluators shall list a minimum of two (2) areas that the employee has shown areas of excellence in the last year. The Committee hopes that this type of form will be more effective. Evaluations have been scheduled for December 14th. Thomas made a motion to approve the new and revised evaluation forms; Scheff seconded. All in favor; motion carries.

Consideration of CD Renewal. Clerk/Treasurer Mealy indicated that the Village has a \$100,000 CD that is up for renewal and she would like some directive from the Board as to if they want to renew it and for how long. Discussion followed. Moved by Couch to renew the CD for the same term and at the same place. Greenberg seconded. Under further discussion, Trustee Scheff agreed on keeping it at the same place but inquired as to whether maybe a break would be given if it were to be put in for a longer term, he would like Mealy to check into it. Motion was made for renewal for the same term, same place. All in favor; motion carries.

Review/Consideration of Officer Duffy's Pay Rate. President Spurrell indicated that at the Village's budget workshop there seemed to be a discrepancy. Personnel and Finance wanted to wait until the Police Committee addressed this, they turned it back to Personnel and Finance. In view of the history and explanations, Personnel and Finance Committee's recommendation is to clarify this position. He explained that Officer Duffy does clerical work but she is a sworn police officer. Is she the Police Clerk; in the Chief's mind the answer is no, she is a police officer. If the Board agrees that she is a police officer, then there is no discrepancy in the pay rate. If she is a police officer doing police clerk work, then the maximum of \$14.50 does not apply. Trustee Greenberg questioned as to where she spends more time as a clerk or an officer, to which Chief Ehlers responded that she spends more time doing paperwork and occasionally is out on patrol. When the Chief was asked how he classified her, he stated that he classifies her as a police officer, as does the State of Wisconsin. He has chosen to assign her to do the work of a police clerk, but he can also assign her to patrol. Trustee Couch remarked that while Duffy was attending the academy, the other officers picked up her clerk's work, so why do we need a clerk's position? Discussion followed. Thomas made a motion that Terri Duffy is a police officer with no other title. Block seconded. Under further discussion, President Spurrell stated for the public record that his recollection is she is an officer and the definition of the title does dissolve this pay rate conflict. In reviewing the tape and going off his memory this is not the situation he feels was presented. From a technical aspect it has to be done; she is an officer. But even on the tape, there was a question, for clarification, she could be there working as a clerk and then go out on a call while working as a clerk? The Chief had responded "you're exactly right". His understanding is that this would be two (2) separate positions, however from a technical aspect it is not. For the record, Spurrell stated that in as much as this pay rate issue is removed by a technicality, this is not what was presented in his mind and he is absolutely not pleased with it. Based on discussions of needing more hours and staffing issues of the clerk, the majority of that time is going to be done doing paperwork as clerk duties, not as a clerk, but clerk duties. So if Officer Duffy, and by her own means, he hopes she excels very well as a police officer, gets merit raises on her job performance, we could be paying someone \$17.50 an hour to do clerical duties. That is not how it was presented. His understanding was that it would be clerical wages. This is not what he envisioned, not what was presented.

Trustee Couch then questioned Chief Ehlers asking whether he planned on having her (Duffy) work 29 hrs. as a clerk and then afterwards as a police officer? The Chief responded

“yes”. The Chief then stated for clarification, that at a Board meeting as he recalls he was asked if this was a dual position. In his mind, he attempted to portrair it as a dual talent; if there is a shift shortage she can fill in. Couch responded that this goes back to what President Spurrell said; for the 29 hrs. she is going to be overpaid as a clerk. Again, discussion followed. Trustee Greenberg remarked that this brings up the questions brought up earlier about the number of officers the community should have and how we are staffed. Officer Duffy is an officer and should be paid as an officer. If the Chief wants a full or part-time clerk, then the Board needs to look at the number of officers, however, as far as this line item, Duffy is an officer and is entitled to the rate of a police officer. President Spurrell then stated that the motion on the table is to accept clarification that Officer Duffy is a police officer, and no longer a clerk. All in favor; motion carries. The pay rate issue is dead.

