

Village of Elm Grove Board of Trustee Meeting Minutes

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Board of Trustee Call to Order:

The meeting was called to order at 7:34PM.

Roll Call:

PRESIDENT PALMER
TRUSTEE CORNELL
TRUSTEE DOMASZEK
TRUSTEE HAAS
TRUSTEE KRESSIN
TRUSTEE MICHALSKI
TRUSTEE SAYAS
DAVID DEANGELIS, VILLAGE MANAGER
HECTOR DE LA MORA, VILLAGE ATTORNEY
TOM HARRIGAN, ZONING ADMINISTRATOR
MICHELLE LUEDTKE, VILLAGE CLERK/DEPUTY TREASURER

The Pledge of Allegiance was recited.

1.) Approval of Agenda

MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE DOMASZEK, TO AMEND THE AGENDA TO MOVE ITEM 13 CLOSED SESSION TO IMMEDIATELY FOLLOW THE APPROVAL OF THE AGENDA AND FOR THE REPORT OF THE FINANCE COMMITTEE TO BE MOVED TO THE FIRST REPORT IN THE REPORT OF STANDING COMMITTEES.

The items will remain in order for the minutes for reference.

ALL WERE IN FAVOR. MOTION CARRIED.

2.) Public Hearing – none.

3.) Public comments – please note comments read into the record are included in the minutes. Comments emailed to Village Board members, but not read aloud, are not included.

Susan McClusky - 580 Rosedale Drive – Daughter of John McClusky from 12800 Watertown Plank Road. She believes this will make traffic difficult. She is against this.

Dan Dominski – 12500 Wrayburn Road- Against the project.

Jim Koleski - 940 Katherine Drive – He was part of the Building Board. Was concerned about size and scope. Ingress and egress. Congested. Worried about traffic pattern. Opposed to scope and size.

Scott Shulick – 1155 Church Street – Against the project. The scope is too large and they are asking for too much money.

Kathleen White – 1620 Greenway Terrace - Against the development.

Cathy Varebrook – 850 Terrace Drive – Against the project. It's huge and right in a residential neighborhood.

Jennifer Stuckert – 14949 Juneau Boulevard – Against the project. There are more letters online

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against the project than for it. Wants the board to stop and think about the TIF and the scope. Development is good, water is good for the village. The wrong change and development can destroy Elm Grove.

Bill Hall - 805 Circle Drive – Main objection is the TIF money. He believes the referendum should be for anything over \$1M.

Tom Blanchard – 905 Kurtis Drive – Not against development in general. People in the room will not benefit from this by the time we benefit from this. This is probably one of the most valuable pieces of land in this area. This does not need TIF funds.

Mark Depledge - 770 Terrace Drive– Agrees with everyone people have said. This is a valuable piece of property. The investor does not need TIF money. Worried about traffic issues. Is for growth. Needs to be done in a better way.

Jeff Behrend – 1100 Red Barn Lane – Here to speak about the citizen petition. The referendum item and the Mandel project are linked. Submitted October of 2020. Disappointed this took so long to happen. Could have been done sooner. Wauwatosa has a return loop requirement. This could be a liability for the village. Adding a referendum is just good government.

Aaron Duch – 14245 Juneau Boulevard – Speaks in opposition. Asking the board to honor circuit court's decision.

Lisa Becker – 1155 Church Street – Against the project. She does not like the way the PDO will capture the tax dollars from the single-family.

Steven Kalmer – 12800 Green Meadow Place – The Mandel Group has been willing to listen. But he is not for the rental units they would be bringing in. He believes the village board has not listened.

Sue Robinson – 12775 Green Meadow Place – Opposed to development. Disappointed in plan commission. No other areas in the village have had this type of proposal. We aren't going to see the tax benefit for decades.

Paul Siefert – 1000 Terrace Drive – Concur with previous statements. The scope and density. The TIF does not work. Supports the referendum in the spring.

Carol Zembinski – 13845 Garfield Avenue – Appreciates the work of the board. Against the project, the scope, the traffic.

Tom Castile – 1865 Hollyhock Lane – Against the project. Against the size, density. He believes John's heart is in the right place. Get the people's input. Find a more creative way to use the land and get the water to downtown.

Chris Lenske – 1140 Pilgrim Parkway – Moved here two months ago. Loves the quaint part of the village. This is huge, looks horrible, and doesn't fit. We need people who are invested.

Helen Shiely - 15270 Briaridge Court – Lived here for 35 years. She is not opposed to the development of this property. But this is not the best use. Reconsider what is being proposed by Mandel. A group of citizens had to go to court to go against this project.

