

## VILLAGE OF GRAFTON

### VILLAGE BOARD MEETING MINUTES

**JANUARY 19, 2009**

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

Village Board members present: Jim Grant, Ron LaPean, Richard Rieck, Sue Meinecke, Dave Liss, Scott Volkert, Jim Brunnuquell

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

#### **MINUTES**

Motion by Trustee Rieck, seconded by Trustee Liss, to approve the 1-5-2009 Village Board meeting minutes and File the 7-30-08 Historic Preservation Commission; 12-17-2008 Joint Board of Public Works / Community Activities Commission; 12-17-2008 Sustainable Ad-Hoc Committee; 12-23-2008 Plan Commission; 1-7-2009 Community Development Authority; 1-8-2008 Architectural Review Board; 1-12-2009 Board of Public Works; 1-12-2009 Joint Library Board and the 1-13-2009 Public Safety Committee meeting minutes, as presented. Approved unanimously.

#### **PERSONS REQUESTING TO BE HEARD**

None.

#### **BUSINESS PRESENTED BY THE PRESIDENT**

Presentation of an Award for Outstanding Achievement in Popular Annual Financial Reporting (PAFR) for the fiscal year ending December 31, 2007 from the Government Finance Officers Association

President Brunnuquell stated this is the Village of Grafton's second year receiving this prestigious award. He commended Administrative Assistant Rachel Reiss, Village Administrator Darrell Hofland and Finance Director Paul Styduhar for their role in the preparation of the user friendly pamphlet. President Brunnuquell also congratulated all Village staff for the information provided in the pamphlet.

Administrator Hofland stated the Village of Grafton was the first municipality in Wisconsin to apply for and receive this PAFR award in 2007. We have now received two consecutive awards. Mr. Hofland also indicated that Village staff has received requests for copies of the pamphlet from other communities in Wisconsin. The Village

of Howard was one of the communities that requested a copy of the Village of Grafton's PAFR and received an award this year.

Appointment of Matthew Chalmers to Board of Review expiring 2010

Motion by Trustee Grant, seconded by Trustee Meinecke, to appoint Matthew Chalmers to the Board of Review committee expiring 2010, as presented. Approved unanimously.

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

**RESOLUTIONS/ORDINANCES/ACTION ITEMS**

2009 "Fire Protection and Ambulance Services Agreement" with the Grafton Volunteer Fire Department, Inc

Motion by Trustee Grant, seconded by Trustee LaPean, to accept the 2009 "Fire Protection and Ambulance Services Agreement" with the Grafton Volunteer Fire Department, Inc, as presented. Approved unanimously.

Resolution No. 005, Series 2009, confirming the Grafton Volunteer Fire Department Officers and Board of Directors was offered by Trustee Liss.

Motion by Trustee Rieck, seconded by Trustee Grant, to adopt Resolution No. 005, Series 2009, as presented. Approved unanimously.

Item 1 – Report of the Plan Commission  
Rezoning of Property – 971 Badger Circle

Motion by Trustee Meinecke, seconded by Trustee LaPean, to approve Ordinance No. 001, Series 2009, rezoning the property at 971 Badger Circle from I Institutional to PUD Planned Unit Development for the construction of a secondary parking lot and storm water pond for the Aurora Medical Center project contingent upon the concessions and signage that will need to go to the Plan Commission, as presented

Village Administrator Darrell Hofland distributed a letter, signed by Mr. Jim Kacmarcik, President of Kapco, Inc. and Mr. Thomas Multerer, President of MPC Corporate Holdings, expressing concerns regarding the proposed rezoning of the properties at 960 Badger Circle and 971 Badger Circle.

Mr. Hofland indicated that action on this item was tabled at the January 5, 2009, Village Board meeting to provide additional time for the adjacent property owners to discuss this matter with Aurora representatives. Mr. Hofland indicated that the zoning application has been modified since the original submittal. He informed the Board that Aurora has withdrawn the rezoning petition for the property located at 960 Badger Circle

(Dinesen property) (A copy of the withdrawal request is attached to these minutes for reference). In addition, the applicant has agreed to complete a traffic study.

The Plan Commission conditions of approval were briefly reviewed. Mr. Hofland indicated that Aurora has stated that the Badger Circle ingress/egress point will be for employees only. They have also agreed to the installation of a "gate" at this location.

Bob Bearlund, Hammes Company, reviewed the parking lot layout. He indicated that the lot will include approximately 175 parking stalls with 44 stalls designated for future use. As indicated earlier, the parking lot will be for employee parking only. This parking lot will assist in taking some of the traffic off of Port Washington Road. It is unlikely that patrons of the hospital would want to use this parking lot because of its distance to the main hospital building.

