

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

LEGISLATIVE COMMITTEE

Tuesday, September 14, 2021 * 5:30 PM * Parkview Room
or

Zoom: <https://us02web.zoom.us/j/84684409422>

Meeting ID: 846 8440 9422

+1 312 626 6799 US (Chicago)

AGENDA

1. **Call the Meeting to Order and Roll Call.**
2. **Review and possible action on meeting minutes.**

Documents:

[2021-05-11 LC Minutes DRAFT.pdf](#)
3. **Review and possible action on an Ordinance for Chapter 65 of the Municipal Code ; record retention for video recordings.**

Documents:

[Records Retention to include video.pdf](#)
4. **Review and possible action on an Ordinance for Chapter 19 of the Municipal Code; election wards and reporting units.**

Documents:

[Clerk Election Ward Ord Memo.pdf](#)
[Election Ward Lines and Reporting Units.pdf](#)
5. **Review and possible action on an Ordinance for Chapter 106 of the Municipal Code; the description and value of work for building permits.**

Documents:

[Assessor Memo.pdf](#)
[Value of Work for Occupancy Permit.pdf](#)
6. **Other Business**

7. Adjournment

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Michelle Luedtke, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.

Village of Elm Grove Legislative Committee
Minutes

DRAFT

Call to Order

The meeting was called to order by the Chair at 5:36PM.

Roll Call:

Trustee John Domaszek (Chair)
President Neil Palmer (absent)
Trustee George Haas
Committee Member Angie Jodie
Committee Member Marlee Jansen
David De Angelis, Village Manager
Hector De La Mora, Village Attorney
Michelle Luedtke, Village Clerk/Deputy Treasurer

WELCOME THE NEW MEMBER, MARLEE JANSEN!

Review and act on meeting minutes dated 2/9/2021.

MOTION BY TRUSTEE HAAS, SECOND BY CHAIR DOMASZEK, TO ACCEPT THE MEETING MINUTES AS PRESENTED.

ALL WERE IN FAVOR. MOTION CARRIED.

Review and possible recommendations on Right of Way Public Use.

Chair Domaszek went over the history and where this comes from. Where residents want to put something in the right of way. One of the examples is the little free library across the street from Tonawanda. Items in the right of way can cause water issues if the water is blocked. At that point, it made sense to have some sort of a standard and an ordinance that codifies the process.

Trustee Haas made the following changes:

- Defining excessive ditch slope and ROW Indemnification agreement.
- Modifying ROW and hardscape.
- Removing the definition for indemnification.
- In line 30, including driveway, objects, and authorized.
- Capitalizing words found in the definition section.
- Using the same terminology throughout.
- Rewriting section 3 – existing items within the ROW.
- Defining the Village as the owner of the ROW and allowing the Village to place items in the ROW.
- Changing request to application.
- Change the title of Section 5 to be ROW Ditch Slope.

Village of Elm Grove Legislative Committee
Minutes

DRAFT

- Removing the 5th paragraph from Section 5.
- In Section 9, changing Section to Article.

Attorney De La Mora clarified that an Indemnification Agreement does not absolve someone from liability.

Trustee Haas stated this Indemnification Agreement does absolve the Village for items damaged in the ROW.

Manager De Angelis clarified the Indemnification Agreement is a form that is recorded at the Waukesha County Register of Deeds and follows the home – not the homeowner.

Manager De Angelis wants to know if boulders, rocks, or other stone are included in the hardscape. Trustee Haas indicated this would be part of the non-plant material.

Other changes made by the Committee included:

- Changing road edge to road pavement edge.
- Clarifying the process for when a resident disagrees with the Director of Public Works determination for the items in the ROW.
- Removing the term – as they would their private property from the maintenance section.
- And including a reference to the current maintenance of yards and lot areas at the end of Section 7.

MOTION BY TRUSTEE HAAS, SECOND BY MEMBER JANSEN, TO APPROVE THE ORDINANCE WITH THE ABOVE CHANGES. THE REVISED ORDINANCE TO BE SENT TO VILLAGE BOARD OF TRUSTEES FOR FINAL APPROVAL AT THEIR NEXT MEETING.

ALL WERE IN FAVOR. MOTION CARRIED.

Review and possible recommendations on Beekeeping.

Manager De Angelis gave a background on the reason we are going over beekeeping. Beautification has brought forth this ordinance. Part of being a bee city is to have a bee ordinance. This has been taken from the bee city folks and modified to our format.

