

# VILLAGE OF GRAFTON

## VILLAGE BOARD MEETING MINUTES

OCTOBER 19, 2009

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

Village Board members present: Jim Grant, Ron LaPean, Sue Meinecke, David Liss, Scott Volkert, Jim Brunnuquell

Absent: Richard Rieck

Staff/Officials present: Village Administrator Darrell Hofland, Chief of Police Charles Wenten, Director of Public Works/Village Engineer Dave Murphy, Utility Director Tom Krueger, Parks and Recreation Director John Safstrom, Finance Director Paul Styduhar, Village Attorney Michael Herbrand, Deputy Clerk Lisa Bohn

### MINUTES

Motion by Trustee Grant, seconded by Trustee LaPean, to approve the 9-21-2009 Village Board meeting minutes and File the 9-22-2009 Plan Commission; 9-23-09 Parks and Recreation Board; 10-7-2009 Community Development Authority; 10-8-2009 Architectural Review Board; 10-12-2009 Board of Public Works and the 10-13-2009 Public Safety Committee meeting minutes, as presented. Approved unanimously.

### PERSONS REQUESTING TO BE HEARD

None.

### BUSINESS PRESENTED BY THE PRESIDENT

President Brunnuquell reviewed the materials distributed for Village Board member review.

### RESOLUTIONS/ORDINANCES/ACTION ITEMS

#### Economic Development Revolving Loan Program Loan to Hot Stop Sammich Shop

Motion by Trustee Meinecke, seconded by Trustee Liss to approve an Economic Development Revolving Loan to Hot Stop Sammich Shop, as presented.

Finance Director Paul Styduhar stated he received an application from Jeff Holmes requesting a \$30,000 business loan for his proposed business. Per the loan policy, Mr. Holmes must create 1.5 new full-time equivalent jobs for a \$30,000 loan. Mr. Styduhar is recommending approving the loan contingent upon adequate equity/second lien position in the owner's personal residence, entering into a lease agreement, and approval of a bank/SBA loan.

Jeff Holmes, future business owner of Hot Stop Sammich Shop, briefly discussed his business proposal. The business will offer delivery services and target business offices, hospital, and use Facebook, Twitter, and a website to market the business and the delivery. Having delivery as an option will give people in Grafton more options of ordering out.

President Brunnquell questioned what vehicles will be used for delivery. Mr. Holmes stated the delivery driver will use their own personal vehicle. Eventually, one company car for deliveries will be available.

President Brunnquell questioned if Mr. Holmes had a time frame for the business opening. Mr. Holmes stated funding from a private bank is holding him up. Most banks are currently not loaning to future restaurants due to the economy. However, he is in the process of talking with possible investors.

President Brunnquell questioned staff if the Village intends to put a lien on his private property if the Village is going to fund Mr. Holmes a loan. Mr. Styduhar stated that the Village would put a lien on his home and he could also sign a personal guarantee.

Trustee Grant questioned what kind of work background Mr. Holmes has. Mr. Holmes stated for the last 12 years he has been working in marketing and sales. The last 3 years he has been working in equipment sales and mostly on his own. When Mr. Holmes was going to college he had the opportunity to work part time in a sandwich shop. His strong talent would be in the website design and layout, and getting the business marketed.

Trustee Grant questioned if the business will be a sole proprietor business and what his day-to-day role will be in the business. Mr. Holmes stated he is looking at the business being a LLC. Mr. Homes will start off being the head cook until the business gets going. He will also be the one to work with the website and marketing of the business. Eventually he would like this to become a chain of restaurants; however, this is a long term goal. Currently the business is not a franchise.

Trustee Grant questioned the location of the proposed business. Mr. Holmes responded that at this time the proposed location of his restaurant is proprietary information. Mr. Holmes commented he has put a lot of work into this business and would not put it in a non-suitable location. He wants to see his business succeed and has put a lot of thought into the location.

Mr. Holmes has been in contact with his lawyer regarding this; however, the name is protected as much as he can afford to protect it. After the business opens, he has one year to get the name copyrighted.

Trustee Grant questioned if someone else were to use the business name and went into default how would that impact the loan with the applicant. Mr. Styduhar responded that it wouldn't.

Mr. Styduhar commented he is aware of the location and it is a suitable location for this type of business and feels comfortable with the business proposal location.

The motion to approve the Economic Development Revolving Loan Program loan to the Hot Spot Sammich Shop in the amount of \$30,000 contingent upon adequate equity/second lien position in the owner's personal residence, entered into a lease agreement, and approval of private financing. Approved unanimously.

### Addition of Voting Wards

Motion by Trustee LaPean, seconded by Trustee Volkert, to approve Ordinance No. 021, Series 2009, adding three (3) voting wards to the Village of Grafton.

