

VILLAGE OF GRAFTON
VILLAGE BOARD MEETING MINUTES

JANUARY 5, 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, Village Clerk Teri Dylak, Finance Director Paul Styduhar, Police Chief Charles Wenten, Director of Public Works / Village Engineer Dave Murphy, Community Activities Director John Safstrom, and Director of Planning and Development Michael Rambousek

MINUTES

Motion by Trustee Grant, seconded by Trustee LaPean, to approve the 12-15-2008 Village Board meeting minutes and File the 12-11-2008 Architectural Review Board; 12-15-2008 Finance Committee; and the 12-17-2008 Community Activities Commission 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

Report of the Joint Meeting of the Board of Public Works and the Community Activities Commission

Village Administrator Darrell Hofland summarized previous discussion on site layout options for the Village of Grafton owned 40 acre parcel located at Lakefield Road and River Bend Road in the Town of Grafton. Several concept plans have been presented by Rettler Corporation for review by the Board of Public Works and Community Activities Commission. The original concept plan for the site included use of the area by the Village of Grafton Department of Public Works, the Grafton Blues Association and the Grafton Little League. After considerable discussion, it was determined that the site was not adequate to accommodate all three entities and the Grafton Blues Association venue was removed. The layout design was concentrated on the remaining two entities.

Mr. Hofland indicated that there are specific setback regulations that apply to the DPW compost piles which will need to be considered in the site layout. He indicated that the

southwest side of the parcel would be dedicated to the Little League as well as a small area for the Department of Public Works for a drop off location on the southeast corner with an entrance off of Lakefield Road. The northwest corner of the parcel is for Public Works use and will have access off of River Bend Road. No structures will be located in this area. All structures will be located east of the wetlands.

The Grafton Little League has expressed concern with the site layout. There will be additional costs, estimated at over \$200,000, due to the topography of the site and the wetlands. These site characteristics present challenges for structure placement and the location of the compost piles and brush piles adjacent to the ball fields is not a good option. The Little League is looking for assistance from the Village to be able to expand the northern ball diamonds further to the northwest, if deemed necessary following the site engineering. They are looking for more flexibility in building placement and the possible expansion of the ball diamonds to the north as well as the possible relocation of the brush and compost piles.

Mark Koehler, 2195 Shoshoni Drive, representing the Grafton Little League, expressed concern that, based on the recommendation from the Joint meeting, that Concept "D" is locked in place. There is a major concern with the location of the buildings adjacent to River Bend Road, the parking lot location and the location of the ball fields as shown in this concept. He also expressed concern with the location of the retention pond and the possibility of having to construct a retaining wall at considerable cost to the organization. Mr. Koehler commented that he does not think the Concept "D" will work for the organization. The Little League is looking for more flexibility on the site layout and would prefer that Concept "A" be re-considered. This site design option provides a better site layout for the Little League. Mr. Koehler commented that while the organization can make this project work with less than 24 acres, they would prefer a larger area than depicted in design "D".

Based upon discussion at the Joint meeting, Concept Plan "A" met all the necessary requirements for the Grafton Little League; however, it did not meet the needs for the Department of Public Works.

Trustee LaPean questioned how much acreage design "D" will provide to the Little League. Originally approximately 18-20 acres was requested and now a minimum of 24 is wanted. Mr. LaPean stated that the Village may need to utilize more of the property for snow and tree storage. The property is municipally owned and the residents are expecting that the property be utilized to the advantage of the Village. The Village is willing to work with the Little League on a joint site use, but ultimately the needs of the Department of Public Works need to come first. Trustee LaPean suggested that if the Little League needs additional space, they provide the Village with an alternate site for the compost and brush pile storage. He stated that the Village is trying to make this site work for both parties.

Mr. Koehler stated that the previous discussion with Village staff and President Brunnuell have been the need for a minimum of 24 acres. Trustee LaPean expressed concern that the ultimate decision on the site lies with the Village Board and not staff.

Trustee Rieck questioned how large of an area is needed for snow storage and the compost area. Director of Public Works/Village Engineer Dave Murphy responded that the area east of the wetlands, under normal circumstances, would be adequate. However, with the unknown issues that may arise from the Emerald Ash Borer the northern site area may be needed for storage. Mr. Murphy also commented that the Little League has been given the majority of the usable site and the Department of Public Works has the remnants.

Trustee Grant commented that if the presented layout is not suitable, why are we proceeding with action. Mr. Koehler responded that he agrees and further stated that the layout, as presented, is not feasible and would not likely receive approval from the Plan Commission. The Little League has hired an engineer to review the plans and he has indicated that concept "D", with the setback requirements, does not meet the organizations needs.

Trustee Grant reiterated that the Little League engineer does not think that concept "D" will meet the Little Leagues needs. Mr. Koehler responded that is correct. Trustee Grant commented that the two engineering firms seem to be at odds with this design. The Village hired engineer says the concept is adequate and the Little League engineer says it is not. Trustee Grant stated that the greater part of the picture is that the Department of Public Works needs additional space and the parcel is owned by the Village. The use of the site by the Little League is a secondary component. Trustee Grant suggested that the two engineering firms work together to come up with an alternate site design or hire someone to do so. The Village is committed to the use of the property by both groups.

Mr. Cliff Pointer, RA Smith National, Brookfield, WI, was hired by the Little League to review the project. He indicated that he has discussed the project with Rettler Corporation and was told that there were several oversights on the plan relating to setbacks. In addition, there can not be any parking in the wetland. Plan "D", as presented, can not accommodate 250 parking spaces and the ball diamonds without a variance. The Little League would like to have a minimum of 300 parking spaces.

Trustee Grant again requested that the two engineering firms work together, at their own expenses, to work on the site layout if the Little League does not think plan "D" is adequate.

Trustee LaPean stated that the Village will not relocate off of the site unless the Little League can provide an adequate alternate location

Community Activities Director John Safstrom stated that it is unlikely that Rettler Corporation can design this property in a way that both groups are completely satisfied.

The Village Board needs to determine if they are satisfied with the design and direct the Little League to either proceed or look for an alternative site.

Trustee Grant commented that the needs of the Department of Public Works are known, the Little League may need to scale back their project to adapt to the site.

Trustee Meinecke questioned if the hard line shown for the practice fields can be adjusted by grading instead of placing a retaining wall. Mr. Pointer responded yes, there is some flexibility in that area. There is a concern that some parking will have to move to the north, past the line shown, in order to fit. Mrs. Meinecke suggested that the playground area be eliminated if there is not adequate room to the south.

President Brunnquell stated that the parking area to the north could be a multi-use area for both entities. The Village could utilize the area for snow storage during the winter months. Mr. Brunnquell also commented that the Rettler Corporation plan is a design concept and the next step is the engineer design phase of the project. He indicated that he thinks that concept "D" is the best option to move forward with.

Mr. Murphy commented that in addition to the snow and brush storage, it may be necessary to utilize the northern site area for a retention pond.

President Brunnquell commented that this facility will provide an economic benefit to the community and enhance the quality of life for the residents. There is no reason not to move forward with this project. The Little League needs to make this project work within the confines of concept plan "D".

Trustee LaPean questioned how many acres the Department of Public Works needs for Departmental use. Mr. Murphy responded that, at this time, the exact acreage is not known. It is possible that the Department will need more room than shown on the concept plan. He suggested that the Grafton Little League might want to consider purchasing a site for the Village to use which would provide them with the entire parcel for their facility..

Jeff Bauer, 2173 Shoshoni Street, stated that the Little League does not want nor need the entire 40 acre site, which has been brought up several times this evening. The organization only needs about 24 acres, with the possibility of a small expansion into the northwest corner of the site..

Mr. Murphy responded that if the Little League expands into the northwest corner there will not be adequate room for the Department of Public Works on the site.

President Brunnquell stated that the site layout is a concept and more will be know upon completion of the final engineering.

Village Administrator Hofland outlined the next steps in the review/approval process. He indicated that upon completion of the detailed engineering plans, both the Community

Activities Commission and the Board of Public Work will need to review the plans. Once a satisfactory plan is completed, the plans will be forwarded to the Plan Commission for review and action.

Trustee Meinecke suggested that the Grafton Little League work with Public Works Director Murphy on the site layout to address the needs of both groups.