Village of Elm Grove Legislative Committee
Minutes

DRAFT

Chair Domaszek and Trustee Haas indicated there are many unanswered question including zoning, commercial activity, location of hive (front yard), and the definition of the beekeeper not including the resident. The responsibility is not on the owner.

Member Jansen asked about permission of the neighbors.

Chair Domaszek wants an application. Likes the idea overall. Wonders about proof of insurance. Wants to make it somewhat mimic the chicken ordinance.

THIS ITEM WAS TABLED UNTIL THE NEXT MEETING. Representatives for the ordinance should appear to answer questions regarding the ordinance proposed.

Other Business – possible discussion regarding the keeping of exotic animals.

Adjournment

There was no further business.

MOTION BY TRUSTEE HAAS, SECOND BY MEMBER JANSEN, TO ADJOURN THE MEETING.

ALL WERE IN FAVOR. MOTION CARRIED. MEETING ADJOURNED AT 7:12PM.

Minutes transcribed by: Michelle Luedtke

Minutes Approved on:

ORDINANCE NO. 2021-09a
AN ORDINANCE TO ADD VIDEO RECORDINGS TO CHAPTER 65-12 OF THE VILLAGE OF ELM GROVE MUNICIPAL CODE

The Board of Trustees of the Village of Elm Grove, Waukesha County, Wisconsin, **DOES HEREBY ORDAIN AS FOLLOWS:**

Article II: Chapter 65-12 of the Village of Elm Grove Municipal Code entitled “Retention and Destruction”,

A. The following records shall be maintained for the periods indicated.
 [Amended 4-22-2008; 2-22-2016]

Record	Retention Period	Notice Requirement
<u>General Government Records</u>		
Village Board records		
Minute book	Permanent	N/A
Ordinances	Permanent	N/A
Resolutions	Permanent	N/A
Ordinance book	Permanent	N/A
Affidavits of publication or posting (ordinances)	Permanent	N/A
Affidavits of publication or posting (other)	EVT + 3 years	W
Video recordings of meetings	Calendar Year + 90 days	N/A

Adopted this _____ day of _____, 2021 by the Board of Trustees of the Village of Elm Grove, Waukesha County, Wisconsin:

 Neil H. Palmer
 Village President

ATTEST:

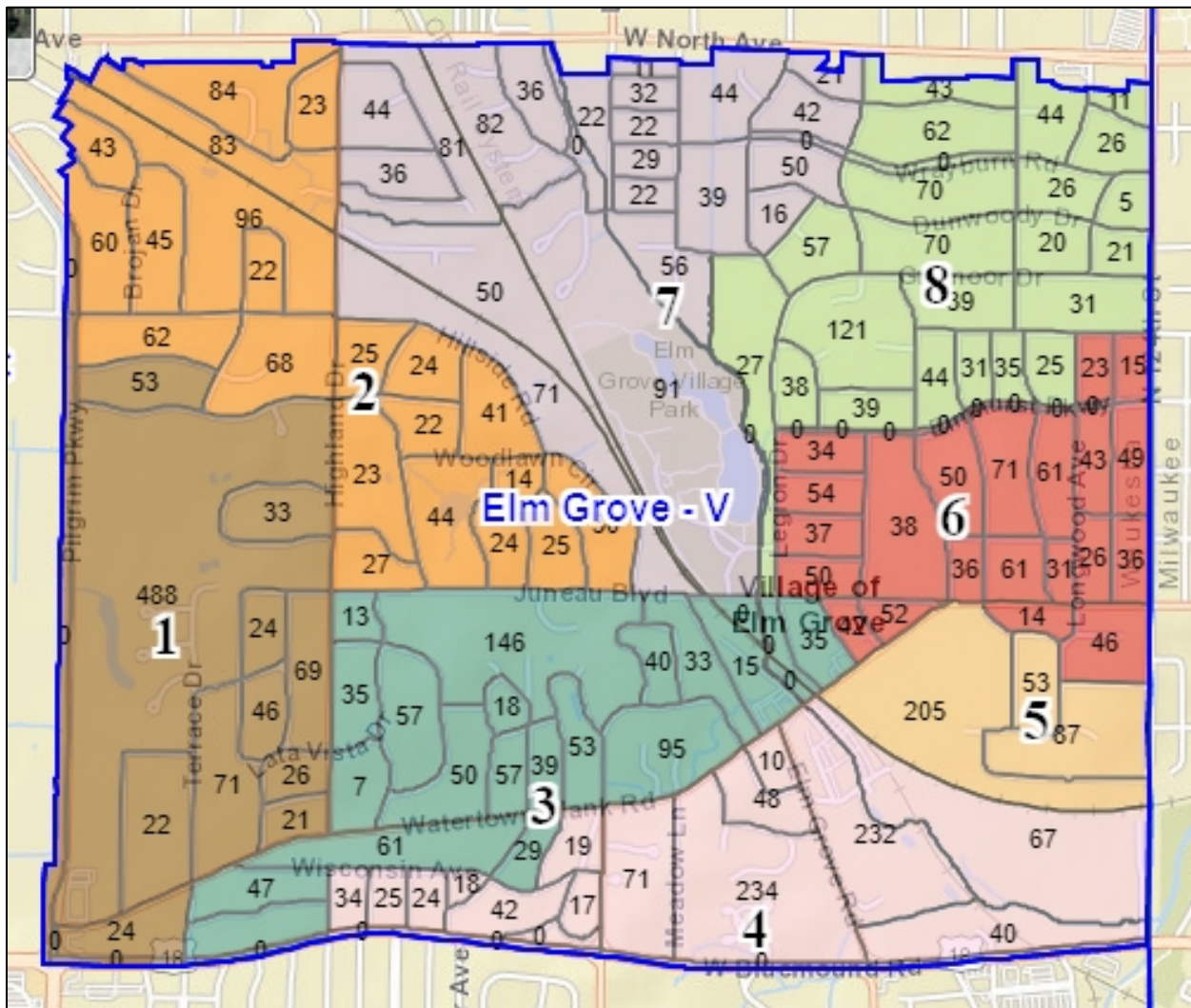
 Michelle Luedtke
 Village of Elm Grove Clerk/Deputy Treasurer
 Waukesha County



