

VILLAGE OF GRAFTON

JOINT VILLAGE BOARD / TOWN BOARD MEETING MINUTES

MONDAY, AUGUST 20, 2012 AT 5:00 PM

Village President Jim Brunnquell called the Joint Village Board / Town Board meeting to order at 5:00 p.m. The Pledge of Allegiance followed.

Village Board members present: David Antoine, David Liss, Susan Meinecke, Lisa Harbeck, Jim Brunnquell

Village Board members absent: Jim Grant and Richard Rieck

Town Board members present: Lester Bartel, Steve Schaefer, Karron Stockwell, Tom Sykora

Town Board member absent: Tom Grabow

Village Staff/Officials present: Village Administrator Darrell Hofland, Finance Director Paul Styduhar, Library Director John Hanson, Director of Public Works-Engineer/ Executive Utility Director Dave Murphy, Utility Director Tom Krueger, Village Clerk Teri Dylak, and Village Attorney Michael Herbrand

Town Staff present: Community Services Manager/Clerk Amanda Schaefer

Village President Jim Brunnquell requested a "Moment of Silence" for the recent passing of former Village Trustee and Plan Commission member Al Schlecht.

REFERENDUM QUESTIONS FOR NOVEMBER 6, 2012 ELECTION REGARDING GRAFTON VOLUNTEER FIRE DEPARTMENT

Village Administrator Darrell Hofland stated that the future needs of the Grafton Volunteer Fire Department (GVFD) have been discussed at length over the past year. There has been an increase in the demand for service from the GVFD, especially in the EMS area. It is becoming more and more difficult to get qualified staff due to the time and training requirements. The current GFD members are not paid for their service to the community.

Administrator Hofland briefly reviewed discussions on changes being recommended to the GVFD over the past several weeks. He indicated that Fire Chief John Place is recommending that the Village of Grafton and Town of Grafton consider his recommendation for a full-time Fire Chief, Assistant Chief, a half-time administrative staff assistant, limited part-time EMS staff, and paid on-call for the rank and file members of the GVFD. This scenario will require both the Village of Grafton and the Town of Grafton to exceed their allowable levy limit, which can only be accomplished if a referendum, submitted to electorate of each community, is approved. The deadline to

place a referendum question on the November 6, 2012 General Election ballot is August 29. Each community must, by Resolution, authorize the placement of the referendum on the ballot and identify the exact wording of the question that will appear on the ballot. The language on the ballot must identify the current levy and the amount of the proposed increase.

President Jim Brunnuell commented that he and Town Chair Lester Bartel have met with Chief Place, along with staff, on several occasions to discuss the proposed change to the GVFD. The change to a partial full-time department will benefit the entire "Community of Grafton" and continue to provide the citizens with outstanding fire service and EMS.

Chief Place commented that the GVFD recognizes that the change is necessary not only for the Department but for both communities. The GVFD would like the referendum to move forward with implementation of the changes in 2013.

Town Chair Lester Bartel stated that it is important that both Boards and the citizens of each community realize the blessing of having received such great service from the GVFD. The Department has provided outstanding service over the past years as a volunteer department; however, as the make-up of the area changes, service needs also change. The time has come for the GVFD to move to the next level of service. He recited a Dr. Seuss quote: "Don't cry because it's over; smile because it happened".

Both communities have had a good working relationship with all of the Fire Chiefs over the years, and the proposed change in departmental status will not change that. This area was previously a factory community where employers would pay their employees to attend fire and rescue calls. With the changes in the type of business community, this is no longer the case and it is becoming more and more difficult to get people to volunteer for the GVFD. There is significant training and time commitment requirements for members of the GVFD including EMS.

Chair Bartel commented that the GVFD is willing to dissolve their current structure in order to better serve the "Community of Grafton". The only way this change can occur is if the residents agree to a modest increase in their taxes. We have been asking a significant amount from our "volunteers" and it is time for this change to occur. The Cities of Mequon and Port Washington have already made the change from a volunteer department. This is becoming a nationwide crisis.

