

**VILLAGE OF GRAFTON**

**VILLAGE BOARD MEETING AGENDA**

**MAY 17, 2010**

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

Board members present: Jim Grant, Ron LaPean, Richard Rieck, Sue Meinecke, David Liss, Lisa Harbeck

Staff/Officials present: Village Administrator Darrell Hofland, Village Clerk Teri Dylak, Finance Director Paul Styduhar, Director of Public Works/Village Engineer Dave Murphy, Utility Director Tom Krueger, Village Attorney Michael Herbrand

**MINUTES**

Motion by Trustee LaPean, seconded by Trustee Meinecke, to approve the 5-3-2010 Village Board meeting minutes and File the 5-3-2010 Finance Committee; 5-10-2010 Joint Library Board; 5-3-2010 and 5-10-2010 Board of Public Works; and the 5-11-2010 Public Safety Committee meeting minutes, as presented. Approved unanimously.

**PERSONS REQUESTING TO BE HEARD**

None.

**BUSINESS PRESENTED BY THE PRESIDENT**

Confirmation of appointment - Linda Steffens - School District representative on Joint Library Board

Motion by Trustee Rieck, seconded by Trustee Harbeck, to confirm the appointment of Linda Steffens as the School District representative on the Joint Library Board. Approved unanimously.

President Brunquell reviewed the materials presented for Village Board review.

**RESOLUTIONS/ORDINANCES/ACTION ITEMS**

Midwestern Disaster Area Bond Financing for CSM Grafton Partners, LLC  
Lisa Lange, Whyth Hirschboeck Dudek, SC and Doug Weas, President of Weas Development Company, were present to review a request from CSM Grafton Partners, LLC for Midwestern Disaster Area Bond financing. Disaster Area Bond financing was created as a result of the flooding that occurred in the Midwest in 2008. The parties do not have to have incurred a loss to apply for Disaster Area Bond financing.

Mrs. Lange explained that this type of financing is similar to industrial development revenue bonds and is considered conduit financing. With conduit financing, a local government issues tax exempt bonds on behalf of a private company. The financing

costs are lowered because the borrower gets the benefit of the municipality's tax-exempt status. Mrs. Lange also stated that these bonds are utilized as an incentive for economic development. The proposed bond financing is to assist with the construction of a 14,459 square foot medical clinic to be operated by Columbia St. Mary's.

As with industrial revenue bond financing, there is no liability or responsibility on behalf of the municipality. The borrowing has no impact on a municipalities borrowing percentage and the municipality is provided with an indemnification for all aspects of the bond financing.

Initial Resolution No. 014, Series, 2010 regarding Midwestern Disaster Area Bond Financing for CSM Grafton Partners, LLC (not to exceed \$3,300,000) was offered by Trustee Rieck.

Motion by Trustee Liss, seconded by Trustee LaPean, to adopt Resolution No. 014, Series, 2010, as presented. Approved unanimously.

#### Report of the Finance Committee

Motion by Trustee Liss, seconded by Trustee Meinecke, to approve Items 1-3 of the Report of Finance Committee, as follows: 1. Accepting the Comprehensive Annual Financial Report for the year ending December 31, 2009; 2. Approve a policy which authorizes non-represented employees to be paid when responding to Grafton Volunteer Fire Department emergency calls during their normal Village work hours; 3. Approve the Village of Grafton Identity Theft Program. Approved unanimously

#### Item 4 / Report of the Finance Committee

Resolution No.015, Series 2010 amending the 2010 Annual Program Budget was offered by Trustee LaPean.

Motion b Trustee Rieck, seconded by Trustee Liss, to adopt Resolution No. 015, Series 2010, as presented. Approved unanimously.

#### Report of the Board of Public Works

Motion by Trustee Rieck, seconded by Trustee Meinecke, to approve Items 1 and 3 of the Report of the Board of Public Works, as follows: 1. Award the contract for Bridge Street lift station replacement to Ozaukee Excavating Inc., Grafton, WI, for the low bid amount of \$260,707; and 3. Approve Change Order 1 to the Street Reconstruction Project (15th Avenue / 9th Avenue / Power Street) – Project 10-01, to Ozaukee Excavating, in the amount of \$12,450, for the water main loop on Cedar Creek Road. Approved unanimously.

Item 2 / Report of the Board of Public Works

Resolution No. 016, Series, 2010 to accept the 2009 Compliance Maintenance Annual Report and submit the report electronically to the DNR as required, was offered by Trustee LaPean.

Motion by Trustee Rieck, seconded by Trustee Harbeck, to adopt Resolution No. 016, Series 2010, as presented. Approved unanimously.

Report of the Public Safety Committee

Motion by Trustee Liss, seconded by Trustee Grant, to approve Item 1 of the Report of the Public Safety Committee, as follows: 1. Ordinance No. 011, Series 2010, amending Section 10.36.060 / Elimination of 2-hour parking on 7th Avenue (1500-1600 blocks).

Trustee LaPean expressed concern that there may be parking issues in this area if business at Pace Industries increases.

After limited discussion, the motion to approve Ordinance No. 011, Series 2010, was approved 6-1 (R. LaPean-nay).

Motion by Trustee Harbeck, seconded by Trustee Grant, to approve Item 2 of the Report of the Public Safety Committee, as follows: 2. Ordinance No. 12, Series 2010 - repealing and recreating Section 1.08 / Penalties. Approved unanimously.

Motion by Trustee Grant, seconded by Trustee Liss, to approve Item 3 of the Report of the Public Safety Committee, as follows: 3. Ordinance No. 013, Series 2010 - creating Chapter 9.01 / Adopting state statutes. Approved unanimously.

Motion by Trustee Meinecke, seconded by Trustee Harbeck, to approve Item 4 of the Report of the Public Safety Committee, as follows: 4. Ordinance No. 014, Series 2010 - amending Chapter 10.32 / Stop and Yield Intersections. Approved unanimously.

Motion by Trustee Grant, seconded by Trustee Liss, to approve Item 5 of the Report of the Public Safety Committee, as follows: 5. Ordinance No. 015, Series 2010 - amending Chapter 5.34 / Direct Sellers. Approved unanimously.

Trustee Grant commented that this change came about as a result of door to door solicitations occurring in the late evening hours. He questioned if the Police Department maintained a listing of direct sellers, and if so, that they be notified of the new hours for soliciting. Village Clerk Dylak stated she would contact Chief Wenten regarding the notification request.

Motion by Trustee Grant, seconded by Trustee Meinecke, to approve Item 6 of the Report of the Public Safety Committee, as follows: 6. Ordinance repealing and recreating Section 2.56.035 / Service fees. Approved unanimously.

Resolution No. 017, Series 2010, authorizing the splitting of wards for the Fall 2010 elections was offered by Trustee Liss.

Motion by Trustee Grant, seconded by Trustee Meinecke, to adopt Resolution No. 017, Series 2010, as presented.

Village Clerk Dylak stated that the purpose of splitting the wards for the upcoming fall elections is to provide a smoother election process. Due to anticipated larger voter turnout for the September Primary and November General elections, having separate lines for each ward will speed up the voting process.

The motion to adopt Resolution No. 017, Series 2010 was approved unanimously.

## **LICENSES**

Motion by Trustee Rieck, seconded by Trustee Meinecke, to approve the issuance of a Special Picnic License / Kris Raymond-agent – Grafton Blues Association / Lime Kiln Park-2020 S. Green Bay Rd. - June 26, 2010 - 9:00 a.m. - 9:00 p.m. Approved unanimously.

Motion by Trustee Meinecke, seconded by Trustee Liss, to approve the issuance of Operator's Licenses to Erin Clauer (Gateway BP), Jim Brunnuquell (Celebrate Grafton events) and Justin Peterson (Scooters Place), as presented. Approved 5-0. (J. Brunnuquell-abstain).

## **DEPARTMENT AND OFFICERS REPORTS**

Director of Public Works/Village Engineer Dave Murphy informed the Board that the 15th Avenue project should be completed by the end of the week. He also indicated that Ozaukee Excavating was working on the sanitary sewer work in Power Street.

Mr. Murphy also informed the Board that the Public Works Department and Parks and Recreation Department have moved into the new Municipal Services Facility. The old building has been razed and the footings are in process for the remaining building. He thanked the Village Board for their support of this project.

Utility Director Tom Krueger informed the Board that the Utility received a perfect 4.0 score, in all ten categories, of the 2009 Compliance Maintenance Annual Report. He stated that the wastewater system and plant are functioning well.

Mr. Murphy stated that the Public Works Department held the "Dumpster Day" event on Saturday, May 15, at the new drop off site. Everything went very well. Veolia will be

picking up the dumpsters and taking them to the Public Works yard so that the Department can add additional items prior to final disposal pick-up.

### **REPORT OF BILLS**

Motion by Trustee LaPean, seconded by Trustee Harbeck, to approve the payment of Village expenditures in the amount of \$1,149,252.48, as presented. Approved unanimously.

### **OLD BUSINESS**

Village Administrator Darrell Hofland informed the Board that the annual Keep Grafton Clean Day, held on Saturday, May 15, went well. This year volunteers were provided with a map showing areas that needed clean-up, which kept the event organized. Only five of the areas highlighted for clean-up did not have volunteers available.

### **NEW BUSINESS**

None.

### **CONVENE TO CLOSED SESSION**

Motion by Trustee Grant, seconded by Trustee LaPean, to convene to closed session at 6:16 p.m., pursuant to Wisconsin Statutes 19.85(1)(g) for Litigation matters (Status of Cedarburg Pharmaceuticals Loan default action / Grafton Direct, LLC Receivership). Approved unanimously by roll call vote.

A closed session of approximately 40 minutes was held. During the Closed Session, the Village Board discussed negotiation strategies relating to litigation associated with the outstanding loans and development agreement with Grafton Direct, LLC Receivership and outstanding loan with Cedarburg Pharmaceuticals.

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

Motion by Trustee LaPean, seconded by Trustee Rieck to adjourn Closed Session and reconvene into the regular order of business, at 7:04 p.m. Approved unanimously.

The Village Board reaffirmed the need for the Village to defend the minimum property tax guarantee provision of the Grafton Direct, LLC Development Agreement with the Receiver. The Village Board directed Village staff to renegotiate the terms of the delinquent loan payment schedule, utility bills and personal property tax.

### **ADJOURN**

Motion by Trustee Grant, seconded by Trustee Meinecke, to adjourn at 7:04 p.m. Approved unanimously.