

**VILLAGE OF GRAFTON
VILLAGE BOARD MEETING MINUTES
JANUARY 21, 2013**

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

Board members present: Jim Brunnuquell, Jim Grant, Dave Antoine, Susan Meinecke, Richard Rieck, David Liss, and Lisa Harbeck

Board members absent: None

Staff/Officials present: Village Administrator Darrell Hofland, Director of Public Works / Village Engineer Dave Murphy, Utility Director Tom Krueger, Village Attorney Mike Herbrand, and Village Clerk Kelly Popp

Public present: Members of the community and press

MINUTES

Motion by Trustee Rieck, seconded by Trustee Antoine to approve the 1-7-2013 Village Board meeting minutes and File the 1-7-2013 Finance Committee; 1-9-2013 Police and Fire Commission; 1-10-2013 Architectural Review Board; 1-14-2013 Board of Public Works, and 1-15-2013 Public Safety Committee meeting minutes, as presented. Approved unanimously.

PERSONS REQUESTING TO BE HEARD

None.

BUSINESS PRESENTED BY THE PRESIDENT

A. Resignation Al Jacoby, Police and Fire Commission

President Brunnuquell briefly explained the resignation from Al Jacoby on the Police and Fire Commission.

Motion by Trustee Rieck, seconded by Trustee Antoine to accept the resignation of Al Jacoby, Police and Fire Commission. Approved unanimously.

President Brunnuquell commented that the Police and Fire Commission position is now open; it will be posted on the website. Village Clerk Kelly Popp will collect any resumes or applications pertaining to the position.

RESOLUTIONS/ORDINANCES/ACTION ITEMS

Consideration of \$200 donation from Zaun Memorial Foundation

Motion by Trustee Liss, seconded by Trustee Grant to approve the \$200 donation from Zaun Memorial Foundation. Approved unanimously.

Item 1/Report of Finance Committee

Motion by Trustee Meinecke, seconded by Trustee Antoine to deny the change to the FMLA eligibility period from calendar year (January-December to the 12 month period measured forward from the date of employee's first FMLA leave usage. Approved unanimously.

Item 2/Report of Finance Committee

Administrator Hofland stated there was not specific written language incorporated into the Personnel Handbook; therefore, the recommended change will allow up to two years for a former full-time staff member who becomes a part-time staff member to come into compliance with the PTO maximum accrual limit.

Motion by Trustee Liss, seconded by Trustee Antoine to approve the amendment of Section 17.01.H. of the Personnel Handbook regarding PTO maximum accumulation for part-time employees as follows: "Accrual Maximum for part-time employees shall be based upon the annual authorized FTE for the position. For part-time employees whose previous Village employment status was full time, the Village shall not enforce the Accrual Maximum level of the part-time employees for up to 2 calendar years." Approved unanimously.

Item 3/Report of Finance Committee

Administrator Hofland commented the County made a data entry error in the 2012 personal property value and resulting taxes for Grob Ted Corp and it needed to be corrected.

Motion by Trustee Antoine, seconded by Trustee Meinecke for approval to correct the assessment and rescind 2012 personal property taxes for parcel No. 1000000269000, Grob Ted Corp., 603 Beech Street. Approved unanimously.

Item 1/Report of Public Safety Committee

Motion by Trustee Grant, seconded by Trustee Meinecke to approve the EMS billing services agreement with Badger Billing Services, Inc., Mequon, WI for 2013. Approved unanimously.

Item 2/Report of Public Safety Committee

Administrator Hofland explained there currently is a physical requirement in the job description for the Fire Chief known as the Candidate Physical Ability Test (CPAT). The requirement is in addition to other physical tests that must be met per their job description. Currently, only one fire department has a scheduled CPAT. The CPAT requirement may be a roadblock to otherwise qualified Fire Chief candidates from applying.

Trustee Grant stated a Fire Chief is first a firefighter and should be able to handle an emergency. He considers it necessary to have the CPAT exam and certification for insurance reasons and emergency reasons.

Trustee Meinecke stated she felt most firefighters would have to have met this at some time and therefore she felt comfortable removing the CPAT certification requirement.

Administrator Hofland explained the Police and Fire Commission recommended removing the CPAT requirement.