President Brunnuell stated that public safety is a basic service of government. Residents expect their taxes to cover services such as police and fire protection and public works. Communities do not like to have to increase taxes; however, this is a valid reason. He stated he supports the change and commended Chief Place and his Department for their willingness to work with both communities on this very important issue.

RESOLUTION TO AUTHORIZE A REFERENDUM FOR THE VILLAGE OF GRAFTON TO EXCEED THE STATE IMPOSED LEVY LIMIT BEGINNING IN 2013 AND ON AN ONGOING BASIS

Resolution No. 019, Series 2012 / Authorizing a Referendum for the Village of Grafton to exceed the state imposed levy limit beginning in 2013 and on an ongoing basis was offered by Trustee Harbeck.

Motion by Trustee Meinecke, seconded by Trustee Antoine, to adopt Resolution No. 019, Series 2012, as presented. Approved unanimously

RESOLUTION TO AUTHORIZE A REFERENDUM FOR THE TOWN OF GRAFTON TO EXCEED THE STATE IMPOSED LEVY LIMIT BEGINNING IN 2013 AND ON AN ONGOING BASIS WAS OFFERED BY SUPERVISOR

Motion by Supervisor Stockwell, seconded by Supervisor Schaefer, to adopt Resolution 2012-10 to authorize a Referendum for the Town of Grafton to exceed the state imposed levy limit beginning in 2013 and on an ongoing basis. Approved unanimously.

Chief Place thanked the Village and Town Boards for their willingness to move this matter forward.

2012 COUNTY LIBRARY TAX TO FUND 2013 LIBRARY SERVICES

Director Hanson stated the Joint Library Board has reviewed the preliminary 2013 Library budget. The Joint Library Board determined that in order to comply with Wisconsin State Statute regulations, the Town of Grafton needs to appropriate additional money to meet the county library tax exemption.

The exemption amount the Town is required to pay for 2013 is \$137,100. Director Hanson indicated that generally communities that are non-librariated will pay a lesser amount than the amount needed to be exempt from the county library tax. Due to Town of Grafton's higher equalized value, the amount due will be almost the same whether or not they remain with the Village or become non-librariated.

The Joint Library Board suggested that the Town appropriate \$118,139 to support the library. In addition, the approximately \$19,000 the Town is required to pay to comply with Wisconsin State Statutes, could be placed in a capital improvement account to pre-fund the Town's share of critical future capital improvement projects such as carpet replacement and HVAC upgrading. There are only about 30 joint libraries of the 400 libraries across Wisconsin.

Chair Bartel commented that the Town Board believes in the Joint Library partnership. The two communities have worked together since the new library was constructed and it has benefited all of the residents. A decision to dissolve that partnership should not be taken lightly and needs to be carefully reviewed.

Chair Bartel stated that the Town of Grafton will continue to work with Director Hanson and the Village Board on this matter. There is not a significant difference in the amount of money that is being discussed.

This item will be reviewed during the budget process.

President Brunnquell commented that the partnership between the Village and Town of Grafton is envied by other area communities. The solid foundation of working together has benefited both communities over the years.

CLOSE JOINT MEETING AND COMMENCE REGULAR VILLAGE BOARD MEETING

Motion by Trustee Harbeck, seconded by Trustee Meinecke, to close the Joint Village Board/Town Board meeting and commence regular Village Board meeting at 5:24 p.m. Approved unanimously by both communities.

A 5 minute break was held to allow the Board Room to clear.

MINUTES

Motion by Trustee Antoine, seconded by Trustee Liss, to approve of the 8-6-2012 Village Board meeting minutes and File the 7-12-2012 Architectural Review Board; 8-6-2012 Finance Committee; 8-13-2012 Board of Public Works meeting minutes as presented; and the 8-14-2012 Public Safety Committee meeting minutes, as corrected. Approved unanimously.

BUSINESS PRESENTED BY THE PRESIDENT

2012 Distinguished Budget Presentation Award

President Brunnquell presented the 2012 Distinguished Budget Presentation Award to Village Administrator Darrell Hofland. This award is implemented by the Government Finance Officers Association. He stated that this is the 20th consecutive year that the Village has received this award and is a reflection on how the budget is presented and used as a communication device as well as the excellence of Village staff.

