

VILLAGE OF GRAFTON

VILLAGE BOARD MEETING MINUTES

MARCH 16, 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, David Liss, Scott Volkert, Jim Brunnuquell

Staff / Officials present: Village Administrator Darrell Hofland, Village Clerk Teri Dylak, Finance Director Paul Styduhar, Utility Director Tom Krueger, Director of Public Works / Village Engineer Dave Murphy, Village Attorney Michael Herbrand

MINUTES

Motion by Trustee Grant, seconded by Trustee Meinecke, to approve the 3-2-2009 Village Board meeting minutes and File the 3-2-2009 Finance Committee; 3-3-2009 GFD Resource Management Ad-Hoc Committee; 3-9-2009 Board of Public Works; 3-9-2009 Joint Library Board and the 3-10-2009 Public Safety Committee meeting minutes, as presented.
Approved unanimously.

PERSONS REQUESTING TO BE HEARD

Phil Graebner, owner of the building at 1514 Wisconsin Avenue, was present to discuss a water problem that has been occurring over the past 4+ years. Mr. Graebner indicated that he purchased the property in 1993. At that time, a sump pump/crock located in the lower level never filled or ran. Even since the Village completed the reconstruction of Wisconsin Avenue, in 2004, he has experienced water seepage in the lower level of his building. At one point, he had 3-4 inches of water in the lower level office. Mr. Graebner stated that he contacted Director of Public Works/Village Engineer Dave Murphy and he assisted with the initial problem. He indicated that he personally utilized the lower level as an office for a number of years and even though he experienced water in the lower level over that time, he lived with it. Since that time, he has relocated to the main level and is looking to lease the lower space. He is having difficulty getting a tenant in this area due to the water problems. Unfortunately, at this time it is unknown where the water is coming from.

Mr. Graebner is looking for financial assistance from the Village to determine where the water is coming from and to correct any problem found. He reiterated that there were no water problems in this building until the 2004 street reconstruction project.

Administrator Hofland stated that Director of Public Works Dave Murphy has identified a possible solution to the seepage problem. However, Mr. Graebner is requesting that the Village pay for the associated costs. At this time, it has not been determined who is

responsible for the problem. Mr. Hofland indicated that Mr. Graebner should file a claim with the Village for any damages he thinks are a result of the water problem. The Village's insurance carrier will investigate the matter.

Trustee Grant commented that if the water is coming in at the floor/wall joint it could be a problem with the adjacent drain tiles.

Director of Public Works/Village Engineer Dave Murphy stated that the water is coming in between floor and wall. This could be drainage from adjacent properties or possibly standing water in the lateral to the property. Groundwater can accumulate in the lateral trench and then flow to the residence. The only way to confirm that is to open the lateral trench. If that is found to be the case, Mr. Murphy stated that it may be possible to build a clay dam at the lateral location to prevent water from entering the building.

Mr. Graebner questioned the results of a water sample that was taken at his location. Utility Director Krueger responded that the test results are not yet know and he will contact Mr. Graebner as soon as the results are available.

Mr. Graebner was encouraged to contact Village Clerk Dylak regarding the submittal of this matter to the Village's insurance carrier.

BUSINESS PRESENTED BY THE PRESIDENT

Reappointment of members of the Sustainable Grafton Ad-Hoc Committee

Motion by Trustee Rieck, seconded by Trustee Liss, to reappoint the members of the Sustainable Grafton Ad-Hoc Committee, for an indefinite term or until such time as the member requests to be removed.

Trustee Grant questioned the indefinite term of the members. President Brunquell commented that this appointment is similar to the appointment of the members of the Town/Village Ad-Hoc Committee. After discussion, it was determined that the appointments be reviewed annually.

The motion was amended by Trustee Rieck and Trustee Liss to read as follows: to reappoint the members of the Sustainable Grafton Ad-Hoc Committee with annual confirmation of the Village Board.

The motion was approved unanimously.

RESOLUTIONS/ORDINANCES/ACTION ITEMS

Report of the Finance Committee

Motion by Trustee Volkert, seconded by Trustee Rieck, to approve Items 1-3 of the Report of the Finance Committee, as follows: 1. Authorization to write-off the Village portion of 2007 delinquent personal property taxes, in the amount of \$923.87, and authorize Village staff to continue collection efforts on unpaid accounts; 2. Approving changes to the Personnel Policy, as

presented; 3. Approval of the Fraudulent or Dishonest Conduct Policy, as presented.

Administrator Hofland briefly reviewed the changes to the Personnel Policy. In addition, he indicated that the Village's auditors are recommending the implementation of the Fraudulent or Dishonest Conduct Policy, also known as a whistle blower policy.

The motion to approve Items 1-3 of the Report of the Finance Committee was approved unanimously.

Item 1 / Report of the Board of Public Works

Resolution No. 011, Series 2009 petitioning the Canadian National Railroad for the establishment of a new Bridge Street at-grade pedestrian/bicycle crossing was offered by Trustee Liss.

Motion by Trustee Volkert, seconded by Trustee Grant to adopt Resolution No. 011, Series 2009, as presented.

Director of Public Works/Village Engineer Dave Murphy explained that the pedestrian crossing is for the St Paul campus senior housing project. The connection would be at the end of Bridge Street and be a 10 foot wide multi-modal path. The connection would be signed on both sides of the railroad tracks but would not include flashing lights. The Commissioner of Railroads would request that the Canadian National Railroad authorize the pedestrian connection.

Trustee Grant questioned if there is any liability to the Village from this crossing. Village Attorney Herbrand responded that it would be similar to any other crossing in the Village. The crossing at Spring Street does not have any flashing lights. The Village must maintain adequate signage at the crossing. He indicated that there is no concern with the placement of this crossing.

