

VILLAGE OF GRAFTON
VILLAGE BOARD MEETING MINUTES

MARCH 17, 2014

President Brunnuell called the Village Board meeting to order at 6:05 p.m. The Pledge of Allegiance followed.

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

Board members excused: David Antoine, Sue Meinecke

Staff/Officials present: Village Administrator Darrell Hofland, Director of Public Works Dave Murphy, Chief of Police Charles Wenten, Director of Planning and Development Jessica Wolff, Building Inspector Tom Johnson, Village Attorney Mike Herbrand and Deputy Clerk Jilline Dobratz

Others present: News Graphic Melanie Boyung, Ozaukee Press, Patti Hofstad and Citizens of the community

MINUTES

Motion by Trustee Liss seconded by Trustee Grant to approve the 03-03-2014 Village Board meeting minutes and File the 02-25-2014 Plan Commission; 03-10-2014 Public Arts Board; 03-10-2014 Board of Public Works and 03-11-2014 Public Safety Commission meeting minutes, as presented.

Director of Planning and Development Jessica Wolff stated updated 02-25-2014 Plan Commission minutes were distributed before the meeting. The motion regarding Commercial Communication Towers had been omitted and is now reflected on the minutes.

Requested amendments were made to the following minutes: Page 4, paragraph 3 of 03-03-2014 Village Board meeting minutes, Trustee Harbeck asked that the minutes reflect Grant and Harbeck - Nay. Page 3 of 03-10-2014 Board of Public Works meeting minutes, Trustee Harbeck asked that the minutes reflect she had additional questions on the Ayres Associates contract but was told she could not ask any more per Chair Meinecke.

Motion carried with amendments as noted.

PERSONS REQUESTING TO BE HEARD

None

BUSINESS PRESENTED BY THE PRESIDENT

Acceptance of resignation for Mary Mendla, Public Arts Board

Motion by Trustee Grant, seconded by Trustee Liss to accept the resignation of Mary Mendla, Public Arts Board, effective immediately.
Motion carried.

RESOLUTIONS/ORDINANCES/ACTION ITEMS

Adoption of Resolution for Patti Hofstad on her retirement and years of service
Resolution No. 005, Series 2014, commending Patti Hofstad on her retirement and years of service offered by Trustee Liss.

Motion by Trustee Harbeck, seconded by Trustee Proefrock to adopt Resolution No. 005, Series 2014, commending Patti Hofstad on her retirement and years of service.

President Brunnuell asked Patti Hofstad to come up to the front. He read the resolution to the public and press. President Brunnuell congratulated Ms. Hofstad and thanked her for all the years of service. Ms. Hofstad commented on her years with the Police Department and thanked the Village of Grafton.

Motion for the adoption of Resolution for Patti Hofstad on her retirement and years of service carried.

Request for Village of Grafton Police Department to accept donation of exercise equipment

Chief of Police Charles Wenten stated this is a generous gift by Justin Lawrence. The equipment is valued around \$400.00.

Motion by Trustee Harbeck, seconded by Trustee Proefrock to accept the donation of exercise equipment. Motion carried.

Item 1/Report of Plan Commission

Motion by Trustee Liss, seconded by Trustee Harbeck to approve Ordinance No. 005, Series 2014, amending Table 19.0603 Permitted and Conditional Uses in non-residential districts to allow for SIC# 4119 Local Passenger Transportation as a conditional use in the M-1 Industrial Zoning District.

Director of Planning and Development Jessica Wolff stated the Village has emergency and non-emergency medical transportation business operating in the Industrial Zoning District on Beech Street. It is recommended as a conditional use in the Industrial Zoning District. This will be on the Plan Commission agenda at end of March.

Motion carried.

Item 2/Report of Plan Commission

Motion by Trustee Harbeck, seconded by Trustee Proefrock to approve Ordinance No. 006, Series 2014, to repeal Section 19.03.0703(F), create Section 19.03.0704 regarding regulations for Mobile Service Support Structures and Facilities, and amend Table 19.03.0602 Permitted and Conditional Uses in Residential Districts regarding Mobile Service Support Structures and Facilities

Director of Planning and Development Jessica Wolff commented that the State adopted cell tower regulations as part of the 2013 budget. The new law prohibits restricting the height of a tower up to 200 feet applies in all the zoning districts.

Motion carried.

Item 3/Report of Plan Commission

Resolution certifying the Village of Grafton Park and Open Space Plan update offered by Trustee Liss.

