

VILLAGE OF GRAFTON
VILLAGE BOARD MEETING MINUTES
AMENDED MARCH 3, 2014

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

Board members present: Jim Brunnuell, Jim Grant, David Liss, Sue Meinecke, Lisa Harbeck and Dean Proefrock

Board members excused: David Antoine

Staff/Officials present: Village Administrator Darrell Hofland, Director of Public Works Dave Murphy, Director of Administrative Services Paul Styduhar, Director of Planning and Development Jessica Wolff, Utility Program Coordinator Larry Roy, Village Clerk Kelly Meyer, and Village Attorney Mike Herbrand

Others present: News Graphic Melanie Boyung, Ozaukee Press Steve Ostermann and Citizens of the community

MINUTES

Motion by Trustee Grant, seconded by Trustee Proefrock to approve the 02-03-2014 Village Board meeting minutes and File the 01-28-2014 Plan Commission; 02-03-2014 Special Plan Commission; 02-10-2014 Board of Public Works; 02-10-2014 Public Arts Board; 02-13-2014 Architectural Review Board; 02-19-2014 Parks and Recreation Board; and 02-24-2014 Joint Library Board meeting minutes, as presented.

Requested amendments were made to the following minutes: Page 3, paragraph 2 of 02-10-2014 Board of Public Works meeting minutes, Trustee Meinecke asked that the minutes reflect as discussed, the payment of work to-date in the amount of \$82,650 for the design and construction management on the Bridge Street dam project to Ayres Associates.

Motion carried with amendments as noted.

PERSONS REQUESTING TO BE HEARD

None

BUSINESS PRESENTED BY THE PRESIDENT

None.

RESOLUTIONS/ORDINANCES/ACTION ITEMS

Discussion and action to consider the Economic Development Revolving Loan Program loan to WIGBY, LLC, in default

Director of Administrative Services Paul Styduhar stated the village has not received payments in over a year. Contact with the owner was attempted periodically with limited or no response. The last attempt at contact was a letter mailed out in December and the Village has received no response. A letter was mailed to notify the owner of tonight's Village Board meeting. They are currently delinquent

in the amount of \$38,000. Approval of default action by the Village Board of Trustees would initiate a letter from Attorney Gerry Antoine who will notify the business owner that the loan needs to be brought back into compliance or foreclosure action would begin.

President Brunnuell commented that the funds for this loan program were supplied by the State through federal government. Director Styduhar commented that the Village has two other loans that are in compliance and that Gilman Company has already repaid their loan prior to the due date. This program is meant as a loan with the money returned to be reissued to others in the community in need of a loan. This is a good program that works well when complied with. President Brunnuell reiterated the money has to be repaid to be available to be loaned out to other businesses in need.

Motion by Trustee Harbeck, seconded by Trustee Meinecke to consider the Economic Development Revolving Loan Program loan in default with WIGBY, LLC. Motion carried.

Approval of a pre-annexation agreement for property located at 1308 and 1314 Port Washington Road

Village Administrator Darrell Hofland noted the agreement included in the packet is fairly standard. The pre-annexation agreement for said properties is to outline responsibilities and obligations for the Village and for Rick Schmit. At the time, the Village upgraded Port Washington Road, the Village negotiated a reduction in special assessments in return for the purchase of land for right-of-way purposes. However, there are still some outstanding fees and charges of which some are at time of a building permit. In addition, there is a five-year tax payment will be made by Mr. Schmit to reimburse the Village for a State-statute required payment for municipal taxes to the Town of Grafton.

Motion by Trustee Grant, seconded by Trustee Proefrock to approve the pre-annexation agreement for property located at 1308 and 1314 Port Washington Road. Motion carried.

Item 1/Report of Plan Commission

Resolution for Certified Survey Map requested by Cornerstone Community Bank offered by Trustee Liss.

Motion by Trustee Meinecke seconded by Trustee Harbeck to adopt a Resolution No. 004, Series 2014, for the Certified Survey Map requested by Cornerstone Community Bank, property owners for existing parcels (parcels 10-040-0097.001 and 10-040-0097.002) located at 2070-72 and 2090 Wisconsin Avenue. Motion carried.

Item 2/Report of Plan Commission

Motion by Trustee Grant, seconded by Trustee Meinecke to approve Ordinance No. 001, Series 2014, to rezone existing parcels (parcels 10-040-0097.001 and 10-040-0097.002) requested by Cornerstone Community Bank, property owners located 2070-72 and 2090 Wisconsin Avenue. Rezoning from C-2 Community Business District to PUD-Planned Unit Development. Motion carried.

Item 3/Report of Plan Commission

Motion by Trustee Liss, seconded by Trustee Proefrock to approve Ordinance No. 002, Series 2014, to amend the Planned Land Use Map in the 2035 Comprehensive Plan for a three acre parcel, property located at 1308 and 1314 Port Washington Road amending the designation from “Suburban Density Residential” to “Commercial” (parcels 06-017-11-005.00 and 06-017-11-002.00) property owner, Rick Schmit. Motion carried.

