

**Village of Elm Grove Board of Trustee Meeting Minutes**

Board of Trustee Call to Order:

The meeting was called to order at 7:33 pm

Roll Call:

PRESIDENT PALMER  
TRUSTEE CORNELL - absent  
TRUSTEE STUCKERT  
TRUSTEE KOLESKI  
TRUSTEE SCHINDLER  
TRUSTEE MICHALSKI  
TRUSTEE SAYAS  
DAVID DEANGELIS, VILLAGE MANAGER  
TRACE HUMMEL FOR HECTOR DE LA MORA, VILLAGE ATTORNEY  
KATHERINE GEHL, ZONING ADMINISTRATOR  
SANDEE POLICELLO, VILLAGE CLERK/DEPUTY TREASURER

The Pledge of Allegiance was recited.

- 1.) Public Hearing - None
- 2.) Public Comment –  
Ray Shannon, Larry D. and Mary Inden spoke regarding the Kiwanis Cruisin' the Grove special event application to tonight's agenda which is planned for August 6, 2023. In 2022 bad weather decreased their attendance by 70%. They are requesting the Board's approval.

- 3.) Approval of Agenda  
**MOTION BY TRUSTEE KOLESKI, SECOND BY TRUSTEE SAYAS, TO APPROVE THE AGENDA AS PRESENTED.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

- 4.) Approval of Minutes
  - a. Approval of Minutes for January 23, 2023

Under Finance the approval amount for the two pool heaters is not to exceed \$70,000. Regarding the Extension Agreement with R&R Investments of Wisconsin LLC, the extension date of June 26, 2023 was added to the minutes.

**MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE SAYAS, TO APPROVE THE MINUTES AS AMENDED.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

**Village of Elm Grove Board of Trustee Meeting Minutes**

- 5.) Report of the Village President - Neil H. Palmer
  - a. Patrick McNally appointment

President Palmer said that Mr. McNally is a relatively new member of the Elm Grove community and that he did serve on a similar committee in Wauwatosa.

**MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE MICHALSKI, TO APPROVE THE APPOINTMENT OF PATRICK MC NALLY TO THE RECREATION COMMITTEE.**

Trustee Schindler suggested that this appointment wait until after the April election so that the new president can appoint whom he chooses; he also said that the applicant has only been an Elm Grove resident for four months. Schindler said that some residents have waited years to get on a committee. President Palmer said that he gets the applications and that committee has had a vacancy for 6 months. Trustee Stuckert agreed with Schindler that this appointment should wait. Trustee Sayas asked if Mr. McNally were appointed tonight and his term ended in April 2023, would the new president be able to re-appoint him? Palmer confirmed the appointment would end in April. He does not agree with holding nominees; he doesn't recall in 32 years any nomination being objected to. Stuckert said she is objecting to the timing of the appointment.

**VOTE:** Aye – Michalski, Palmer, Sayas  
Nay – Stuckert, Koleski, Schindler  
**MOTION FAILS**

- 6.) Report of Fire Chief - David Kastenholtz
  - a. Fire Department Report.
- 7.) Report of Police Chief – Jason Kubiak
  - a. Police Department Report.
- 8.) Report of EMS Director - Dr. Jon Robinson
  - a. No report.
- 9.) Report of Village Clerk – Sandee Policello

- a. Review and possible action on a special event permit application for Cruisin' in the Grove Car Show.

**MOTION BY TRUSTEE SCHINDLER, SECOND BY TRUSTEE STUCKERT, TO APPROVE THE SPECIAL EVENT PERMIT APPLICATION FOR THE KIWANIS CRUISIN' IN THE GROVE.**

**ALL IN FAVOR. MOTION CARRIED.**

- b. Review and possible approval of Joint Powers Agreement – County 9-1-1 Emergency System.

**MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE MICHALSKI, TO APPROVE THE JOINT POWERS AGREEMENT – County 9-1-1 EMERGENCY SYSTEM.**

**Village of Elm Grove Board of Trustee Meeting Minutes**

**ALL IN FAVOR. MOTION CARRIED.**

10.) Report of Village Manager - David DeAngelis

- a. Review and possible approval of engagement letters for Valbridge Appraisal for appraisal services for acquisitions of the CP Rail abandoned rail corridor and permanent and construction easements for the purposes of daylighting Underwood Creek.

Mr. De Angelis introduced this item. Valbridge will be preparing appraisals for the three easements that will be needed from the property owners adjacent to the creek as well as the CP Rail properties for the required acquisitions of the easements and the fee simple property. Valbridge did the previous appraisal for the railroad property and will be updating those values as they are more than three years old. The other three appraisals will be done on a time and material basis. Mr. Vitale determined that would be the most economical method based on the different moving parts of the appraisal.

Trustee Stuckert pointed out on the letter from Valbridge that they indicated the appraisal would be \$3400 and additional fees are going to be incurred with final report – do we have any idea what that would be? Mr. De Angelis said that is for any additional work, if needed, for the final report. The final report itself is included.

