

**VILLAGE OF GRAFTON**  
**VILLAGE BOARD MEETING MINUTES**

**AUGUST 18, 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, David Antoine, Sue Meinecke, David Liss, Lisa Harbeck, Jim Grant and Dean Proefrock

Staff/Officials present: Village Administrator Darrell Hofland, Public Works Director Dave Murphy, Utility Program Coordinator Larry Roy, Village Attorney Mike Herbrand, and Village Clerk Kelly Meyer

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

**MINUTES**

Motion by Trustee Liss, seconded by Trustee Meinecke to Approve the 08-04-2014 Village Board and File the 07-31-2014 Architectural Review Board; 08-06-2014 Board of Review; 08-06-2014 Community Development Authority; and 08-11-2014 Public Arts Board meeting minutes, as presented.

Amended changes to Village Board minutes were requested by Trustee Meinecke and Trustee Grant.

Motion carried with requested August 4, 2014, Village Board minute amendments.

**PERSONS REQUESTING TO BE HEARD**

None

**BUSINESS PRESENTED BY THE PRESIDENT**

Item 1/Government Finance Officers Association Distinguished Budget Presentation Award for 2014 budget

President Brunnuell offered his congratulations on behalf of the Village Board for the exceptional job and presented the Government Finance Officers Association Distinguished Budget Award for the 2014 Annual Program Budget to Village Administrator Darrell Hofland.

President Brunnuell identified that this award has been presented to Grafton for 23 consecutive years - the most of any Wisconsin local government.

Item 2/Resignation of Robert Wagner as Citizen Member on Public Arts Board

Motion by Trustee Antoine, seconded by Trustee Meinecke to accept the resignation of Robert Wagner as Citizen Member on Public Arts Board.  
Motion carried.

**RESOLUTIONS/ORDINANCES/ACTION ITEMS**

Consideration of IRB for Kapco, Inc. Project

Motion by Trustee Meinecke, seconded by Trustee Proefrock to postpone the consideration of the IRB for Kapco, Inc. to another Village Board meeting. Motion carried.

Item 1/Report of Board of Public Works

Public Works Director Dave Murphy noted Utility Program Coordinator Larry Roy has been handling this contract with the assistance of the Village Attorney. In March of 2011, a maintenance contract was entered into for Tower #1, then at a later date was a contract for Tower #2. In May 2014, the Village approved another contract for Tower #3 with the same firm with a condition to resolve the outstanding issues on Tower #1 and Tower #2 in regard to prevailing wages. The Village requested bids or proposals for Tower #1 and Tower #2 which did not reflect prevailing wages. The Village of Grafton attempted to argue the point with Workforce Development, with the help of state officials and the Village Attorney that the Village was not subject to prevailing wages on this maintenance-type project. That argument failed and the Village was told to pay back wages and a penalty of 100 percent.

Village Attorney Mike Herbrand noted the law is clear that maintenance is not subject to prevailing wages. The state and Department of Workforce Development did not take this view. Since that time, the Utility has verified the wage amounts paid. The recent numbers were beneficial for determining their best process for handling this, moving forward.

Overall penalties and wages were noted to be 100 percent penalty of the wages that were not paid. Utility Program Coordinator noted the overall back wages and penalty is approximately \$59,000.

Village Attorney Mike Herbrand noted painting of the water towers is subject to prevailing wage.

Motion by Trustee Proefrock, seconded by Trustee Antoine for approval of the Utility Service Company, Addendum #1 for Tower #1 and Addendum #1 for Tower #2, that includes increased fees and new fee schedules that comply with the State of Wisconsin Department of Workforce Development prevailing wage law.

Motion passed 6-1 (Trustee Grant - nay).

Item 2/ Report of Board of Public Works

Director of Public Works Dave Murphy explained the credit and additional costs for Change Order 3 as associated with Jos. Schmitt & Sons for the Utility Garage and Septic Receiving Station project.

Motion by Trustee Antoine, seconded by Trustee Harbeck to approve Change Order 3 to Jos. Schmitt & Sons for an additional cost of \$780.32 associated with the Utility Garage and Septic Receiving Station project.  
Motion carried.

Item 3/Report of Board of Public Works

President Brunnuell noted that the issue of River Bend Road and 17<sup>th</sup> Avenue reconstruction project was originally an agenda item of the Joint Town Board and Village Board meeting.