Administrator Hofland stated three additional wards needed to be created due to the Village annexing properties into the Village. These properties will have the correct county supervisor district notation for their residence location for the upcoming election next year.

The motion to approve Ordinance No. 021, Series, 2009, was approved unanimously.

### 2010-2011 Assessment Services Contract – Mass Appraisals, LLC

Motion by Trustee Grant, seconded by Trustee Liss, to approve the 2010-2011 Assessment Services Contract with Mass Appraisals, LLC, as presented.

Administrator Hofland stated the Village has been working with the Matthies for the last 15 years. Village staff is very pleased with their services and quality of work. Due to the current recession, Mass Appraisals is offering the same rate as the two previous years of \$35,000 a year. Village staff receives a report from the state every year comparing Grafton sale prices to assessed valuation; Grafton assessed values compares well.

The motion to approve the 2010-2011 Assessment Services Contract with Mass Appraisals, LLC at \$35,000 per year, was approved unanimously.

### Item 1 / Report of the Parks and Recreation Board

Motion by Trustee Meinecke, seconded by Trustee Volkert, to authorize staff to implement the recommended 3-year membership fee plan for the Multi-purpose Senior Center, beginning with January 2010 memberships, of which \$5.00 is allocated to the Senior Friendship Club, as presented.

Fran Betz, 252-A Bur Oak Lane, stated she does not see a price difference for resident and non-residents membership fees.

President Brunnuell stated the Parks and Recreation Board did come up with a price difference for resident and non-resident. The motion being presented is a result of a recommendation from the Parks and Recreation Board and he outlined the three different dollar amounts.

The motion to approve staff to implement the recommended 3-year membership fee plan for the Multi-purpose Senior Center, beginning with January 2010 memberships, of which \$5.00 is allocated to the Senior Friendship Club was approved unanimously.

### Item 1 / Report of the Board of Public Works

Preliminary Assessment Resolution No. 042, Series 2009, for installation of rear yard sewer main to serve properties on the west side of North Green Bay Road north of Claern Court and south of Shoreland Lane and schedule a public hearing for November 2, 2009 was offered by Trustee Meinecke.

Utility Director Krueger stated this resolution is a formality to move the project forward. The four properties have been in the Village since 1998 and the Utility has been investigating sewer alternatives and coordinating project implementation since 2007. Mr. Krueger has contacted the property owners and they have verbally given their approval for the project.

Motion by Trustee Volkert, seconded by Trustee LaPean, to adopt Resolution No. 042, Series 2009, as presented. Approved unanimously.

#### Items 2-7 / Report of the Board of Public Works

Motion by Trustee LaPean, seconded by Trustee Meinecke, to approve items 2-7 of the Report of the Board of Public Works, as follows; 2. Approve change order no. 2 for Project 09-01 / 1st Avenue Reconstruction in the amount of \$3,582.15; 3. Approve a contract with T.P. Concrete, Fredonia, WI, for installation of curb and gutter on the Hickory Street side of the property located at 704 10th Avenue for a cost not to exceed \$8,820.30; 4. Approve change order 1 to Miron Construction, Neenah, WI for LED downlights for the Municipal Services Facility for an amount of \$2,098; 5. Approve change order 2 to Miron Construction, Neenah, WI for additional work associated with filling the stormwater retention pond for an amount of \$139,911; 6. Approve a contract with O & W Communications, Sheboygan, WI, for installation of the telephone system at the Municipal Services Facility for \$6,385; 7. Approve the purchase of refurbished office furniture from Office Furniture Resources, Milwaukee, WI, for an amount not to exceed \$5,350, as presented.

President Brunnuell questioned since the LED downlights will not get snow and ice in the lights he's assuming the utility cost is much higher than sodium, will this fit into the budgeted dollar amount.

Director of Public Works/Village Engineer stated there will be an additional capital cost to have the LED downlights; however, these lights should provide an energy savings payback of about three years and will prevent snow and ice from getting in.

Trustee Meinecke commented the life of these lights will be much longer. Mr. Murphy stated about seven to eight years longer.

It was the board's consensus to take action on items 4 & 5 of the Report of the Board of Public Works separately. Trustee LaPean and Trustee Meinecke withdrew their motions.

#### Items 2, 3, 6, 7 / Report of the Board of Public Works

Motion by Trustee Volkert, seconded by Trustee LaPean, to approve items 2, 3, 6, 7 of the Report of the Board of Public Works, as follows; 2. Approve change order no. 2 for Project 09-01 / 1st Avenue Reconstruction in the amount of \$3,582.15; 3. Approve a contract with T.P. Concrete, Fredonia, WI, for installation of curb and gutter on the Hickory Street side of the property located at 704 10th Avenue for a cost not to exceed \$8,820.30; 6. Approve a contract with O & W Communications, Sheboygan, WI, for installation of the telephone system at the Municipal Services Facility for \$6,385; 7. Approve the purchase of refurbished office furniture from Office Furniture Resources, Milwaukee, WI, for an amount not to exceed \$5,350, as presented. Approved unanimously.

