

VILLAGE OF GRAFTON

VILLAGE BOARD MEETING MINUTES

OCTOBER 18, 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, Lisa Harbeck, and Jim Brunnuquell

Absent: Sue Meinecke

Staff / Officials present: Village Administrator Darrell Hofland, Police Chief Charles Wenten, Finance Director Paul Styduhar, Director of Public Works / Village Engineer Dave Murphy, Director of Planning and Development Mike Rambousek, Village Attorney Michael Herbrand, and Deputy Clerk Lisa Oppeneer

MINUTES

Motion by Trustee LaPean, seconded by Trustee Rieck, to approve the 10-4-2010 Village Board meeting minutes and File the 10-4-2010 Finance Committee; 10-6-2010 Community Development Authority; 10-11-2010 Public Arts Board; 10-11-2010 Joint Library Board; 10-11-2010 Board of Public Works and the 10-12-2010 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

Water Star Gold Star Award

Suzanne Wade, Wisconsin Water Star, was present to award President Brunnuquell, Director of Public Works / Village Engineer Dave Murphy and Director of Planning and Development Mike Rambousek with the Water Star Gold Star Award. Ms. Wade stated Mr. Murphy and Mr. Rambousek attended the workshop at UWM and completed the application to become Water Star certified. She is very impressed with the Village of Grafton for going above and beyond to achieve this award. The Village of Grafton is currently one of four communities in Wisconsin to receive a Gold Star. The criteria needed to achieve a gold star are very difficult. She identified that many communities have difficulty meeting the criteria for a bronze star. The Village also received three entrance signs identifying that the Village of Grafton is Gold Star Water certified for placement at the Village entrance locations.

Memorandum of Understanding with Ozaukee County for the Lime Kiln Dam removal

Administrator Hofland stated included in the Village Board packet is a revised agreement (MOU) with Ozaukee County for the removal of the Lime Kiln Dam. He identified that the only

change being requested is in Section 2B. The words “and the Village” have been removed from the paragraph. This was requested by Village Attorney Mike Herbrand. The change is being requested since the County is overseeing the grant and executing the grant money it should be only the County’s responsibility.

President Brunnuell questioned if the Village would be obligated for financial funding if the County were to exceed the projected dollar amount for the project.

Attorney Mike Herbrand stated if the County were to exceed the budgeted amount of \$133,700, then they would need to submit a request for funding to the Village for consideration and possible approval.

Trustee LaPean commented he thought Ozaukee County was responsible for this project and if so, why wouldn’t they be responsible for funding the entire project.

Director Murphy stated the dewatering of the basin at Lime Kiln Park is scheduled to begin tomorrow. There are a few different options that could be done: rebid the project to keep the dollar amount under \$133,700; continue with removal of the raceway; however, there is a possibility it could exceed the \$133,700; or continue with the project as is and stop work once the \$133,700 has been spent. The raceway has been buried for the last 40 years, due to that there are unknowns which will not be visible until the work has begun.

Trustee Grant stated in the agreement he would like to see the words “the Village is not responsible for accruing any additional expenses for this project.”

Trustee Harbeck commented it is great that Mr. Murphy was able to come up with other alternatives for the project. However, she does not want to see the Village incur any costs for the project.

Mr. Murphy commented the County will not be paying more than \$133,700 and with this agreement the Village is not committing to paying any future dollars towards the project.

Trustee Grant commented as long as he has been doing this he has never seen a project like this come in under cost.

Trustee Harbeck questioned what will happen if we don’t approve the MOU. Mr. Murphy commented he is not sure if the County will proceed with the project.

Mr. Herbrand commented more clarity could be added to the motion.

President Brunnuell commented that we should get something in front of Ozaukee County so they can take action on it.

Motion by Trustee Grant, seconded by Trustee LaPean, to reject the Memorandum of Understanding with Ozaukee County for the Lime Kiln Dam removal.

President Brunnuquell questioned Attorney Herbrand if he had any issues with the Village Board striking section 2d of the MOU. Mr. Herbrand commented he does not see a problem with that.

