

## VILLAGE OF GRAFTON

### VILLAGE BOARD MEETING MINUTES

TUESDAY, SEPTEMBER 4, 2012 AT 6:00 PM

Village President Jim Brunnquell called the Village Board meeting to order at 6:00 p.m. The Pledge of Allegiance followed.

Village Board members present: Jim Brunnquell, Jim Grant, Dave Antoine, Richard Rieck, Lisa Harbeck, David Liss, and Sue Meinecke

Staff / Officials Present: Village Administrator Darrell Hofland, Director of Public Works-Engineer / Executive Utility Director Dave Murphy, Police Chief Charles Wenten, Village Attorney Michael Herbrand, and Deputy Clerk Lisa Oppeneer

#### MINUTES

Motion by Trustee Rieck, seconded by Trustee Antoine, to approve the 8-20-2012 Joint Village Board/Town Board meeting minutes, and file the 8-13-2012 Public Arts Board; 8-22-2012 Parks and Recreation Board; 8-23-2012 Architectural Review Board and the 8-28-12 Plan Commission meeting minutes, as presented. Approved unanimously.

#### PERSONS REQUESTING TO BE HEARD

None.

#### BUSINESS PRESENTED BY THE PRESIDENT

##### Certificate of Distinction - ICMA Center for Performance Measurement

President Brunnquell presented Administrator Hofland with the ICMA award and congratulated Village staff for all their work put into receiving this award. This award is a unique award in light of Grafton being only 1 of 15 communities nationwide to be recognized and is a reflection of the professionalism that it was done in house.

Administrator Hofland stated that the Village of Grafton has sought to achieve the goals of the Center for Performance Measurement and has received this award for the past two years. The management team are active participants through their monthly reports and benchmarks to board, committees, and commissions as well as briefing their staff.

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

#### RESOLUTIONS/ORDINANCES/ACTION ITEMS

##### Item 1 / Report of the Plan Commission

Motion by Trustee Meinecke, seconded by Trustee Antoine, to approve Ordinance No.10, Series 2012, rezoning the properties owned by Highway

60, LLC located at Port Washington Road south of Target/Home Depot on the east side of Port Washington Road approximately 1,400 feet south of WIS 60 (Washington Street) consisting of 1.81 acres and 31.42 acres, respectively from A-3 Agricultural Holding District and C-4 Freeway Interchange Business to PUD Planned Unit Development, as presented.

President Brunnquell gave a brief overview of the Meijer project. Meijer was first presented at the Plan Commission meeting about two months ago which at that time a public hearing was held. It has also been through Architectural Review Board. Both Plan Commission and Architectural Review Board requested changes be made to the project and Meijer has been very willing to work with the Village and their concerns for the project. After receiving numerous concerns from residents regarding the convenience store / fueling station Meijer proposed, the Village has asked them to remove it from their site plan. At this time Meijer has agreed to remove it as part of the project. Tonight Village Board is only acting on the rezoning and certified survey map.

Mike Flickinger, Director of Real Estate for Meijer was present to give an update on the technical changes that have been made and would be available after the meeting for any further questions.

Mike Klingl, with GreenbergFarrow, (agent) for Meijer, went over the major changes in the site plan and architecture. Some significant architectural design changes include creating horizontal layers or tiers to help reduce the mass of the building and add architectural detail with accent details and awnings. Other changes that are now also included on the revised plans include a widening and / or capping the parapet walls on the front elevation, adding an accent brick in areas of previous monotony, the addition of wall lighting in the plaza area, identifying the internal structural components inside the vestibules as a visual architectural component, framing the Meijer wall sign by brick and an internal brick pattern, adding wall sconces to the building, tying together the linear components of the building together with a top, middle, and base section for each elevation, and individually channel mounting all wall signage. On the north elevation a brick base added as a base for the wrought iron fencing (on front elevation as well), the drive-thru canopy should consist of the same material as the front awnings, and the continued linear integration of sections of the elevation. Additional landscaping and screening was also added in this area. The south elevation has also been enhanced with established linear relationships between the horizontal sections of the building. The east elevation, which serves as the rear of the building and is highly visible from I-43, includes the establishment of a horizontal linear relationships between building components, adding accent brick and fake bricked-in windows, and the framing of the Meijer wall sign. He then mentioned that the rear elevation has also been substantially enhanced with landscaping between the building wall and I-43. In addition, the retaining wall area just north of this elevation will provide a location for public art.

