

VILLAGE OF GRAFTON

VILLAGE BOARD MEETING MINUTES

AUGUST 16, 2010

President Jim Brunnuquell called the Village Board meeting to order at 6:01p.m. The Pledge of Allegiance followed.

Board members present: Ron LaPean, Richard Rieck, David Liss, Susan Meinecke, Jim Brunnuquell

Board members absent: Jim Grant, Lisa Uribe Harbeck

Staff/Officials present: Village Administrator Darrell Hofland, Village Clerk Teri Dylak, Director of Public Works/Village Engineer Dave Murphy, Utility Director Tom Krueger, Police Chief Charles Wenten, Director of Planning and Development Michael Rambousek, Village Attorney Michael Herbrand

MINUTES

Motion by Trustee Rieck, seconded by Trustee Meinecke, to approve the July 19, 2010 Village Board meeting minutes and File the July 19, 2010 Parks and Recreation Board; July 20, 2010 Public Safety Committee, as corrected; July 26, 2010 Sustainable Grafton Ad Hoc Committee; July 27, 2010 Plan Commission; July 28, 2010 Public Arts Board; August 5, 2010 Architectural Review Board, as corrected; 8-9-2010 Grafton Fire Department Resource Management Ad-Hoc Committee; 8-9-10 Falls Road Information meeting; 8-9-10 Board of Public Works, and the 8-9-10 Joint Library Board meeting minutes, as presented. Approved unanimously.

PERSONS REQUESTING TO BE HEARD

Mr. Ed Michalski, 12520 Granville Rd, representing Muttland Meadows, was present to discuss the construction standards utilized by the Village of Grafton for fencing around the perimeter of the site. He indicated that the recently completed water retention pond project included the replacement of fencing around the site perimeter. Negotiations at the beginning of the project required that the fence be installed according to Wisconsin Department of Transportation specification standards and this did not occur.

Director of Public Works/Village Engineer Dave Murphy responded that Mr. Michalski was supposed to meet with the fence contractor on this matter. Mr. Michalski responded that he did not have the opportunity to meet with the contractor; however, the contractor had previously indicated that he did not install the fencing to the required standards. Mr. Michalski suggested that the Village meet with the fence contractor to get this matter resolved.

President Brunnquell suggested that Mr. Murphy and Mr. Michalski meet to discuss this matter, and if necessary, place the matter on a future Board of Public Works Committee meeting agenda for discussion.

BUSINESS PRESENTED BY THE PRESIDENT

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

RESOLUTIONS/ORDINANCES/ACTION ITEMS

Report of the Community Development Authority

Trustee LaPean made a motion to approve an Ordinance amending Section 10.36.060 – Two-hour parking as follows: From 8:00 a.m. to 6:00 p.m. Monday through Saturday in the public parking spaces located in any public parking lot in the 1200 block between 12th and 13th Avenues.

The motion died due to the lack of a second.

Trustee LaPean expressed concern with the lack of action by the Village Board on this matter. He commented that the CDA spent considerable time on this issue and made a recommendation to the Village Board that they thought would help to alleviate the parking concerns expressed by the Village Center tenants. Trustee LaPean also commented that this matter was brought to this point as a result of complaints by the tenants in the Village Center.

President Brunnquell responded that there has been considerable discussion on the parking situation in the downtown parking lots. However, the proposed 2-hour parking restriction was not supported by the local businesses. The public parking lot should be open to all residents, all the time.

Trustee LaPean questioned if there is any way to deal with those businesses that continue to allow employee parking in the downtown public parking lots. President Brunnquell responded that is an internal enforcement issue and not a public parking issue.

Report of the Public Safety Committee

Motion by Trustee Liss, seconded by Trustee Rieck, to approve Item 1 and 2 of the Report of the Public Safety Committee, as follows: 1. Ordinance No. 018, Series 2010 - amending Chapter 10.36.020 / No parking on Cheyenne Court from the Grafton School District property to Cheyenne Avenue, from Monday through Friday, 6:00 a.m. to 4:00 p.m.; 2. Approve the request for the Lakefront Marathon race to be held on October 3, 2010. Approved unanimously.

Item 1 / Report of the Board of Public Works

Preliminary Assessment Resolution No. 021, Series 2010 / Urbanization of Falls Road from Blackhawk Drive to Port Washington Road was offered by Trustee Rieck.