Item 4/Report of Plan Commission

Director of Planning and Development Jessica Wolff noted for the record that the Village of Grafton has received notice from the State of Wisconsin that the proposed annexation has been reviewed and is in the public interest.

Motion by Trustee Harbeck, seconded by Trustee Meinecke to approve Ordinance No. 003, Series 2014, regarding the annexation of three acres of property owned by Rick Schmit, located in the Town of Grafton (parcels 06-017-11-005.00 and 06-017-11-002.00). Motion Carried.

Item 5/Report of Plan Commission

Motion by Trustee Liss, seconded by Trustee Meinecke to approve Ordinance No. 004, Series 2014, regarding a petition to rezone a three acre parcel owned by Rick Schmit located on the east side of Port Washington Road north of Dick’s Sporting Goods Store (parcels 06-017-11-005.00 and 06-017-11-002.00) from A3-Agriculture to PUD-Planned Unit Development for the purpose of a multi-tenant commercial building. Motion carried.

President Brunquell offered congratulations to Rick Schmit.

Item 1/Report of Board of Public Works-Approval of the New Fee Schedule

Director of Public Works Dave Murphy informed the Village Board that the Wisconsin Public Service Commission authorized the Village to establish new charges as part of their water rate increase review. In addition to the new proposed charges, some charges will be eliminated. The authorized charges include a \$25.00 fee for a special trip for reading the meter. Currently, there is not a charge for that service. If a customer has a question on their water bill and utility is sent out specifically, there will be a new charge. Also new is a missed appointment charge, which the customer will receive if they are not present when the appointment was made.

Trustee Grant asked if the Village would pay the utility customer if the Utility staff does not show up for the appointment. President Brunquell stated, at what point, is the Utility obligated as part of customer service to go the extra mile for the customers. He noted, he did not see anything in the charges for any extenuating circumstances. He indicated he was not sure this is a significant concern at this point to justify the establishment of the new charges. Director Murphy stated if this is a concern, perhaps the Utility could charge for a second missed appointment in lieu of a charge for a first missed appointment. President Brunquell asked what the Village's approach should be for its customers – heavy-handed or customer service friendly. If there is a group of abusers, then the language should be phrased that way.

Director Murphy reiterated the Village could certainly charge for a second missed appointment and not charge for the first missed appointment.

Regarding a potential charge to customers for a special water meter read when requested by the Utility or the customer, Trustee Harbeck expressed her concern for the welfare of elderly individuals that would be unable to read the meter.

President Brunnquell asked if it would make sense to table consideration of the new charges and direct Village Staff to work on the language. Maybe the Village should consider extenuating circumstances. Proposed direction was given to take the proposed four new charges back to Board of Public Works for further discussion and then to the Village Board. Village Administrator Darrell Hofland suggested the new water and sewer rate schedule be approved without the four new charges.

Motion by Trustee Harbeck, seconded by Trustee Proefrock to approve the new water and sewer fee schedule, excluding the four new utility charges and to acknowledging March 19, 2014, as the effective date for both water and sewer rate increases. Motion approved 4-2 (Grant and Harbeck - Nay).

President Brunnquell clarified the motion was to exclude the four new utility charges mentioned in the discussion tonight. Trustee Grant and Trustee Meinecke indicated they did not realize the intent of the motion. With clarification, there was consensus. Motion was withdrawn and voting recalled.

Motion by Trustee Harbeck, seconded by Trustee Proefrock to approve the new water and sewer fee schedule, excluding the four new utility charges and to acknowledging March 19, 2014, as the effective date for both water and sewer rate increases. Motion carried.

Item 2/Report of Board of Public Works - Approval of Bridge Street dam change order 2

Director of Public Works Dave Murphy asked the Village Board if they had any questions. Trustee Grant inquired about what details were included in the bidding specifications. Director Murphy stated that the bid quantities were identified. Comparing the design plan quantity with the bid specification quantity, the difference is \$71,000. He stated that this was Ayres Associate's mistake. The Village is under contract with Staab to pay the actual quantities.

Trustee Harbeck inquired if the requested amount is detailed in the change order-related paperwork. Trustee Meinecke commented it was \$71,000 based on the information received at Board of Public Works meeting. Mr. Murphy identified that the additional work was performed; \$62,188.47 was the error made by Ayres in the bid specification quantities. He stated that Ayres will be back before the Board of Public Works for a contract amendment for additional work performed by their staff. President Brunnquell commented they should be called out on the project management of the Bridge Street dam project. He asked how much the Village owes Ayres yet. Director Murphy stated he does not have the actual figure with him tonight.