Motion by Trustee Grant, seconded by Trustee Meinecke, to utilize Concept Plan D as the base Plan for the development of the joint use 40-acre parcel at the northeast corner of Lakefield and River Bend Roads, considering the space needs of the Department of Public Works and the Grafton Little League and forward to the Grafton Little League engineers for the finalization of the plans.

Mr. Koehler expressed concern with the Little League spending funds on a concept that is not likely to work. Trustee LaPean agreed stating that the site does not really meet the needs of the Department of Public Works, as laid out in the concept plan

The motion to utilize Concept Plan "D" for the development of the 40 acre site was approved unanimously.

Resolution No. 001, Series 2009, authorizing submittal of grant application for financial assistance for the purpose of planning, constructing or operating a recycling program and for recycling efficiency incentive grants was offered by Trustee Grant.

Motion by Trustee Liss, seconded by Trustee Rieck, to adopt Resolution No. 001, Series 2009, as presented.

Director of Public Works Murphy commented that this action is required so that the Village can submit recycling grant applications.

The motion to adopt Resolution No. 001, Series 2009, was approved unanimously.

Resolution No. 002, Series 2009, approving the employment contract with the Labor Association of Wisconsin, Inc. (Police Officers Unit) 2009-2011, was offered by Trustee Liss.

Motion by Trustee Volkert, seconded by Trustee Grant, to adopt Resolution No. 002, Series 2009, as presented..

Administrator Hofland informed the members that this contract is consistent with the previously approved contract (Teamsters) with the Department of Public Works employees, and the non-represented employees wage adjustment factor of 3 percent.

The motion to adopt Resolution No. 002, Series 2009, was approved unanimously.

Resolution No. 003, Series 2009, approving the employment contract with the Labor Association of Wisconsin, Inc. Local 514 (Telecommunicator/.Clerical employees) 2009-2011 was offered by Trustee Grant.

Motion by Trustee Meinecke, seconded by Trustee Volkert, to adopt Resolution No. 003, Series 2009, as presented. Approved unanimously.

Item 1 / Report of the Finance Committee

Finance Director Paul Styduhar briefly reviewed the recommendation of the Finance Committee for the approval of an Economic Development Revolving Loan Program loan to Shady Lady Lighting, Inc., in the amount of \$150,000. He indicated that the Finance Committee recommended approval of the loan, subject to the applicant providing an alternate acceptable collateral for the funds. The funds would be utilized for new equipment for the expansion of the current business operations.

Mr. Styduhar stated that the loan to Shady Lady Lighting would be second in line to the bank on the inventory and equipment. He informed the Board that the applicant has agreed to provide collateral on their personal residence, which would place the Village in third position, behind the bank and another loan. An appraisal on the home, from about a year ago, is in the amount of \$365,000. With the other outstanding loans, the applicant will have to include business assets to secure the Village loan. More than likely a new appraisal would be less due to market conditions.

Mr. Styduhar stated, for every \$20,000 borrowed from the Revolving Loan Program, an applicant must create one job within 24 months of the disbursement of funds. This loan would require that 7.5 full-time equivalent positions be created.

Guy and Susan Mortar, owners of Shady Lady Lighting, were present. Mr. Mortar questioned if the loan could also be secured by the assets of building, in addition to the personal residence guarantee. He stated that with the assets and property, the loan is well secured. Shady Lady Lighting has been in the Village for 20 years and is looking forward to continuing to providing their unique service to the area.

President Brunnuell commented that the company is in a transition time and is attempting to change their focus. This is not a new company and has an established client base.

Susan Mortar commented that Shady Lady Lighting has grown from a small company to a business with close to \$3,000,000 in sales. The company is attempting to bring their focus back to more manufacturing of items and less importing. The core of the original business was the design and manufacturing of lamps and metal works which is where the company would again like to direct its resources. Mrs. Mortar stated that they are

asking for help to do that from the Village of Grafton. The company currently has 7 employees and will be able to hire additional as things progress.

Trustee Rieck questioned the repayment requirements of the loan. Mr. Styduhar responded that the loan must be paid back in 7 years. The first year of the loan would be interest only. The interest rate is determined the day of closing for the loan and is the prime rate on that date. The current prime rate is 4 percent.

