

VILLAGE OF GRAFTON
VILLAGE BOARD MEETING MINUTES

FEBRUARY 6, 2012

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

Board members present: Jim Grant, Dave Antoine, Sue Meinecke, David Liss, Lisa Harbeck, and Jim Brunquell

Members excused: Richard Rieck

Staff Present: Village Administrator Darrell Hofland, Director of Public Works / Executive Utility Director Dave Murphy, Finance Director Paul Styduhar, Parks & Recreation Director John Safstrom, Village Attorney John Gallo, and Deputy Clerk Lisa Oppeneer.

MINUTES

Motion by Trustee Grant, seconded by Trustee Antoine, to approve the 1-16-2012 Village Board meeting minutes and File the 1-18-2012 Parks and Recreation Board; and the 1-23-2012 Joint Library Board meeting minutes, as presented. Approved unanimously.

PERSONS REQUESTING TO BE HEARD

None

BUSINESS PRESENTED BY THE PRESIDENT

Acceptance of resignation – Angelica Chalmers from Public Arts Board, effective immediately

Motion by Trustee Antoine, seconded by Trustee Harbeck to accept the resignation of Angelica Chalmers from the Public Arts Board and the Historic Preservation Commission, effective immediately as presented.

Trustee Liss questioned if she is also resigning from the Historic Preservation Commission. Administrator Hofland stated yes.

President Brunquell questioned if her resignation from the Historic Preservation Commission could be added to the motion.

It was the consensus of the Village Board to accept Angelica Chalmers resignation from the Public Arts Board and the Historic Preservation Commission.

The motion to accept the resignation request from Angelica Chalmers was approved unanimously.

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

RESOLUTIONS/ORDINANCES/ACTION ITEMS

Bridge Street Dam repair project - Tanya Lourigan - DNR

Director of Public Works / Executive Utility Director Dave Murphy stated at the August 2011 Village Board meeting, he recommend the Village Board to approve the installation of a gate to control the reservoir. The Village Board selected the option with no gates or stop logs. Mr. Murphy indicated that he applied for a grant to assist with the repairs and the grant was approved. In December 2011, he received a letter from Tanya Lourigan of the DNR, stating that a gate needed to be installed. After receiving the letter, Mr. Murphy asked Ms. Lourigan to come and give a presentation to Village Board and staff on what the DNR is requiring of the Village.

President Brunnquell commented the issue with Aquatic Invasive Species won't be resolved by installing the gate. The Village Board would like to see the dam left alone, but the feedback from the DNR doesn't sound like that is an option.

Tanya Lourigan, Water Management Engineer with the DNR, explained the difference between the requirements that need to be met for NR 333 and Chapter 31 of the Administrative Code. NR 333 requires the Grafton dam to pass the 500 year flood over controlled spillways which can be done with or without gates. Whereas Chapter 31 requires the DNR to protect human life and property, which will require stop logs, flash boards, or a gate to allow the reservoir to be lowered in the future if there are structural problems.

President Brunnquell questioned if the stance from the DNR is that the dam does not meet NR 333.

Ms. Lourigan replied public safety is the most important to the DNR. We are not just looking and now, we are also taking into consideration 10 - 30 years from now.

President Brunnquell questioned if we satisfy Chapter 31 requirements will this also satisfy the NR 333 requirements.

Ms. Lourigan stated to fulfill the NR 333 requirements the dam would need to pass the 500 year flood flow.

President Brunnquell questioned if the gate is installed would the structure meet the NR 333 requirements.

Ms. Lourigan commented it is possible it could meet both requirements; however, it would depend on the design that is completed by the engineering company.

Trustee Grant questioned where the Village of Thiensville received their information from in the letter ([attached](#)) that was provided for review.

Ms. Lourigan is not sure where the Village of Thiensville has received their information from. At the present time, we do not believe there would be any impact on the Village of Thiensville. In the letter they mentioned an uncontrolled operation. When a gate has been installed, a plan of operation has to be in place.

Trustee Grant commented the dam was inspected and it was determined the structure of the dam is a lot stronger than what was initially thought.

Ms. Lourigan commented the DNR still believes the dam construction is strong; however, you never know what type of situation will arise, and we need to be proactive.

Trustee Harbeck stated that in the February 2 DNR letter to Mr. Hofland, it stated all modern design standards would need to be met. She questioned what that referred to. Ms. Lourigan replied that it referred to the gate.

Trustee Harbeck commented nowhere in NR 333 does it mention a gate needing to be installed.

President Brunnquell asked Ms. Lourigan if the DNR thinks the dam should be removed.

Ms. Lourigan commented the DNR would like to see the dam compliant. It is the owner's choice to remove the dam or leave it.

Trustee Grant commented the dam cannot be removed due to invasive species.

Ms. Lourigan commented the dam safety program wants to see a safe dam. The Wisconsin Department of Fisheries program wants to maintain control of invasive species.

Trustee Meinecke commented first we needed to comply with NR 333, now it's Chapter 31. She questioned if there any other chapters we need to comply with that have not been identified.

Ms. Lourigan replied with a gate installed and a plan of operation, the requirements should be met.

President Brunnquell commented the Village offered to do a draw down, to raise the flood waters and then the DNR came back and said this isn't acceptable. Every time we put a plan together it costs money and we are doing a disservice to the community. We cannot seem to come up with a plan that is satisfactory to everyone. At this time, it may be necessary for Mr. Murphy and Mr. Hofland to make a trip to Madison to meet with all parties that have interest in the dam.

