

**VILLAGE OF GRAFTON**  
**VILLAGE BOARD MEETING MINUTES**  
**SEPTEMBER 20, 2010**

President Brunnuquell 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, David Liss, Sue Meinecke, Lisa Uribe Harbeck, and Jim Brunnuquell

Staff / Officials present: Village Administrator Darrell Hofland, Director of Public Works / Village Engineer Dave Murphy, Utility Director Tom Krueger, Chief of Police Charles Wenten, Village Attorney Michael Herbrand, Deputy Clerk Lisa Oppeneer

**MINUTES**

Motion by Trustee LaPean, seconded by Trustee Rieck, to approve the 9-7-2010 Village Board meeting minutes and File the 9-7-2010 Finance Committee; 9-13-2010 Public Arts Board; 9-13-2010 Joint Library Board and the 9-14-2010 Public Safety Committee meeting minutes, as presented. Approved unanimously.

Trustee Meinecke commented on two corrections that need to be made to the Village Board meeting minutes.

**PERSONS REQUESTING TO BE HEARD**

Ted Warwick, 1742 Falls Road [distributed a Winter Frolics](#) article to the Village Board and staff. Currently there is a group working to hold a "Cool Blue Winter Frolics" in Grafton. Events would include chair races, disc golf, ice sculptures, x-country ski races, and ice skating. The group would appreciate the Village Boards endorsement of the festival and would like to be able to use the Grafton logo on signage and flyers.

President Brunnuquell commented that the Winter Frolics should go to the Parks and Recreation Board.

Trustee Grant questioned if the ice skating would be able to be held on the storm drainage pond across from Lime Kiln Park. Village Engineer / Director of Public Works Dave Murphy stated that would be possible but he has concerns with parking.

Trustee Grant questioned if the road could be blocked off for the day, like it has been done for previous events. Mr. Murphy commented that it is a good possibility and the ice would need to be thick enough for ice skating.

President Brunnuquell commented for the use of the Grafton logo there is a form at Village Hall that needs to be filled out and then Village staff will review it.

Administrator Hofland commented he needs to review the standard logo use agreement to determine if the Village Board has to approve the use of the logo, or if staff can do it.

## **BUSINESS PRESENTED BY THE PRESIDENT**

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

## **RESOLUTIONS/ORDINANCES/ACTION ITEMS**

### Bridge Street Dam east abutment spillway design engineering

President Brunnquell stated the Bridge Street Dam east abutment spillway design engineering item came out of the Board of Public Works meeting with no recommendation.

Motion by Trustee Rieck, seconded by Trustee Meinecke, to approve the Bridge Street Dam east abutment spillway design engineering plan, as presented.

Mr. Murphy stated this would be the most cost effective option for the Village in the future.

Rick Schmidt, Bonestroo, stated the proposal is to design and construct an extension of the existing spillway at the east abutment of the Bridge Street Dam and to incorporate the extension into the fishway design of the Ozaukee County Fish Passage project. The intent of the east spillway extension is to satisfy the Wisconsin Department of Natural Resources (WDNR) NR333 requirements. This would be a very cost effective option for the Village.

President Brunnquell questioned what is the logic between separating the east and west abutments. Mr. Murphy commented the fish passage will be going on the east side of the river and there will be nothing going in on the west side. If we act now, this can be included as part of the project and we can save money by combining the two projects.

Trustee Harbeck commented it seems backwards to design the abutment first and then design the fish passage.

Mr. Schmidt commented this is the best time to do it while the construction is going on. Construction costs are the most expensive during these projects and to do it at all at once is cost effective.

Trustee Harbeck questioned if the plans and design are done now, will Bonestroo come back to the Village for more money down the road. Mr. Schmidt stated the only way costs will change is if something comes up that was unknown before the start of the project.

Trustee Harbeck questioned Mr. Schmidt if he had a breakdown of the \$11,850 that was quoted for the project. Mr. Schmidt stated he did not have it with him but could provide her with a copy at another time.

Trustee Harbeck thought during the bidding process of projects that the Village goes out and gets numerous bids. Mr. Murphy commented Bonestroo is already doing the fish passage design and due to all the information they already have regarding the dam and fish passage, there is no other consultant that would be able to duplicate the dollar value.

Trustee Meinecke questioned Mr. Murphy if he has seen the breakdown of the \$11,850 that was quoted. Mr. Murphy commented he has not seen the quote broken down.

Trustee Grant questioned if any contingencies have been built in for this project. Mr. Schmidt commented the estimated construction costs range from \$15,000 - \$20,000. The only way the dollar amount will change is if something comes up that was unknown.

Trustee Grant questioned where are the funds coming from for this. Mr. Hofland stated from Tax Incremental District (TID) 3.

Trustee LaPean commented he is totally against all the spending of the money on the Bridge Street Dam. We are taking dollars from one good TID and using it towards another TID that is doing poorly.

Sue Hass, 1226 Water Terrace, questioned if the DNR NR333 requirement is going to be met throughout the construction project. Mr. Schmidt stated yes they will satisfy the NR333 requirement.

Mary Mulloy, 1110 Riverview Court, questioned if there are state loans or grants that can be applied for, for the project. Mr. Murphy commented grants and loans need to be researched and then applied for. Then we have to wait and see if we are accepted for the grant, which is a very small chance. The process is very time consuming and the Village is working on a tight timeline right now.

Bill Harbeck, 907 17<sup>th</sup> Avenue, questioned the construction costs only being \$15,000. Mr. Schmidt commented the \$15,000 - \$20,000 estimate is for the construction of the flood wall.

Mr. Harbeck commented this is fantastic news for the Village of Grafton. After the NOAA grant is received for the dam the Village will be responsible for paying the remaining costs of an estimated \$30,000. Last year when all the discussion started on removing the dam, we were hearing numbers in the \$4 million range.

Mr. Murphy commented the DNR put the numbers together. The numbers they came up with were for the complete reconstruction of the dam and that's how they reached a number of \$4 million. After further testing was done on the dam, it appears to not be in as bad shape as thought. The dam needs some repairs done to satisfy the NR333 requirement.

President Brunnuell commented after the referendum was completed last year, the DNR is requiring the Village to comply with their requirements within the next ten years. Numbers are very favorable and look good, so the Village should take care of the issues now.

The motion to approve a contract with Bonestroo, Inc to perform design engineering for the Bridge Street Dam, East Abutment Spillway for a lump sum fee of \$11,850 was approved unanimously.

#### Bridge Street Dam impoundment area sediment

President Brunnuell stated the motion died to a lack of a second at the Board of Public Works meeting.

Motion by Trustee Grant, seconded by Trustee Rieck, to award a contract to Bonestroo, Inc. for an amount not to exceed \$15,000 to study the Bridge Street Dam Impoundment area.

Mr. Murphy commented this is in regards to the Village Board giving him direction to explore options for the impoundment area.

Mr. Schmidt presented maps and diagrams of the proposed feasibility study for the Bridge Street Dam sediment. Currently the sediment ranges between zero feet and several feet throughout the river. The question is how to remove the sediment and does it contain contaminants. The proposal is to explore how much sediment needs to be removed. The DNR requires a permitting process for the disposal of the sediment. So far there has only been one sediment sample taken from the river. The DNR requires samples be taken every 500 cubic feet. Another option would be to do the drawdown method and this could possibly begin while the fish passage is being constructed. The drawdown method most likely would not be able to completely consolidate all the sediment.

President Brunquell questioned if the feasibility study would include different options for the sediment. Mr. Schmidt replied yes.

Sue Hass, 1226 Water Terrace, commented she had read an article in the News Graphic stating the Village of Grafton would be paying for the fish passage. She thought the NOAA grant and Ozaukee County were covering the cost of the fish passage 100 percent.

President Brunquell commented there were many estimates put together regarding the fish passage.

Mr. Murphy commented NOAA funding is limited. However, he is not aware of any additional funds that will be needed for the project after the grant has been used.

Trustee LaPean questioned the legal notice stating \$2.6 million is going to be added to TID 3.

Mr. Hofland stated Tuesday, September 28, there will be a Joint Review Board meeting regarding the presentation of the TID Project Plan Amendments. The new project costs will be explained.

Tony Schneider, 1118 Riverview Court, questioned if the sediment would be able to consolidate itself over the construction process and throughout the future.

Mr. Schmidt replied it all depends on the types of sediments that are found and at this time the sediments have not fully been analyzed.

Trustee Grant questioned Mr. Schmidt if he was familiar with the drawdown at Estabrook Park in Milwaukee. Mr. Schmidt replied he is not familiar with the drawdown at that location.

Trustee Grant commented there were problems with the drawdown at Estabrook Park and questioned if Mr. Schmidt could check with his engineers regarding drawdown problems.

Mr. Schmidt responded it all depends on the levels of the drawdown.

President Brunnuell commented we should not speculate on results until we have more information.

Trustee Harbeck stated she has received emails from people regarding the dam issue. One email she received was from a resident living nearby Estabrook Park. The dam was washed out and the community received a grant from FEMA to do the repair work. The dam was removed, flood gates were opened and the drawdown began. The park was absolutely beautiful for about two years but then weeds started growing all along the sides and it turned into a big mess. Mrs. Harbeck has concerns with the drawdown creating weed issues.

Mr. Hofland commented that prior to the Village Board meeting, he was able to talk more with Mr. Schmidt about the scope of the study and that he was unaware that Bonestroo has only taken one sediment sampling to date. He does not feel comfortable with relying on the consolidation of the unknown sediment and feels the sampling is critical before a decision can be made. Mr. Hofland supports hiring Bonestroo to conduct a sediment study.