Motion by Trustee Harbeck, seconded by Trustee Grant to adopt Resolution No. 006, Series 2014, certifying the Village of Grafton Park and Open Space Plan update.

Director of Planning and Development Jessica Wolff stated John Safstrom has spent a considerable amount of time on the five year update. Plan Commission had a public hearing and received only positive input from citizens.

Motion carried.

Item 1/Report of Board of Public Works – Approval of the Bridge Street dam project contract amendment

Motion by Trustee Harbeck, seconded by Trustee Liss to approve the Bridge Street dam project contract amendment to Ayres Associates Inc., dated January 9, 2014 in the amount of \$15,900.00.

Director of Public Works Dave Murphy informed the Village Board that the Board of Public Works agenda packet included a lengthy Ayres Associates Contract Amendment IFC. To date, an additional 14 inspections have been completed beyond the original 15 inspections included during construction. The DNR is also requiring an inspection of the dam in 2014. Ayres has agreed to complete the inspection, complete all paperwork and submit to the DNR for \$750.00.

Director Murphy stated the footings for the bridge retaining wall were being undermined and Staab had to stop excavating for the wall.

Following a discussion with Director David Murphy on issues associated with the design contract, Ayres has offered a \$1,000.00 credit.

Trustee Harbeck stated that Staab had the ability to make the decision on the size of the decorative form liners. Each time they poured, an engineer was required to come to the site and perform an inspection.

President Brunnquell asked if Ayres did not have this information up front. Director Murphy said they could not control it. Ayres thought that would have been enough inspections built into the contract.

Trustee Grant asked Village Administrator Darrell Hofland where the money is coming from. Administrator Hofland stated TID No. 3. Director Murphy stated the entire project is being funded by TID No.3.

Director Murphy said this is the final request from Ayres.

President Brunnquell read from the minutes regarding the decorative form liners. Director Murphy said some concrete areas had liners removed. Trustee Grant inquired about the \$1000.00 credit. Director Murphy said this is from problems Trustee Meinecke had presented.

Trustee Proefrock inquired on the number of inspections. Director Murphy responded they are a requirement by the DNR.

Trustee Grant asked if the price the Village is paying Ayres still less than other consultant bids? He asked what happens if the second bid is close or if payments exceed what the second bid was? Director Murphy stated it is a professional service and the Village does not have to select the lowest bid. It is based on proposal and experience. President Brunnquell asked what kind of contingency do you put on this? Director Murphy responded, 15 to 20 percent. President Brunnquell inquired on how much Ayres was off? Director Murphy stated the overall dam design changed several times per the direction of the Village Board. The total engineer amount was 8 percent; it is usually 10 to 15 percent.

Motion approved 4-1 (Grant – Nay).

Item 2/Report of Board of Public Works - Approval to reject all bids for the Bridge Street dam lighting project

Director of Public Works Dave Murphy explained the bid for this project included 16 lights. Preliminary design by MSOE included 12 lights. Board of Public Works member, Les Blum is working with the manufacturer to determine how many lights are actually needed. Some of the board members wanted lights on by Memorial Day and the lowest bidder wasn't going to be able to make the deadline. They are requesting that all bids be rejected and re-bid the project with the correct number of lights and add a floating deadline.

Motion by Trustee Harbeck, seconded by Trustee Grant to approve rejecting all bids for Project 14-01 Bridge Street dam lighting project.
Motion carried

Item 3/Report of Board of Public Works – Approval of the 2013 Storm Water Annual Report

Motion by Trustee Liss, seconded by Trustee Grant to approve the 2013 Storm Water Annual Report.

Building Inspector Tom Johnson asked that under the Current Status section F, item e, the last sentence needs to be corrected. Building Inspection Department issued 26 permits, not 269 permits. Director of Public Works Dave Murphy asked if the email was correct. Tom Johnson stated the email had the correct number.

Motion carried.

Item 1/Report of Public Safety Commission – Approval of Ordinance regarding amendments to Chapter 16 – Inspection fees and regulations regarding abandoned, unoccupied, or foreclosed structures, properties, or premises

Motion by Trustee Grant, seconded by Trustee Proefrock to approve Ordinance No. 007, Series 2014 regarding amendments to Chapter 16 – Inspection fees and regulations regarding abandoned, unoccupied, or foreclosed structures, properties, or premises. Motion carried.

