

VILLAGE OF GRAFTON

VILLAGE BOARD MEETING MINUTES

NOVEMBER 15, 2010

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

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

Staff/Officials present: Village Administrator Darrell Hofland, Police Chief Charles Wenten, Finance Director Paul Styduhar, Utility Director Tom Krueger, Village Attorney Michael Herbrand, and Deputy Clerk Lisa Oppeneer

MINUTES

Motion by Trustee Grant, seconded by Trustee Rieck, to approve the 11-1-2010 Village Board meeting minutes and File the 10-26-2010 Plan Commission; 11-1-2010 Finance Committee; 11-3-2010 Community Development Authority; 11-8-2010 Public Arts Board; 11-8-2010 Public Information Meeting-Falls Road Project; and the 11-8-2010 Board of Public Works 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

Update on Fish Passage design by Ozaukee County

Andrew Struck, Ozaukee County, Dale Buser, Phil Caswell, and Chad Davison, Bonestroo were all present to provide an updated fish passage design. The updated plans will be submitted to the Wisconsin Department of Natural Resources (WDNR) this week. There is a thirty day public review and comment period. Pending the agency's review, Ozaukee County will then move forward with the bidding process for the project once all required permits are in hand.

President Brunnuquell opened discussion for questions and comments.

Bill Hass, 1226 Water Terrace, questioned when rebuilding the east abutment will the crest be kept tight and will a foundation wall be provided? Mr. Caswell stated the crest will remain the same and the auxiliary wall is being built for that purpose.

Bill Harbeck, 907 17th Avenue, questioned if supplemental data will be supplied to the Wisconsin Department of Natural Resources (WDNR). Mr. Davison stated the WDNR requires a risk management document, operational plan, and how the fish way is operated.

Mr. Harbeck questioned if these documents will be available to the public. Mr. Struck replied they will be available to the public. They will be the same documents that are submitted to the WNDR and Army Corp of Engineers.

Mr. Harbeck questioned if the design has any impact over the impoundment area. Mr. Davison stated it will not affect the impoundment elevation, normal flow will remain the same and five percent of the river will flow through the fish way.

Mr. Harbeck questioned the future design and possibly having structural issues. Mr. Caswell commented he has looked at the dam stability analysis and has a PE in this field and this will be no different than any other structure he designs.

Mr. Harbeck questioned what type of dredging will be completed in the river. Mr. Davison commented he has spoke with a few dewatering companies and most recommend to pump the water out.

Mr. Struck commented there will need to be bedrock excavation completed closer to the dam.

Mr. Harbeck questioned since the timber dam has been in place since the 1800's, will it need to be completely removed. Mr. Davison stated only what is going to be impacted by the construction will be removed. It is anticipated 35 feet of it on the end will need to be removed and the hope is to reuse it in some of the other construction areas. However, the condition of the structure will be unknown until the time of construction.

Mr. Harbeck questioned what is the current estimated cost of the project including permits, construction, design, and any other costs that be in occurred. Mr. Davison stated construction will cost approximately \$1.3 million.

Trustee LaPean questioned what the grant money is going to be used for. Mr. Struck stated the grant money will be applied towards permitting and engineering design. The construction costs are completely separate.

Ted Warwick, 1742 Falls Road, questioned if the fish are going to actually come up the fish passage and where is the information coming from that the fish passage will actually work. Mr. Buser stated he works with a group from Washington State and a group on the east coast which consists of about 15 people. The group has built many fish ways and works with the government on how to come up with the best structures possible for the fish to travel.

Mary Mulloy, 1110 Riverview Court, commented that every time there is a meeting regarding the Bridge Street Dam and Bonestroo is present, everything seems to change. She commented this has been occurring for over a year now. Mr. Buser commented that the only change since the May meeting is, instead of going around the abutment, the fish way will go through the dam so fish will be able to easily swim through. One part of the dam is going to be improved and the rest will remain the same.

Mrs. Mulloy questioned if all the redesigning and consulting with Bonestroo is costing the Village more money. Mr. Buser stated no additional costs are being incurred. There was a

set consulting fee set in the contract for the project and associated costs will not go beyond the contracted amount.

Ann Hollrith, 1511 JoDee Lane, questioned Bonestroo if they have constructed a fish ladder before and if so can she and others see it. Mr. Davison stated he has designed natural channels in the past. Mr. Buser commented this fish passage is unique; however, the design group has designed similar concepts. There is one located in the Mequon/Thiensville area but it is different than the one for the Bridge Street Dam.