Trustee Harbeck asked if a CPAT could be required within a year or two if they do not current have a CPAT certification. Administrator Hofland stated he reviewed six to seven municipalities of similar size and the CPAT certification is not currently required in those Fire Departments at this time.

Trustee Grant asked what the liability would be if the Fire Chief could not perform one of his physical duties.

Trustee Meinecke stated at Public Safety Committee, both the Fire Chief and Police Chief stated that they would be comfortable having this certification removed. Discussion proceeded between the trustees regarding the CPAT test requirements.

Trustee Harbeck stated she would like to see the Fire Chief obtain the CPAT certification within the first one to two years. President Brunnuell stated he would recommend the candidate be required to go through this within one to two years.

Village Attorney Herbrand cautioned the Village Board on a possible situation of the Fire Chief not being able to pass this test after being hired. This could cause problems.

President Brunnuell asked to table this issue. Administrator Hofland stated on Friday, the job description will go out to national publications. Trustee Rieck inquired on whether the Village requires the same type of test for Police Officers. Mr. Hofland replied they do not.

Motion by Trustee Meinecke, seconded by Trustee Liss to approve the amendment of the Fire Chief Job description to remove the CPAT Certificate requirement. Approved 5-2 (Harbeck and Grant-nay).

Item 3/Report of Public Safety

Motion by Trustee Liss, seconded by Trustee Harbeck to approve the agreements with the Village of Thiensville and the City of Port Washington for ALS Service. Approved unanimously.

Item 4/Report of Public Safety

Motion by Trustee Grant, seconded by Trustee Harbeck to approve the 2013 contract with Fire Inspection Services, Inc., Oconomowoc, WI, for Village and Town fire inspections. Approved unanimously.

Item 5/Report of Public Safety

Administrator Hofland stated the code is somewhat antiquated in that the language is 50-60 years old. He wanted to be sure that it was not in conflict in regards to what the Fire Department is planning to do. Hofland explained that Chapter 2.10 and Chapter 2.25.

Motion by Trustee Antoine, seconded by Trustee Rieck to approve the ordinance deleting Chapter 2.10 and Chapter 2.25. Approved unanimously.

Item 6/Report of Public Safety

Administrator Hofland stated this is an ordinance with a lot of unnecessary language. The statutes are very specific; less is better in this instance. The language in the ordinance amending Chapter 2.24 was taken from the City of Oak Creek code.

Motion by Trustee Meinecke, seconded by Trustee Harbeck to approve the ordinance amending Chapter 2.24 – Police and Fire Commission. Approved unanimously.

Item 7/Report of Public Safety

Motion by Trustee Liss, seconded by Trustee Antoine to approve the ordinance creating Chapter 2.25 – Fire Department. Approved unanimously.

Administrator Hofland commented that the responsibilities and key requirements were listed. There were a couple minor changes after conferring with the Village Attorney.

Motion amended by Trustee Liss, seconded by Trustee Antoine to approve the ordinance creating Chapter 2.25 – Fire Department after review with the agreed changes. Approved unanimously.

Item 8/Report of Public Safety

Administrator Hofland stated since the Town of Grafton will be a major customer of the Fire Department, they should have a role in reviewing Fire Department policy. Three Village Trustees would continue to serve on the Public Safety Commission with two town representatives as well. The town representatives would only be a vote on the Fire Department agenda items. If there are no Fire Department agenda items, only three of the five Commissioners would be necessary to determine if a meeting quorum has been met. It would be the town's determination as to whether they would rather have Town supervisors or citizens be appointed to the Commission.

Motion by Trustee Rieck, seconded by Trustee Antoine to approve the ordinance to delete Section 2.08.0990.B Public Safety Committee and create Chapter 2.10 Public Safety Commission. Approved unanimously.

Item 1/Report of Board of Public Works

Administrator Hofland defined the easement in more depth. He stated it re-describes the area. He would like Attorney Herbrand to review the termination of easement 1, 2, and 3 and the new storm water easement as proposed.

Motion by Trustee Liss, seconded by Trustee Harbeck to approve the termination of easement 1, 2, and 3 and accept the new storm water easement as proposed for the property located at 2350 Dakota Drive, contingent that the Village's legal fees are paid by the requestor, Hakaduli Grafton, LLC., and contingent upon successful legal review. Approved unanimously.