President Brunnuell commented it is important to find all the facts so the Village Board can make an informed decision. When the referendum was passed, the residents voted to save the dam because of the meaning it has to Grafton. The Board needs to take their responsibilities seriously so good decisions are being made that will not negatively affect a future Board. Mr. Brunnuell understands this can cost a lot of money but the Board needs to be well informed in making their decision.

Trustee LaPean commented if everyone would have just left the dam alone and just did the repairs, everyone would have won.

Trustee Grant commented the Bridge Street Dam is a major aesthetic feature for Grafton.

The motion to award a contract to Bonestroo, Inc. for an amount not to exceed \$15,000 to study the Bridge Street Dam impoundment area was approved 6-1 (R.LaPean – nay).

#### Lime Kiln Dam removal

Mr. Murphy stated bids were opened up for the removal of the Lime Kiln Dam and he reviewed the bids received. The lowest bidder came in at \$193,369 and Ozaukee County has received a grant for the removal process for \$135,000. Ozaukee County is requesting that the Village be responsible for the difference of the cost.

President Brunnuell stated the Board of Public Works recommendation to the Village Board is to recommend the Village Board and Ozaukee County reject the bids received for Lime Kiln Dam removal and proceed with dewatering the reservoir to expose the spillway.

Motion by Trustee Liss, seconded by Trustee Rieck, to recommend that the Village Board and Ozaukee County reject the bids received for Lime Kiln Dam removal and proceed with dewatering the reservoir to expose the spillway, as presented.

Tim Adams, 759 Nantucket Court, Town of Grafton, stated he is present to find out the purpose of the removal of the Lime Kiln Dam. Mr. Adams made an inquiry at the end of last year to get answers, on why the dam needed to be removed. To this day he has not received a response back from the Village. Mr. Adams read a portion of previous minutes from a Board of Public Works meeting stating the dam would need to be inspected every three years if it maintained in place. After further investigating he found out that the dam does not need to be inspected every three years.

President Brunnuell questioned Mr. Murphy if the purpose of the dam removal was required by NOAA in order to receive the grant for the fish passage. Mr. Murphy stated that is correct. In order for the Bridge Street dam fish passage to be included in the grant the Lime Kiln Dam needed to be removed.

Trustee Harbeck commented she thought the Lime Kiln Dam was being removed due to disrepair.

Mr. Murphy commented it was never stated that the dam was in need of immediate repairs but it does need to be inspected.

Mr. Adams commented that he does not believe all the facts were presented when voting on the issue to remove the Lime Kiln Dam.

Trustee Meinecke questioned if the dam can be repaired and if the fish passage can still go in or does the dam need to be fully removed.

Mr. Murphy responded the Lime Kiln Dam can be fully or partially removed in order to create a fish passage but there needs to be a fish passage.

Trustee LaPean questioned if we had an option of not removing the dam. He also thought it was a package deal from the DNR and needed to be followed.

Mr. Murphy stated there are numerous projects throughout Ozaukee County that are dam related which are tied into the NOAA grant. The Lime Kiln Dam is one of them.

Trustee Harbeck questioned if the DNR is the one who said the Lime Kiln Dam needs to be removed. Mr. Murphy responded the DNR did not say that. However, the dam would need on-going inspections.

President Brunnuell commented that there needs to be a fish passage in order to receive the grant money. However, everyone has felt this was an acceptable package and this has been discussed at many meetings and has been approved.

Mr. Adams questioned why all these details weren't discussed at the meeting in December 2009. The Lime Kiln Dam is not a barrier to fish from passing through; it actually overflows every spring.

Trustee Grant questioned if the Board wants to get more details on the dam and then review it again.

Trustee LaPean commented the motion on the table is to reject the bid.

President Brunquell explained the motion on the table is to reject the bids and proceed with dewatering the reservoir. Once the water has been drawn down and the spillway is partially exposed, Ozaukee County and the Village of Grafton will determine the best alternative based on what is exposed.

Trustee Grant questioned if Mr. Murphy should go back and review the dam and the decision of removing it. Mr. Murphy commented he feels comfortable with removing the dam.

Trustee LaPean questioned if this could be revisited in two weeks.

Mr. Murphy commented he has a meeting at Ozaukee County September 23, and would like to have a recommendation to give to them at the meeting.

Trustee Grant commented he doesn't see a problem with waiting a few more weeks before making a decision.

Trustee Meinecke questioned if the Lime Kiln Dam needs to comply with the NR333 requirements. Mr. Murphy responded the dam is not a hazardous dam. If the dam stays in place, somewhere there will need to be a fish passage created and the Village would be responsible for paying for it.