Mr. Caswell stated he has worked on all sort of dams and hydraulic structures. However, most are unique in their own ways and we need to make sure all features are going to be successful for this fish passage.

Mrs. Mulloy commented she is bothered by this because there seems to be so many changes and she is uncomfortable that homework is not being done on the design.

Mr. Buser stated since the previous meeting many more bore holes have been done. We now have a good feeling and knowledge of what is on the bottom of the river floor. There were two issues with the west side of the river; one being the west side is very deep. The only major change since the May meeting is the horseshoe passage going around the abutment and moving the passage to the east side of the river which will be more cost effective.

President Brunquell opened the discussion to Village Board members.

Trustee LaPean questioned if the fish come up the fish ladder, will invasive species also be able to come up the ladder? Mr. Buser stated it is not guaranteed invasive species will not come up the fish passage; however, that is what the gates are for.

Trustee LaPean questioned once the invasive species get into the fish ladder won't chemicals be needed to treat the area and this will cost the Village more money. Mr. Buser stated the treatment would only be temporary and there is also a trap and sort option. It is currently possibly for Asian Carp to jump over the dam.

Trustee Meinecke questioned when the project goes out for bid will it be a firm fixed quote? Mr. Struck stated in a public bidding situation they itemize everything that will be needed for the project. They try to quote the most accurate price to complete the job. However, it may be necessary to complete change orders on items if there ends up being a price difference. If this were to happen both parties involved would need to approve the cost difference.

Trustee Harbeck questioned what the complete length of the passageway is? Mr. Davison stated it is 650 feet.

Trustee Harbeck commented, from what she understands, it is important for light to be able to penetrate into the fish passage. She questioned how much of the 650 feet will be without light? Mr. Davison stated 230 feet of the 650 feet will be underwater; there will be a 10x8 foot structure that will come out of the water to provide daylight.

Trustee Harbeck questioned if the sediment will need to be controlled so it doesn't go down stream? Mr. Davison stated the sediment has been tested and it is not contaminated.

Mr. Buser commented at the time of excavation the material will all be dry due to the dewatering.

Trustee Harbeck questioned if the Village is being charged for Bonestroo's time every time they come to a meeting? Mr. Struck responded no; there is a fixed cost contract between Ozaukee County and Bonestroo.

Trustee Grant commented when the Dam issue was brought to us we were informed that the dam was in need of extensive repair. Now we are being told that the structure does not need all the repairs. He questioned if the dam really require repair work. Mr. Struck commented it was being enforced due to the WDNR issuing a spillway capacity to meet the 500 year flood.

Trustee Grant commented he likes the idea of a fish passage but the Village cannot afford it, no matter who is paying for this; it is not a necessity.

Sue Hass, 1226 Water Terrace, questioned what exactly is being done with the concrete part of the dam and the crest going out 20 feet? Mr. Caswell stated that the buttress number 11 is staying.

Sue Hass, 1226 Water Terrace, questioned how it is sealed. Mr. Caswell stated a rubber type of material is used to encapsulate it to the concrete.

Mrs. Hollrith questioned if lights could be installed in the tunnel structure. Mr. Buser commented it would require a lot of maintenance especially when lights burn out and would cost the Village more money.

President Brunquell commented he appreciates all the comments and feedback and the Village Board will be taking action on this matter at the December 6 meeting.

Resolution No. 031, Series 2010, authorizing the issuance and sale of \$845,000 Taxable General Obligation Promissory Notes was offered by Trustee Rieck.

Motion by Trustee Grant, seconded by Trustee Harbeck, to adopt Resolution No. 031, Series 2010, as presented. Approved unanimously.

Todd Taves from Ehlers & Associates was present and gave an overview of the negotiated sale. The interest rate for the Taxable General Obligation Promissory Note is 3.69 percent.

Purchase of a 2011 Chevrolet Impala

Motion by Trustee Grant, seconded by Trustee LaPean, to approve the purchase of a 2011 Chevrolet Impala from Newman Chevrolet, Cedarburg, WI for a cost of \$18,305.00 with delivery after January 1, 2011, as presented. Approved unanimously.

Ordinance No. 022, Series 2010, Amending Title 9

Motion by Trustee Meinecke, seconded by Trustee Liss, to approve Ordinance No. 022, Series 2010, amending title 9 – to provide numerical conformity in police records, as presented.