Item 4 / Report of the Board of Public Works

Motion by Trustee LaPean, seconded by Trustee Meinecke, to approve change order 1 to Miron Construction, Neenah, WI, for LED downlights for the Municipal Services Facility for an amount of \$2,098, as presented. Approved 5-1 (S.Volkert – nay.)

Item 5 / Report of the Board of Public Works

Motion by Trustee Meinecke, seconded by Trustee Liss, to approve change order 2 to Miron Construction, Neenah, WI for additional work associated with filling the stormwater retention pond for an amount of \$139,911, as presented.

Mr. Murphy stated this change order is due to extra excavation of the south pond to reach a compaction level suitable for building construction. It also includes some added asphalt at the residential drop site and relocation of an existing manhole and needed storm sewer at the main location

The motion to approve item 5 of the Report of the Board of Public Works was approved 5-1 (S.Volkert – nay.)

Item 1 / Report of the Public Safety Committee

Motion by Trustee Grant, seconded by Trustee Liss, to approve the purchase of two 2010 marked squad cars and two extended service plans from Ewald Automotive, Hartford, WI for a total cost of \$47,610, with delivery and payment to be made after January 5, 2010, as presented.

Trustee Volkert distributed information and concerns he gathered regarding fire suppression systems.

Chief Wenten stated he does not believe this item was placed on the bid document when the squads went out for bid and was not ordered as an additional option for the squads.

Trustee Volkert commented Ford is currently making this a standard package item on all new Ford Crown Victoria's.

President Brunquell questioned Chief Wenten if he would like to further review and table this item due to the new information that was distributed.

Chief Wenten went over the price difference of adding this option to the vehicles and would incur an additional \$3,500 to each vehicle. However, at this time there is not extra money to add options on to the vehicles.

President Brunquell questioned if this could end up being a liability issue. Chief Wenten stated he will further investigate.

Trustee Grant questioned if the fire suppression systems are new to the car industry. Trustee Volkert stated he himself has just learned about the new option. There is a family currently suing Ford due to a fire situation. Mr. Volkert would like to see this placed on vehicles if it will help improve safety.

President Brunnquell stated he would like the Village attorney to review this for his recommendation.

The motion to approve Item 1 of the Report of Public Safety is contingent upon Attorney Herbrand's review of the fire suppression kits, was approved unanimously.

#### Item 2 / Report of the Public Safety Committee

Motion by Trustee Grant, seconded by Trustee Meinecke, to direct the Department of Public Works to designate where the Village share of \$18,509 will be found prior to acceptance of the DOT grant for HAWK pedestrian signals at 13th Avenue and Washington Street, as presented.

Administrator Hofland stated the \$18,509 represents about 10 percent of the actual project. Looking at the budget for 2010, there is an estimated \$160,000 in the account. There are sufficient funds remaining in the 2009 budget which will be able to be allocated for the project this year.

President Brunnquell questioned if the motion being made tonight is implying that this project move forward. Trustee Grant responded at this time they are looking to see if there is more money out there and want to see it spent wisely. There is going to need to be more discussion, so a bigger problem is not created.

Mr. Murphy stated that during the process of applying for the grant he was working closely with the Traffic Analysis Department and they feel very confident with that the new system will prevent the intersection from backing up. Their main concern is the safety of pedestrians and bikers. If problems persist, more grants could be obtained.

Administrator Hofland questioned what direction will be taken from here. President Brunnquell stated the Public Safety Committee can further discuss this matter and bring back to the Village Board to finalize.

Trustee LaPeau questioned if there was a time line on the grant application. Mr. Murphy stated the Department of Transportation is ready to move forward. He would like to see this approved at a November Village Board meeting so bids can be opened in January, 2010.

The motion to direct the Department of Public Works to designate where the Village share of \$18,509 will be found prior to acceptance of the DOT grant for HAWK pedestrian signals at 13th Avenue and Washington Street was approved unanimously.

#### **LICENSES**

Motion by Trustee Meinecke, seconded by Trustee Liss, to deny the issuance of an Operator's License to Josh Millard, as presented.

Chief Wenten stated he is recommending denial of Mr. Millard's operator license request due to his failing to include a June 16, 2004 charge for theft of movable property under the criminal history question on the application. Chief Wenten spoke with Mr. Millard regarding the

application and Mr. Millard indicated he had forgotten to include it on the application. Chief Wenten thinks when serving alcohol the most responsible decisions need to be made.

