

VILLAGE OF GRAFTON

VILLAGE BOARD MEETING MINUTES

DECEMBER 5, 2011

President 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, and Jim Brunnquell

Staff / Official Present: Village Administrator Darrell Hofland, Finance Director Paul Styduhar, Police Chief Charles Wenten, Director of Public Works Dave Murphy, Deputy Clerk Lisa Oppeneer, and Village Attorney Michael Herbrand.

MINUTES

Motion by Trustee Harbeck, seconded by Trustee Liss, to approve the 11-21-2011 Village Board meeting minutes and File the 11-21-2011 Public Safety Committee; 11-22-2011 Joint Initiative Executive Committee; 11-23-2011 Parks and Recreation Board; and the 11-28-2011 Joint Library Board meeting minutes, as presented. Approved 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 adopting the 2012 Annual Program Budget and establishing the 2011 Tax Levy was offered by Trustee Grant.

Motion by Trustee Harbeck, seconded by Trustee Antoine to adopt a Resolution adopting the 2012 Annual Program Budget and establishing the 2011 tax levy, as presented.

President Brunnquell stated this item was tabled at the last Village Board meeting and is back before the Board tonight for action. The major change to the budget is moving the funding for the Police Officer out of the Public Safety budget and into the Unclassified account. (Attached to the minutes is a letter from Trustee Meinecke regarding the proposed funding reallocation).

Trustee Grant does not see any reason for the funds to be moved from one fund to another. Ultimately the Police Officer position has to be approved by the Village Board.

When the Budget was approved a month ago, it was approved with the funding of the Officer included in the Public Safety budget. Trustee Grant commented that he agreed with Trustee Meinecke's letter and the points were valid.

Trustee Meinecke commented the Village Board never directed staff to reallocate the funds into contingency.

President Brunquell stated he asked that this item be placed on the Village Board Agenda on behalf of the Village Board as a whole.

Trustee Grant commented the Public Safety Committee is ultimately responsible for the Police Department and should have an opportunity to discuss this. He recommended this item be placed on the next Public Safety Committee agenda for further discussion.

President Brunquell commented he thought it was the intent of the Village Board to start building its contingency funds. He stated he has no strong feelings on this and he is okay with the decision to move forward or not.

Trustee Harbeck questioned if this will go to the Public Safety Committee.

President Brunquell stated the Resolution would not go to the Public Safety Committee; however, the Police Officer funding can be placed on the Public Safety Committee agenda for discussion. The Village Board has the final approval of resolutions and the Annual Program Budget.

Trustee Meinecke commented if the Police Officer funds are removed from the Police Department Budget, then the Department will be taking a double hit. During budget preparation Chief Wenten was asked to find funds within his budget to hire a replacement Police Officer. He was able to reduce funds in other areas to support the funding for a replacement Officer.

President Brunquell commented the Village Board will need to prioritize and do what is best for the Village in the long term.

Trustee Grant questioned if we had not had a resignation of a Police Officer, would we have fired one to get the number of officers down.

President Brunquell commented that is unknown.

Trustee Meinecke commented there is a real problem that we are cutting the Police Department's budget and keep funding for conferences, training, mileage and all the "extra" expenses. Also, the Police Officers have to switch their work shifts frequently, which is unhealthy. There is no Human Resource Department to protect them.

Trustee Rieck questioned why there are not three set shifts for the officers to work.

Chief Wenten commented there are three shifts for the officers to work and there is a minimum of three officers per shift. Unfortunately, there are sometimes shift shortages and Officers will be moved around to minimize the overtime.

Trustee Rieck questioned if shift shortages happened when there were 22 officers.

Chief Wenten responded yes.

Trustee Grant questioned since having one less Police Officer, how much time does Sergeant Podewils spends at the Grafton schools.

Chief replied about 50 percent of Sergeant Podewils' time is spent at the Grafton schools and the remainder of his time is patrolling the Village. Also, the Investigators now spend about three to four days a month patrolling the Village.

Trustee Grant commented that with 22 officers; we had a well tuned Police Department serving our community. Keeping Sergeant Podewils in the schools and the Investigators on his cases is beneficial. Recently the criminals that were involved in a local bank robbery were caught due to the help of the Village of Grafton Investigator.

Trustee Harbeck read a letter she had prepared.

Trustee Meinecke responded to Trustee Harbeck's letter stating all the statistics in her letter were received from the Grafton and Cedarburg Police Department.

Trustee Harbeck commented we cannot compare ourselves to other communities, we are all different communities.

President Brunquell questioned if the Village Board would like to table this item and send it to the Public Safety Committee he would be in favor of that.

The motion to adopt the Resolution failed 4-3 (Brunquell, Meinecke, Liss, Grant – nay / Harbeck, Antoine, Rieck – aye).

This item will be place on the December Public Safety Committee meeting agenda for additional discussion and a possible recommendation to the Village Board for action.

Item 1 / Report of the Finance Committee (11-7-11 meeting)

Motion by Trustee Grant, seconded by Trustee Antoine, to reaffirm the current policy to bill community event organizers for additional Police services needed but the hourly rate should not include benefits, effective retroactively to May 21, 2011, as presented.

Trustee Antoine questioned if this would retro back to the "Lucky Street Music Festival" event. Administrator Hofland responded yes.

The motion to approve Item 1 of the Report of the Finance Committee was approved 5-2 (Rieck and Harbeck – nay.)

Item 2 / Report of the Finance Committee

Motion by Trustee Meinecke, seconded by Trustee Grant, to authorize the 2011 and 2012 billing of hourly benefits for additional Police services at community events to the Room Tax Fund, if funds are available. Approved unanimously.