Item 2/Report of Public Safety Commission – Approval of a request from the United Performing Arts Fund to allow a bike ride to pass through the Village on June 1, 2014

Motion by Trustee Grant, seconded by Trustee Proefrock to approve the request from the United Performing Arts Fund to allow a bike ride pass through the Village on June 1, 2014 as presented.

Chief of Police Charles Wenten stated the ride would have minimal exposure due to its route on Port Washington Road.

Motion carried.

LICENSES

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

Approval of Special Class "B"/"Class B" Picnic License

Motion by Trustee Grant, seconded by Trustee Proefrock to approve issuance of Special Class "B"/"Class B" Picnic License to Candace Sinner - agent / Pilgrim United Church of Christ -1621 Second Avenue (10-066-0012-000) / Gala Nite (Narthex area only) / May 2, 2014. Motion carried.

DEPARTMENT AND OFFICERS REPORT

Director of Public Works Dave Murphy reported the DNR found the Emerald Ash Borer in Grafton Lions Park. Trustee Grant inquired about controlling Emerald Ash Borer. Director Murphy explained it can be treated. It affects about 1,000 trees owned by the Village. Money in the amount of \$4000 has been budgeted and we have enough chemicals for approximately 100 trees. This spring, ash trees in the parks will be selected and treated. Cedarburg and Port Washington have also found Emerald Ash Borer.

Village Administrator Darrell Hofland stated that in the past, the Village had an active fund raising campaign where yellow ribbons were put around the trees. Residents made donations to save the street trees. To eliminate the Village expense, renewal of the funding campaign will occur.

Director Murphy identified that a new chemical is now available. It is effective for three years. President Brunnuquell inquired if the cut-down trees have to be disposed separately from other trees. Director Murphy stated the trees will be kept separate from others. Trustee Grant asked about chemical application process. Director Murphy said it is injected into the tree trunk.

REPORT OF BILLS

Motion by Trustee Grant, seconded by Trustee Proefrock to approve the payment of Village expenditures in the amount of \$452,890.68. Motion carried.

OLD BUSINESS

None

NEW BUSINESS

None

CONVENE TO CLOSED SESSION

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

Motion by Trustee Liss, seconded by Trustee Harbeck 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 and pursuant to Wisconsin State Statutes) 19.85 (1)(c) considering employment matters (Grafton Professional Police Association grievances) at 6:38 p.m.

President Brunnuquell- Aye
Trustee Liss-Aye
Trustee Grant-Aye

Trustee Harbeck-Aye
Trustee Proefrock-Aye

Motion carried by roll call vote.

During the Closed Session of 25 minutes, the Village Board discuss negotiation strategies associated with the development incentive agreement with Village Pointe Commons and the two grievances from the Grafton Professional Police Association.

RECONVENE TO OPEN SESSION

Motion by Trustee Grant, seconded by Trustee Harbeck to adjourn Closed Session and reconvene to open session at 7:03 p.m.

President Brunnuell- Aye
Trustee Liss-Aye
Trustee Grant-Aye

Trustee Harbeck-Aye
Trustee Proefrock-Aye

Motion carried by roll call vote.

ESCROW AGREEMENT WITH VILLAGE BOARD, OAK STREET #1 LLC, VILLAGE POINTE COMMONS LLC, AND CHICAGO TITLE INSURANCE CO. REGARDING FORMER RESIDENTIAL PHASE OF HIGHLAND RIDGE

Motion by Trustee Liss, seconded by Proefrock to approve Escrow Agreement with Village Board, Oak Street #1 LLC, Village Pointe Commons, LLC, and Chicago Title Insurance Co., regarding former residential phase of Highland Ridge. Motion carried.

TERMINATION AGREEMENT OF DEVELOPER INCENTIVE AGREEMENT FOR HIGHLAND RIDGE WITH VILLAGE BOARD, OAK STREET #1, LLC, E.J. PLESKO AND ASSOCIATES, INC., FITCHBURG PINES APARTMENTS, LLC. AND E.J. PLESKO

Motion by Trustee Harbeck, seconded by Trustee Proefrock to approve Termination Agreement of Developer Incentive Agreement for Highland Ridge with Village Board, Oak Street #1, LLC, E.J. Plesko and Associates, Inc., Fitchburg Pines Apartments, LLC., and E.J. Plesko. Motion carried.

ADJOURN

Motion by Trustee Grant, seconded by Trustee Harbeck to adjourn the Village Board meeting at 7:04 p.m. Motion carried.