

VILLAGE OF GRAFTON
VILLAGE BOARD MEETING MINUTES

OCTOBER 5, 2015
*Amended

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

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

Staff/Officials present: Village Administrator Darrell Hofland, Village Attorney Mike Herbrand, Director of Planning Jessica Wolff, and Deputy Clerk Nicole Kline

Others present: News Graphic Reporter Melanie Boyung, Ozaukee Press Copy Editor Steve Ostermann and members of the public

MINUTES

Motion by Trustee Liss, seconded by Trustee Proefrock, to approve the 09-21-2015 Village Board and the 09-02-2015 Joint Town Board/Village Board meeting minutes and File the 09-21-2015 Finance Committee; 09-22-2015 Plan Commission; 09-23-2015 Parks and Recreation Board and 09-28-2015 Joint Library Board, as presented.

Village Board minutes from 09-21-2015 were amended to reflect that Trustee Krueger made correction to the 09-14-2015 Board of Public Works minutes, not Trustee Antoine. The 09-21-2015 Finance Committee minutes, under Old Business, should have the word "received" removed.

Motion carried with the recommended changes.

PERSONS REQUESTING TO BE HEARD

None.

BUSINESS PRESENTED BY THE PRESIDENT

Item 1 / Certificate of Achievement from International City County Management Association for Grafton's use of performance measurement in local government management

Administrator Hofland reported that Village of Grafton staff has continually reviewed performance measurements over the last 20 years. The performance measures are internal benchmarking. In 2016, Grafton wants to work with its Ozaukee County peers to compare these benchmarks with each other for external validation.

Administrator Hofland indicated that the Certificate of Achievement Award was presented at the annual conference of the International City/County Management Association. Only 48 local governments were recognized and in Wisconsin only Grafton and Bayside have been recognized in the past five years.

RESOLUTIONS/ORDINANCES/ACTION ITEMS

Item 1 / Report of Finance Committee

Motion by Trustee Harbeck, seconded by Trustee Antoine, to approve an adjustment in the Pay Grade for Crewperson (Mechanic) from Pay grade 13 to Pay Grade 14, effective January 1, 2016 as requested. Motion carried.

Item 2 / License Publication Fee

The Finance Committee recently reviewed a proposal to increase the liquor license publication fee from \$2 to \$15. This matter received a tie vote at the Finance Committee meeting and is before the Village Board with no recommendation. The publication fee is only associated with Class "A", "Class A", Class "B" and "Class B" licenses. The fee does not involve licensing of bartenders. The current \$2 fee does not cover the cost to publish the required notices in the News Graphic.

Trustee Harbeck expressed concerned that this is a 700 percent increase in the fee and wondered if the fee could be increased gradually. Trustee Krueger made the point that based on the information presented, it would make Grafton's fee more consistent with neighboring communities. He indicated that the fee should be based on actual costs. Trustee Meinecke stated that Director of Administrative Services Styduhar reported it is not only the cost of publication but staff time to process the licenses. Trustee Antoine commented that he thinks the fee could be increased gradually.

Motion by Trustee Harbeck, seconded by Trustee Proefrock, to increase the publication fee for liquor license applications from \$2 to \$10. Motion was defeated 3-5 *(T. Krueger, D. Proefrock, D. Liss and S. Meinecke-nay).

Motion by Trustee Meinecke, seconded by Trustee Proefrock, to increase the publication fee for liquor license applications from \$2 to \$15. Motion approved 5-2 (D. Antoine and L. Harbeck-nay).

Item 1 / Report Plan Commission

Motion by Trustee Liss, seconded by Trustee Antoine to approve an ordinance amending section 19.02.0206 / Number of buildings allowed per lot. Motion carried.

LICENSES

Item 1/ Approval of Operator's Licenses

Motion by Trustee Antoine, seconded by Trustee Krueger, to approve the issuance of operator's licenses, as presented. Motion carried.

Item 2/ Approval to issue Class "A" Fermented Malt License

Motion by Trustee Antoine, seconded by Trustee Krueger, to approve the issuance of a Class "A" Fermented Malt Beverage (Beer) license to: Dave Vogel-agent for Shopko Stores Operating Co., LLC / d.b.a. Shopko #90 / 1771 Wisconsin Avenue, for the licensing period ending June 30, 2016. Motion carried.

REPORT OF BILLS

Motion by Trustee Krueger, seconded by Trustee Proefrock, to approve the payment of Village expenditures in the amount of \$222,831.47.

Trustee Antione questioned the charge for Dash, located on page 5 of the bill report. Trustee Meinecke reported that she believes it is new software for the Village Assessors, Mass Appraisals.

Administrator Hofland followed up on a Verizon charge, which was questioned two weeks ago, regarding Director of Parks and Recreation John Safstrom. Director Safstrom reported that as part of his phone contract renewal package he received a new phone. Director Safstrom has indicated that he will reimburse the Village for the cost of the phone.

Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

None.

CONVENE TO CLOSED SESSION:

Motion by Trustee Liss, seconded by Trustee Antoine, to Convene to Closed Session at 6:13 p.m., pursuant to Wisconsin State Statutes 19.85(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (Continental Grafton, LLC v. Village of Grafton Inspection Department, Ozaukee County Case #15-CV-000186, and Continental Grafton, LLC v. Village of Grafton Plan Commission, Chapter 68 Appeal), and Statutes 19.85(e) for real estate and competitive bargaining matter (NAI/MLG Commercial).

President Brunquell-Aye
Trustee Harbeck-Aye

Trustee Liss-Aye
Trustee Meinecke-Aye

Trustee Antoine-Aye
Trustee Tom Krueger-Aye

Trustee Proefrock-Aye

Motion carried by roll call vote.

During the Closed Session of 62 minutes, the Village Board discussed strategy with regard to possible litigation between Continental Grafton, LLC and the Village of Grafton. The Board also discussed negotiation strategies pertaining to a NAI/MLG Commercial contract for services.

RECONVENE TO OPEN SESSION:

Motion by Trustee Krueger, seconded by Trustee Antoine, to adjourn from Closed Session and reconvene into open session at 7:15 p.m. Motion carried unanimously by roll call vote.

SETTLEMENT AGREEMENT – CONTINENTAL GRAFTON, LLC

Motion by Trustee Meinecke, seconded by Trustee Liss, to adopt the settlement agreement between Continental Grafton, LLC and the Village of Grafton regarding the development of McDonalds, contingent upon Village staff's approval of the final site plan, digitized surveillance plan and utility plan. Motion approved 6-1 (L. Harbeck-nay).

MUTUAL RELEASE AGREEMENT – CONTINENTAL GRAFTON, LLC

Motion by Trustee Proefrock, seconded by Trustee Antoine, to approve the Mutual Release Agreement between Continental Grafton, LLC and the Village of Grafton on legal matters associated with the development of McDonald's, contingent upon Village staff's approval of the final site plan, digitized surveillance plan and utility plan. Motion approved 6-1 (L. Harbeck-nay).

ADJOURN

Motion by Trustee Harbeck, seconded by Trustee Krueger, to adjourn at 7:17 p.m. Motion carried.