Item 3 / Report of the Finance Committee

Administrator Hofland recommended this item be tabled until the Village Labor Attorney has reviewed the policy.

Motion by Trustee Liss, seconded by Trustee Antoine, to table the approval of the social media policy, until the Village Labor Attorney has reviewed the policy. Approved unanimously.

Approve revisions to the 2012 Table of Organization and the 2012 Personnel Schedule

Motion by Trustee Antoine, seconded by Trustee Liss, to approve the revision to the 2012 Table of Organization and the 2012 Personnel Schedule, as presented.

Administrator Hofland stated that reorganization of the Utility Office was recently approved by the Village Board whereby the Utility Department will become a division of the Department of Public Works. The current Water Department union contract (AFCSME) ends December 31, 2011 and the current Public Works Department union contract (Teamsters) ends December 31, 2012.

Administrator Hofland identified that if the Utility employees are made part of Department of Public works prior to the end of the Teamster contract there may be confusion. There is a provision in the Teamster contract for 2011 - 2012 which identifies that all employees of the Public Works be covered by this contract. This provision would eliminate the implementation of the Wisconsin Act 10 provisions for the Utility employees in regards to contribute towards health insurance premiums and the employee share of the Wisconsin Retirement System contributions. By keeping the Utility employees separate for 2012, the Act 10 provisions can be implemented.

Administrator Hofland is also recommending that the Director of Public Works be given the title of Executive Utility Director through 2012 to effectuate the spirit of collaboration between the Public Works and Utility Departments.

Trustee Antoine questioned the length of employing the Utility Director at 60 percent. Mr. Hofland responded until Tom Krueger retires.

The motion to approve revisions to the 2012 Table of Organization and the 2012 Personnel Schedule as presented was approved unanimously.

Appoint the Director of Public Works as the Executive Utility Director for calendar year 2012

Motion by Trustee Liss, seconded by Trustee Meinecke, to appoint the Director of Public Works as the Executive Utility Director for calendar year 2012, as presented. Approved unanimously.

Final Settlement Agreement and Mutual Release – US Cellular LLC, D & K Grafton Investments, LLC and the Village of Grafton

Motion by Trustee Grant, seconded by Trustee Antoine, to approve the Final Settlement Agreement and Mutual Release – US Cellular LLC, D & K Grafton Investments, LLC and the Village of Grafton, as presented.

Village Attorney Mike Herbrand has meet with representatives from US Cellular, D&K Grafton Investments and the Village of Grafton. All parties involved have agreed to the provision of the agreement. The Zoning Board of Appeals will be reviewing the document at their meeting in January.

President Brunnuell commented the agreement is regarding the US Cellular tower located at Pleasant Valley Road. A provision of the agreement requires the cell tower to be removed from the site by December, 2025.

Mr. Hofland extended his appreciation to Village Attorney Herbrand for working with all parties involved and reaching an agreement.

The motion to approve the Final Settlement Agreement and Mutual Release – US Cellular LLC, D & K Grafton Investments, LLC and the Village of Grafton was approved unanimously.

LICENSES

Motion by Trustee Grant, seconded by Trustee Liss, to approve the Change of Agent / Kathryn Weber – Mega Marts, LLC / d.b.a. Pick ‘n Save #6886 – 301 Falls Road, as presented. Approved unanimously.

Motion by Trustee Meinecke, seconded by Trustee Harbeck, to approve the issuance of a Special Class “B” Picnic License – Paula Christensen-agent The Arts Mill-NSAA Winter White event / December 17, 2011 / 1300 14th Avenue, as presented. Approved unanimously.

Motion by Trustee Liss, seconded by Trustee Antoine, to approve the issuance of Operators licenses as follows: Ricardo Escamilla – Noodles and Company; Jennifer Piotrowski – The Charcoal Grill & Rotisserie; and Adam Prust – Pizza Hut, as presented. Approved unanimously.

DEPARTMENT AND OFFICERS REPORTS

Administrator Hofland informed the Village Board that the Village has received notification of a WDNR dam repair grant for the Bridge Street Dam. This matter will be placed on the December 19, Village Board agenda for discussion and possible action.

Trustee Grant commented Newburg is being considered for NOAA funds by Ozaukee County to remove their dam in order to improve fish movement. There is concern that silt will flow downstream. He questioned if there is a possibility that the additional silt could be an issue for Grafton.

Director. Murphy commented that Administrator Hofland, Andrew Struck and he have meet regarding the possibility of using NOAA funds for the removal of silt at the Bridge Street Dam due to the removal of the Newburg dam; however, it is not an eligible expense. During the design for the removal of the Newburg dam, silt will be removed only around the structure itself, the remaining silt will be stabilized in place. Some silt will move downstream.

Trustee Grant questioned if there has been any contact with the State regarding this.

Director Murphy commented that he has discussed this issue with WDNR representatives. Director Murphy will contact the WDNR to see if there is any funding for silt removal at Bridge Street due to the removal of the dam at Newburg and at other locations.

REPORT OF BILLS

Motion by Trustee Rieck, seconded by Trustee Meinecke, to approve the payment of Village Expenditures in the amount of \$156,117.41, as presented. Approved unanimously.

Trustee Harbeck had questions on a few expenditures. Finance Director Paul Styduhar and Administrator Hofland answered her questions.

OLD BUSINESS

None

NEW BUSINESS

Administrator Hofland stated the closed session identified on the agenda is no longer needed.

Trustee Antoine commented the last GALA concert had a great turn out. Next concert is January 6, 2012, Maple Road will be performing.

ADJOURN

Motion by Trustee Grant, seconded by Trustee Meinecke, to adjourn at 6:43 p.m. Approved unanimously.