President Brunnquell questioned if a market study had been completed.

Mr. Flickinger stated an extensive market study was completed by a third party. It was found that the Grafton area customer base matches the Meijer's customer base. Being located off the freeway Grafton will draw a customer base from surrounding communities. Meijer feels confident they will do well in the Grafton community. They have a history of keeping stores in business for 70+ years.

President Brunnuell commented a traffic impact study analysis has also been completed.

John Bieberitz, President of Traffic Analysis & Design Inc., was present to give a brief synopsis of the traffic study that was requested by the Village of Grafton. Based on the additional traffic that the Meijer store will generate, the study recommends adding a full traffic signal at Hunters Lane and Port Washington Road; on the corner of WIS 60 and Port Washington Road, adding a new arrow turn signal for traffic going north bound to east bound; on Falls Road for east bound traffic, adding an extra traffic lane by the stop sign to separate north and south turns; enhancement of the existing right turn onto Falls Road from south bound Port Washington Road; and enhancing the existing north bound bypass lane on Port Washington Road that is located just south of the Falls Road intersection.

President Brunnuell commented any development over 50,000 square feet is required to be linked into the Police Departments surveillance system.

Chief Wenten commented he has meet with concerned citizens from the Hunter's Crossing development. The Village mandates developments over 50,000 square feet to have surveillance cameras on all cash checkout areas. Chief works closely with the development to make sure all appropriate procedures are followed within the development. Also, being that the Meijer store will be a 24 hour operation, there will need to be panic buttons installed at all cash handling areas. When panic buttons are activated, alerts go out to all squad cars and dispatch. Squads are then able to link into the stores cameras to see what activity is going on. There will also be surveillance cameras on the parking lot which helps with accidents and theft issues and reduces the investigating time on issues reported. These surveillance systems are installed in other local businesses and have been working out well. Meijer will also have one full time Loss Prevention employee.

President Brunnuell questioned if there was a delivery truck traffic update.

Mr. Flickinger commented the 32 truck deliveries a day are not accurate. However, there will be three semi trucks from Meijer and then five to ten vendor delivery vehicles that will come in. The vendor delivery vehicles consist of vehicles the size of standard UPS and FedEx-type trucks. The most deliveries that will be made in one day are 13.

Attorney Joseph Cincotta, 757 North Broadway, Milwaukee, WI, (representing the Corraos), commented he has filed an appeal regarding the conditional use permit. At this time this puts the conditional use permit in "pending" status.

Village Attorney Michael Herbrand commented a document was filed earlier today asking the Plan Commission to re-review the conditional use permit.

Mr. Cincotta commented his clients feel that they are behind in receiving all the information pertaining to the Meijer project.

Attorney Herbrand commented the actions being taken tonight are not regarding the conditional use permit. The Village Board is free to act on the motions brought before them tonight.

Trustee Grant commented he is the chair of the Public Safety Committee and is okay with the project. However, from a safety stand point, he would like a presentation to be made at the Public Safety Committee. He is surprised to see that it has not already been presented at the Public Safety Committee. He has concerns with the amount of traffic this project will bring. Since it is a 24 hour operation, how much impact will the store have on the third shift Police Officers, and what are the qualifications of the Loss Prevention employee.

Chief Wenten had met with Meijer associates to inquire about their corporate policy. Meijer is pro prosecution and no loss is acceptable. When a store has this type of policy in place the word will spread and will help deter theft issues.

Mr. Klingl stated they would have no problem presenting the Meijer project at the next Public Safety Committee meeting.

Pam King, Executive Director of the Grafton Chamber of Commerce, stated after the first public hearing regarding this project she spoke with the Store Manager of Shopko to get his opinion on the Meijer store. His comment was, that retail breeds retail, and does not see the Meijer store being a conflict to other local businesses. Meijer is 60 percent grocery and 40 percent soft line. At this time she has not received any calls from local businesses with negative or positive comments regarding the Meijer store.

Trustee Antoine questioned why the store needed to be a 24 hour operation?

Mr. Flickinger stated there is a combination of reasons, most of store product is stocked over night, Meijer has always been recognized for its fresh food products, and the founders of the company decided we need to be there for our customers during all hours of the day. Grafton has a hospital and manufacturing companies that are open during the third shift hours and if customers need products in the middle of the night, Meijer want to be there to serve them.