Item 2/Report of Board of Public Works

Director of Public Works/Village Engineer Murphy stated they were looking at other alternatives for functionality of the dam. Mr. Goodman is here to explain the options and what occurred to support these options. President Brunquell asked Mr. Goodman to give his presentation.

Chris Goodman of Ayres Associates, 435 Otter Creek Trail, Altoona, Wisconsin, presented the current design status of the Bridge Street dam. In the original design, they determined that the stop log mass was not adequate to overcome the water velocity. The challenge was the bottom log and the capability to pull the log out. Two alternatives were discussed: split leaf gate and crest gate. Original stop logs quote \$45,000. The revised estimates are \$147,500 for a stop log/roller gate; split leaf gate at \$155,000; and crest gate at \$184,800.

Chris explained each gate system option in his presentation to those present. The quotes would be as follows for the overall dam repair project: \$937,326 enhanced overlook with stop logs, \$945,951 enhanced overlook with split leaf gate, and \$974,471 enhanced overlook with crest gate. The previous December cost estimate was at \$812,000.

Director of Public Works/Village Engineer Murphy stated that the Department of Natural Resources (DNR) will base the grant award on the probable costs, so the grant may go up. The Village is close to \$1.2 million for the overall project. For any project costs over \$1.2 million, the Village would not be eligible for additional grant funding.

Trustee Meinecke stated when Mr. Goodman was before the Village Board in December, he made a project design presentation without verifying the impact of the water velocity. She is surprised he did not consider this factor at that time; this should have been reviewed and factored into the design recommendation. Consequently, the cost for the new gate design should not be charged to the Village.

Mr. Goodman did agree that he had overlooked the water velocity factor.

Trustee Harbeck inquired how it would look visually above with the crest gate. Director of Public Works/Village Engineer Murphy stated that the crest gates can be set at any height.

The aesthetic appearance and benefits of each design were discussed at length as well as the grant and alternative projects' costs.

Trustee Meinecke expressed frustration that the information provided by circulators of the binding referendum identified that the dam repair project could be accomplished for a much lower price than what is being discussed at this meeting.

President Brunnuell stated that the Village Board has the responsibility to follow through on the voters' intent when they voted to approve the binding referendum. The intent of the referendum was for the Village to meet NR333 as well as retain the current look of the dam/impoundment. He questioned whether the Village should proceed with the project meeting the minimum requirements. Or should the Village consider some enhancements.

President Brunnuell stated his expectations are that Mr. Goodman will make good on this project and Ayes Associates' charges for design costs.

Trustee Grant stated the Village Board's purpose should be to save the dam only.

Trustee Harbeck stated enhancement and additional amenities will reflect positively on the community; adding the enhancements later would be difficult. It should be done now.

President Brunnuell stated that the stop log solution is not a very good solution.

Director of Public Works/Village Engineer Murphy stated the funds will come from both the Village and the grant. Currently, \$100,000 has been spent, of which approximately \$50,000 will be covered by the grant money at the end of the project. The local funds will come out of the TID No. 3 Fund.

With Ayes Associates already absorbing half of the additional design costs, Mr. Goodman requested that the Village accept the following charges: \$5,000 for electrical design for the gate control building and \$5,000 for Ayres design costs. It will take approximately one week of time to have the engineers redesign the drawing.

President Brunnuell stated the engineering design changes should not be the responsibility of the Village.

Sue Hass of 1226 Water Terrace, Grafton, Wisconsin

Ms. Hass stated there are political and engineering issues. She asked if the DNR has been notified of the change to the crest gate design.

Director of Public Works/Village Engineer Murphy stated the DNR has been notified of the change in design, but they have not had time to review the design yet.

Ms. Hass stated that the dam could have a basic log system, but due to political reasons, it has to be designed more elaborately. She asked why the solution cannot simply be used for emergencies only.

After discussion with President Brunnuell and the Village Board of Trustees, Mr. Goodman did agree to eliminate additional engineering related charge to the Village for Bridge Street dam crest gate design. He requested approval to charge the Village for the electrical design cost of \$5,000.

Motion by Trustee Rieck, seconded by Trustee Antoine to approve the design change for the Bridge Street dam to include a crest gate, with no additional engineering design costs to the Village. Approved 6-1 (Grant-nay).