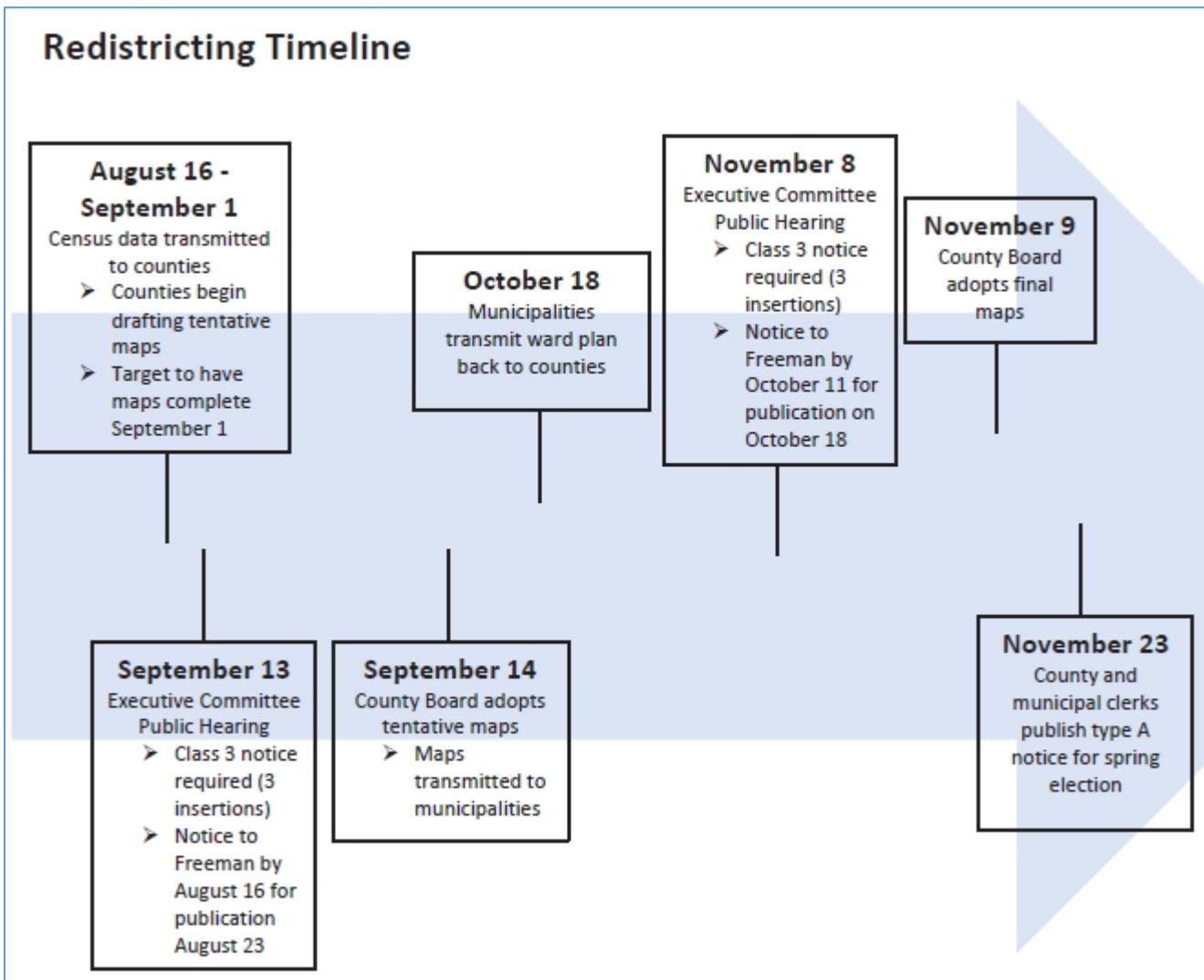
September 10, 2021

Village Legislative Committee:

At our most recent Village Board meeting, the Trustees discussed and reviewed the Census data indicating our current Ward map was out of compliance. The Village Board of Trustees approved a new Ward map (below) based on the new Census data and the likelihood of some development at the School Sister's property happening within the next 10 years. The proposed Ordinance includes the new ward descriptions in 19-3A.



Waukesha County has issued a timeline (below) for the review and completion of the Ward maps for the municipalities and has included a timeline. Waukesha County admits the timeline is tight but is based on State Statutes.



One Reporting Unit:

During this redistricting, we also have the opportunity to combine the reporting units to be one instead of two (1-4 and 5-8). In 2012, the redistricting eliminated the district line that cut the Village in half which allowed all ballots to be the same. However, our ordinance required us to order separate ballots and report them as two separate units.

Benefits of having one reporting unit:

- Less staff is needed for smaller/slower elections. Elections less than 30% can be contained in one room.
- For medium sized elections with a 30%-70% turnout predicted - the absentee processing and registration can be moved to another room (commonly called Central Count). This would still allow for less staffing than typically needed to fully staff two separate reporting units.
- For Presidential and Gubernatorial elections with 70%-75%+ turnout predicted – in person would be split between the rooms by alphabet; A-M in the Community room and N-Z in the O’Neil room. Absentee processing would be placed in the Court room. With the shift in staffing levels, we would be able to use more staff during the 2-week in-person absentee period prior to Election Day.