Review/Discussion of 2010 Budget. President Spurrell reported that the Committee reviewed the budget again. For clarification, he stated that a meeting has been posted and the budget published for a hearing/meeting on November 30th at 6:00 p.m. He also indicated that a few changes have been made; a current summary was distributed and reviewed. The proposed tax levy of \$774,000 represents a 1.7% increase, however if the Board stays at the same rate, for clarification to the residents, unless improvements have been made to their home, they would pay the same amount as last year for the Village portion. Spurrell also explained line items that were added or changed. The end result is a ½% increase over last year, or approximately \$6,000. He commended the Board for their efforts.

Spurrell then responded to public comments relating to the police department indicating that he and other Board members have looked at the cost effectiveness of contracting with Waukesha County Sheriff’s Department; it would be more expensive. The main reason for this is the number of part-time officers; there is a lot of cost savings because part-timers do not get benefits. It is something that will continue to be looked at, however Spurrell does not foresee Waukesha County’s numbers going down.

Police and Licensing. Waiver of Benefits Contract/Agreement. Chief Ehlers stated that Officer Duffy is desirous of working additional hours, over the 29 scheduled hours in the office; she is willing to waive any benefits associated with a full-time position and would be used to fill gaps in the schedule etc. The agreement was effectively used with Officer Brehmer. Trustee Greenberg questioned the dates in the agreement which is basically for six (6) weeks. Chief Ehlers indicated that for various reasons, it was his thought that the Board may want to look at and review the agreement annually. Trustee Rice questioned its legality in the State of Wisconsin. Chief Ehlers then remarked that the attorney who drafted and reviewed the agreement for Brehmer is an expert in this field. Rice would like the attorney’s name somewhere on the agreement to avoid possible problems down the road. President Spurrell stated that the agreement for Brehmer is different than the one for Duffy. Brehmer’s was a temporary fill for a vacancy of medical leave. Duffy’s is open-ended, it’s extending her position basically from part-time to full-time eligibility. Spurrell continued by saying to Chief Ehlers that it’s funny that when the discussion came up with the consideration of her becoming a police officer, will this change part-time to a full-time status; no. She works 29 hrs., that is what is in the budget and I have to work within the budget. So, you present you work within the budget but now we’re going to ask to nullify that statement? Ehlers responded that he is working within the confines of his budget; he is not spending any more money out of his budget. Spurrell agreed that from a budgetary aspect the line item for police clerk will be removed, but the implication

was that she (Duffy) was not going to work over 29 hrs., the position was not to pick up all kinds of hours. What was presented is not what has happened and he has an issue with that. Discussion followed. Trustee Rice commented that he can see another full-time officer coming. Chief Ehlers remarked that this is the bottom line; he is hearing that there is some disappointment on how this was given to the Board, information that he gave. He has seven (7) different people asking seven (7) different questions and he has some who understand the way he does and some that may not. The crux of her going from clerk to police officer was that the Village could reap more benefits from a person that is cross-trained. The work in the office will not be compromised. He continued by stating that Village residents are getting more service. Duffy can fill in when he is out for example, without calling in a part-time officer. His point is, and he stated that he does not mean to issue frustration but it seems that when there are misconceptions of what he may have tried to portray, he tries to be very careful about hurting people's feelings on the Board, they have different opinions, and he has to massage them a little bit. The bottom line he stated is that he tries to be fiscal responsible, and this just is. There is no hidden agenda. After further review and discussion, Thomas moved to approve the Waiver of Benefits Contract/Agreement; Block seconded. Under further discussion, the dates and length of the agreement were reviewed. Thomas then made a motion to amend his motion to approve the Waiver Benefit Contract with editing the expiration date to December 31st 2010. Block amended his second. Motion carries 6-1, with Spurrell being opposed.