Administrator Hofland thanked President Brunnquell. He indicated that the Village of Grafton is the longest running consecutive local government winner of this award in the State of Wisconsin. Only two other government agencies, Outagamie County and Waukesha County have achieved this level of achievement.

President Brunnquell reviewed the materials distributed for Village Board member review.

PERSONS REQUESTING TO BE HEARD

Peter Renner - Development Agreement for Tree House Development

Peter Renner was present to express his displeasure with what he considers exorbitant fees for his Treehouse Development project. He stated that this project is a new type of housing for the community and he is appalled that he is not getting cooperation from the

Village. He stated that Director of Public Works Dave Murphy contracts for inspections and the Building Inspector does not inspect. He is being charged for GIS mapping and other ancillary costs in the tens of thousands of dollars. He stated that the fee to build the first home is at \$43,000 and climbing. Mr. Renner questioned if other developers are paying this high of fees.

Director Murphy stated that the Treehouse project is ultimately for 5 lots with single family homes. The fees are based on that approval by the Plan Commission.

President Brunnuell stated that the Village offered an option to bypass the Developers Agreement in lieu of deposits on hand to cover the project. Director Murphy stated that the fees being charged cover GIS, as-built drawings, inspection services, etc.

President Brunnuell questioned if Mr. Renner's development is being treated differently from other developments within the Village. Director Murphy responded no.

There was a discussion on whether this project qualifies as a subdivision. Mr. Renner stated that, at this time, he is not sure if he will proceed with the construction of the additional residences.

Trustee Harbeck asked if the \$43,000 charge will apply to each new residence. Director Murphy responded that the charges are for the entire area and are paid upfront at the time of the first structure.

President Brunnuell stated that the Village prides itself on working fairly with all developers. The costs are not arbitrary numbers but based on the specific requirement of the project. He requested that staff meet with Mr. Renner to review the charges in question.

RESOLUTIONS/ORDINANCES/ACTION ITEMS

Bridge Street Dam Design - presentation by Ayres Associates, Inc.

Chris Goodwin, Ayres Associates, was present to review a preliminary design for the proposed Bridge Street dam modifications. He identified that both the east and west sides of the dam structure will require changes to provide adequate capacity in the spillway.

A component of the project is raising the riverwalk as well as the creation of a decorative elevated viewing deck. Considerable landscaping is proposed along the walkway and a curved retaining wall is included to help direct water flow under the viewing deck and over the dam. A small retention pool is also included in the design plan along the west side of the river.

Mr. Goodwin reviewed the stepped spillway area near the viewing deck. Resident Bill Hass, 1226 Water Terrace, questioned if the US Fish and Wildlife have approved the stepped spillway because of the possible infiltration of invasive species into the river.

Mr. Goodwin responded that Ayres is in discussions with both the DNR and US Fish and Wildlife on this project.

The estimated cost of the project was briefly reviewed. The cost estimate for the project ranges from \$750,000 to \$1.2 million. Based on the uncertainty of the bedrock profile Ayres is recommended a rock density test be completed. Mr. Goodwin stated that structures must be built on solid bedrock.

The east side design was briefly discussed. The proposed design includes a stop log structure with a pulley hoist system for removal of the logs. Stop logs would not need to be removed, under normal use; however, would need removal in case of dam repair or high water situations. Stop logs are not considered a gate system.

Director Murphy stated that it is likely that the stop logs structure would be check each year. Mr. Goodwin stated that dam structure in its entirety must be inspected every 5-years.

Director Murphy stated that the bedrock boring tests will require review by the Board of Public Works and action by the Village Board.

Mr. Goodwin stated he is looking for direction from the Board on how to proceed with the design. He questioned if the Board would like to move forward with the stop log and pulley hoist mechanism for the east side. He also questioned if the Board is supportive with the proposed west side design.