Sue Hass, 1226 Water Terrace, commented she is not sure why the Village of Grafton needs an MOU. Her understanding is that Ozaukee County is financially responsible for the project.

President Brunnuquell commented the MOU outlines the expectations and agreements between the two parties involved.

A roll call vote was taken for the motion on the floor. The motion died due to a 3-3 vote J.Brunnuquell, D.Liss, R.Rieck – nay.

Motion by Trustee Rieck, seconded by Trustee LaPean, to approve the Memorandum of Understanding with Ozaukee County for the Lime Kiln Dam with removal of item 2d from the agreement and the addition of the words “and the Village” in item 2b, as presented. Approved 5-1 (J. Grant – nay).

Lime Kiln Park Middle Quarry Site

Mr. Murphy informed the Board that there is a lagoon area at the middle quarry site in Lime Kiln Park that would hold the fill from the removal of the Lime Kiln Dam. The quarry has a 40 foot drop fence at the top to prevent people from falling over the edge. A portion of the fence would be removed to dump fill over the edge and create a slope that could be walked over in the future.

Trustee LaPean questioned if Director of Parks and Recreation John Safstrom is okay with the use of the quarry site. Mr. Murphy replied yes.

Motion by Trustee LaPean, seconded by Trustee Harbeck, to approve the Lime Kiln middle quarry site as a location for removed fill from the Lime Kiln Park dam removal project, as presented. Approved unanimously.

Resolution No. 026, Series 2010, approving an amendment to the “Project Plan of Tax Incremental District No. 3,” Village of Grafton, Wisconsin was offered by Trustee Grant.

Motion by Trustee Rieck, seconded by Trustee Liss to adopt Resolution No. 026, Series 2010, as presented. Approved 5-1 (R. LaPean – nay).

Resolution No. 027, Series 2010, approving an amendment to the ‘Project Plan of Tax Incremental District No. 5”, Village of Grafton, Wisconsin was offered by Trustee Rieck.

Motion by Trustee Liss, seconded by Trustee Harbeck to adopt Resolution No. 027, Series 2010, as presented. Approved 5-1 (R. LaPean – nay).

Item 1, 2, 4 / Report of the Finance Committee

Motion by Trustee Grant, seconded by Trustee Rieck, to approve Items 1, 2, and 4 of the Report of the Finance Committee as follows: 1. Ordinance No. 021, Series 2010, amending Section 5.04.080 A. - Outstanding Financial Obligations

of the Permit Applicant; 2. Approve the updated Investment Policy; 4. Approve the 12th Amended Agreement for the operation of the Mid-Moraine Municipal Court to approve membership of the City of Mequon, as presented. Approved unanimously.

Item 3 / Report of the Finance Committee

Motion by Trustee Rieck, seconded by Trustee LaPean, to approve the Economic Development Revolving Loan Program loan to Beech Boys, LLC (ARZ Machining, Inc.), with obtaining of sufficient collateral, in the amount of \$40,000, as presented.

Finance Director Paul Styduhar stated that the Finance Committee is recommending approval of Economic Development Loan for ARZ Machining, Inc. Since the October 4, Finance Committee meeting, Mr. Styduhar has been informed by the owners of ARZ Machining, Inc, Kenneth Bosch and Tim Paegelow, that a name change has occurred since to The Beech Boys, LLC. The new LLC and name change was formed in order to purchase property.

President Brunnuquell questioned if Mr. Styduhar wanted to proceed with approval of the Economic Development Loan.

Mr. Styduhar stated he has performed a title search and there is sufficient collateral in the two principal's private property.

The motion to approve Item 3 of the Report of the Finance Committee was approved unanimously.

Items 1-3 / Report of the Board of Public Works

Motion by Trustee LaPean, seconded by Trustee Liss, to approve Items 1-3 of the Report of the Board of Public Works as follows: 1. Approve Change Order No. 6 to Miron Construction, \$8,129; 2. Approve Change Order No. 1 to Payne and Dolan, \$1,800; 3. Approve Change Order 3 in the amount of \$4,861.33, as presented. Approved unanimously.