Director of Public Works Murphy explained that curb, gutter and sidewalks were recommended for the east side of 17<sup>th</sup> avenue and the north side of River Bend Road. There was a decision at the Joint Meeting that curb, gutter and sidewalks would not be necessary for the west side of 17<sup>th</sup> Avenue and the south side of River Bend Road. Both the south and west side will be a rural cross section.

There was a brief discussion on the costs between the Village and Town. A portion of the proceeds from the Village's sale of two residential lots on the west side of 17<sup>th</sup> Avenue will be used to pay for the sidewalk and curb and gutter for the Town properties. The Village will special charge the Town Property for this cost when and if they are annexed into the Village.

Motion by Trustee Antoine, seconded by Trustee Meinecke to include improvements to River Bend Road and 17<sup>th</sup> Avenue into the 5 year Capital Improvement Program with the Village budgeting for the sidewalk and curb and gutter in front of the two Town properties and the cost share the culvert as follows: Extended to the north – Village / Extended to the south – Town / If replaced – Village 65 percent and Town 35 percent  
Motion passed 6-1 (Trustee Grant - nay).

Item 4/Report of Board of Public Works

Director of Public Works Dave Murphy noted this Falls Road reconstruction project was originally discussed at the Joint Town Board and Village Board meeting. A number of the town members were concerned about a significant future assessment charge for the residents should they ever petition for annexation to the Village. The sanitary sewer and water main will be special assessed on some of the Town properties. The south side Town properties will be special assessed for the sidewalk and a few properties will also have curb and gutter. The north side Town properties (west of Cheyenne Avenue) will also have curb and gutter special charges associated with a possible future

annexation to the Village. The special assessments would range from \$4,000-\$10,000. The largest deferred special assessment would be John Norman farm; the water line cost would be approximately \$44,000. If the Town makes the decision to contribute towards the sidewalk and/or curb and gutter, then the costs to the town residents would be reduced. These are estimates at this time and they would be deferred charges. Blue Stem Development has agreed to pay for a portion of the south side of Falls Road in a pre-annexation agreement. There will be a developer's agreement with Blue Stem and the Village will then recoup some of the funds.

It was noted that the Town residents will not be forced to pay for services, i.e. sewer and water if they are not using the services. At this time, the street reconstruction spreadsheet is for budgeting purposes only.

Motion by Trustee Harbeck, seconded by Trustee Meinecke to accept the Town of Grafton's offer of \$218,540 for their share of costs for improvements to Falls Road (between Blackhawk Drive and Port Washington Road) and direct the Village Engineer to identify deferred special assessments for benefiting Town property owners consistent with the improvement categories as identified on the Falls Road Special Charge report in a future Special Assessment Resolution.  
Motion passed 6-1 (Trustee Grant - nay).

#### Item 5/Report of Board of Public Works

Director of Public Works Dave Murphy noted the Village has been working with Les Blum on the bridge street lighting. They would like to cut down on light pollution on surrounding properties. The installation of the lighting would be less costly if they were located on the side of the bridge deck, also making maintenance easier. Therefore, the decision was to move the lighting to the location of the side of the bridge deck. The

Motion by Trustee Harbeck, seconded by Trustee Proefrock for approval of mounting the Bridge Street dam lights to the underside of the Bridge Street bridge deck six to 12 inches south of the north face. Motion carried.

#### Item 6/Report of Board of Public Works

Director of Public Works Dave Murphy reported the dam gate was open about a month ago and some natural materials was eroded behind a downstream wing wall. Part of the existing wing wall was removed and a new wall was built all the way to Bridge Street bridge abutment. This area was excavated to bedrock and rebar was drilled into bedrock to hold the wall in place. The additional cost was for the reinforced concrete and railing, which was added to prevent possible injury from pedestrian falls. Mr. Murphy also explained the costs and credits to the Village on project Change Order #4.

Motion by Trustee Harbeck, seconded by Trustee Liss for approval of dam project Change Order #4 to Staab Construction Company for \$19,034.  
Motion passed 4-3 (Trustee Proefrock, Trustee Meinecke, Trustee Grant - nay).

President Brunnquell expressed concern with the performance of the two dam contractors. Although this was not a cookie cutter project, it is his opinion that the Village was let down.

Trustee Meinecke expressed her concern with the many design oversights made by Ayres Associates, the resulting change orders and the fiscal impact to Grafton taxpayers.

#### Item 7/Report of Board of Public Works

Motion by Trustee Grant, seconded by Trustee Meinecke to postponed the acceptance of the Eastside Sanitary Sewer Study performed by M Squared Engineering, LLC. Motion carried.