Mr. Adams questioned how we know the creation of a fish passage won't cost the same as tearing the dam down.

President Brunquell questioned Mr. Adams if he has talked with the Town of Grafton regarding this issue. Mr. Adams stated he has tried to contact the Town; however, no one is willing to discuss the issue.

Terry Kranz, 1967 Cedar Drive, stated he belongs to the "Save the Dam" Committee and when the first meeting was held regarding the two dams, residents were informed that both dams were hazardous and in poor shape. If the dams are not hazardous he would like to see them stay.

Bill Hass, 1226 Water Terrace, questioned why the Village would need to cover the difference between the bid and the grant. Why doesn't the county pay for the whole project.

Bill Harbeck, 907 17<sup>th</sup> Avenue, commented it would make sense to research the Lime Kiln Dam further for additional information. He also thought Ozaukee County was going to cover the project at 100 percent.

Trustee Harbeck questioned if a motion was going to be made regarding the drawdown of the area and completion of additional studies on the dam.

The motion to approve the Village Board and Ozaukee County reject the bids received for Lime Kiln Dam removal and proceed with dewatering the reservoir to expose the spillway was approved unanimously.

Item 1 / Report of the Finance Committee

Motion by Trustee Grant, seconded by Trustee Liss, to approve the extension of interest only payments on the Economic Development Revolving Loan Program loan to Shady Lady Lighting, Inc., 1350 14th Avenue, for 6 months from September 30, 2010 to March 31, 2011, as presented. Approved unanimously.

Item 2 / Report of the Finance Committee

Resolution No. 024, Series 2010 approving commitment of fund balances was offered by Trustee Meinecke.

Motion by Trustee Grant, seconded by Trustee Rieck, to adopt Resolution No. 024, Series 2010, as presented. Approved unanimously.

Report of the Public Safety Committee

Motion by Trustee Liss, seconded by Trustee Harbeck, to approve Ordinance No. 019, Series 2010, amending ordinance 10.32.010 / Stop Intersections (on Bridge Street at 11<sup>th</sup> Avenue), as presented. Approved unanimously.

Chief Wenten commented the issue was addressed by staff and felt it was appropriate to put in some type of traffic control at the intersection.

**LICENSES**

Motion by Trustee Grant, seconded by Trustee Meinecke, to approve a hearing Pursuant to Municipal Code Section 5.16.118 (d)(2), for the suspension of the "Class B" license for Scooters Place, 1412 Wisconsin Avenue, as presented.

Chief Wenten stated that, over the past 18 months, there have been three major violations at Scooters Place. All three violations have totaled 175 demerit points. Due to the demerit point total it is required that Scooters Place be closed for not less than 10 days but no more than 60 days. Chief Wenten has consulted with Village Attorney Mike Herbrand and the owner of Scooters Place Harold Gruehn and decided a 10 day suspension is the appropriate action to take.

Mike Herbrand stated he has been in contact with Mr. Gruehn and his attorney and does not anticipate they will want a full due process hearing. The proposal is to set the hearing before the Village Board on October 4, 2010.

The motion to approve a hearing October 4 at 6:00 p.m. before the Village Board, pursuant to Municipal Code Section 5.16.118 (d)(2), for the suspension of the "Class B" license for Scooter Place, 1412 Wisconsin Avenue, was approved unanimously.

Motion by Trustee Liss, seconded by Trustee Harbeck, to approve the issuance of Operator's licenses, as presented. Approved unanimously.

## **DEPARTMENT AND OFFICERS REPORTS**

Mr. Murphy commented that he and Director of Planning and Development Mike Rambousek went to a Water Star Conference at UW- Milwaukee. A questionnaire was available to see if a community qualifies as a gold, silver, or bronze rating for quality of water. After completing the questionnaire, the Village was rated a gold star and will be presented with a plaque at the October 4 Village Board meeting.

## **REPORT OF BILLS**

Motion by Trustee LaPean, seconded by Trustee Meinecke, to approve the payment of Village expenditures in the amount of \$573,747.97, as presented.  
Approved unanimously.

## **OLD BUSINESS**

President Brunnuell commented the Paramount Blues Festival was very well attended.

Trustee LaPean questioned if he could get a copy of the legal notice that was placed in the newspapers regarding the Bridge Street Dam and a monthly report of money being spent towards the Bridge Street Dam. Mr. Hofland replied that he will let staff know about the request for a monthly report.

Trustee Grant questioned if anyone had responded to the recent article in the Ozaukee Press regarding possible animal cruelty at Doggy Day held at the Family Aquatic Center. President Brunnuell commented that it was his dog and the dog was unharmed.

## **NEW BUSINESS**

None.

## **ADJOURN**

Motion by Trustee Grant, seconded by Trustee LaPean, to adjourn the meeting at 7:28 p.m. Approved unanimously.