Trustee LaPean questioned if this ingress/egress location could be utilized by students going to and from the Grafton High School. Mr. Bearlund responded that it is unlikely; however, it could be a possibility based upon the location of the lot to the school facility.

Trustee Liss commented that traffic will still have to eventually get on Highway 60 or Port Washington Road if they go through the parking lot.

Trustee Grant stated that it is likely that traffic may backup at the gate if the gate is to remain closed a half hour or an hour during shift change. Trustee Meinecke commented that the installation of a gate for this development will be costly.

Mr. Bearlund commented that Aurora would rather not install the gate; however, it is being considered to accommodate the traffic concerns of the adjacent property owners.

A study analysis was completed on the property as if it were industrial; the estimated number of cars that would be accessing this entrance is about 800, compared to Aurora that wants to use a parking lot of about 220 spaces.

Neil Dinesen, owner of the property at 960 Badger Circle, was present.

Mr. Bearlund stated that as part of Aurora's willingness to cooperate with the property owners, the rezoning of the property at 960 Badger Circle by Aurora has been withdrawn. The current zoning will remain until such time as a development proposal is available for this site.

President Brunnquell thanked Aurora for their willingness to work with the adjacent property owners. When a development proposal is brought forward, the adjacent property owners will be notified and involved in the process.

President Brunnquell indicated that the issue is whether or not it is necessary to require the installation of a gate at this access point and if so, whether or not the gate will remain up or down.

Director of Planning and Development Michael Rambousek stated that staff has discussed and reached an agreement on the signage. The signage will be approximately six feet tall, all brick with a capped top, less than a thirty foot sign area, will read "Aurora Medical Center", and will match the other Aurora signage. This item will need to go back to Plan Commission along with the employee entrance only sign.

Trustee LaPean questioned if there are only the two entrances to the hospital. Mr. Bearlund responded that there will be entrances off of Port Washington Road and Highway 60.

Trustee Rieck commented regarding the traffic study that was completed, stating that 800 cars does sound like a lot, but if the property were to be industrial, it would not be asked for that factory or others in that area to install a gate for their companies' entrances.

Trustee LaPean commented that he thinks the Village should work with Kapco and not against them and thinks that the gate should be installed.

Trustee Meinecke questioned why there is so much discussion regarding the gate, when the item for action is the rezoning.

Village Attorney Michael Herbrand responded that the Village Board can approve the rezoning with contingencies, such as the installation of the gate.

President Brunnuell stated Aurora Health Care has been very accommodating to the surrounding business owners concerns. The gate will not be detrimental to the hospital, it will be an asset.

Attorney Herbrand stated that all the parties involved in this matter should put everything in writing, including all contingencies, and the traffic study to be completed six months after the hospital opens.

President Brunnuell agreed.

Trustee Grant questioned if emergency vehicles need to have access at the gated entrance and questioned what would happen if the gate is down. Mr. Bearlund commented there should be enough room for the vehicle to get through; otherwise they might need to go over the curb or through the gate.

Trustee Grant stated coming from a safety stand point the emergency vehicles are expensive and going through the gate or over the curbs are just not good for the vehicles.

Chief Wenten stated his main concern is if the gate is down, how would the Police Department be able to come in and make rounds

Mr. Bearlund agreed having the Police Department come through the parking lots and make rounds is a good idea. As far as the emergency vehicles they could be hooked up to the hospitals security system when entering through the gate. However, this should not be a designated entrance for emergency vehicles.

Trustee Liss questioned if there will be a traffic study completed six months after the hospital opens. President Brunnuell stated yes, there will be.

After lengthy discussion, it was the consensus of the Village Board to include a contingency for site plan approval for the installation of a gate and the site signage by the Plan Commission.

The motion to approve Ordinance No. 001, Series 2009, subject to contingencies, was approved unanimously.

#### Item 2 / Report of the Plan Commission

##### Annexation of property

Motion by Trustee Rieck, seconded by Trustee Volkert, to approve Ordinance No. 002, Series 2009, annexing 40 acres of land on Lakefield Road, Tax ID Number 06-030-15-000.00 from the Town of Grafton to the Village of Grafton and to rezone the property upon annexation to A-3 Agricultural Holding District, as presented. Approved unanimously.

#### Items 1-6 / Report of the Board of Public Works

Motion by Trustee LaPean, seconded by Trustee Liss to approve items 1-6 of the Report of the Board of Public Works, as follow: 1. Set the following 2009 fees: Interceptor Connection Fee Cap (per acre) - \$2,830.00, 8" Equivalent Sanitary Sewer Fee (per foot) - \$71.45, 8" Equivalent Water Main Charge (per foot) - \$58.67, Road Construction - \$176.00, I-43 Lift Station - \$1,632.65, I-43 Sewer & Water Crossing – Water main/per acre - \$357.12, and I-43 Sewer & Water Crossing- Sanitary sewer/per acre - \$447.70; 2. Vacate easement number 200795 Vol. 22 Page 45, located at 1300 Hickory Street, and request the Village Attorney to draft the necessary paper work for recording the vacation; 3. Authorize enlarging the existing storm water pond north of the Family Aquatic Center in Meadowbrook Park; 4. Ordinance No. 003, Series 2009, creating Chapter 12.20 / Equivalent Residential Connection fee, updating and codifying the ERC program; 5. Accept the bid of \$25,970 from Kelbe Bros. Equipment Co., Inc. – Milwaukee, WI, for the purchase of a new 2009 model L190 New Holland skid steer loader including trade-in of the Caterpillar model 416 loader backhoe; 6. Authorize the Village Administrator to recruit and fill the position of Utility Clerk I, as presented. Approved unanimously.

#### Report of the Public Safety Committee

Resolution No. 006, Series 2009, approving the Hazard Mitigation Plan with Ozaukee County, was offered by Trustee Liss.

Motion by Trustee Meinecke, seconded by Trustee Grant, to adopt Resolution No. 006, Series 2009, as presented.

Chief Wenten commented that the Hazard Mitigation Plan from the Ozaukee County Emergency Government is very descriptive and identifies a variety of potential disasters and strategies and how to address them.

President Brunquell questioned if this will be part of the Emergency Management Committee and will it be presented there.

Chief Wenten responded yes, and stated that Bob Sehmer has seen the document. He also commented that the National Incident Management System (NIMS) training was part of this plan and the training was very informational.

The motion to adopt Resolution No. 006, Series 2009, was approved unanimously.

#### Item 2 / Report of the Public Safety Committee

Motion by Trustee Grant, seconded by Trustee Meinecke, to accept a donation from the Cedarburg Fire Department in the amount of \$100.00, as presented. Approved unanimously.

#### **LICENSES**

Motion by Trustee Rieck, seconded by Trustee Liss, to approve the issuance of an Operators License to Tina M. Ames, Grafton Citgo Supersales, as presented. Approved unanimously.

Motion by Trustee LaPean, seconded by Trustee Meinecke, to deny the issuance of an Operators License to Dawn Mohr, as presented. Approved unanimously.

Motion by Trustee Liss, seconded by Trustee Volkert, to approve the issuance of a Special Picnic License to St. Joseph Congregation Family Fun Night, February 13, 2009, 1619 Washington Street, as presented. Approved unanimously.

Motion by Trustee Volkert, seconded by Trustee Meinecke, to approve the issuance of a Special Picnic License to Grafton Blue's Association, Kris Raymond-agent, January 24, 2009, Black Swan Banquet Hall, as presented. Approved unanimously.

Administrator Hofland commented this is an event-by-event license, not permanent.

## **DEPARTMENT AND OFFICERS REPORTS**

None

## **REPORT OF BILLS**

Motion by Trustee Meinecke, seconded by Trustee Liss, to approve the payment of Village Expenditures in the amount of \$364,945.70, as presented. Approved unanimously.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

None

## **CONVENE TO CLOSED SESSION**

Motion by Trustee Liss, seconded by Trustee LaPean, to Convene to Closed Session at 6:40 p.m., Pursuant to WI Statutes 19.85(1)(e) for Real Estate and Competitive Bargaining matters (Village Center Loan Agreement / Grafton Little League Land Lease Terms). Approved unanimously by roll call vote.

The Village Board discussed negotiation strategies associated with the terms of a long term lease with the Grafton Little League for use of the 40 acre parcel owned by the Village for Grafton and strategies associated with the repayment of a loan by Direct Development for the Village Center project.

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

Motion by Trustee Grant, seconded by Trustee LaPean, to reconvene to open session and the regular order of business, at 7:15 p.m. Approved unanimously by roll call vote.

## **ADJOURN**

Motion by Trustee Grant, seconded by Trustee Volkert, to adjourn at 7:15 p.m. Approved unanimously.