

VILLAGE OF GRAFTON

VILLAGE BOARD MEETING MINUTES

SEPTEMBER 19, 2011

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

Board members present: Jim Grant, Dave Antoine, Richard Rieck, Sue Meinecke, David Liss, Lisa Uribe-Harbeck

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

MINUTES

Motion by Trustee Harbeck, seconded by Trustee Liss, to approve the 9-6-2011 Village Board meeting minutes and File the 9-6-2011 Finance Committee; 9-7-2011 Community Development Authority; 9-12-2011 Board of Public Works; and the 9-13-2011 Public Safety Committee meeting minutes, as presented.

Trustee Antoine identified a change to page 5 of the Village Board minutes and requested that the date of the Public Safety Committee meeting be changed to reflect the correct meeting date.

The motion to approve and file the minutes was approved unanimously.

PERSONS REQUESTING TO BE HEARD

Sue Hass, 1226 Water Terrace, identified that she has some feedback on the Grill 'n Grafton event. President Brunnquell informed Mrs. Hass that her comments or concerns should be provided to Celebrate Grafton, the group that held the event.

BUSINESS PRESENTED BY THE PRESIDENT

Doggy Paddle Day donation to Wisconsin Humane Society - Ozaukee Campus
Village President Jim Brunnquell presented a check, in the amount of \$335.00, to Cherisse LeJeune, Wisconsin Humane Society-Ozaukee Campus. The funds were from the annual dog swim day at the Grafton Family Aquatic Center.

Ms. LeJeune indicated that the funds would be used at the local campus.

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

RESOLUTIONS/ORDINANCES/ACTION ITEMS

CONSIDERATION OF DNR FISHWAY PERMIT WITH TRAP AND SORT FACILITY CONDITIONS

President Brunnuell identified that the Resolution before the Board states that the Village of Grafton does not support acceptance of the DNR fishway permit with the trap and sort facility condition.

Resolution No. 018, Series 2011 / Denying acceptance of the Chapter 31 Dam Modification Permit from the Wisconsin Department of Natural Resources to Construct a Fish Passage within the Bridge Street Dam was offered by Trustee Grant.

Motion by Trustee Liss, seconded by Trustee Meinecke to adopt Resolution No. 018, Series 2011, as presented.

President Brunnuell stated that there has been considerable discussion on this project by both the Board of Public Works and the Village Board. The consensus of these groups is that the conditions being placed on the Chapter 31 permit approval by the DNR are not in the best interest of the Village.

Cheryl Nenn, Milwaukee Riverkeeper, Milwaukee, WI, was present. Ms. Nenn commented that the Milwaukee Riverkeeper group is disappointed by the restrictions being placed on the Village for the issuance of the Chapter 31 permit. She recommended that the Village of Grafton consider a judicial review of the permit restrictions and request a case hearing

Ms. Nenn also stated that the installation of the fish passage is important to provide passage of the fish population in the Milwaukee River to their spawning habitat. She stated that the DNR is concerned with invasive species moving throughout the area; however, no invasive species have been found in this area of the Milwaukee River.

Ms. Nenn again asked the Village Board to request a review hearing on this matter.

Ryan McCone, 1711 Audubon Avenue, questioned if the Village has asked the DNR to remove the conditions of approval of the Chapter 31 permit. Director of Public/Village Engineer Dave Murphy responded that the original letter sent to the DNR identified the Village's lack of support for the trap and sort facility.

The motion to adopt Resolution No. 018, Series 2011 was approved unanimously.

CONSIDERATION OF AN APPEAL OF DNR FISHWAY PERMIT

Motion by Trustee Grant, seconded by Trustee Meinecke, not appeal the Chapter 31 DNR Fishway permit conditions.

Jerry Kiesow, 1690 Dellwood Court, questioned if there is a design for the abutments without the fish passage. President Brunnuell stated that the project will need to be

designed. It is the Village's intent to do this project in the most economical way possible to meet the requirement of NR333.

The motion not to proceed with an appeal of the DNR Chapter 31 Fishway permit conditions was approved unanimously.