- One set of numbers and one set of books would be needed for in-person voting. One set of numbers and one book would be needed for absentee processing.
- Residents would not need to look at a map to see where to vote. They would vote by letter of their last name. Everyone can go to the same place and not be asked to go elsewhere in the building.
- One set of reports would need to be filled out/generated/checked/submitted to the County.
- With absentee processing happening in another room (Central Count), they will not utilize the same machine as the in-person voter which can cause lines to form at the machine with the overall processing and jamming of ballots.
- The possibility of handing/mailling someone the wrong ballot would be 0%. With two reporting units, although the ballots are the same, they are coded differently for different machines and reports.

Within the proposed Ordinance, there are 2 sections: the first section of the Ordinance (19-3A) is for the new ward description. The second portion of the Ordinance (19-3B) is for the reporting units.

A 2/3 vote of the Village Board is required to adopt the ordinance in its entirety. Within 5 days the Municipal Clerk must notify the County Clerk.

45 the following: Starting at the Northeast corner of W Bluemound Road and Terrace Drive.
46 North on Terrace Drive to Watertown Plank Road. East on Watertown Plank Road to
47 Highland Drive. North on Highland Drive to Juneau Boulevard. East on Juneau
48 Boulevard to Elm Grove Street. South on Elm Grove Street to Watertown Plank Road.
49 West on Watertown Plank Road to Brinsmere Drive. South on Brinemere Drive to
50 Wisconsin Avenue. West on Wisconsin Avenue to Rosedale Drive. South on Rosedale
51 Drive to W Bluemound Road. West on W Bluemound Road to Terrace Drive.