Trustee Grant asked if the Board of Public Works was comfortable with the change order as requested. Trustee Meinecke stated she does not think the Village should pay this change order amount. Trustee Grant inquired if the Village will be able to go back after the design firm for this loss. Director Murphy stated that this would be an issue that should be discussed with the Village Attorney.

Village Attorney Mike Herbrand stated that the Village Board's concern is in regards to misinformation that occurred at the front end of this project. It is hard to say if Ayres should be responsible.

Motion by Trustee Grant, seconded by Trustee Harbeck to approve Bridge Street dam change order 2; increasing the additional quantities and adding the following pay items to the construction contract for Staab Construction Company for a total amount of \$74,802.47, and to change the substantial completion date to May 23, 2014. Motion approved 5-1 (Meinecke - Nay).

Item 3/Report of Board of Public Works

Motion by Trustee Grant, seconded by Trustee Liss to approve contract with M Squared Engineering, LLC, Cedarburg, WI, for the east side sanitary sewer study for a cost not to exceed \$14,450. Motion carried.

Item 4/Report of Board of Public Works

Motion by Trustee Harbeck, seconded by Trustee Meinecke to approve award contract 14-02 / Sidewalk Replacement to Marvin Gleason Contractor, Inc., Franksville, WI for a project amount not to exceed \$39,000. Motion carried.

LICENSES

Motion by Trustee Liss, seconded by Trustee Harbeck to approve the operators' licenses, as presented. Motion carried.

DEPARTMENT AND OFFICERS REPORT

Director of Public Works Dave Murphy reported Public Works Department is down to approximately 300 tons of salt and they are hoping to make it through until the end of the year. If not, Ozaukee County does have salt and the Village will purchase from the County. An inquiry was made on the amount of salt used per salting/snowfall. Director Murphy commented about 50 tons of salt is used in each salting – approximately 1,200 tons on average in a normal year. Trustee Liss inquired on calculations in the budget for road repair with the winter the Village has had this year. Director Murphy stated there is always an amount built into the budget for road repair after each winter.

A request for an update on Habitat for Humanity was made. Director of Planning and Development Jessica Wolff updated the Village Board of the site plan changes whereby the single family dwelling will now be closer to the Columbia Road and the duplex dwelling will now be closer to the north lot line.

REPORT OF BILLS

Motion by Trustee Grant, seconded by Trustee Proefrock to Approval for the Payment of Village Expenditures in the amount of \$751,607.67.

Trustee Liss and Trustee Meinecke made suggestion or had questions for Village staff on the statement of bills.

Trustee Harbeck noted in batch 1, pages 3 and 4 - We Energies (utilities) regarding the Village Hall utility bill for natural gas. She questions the thermostat setting of the Board Room during the weekend. Director of Public Works Dave Murphy commented it is inefficient to have more than a 3-5 degree difference in temperature from the weekend to the work week. It would be more expensive to try to heat the building to the correct temperature from a low temperature during the work week. Trustee Harbeck noted her disapproval of the high temperature when no one is in the building.

Motion to approve the Payment of Village Expenditures was carried.

OLD BUSINESS

Trustee Grant inquired on the status of the iPad Tablets for Village Board packets. Village Clerk Kelly Meyer noted she is in the process of running a trial parallel Village Board meeting in IQM2 software with the paper packet, before asking Village Board Trustees to give the tablets a trial.

NEW BUSINESS

Trustee Liss noted on Friday, March 7, 2014, Lovin' Kind would be playing from 6:30 p.m. until 10:00 p.m. at the Rose Harms American Legion Post. The concert is a GALA Indoor Concert Series with free admission.

It was noted that in addition to the Village's incorporation birthday, it was also President Brunnuquell's birthday. Happy birthday to President Brunnuquell.

CONVENE TO CLOSED SESSION

President Brunnuquell commented the Village Board would be moving into closed session.

Motion by Trustee Grant, seconded by Trustee Liss to Convene to Closed Session, pursuant to Wisconsin State Statutes 19.85(1)(e) for real estate and competitive bargaining matters (amendment of Highland Ridge development incentive agreement)

President Brunnuquell- Aye	Trustee Harbeck-Aye	Trustee Liss-Aye
Trustee Meinecke-Aye	Trustee Proefrock-Aye	Trustee Grant-Aye

Motion carried by roll call vote.

During the Closed Session of 17 minutes, Village Board discussed negotiation strategies on possible amendments of the Highland Ridge development incentive agreement.

RECONVENE TO OPEN SESSION

Motion by Trustee Grant, seconded by Trustee Meinecke to adjourn Closed Session and reconvene to open session at 6:47 p.m.

President Brunnuquell- Aye	Trustee Harbeck-Aye	Trustee Liss-Aye
Trustee Meinecke-Aye	Trustee Proefrock-Aye	Trustee Grant-Aye

Motion carried by roll call vote.

ADJOURN

Motion by Trustee Grant, seconded by Trustee Meinecke to adjourn the Village Board meeting at 6:48 p.m. Motion carried.