

## VILLAGE OF GRAFTON

### VILLAGE BOARD MEETING MINUTES

NOVEMBER 7, 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, Jim Brunnquell

Staff/Officials present: Village Administrator Darrell Hofland, Village Clerk Teri Dylak, Director of Parks and Recreation John Safstrom, Director of Public Works/Village Engineer Dave Murphy, Police Chief Charles Wenten, Finance Director Paul Styduhar, Library Director John Hanson, Utility Director Tom Krueger, Village Attorney Michael Herbrand

Absent: Director of Planning and Development Michael Rambousek

#### MINUTES

Motion by Trustee Liss, seconded by Trustee Grant, to approve the 10-17-2011 Village Board and the 10-26-2011 Public Hearing Before the Village Board meeting minutes and File the 10-15-2011 and 10-20-2011 Committee of the Whole; 10-17-2011 Finance Committee; 10-19-2011 Parks and Recreation Board; 10-24-2011 Joint Library Board; 10-25-2011 Plan Commission and the 11-2-2011 Community Development Authority meeting minutes, as presented. Approve unanimously.

#### PERSONS REQUESTING TO BE HEARD

None.

#### BUSINESS PRESENTED BY THE PRESIDENT

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

#### RESOLUTIONS/ORDINANCES/ACTION ITEMS

Resolution No. 022 , Series 2011 / Adopting the 2012 Annual Program Budget and establishing the 2011 Tax Levy was offered by Trustee Grant.

Motion by Trustee Meinecke, seconded by Trustee Antoine, to adopt Resolution No. 022, Series 2011, as presented.

President Brunnquell stated that while he understands that Staff worked diligently on the 2012 budget he is concerned that the final document does not address items such as future funding of the current use of Applied Fund Balance and the impact of the depletion of the Environmental Fund's fund balance will have on future budgets. He commended Staff and stated that he appreciates all of the efforts of Village Staff and the Board on the budget. Unfortunately, with the current level of resources and future financing concerns he cannot support the 2012 Budget with the inclusion of the replacement Police Officer unless the

Police Officers are willing to pay the same level of benefits being required of non-represented employees. President Brunnuquell stated that Chief Wenten is doing an excellent job and there have been no complaints on the services being provided by the Department.

Trustee Antoine agreed. He stated that he cannot support the inclusion of the replacement officer in the 2012 budget. He commented that this decision has nothing to do with Chief Wenten, who he admires and respects. It has to do with the actual need of the replacement officer. Overtime is part of the job, and all employees are being asked to do more with less. There have not been any complaints regarding any lack of Police services from the residents of Grafton with having one less Officer on staff.

Trustee Antoine also commented that with the Utility Director decreasing his hours, and other Departments making cuts to their operational costs, hiring an Officer does not seem fair to the other Staff members. The Police Officers do not seem willing to give anything up to add this position, yet other Departments are making sacrifices. He stated that just because it has been possible to include the Officer for 9 months in 2012, it does not mean that we will be able to continue to fund the position in the future.

Trustee Grant stated that it is not possible to compare other Departments with the work of a Police Officer. The job is stressful and Officers deal with a wide variety of individuals on a daily basis, while carrying a gun. The position included in the 2012 Budget is not a new Officer but the replacement of an Officer who left Village employment. Grafton has become the commercial hub of Ozaukee County and as a result it is likely that crime will also increase. As we continue to grow it is imperative that we have adequate Police protection.

Trustee Harbeck commented that she agrees with President Brunnuquell and Trustee Antoine. With the troubled economy, it can no longer be business as usual. The Village needs to look at needs and not wants. The Grafton Police Department is providing great service to the residents and businesses of Grafton. There has not been any decrease in service because of not replacing this Officer. The position has been vacant since April and it is obvious that the citizens of Grafton feel safe in Grafton. Trustee Harbeck stated that she cannot support the 2012 Budget with the inclusion of the replacement Officer. It would not be fair to the new employee to hire them for 9 months and then possibly have to let them go because of budget constraints.

Trustee Meinecke stated that the cost to Grafton is bigger than the \$80,000 cost of the Officer. Due to lack of staff, School Liaison Officer Sgt. Podewils has not been able to spend adequate time in the Schools because he has been required to fill in on patrol. In addition, Investigator Dave Wenzler has had to suspend investigations in order to fill in on patrol and has been working various shifts to cover staffing needs. Trustee Meinecke stated that if this Officer is not replaced at this time, it is not likely to occur. Twenty-two Officers were previously approved for the Police Department and approving this replacement will bring the Department to the approved number of Officers.

Trustee Grant agreed and stated that the Police Department is experiencing more calls for service due to the commercial development on the east side and the new Aurora Medical Center. The replacement of this Officer is necessary to maintain a safe community. He hoped that this matter is not being used as a campaign issue.

President Brunnuell stated that Chief Wenten and the entire Police Department are doing a great job. Chief Wenten was previously asked if he can maintain services with the current staffing level and he identified that he could. There have not been complaints on the service level of the Department and it is obvious that the Department is appreciated throughout the community.