Eric Nietzsche, DNR Regional Director, commented he understands the Village Board's frustration with the constant changes. However, the Aquatic Invasive Species (AIS) issue is going to be part of this. The DNR is looking to maintain the AIS barrier. The DNR has pulled everyone together that has involvement with dam project to voice all their concerns so there won't be all the confusion. The DNR wanted to make the Village aware of all the parties involved and their concerns before entering into a contract for the dam design project.

President Brunnquell would like a meeting held with Village staff and all parties at the state level whom have interest in the Bridge Street Dam project. We need to determine what kind of grant funds will be available for the project because this project will affect the entire community.

Ms. Lourigan commented the original grant amount of \$282,695 will still be available, which can fund a total project cost of \$730,780.

Trustee Grant questioned is there a way for the interested public to get answers to their questions outside of the meeting tonight. Ms. Lourigan replied she will leave business cards after tonight's meeting and anyone can contact her with questions and concerns.

Bill Harbeck, 907 17th Avenue, asked the DNR if they agree that we do not need to install a gate.

Ms. Lourigan responded the dam may be able to pass the flood flows without a gate. However, concerns are with public safety.

Mr. Harbeck questioned what are the safety concerns.

Mr. Nietzsche responded the concerns are if there were to be a flood and the dam was to fail, how it would affect the flow downstream.

Mr. Harbeck commented now we are going by "what if" scenarios. In Chapter 31 it does not state anywhere that a gate is mandatory. It is open for interpretation.

Ms. Lourigan stated it stems from State Statue Chapter 31.02 (2) "The department may investigate and determine all reasonable methods of construction, operation, maintenance, and equipment for any dam so as to conserve and protect all public rights in navigable waters and so as to protect life, health and property". This is the language we used to determine a gate would be needed in order to protect the public safety. It is possible that someday the dam could deteriorate and may not be able to be seen without a diver inspecting it. With a gate installed it can be drawn down to inspect the dam and if the dam has structural issues, the gates can be left open to reduce the pressure on the structure.

Mr. Harbeck commented the Village is required to inspect the dam twice every ten years and doesn't see why we would need to draw down the dam to inspect it.

Ms. Lourigan commented it is important to be able to draw down the water so the dam can be fully visible.

Mr. Harbeck reiterated the statute does not say the Village needs to install a gate. It seems like this is on the DNR's wish list and the DNR is going to force it upon the Village.

President Brunnuell commented this is why he would like to challenge the DNR; the statute is open to interpretation.

Mr. Murphy stated he will set up a meeting for all parties involved.

Report of the Parks and Recreation Board

Motion by Trustee Antoine, seconded by Trustee Liss, to accept a donation of \$200 from Maria Conway to be used for the purchase and planting of a tree on Village park land, as presented. Approved unanimously.

LICENSES

Motion by Trustee Meinecke, seconded by Trustee Antoine, to approve the issuance of Operators Licenses, as requested. Approved unanimously.

Motion by Trustee Harbeck, seconded by Trustee Liss, to approve the issuance of a Special Picnic License to Kris Raymond – Grafton Blues Association: June 2, 2012 on 13th Avenue between Bridge Street and STH 60 (Lucky Street Music Festival) / June 23, 2012 at Lime Kiln Park (Hot Rods 'N Relics) / September 7 and 8, 2012 at Lime Kiln Park (Paramount Blues Festival), as presented. Approved unanimously.

DEPARTMENT AND OFFICERS REPORTS

Mr. Murphy commented that in an effort to become more sustainable, all future bid documents for sidewalk and street projects will be placed on the Village's website.

Parks and Recreation Director John Safstrom commented the Cool Blue Winter Frolics event will be held this weekend. Most of the events will be held at Lime Kiln Park.

REPORT OF BILLS

Motion by Trustee Antoine, seconded by Trustee Liss, to approve the payment of Village expenditures in the amount of \$307,950.30, as presented. Approved unanimously.

Trustee Antoine and Trustee Harbeck questioned several of the expenditures. Their questions were satisfactorily answered by Village Administrator Hofland and Finance Director Styduhar.

OLD BUSINESS

None

NEW BUSINESS

None

CONVENE TO CLOSED SESSION

Motion by Trustee Liss, seconded by Trustee Harbeck to convene to closed session at 6:42 p.m., pursuant to Wisconsin Statutes 19.85(1)(c) for Personnel Matters (2012 compensation for AFSCME AFL-CIO employees / 2012- compensation –LAW Telecommunicators/Clerical Unit / 2012 non-represented employee compensation) and 19.85(1)(e) for Real Estate and Competitive Bargaining matters (Grafton Little League lease / Revolving loan fund default / Development Agreement negotiations / Highland Ridge Development Agreement amendment). Approved unanimously by roll call vote.

During a 28 minute Closed Session, the Village Board discussed negotiation strategies associated with the 2012 LAW - Telecommunicator/ Clerical Unit, terms of non-represented employee's compensation package, terms of existing lease with Grafton Little League, default terms with Shady Lady Lighting, amendment status of Highland Ridge development agreement.

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

Motion by Trustee Grant, seconded by Trustee Meinecke, to re-convene to open session and the regular order of business at 7:10 p.m. Approved unanimously by roll call vote.

ADJOURN

Motion by Trustee Harbeck, seconded by Trustee Grant, to adjourn at 7:11 p.m. Approved unanimously.