ACTION TO RESCIND ORDINANCE NO. 022, SERIES 2011 – ANNEXATION OF 2.58 ACRES PROPERTY FROM THE TOWN OF GRAFTON AS PETITIONED BY JANICE ALEXANDER

Motion Trustee Liss, seconded by Trustee Rieck, to rescind Ordinance No. 022, Series 2011, which approved the annexation of 2.58 acres of land from the Town of Grafton to the Village of Grafton, as petitioned by Janice Alexander, due to an error in the properties identified in the ordinance. Approved unanimously.

ACTION TO RESCIND ORDINANCE NO. 023, SERIES 2011 – REZONING 1.68 ACRES, OWNED BY JANICE ALEXANDER FROM A-3 TO PUD-COMMERCIAL ZONING DISTRICT

Motion by Trustee Grant, seconded by Trustee Antoine, to rescind Ordinance No. 023, Series 2011, which approved the rezoning of 1.68 acres of land, owned by Janice Alexander from A-3 to PUD-Commercial zoning district, due to an error in the tax key number identified in the ordinance. Approved unanimously.

ORDINANCE APPROVING THE ANNEXATION OF 2.58 ACRES FROM THE TOWN OF GRAFTON TO THE VILLAGE OF GRAFTON AS PETITIONED BY JANICE ALEXANDER AND DESIGNATE AREA IN THE A-3 AGRICULTURAL HOLDING DISTRICT

Motion by Trustee Rieck, seconded by Trustee Harbeck, to approve Ordinance No. 024, Series 2011 approving the annexation of 2.58 acres of land from the Town of Grafton to the Village of Grafton, as petitioned by Janice Alexander. Approved unanimously.

ORDINANCE REZONING 1.68 ACRES OWNED BY JANICE ALEXANDER FROM A-3 TO PUD-COMMERCIAL ZONING DISTRICT

Motion by Trustee Meinecke, seconded by Trustee Antoine, to approve Ordinance No. 025, Series 2011 rezoning 1.68 acres of land, owned by Janice Alexander, from A-3 Agricultural Holding district to PUD-Commercial zoning district. Approved unanimously.

ITEM 1 / REPORT OF THE FINANCE COMMITTEE

Motion by Trustee Meinecke, seconded by Trustee Grant, to approve Item 1 of the Report of the Finance Committee, as follows: 1. Approval to enter into the 2012 assessment contract with Mass Appraisals, LLC, West Bend, WI, in the amount of \$35,000.

Trustee Antoine questioned the last time the Village requested proposals for assessment services.

Village Administrator Hofland responded that the Village requested proposals for assessment services several years ago. Unfortunately, we only received 1 proposal besides the Matthies. Administrator Hofland also identified that the Village will go out for proposal when it is determined that a full revaluation of property is needed. The Village must complete a full revaluation of property when the assessed ratio falls below 90 percent for 5 consecutive years. The 2010 ratio is .9996.

Administrator Hofland also identified that the City of Cedarburg has an in-house Assessor and a contracted service to assist the Assessor with commercial property assessments. The City of Port Washington uses a contracted service.

The motion to approve the 2012 assessment contract with Mass Appraisals, LLC, West Bend, WI, in the amount of \$35,000 was approved unanimously.

ITEM 2 / REPORT OF THE FINANCE COMMITTEE

Motion by Trustee Rieck, seconded by Trustee Meinecke, to approve Item 2 of the Report of the Finance Committee, as follows: 2.Deletion of existing Section 17.01 Vacation and existing Section 17.02 Sick Leave, effective January 1, 2012; approval of Section 17.015 Paid Time Off Policy as presented, effective January 1, 2012 for existing employees; and approval of Section 17.015 Paid Time Off Policy as presented, effective immediately for all newly hired employees covered by the non-represented Personnel Policy.

Administrator Hofland stated that the intent of the change to a PTO program is to bring Village of Grafton employee benefits more in-line with private sector benefits. Administrator Hofland informed the Board that PTO programs are not currently very prevalent in the public sector.

2012 will be a unique year because employees are currently accruing vacation time for use in 2012. The accrued vacation time will be available to employees on January 1, 2012. This will be in addition to the bi-weekly PTO accrual.

