

**VILLAGE OF GRAFTON**  
**VILLAGE BOARD MEETING AGENDA**

**DECEMBER 6, 2010**

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

Board members present: Jim Grant, Richard Rieck, Sue Meinecke, Dave Liss, Lisa Uribe Harbeck and Jim Brunnuquell.

Absent: Ron LaPeau

Staff/Officials present: Village Administrator Darrell Hofland, Village Clerk Teri Dylak, Finance Director Paul Styduhar, Director of Public Works/Village Engineer Dave Murphy, Police Chief Charles Wenten

**MINUTES**

Motion by Trustee Grant, seconded by Trustee Liss, to approve the 11-15-2010 Village Board meeting minutes, as corrected, and file the 11-11-2010 Architectural Review Board meeting minutes, as presented. Approved unanimously

**PERSONS REQUESTING TO BE HEARD**

Village resident and Grafton Police Officer Thomas Meiller, 809 Sixth Avenue, read a prepared statement regarding proposed furlough days and layoffs for Grafton Police Officers. ([Copy attached](#))

**BUSINESS PRESENTED BY THE PRESIDENT**

Village President Brunnuquell presented a Resolution commending Department of Public Works employee Jack Knetter for his heroic actions on November 5, 2010. Mr. Knetter is credited with saving the life of a resident who had suffered a heart attack and was lying unconscious in his yard.

Jack Knetter thanked the Village Board for the commendation and thanked residents Joel and Bethany Dykstra, neighbors of the resident, who were first on the scene for their assistance. Mr. Knetter also commended the Grafton Police Department Officers who responded to the call, Dispatcher Clarissa Allen, Public Works employees Jerry Kapp and Gary Helm, as well as Grafton and Thiensville Rescue Squad personnel for their prompt responses to the emergency situation.

Resolution No. 032, Series 2010 commending Department of Public Works employee Jack Knetter was offered by Trustee Grant.

Motion by Trustee Meinecke, seconded by Trustee Liss, to adopt Resolution No. 032, Series 2010, as presented. Approved unanimously.

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

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

### Fees for tax bill requests

Finance Director Paul Styduhar indicated that each year, the Village receives 3000-4000 requests for tax bill information from mortgage providers creating a considerable burden on staff.

Director Paul Styduhar informed the Board that beginning in 2010, the Village will provide property tax bill information on-line. The on-line availability of this information will benefit residents, businesses, and mortgage companies. With the placement of the tax information on-line, Mr. Styduhar is recommending a charge for multiple tax information requests of \$1.00 per parcel. The City of Port Washington charges \$0.50 per parcel request and the City of Cedarburg charges \$2.50 per parcel request.

Motion by Trustee Rieck, seconded by Trustee Grant, to authorize a charge for multiple tax information requests of \$1.00 per parcel. Approved unanimously.

### Consideration of Fish Passage design by Ozaukee County

Andrew Struck, Ozaukee County Planning and Parks, was present to provide an update on the Milwaukee River fish passage project. Mr. Struck indicated that project design is approximately 60 percent complete and they are preparing the final documents for submittal of the project to the appropriate approval agencies.

Trustee Meinecke questioned the project cost and the amount of contingency funds being included for the project. She referred to a November 22, 2010 construction cost estimate which shows a 5 percent contingency amount.

Mr. Struck responded that the total project cost is \$1.3 million. The 5 percent contingency amount is for the engineering component of the project and does not include the construction contingency funds.

Trustee Grant expressed concern with the fish passage project. He commented that the Village was led to believe that the Bridge Street Dam was a hazard and could fail. The need for repair or removal of the structure has now led to the fish passage project.

Director of Public Works Dave Murphy responded that the dam was never at a point of failing. Unfortunately, the structure does not comply with the capacity requirements of NR333 and upgrades are required.

Trustee Grant commented that the funds for the fish passage are stimulus funds and he cannot support the project. He is also concerned that we are creating a “breeding ground” for invasive species. He stated that the magnitude of the project is out of control and we are just providing work for the engineers, contractors and Ozaukee County. The so called “shovel ready” project is nonexistent.

President Brunquell opened the discussion to the audience.

Bill Harbeck, 907 17th Avenue, questioned if any additional information on the costs, is available other than what was provided in the Village Board information packet. Mr. Struck stated that Ozaukee County does not generally publish draft figures because they continually change. The final plans will outline in detail each component of the project. The Village will be provided with a complete set of the final plans when they are available.

Mr. Harbeck questioned if the \$15,000 anticipated expense for the auxiliary spillway was to make the east abutment NR333 compliant. Mr. Struck responded that this item will be an add-on alternate bid to address NR333 requirements. At this time, we do not know for sure that the DNR will agree that it meets all of the requirements.

Director Murphy stated that this is a secondary component to the fish way project and the Village will be liable for all costs.

Mr. Harbeck questioned if there will be any additional costs associated with the excavation work for the placement of fish way. Mr. Struck indicated that dredging costs are included in the project zone. The sediment will be disposed of by Ozaukee County and they do not anticipate any disposal costs because there is no contamination in the sediment.