Trustee Grant stated that while the short term service needs are being met, it is the long term needs that must also be considered. Staff fatigue will eventually become a problem. We cannot put staff at risk.

Trustee Meinecke stated that the professionalism of Police Department staff and the excellent direction of Chief Wenten will guarantee that the Department will do whatever is necessary to serve the residents and businesses of Grafton. The Board needs to be sure that they are able to provide that service without jeopardizing their own safety.

President Brunnuell stated that the budget should not be created on what may happen but on what is known. Unfortunately, the 2012 Budget does not address the significant on-going use of Applied Fund Balance and there are no significant program changes, just a small shift in costs for recycling. When you look at the overtime for the Police Department over individual Officers, it is not excessive. Just because 22 Officers have been approved, the Department is functioning well with 21 Officers. Grafton has more Officers and is not understaffed with our comparable communities of the City of Port Washington and the City of Cedarburg.

President Brunnuell stated that it would be great to include all of the items requested by each Department of the Village; however, the tax levy is frozen and can only increase by new growth. The allowable increase in 2013 is likely to be minimal based on anticipated projects in 2012. He stated that the question is whether we are adequately serving the public with the proposed Budget. He thinks we are.

The motion to adopt Resolution No. 022, Series 2011, adopting the 2012 Annual Program Budget and establishing the 2011 Tax Levy was defeated 4-3 (D. Antoine, R. Rieck, L. Harbeck, J. Brunnuell-nay / J. Grant, D. Liss, S. Meinecke-aye).

The Board discussed options for the 2012 Budget. President Brunnuell suggested that the Resolution be amended to place the funding amount of the replacement Officer in the Village's General Fund fund balance. This would maintain the current tax rate level.

In addition, the \$15,000 removed from the Police overtime account will need to be added back into the budget.

Administrator Hofland stated that the excess funds from Police Operations could be placed contingency to maintain the current levy amount. The levy amount will be a base for the 2013 budgeting purposes and expenditure restraint funding. The funds can be placed in Contingency with the acknowledgement it will not be spent.

Administrator Hofland also identified an option is to keep the current level of funding as allocated in the 2012 Budget. Because no hiring can occur without approval from the Village Board, the funds cannot be spent.

Trustee Meinecke questioned the savings if the Police Officers union would agree to pay the retirement and health insurance percentages being paid by other staff. Finance Director Styduhar responded there would be a gain of \$144,000.

President Brunnuell commented that he has no problem with adopting the 2012 Budget as presented as long as it is clear that no actual hiring of a Police Officer can occur without Village Board approval.

After discussion on the proper procedure, it was the consensus of the Board to reconsider the adoption of Resolution No. 022, Series 2011.

Motion by President Brunnuell, seconded by Trustee Rieck, to reconsider the vote on Resolution No. 022, Series 2011 / Adopting the 2012 Annual Program Budget and establishing the 2011 tax levy. Approved unanimously

Resolution No. 022, Series 2011 was offered by Trustee Grant.

Motion by Trustee Liss, seconded by Trustee Meinecke, to adopt Resolution No. 022, Series 2011, with the understanding that Village Board approval is required for the hiring of a replacement officer.

Administrator Hofland stated that the Village has received a corrected assessment ratio from the Department of Revenue. Because of the change, he is recommending that the 2011 levy amount be decreased by \$3,543 in order to maintain the current tax rate of \$6.44 per \$1,000 of assessed valuation for tax purposes. The revised 2011 levy amount is \$7,128,335.

The motion to adopt Resolution 022, Series 2011 was approved unanimously.

Amendment to the Third Revised Tax Incremental District No. 3 Development Agreement / Mueller Hotel, LLC

Motion by Trustee Grant, seconded by Trustee Rieck, to approve the amendment to the Third Revised Tax Incremental District No. 3 Development Agreement between the Village of Grafton and Mueller Hotel, LLC.

Administrator Hofland identified that due to a later than anticipated construction start for the project, the required completion dates for the project need to be changed from March, 2012 to June, 2012.

The motion to approve the amendment to the Third Revised Tax Incremental District No. 3 Development Agreement between the Village of Grafton and Mueller Hotel, LLC, was approved unanimously.

Direct Inspection Department staff to issue 2012 electrical licenses for a period of 15 months beginning on January 1, 2012 and ending March 31, 2013, without a change in license fee.

Motion by Trustee Meinecke, seconded by Trustee Liss, to authorize a 15 month electrical licensing period, beginning January 1, 2012 and ending March 31, 2013, without a change in the licensing fee. Approved unanimously.

Item 1 / Report of the Finance Committee

Motion by Trustee Rieck, seconded by Trustee Liss, to approve Item 1 the Report of the Finance Committee, as follows: 1. Amend the Workplace Violence Policy as presented.

The policy change will bring the Village into compliance with the new concealed carry law provisions. Employees will be allowed to have a weapon in a locked case or locked area in the vehicle, on municipal property

The motion to approve the amendment to the Workplace Violence Policy was approved unanimously.