Daniel Schmidt – 12955 Meadow Drive – Against the project.

Stacey Barry Coffey – 12805 Dunwoody Drive – Against the density. Developed more creatively. Water should not be part of this project. Traffic, services, schools will be impacted.

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Ted Eull – 12850 Green Meadow Place – Against the project. Communicated and managed poorly. He believes there are more letters against than for the property. People don't come to these meetings. They trust what we are going to do. Mandel building the echelon property with a TIF for much less. If this property is so blighted, why were there multiple bidders? Good things will come from the development of this property. This can be scaled down.

Bob Coakley –1025 Woodland Avenue - Against the project. We should not be funding this.

John Schindler – 835 Grandview Drive – Concerned about the effect on EMS. Recruiting is difficult. Think about the density. Against giving corporate welfare. Reconsider the setback on Red Barn Lane.

Mary Inden – 14745 Watertown Plank Road – In favor of the development of School Sisters property. In favor of water lake Michigan and not Brookfield. Former trustee – understands processes. Former retailer – we need to have viable safe bit active retailers in the downtown area. We rely on local residents to shop. We do need more people moving into the village. We need more quaint shops. New restaurant called Yemas. We need to have activity in the retail section. Exciting to see high end homes. Her lot is a ¼ acre. These lots that are a 1/3 acre are adequate. The homes will be quite valuable. The village needs updating and more people moving in.

Bill Hall - 12450 Stephen Place – Thanks then for their time. Against the TIF. One of the most valuable pieces of property in the state. We do not need a TIF to have a development here.

HEARING NO ONE ELSE PRESENT OR ON ZOOM WHO WISHED TO SPEAK – THE PUBLIC COMMENT PERIOD WAS CLOSED.

4.) Approval of Minutes

- a. 2021-11-18 Village Board of Trustee Public Hearing DRAFT Minutes.

MOTION BY TRUSTEE KRESSIN, SECOND BY TRUSTEE DOMASZEK, TO APPROVE THE MINUTES AS PRESENTED.

ALL WERE IN FAVOR. MOTION CARRIED.

- b. 2021-11-22 Village Board of Trustee DRAFT Minutes.

MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE DOMASZEK, TO APPROVE THE MINUTES AS PRESENTED.

ALL WERE IN FAVOR. MOTION CARRIED.

5.) Report of the Village President - Neil H. Palmer

- a. No report.

6.) Report of Fire Chief - David Kastenholtz

- a. November Fire Department Report.

7.) Report of Police Chief - James Gage

- a. November Police Department Reports.

8.) Report of EMS Director - Dr. Jon Robinson

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- a. No report.
- 9.) Report of Village Clerk - Michelle Luedtke
- a. Review and act on 2022-2023 Poll Worker Appointments.
MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE DOMASZEK, TO APPROVE THE 2022-2023 POLL WORKER APPOINTMENTS.
ALL IN FAVOR. MOTION CARRIED.
- 10.) Report of Village Manager - David DeAngelis
- a. Manager DeAngelis went over his memo of ongoing projects. No additional questions were asked.
- 12.) Report of Village Attorney – Hector De La Mora
- a. Attorney De La Mora had no report at this time.
- 13.) Report of Standing Committees - Please review the minutes on our website for more details.
- 1. Plan Commission - Trustee Michalski
 - I. Review and possible action on Resolution 122021A to approve a Certified Survey Map and Rezoning from I-1 Institutional District to RM-1, RS-3, RS-4 and I-1 with a Planned Development Overlay under ord. § 335-30 for development as a Residential Planned Development District, and in accordance with Wis. Stat. § 62.23(3)(b), amend the Village Comprehensive Plan and a Conditional Use Permit for the continued cemetery use for properties commonly known as 13105 Watertown Plank Road (a/k/a “School Sisters of Notre Dame Pacific Province Campus”).
MOTION BY TRUSTEE MICHALSKI, SECOND BY DOMASZEK, TO APPROVE A RESOLUTION 122021A TO APPROVE A CERTIFIED SURVEY MAP AND REZONING FROM I-1 INSTITUTIONAL DISTRICT TO RM-1, RS-3, RS-4 AND I-1 WITH A PLANNED DEVELOPMENT OVERLAY UNDER ORD. § 335-30 FOR DEVELOPMENT AS A RESIDENTIAL PLANNED DEVELOPMENT DISTRICT, AND IN ACCORDANCE WITH WI STAT § 62.23(3)(B), AMEND THE VILLAGE COMPREHENSIVE PLAN AND A CONDITIONAL USE PERMIT FOR THE CONTINUED CEMETERY USE FOR PROPERTIES COMMONLY KNOWN AS 13105 WATERTOWN PLANK ROAD (A/K/A “SCHOOL SISTERS OF NOTRE DAME PACIFIC PROVINCE CAMPUS”).