The new program collapses vacation and sick leave into one program. The program also includes a Medical Leave Bank that can be used for FMLA eligible events. Administrator Hofland also stated that he is looking at group short and long term disability programs. The costs of these programs would be 100 percent paid by the employee with no cost to the taxpayers of Grafton.

Director Murphy commented that with the additional time available to employees in 2012, he anticipates some disruption of services due to a lack of adequate staffing. He identified that the Police Department is likely to experience more overtime because of the additional employee time-off. Director Murphy also commented that with vacation and sick leave

being part of the PTO program, employees may be more likely to come into work when ill so they have additional vacation days available during the year.

President Brunnuell commented that 2012 will be a transition year for employees because of the accrued vacation component. The advantage of the PTO program is that time is accrued and available throughout the year. President Brunnuell also stated that this type of leave program is not unusual in the private sector.

Administrator Hofland informed the Board that eventually all employees, with the exception of Police Officers, will be under the PTO program. The only way the Police Officers would be governed by this program would be to include it in their labor contract.

Trustee Harbeck commented that the PTO program does not change the Village-provided Holidays. Administrator Hofland responded that was correct.

The motion to approve deletion of existing Section 17.01 Vacation and existing Section 17.02 Sick Leave, effective January 1, 2012; approval of Section 17.015 Paid Time Off Policy as presented, effective January 1, 2012 for existing employees; and approval of Section 17.015 Paid Time Off Policy as presented, effective immediately for all newly hired employees covered by the non-represented Personnel Policy, was approved unanimously.

ITEM 3 / REPORT OF THE FINANCE COMMITTEE

Motion by Trustee Harbeck, seconded by Trustee Grant, to approve Item 3 of the Report of the Finance Committee, as follows: 3. Approve the revisions to Chapter 11 (Grievance Procedure) of the Personnel Policy.

Administrator Hofland identified that Union contracts have always included a very detailed grievance policy. Act 10 now requires that municipalities have a detailed grievance policy in place for all employees. The proposed policy provides for an impartial hearing officer if the initial decision is appealed. If the employee or the Village does not agree with the hearing officer's review, the matter is referred to the Village Board for review of the hearing officer's determination. The Village Board does not rehear the grievance.

There was minimal discussion on this item.

Motion by Trustee Harbeck, seconded by Trustee Grant, to approve the revisions to Chapter 11 (Grievance Procedure) of the Personnel Policy, as presented. Approved unanimously.

ORDINANCE REPEALING CHAPTER 2.42 / VACATION POLICY OF THE VILLAGE OF GRAFTON MUNICIPAL CODE

Motion by Trustee Rieck, seconded by Trustee Meinecke, to approve Ordinance No. 026, Series, 2011 repealing Chapter 2.42 / Vacation Policy of the Village of Grafton, as presented. Approved unanimously.

ITEM 1 / REPORT OF THE BOARD OF PUBLIC WORKS

Motion by Trustee Rieck, seconded by Trustee Liss, to approve Item 1 of the Report of the Plan Commission, as follows: 1. Approve the selection of CH2MHill- Milwaukee, WI for preparation of a regional water study at a total project cost of \$89,228 to be shared equally by the Village of Grafton, City of Cedarburg, and City of Mequon.

Utility Director Tom Krueger stated he has been working with the Cities of Cedarburg and Mequon on this matter since last year. The group has been working on future water supply options and water planning. Due to the complexity of this matter, it was determined that a consultant was necessary to assist with this process and the possible creation of a water district.

The group met last Thursday and evaluated the proposals submitted. It was the consensus of the group to recommend acceptance of CH2MHILL proposal, in the amount of \$89,228. Director Krueger identified that this project will be completed in two phases over 2 years due to the large scope of the project.

President Brunnuell questioned if the participating communities were in agreement on this matter. Director Krueger responded yes.

Phase 1 of the project will occur in 2011 and funding will be placed in the 2012 budget for Phase 2.

The motion to approve the selection of CH2MHill- Milwaukee, WI for preparation of a regional water study at a total project cost of \$89,228 to be shared equally by the Village of Grafton, City of Cedarburg, and City of Mequon was approved unanimously.