Trustee Antoine commented that Meijer has a good reputation and does a great job of giving back to the community. However, his only major concern with the store is that it is a 24 hour operation.

Trustee Harbeck commented she had attended the last Plan Commission meeting and had listened to all the residents' concerns. There are residents that live across from the proposed Meijer, and being a 24 hour operation, what kind of quality life will that be for those residents. Meijer currently has four stores that do not operate 24 hours a day. Is it possible for the Grafton location to not be open 24 hours a day?

Mr. Flickinger commented that those four stores are much smaller urban concept stores that sell only groceries and are located in the Chicago area. The communities they are located in have not prevented them from operating 24 hours. The decision on the hours of operation for these stores was a decision made by Meijer.

Trustee Harbeck questioned if the Grafton store could be downsized and not open 24 hours a day.

Mr. Flickinger stated the Grafton store is proposed to be a supercenter that is open 24 hours a day. We would not bring a smaller Meijer to Grafton.

Trustee Harbeck questioned if Meijer is still interested in constructing stores in Franklin and Pewaukee.

Mr. Flickinger stated they only have interest in building in Franklin and at this time is going through the approval process for the project. At this time there is no interest in Pewaukee and the speculation came from the press.

Michele Corrao, 2474 Caribou Lane, commented that Trustee Harbeck has addressed the concerns they have with the project. However, they have turned in a petition with over 100 signatures on it and wish the size of the store and hours of operation would be reconsidered.

Stan Himelhoch, 2316 Stoney Lane, President of the Hunter's Crossing Condominium Association, commented he is not representing everyone in the condo association but many condo owners are very happy with the way Meijer has been willing to work with the concerned residents. The residents had asked for more landscaping on the Hunter's Crossing area and they are willing to meet that request. Also, residents are very against a fuel station located there and Meijer has removed that from their site plan. Mr. Himelhoch feels they will be a great corporation to have across the street from them.

Carol Schnieder, 1074 Ulao Parkway, commented she had spoke with a manager at a grocery store regarding the Meijer store coming into Grafton. The manager commented their grocery store is competitive within their own business and welcomes Meijer to Grafton. She commended the Village and Mr. Hofland for all the growth and development that has been coming to Grafton and thinks Grafton is doing a fine job.

Mrs. Corrao, commented regarding Mr. Himelhoch's comment that over half of the residents in the Hunters Crossing Condo's are against the Meijer store.

Judy Airaudi, 2452 Caribou Lane, questioned if the gas station is permanently being removed from the site plan.

Mr. Brunnuell commented at this time the gas station has been removed from the site plan. However, we do not want to hinder future Village Boards from their decision making.

Judy Baer, 915 17<sup>th</sup> Avenue, commented the only advantage she sees being open 24 hours a day, is if the pharmacy will be open 24 hours.

Mr. Flickinger stated at this time they only have one store that is operating with a 24 hour a day pharmacy and this is at a test store.

President Brunnuell commented this project meets the 2035 Master Plan.

Trustee Grant commented he thinks this is a good project, however it has not been through the Public Safety Committee, so he will vote no.

Mr. Flickinger commented that two of Meijer's five core values are safety and health. As a company, Meijer place surveillance monitoring on parking lot and all cash handling areas.

President Brunnuell commented this can go before the Public Safety Committee.

Trustee Harbeck commented she agrees this is a good store for Grafton, however, she does not agree to the store having to be open 24 hours a day.

Trustee Antoine commented he also does not agree with the store being open 24 hours a day.

The motion to approve Ordinance No. 010, Series 2012, was approved 5-2 (J.Grant & L.Harbeck – nay.)

#### Item 2 / Report of the Plan Commission

Resolution No. 020, Series 2012, approving a Certified Survey Map for property located at Port Washington Road south of Target/Home Depot on the east side of Port Washington Road approximately 1,400 feet south of WIS 60 (Washington Street) that creates four new lots consisting of Lot 1 at 23.70 acres, Lot 2 at 1.29 acres, Lot 3 at 1.50 acres, and Lot 4 at 6.59 acres, was offered by Trustee Liss.

Motion by Trustee Rieck, seconded by Trustee Antoine, to adopt Resolution No. 020, Series 2012, contingent upon the Village Engineer's review of CSM, as presented. Approved 5-2 (J.Grant & L.Harbeck – nay.)