The Board members briefly discussed the stop log and pulley-hoist mechanism for the east side. Administrator Hofland commented that the hoist system will provide a very industrial look to the east side, in comparison with the current look across the river.

Several members identified that they are in favor of the stop log and pulley-hoist mechanism design scenario.

Trustee Meinecke commented that she is concerned with the cost of this project. When the "Save the Dam" group presented saving the dam structure, it was stated that the necessary repairs could be done fairly cheaply, around \$50,000. Mrs. Meinecke stated that the current estimate of \$1.2 million is much higher than the amount previously identified by the group. She stated that she would like to see the project go to an advisory referendum to identify the higher costs and to see if the residents of Grafton are willing to pay over a \$1,000,000 for this project.

In addition, the project is at the 50 percent design stage so it is likely that the final costs will be higher. If the cost estimate was at the 90 percent level, the cost estimate would likely be more stable.

President Brunquell commented that the Village needs to obtain a final cost number in order to determine if this project moves forward. The Village is not obligated to accept

the bids received and can postpone this project since we are not obligated to do anything with the dam until 2019. Another question is if the project being presented now is still in concert with original intent of the advisory referendum results.

Trustee Meinecke commented that the Village has already spent over \$85,000 and another \$35,000 is coming forward and nothing has been repaired on the structure. President Brunnquell reiterated that the Board owes it to the public to obtain a final cost estimate for this project.

Mr. Goodwin questioned what the Board liked or disliked about the proposed design.

It was the consensus of the majority of the members that the east side should include a stop log and pulley hoist mechanism structure.

The west side design was briefly discussed. President Brunnquell questioned if the Village logo design could be incorporated into the scenic viewing structure since the current design slightly resembles the logo design. Mr. Goodwin responded he will work on that option.

The upper pool west of the viewing platform was discussed. Several members expressed concern that the area will be a draw for children and could be dangerous. Mr. Goodwin stated that the water level in this area will be just over 6 inches deep and will have flowing water; however, he will review the design for other options.

Sue Hass, 1226 Water Terrace, suggested that Ayres work with staff on the type of hoist system needed on the east side to find something more aesthetically pleasing to the overall project.

President Brunnquell commented that the hoist structure must allow for ease of use and maintenance.

The timetable for the next part of the process was reviewed. Mr. Goodwin stated that, once approved, the rock borings will take approximately 30 days, with a revised plan available in 60 days.

Resident Bill Harbeck, 907 17th Avenue, stated that the group never indicated that the project could be completed for \$50,000. The abutment work estimate was around \$500,000, maybe less. The Village consultants had provided an estimate of around \$4 million. He stated that he thinks that the residents were provided with adequate information when making their decision whether or not to save the dam.

Trustee Meinecke reiterated that she does not think all of the facts were known when the referendum was brought forward for public action.

Ordinance amending various sections of Title 16 – Building and Construction

Administrator Hofland stated that the code change is to reflect a change of State agency for building related matters. The change is from the Department of Commerce to Safety and Professional Services.

Motion by Trustee Liss, seconded by Trustee Harbeck, to approve Ordinance No. 009, Series 2012, as presented. Approved unanimously.

Item # 1 - Report of the Finance Committee

Motion Trustee Liss, seconded by Trustee Antoine, to approve Item 1 of the Report of the Finance Committee, as follows: 1. Approve the 2013 Inspection Services Contract between the Village of Grafton and the Village of Saukville. Approved unanimously.

Item # 2 - Report of the Finance Committee

Motion by Trustee Meinecke, seconded by Trustee Liss, to approve Item 2 of the Report of the Finance Committee, as follows: 2. Approve the Table of Organization changes to create the “Department of Administrative Services”, with a requirement that the Director of Administrative Services receive Clerk’s Institute training.

Trustee Harbeck commented that the Finance Committee minutes indicate that Administrator Hofland is not in favor of the requirement that Finance Director Styduhar take the Clerks class. She questioned why.

A brief discussion occurred regarding the training requirement. Administrator Hofland identified that, as the Clerk’s current supervisor, he has not been trained or certified in elections, and does not see the need now. He stated that the required training is one week in Green Bay, WI, at minimal cost, and can be accommodated in the budget.