Trustee Koleski asked if the appraiser has to do subsequent work before the final report, how is that monitored? Mr. De Angelis said he has worked with Mr. Vitalie for many years, it would be discussed before any additional fees are incurred. Trustee Koleski said on the easement appraisal there are a couple inconsistencies between the railroad appraisal statement of work and the easement appraisal statement of work. The end of paragraph 2 they want to be paid within 30 days, the other agreement says 45 days; he would suggest 45 and didn't understand why they are different. Mr. De Angelis suggested that the railroad agreement was 45 days when the work was performed the last time and that their standard is 30 days; he doesn't think that will be a problem to use the 45 days. Trustee Koleski said the next paragraph indicates the fee is \$325 per hour for litigation consulting; the other proposal is \$200; he would opt for the \$200. Mr. De Angelis will look into the discrepancy.

Trustee Koleski said the terms and conditions in the second appraisal are much less favorable to the Village than the terms and conditions in the first letter of engagement – he suggested we have the same terms for both statements of work. He said there is a limitation of damages in the second letter that doesn't exist in the first letter. This is inconsistent and he would like them to read consistent – they should both read the same as the railroad one or a clear explanation as to why they are different and that it be acceptable to Village staff.

President Palmer suggests putting this item on the next agenda. Trustee Koleski said he doesn't think that the discrepancies are significant enough to hold it. Mr. De Angelis said if the rates are not the same as with the railroad proposal, he will bring it back.

**Village of Elm Grove Board of Trustee Meeting Minutes**

**MOTION BY TRUSTEE KOLESKI, SECOND BY TRUSTEE STUCKERT, THAT IF THE DOCUMENTS ARE AMENDED SO THAT THE RATES ARE CONSISTENT BETWEEN THE TWO LETTERS, THAT THE AGREEMENTS BE APPROVED.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

- b. Introduction of process of Village of Elm Grove corporate boundary agreement along North Avenue for the purpose of detaching certain properties now owned by Waukesha County for right of way purposes.

Mr. De Angelis said North Avenue was reconstructed a few years ago and as a part of that project Waukesha County had purchased certain portions of property from Elm Grove residents to complete the sidewalk and have a straight right of way along North Avenue. The North Avenue right of way previously was 100% in Brookfield. Now that those three parcels have been purchased by the County for the right of way, to be consistent, they should be turned over to the City of Brookfield. The properties have zero value. This is just to clean up the border so that way there will not be right of way property in two different communities. The process is outlined in the Manager's memo. Mr. De Angelis is introducing this to determine if there are any concerns; if not, he will move ahead to work with Brookfield.

Mr. De Angelis will bring forward a full packet including the resolution with legal descriptions for each property for the boundary agreement.

**NO ACTION TAKEN.**

Mr. De Angelis provided some verbal updates in addition to his memo. He said the installation of the new library doors was completed today. The ADA assist that was on the old doors will be moved soon to the corridor doors. The new IT manager started today, Aleksandra Samardzic. There was a recreation manager interview last week and there will be one more this week and another next week; with second interviews taking place the following week.

Trustee Sayas asked that the Manager's update include the project status of SSND in his monthly reports. She asked if they are on schedule to break ground the end of the 2<sup>nd</sup> quarter and who paid the property taxes for 2022. Mr. De Angelis confirmed that the tax was paid by the School Sisters. He said the development is in his report as "Caroline Heights" which is the name of the development. Mr. De Angelis said Mandel has to complete acquisition of the property by the end of 2023 per the Developer's Agreement.

12.) Report of Village Attorney – Trace Hummel appeared for Hector De La Mora

- a. 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  
Report given by Trustee Michalski. Please see the Plan Commission minutes for

**Village of Elm Grove Board of Trustee Meeting Minutes**

February 6, 2023 for details.

2. Library Board - Trustee Sayas  
Report given by Trustee Sayas. The Lights of Love annual tree lighting event raised just over \$21,000. The FOEGL book sale is this week. Please see the Library Board minutes of February 20, 2023 for details.
3. Public Works - Trustee Schindler  
Report given by Trustee Schindler. Please see the Public Works minutes for February 13, 2023 for details.
4. Public Safety - Trustee Sayas  
No meeting. Trustee Sayas reported that the current speed trailer is out of date. She said that Chief Kubiak was encouraged to apply for a grant from the Community Foundation, which was granted in the amount of \$10,000 to purchase a new trailer. Mr. De Angelis confirmed that the permanent speed sign has been ordered.
5. Legislative – Trustee Michalski  
Report given by Trustee Michalaski.
  - a. Review and possible action on ordinance to establish a Sustainability Subcommittee of the Public Works/Utilities Committee of the Village of Elm Grove.