Harold Gruehn, owner of Scooter Place, stated he spoke with his daughter, manager of Scooters Place, who spoke with Mr. Millard regarding his operator license application and Mr. Millard indicated to her, he mistakenly forgot to include the theft charge. Mr. Gruehn stated Mr. Millard would like to reapply for an operator's license and would like to appear before the Village Board for an opportunity to speak. Also, in the mean time - can Mr. Millard apply for a temporary operator's license?

Trustee LaPean commented Mr. Millard can work without a license as long as someone on the premises holds a valid operator's license.

Trustee Grant commented since he has been working with Chief Wenten, he has never second guessed any of the decisions he has made. Mr. Grant stands behind the Chief and if he is recommending not approving a license then he stands behind his decision. Mr. Grant expressed he feels it's hard to forget a theft on an application that is specifically asking for all prior criminal history.

The motion to deny the issuance of an operator's license to Josh Millard was approved unanimously.

Motion by Trustee Grant, seconded by Trustee Meinecke, to deny the issuance of an Operator's License to Charles Kroening, as presented.

Chief Wenten stated he is recommending denying Mr. Kroening an operator's license due to omitting a March 10, 2004 Trespass to Dwelling arrest on his operator's license application.

Mr. Kroening questioned why for the last 8 years he was able to hold a "Class B" liquor license. Also, in 2005 was convicted of an OWI and was still able to get his "Class B" license every year.

Chief Wenten stated he could not specifically answer that at this time and will review Mr. Kroening's previous applications. Chief Wenten also questioned Mr. Kroening on his arrest in Mequon, in 2009, for disorderly conduct that was not included on his application.

The motion to deny the issuance of an operator's license to Charles Kroening was approved unanimously.

Motion by Trustee Grant, seconded by Trustee Meinecke, to approve the issuance of an Operator's License to Sean Himsl, as presented. Approved unanimously.

## **DEPARTMENT AND OFFICERS REPORTS**

### Grafton Education Foundation's request to use Village logo

Motion by Trustee Meinecke, seconded by Trustee Liss, to allow the Grafton Education Foundation use the Village logo based on an agreement prepared by the Village Attorney, as presented.

President Brunnquell distributed an [e-mail](#) he received from Bob Hoffman an organizer of the Grafton Education Foundation.

President Brunnquell briefly reviewed the email. Mr. Hoffman would like to incorporate the Village logo into their foundation and Mr. Brunnquell does not see a problem with the Grafton Education Foundation using it, he wanted to hear the other Village Board member's opinions.

Village Attorney Mike Herbrand advised the Village Board there should be an agreement put together before it is finalized. Then if other groups want to use the logo in the future there will be an agreement between the Village and the group when using the logo.

President Brunnquell commented this group is very similar to the school booster club. The group is trying to raise money for the school in areas that were cut out of the school budget.

Trustee Volkert commented he thinks it might be better if they come up with their own logo.

President Brunnquell commented using the Village logo is a branding effort. Letting the Grafton Education Foundation use the logo looks good as a community effort.

The motion to approve the Grafton Education Foundation's request to use the Village logo is contingent upon a pending copyright agreement that will be prepared by the Village Attorney was approved unanimously.

## **REPORT OF BILLS**

Motion by Trustee Grant, seconded by Trustee Meinecke, to approval the Payment of Village Expenditures in the amount of \$1,725,185.69, as presented. Approved unanimously.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

None

## **CONVENE TO CLOSED SESSION**

Motion by Trustee Grant, seconded by Trustee Liss, to Convene to Closed Session at 6:52 p.m., pursuant to WI Statutes 19.85(1)(c) for Personnel Matters and (2010 Non-represented employee compensation) and 19.85(1)(e) for Real Estate and Competitive Bargaining Matters (Village Hall purchase contract). Approved unanimously by roll call vote.

The Village Board discussed possible 2010 wage increases for non-represented employees and negotiation strategies associated with the sale of the Village Hall to PJL Group relating to easements and loan terms.

## **RE-CONVENE TO OPEN SESSION AND THE REGULAR ORDER OF BUSINESS.**

Motion by Trustee Meinecke, seconded by Trustee LaPean, to adjourn the closed session and reconvene to the regular order of business at 7:04 p.m. Approved unanimously by roll call vote.

Approval of amendment to contract for sale and purchase of property at 1971 Washington Street (Village Hall)

Motion by Trustee Liss, seconded by Trustee Meinecke, to approve the amendment to the contract for sale and purchase of property at 1971 Washington Street (Village Hall), as presented. Approved unanimously.

Resolution No. 043, Series 2009, granting easements and access was offered by Trustee Liss.

Motion by Trustee Meinecke, seconded by Trustee Grant, to adopt Resolution No. 043, Series 2009 as presented. Approved unanimously.

**ADJOURN**

Motion by Trustee Grant, seconded by Trustee Meinecke, to adjourn at 7:05 p.m. Approved unanimously.