The motion to approve the Table of Organization changes to create the “Department of Administrative Services”, with a requirement that the Director of Administrative Services receive Clerk’s Institute training was approved unanimously.

Report of the Board of Public Works

Motion by Trustee Liss, seconded by Trustee Antoine, to approve Items 1, 3, 4, 5, and 6 of the Report of the Board of Public Works, as follows: 1. Accept a proposal from Veolia Environmental Services, Horicon, WI, to amend the current contract to freeze the rates for 2013 and extend the garbage and recycling contract for 10 years, as presented; 3. Authorize the purchase of a Trailer-Excavator from Bruggink’s, Inc., Oostburg, WI for \$16,630; 4. Approve change order 3 by Rawson Contractors, Inc., Sussex, WI to recoat floor areas of the disinfection building for a cost of \$4,604.25; 5. Award a contract to Goldsmith Painting, Sheboygan Falls, WI for repainting of the GBT building interior walls and floor areas for a lump sum

of \$34,720.00; 6. Approve a 5-year shared use and jointly owned sewer televising equipment agreement with the Cities of Port Washington and Cedarburg. Approved unanimously.

Item #2 – Report of the Board of Public Works

Motion by Trustee Meinecke, seconded by Trustee Antoine to approve Item 2 of the Report of the Board of Public Works, as follows: 2. Denial of a request from Marla Zahn to grow a community garden in the 14th Avenue right-of-way and to remove all personal belongings from this site by November 1, 2012.

Director Murphy provided background information on this item.

The location of 14th Avenue and Cedar Street has been determined to be a good location to add a portage site the Bridge Street dam. The DNR has identified this location to be a safe location to re-enter the water after portaging around the dam. In addition, a small parking lot will need to be built and a few directional signs added to this location. While reviewing the site, a private garden was found in the public right-of-way. Director Murphy stated that on June 20, he contacted the owner of the adjacent property, Marla Zahn, 1426 13th Avenue, and left a message that the garden will need to be moved sometime this year. Since that time, Ms. Zahn has appeared before the Parks and Recreation Board and the Board of Public Works to request that the Village allow a community garden at this location. Director Murphy identified that the Village currently has a community garden site at the River Bend Road yard site.

Cherryl Erlandsson, representing Marla Zahn, 1426 13th Avenue, read a prepared statement (copy attached).

The statement identified six major points as identified below:

1. The issue of who benefits needs to be clarified.
2. The issue of cost needs to be addressed.
3. The constituents of the Village of Grafton need full disclosure to understand the political and financial scope of the issues. Don't throw taxpayers dollars at the Portage Pathway Proposal when the DNR does not require it. Choose fiscal responsibility over unnecessary expenditures.
4. Regarding easement rights. The Zahns have resided at 1426 13th Avenue (10-074-09-01.001) for nearly 60 years. Jerome Zahn began planting a comfrey fence in 1991. These plants were continuously maintained even after his death in 1997. Please see July 3rd letter for photographs of this marvelous plant. Jerome Zahn planted a lot of comfrey because he knew to protect his steeply graded property from soil loss and erosion. Effectively, Mr. Zahn had created a "green infrastructure" that was protecting the Milwaukee River. For those of you who are unfamiliar with comfrey, it does not propagate by cuttings or the wind scattering seeds. Comfrey does not grow by tuber extension. Comfrey is like a tree, where you plant is where it stays. Comfrey only propagates by digging up its root system and manually separating them and replanting them. These plants have been in place for over 20 years and legally represent a border

fence that blends so well with the environment that is barely noticeable to the novice's untrained eye.

5. Under current law, Ms. Zahn is exercising her transcriptase rights under adverse possession stature 893.29 that indicates that the Zahn family has easement rights to the Village property that borders the Zahn family property (10-074-09-01.001 of Block 9).

6. Again, these issues can be brought together in a mutual beneficial compromise saving the Village of Grafton a large financial expenditure of taxpayer's dollars by approving of an organic garden site for the citizens of the Village of Grafton.