Motion by Trustee Liss, seconded by Trustee Meinecke, to adopt Resolution No. 0 21, Series 2010, as presented.

Director of Public Works/Village Engineer Dave Murphy stated that the public hearing on this project will be held after the initial projects costs are know. The informational meeting that was held on August 9, was to obtain input from the affected residents on the project design. The adoption of the Preliminary Assessment Resolution is the first step in the process.

President Brunnuell questioned who will be impacted by this project. Director Murphy responded that fees are already being collected for the properties in the new Falls Road subdivision – Falls Crossing. A number of the affected properties are located in the Town of Grafton and will not be required to pay for the improvement until such time as the property owner would request to be annexed to the Village of Grafton.

The motion to adopt Resolution No. 021, Series 2010, as approved unanimously.

Item 2 / Report of the Board of Public Works
Final Assessment Resolution No.022, Series 2010 / Construction of the WIS 60
Pedestrian Path was offered by Trustee Liss.

Motion by Trustee Meinecke, seconded by Trustee Rieck, to adopt Resolution No. 022, Series 2010, as presented.

Director Murphy stated that the Pedestrian Path extends from First Avenue to the Lone Oak Subdivision. The developer of the Lone Oak Subdivision previously paid for their portion of the path when the Loan Oak Subdivision was platted. Aurora Advanced Health Care is aware of their payment obligation for the path.

The motion to adopt Resolution No. 022, Series 2010, was approved unanimously.

Item 3 / Report of the Board of Public Works

Motion by Trustee Rieck, seconded by Trustee Meinecke, to approve Item 3 of the Report of the Board of Public Works as follows: 3. Approve the UV Disinfection Engineering Services Agreement with Donohue & Associates, Inc., Sheboygan, WI, for a not to exceed cost of \$4,860.

Utility Director Tom Krueger indicated that the Utility has been reviewing options for changing the disinfection process at the plant for some time. The next step is the preparation of a study in preparation for the completion of plans and specifications in 2011. The study will help define the necessary specifications to ensure that all of the needs of the community are met.

The motion to approve Item 3 of the Report of the Board of Public Works was approved unanimously.

LICENSES

President Jim Brunquell informed the Board that Dawn Wiebe has withdrawn her application from consideration at this meeting and will be resubmitting a revised application for consideration at a future Board meeting; therefore, no action is required on her license.

Denial of the issuance of Operator's Licenses

Motion by Trustee Meinecke, seconded by Trustee Liss, to deny the issuance of an Operator's licenses to Justin Peterson due to Mr. Peterson's demonstrated inappropriate decision making when drugs and alcohol are involved, as well as his inaccurate/incomplete application and to deny the issuance of an Operator's license to Brittany Schultz due to her 4 underage alcohol convictions.

Justin Peterson 1414 Wisconsin Avenue, Grafton, WI, was present to discuss the recommended denial of his Operator's license. He outlined the circumstances of his July, 2008 arrest and stated that the arrest was not his fault. He requested that the Village Board reconsider the denial of his license.

President Brunquell asked Police Chief Wenten if this offense were not considered, would he still recommend denial of Mr. Peterson's Operator's license. Chief Wenten responded yes because of his alcohol related offenses and the inaccurate/incomplete application.

The motion to deny the issuance of Operator's licenses to Justin Peterson and Brittany Schultz was approved unanimously.

Approve the issuance of Operator's Licenses

Motion by Trustee Rieck, seconded by Trustee Liss, to approve the issuance of Operator's licenses to the following persons: Andrew B. Marriott, Edward Rueter and Lynn Hatleback, as presented. Approved unanimously.

Approve the issuance of a Special Picnic License

Motion by Trustee LaPean, seconded by Trustee Meinecke, to approve the issuance of a Special Picnic License to Kris Raymond-agent, Grafton Blues Association / Lime Kiln Park 2020 S. Green Bay Road / Grafton Blues Festival September 17-18, 2010. Approved unanimously.

DEPARTMENT AND OFFICERS REPORTS

Village Administrator Hofland informed the Board members that a listing of potential 2011-2012 legislative session topics was placed in their mailboxes. He requested that each Board member review the listing and identify items they think may need to be addressed by the Village of Grafton. Village Department Heads are also completing this

exercise. The results will be tabulated and the information brought forward at a future meeting for review and discussion.