**MOTION BY TRUSTEE SCHINDLER, SECOND BY TRUSTEE STUCKERT, TO APPROVE THE ORDINANCE TO ESTABLISH A SUSTAINABILITY SUBCOMMITTEE OF THE PUBLIC WORKS/UTILITIES COMMITTEE OF THE VILLAGE OF ELM GROVE.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

3. Park and Recreation – Trustee Cornell (absent)  
Report given by President Palmer. Please see the Park and Recreation minutes for February 20, 2023 for details.

Trustee Sayas spoke regarding the Third Space Brewery contract extension and the request by Third Space to add Thursdays to their contract. Mr. De Angelis said that the contract says they can add a day with the manager’s approval. He will look at the contract, but he thought it was under his purview, but if the Board would like it to come back, he can do that. Trustee Sayas would like the additional day item to come before the Board. Mr. De Angelis said Third Space was looking into the idea of adding Thursdays, but they had not yet made a final determination.

4. Administrative and Personnel - Trustee Stuckert  
No meeting, no report

**Village of Elm Grove Board of Trustee Meeting Minutes**

5. Finance and Licensing - Trustee Koleski

a. Review and act on Resolution 20230227A to amend 2022 Budget. The Village has an excess of \$200,000 funds from 2022.

**MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE MICHALSKI, TO APPROVE RESOLUTION 20230227A TO AMEND THE 2022 BUDGET.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

b. Review and act on proposal to sell fire truck #2481.

**MOTION BY TRUSTEE KOLESKI, SECOND BY TRUSTEE STUCKERT, TO AUTHORIZE THE FIRE CHIEF TO MOVE FORWARD IN THE EVENT THAT AN OFFER GREATER THAN \$220,000 IS RECEIVED FROM PYRO/LANCE. THE SALE WILL BE AN AS IS SALE WITHOUT ANY WARRANTIES OR REPRESENTATIONS AS TO THE CONDITION OF THE APPARATUS.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

c. Review and discussion of upcoming funding needs and Gebhardt Road project.  
**NO ACTION TAKEN**

d. Review and Act on Vouchers.

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

**ALL WERE IN FAVOR. MOTION CARRIED.**

Trustee Koleski said that the Village's financial performance in 2023 to date falls within the budget that was approved.

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 ;

**MOTION BY PRESIDENT PALMER TO CONVENE INTO CLOSED SESSION.**

**ROLL CALL VOTE: AYE – STUCKERT, KOLESKI, MICHALSKI, PALMER, SAYAS, SCHINDLER**

**MOTION CARRIED. CLOSED SESSION BEGAN AT 8:47 PM.**

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

**Village of Elm Grove Board of Trustee Meeting Minutes**

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

**ALL IN FAVOR. OPEN SESSION RESUMED AT 9:12 PM.**

17.) Other Business

Discussion and possible action on establishing a Communication Intern position for the Village of Grove. (Trustees Stuckert and Schindler)

Trustee Stuckert said that residents have questions regarding the status of projects such as the Daylighting, and the Caroline Heights/Mandel project and we are also in a position where we have to go to referendum more often. She said it is in our best interest to do a better job of informing the public. She would like to see a communication intern position in cooperation with a local college where we put out an informational publication twice a year.

Trustee Schindler agrees with this. It would help communication regarding the EMS/Fire Department status. He believes we would need to communicate more than twice a year, more of a multi-media attempt to get information out. President Palmer agreed that more is needed than twice a year newsletters. Printing and mailing is expensive.

Trustee Stuckert said that was a starting point and should be more robust than two newsletters a year.

President Palmer asked if there is a budget proposal for this. Trustee Stuckert said we would need to define the roll; this is just to start the discussion and process. President Palmer asked if this should go to the Administrative & Personnel Committee. Trustee Stuckert said that would be a good starting point.

Trustee Sayas said that Whitefish Bay had a nice electronic communication to announce Tom Harrigan's hiring; we may want to reach out to him to find out who maintains that and how much time is required.

Trustee Koleski said there could be some investigation done by staff on how other communities support communication, prior to the Administrative meeting. President Palmer said he wouldn't bind this idea to being an intern. If we are paying money and have a job to get done, we may want to go with a firm. There are some firms in the state that do communications for municipalities. He said all the universities support communications interns; do you want to spend your time teaching or getting communication out? Trustee Sayas said she has worked with interns in the past.

Trustee Koleski said we may get someone full time in the summer that would continue with less hours during the school year.

Staff will put this on the next Administrative & Personnel agenda.

18.) Adjournment

Monday, February 27, 2023

7:30 PM

**Village of Elm Grove Board of Trustee Meeting Minutes**

There was no further business.

**MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE STUCKERT, TO ADJOURN THE MEETING.**

**ALL WERE IN FAVOR. MEETING ADJOURNED AT 9:21 PM.**

Minutes transcribed by: Sandee Policello

Minutes Approved on: March 27, 2023