

Village of Elm Grove Board of Trustee Meeting Minutes

Board of Trustee Call to Order:

The meeting was called to order at 7:30 PM.

Roll Call:

PRESIDENT PALMER
TRUSTEE CORNELL
TRUSTEE DOMASZEK
TRUSTEE HAAS
TRUSTEE SAYAS
TRUSTEE KRESSIN
TRUSTEE MICHALSKI – attended via Zoom
DAVID DEANGELIS, VILLAGE MANAGER
HECTOR DE LA MORA, VILLAGE ATTORNEY
TOM HARRIGAN, ZONING ADMINISTRATOR
SANDEE POLICELLO, VILLAGE CLERK/DEPUTY TREASURER

The Pledge of Allegiance was recited.

- 1.) Approval of Agenda – President Palmer suggested changing the order of the agenda – moving the report from the Village Attorney (11.) to prior to 3. (Public Comment); he also suggested moving the Plan Commission Report (12a.) to after 3. (Public Comment).

President Palmer made comments regarding public comment. He received information and a copy of online information regarding public comment and how we handle it. He stated that the public does not normally have the opportunity to speak to items that are on the agenda for action. He said under the code under another section there is the opportunity to potentially speak with the permission of the presiding officer when the item is taken up by the Board. He said historically the Board has had an open process to allow the public to speak, when technically there may not be a legal right to speak and this will be the case tonight.

MOTION MADE BY TRUSTEE KRESSIN, SECOND BY TRUSTEE DOMASZEK, TO APPROVE THE AGENDA WITH PROPOSED AMENDMENTS.

ALL WERE IN FAVOR. MOTION CARRIED.

- 2.) Public Hearing - On Resolution 032822, Approving the Discontinuance/Vacation of Certain Road Reservation Adjacent and West of 13906 Watertown Plank Road, EGV 1106985, Elm Grove, Wisconsin.

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

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3.) Report of Village Attorney – Hector De La Mora

a. Attorney De La Mora spoke regarding the Vacation of 13906 Watertown Plan Road, EGV 1106985. He has reviewed it and all the necessary steps have been followed and the item is ready for action by the Board.

b. Attorney De La Mora informed the Board and the public that per ordinance 80-2J – the order of business is provided and historically the third order of business has been public comment. During discussion the member of the public must be recognized by the presiding officer. Ordinance 80-2M references the participation of the public in debate and he read this section. Attorney De La Mora said a number of inquiries have been made this week and he wrote a legal opinion memo on March 24, 2022 to Manager DeAngelis which referenced the transcript of the hearing held before Judge Bohren on February 7, 2022. Attorney De La Mora indicated that the Board can take action to approve the most recent version of the development agreement for the School Sisters of Notre Dame property prior to the occurrence of the referendum vote on April 5th. This most current version of the developer’s agreement does not contain any commitment or obligation on the part of the Village of Elm Grove to undertake any public works project that exceeds \$1 million. Instead, the developer is obligated to be solely responsible for the installation of water to the SSND site. He added that the developer, as a condition of the issuance of an occupancy permit, shall construct, install, furnish and provide a fire suppression system for the apartment property to the extent required by and in accordance with plans and specifications approved the State of Wisconsin.

Manager DeAngelis questioned if this opinion also include the approval of the TIF district as it is not a public works project. Attorney De La Mora responded that the scope of his prior opinion also extends to the creation of the TIF district.

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

Public comment –

Mary Endon, 14745 Watertown Plank Road – April 23 the EB BA is hosting shred day, Park and Shop, 9 am – noon, there will be two trucks.

Ray Shannon, _____ Kiwanis club is hosting a classic car event, Sunday, August 7th from 10 am -3 pm. The special event application is on tonight’s agenda for approval.

Lisa Becker, 1155 Church St – She asked Board to table or post-pone the resolutions regarding the development agreement and TIF for the Mandel project until after the April election. She read a portion of the transcript from the February 7, 2022 hearing before Judge Bohren.

Chris Mason, Fox Creek Court – He doesn’t understand why Mandel Group who has many projects, was given a line of credit by BMO Harris for amounts of \$36 million and \$21 million for projects in Milwaukee and West Allis and \$41 million for a 265 unit apartment project in

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Franklin. He questioned why the Village would create a \$23 million TIF for Mandel who has over a half-billion dollars in assets – why should taxes be increased to pay for the project?

Jennifer Stuckert – 14949 Juneau Blvd. – She urged the Board to reconsider the TIF and Development Agreement. She said \$23.3 million is three times the annual budget of the Village. The Mandel project would get water when downtown businesses need municipal water. She spoke to expenses that the new residences will bring and referenced traffic issues with trains and traffic congestion. How will a recession affect it? She asked that they vote no.

Julie VanCleave – Elmwood Rd. – She feels the TIF is oversized. She doesn't feel we have to entice developers with a TID. She is against the special set backs and high density apartments. She asked the Board to wait until after the election to take further action. She said the current plan is not the best possible plan and is a disservice to citizens.

Jim Koleski – 940 Katherine Drive – He thanked the Board for their work and Manager DeAngelis for helping him understand the TIF. He has talked to over 500 residents – they are concerned with size of TIF. He said with current real estate situation why should Elm Grove fund a TIF? He said the TIF is too large. The \$600,000 increase is financial engineering by trustees. He urged the Board to defer and reconsider the project and development.

Tom Castile – 1865 Hollyhock Lane – He is against high density of the project. He met with John regarding the best value for Elm Grove in a development. How will we pay for EMS, police? We will have to wait 20 years for pay off. He met with Trustee Kressin who said the tax levy will be changed and water will be brought into the Village at no cost. Castile said there is no free water – others will have their tax rates go up. He sees no benefit to the project. He asked that the Board not vote before April 5th.

Tony Kleski? Female, 12800 Watertown Plank Road – She agrees with the prior comments. She asked the Board to postpone TIF vote until after the election and they would gain the faith of residents if they wait.

John Schindler, 835 Grandview Dr – He agrees with previous comments. He said there is no upside to proceed tonight. There are financial unknowns.

Ted Eull, 12850 Green Meadow PI – He agrees with previous public comments. He said the Ehlers report was to justify the TIF. There is some justification for TIF, but he said a similar project was completed with a \$2.5 million TIF to Mandel in other community. He asked the Board to wait to vote until after the election. He asked that they go back to Mandel to reduce amount of the TID.

HEARING NO ONE ELSE PRESENT OR ON ZOOM WHO WISHED TO SPEAK – THE PUBLIC

COMMENT PERIOD WAS CLOSED AT 8:23 PM.

5.) REPORT OF STANDING COMMITTEE

A. Plan Commission – Trustee Michalski

Report on discussion and any action taken at previous meetings, future agenda items and upcoming scheduled meetings.

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MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE KRESSIN, TO APPROVE THE AGENDA AS PRESENTED.

ALL WERE IN FAVOR. MOTION CARRIED.

6.) Approval of Minutes

- a. 2021-10-25 Village Board of Trustee DRAFT Minutes.

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

ALL WERE IN FAVOR. MOTION CARRIED.

- b. 2021-11-08 Committee of the Whole DRAFT Minutes.

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

ALL WERE IN FAVOR. MOTION CARRIED.

- c. 2021-11-10 Committee of the Whole DRAFT Minutes.

MOTION BY TRUSTEE CORNELL, SECOND BY TRUSTEE SAYAS, TO APPROVE THE MINUTES AS PRESENTED.

ALL WERE IN FAVOR. MOTION CARRIED.

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

- a. No report.

8.) Report of Fire Chief - David Kastenholtz

- a. October Fire Department Report.

9.) Report of Police Chief - James Gage

- a. October Police Department Reports.

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

- a. No report.

11.) Report of Village Clerk - Michelle Luedtke

- a. Review and possible action on an Ordinance to reaffirm our polling location as the Village Hall.

MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE SAYAS, TO APPROVE THE ORDINANCE TO REAFFIRM OUR POLLING LOCATION AS THE VILLAGE HALL.

ALL IN FAVOR. MOTION CARRIED.

- b. Review and action on the December 27th Board of Trustees Meeting Date.

ITEM WILL BE POLLED. TENTATIVELY DECEMBER 20th. CHECK OUR ONLINE CALENDAR FOR THE FINAL DATE.

- c. Holiday Wish List Drive for Elmbrook Humane Society - Deck the Paws.

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12.) Report of Village Manager - David DeAngelis

- a. Public Hearing in January for Act 105. Then to the County Board.

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 act on a request for a Plan of Operation and Conditional Use Permit for Find Your Balance Massage & Wellness LLC pursuant to §335-85 and §335-23C(41) for an unspecified use which is found to be similar in character to those principal uses found within the B-2 Office Business District.

MOTION BY TRUSTEE MICHALSKI, SECOND BY PRESIDENT PALMER, TO APPROVE A PLAN OF OPERATION AND CONDITIONAL USE PERMIT FOR FIND YOUR BALANCE MASSAGE & WELLNESS LLC PURSUANT TO §335-85 AND §335-23C(41) FOR AN UNSPECIFIED USE WHICH IS FOUND TO BE SIMILAR IN CHARACTER TO THOSE PRINCIPAL USES FOUND WITHIN THE B-2 OFFICE BUSINESS DISTRICT.

ALL IN FAVOR. MOTION CARRIED.

2. Library Board - Trustee Sayas

- i. Manager DeAngelis updated the board on the Waukesha County 5-year plan. The mini book sale raised over \$1100. The library received proposals for the optimization of the facility. December 5th lights of love tree lighting. For additional information, please see the minutes on the website.

3. Public Works - Trustee Kressin

- i. Had a joint meeting with the ad hoc pathway. The spreadsheet with ratings will be revised and pathways prioritized to coincide with the roads. They will have another joint public works pathway committee in January. Also talked about intersection realignment. For additional information, please see the minutes on the website.

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. No meeting, no report.

7. Administrative and Personnel - Trustee Michalski

- i. No meeting, no report.

8. Finance and Licensing - Trustee Haas

- i. Review and act on Resolution 112221A Adoption of 2022 Budget, 2021 Tax Levy, and 2022 User Fees.

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MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE MICHALSKI, TO APPROVE THE RESOLUTION 112221A ADOPTION OF 2022 BUDGET, 2021 TAX LEVY, AND 2022 USER FEES.

Trustee Sayas asked about the Johns Disposal total fee. President Palmer indicated solid waste fees are going up significantly.

Trustee Cornell asked about the pool house budget. Trustee Haas indicated it is in the capital budget. The roof will be discussed separately after proposals.

ALL WERE IN FAVOR. MOTION CARRIED.

- ii. Review and possible action on Public Works request to issue purchase order in 2021 for 2022 capital purchase of brush truck.

MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE SAYAS, TO APPROVE THE PUBLIC WORKS REQUEST TO ISSUE PURCHASE ORDER IN 2021 FOR 2022 CAPITAL PURCHASE OF BRUSH TRUCK.

ALL WERE IN FAVOR. MOTION CARRIED.

- iii. Review and Act on Vouchers.

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

ALL WERE IN FAVOR. MOTION CARRIED.

Trustee Haas announced that he will not be running for re-election next spring. Trustee Haas thanked everyone for the opportunity to serve.

14.) Closed Session - May convene into closed session pursuant to Wis. Stat. ss.19.85(1) (c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.; more specifically the Police Union Contract and represented and non-represented employee pay.

15.) Closed Session - May convene into closed session pursuant to Wis. Stat. ss.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 ; more specifically the agreement between the Village of Elm Grove and the City of Wauwatosa for municipal water.

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

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

MOTION CARRIED. CLOSED SESSION BEGAN AT 8:12PM.

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

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

ALL IN FAVOR. OPEN SESSION RESUMED AT 8:55PM.

Motion(s) on item(s) discussed in Closed Session:

i. MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE SAYAS, TO APPROVE THE 2-YEAR POLICE UNION CONTRACT. ALL IN FAVOR. MOTION CARRIED.

ii. MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE CORNELL, TO APPROVE THE REPRESENTED AND NON-REPRESENTED EMPLOYEE PAY WITH THE EXCEPTION OF THE VILLAGE MANAGER AND THE LIBRARY DIRECTOR. ALL IN FAVOR. MOTION CARRIED.

iii. MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE SAYAS, TO APPROVE HAZARD PAY BASED ON MANAGER DEANGELIS' PROPOSED SCHEDULE. ALL IN FAVOR. MOTION CARRIED.

Trustee Kressin left the meeting at 8:52PM.

17.) Other Business – none.

18.) Adjournment

There was no further business.

MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE CORNELL, TO ADJOURN THE MEETING.

ALL WERE IN FAVOR. MEETING ADJOURNED AT 8:58PM.

Minutes transcribed by: Michelle Luedtke

Minutes Approved on: 12/20/2021