Dale Buser, Bonestroo, added that some of sediment will be reused over the box culvert and along the shoreline as part of construction process.

Mr. Harbeck also questioned if all of the stop gates for invasive species control are included in the bid. Mr. Struck responded yes.

Mary Mulloy, 1110 Riverview Court, expressed her concern regarding the way information has been presented for this project. She stated that the project scope seems to change on a regular basis. She also questioned if removing approximately 20 feet of the dam structure will cause the dam to collapse and require complete removal of the structure.

Mr. Struck responded that the structural engineers have reviewed the project and are confident that the structure can support the removal of a portion of the dam because of the way the dam is constructed. This has been done on other similar structures with great results. The structural engineers are confident this can be completed safely. It is the responsibility of the Professional Engineers to sign off on the project.

Director Murphy commented that when a Professional Structural Engineer places their “stamp” on a set of plans they are saying that the plans have been reviewed and are structurally sound. They also carry insurance. The removal of a small section of the dam will provide for a straighter route through the dam and the fish way will actually become a part of the dam structure and be tied to the bedrock below the structure.

Mr. Struck stated that the current design is very similar to first design that was presented.

Bill Hass, 1226 Water Terrace, questioned if the project bids come in over budget will Ozaukee County attempt to obtain additional funds from NOAA. Mr. Struck stated that the budget is set and NOAA will only provide that amount of funding. If the bids are too high, it may be necessary to re-bid the project. Mr. Struck commented that he is confident that, based on the current level of completion and cost estimates, the project will come in around the budgeted amount.

Trustee Grant questioned what will happen if the dam collapses during construction. He asked if the structure would be rebuilt and if so, who would be responsible for the associated costs?

Director Murphy responded that responsibility for the collapse would need to be determined and then costs allocated accordingly.

Village Attorney Michael Herbrand commented that it would likely depend on what occurred to cause the collapse. Ozaukee County is the lead agency for this project. They are required to have errors and omission insurance as well as the contractor doing the work.

Town of Grafton resident Rex Borgenhagen asked if the Village or Ozaukee County can guarantee that the dam will not fail in 5 years if a 500 year storm event occurs. Mr. Murphy responded that dam failure depends on a lot of factors. He stated that the large storm we experienced in June was a 50 year storm event.

Erin Ede, 1985 Port Washington Road, Town of Grafton, commented that Trustee Grant is concerned with the use of stimulus money for projects yet the removal of the Lime Kiln Dam is part of the funding. She stated that because of the “Save the Dam” group “shoved through” a referendum, this project is going to cost the residents of the Village of Grafton money.

Erin Blum, 1108 Sunset Court, questioned if anyone present has canoed the river and seen the river up close. The up-stream gravel bottom is the breeding ground for many fish. She commented that the sea lamprey is an eel that attaches to fish as they move up-stream. She questioned who will be responsible for paying for pesticides that may be needed to deal with this invasive species. She also questioned who will pay if the dam fails.

Trustee Grant disagreed with Ms. Ede. He stated that if the Village and Ozaukee County were not offered stimulus money, this discussion would not be occurring. The Bridge Street Dam would remain as it is currently. Our grandchildren and great grandchildren will be paying for this project in the future.

Mr. Harbeck responded that the "Save the Dam" group did not "shove through" a referendum. The voters of the Village decided to save the dam based on the information provided by the group. Mr. Harbeck also stated that meeting the requirements of NR333 was the driving force. These costs are minimal (\$15,000 for the east abutment and approximately \$25,000 for the west abutment).

President Brunquell indicated that this project started two years ago when the Board asked Director Murphy to research grant opportunities for the removal of the Lime Kiln Dam and the construction of a fish way. Originally, the Village was offered a grant from US Fish and Wildlife which would have required a 75/25 split of the associated costs. During that time, Ozaukee County received a NOAA grant for work in the Milwaukee River. It was found that the Grafton projects could be added to the NOAA grant and the Village Board elected to proceed with that option, which is the most economical option. Following the binding referendum requirement to save the dam, it was decided to address the NR333 requirement at the same time as the fish passage construction rather than wait 10 years. The costs are likely to be considerably less at this time if we wait until 2020.

He commented that there has been a lot of great input from the Board members, Staff and residents on this project. We hope that what is being done now on the dam will have long-term positive results.

Motion by Trustee Rieck, seconded by Trustee Liss, to approve the fish passage design by Ozaukee County. Approved 5-1 (J. Grant-nay).

#### Report of the Board of Public Works

Motion Trustee Rieck, seconded by Trustee Meinecke, to approve the Report of the Board of Public Works, as follows: 1. Approve 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.

Director Murphy indicated that when Collins Engineering inspected the dam this summer it was found that the weir showed no structural problems, however the abutments were out of compliance. Unfortunately, it was found that the Collins Engineering inspection did not satisfy all of the requirements of the DNR. The Bonestroo proposal includes the completion of the other items listed in the inspection report. Their proposal includes review of the west masonry wall for repair and or replacement and options to reduce the flooding of the riverwalk. As owner of the dam, the Village is responsible to make the necessary repairs to the west abutment.