Resolution commending Village Clerk Teri J. Dylak on her retirement and for her years of service to the Village of Grafton.

Resolution No. 021, Series 2012, commending Village Clerk Teri J. Dylak on her retirement and for her years of service to the Village of Grafton, was offered by Trustee Liss.

Motion by Trustee Meinecke, seconded by Trustee Harbeck, to adopt Resolution No. 021, Series 2012, as presented.

Administrator Hofland complemented Village Clerk Teri Dylak on her 23 years of service with the Village of Grafton and what pleasure it has been to work with her. Other than one other department head, she is the longest employed department head with the Village. Teri has been a great team player, gives great customer service to the Grafton residents, and has had no election issues when closing an election at the end of the day. Teri has had a very successful career with the Village of Grafton.

President Brunnuell thanked Teri for her commitment to the community and appreciates all her hard work over the past 23 years.

The motion to adopt Resolution No. 021, Series 2012, was approved unanimously.

## **LICENSES**

Motion by Trustee Antoine, seconded by Trustee Meinecke, to approve the issuance of a Special Picnic License to Shannon Mierow-Daute / St. Paul Lutheran Church and School – 701 Washington Street / September 9, 2012, as presented. Approved unanimously.

Motion by Trustee Antoine, seconded by Trustee Grant, to approve the issuance of Operators Licenses, as presented. Approved unanimously.

## **DEPARTMENT AND OFFICERS REPORTS**

Trustee Grant questioned the status of the bus parked in the Pick 'n Save/Shopko parking lot.

Administrator Hofland commented the owner of the bus was contacted last week Monday and informed him the bus needed to be removed from the parking lot as soon as possible.

Chief Wenten commented as of today it was still there and a Police Officer has issued a citation and will continue to do so until removed from the parking lot.

## **REPORT OF BILLS**

Motion by Trustee Grant, seconded by Trustee Meinecke, to approve the payment of Village Expenditures in the amount of \$365,234.70, as presented. Approved unanimously.

Trustee Harbeck had questions regarding a few of the bills being paid. Appropriate staff was able to answer her questions.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Trustee Liss gave a reminder that the Paramount Blues Festival will be held this weekend, September 7-8. Friday night at 7:15 p.m. there will be two people inducted into the Walk of Fame.

### **CONVENE TO CLOSED SESSION**

Motion by Trustee Harbeck, seconded by Trustee Meinecke, to convene to closed session at 7:09 p.m., pursuant to Wisconsin Statutes 19.85(1)(e) for Real Estate and Competitive Bargaining Matters (former Village Hall mortgage agreement) and 19.85(1)(g) for Litigation Matters (UPAD settlement agreement and Marla Zahn adverse possession claim.)  
Approved unanimously by roll call vote.

During Closed Session, the Village Board discussed negotiation strategies relating to possible amendments to the mortgage agreement for the former Village Hall and potential litigation strategies associated with UPAD and Marla Zahn on her claim of adverse possession.

### **RE-CONVENE TO OPEN SESSION AND THE REGULAR ORDER OF BUSINESS**

Motion by Trustee Grant, seconded by Trustee Rieck to adjourn Closed Session and reconvene into the regular order of business at 7:26 p.m.  
Approved unanimously by Roll Call vote.

### **DENIAL OF A REQUEST FROM MARLA ZAHN TO GROW A COMMUNITY GARDEN IN THE 14<sup>TH</sup> AVENUE RIGHT-OF-WAY AND DIRECT HER TO REMOVE ALL PERSONAL BELONGINGS FROM THIS SITE BY NOVEMBER 1, 2012**

Motion by Trustee Rieck, seconded by Trustee Meinecke to deny a request from Marla Zahn to grow a community garden in the 14th Avenue right-of-way and direct her to remove all personal belongings from this site by November 1, 2012, as presented.

Marla Zahn, 1426 13th Avenue, requested the Village Board table action on this matter.

The motion to deny a request from Marla Zahn to grow a community garden in the 14th Avenue right-of-way and direct her to remove all personal belongings from this site by November 1, 2012 was approved unanimously

**ADJOURN**

Motion by Trustee Meinecke, seconded by Trustee Rieck to adjourn at 7:28 p.m. Approved unanimously.