Consideration of Lieutenant's Position. Chairman Thomas explained that the Department has lost both their full and part-time sergeants, so the only one between the Chief and officers would be this proposed lieutenant. Thomas also clarified that the lieutenant is getting paid less than the full-time sergeant did. Discussion followed and clarification was also given to Mr. Russell who had commented earlier in the meeting. Upon inquiry from Trustee Rice, Chief Ehlers explained that the reason he needs someone between himself and a street officer is that it provides a chain of command whereby the lieutenant can provide guidance and answer various questions from the other officers and make more decisions than a sergeant can or should be expected to make. A lieutenant can also manage and operate the department in the absence of the Chief. Trustee Scheff commented that our new lieutenant has a lot of credentials, is very qualified and a real people person. President Spurrell then questioned "our new lieutenant" and asked if the Village had a lieutenant right now? Spurrell also cited State Statutes that state the Chief shall appoint subordinates subject to approval by the Board. Discussion followed. Moved by Spurrell to approve Steve Lisnieski to lieutenant; Thomas seconded. Under further discussion, Trustee Rice commented that we are in tough times, and generally during tough times there is more crime; we need officers there. All in favor; motion carries.

Joint Park & Rec. Trustee Block stated that the Committee is requesting an additional \$5,000 to the 2010 budget bringing the total to \$25,000, matching the Town's share. The program serves over 1,000 participants, children, adults, and seniors. President Spurrell asked for clarification whether the Town of Eagle had already voted on this. Clerk Mealy indicated that they had not, but it is on the agenda for their regular monthly meeting. Trustee Greenberg commented that at previous meetings, the Board had debated to originally budget the \$25,000, instead they had decided on \$20,000. He indicated that it is the planning of expenses, and as these expenses are realized, the committee has come back time after time requesting more money. Had the Board budgeted the \$25,000 earlier, they would not be having this discussion

now. He also stated that the Park & Rec program is very important to this community. Trustee Couch totally disagreed with Greenberg stating that the program has been doing the same thing for the past 4-5 years. Other departments were told to keep their budgets at a 0% increase; why should the Board give Park & Rec 150%? President Spurrell clarified that it was not 150%; it is 66%. Block stated the increase is in the participation level. Couch then commented about the Director 's ability to manage a budget and why the Committee cannot help this. A debate followed and Block stated that the committee has been very prudent in their spending and has provided profit and loss statements so that it can be monitored. When asked by President Spurrell what the balance was now and what was projected, Block did not have that information available at the time. Trustee Rice commented that through his review of the accounts, the programs pretty much pay for themselves; what gets being argued is the wages and benefits. Discussion followed. Trustee Thomas remarked in his mind, we (the Village) have a good "department". He stated he was not talking about the business side; the programs fund themselves; all the money goes to pay the Director. He sees three (3) options: Pay more money and keep the Director; Abolish the entire Program; or Find a cheaper way to direct the Department. Further discussion followed regarding how the program is being budgeted and what has happened over the past few years. President Spurrell stated that there are two (2) things that are being requested: An additional \$5,000 for this year; and to increase the budget for next year to \$25,000. The latest budget report (October) was reviewed. Greenberg made a motion that the Board hold a special meeting with the Director there. He then started to make a motion approving the money that is requested. Greenberg then withdrew his motion about holding a special meeting. He then made the motion that the Board fund the Park & Rec as requested this time around with further review to come up with a budget that does work. President Spurrell clarified and summarized the motion indicating the motion was to approve the \$5,000 and also to increase the budget to \$25,000. Block seconded. Again further discussion followed, regarding the various options and the amount(s) being approved; is it too much or too little? President Spurrell stated that without having numbers, it makes it very difficult to approve something without knowing what those projections are. Greenberg amended his motion to approve \$5,000 for this year, maintain the \$20,000 for next year upon further review. Block amended his second. Under further discussion, President Spurrell noted that with approval, the 2009 budget was being amended. It is necessary to adopt and publish a resolution. A resolution had not been drafted. Again, discussion followed. A vote was taken to approve the \$5,000. For clarification, President Spurrell called for a roll call vote: Rice-no, Scheff-yes, Couch-no, Block-yes, Thomas-yes, Greenberg-yes, Spurrell-no. Motion did pass 4-3. Review followed concerning the related resolution. President Spurrell stated that the Board approved the \$5,000; the Resolution will be on next month's agenda for approval

There being no further business, Greenberg made a motion to adjourn; Scheff seconded. Motion carries. President Spurrell adjourned the meeting at 10:20 p.m.

Respectfully submitted,

Shirley Mealy
Village Clerk