Item 3/Report of Board of Public Works

Motion by Trustee Grant, seconded by Trustee Meinecke to approve setting the following 2013 fees: Interceptor Connection Fee Cap (per acre) - \$3,123.40, 8" Equivalent Sanitary Sewer Fee (per foot) - \$79.92, 8" Equivalent Water Main Charge (per foot) - \$64.75, Road Construction - \$194.36, 1-43 Lift Station - \$2,221.20, i-43 Sewer & Water Crossing – Water main/per acre - \$394.14, I-43 Sewer & Water Crossing – Sanitary sewer/per acre - \$494.12, and ERC Fee - \$850.00. Motion carried.

Item 4/Report of Board of Public Works

Director of Public Works/Village Engineer Murphy stated that only one location of lead based paint exists in the buildings. Mr. Murphy is currently in the process of obtaining proposals.

Motion by Trustee Liss seconded by Trustee Grant to award the Utility buildings demolition contract to B and B Services, New Berlin, WI for an amount of \$44,865. Approved unanimously.

LICENSES

Motion by Trustee Liss, seconded by Trustee Harbeck, to approve the issuance of Operators Licenses, as requested. Approved unanimously.

Motion by Trustee Liss, seconded by Trustee Harbeck to approve the issuance of special picnic license to Kari Shank/St. Joseph Congregation for Friday Fish Fry's to be held at 1619 Washington Street on February 15, February 22, March 1, March 8, and March 15 of 2013. Approved unanimously.

DEPARTMENT AND OFFICERS REPORTS

Director of Public Works/Village Engineer Murphy stated there is currently an LED light bulb in the light by the Pick 'n Save traffic signal on Falls Road, the west street light bulb. He asked for Village Board members' opinions on the illumination, stating there could be quite a bit of savings if they begin using the LED watt bulbs. The old light bulbs are 175 watts, while the new LED light bulbs are 45 watts. Trustee Rieck commented it looked brighter than the other lights in the area.

Trustee Meinecke commented on the incorrect Northbound and Southbound wayfinding signs on CTH O; she asked that the signs be removed. President Brunquell asked Director of public Works/Village Engineer Murphy to remove the signs immediately. Mr. Murphy stated Department of Public Works did very recently receive the work order and the department will take care of this as soon as the cold weather breaks.

REPORT OF BILLS

Motion by Trustee Rieck, seconded by Trustee Antoine to approve the Payment of Village Expenditures in the amount of \$372,996.00. Approved unanimously.

OLD BUSINESS

Mr. Hofland distributed to the Village Board minor changes to the Fire Department ordinance that was adopted earlier in the meeting. He stated that this version was posted to the Village's website but was not included in the Village Board packet.

After review of the revised ordinance, the Village Board moved to amend the motion.

Motion by Trustee Liss, seconded by Trustee Antoine to approve the ordinance creating Chapter 2.25 – Fire Department with the revised changes. Approved unanimously.

NEW BUSINESS

Grafton Area Live Arts has had a change in the February 1, 2013, GALA Indoor Concert Series. Maple Road will now be performing.

CONVENE TO CLOSED SESSION

Motion by Trustee Meinecke, seconded by Trustee Grant to convene to closed session at 7.35 p.m., pursuant to Wisconsin Statutes 19.85(1)(e) for negotiation purposes (contract with the Town of Grafton for fire protection and emergency medical services and Meijer Development Agreement). Approved unanimously by roll call vote.

During the Closed Session of 38 minutes, the Village Board discussed negotiation strategies for the intergovernmental agreement with the Town of Grafton and the development agreement with Meijers.

Motion by Trustee Grant, seconded by Trustee Rieck to adjourn Closed Session and reconvene into the regular order of business. Approved unanimously by roll call vote.

DEVELOPMENT AGREEMENT WITH MEIJER

Motion by Trustee Meinecke, seconded by Trustee Grant to approved the development agreement with Meijer Stores Limited Partnership contingent upon the following changes to the agreement: Section III be revised to identify the "not to exceed" cost of \$1,600,000, Section III be revised to identify that the "not to exceed" cost shall not include any interest costs associated with special assessment installment payments, and Section XI be revised to identify that a memorandum to reference the agreement be recorded at the Ozaukee County Register of Deeds, not the development agreement itself. Approved unanimously.

ADJOURN

Motion by Trustee Antoine, seconded by Trustee Grant, to adjourn at 8:15 p.m. Approved unanimously.