Item 2 / Report of the Finance Committee

Motion by Trustee Meinecke, seconded by Trustee Harbeck, to approve Item 2 of the Report of the Finance Committee, as follows: 2. Approve a Group Voluntary Short Term Disability Insurance Policy and a Group Voluntary Long Term Disability Insurance Policy, effective January 1, 2012.

Administrator Hofland stated that the group short term and long term disability insurance is voluntary for employees and is completely paid for by staff. Employees have been provided with their individual rates for both programs.

Trustee Meinecke questioned if employees are able to obtain the disability insurance coverage after the initial offering time period. Administrator Hofland stated that if an employee does not join at the initial offering, they can join in the future; however, they will be required to take a physical. No physical is required at initial enrollment.

The motion to approve a Group Voluntary Short Term Disability Insurance Policy and a Group Voluntary Long Term Disability Insurance Policy, effective January 1, 2012, was approved unanimously.

Report of the Plan Commission

Motion by Trustee Grant, seconded by Trustee Harbeck, to approve the Report of the Plan Commission as follows: 1. Ordinance No. 032, Series 2011, amending Section 19.03.0303 D-Outdoor Display and Sale of Merchandise in the C-2 Community Business District.

President Brunnuquell briefly reviewed the changes to the allowances for outdoor storage in the C-2 Community Business District. He indicated that the revised criteria allow the place of pallets for the display and sale of merchandise; however, vending machines are not allowed.

Sharyn Kalies, co-owner of Ace Hardware, 1818 Wisconsin Avenue, indicated that she was surprised when the previous version of the outdoor storage ordinance did not include the use of pallets and that is part of the reason the matter was sent back to the Plan Commission. She stated that she is comfortable with this version of the ordinance.

There was minimal discussion on this item by the Board.

The motion to approve Ordinance No. 032, Series 2011, was approved unanimously.

## **LICENSES**

### Denial of operator's license to Michelle Scherr

Village Clerk Teri Dylak identified that Ms. Scherr has withdrawn her application from Village Board consideration. The license application will be resubmitted with the correct information for consideration at a future meeting.

### Approval to issue Special Picnic wine license to Sheri Bestor-agent NSAA-The Arts Mill, 1300 14<sup>th</sup> avenue / November 9, 2011 – the H-Art of Giving Event

Motion by Trustee Liss, seconded by Trustee Antoine, to approve the issuance of a Special Picnic wine license to Sheri Bestor-agent NSAA-The Arts Mill, 1300 14<sup>th</sup> Avenue / November 9, 2011 – The H-Art of Giving event, as presented.  
Approved unanimously.

## **DEPARTMENT AND OFFICERS REPORTS**

Building Inspector Tom Johnson informed the Board that inspection services for the Village of Saukville began today and he is confident that the program will work well.

## **REPORT OF BILLS**

Motion by Trustee Grant, seconded by Trustee Meinecke, to approve the payment of Village expenditures in the amount of \$115,234.95.

Trustee Harbeck questioned a payment to Automatic Fire Protection for fire extinguisher service. She asked about the significant difference in the charges for the Police Department and the charges for Village Hall. Chief Wenten responded that the Police Station has considerably more extinguishers than the Village Hall building.

The motion to approve the payment of Village expenditures was approved 6-0 (R. Rieck-abstain).

## **OLD BUSINESS**

Trustee Grant asked if anything has occurred regarding the possible "right of first refusal" for the Grafton Little League on the Village owned property where the Little League complex was to be constructed. Administrator Hofland responded that the matter is scheduled for discussion during the closed session portion of this meeting.-

## **NEW BUSINESS**

Trustee Antoine invited everyone to the annual tree lighting in the Paramount Plaza scheduled for Sunday, November 20, at dusk.

## **CONVENE TO CLOSED SESSION**

Motion by Trustee Harbeck, seconded by Trustee Meinecke, to convene to closed session, at 6:51 p.m., pursuant to Wisconsin Statutes 19.85(1)(c) for

Personnel Matters (2012 LAW - Police Officer contract, 2012 non-represented employee compensation and benefits) and 19.85(1)(e) for Real Estate and Competitive Bargaining Matters (Memorandum of Understanding for industrial property redevelopment, lease of municipal property, sale of municipal property, and 19.85(1)(g) for Litigation Matters (Village of Grafton vs UPAD Et Al legal issue). Approved unanimously by roll call vote.

A closed session of approximately 30 minutes occur in which the Village Board discussed negotiation strategies associated with 2012 LAW - Police Officer contract, 2012 non-represented employee compensation and benefits, potential lease and sale of municipal property at Lakefield Road and Riverbend Road, and Village of Grafton vs UPAD Et Al legal issue.

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

Motion by Trustee Grant, seconded by Trustee Meinecke, to reconvene to open session and the regular order of business at 7:19 p.m. Approved unanimously by roll call vote.

**ADJOURN**

Motion by Trustee Harbeck, seconded by Trustee Antoine, to adjourn at 7:19 p.m. Approved unanimously,