Chief Wenten stated that Title 9 code language was amended in May of this year. Since that time, it has been found that the new code reference have made it difficult to track offenses using the citation software system. It is also difficult to retrieve certain records for statistics and proper record keeping. In addition, the previous changes have caused confusion for the Mid-Moraine Municipal Court. Chief Wenten stated that the proposed amendments to Title 9 will provide numerical conformity.

The motion to approve Ordinance No. 022, Series 2010, was approved unanimously.

Item 1 / Report of the Finance Committee

Motion by Trustee Liss, seconded by Trustee LaPean, to approve a 2 year contract with Houseman and Feind, LLP, Grafton, WI, for attorney services effective January 1, 2011, as presented. Approved unanimously.

President Brunnuell commented that Houseman & Feind do a fine job representing the Village.

Item 2 / Report of the Finance Committee

Motion by Trustee Liss, seconded by Trustee Harbeck, to table the approval of the Mandated Furlough Policy until after closed session, as presented. Approved unanimously.

Item 1 / Report of the Board of Public Works

Motion by Trustee Grant, seconded by Trustee Meinecke, to table the approval of a contract with Bonestroo, Inc., Mequon, WI, for professional engineering services focusing on the west abutment of the Bridge Street dam for an amount not to exceed \$25,600, as presented. Approved unanimously.

Item 2 / Report of the Board of Public Works

Motion by Trustee LaPean, seconded by Trustee Meinecke, to approve the UV Disinfection Project Engineering Services Agreement with Donohue & Associates, Inc., Sheboygan, WI, for a not to exceed cost of \$94,800, as presented.

Utility Director Tom Krueger informed the Board that this is a 2011 budgeted project and he anticipates having the system up and running before the disinfection season in 2012. Director Krueger stated that three different systems were extensively reviewed prior to selection.

Trustee Grant questioned if this system is in place of the chlorination system. Mr. Krueger stated this will be replacing the gas chlorination system.

The motion to approve Item 2 of the Report of the Board of Public Works was approved unanimously.

LICENSES

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

Motion by Trustee Grant, seconded by Trustee Rieck, to approve the change of agent / Erin M. Baker - H. F. Gruehn Enterprises, LLC – d.b.a. Scooters Place – 1412 Wisconsin Avenue, as presented. Approved unanimously.

Trustee Grant questioned if Mr. Gruehn will be tending bar at the establishment. Chief Wenten responded yes, and the new agent is Mr. Gruehn's daughter.

DEPARTMENT AND OFFICERS REPORTS

Administrator Hofland distributed a tax break down for the 2010 tax year. Recently, the Village received a final equalized to assessment ratio from the Department of Revenue. The final Village assessed tax rate is \$6.441 for an increase of 1.03 percent.

All government entities have approved their budgets and a new tax rate for the 2010 tax year has been set. The 2010 taxes are nine cents below from last year. Village residents in the Cedarburg School District will see a ten cent increase for 2010.

REPORT OF BILLS

Motion by Trustee Grant, seconded by Trustee LaPean, to approve the payment of Village expenditures in the amount of \$841,332.21, as presented.

Trustee Harbeck questioned the purchase made at Lincoln Contractors for \$8.99. Finance Director Styduhar stated it was a Department of Public Works employee's purchase towards their clothing allowance.

The motion to approve the payment of Village expenditures was approved unanimously.

OLD BUSINESS

None.

NEW BUSINESS

None.

CONVENE TO CLOSED SESSION

Motion by Trustee LaPean, seconded by Trustee Liss, to convene to closed session at 7:30 p.m., pursuant to Wisconsin Statutes 19.85(1)(c) for Personnel related matters (Union negotiations with LAW-Police Officers, Teamsters, AFSCME, and LAW-Telecommunicators for 2011), and 19.85(1)(g) for litigation related matters (Stone Pine Pre-annexation Agreement). Approved unanimously by a roll call vote.

During the Closed Session, the Village Board discussed negotiation strategies for 2011 union contracts and litigation strategies relating to the Stone Pine pre-annexation agreement provision for financial responsibility of Falls Road.

RECONVE TO OPEN SESSION AND THE REGULAR OFDER OF BUSINESS

Motion by Trustee LaPean, seconded by Trustee Grant, to adjourn closed session and reconvene into the regular order of business at 8:10 p.m.
Approved unanimously.

MANDATED FURLOUGH POLICY

Motion by Trustee LaPean, seconded by Trustee Liss, to approve the furlough policy as amended. Approved unanimously.

ADJOURN

Motion by Trustee LaPean, seconded by Trustee Rieck, to adjourn at 8:11 p.m.
Approved unanimously.