#### **DEPARTMENT AND OFFICERS REPORT**

Village Administrator Darrell Hofland noted as part of the budget workshop process, it is a requirement that the Village Board be notified for staff training outside of Wisconsin, Illinois or Iowa. Mr. Hofland noted the Director of Planning and Development would like to attend a conference in Lansing, Michigan. The training costs fit within the training budget.

Director of Public Works Dave Murphy reported on the Fourth Avenue project update. The water main has been installed. The old water main is currently being used while the Utility is testing the new water main. Once completed at the end of the week, the new laterals will be installed, two to three a day, which will be about a week or so. Village residents' sump pumps were hooked into a storm lateral that the Village ran out of the storm sewer inlets, which Department of Public Works was unaware of. There will be a future change order to increase the quantity of this pipe to allow for all sump pumps to be tied back in. It is estimated the project will be completed in mid-October.

#### **LICENSES**

##### Item 1/Approval of Operators Licenses

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

##### Item 2/Approval to Change Agent for Bridge Inn, LLC, d/b/a, Bridge Inn

Motion by Trustee Grant, seconded by Trustee Liss to approve agent change from former agent Dave Schulz to new agent William E. Gruetzmacher on "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Bridge Inn, LLC., d/b/a Bridge Inn for the period ending June 30, 2015. Motion carried.

##### Item 3/Approval to Change Agent for Bridge Inn, LLC, d/b/a, Bridge Inn

Motion by Trustee Grant, seconded by Trustee Liss to approve Coin Machine (Amusement devices) permits, as requested. Motion carried.

**REPORT OF BILLS**

There were several inquiries on the Report of Bills by Trustees. Questions were either answered or answers will be obtained.

Motion by Trustee Proefrock, seconded by Trustee Antoine to approve the payment of Village expenditures in the amount of \$420,741.47. Motion passed 5-2 (Trustee Meinecke and Trustee Grant - nay).

**OLD BUSINESS**

Trustee Grant inquired on the status of the “zombie” house at 251 W. Lilac Lane.

Village Administrator Mr. Hofland reported BMO Harris Bank updated the Village this morning; a inspector contractor has checked the property with notes on the interior of the property. They have received interest from a buyer who knows the current condition of the house. An appraisal will be done. The buyer's name would be forwarded on to the Village so improvements are correctly made including the concerns of mold and electrical.

Trustee Grant inquired if there would be someone to check on the health issues. Village Attorney Mike Herbrand stated he was not sure if that is part of Tom Johnson’s work, but Tom Johnson is prepared to go in and check if necessary.

Administrator Hofland noted documents may have to be submitted by the buyer stating they have cleaned up the property in the appropriate manner.

**NEW BUSINESS**

None

**CONVENE TO CLOSED SESSION**

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

Motion by Trustee Grant, seconded by Trustee Antoine to convene to Closed Session at 6:43 p.m., pursuant to Wisconsin State Statutes 19.85 (e) for real estate and competitive bargaining matters (purchase of property at 1505 Wisconsin Avenue for redevelopment purposes) and 19.85 (c) for Personnel Matters (2015 Grafton Professional Police Officers Association Collective Bargaining Agreement).

|                          |                      |                       |
|--------------------------|----------------------|-----------------------|
| President Brunnquell-Aye | Trustee Liss-Aye     | Trustee Antoine-Aye   |
| Trustee Harbeck-Aye      | Trustee Meinecke-Aye | Trustee Proefrock-Aye |
| Jim Grant - Aye          |                      |                       |

Motion carried by roll call vote.

During the Closed Session of 22 minutes, the Village Board discussed negotiation strategies for the purchase of property at 1505 Wisconsin Avenue for redevelopment purposes and the 2015 Grafton Professional Police Officers Association Collective Bargaining Agreement.

### **RECONVENE TO OPEN SESSION**

Motion by Trustee Grant, seconded by Trustee Antoine to adjourn Closed Session and reconvene to open session at 7:05 p.m.

|                          |                      |                       |
|--------------------------|----------------------|-----------------------|
| President Brunnquell-Aye | Trustee Liss-Aye     | Trustee Antoine-Aye   |
| Trustee Harbeck-Aye      | Trustee Meinecke-Aye | Trustee Proefrock-Aye |
| Jim Grant-Aye            |                      |                       |

Motion carried by roll call vote.

### **ADJOURN**

Motion by Trustee Harbeck, seconded by Trustee Grant to adjourn the Village Board meeting at 7:05 p.m. Motion carried.