Approve the purchase of a 2011 58,000 GVW Tandem Axle Truck Chassis

Motion by Trustee Rieck, seconded by Trustee Liss, to approve the purchase of a 2011 58,000 GVW Tandem Axle Truck Chassis from Peterbilt Wisconsin – Waukesha, Pewaukee, WI, for a purchase price of \$96,040.00, as presented.

Mr. Murphy stated that current patrol truck is in need of being replaced. The plow is not visible from the driver's seat which is a safety concern. The proposed vehicle does provide adequate visibility of the plow attachment. Mr. Murphy informed the Board that the bid received is slightly higher than the budgeted amount. The total budgeted amount for the truck and plow is \$155,000. This purchase will leave about \$60,000 remaining for the additional purchase.

President Brunnuquell questioned Mr. Murphy what he anticipates the whole truck and plow coming in at. Mr. Murphy responded he anticipates it coming in at \$165,000. Due to possibly

exceeding the budgeted amount there will be an option to trade in the current vehicle to cover the difference of cost.

The motion to approve the purchase of a 2011 58,000 GVW Tandem Axle Truck Chassis from Peterbilt Wisconsin – Waukesha, Pewaukee, WI, for a purchase price of \$96,040.00 was approved unanimously.

Item 1 / Report of the Public Safety Committee

Motion by Trustee Liss, seconded by Trustee Harbeck, to accept a donation from Advanced Technology International, LLC, Milwaukee, WI, for rifles and accessories valued at \$12,135.55, as presented.

Chief Wenten stated this donation is coming from two Village residents John Chvala and Eric Pfleger, owners of Advanced Technology, International. The company sells rifles and accessories and wanted to support the community through this donation. They are donating two rifles and accessories. This is a very generous donation and we are very fortunate to be able to receive this.

President Brunquell questioned if this would impact any kind of training at the Police Department. Chief commented officers have already started taking the proper training courses on line.

The motion to approve Item 1 of the Report of the Public Safety Committee was approved unanimously.

Item 2 / Report of the Public Safety Committee

Motion by Trustee Grant, seconded by Trustee LaPean, to authorize the purchase of two 2011 marked squad cars from Schmit Bros., Saukville, WI for a total cost of \$43,637.28, with delivery and payment to be made after January 1, 2011, as presented. Approved unanimously.

Chief Wenten commented the purchase of the two squads came in under budget.

LICENSES

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

DEPARTMENT AND OFFICERS REPORTS

Director Murphy commented the Municipal Services Facility Open House was a great success and over 120 people attended. Mr. Murphy received a lot of positive comments regarding the facility.

REPORT OF BILLS

Motion by Trustee Liss, seconded by Trustee Harbeck, to approve the payment of Village expenditures in the amount of \$330,658.08, as presented. Approved unanimously.

OLD BUSINESS

None.

NEW BUSINESS

None.

CONVENE TO CLOSED SESSION

Motion by Trustee LaPean, seconded by Trustee Rieck, to convene to closed session at 6:36 p.m. pursuant to Wisconsin Statutes 19.85(1)(g) for and Litigation Matters (Grafton Direct Receivership action - Second Amendment to Development Agreement-Grafton Direct LLC). Approved unanimously by roll call vote.

During Closed Session, the Village Board discussed potential terms relating to the draft Second Amendment to the Grafton Direct Development and the pending receiver action on the Village Center property.

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

Motion by Trustee Grant, seconded by Trustee LaPean, to adjourn closed session and reconvene into the regular order of business at 6:47 p.m. Approved unanimously.

ACTION ON SECOND AMENDMENT TO DEVELOPMENT AGREEMENT – GRAFTON DIRECT, LLC

Motion by Trustee Grant, seconded by Trustee Rieck, to approve the Second amendment to Development Agreement – Grafton Direct, LLC contingent upon the sale of the property and Ozaukee County Circuit Court's approval of the sale, as presented. Approved unanimously.

ADJOURN

Motion by Trustee LaPean, seconded by Trustee Harbeck, to adjourn at 6:48 p.m. Approved unanimously.