President Brunnuell stated that the Village of Grafton has established a community garden site and the process to establish the site was very well publicized.

Ms. Zahn identified that the current community garden site does not work because of possible soil contamination causing poor plant growth.

Village Attorney Michael Herbrand stated that the claim of adverse possession changes the Village position on this matter. With this claim, the Village needs to resolve that issue prior to any other action. He identified that the burden proof for the possession of property falls on Ms. Zahn and must be finalized in a court of law. He also stated that just because a public right-of-way is not used, it is not considered abandoned. Attorney Herbrand suggested that this matter be tabled pending additional review.

The motion to approve Item 2 of the Report of the Board of Public Works was withdrawn from consideration.

Motion by Trustee Harbeck, seconded by Trustee Antoine, to table this matter until the September 4, 2012 Village Board meeting. Approved unanimously.

President Brunnuell commented that Ms. Zahn was concerned about taxpayer dollars being used for a canoe portage and yet with the adverse possession claim the Village will now be incurring legal fees.

Trustee Meinecke stated that no decision on been made on the type or location for a canoe portage.

Ms. Zahn stated that she was told by Director Murphy that by July 2013, the area would be paved for a portage.

Trustee Harbeck stated that the Village could benefit from Ms. Zahn's knowledge at the current community site and suggested that everyone work together on this issue.

Director Murphy stated that compost materials and wood chips could be brought to the current community garden site to help with the soil conditions.

Ms. Zahn responded that soil tests will likely show that there are significant problems with the condition of the soil at that location.

Trustee Meinecke commented that the Village started working on a community garden location 2-years ago. She questioned why Ms. Zahn did not come forward at that time to assist with a location for the project.

Report of the Public Safety Committee

Motion by Trustee Liss, seconded by Trustee Meinecke, to approve the Report of the Public Safety Committee, as follows: 1. Action to deny traffic control signage request at Seventh Avenue and Power Street, and request a comprehensive study of Village streets for traffic flow; 2. Approve the Grafton High School Booster Club Run/Walk on August 26, 2012. Approved unanimously.

It was the consensus of the Board that a previous traffic study be re-reviewed for traffic flow on many of the Avenues and any adjustment made.

LICENSES

Motion by Trustee Antoine, seconded by Trustee Harbeck, to approve the issuance of Operators Licenses and the issuance of a Special Picnic License to David Scherzer - agent / St. Paul Lutheran Church and School / 701 Washington Street / October 13, 2012. Approved unanimously.

DEPARTMENT AND OFFICERS REPORTS

None.

REPORT OF BILLS

Motion by Trustee Meinecke, seconded by Trustee Antoine, to approve the payment of Village expenditures in the amount of \$313,738.63, as presented. Approved unanimously.

OLD BUSINESS

None.

NEW BUSINESS

Trustee Liss informed the Board that the final summer GALA event will take place on Thursday, August 23 in Veterans Memorial Park.

CONVENE TO CLOSED SESSION

Motion by Trustee Liss, seconded by Trustee Harbeck, to convene to closed session, at 7:10 p.m., pursuant to Wisconsin Statutes 19.85(1)(c) for Personnel Matters (Village Clerk position recruitment). Approved unanimously by roll call vote.

RECONVENE TO OPEN SESSION AND THE REGULAR ORDER OF BUSINESS

Motion by Trustee Harbeck, seconded by Trustee Antoine, to reconvene to open session and the regular order of business at 7:21 p.m. Approved unanimously by roll call vote.

ACCEPTANCE OF VILLAGE ADMINISTRATOR RECOMMENDATION FOR APPOINTMENT OF NEW VILLAGE CLERK

Motion by Trustee Antoine, seconded by Trustee Meinecke, to approve the appointment of Kelly Popp as Village Clerk to succeed retiring Clerk Teri Dylak. Approved unanimously.

ADJOURN

Motion by Trustee Harbeck, seconded by Meinecke, to adjourn at 7:23 p.m. Approved unanimously