The motion to adopt Resolution No. 011, Series 2009, as presented, was approved unanimously.

Items 2-7 / Report of the Board of Public Works

Motion by Trustee LaPean, seconded by Trustee Meinecke, to approve Items 2-7 of the Report of the Board of Public Works, as follows: 2. Award contract 09-02 / Falls Road Detention Pond to C.W. Pupero, Oak Creek, WI, in the amount of \$283,705.50; 3. Award contract 09-03 / Sidewalk Replacement to Snorek Construction, Greenfield, WI for an amount not to exceed \$31,500; 4. Authorization to purchase a 39,000 GVW 2009 truck chassis from Lakeside International, West Bend, WI, in the amount of \$72,977; 5. Authorization to purchase a hydraulic hose crimper from Ritter Technology, LLC, Pewaukee, WI, in the amount of \$3,052.99; 6. Approval of Change Order No. 1 to Kueny Architects for engineering related services for the Public Works/Community Activities facility in the amount of

\$2,500; 7. Approval of the amended Identity Theft Prevention Program for the Grafton Water and Wastewater Utility to become effective March 23, 2009. Approved unanimously.

Report of the Public Safety Committee

Motion by Trustee Grant, seconded by Trustee Liss, to approve the Report of the Public Safety Committee, as follows: 1. Ordinance No. 007, Series 2009 - amending Chapter 16 – Building and Construction, effective July 1, 2009; 2. Approval of the Tour de Cure fundraiser bike ride with the condition that the American Diabetes Association reimburse the Police Department for officer overtime. Approved unanimously.

LICENSES

Motion by Trustee Rieck, seconded by Trustee Liss, to approve the issuance of Operators License, presented. Approved unanimously.

Motion by Trustee Grant, seconded by Trustee LaPean, to approve the issuance of a “Class B” Fermented Malt Beverage and Intoxicating Liquor license to: Harold F. Gruehn-agent / HF Gruehn Enterprises, LLC / d.b.a. Scooters Place / 1412 Wisconsin Avenue (formerly The Office). Approved unanimously.

DEPARTMENT AND OFFICERS REPORTS

Polling location update

Village Clerk Teri Dylak informed the Board that she is working with Grafton High School on an alternate voting location for the April 7 election. There were a number of complaints from voters regarding the placement of the polls in the cafeteria at Grafton High School. Mrs. Dylak indicated that she and staff are meeting with Grafton High School Principal Ken McCormick on Thursday, March 19, to review location options.

Mr. Murphy informed the Board that bids for the new Public Works / Community Activities facility will be let in April. The Plan Commission will be reviewing the project at their March 24 meeting. Mr. Murphy indicated that it may be possible to obtain funds from the economic stimulus package for portions of the project.

Trustee Grant questioned if we are striving to find projects that may be eligible for funding. Mr. Hofland responded that staff is looking to submit projects already included in the approved 5-Year Capital Improvement Plan plus the urbanization of Port Washington Road. The deadline for submittal of projects for funding is April 1.

Mr. Murphy commented that as he learns more about the funding, it may be difficult for the Village to qualify for funding. Mr. Hofland commented that because the Village has been responsible in completing projects as needed, very few of our proposed future projects may qualify.

REPORT OF BILLS

Motion by Trustee Meinecke, seconded by Trustee Volkert, to approve the payment of Village expenditures in the amount of \$312,067.17, as presented. Approved unanimously.

OLD BUSINESS

Administrator Hofland introduced Ms. Urszula Cholewinska, representing the North Shore Academy of the Arts (NSAA). Ms. Cholewinska briefly reviewed a proposal for an outdoor art studio in memory of NSAA student Felix Boller, to be located on the east side of the Timothy Wooden building. She indicated that the purpose of the space is to create an outdoor art classroom for approximately 6-12 students at a time. It is hoped that the area can be utilized for about 6 months out of the year. The quiet area will include a classroom on the north edge, park benches and tables. None of the existing parking area will be utilized for this project. The area will be landscaped.

Trustee Liss commented that the Library Board has favorably reviewed the proposal.

The lease agreement for the project will be reviewed during the closed session portion of this meeting.

NEW BUSINESS

The Village Board congratulated the Grafton High School Girls Basketball Team for their recent State Championship win. Village Clerk Dylak was directed to prepare a commendation resolution for presentation to the Athletic Department and team at a future Village Board meeting.

CONVENE TO CLOSED SESSION

Motion by Trustee Grant, seconded by Trustee LaPean, to Convene to Closed Session, at 6:38 p.m., Pursuant to WI Statutes 19.85(1)(e) for Real Estate and Competitive Bargaining Matters (Grafton Little League lease agreement / Update on Village Center Loan/North Shore Academy of the Arts lease agreement for outdoor studio). Approved unanimously by roll call vote.

During the Closed Session, the Village Board discussed negotiation strategies associated with the Little League's lease on 20 acres of Village-owned property, North Shore Academy of the Arts' lease for creating an outdoor studio on Village property, and terms associated with the loan to Grafton Direct, owners of the Grafton Village Center property.

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

Motion by Trustee Grant, seconded by Trustee Volkert to adjourn Closed Session and reconvene into the regular order of business at 7:05 p.m. Approved unanimously.

GRAFTON LITTLE LEAGUE LEASE AGREEMENT

Motion by Trustee Grant, seconded by Trustee Meinecke to approve a 30-year lease agreement with the Grafton Little League for \$1.00 a year of approximately 20 acres of property located at the northwest corner of Riverbend Road and Lakefield Road. Approved unanimously.

ADJOURN

Motion by Trustee Grant, seconded by Trustee Volkert to adjourn at 7:06 p.m. Approved unanimously.