ITEM 2 / REPORT OF THE BOARD OF PUBLIC WORKS

Motion by Trustee Rieck, seconded by Trustee Antoine to approve Item 2 of the Report of the Board of Public Works, as follows: 2. Approve establishing a recycling curbside collection fee for 2012 with the fee to be placed on the December 2011 property tax bill.

President Brunnuell indicated that this item was previously discussed at two Committee of the Whole Board meetings held earlier this year. The meetings were held to review 2012 budget concerns. The Village's recycling contract will increase by 2 percent in 2012. In addition, the Village will receive less funding from the State of Wisconsin next year for recycling.

Trustee Harbeck stated that she does not think it is fair to place an additional fee on the tax bill. Staff has made considerable headway on the 2012 budget and it is not necessary to implement this fee now. She reiterated that she is not in favor of placing the fee on the 2011 tax bill.

President Brunnuell stated that this item was moved forward as a result of discussions at previous meetings. He questioned if the numbers have changed significantly for the 2012 budget.

Administrator Hofland responded that this item was initiated in March, and reaffirmed in June. The numbers have been incorporated into the 2012 preliminary budget to absorb shared revenue cuts and to enable the Village to use less fund balance. In 2011, the budget included the use of \$580,000 in fund balance. The goal was to cut that usage in half for 2012. The current projection for use of fund balance in the 2012 budget is less than \$300,000. This leaves a fund balance of between 25-26 percent.

Trustee Meinecke commented that in the results of past Village-wide surveys, residents have indicated they want to maintain the same level of services even if it means a small tax increase.

Trustee Grant commented that while he does not like to implement additional fees, the budget climate has changed due to the artificial ceiling placed on municipalities by the State.

Sue Hass, 1226 Water Terrace, questioned if the proposed cost allows for the recycling of the same materials as currently being recycled, aluminum, glass and cardboard.

Director Murphy responded yes and stated that the recycling materials will remain the same. He also identified that it is against the law to place cardboard in the trash.

Less Blum 1108 Sunset Court, questioned why the Board does not just include the costs in the tax levy.

Administrator Hofland stated that the Village cannot increase the levy without going to a referendum.

Ann Hollrith, 1511 JoDee Lane and Grafton business owner, questioned why not reduce the cost to residents and business owners for recycling. Administrator Hofland responded that the Village has to offset the impacts of a loss in state shared revenue and a decrease in recycling aid. The amount being received was already cut in 2011 and will be cut again in 2012.

Trustee Harbeck commented that originally the state indicated they would be eliminating the recycling grant funds and then only reduced them. She questioned if this could change again.

President Brunnuell stated that staff was given direction to cut costs and this is a decision that results from that direction.

The motion to establish a recycling curbside collection fee for 2012 with the fee to be placed on the December 2011 property tax bill was approved 6-1 (Harbeck-nay).

ITEM 3 / REPORT OF THE BOARD OF PUBLIC WORKS

Motion by Trustee Liss, seconded by Trustee Antoine, to approve Item 3 of the Report of the Board of Public Works, as follows: 3. Approve an agreement with Ozaukee County Highway Department to mill and replace 4 inches of asphalt on Spring Street west of First Avenue. Approved unanimously

ITEM 1 / REPORT OF THE PUBLIC SAFETY COMMITTEE

Motion by Trustee Harbeck, seconded by Trustee Liss, to approve Item 1 of the Report of the Public Safety Committee, as follows: 1. Ordinance No. 027, Series 2011 / amending Section 10.36.010 No parking at any time – portion of Chateau Drive. Approved unanimously.

ITEM 2 / REPORT OF THE PUBLIC SAFETY COMMITTEE

Motion by Trustee Harbeck, seconded by Trustee Liss, to approve Item 2 of the Report of the Public Safety Committee, as follows: 2. Approval to hold Lakefront Marathon Run on October 2, 2011. Approved unanimously.

ITEM 3 / REPORT OF THE PUBLIC SAFETY COMMITTEE

Motion by Trustee Grant, seconded by Trustee Meinecke, to approve Item 3 of the Report of the Public Safety Committee, as follows: 3. Ordinance No. 028, Series 2011 / amending Chapter 9.74 / Firearms / to prohibit weapons in any municipal building.

Trustee Grant stated that the purpose of this ordinance is to eliminate the concealed carry of firearms into any municipal building. He also commented that unfortunately, the “bad guys” will still have guns.

George Hollrith, 1511 JoDee Lane, questioned if this new provision will create additional costs to the Village, such as having a Police presence in buildings monitoring persons entering. Administrator Hofland responded no. The Village will be required to have signage at all building entrances identifying that firearms are not allowed on the premises. This provision does not apply to Police staff.

There was limited discussion on this item.

The motion to approve Ordinance No. 028, Series 2011 / amending Chapter 9.74 / Firearms / to prohibit weapons in any municipal building was approved unanimously.

ITEM 4 / REPORT OF THE PUBLIC SAFETY COMMITTEE

Motion by Trustee Antoine, seconded by Trustee Harbeck to approve Item 4 of the Report of the Public Safety Committee, as follows: 4. Ordinance No. 029, Series 2011 / amending Section 10.36.060 two-hour parking to include the north side of Bridge Street from 12th Avenue to 13th Avenue in the current 2 hour parking regulations between 8 a.m. and 5 p.m., Monday through Friday, except holidays. Approved unanimously.

ORDINANCE AMENDING SECTION 10.36.030 FIFTEEN MINUTE PARKING – CHATEAU DRIVE

Motion by Trustee Rieck, seconded by Trustee Antoine, to approve Ordinance No. 030, Series 2011 / amending Section 10.36.030 eliminating 15 minute parking on a portion of Chateau Drive.

Administrator Hofland identified that the 15 minute parking provision was put into place during the time Milwaukee Sign Company was in full manufacturing/employment mode. The use and staffing levels are now different and parking is not an issue in this area.

The motion to approve Ordinance No. 030, Series 2011 / amending Section 10.36.030 – 15 minute parking was approved unanimously.

LICENSES

Motion by Trustee Liss, seconded by Trustee Meinecke, to approve the following licenses: 1. Approval to issue Special Class “B”/”Class B” Picnic License to Sheri Bestor-agent / North Shore Academy of the Arts / Foodies-An art opening event – October 7, 2011 – 1300 14th Avenue; 2. Approval to issue Special Class “B”/”Class B” Picnic License to Kris Raymond-agent / Grafton Blues Association / October 21, 2011 – Black Swan 1218 13th Avenue. Approved unanimously.

DEPARTMENT AND OFFICERS REPORTS

Trustee Grant commented that the employees of the Village of Grafton are working hard provide the best possible services to the community and to save money.

REPORT OF BILLS

Motion by Trustee Antoine, seconded by Trustee Harbeck, to approve the payment of Village expenditures in the amount of \$403,937.59.

Trustee Antoine questioned the payment to Civic Plus, Dash Inc. and Postnet. His questions were satisfactory answered.

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

OLD BUSINESS

None.

NEW BUSINESS

None.

CONVENE TO CLOSED SESSION

Motion by Trustee Grant, seconded by Trustee Liss, to convene to Closed Session at 6:47 p.m., pursuant to Wisconsin Statutes 19.85(1)(c) for Personnel matters (Non-represented employee compensation package); 19.85(1)(e) for Real estate or competitive bargaining matters (Inspection services contract with Village of Saukville and Pre-annexation agreements for Town of Grafton property on the Village's southeast side), and 19.85(1)(g) for Litigation matters (Possible appeal of DNR decision on fishway permit) Approved unanimously by roll call vote.

During Closed Session, the Village Board discussed negotiation strategies associated with an inspection service agreement with the Village of Saukville, pre-annexation agreements for Town of Grafton properties on the Village's southeast border, and 2011 and 2012 compensation for non-represented employees.

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

Motion by Trustee Grant, seconded by Trustee Harbeck to adjourn Closed Session and reconvene into the regular order of business at 7:47 p.m. Approved unanimously by Roll Call vote.

ADJOURN

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