52 [Amended 9-27-2021]

53 (4) Ward 4. Ward 4 shall include the area bounded by the following: ~~15285 to 13545-~~
54 ~~Watertown Plank Road (south side of street). 945 to 545 Elm Grove Road (west side of~~
55 ~~street). 15350 to 13200 W. Bluemound Road.~~ Starting at the Northeast corner of W
56 Bluemound Road and Rosedale Drive. North on Rosedale Drive to Wisconsin Avenue.
57 East on Wisconsin Avenue to Brinsmere Drive. North on Brinsmere Drive to Watertown
58 Plank Road. East on Watertown Plank Road to the Canadian Pacific Railroad Line. South
59 on the Canadian Pacific Railroad Line to N 124th Street. South on N 124th Street to W
60 Bluemound Road. West on W Bluemound Road to Rosedale Drive.

61 [Amended 9-27-2021]

62 (5) Ward 5. Ward 5 shall include the area bounded by the following: ~~940 to 500 Elm-~~
63 ~~Grove Road (east side of street). 13040 to 12500 W. Bluemound Road. 124th Street from~~
64 ~~W. Bluemound Road to Juneau Blvd. 13475 Watertown Plank Road to 124th Street (the~~
65 ~~south side of street).~~ Starting at the Canadian Pacific Railroad Line West of the
66 intersection of Watertown Plank Road and Legion Drive. Northeast on Watertown Plank
67 Road to the intersection of Blue Ridge Boulevard and Stephen Place. Southeast on
68 Stephen Place to Longwood Avenue. South on Longwood Avenue to W Grove Terrace.
69 East on W Grove Terrace to N 124th Street. South on N 124th Street to the Canadian
70 Pacific Railroad Line. West on the Canadian Pacific Railroad Line to Watertown Plank
71 Road.

72 [Amended 9-27-2021]

73 (6) Ward 6. Ward 6 shall include the area bounded by the following: ~~13455 to 12425-~~
74 ~~Elmhurst Parkway (south side of street). 1500 to 1000 Legion Drive. 13605 to 1300-~~
75 ~~Juneau Blvd. 13500 to 12400 Watertown Plank Road (north side of street). 124th Street~~
76 ~~from Juneau Blvd. north to North Avenue.~~ Starting at the Northeast corner of Watertown
77 Plank Road and Elm Grove Street. North on Elm Grove Street to Juneau Boulevard. West
78 on Juneau Boulevard to Legion Drive. North on Legion Drive to Elmhurst Parkway. East
79 on Elmhurst parkway to Longwood Avenue. North on Longwood Avenue to Walnut
80 Road. East on Walnut Road to N 124th Street. South on N 124th Street to W Grove
81 Terrace. West on W Grove Terrace to Longwood Avenue. North on Longwood Avenue
82 to Stephen Place. West on Stephen Place to Watertown Plank Road. West on Watertown
83 Plank Road to Elm Grove Street.

84 [Amended 9-27-2021]

85 (7) Ward 7. Ward 7 shall include the area bounded by the following: ~~North Avenue from~~
86 ~~the Canadian Pacific Railroad Line to Arrowhead Court. Canadian Pacific Railroad Line~~
87 ~~on the west side from North Avenue to Juneau Blvd. Juneau Blvd. and Canadian Pacific~~
88 ~~Railroad Line to Legion Drive. 1605 Legion Drive on west side of street to 13200-~~
89 ~~Gremoor. 1835 Arrowhead to North Avenue on west side of street.~~ Starting at the
90 Northeast corner of Juneau Boulevard and Woodlawn Circle. North on Woodlawn Circle

91 to Hillside Drive. North on Hillside Drive to Highland Drive. North on Highland Drive to
92 W North Avenue. East on W North Avenue to Arrowhead Court. South on Arrowhead
93 Court to Dunwoody Drive. West on Dunwoody Drive to Bobby Lane. South on Bobby
94 Lane to Hollyhock Lane. Northwest on Hollyhock Lane to Underwood River Parkway.
95 West on Underwood River Parkway to San Fernando Drive. South on San Fernando Drive
96 to Underwood Creek. South on Underwood Creek to Juneau Boulevard. West on Juneau
97 Boulevard to Woodlawn Circle.