Trustee Haas suggests deleting lines 59-61. 1st accepted. 2nd accepted.

Trustee Sayas wanted to thank everyone for being here this evening. She has read everything about TIF and its developments. She has read the concerns and shares some of the same. Mandel has listened. She doesn't think we are there yet. She doesn't think we need this many units in the village. She feels this has been rushed.

Trustee Michalski indicated we have been talking about this for over two years now. It has been deliberate and upfront. We have been listening and paying attention.

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Our job is to listen to the residents and act on long-term goals. He gave every issue full consideration. There is only one issue that isn't quantifiable. That this will change Elm Grove. The people who move here are attracted to this place and choose to move here. This development is a rare opportunity. This project protects our historical buildings. We aren't talking about the TIF at this point because we don't have the numbers. We will be moving forward in one form or another with something. It would be regrettable if this opportunity slipped away.

Trustee Domaszek said he gets that people don't like the answers. There are significant upsides. He is taking everything into account. The good and the bad. We have the opportunity to get water. To cure ails. We will be a neighborhood in Brookfield in ten years if we don't take opportunities. Too many places are going out of business.

Trustee Kressin said we have been looking at this for a long time. He has met with dozens of people. Most of the people who understand the challenges are not here tonight. The issues have been mitigated and those people don't show up. He has been here for eighteen years. Come to the finance meetings and see what we are getting rid of. Downtown could fail. We talked to the business owners. They are not doing well. If Sendiks closes – what will that do to the property values? You will see an upside-down community. The density units have come down greatly. We have five projects in the village at a higher level. Water to downtown is our lifeblood. Google Flint to see what happens without water. With apartments vs condos - at these rates, the apartments are more expensive than homes in the village. Condos are great initially. Google Fort Lauderdale to see HOAs who don't pay for deferred maintenance. Look at the condos around here. They are not doing it because people cannot agree. We don't want all of our businesses to leave. We want to fix roads, put in pathways.

Trustee Domaszek said every time people are here and all fired up about it - it may not land where you want it to. This process helps. People point things out and they are reviewed. We have a much better product. The numbers are not there. People hear you.

Trustee Cornell indicated she hopes the comments do make everyone think. This is not an easy vote for her. She has listened to all sides. The proposal has evolved over time. This allows for the historical buildings to be kept. Major concerns about materials and placement were addressed. The recommendations from committees come from experts. These recommendations have to be the best for the entire village. She does believe the pros outweigh the cons. She supports the project.

President Palmer said we have been working on this for two years. After the School Sisters selected Mandel, we were accused by many of jamming something through –

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two years is not quick. Many committees have done many meetings. Our job is to get the highest and best use of the land. Get the highest quality. We don't have a lot of lands that will be developed or developed incorrectly. We are known for being a difficult place to develop. The changes from the original proposal include the two historical buildings being preserved. Four hundred units were taken down. We pushed hard on the developer to make changes from townhouses on the outside and a pocket neighborhood to single-family lots. There are a lot of bad condo stories that were discussed in other meetings. We got three traffic engineers who all said the same thing about the perceived traffic issues. We had the school district look this over. The economics we have looked at extensively as to what is the minimum we need to consider to provide to make this project work. President Palmer went over the costs it would take for single-family residents only. He went over costs and how they would be covered. We continue to hear about renters vs owners. We are lucky when we build a high-quality project we can attract people who do come for various reasons. He sees the positives in a high-quality rental project. In the long haul, high-quality rental projects can maintain their value. Condos are notorious for not being about to agree on things. He is prepared to support this. The same thing happened when the Watermark when it was being built. These buildings are the same size as the watermark. We have improved the project from the first concept. We have also made sure the village is covered. We have spent hundreds of hours on this.

Trustee Sayas stated she went to the finance meeting to hear what was being said. She believes we are not there yet. She is not in favor of the proposed financing. She would like the stamp of approval from the Finance Committee. She wants whatever we do to be right.

Trustee Haas called the question.