Trustee Rieck commented that the news has more and more company bailouts every day. This loan is actually an investment in Grafton and he would like to see this business succeed.

President Brunquell questioned if the Board is comfortable with this loan. Trustee Volkert responded that he agrees that this is a loan and not a bailout and he would like to see this business prosper.

Mr. Styduhar commented that the purpose of the Revolving Loan Fund is to help local business and create jobs. He is comfortable with the assets and collateral for this loan.

Motion by Trustee Volkert, seconded by Trustee Rieck, to approve the Economic Development Revolving Loan Program loan to Shady Lady Lighting, Inc., in the amount of \$150,000, with the business assets and applicants' home to be used as additional collateral for the loan. Approved unanimously.

Item 2 / Report of the Finance Committee

Resolution No. 004, Series 2009 / Approval of payments from the Water and Wastewater Utility of paid-in capital to the General Fund was offered by Trustee Grant.

Motion by Trustee Volkert, seconded by Trustee Liss, to adopt Resolution No. 004, Series 2009, as presented.

Village Administrator Hofland informed the Board that the transfer of funds from the Utility to the General Fund occurs on a regular basis. The Village auditing firm is requesting that these transfers be called paid-in capital.

The motion to adopt Resolution No. 004, Series 2009, as presented, was approved unanimously.

Report of the Plan Commission

Rezoning of properties at 960 and 971 Badger Circle

Motion Meinecke, seconded by Trustee Grant to table action on this agenda item until the January 19, 2009 Village Board meeting. Approved unanimously.

LICENSES

Denial of Operators License – Cesar R Ruiz (Tabled at 12-15-08 meeting)

Motion by Trustee Grant, seconded by Trustee Liss, to deny the issuance of an Operators license to Cesar R. Ruiz based upon the criminal history review and the lack of information provided on the license application.

Police Chief Charles Wenten and Village Clerk Teri Dylak informed the Board that Mr. Ruiz has made any contact with Village staff since the December Village Board meeting.

The motion to deny the issuance of an Operators License to Cesar R. Ruiz was approved unanimously.

Approval to issue Operators Licenses, as presented

Motion by Trustee Liss, seconded by Trustee Meinecke, to approve the issuance of Operators licenses, as presented. Approved unanimously.

DEPARTMENT AND OFFICERS REPORTS

Trustee Meinecke questioned if the Village has received any feedback on the new trash and recycling carts. Mr. Murphy responded that several residents have called requesting the smaller cart option. There have also been some problems with cart placement; however, the hauler is being very lenient with the placement and attempting to place the cart in the proper location after they empty the cart/

Mr. Murphy also indicated that Veolia currently has two trucks in the Village to assist with the large amount of trash from the holidays. He stated that residents must place the carts at the street edge. Veolia staff will not come up to the house to get the cart.

Trustee LaPeau commented that he is aware that all materials must be in the cart to be picked-up; however, he is aware that Veolia has been picking up materials left outside of the cart. Mr. Murphy responded that the hauler is being very lenient this first pick up cycle but will not continue to pick up materials outside of the cart.

Several Board members commented on the icy street conditions at Spruce Street and 17th Avenue. The Department of Public Works is aware of the situation and has placed additional salt in this area.

REPORT OF BILLS

Motion by Trustee Meinecke, seconded by Trustee Volkert, to approve the payment of Village expenditures in the amount of \$245,812.16. Approved unanimously.

OLD BUSINESS

None.

NEW BUSINESS

None.

CONVENE TO CLOSED SESSION

Motion by Trustee Liss, seconded by Trustee Volkert, to Convene to Closed Session, at 7:15 p.m., Pursuant to WI Statutes 19.85(1)(e) for Real Estate and Competitive Bargaining Matters (Status of negotiations – NSAA Lease Agreement – Grafton Little League – Grafton Direct, LLC).
Approved unanimously by roll call vote.

A closed session of approximately 30 minutes was held. During the closed session the Village Board received update on the status of negotiations of several in process lease agreements.

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 7:42 p.m. Approved unanimously by roll call vote.

ADJOURN

Motion by Trustee Volkert, seconded by Trustee LaPean, to adjourn at 7:42 p.m. Approved unanimously..