98 [Amended 9-27-2021]

99 (8) Ward 8. Ward 8 shall include the area bounded by the following: ~~North Ave. and~~
100 ~~Arrowhead Court to 124th Street. 2155 to 1625 124th Street. 13450 Elmhurst to 124th~~
101 ~~Street. 1700 Arrowhead Court north to North Avenue. 1610 Legion Drive north on west~~
102 ~~side of street. Starting at the Northeast corner of the intersection of Juneau Boulevard and~~
103 ~~Underwood Creek. North on Underwood Creek to San Fernando Drive. North on San~~
104 ~~Fernando Drive to Underwood River Parkway. West on Underwood River Parkway to~~
105 ~~Hollyhock Lane. Southeast on Hollyhock Lane to Bobby Lane. North on Bobby Lane to~~
106 ~~Dunwoody Drive. East on Dunwoody Drive to Arrowhead Court. North on Arrowhead~~
107 ~~Court to W North Avenue. East on W North Avenue to N 124th Street. South on N 124th~~
108 ~~Street to Walnut Road. West on Walnut Road to Longwood Avenue. South on Longwood~~
109 ~~Avenue to Elmhurst Parkway. West on Elmhurst Parkway to Legion Drive. South on~~
110 ~~Legion Drive to Juneau Boulevard. West on Juneau Boulevard to Underwood Creek.~~

111 [Amended 9-27-2021]

112 B. Wards in the Village of Elm Grove shall be combined as follows:

113 (1) Wards 1 and 2 through 8.

114 ~~(2) Wards 3 and 4.~~

115 ~~(3) Wards 5 and 6.~~

116 ~~(4) Wards 7 and 8.~~

117 ~~C. Combined wards shall use common ballots and voting machines, and separate returns shall~~
118 ~~not be maintained for the combined wards at any election, but separate ballots shall be~~
119 ~~maintained for each separate ballot required under §§ 5.53 to 5.64, Wis. Stats.~~

120 C. D. Wards are also defined on a ward map on file in the Village Clerk's office.

123 Adopted this _____ day of _____, 2021 by the Board of Trustees of the Village of
124 Elm Grove, Waukesha County, Wisconsin:

125 _____
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127 Neil H. Palmer
128 Village President

129 ATTEST:

130 _____
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132
133 Michelle Luedtke
134 Village of Elm Grove Clerk/Deputy Treasurer
135 Waukesha County

Jeff Thornton

Assessor's Office

13600 Juneau Blvd
Elm Grove, Wisconsin 53122
(262) 782-6700 - Fax (262) 782-8714

September 10, 2021

To: Village Board

Re: Proposed: Ordinance for Description and Value of Work forms for building permits

This proposed ordinance would require holders of building permits, except as related to 1-and 2-family dwellings, to complete a Description and Value of Work form before obtaining their occupancy permit. The purpose of this form is to provide the Inspection Services Department with information to ensure that the permittees are paying the necessary fees and proper amount of fees for the construction based on the actual costs. Additionally, the information will enable the Assessor's Office to assess the value of the property more accurately as the information will provide the true and actual costs for the cost approach to valuation, which is the best indicator of value for assessment.

Thank you for your consideration,

Jeff S. Thornton
Assessor's Office
Elm Grove

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ORDINANCE NO. 2021-09c
AN ORDINANCE TO ADD A SECTION TO THE VILLAGE OF ELM GROVE MUNICIPAL CODE REGARDING THE DESCRIPTION AND VALUE OF WORK FOR BUILDING PERMITS

The Board of Trustees of the Village of Elm Grove, Waukesha County, Wisconsin,
DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 106-2(B)(3)(a) of the Village of Elm Grove Municipal Code entitled “Description and Value of Work for Building Permits”,

a. Description and Value of Work. Prior to receiving an occupancy permit all applicants of building permits, except for one or two-family dwellings, shall submit a description of work and its scheduled value on a form to be furnished by the Assessing Department.

Section 2: All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Section 3: This ordinance shall take effect and be in full force from and after its passage.

Adopted this ____ day of _____, 2021 by the Board of Trustees of the Village of Elm Grove, Waukesha County, Wisconsin:

Neil H. Palmer
Village President

ATTEST:

Michelle Luedtke
Village of Elm Grove Clerk/Deputy Treasurer
Waukesha County