Director Murphy stated that the Municipal Services Facility is nearing completion and the project should be finalized by the end of the week.

In addition, the pre-construction meeting for the Cedar Creek Road project is being held on Tuesday, and the project is slated for completion by September 24.

REPORT OF BILLS

Motion by Trustee LaPean, seconded by Trustee Liss, to approve the payment of Village expenditures in the amount of \$900,045.06, as presented. Approved unanimously.

OLD BUSINESS

Update from Grafton Little League on status of Little League Complex construction project

Mark Koehler, 2195 Shoshoni Street, representing the Grafton Little League, was present to update the Village Board on the status of the proposed Little League Complex. Mr. Koehler indicated that, currently, the land is being farmed so that the group did not have to spray for weeds. Mr. Koehler stated that the Little League was sent a notice regarding the weeds on the site.

Trustee LaPean stated that he requested the update from the Little League based upon the approved agreement between the Little League and the Village of Grafton that required construction to begin on the Complex by September 1, 2010.

Mr. Koehler stated that the current condition of the economy makes it a very bad time to be requesting donations from businesses and residents. Unfortunately, many businesses are cutting back on donations.

Trustee LaPean questioned how much has been collected for the project. Mr. Koehler responded that internally approximately \$30,000 has been dedicated for the project. This amount is from some of the members' own funds, donations of approximately \$20,000 and pledges.

Mr. Koehler indicated that the group has spoken to a number of companies regarding possible sponsorship donations; however, they have been told that the sponsorship amounts are too high.

Trustee LaPean verified that the approximate cost of the project is \$2.5 million. He questioned how long the Village will allow the project to be in default before the agreement is terminated.

There was a brief discussion on the agreement provisions. Village Attorney Herbrand indicated that he will review the lease document to see what options the Village has on this issue.

Trustee Rieck suggested that the project be reviewed annually for compliance with the provisions of the contract.

President Brunnuell asked if the Little League has any speculation on when additional funding may be received. Mr. Koehler responded that is an unknown. He commented that if the project were underway it might be easier to get donations.

It was the consensus of the Board for Attorney Herbrand to review the contract agreement. The members indicated that they are not ready to terminate the agreement and hope to be able to see this project completed. The Little League was directed to provide the Village with a contract amendment for consideration in the near future.

Administrator Hofland stated that the Board of Public Works will be asked to discuss the option of dredging the impoundment area or drawing down the impoundment and allowing the sun to dry the area naturally for future removal.

Trustee Rieck commented that allowing the impoundment to dry naturally and then remove the sediment is less costly than dredging the area.

NEW BUSINESS

Trustee Liss indicated that the final GALA in the Park concert will be held this Thursday.

CONVENE TO CLOSED SESSION

Motion by Trustee Liss, seconded by Trustee LaPean, to Convene to Closed Session, at 6:33 p.m., pursuant to Wisconsin Statutes 19.85(1)(c) for Personnel related matters (Teamster Local 200 - 2011 Contract Proposal and 2010 Non-represented employee compensation) and 19.85(1)(e) for Real Estate and Competitive Bargaining related matters (Zimmermann lease, We Energies), and 19.85(1)(g) for Litigation related matters (Cedarburg Pharmaceuticals and Grafton Direct, LLC). Approved unanimously by roll call vote.

A closed session of approximately 1 hour was held. During the closed session the Village Board discussed negotiation strategies for a 2011 contract with the Teamsters Local 200 and 2010 compensation package for the Village non-union employees, negotiation strategies for the potential lease extension by Zimmermann Family for Village-owned property and potential sale of Village-owned property to We Energies, and litigation strategies relating to the outstanding loan by Cedarburg Pharmaceuticals, and Grafton Direct., LLC (Grafton Village Center).

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

Motion by Trustee LaPean, seconded by Trustee Rieck, to re-convene to open session and the regular order of business, at 7:29 p.m. Approved unanimously by roll call vote.

LEASE OF VILLAGE OWNED PROPERTY

Motion by Trustee Meinecke, seconded by Trustee Liss, to approve one year lease, beginning September 1, 2010 through July 31, 2011, with Scott and Jennifer Zimmermann for Village property located at 887 N. Green Bay Road with monthly rent of \$850. Approved unanimously.

ADJOURN

Motion by Trustee Rieck, seconded by Trustee Liss, to adjourn the meeting at 7:30 p.m. Approved unanimously.