Mr. Hass commented that this item was tabled at the last Village Board meeting because the ownership of the millrace was in question. He asked if that issue had been resolved. Village Attorney Herbrand responded no; however, the motion can be amended to include a notation regarding ownership of the millrace.

President Brunquell questioned if the process can proceed with this notation. Director Murphy responded that the final design will not be dictated by ownership of the raceway. If it is found that the Village is not the owner, then negotiations would occur with the property owner(s).

Trustee Rieck and Trustee Meinecke agreed to amend their motion to approve the contract with Bonestroo subject to a final determination of ownership of raceway.

It was noted that the costs associated with the dam repair will be paid by TID No. 3.

Director Murphy clarified that Bonestroo is not designing the west abutment as part of the proposed contract, but will be providing options for the structure repair to meet NR333 requirements. Once an option is decided upon, it will be designed and submitted to the DNR for compliance review.

There was a brief discussion on the components of the Bonestroo proposal. The DNR is requiring the structure be capable of providing adequate spillway capacity to pass adequate flood flow, as required by NR333. In order to meet that requirement, the west abutment must be addressed.

Mr. Harbeck questioned if the lower cost proposal recommended by Mr. Hass is viable for this project.

Mr. Buser explained that the current design does not include the west abutment which is referenced in the proposal suggested by Mr. Hass.

Trustee Harbeck commented that the gate designed for east side would have met requirements.

Mr. Murphy stated that the gate was eliminated due to sediment problems. Mr. Buser also indicated that there was concerns regarding keeping the construction area dry.

The amended motion to approve 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, subject to a final determination of ownership of raceway was approved unanimously.

## **LICENSES**

Motion by Trustee Liss, seconded by Trustee Rieck, to approve the issuance of an Operator's license to Angela D. Jensen-Charcoal Grill & Rotisserie, as presented. Approved unanimously.

## **DEPARTMENT AND OFFICERS REPORTS**

Director Murphy informed the Board that the raceway is open and the culverts have been removed as part of the Lime Kiln Dam removal project. Rubble is also being excavated from the site.

Trustee Harbeck questioned if the area will be seeded. Director Murphy responded that seed was spread on the mud flats for spring germination. This is a common practice with late-year projects. Additional seed will be spread in the spring as needed.

## **REPORT OF BILLS**

Motion by Trustee Meinecke, seconded by Trustee Harbeck, to approve the payment of Village expenditures in the amount of \$187,955.33, as presented. Approved unanimously.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

None.

## **CONVENE TO CLOSED SESSION**

Motion by Trustee Harbeck, seconded by Trustee Grant, to convene to closed session, at 7:04 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. Approved unanimously by roll call vote.

A closed session of approximately 45 minutes was held. During Closed Session, the Village Board discussed negotiation strategies associated with the all four Village unions.

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

Motion by Trustee Grant, seconded by Trustee Rieck to adjourn Closed Session and reconvene into the regular order of business at 7:38 p.m. Approved unanimously by roll call vote.

## **RESOLUTION APPROVING THE 2011 - 2012 TEAMSTERS LOCAL 200 EMPLOYMENT CONTRACT**

Resolution No. 033, Series 2010, approving the 2011-2012 Teamsters Local 200 employment contract was offered by Trustee Liss,

Village Administrator Hofland outlined the following key changes to the 2011-2012 Teamster Local 200 contract: 0 percent pay increase for 2011, 2 percent pay increase at midnight, December 31, 2011, 1 percent pay increase on July 1, 2012, and 1 percent pay increase at midnight, December 31, 2012, and a no furlough/no layoff guarantee for calendar year 2011.

Motion by Trustee Meinecke, seconded by Trustee Rieck to adopt Resolution No. 033, Series 2010, approving the 2011-2012 Teamster Local 200 employment contract. Approved unanimously.

**RESOLUTION APPROVING FURLOUGH DAYS FOR LOCAL 108 OF WISCONSIN COUNCIL 40, AFSCME, AFL-CIO AND GRAFTON POLICE OFFICERS ASSOCIATION – LOCAL NO. 305**

Resolution No. 034, Series 2010, authorizing the Village Administrator to implement furlough days for Local 108 of Wisconsin Council 40, AFSCME, AFL-CIO and Grafton Police Officers Association – Local No. 305, was offered by Trustee Grant,

Village Administrator Hofland identified that the approved 2011 budget included no funding for any pay increases for Village employees.

Village President Brunquell said that the action to be taken by the Village Board does not reflect on the quality of the work performed by the affected employees. The employees are held in the highest regard.

Motion by Trustee Liss, seconded by Trustee Harbeck, to adopt Resolution No. 034, Series 2010, authorizing the Village Administrator to implement furlough days for Local 108 of Wisconsin Council 40, AFSCME, AFL-CIO and Grafton Police Officers Association – Local No. 305 employees. Approved unanimously.

**ADJOURN**

Motion by Trustee Grant, seconded by Trustee Meinecke, to adjourn at 7:48 p.m. Approved unanimously.