6 IN FAVOR. WITH SAYAS VOTING NAY. MOTION CARRIED.

- II. Review and possible action on Resolution 122021B to approve entry into Development and TIF Agreement for properties commonly known as 13105 Watertown Plank Road (A/K/A "School Sisters of Notre Dame Pacific Province Campus").
- III. Review and possible action on Resolution 122021C and 122021D Creating Tax Incremental District No. 3, approving its Project Plan and establishing its Boundaries. Tabled

MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE HAAS, TO TABLE ITEMS 13(1)(ii) and 13(1)(iii).**ALL IN FAVOR. MOTION CARRIED.**

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2. Library Board - Trustee Sayas
 - i. The Library Planning Consultant process continues. They came up with a consultant they liked this evening. Lights of Love has raised just over \$20,000. For more detailed information, please see the minutes on the website later this week.
3. Public Works - Trustee Kressin
 - i. No meeting, no report.
4. Public Safety - Trustee Sayas
 - i. No meeting, no report.
5. Legislative - Trustee Domaszek
 - i. No meeting, no report.
6. Park and Recreation – Trustee Cornell
 - i. We got a pickle ball update. We will offer lessons, court rentals, and painting court lines. We are waiting for a more formal proposal. Discussed the beer garden and finding an adult fitness instructor. Program dates for the summer will be posted earlier so parents can plan. For more detail, please see the minutes on our website.
7. Administrative and Personnel - Trustee Michalski
 - i. No meeting, no report.
8. Finance and Licensing - Trustee Haas - Note: this item was taken out of order per the motion made on item 1 above.
 - i. Review and possible recommendation to Village Board on TIF Financing to Mandel Group for School Sisters of Notre Dame proposed development.

NO RECOMMENDATION WAS MADE.

- ii. Review and Act on Vouchers.

MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE KRESSIN, TO APPROVE THE VOUCHER LISTS AS SUBMITTED.

ALL WERE IN FAVOR. MOTION CARRIED.

14.) Closed Session - May convene into closed session pursuant to Wis. Stat. ss.19.85(1) (g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. More specifically the petition for writ of mandamus filed January 21, 2021 from petitioners Michael Rohr, Marc McSorley, and Jan Termuehlen.

Note: this item was taken out of order per the motion made on item 1 above.

MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE DOMASZEK, TO CONVENE INTO CLOSED SESSION.

ROLL CALL VOTE: YAY – PALMER, CORNELL, DOMASZEK, HAAS, KRESSIN, MICHALSKI, SAYAS.

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MOTION CARRIED. THE CLOSED SESSION BEGAN AT 7:39 PM. MOVED TO PARK VIEW.

MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE DOMASZEK, TO CONVENE INTO OPEN SESSION.

ALL IN FAVOR. OPEN SESSION RESUMED AT 8:30 PM IN THE COURT ROOM.

In the open session: President Palmer gave a brief overview of the petition of the writ of mandamus. We received a draft order to hold a referendum on the matter. The intention is to have this referendum on the Spring ballot. There is also talk about a bond. We will try to keep people informed. This is not necessarily about the SSND. This is about all public works. We will follow the Judge's verbal order. We will be canceling pathways and road rebuilding until an outcome has been reached.

Trustee Domaszek added that water past the Mandel property will not happen. No downtown water. Every non-Mandel-related project will be put on hold. This will be discussed at the Public Works Committee. Trustee Domaszek wrote something about this on Facebook and how it would not only affect Mandel items. The good things will be limited. We are going to lose out on some things that are unrelated. We will vote on non-financial-related items tonight. Agreements will need to be rewritten with new numbers and language.

15.) Closed Session - May convene into closed session pursuant to Wisconsin §19.85(1) (e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session with respect to the contract for municipal water from the City of Wauwatosa.

MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE DOMASZEK, TO CONVENE INTO CLOSED SESSION.

ROLL CALL VOTE: YAY – PALMER, CORNELL, DOMASZEK, HAAS, KRESSIN, MICHALSKI, SAYAS.

MOTION CARRIED. THE CLOSED SESSION BEGAN AT 10:23 PM IN THE COURT ROOM.

16.) May convene into open session to take action on any closed session items.

MOTION BY TRUSTEE DOMASZEK, SECOND BY TRUSTEE MICHALSKI, TO CONVENE INTO AN OPEN SESSION.

ALL IN FAVOR. OPEN SESSION RESUMED AT 10:55 PM.

Motion on item discussed in Closed Session:

NO ACTION. DIRECTION WAS GIVEN TO MANAGER DEANGELIS TO CONTINUE DISCUSSIONS WITH THE CITY OF WAUWATOSA.

17.) Other Business – The Clerk announced her resignation.

18.) Adjournment

There was no further business.

Monday, December 20, 2021

7:30 PM

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MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE KRESSIN, TO ADJOURN THE MEETING.

ALL WERE IN FAVOR. MEETING ADJOURNED AT 10:57 PM.

Minutes transcribed by: Michelle Luedtke

Minutes Approved on: