

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.

Village of Elm Grove Board of Trustee Meeting Minutes

3.) Report of Village Attorney - Hector de la Mora (moved from further on agenda)

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

Attorney De La Mora informed the Board and the public of the public comment process per ordinance sec. 80-2J.(3) The ordinance states "Opening of the meeting to public requests and discussions. During such discussion, no member of the public shall be entitled to speak unless recognized by the presiding officer". Sec. 80-2M. references participation of the public in debate and states "Participation of public in debate. After preliminary discussion by any of the members of the Board on any question before it for consideration, any member of the public present at a meeting of the Board may rise and request recognition from the presiding officer to make a statement with regard to the matter under discussion. The presiding officer may, in his or her discretion, recognize such member of the public and, upon recognition, he or she shall be permitted to make a statement with regard to the question before the Board. Such statement shall be limited specifically to the matter at issue".

Attorney De La Mora said he had received several inquiries regarding public comment and wrote a memo on March 24th to David DeAngelis. He pointed out that the current development agreement for the SSND property did not contain any commitment or obligation on the part of the Village of Elm Grove to undertake any public works projects, instead the developer is obligated to be solely responsible for the installation of water service to the SSND site. During the February 7, 2022 hearing, both Judge Bohren and Attorney Hammes made it clear that the only restriction imposed by the injunction order currently in effect, is that the Village cannot enter into a public works contract in excessive of one million dollars. Consequently, it is Attorney De La Mora's opinion that the injunction order in effect does not preclude or bar the Village of Elm Grove Board of Trustees from entering into a development agreement which does not commit or obligate the Village to undertake any public works project that exceeds one million dollars. Mr. DeAngelis had followed up with the inquiry as to whether or not this also includes the approval of a TIF district, as it is not a public works project. Attorney De La Mora responded that his opinion also extends to the creation/approval of a tax incremental district. He read his legal opinion. There were no questions from the Board.

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.

Mary Inden, 14745 Watertown Plank Rd – She announced that the Elm Grove Business Association is holding a shredding event on April 23rd from 9 am – noon. There will be two trucks at the Park & Shop lot.

Village of Elm Grove Board of Trustee Meeting Minutes

Ray Shannon, Kiwanis club – They are hosting another classic car event, August 7th from 10 am – 3 pm. This is on the agenda tonight for a special event permit.

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

Chris Mason – 830 Fox Creek Court – He said 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 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 – TID will bring municipal water to the Mandel apartment complex, our downtown needs municipal water. However, the Mandel project is the only one at this time to get municipal water. To spend this kind of money and now have one existing resident, condo development or business get municipal water at this time is wrong. It will be at least 2 years before anyone else downtown sees municipal water.

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 setbacks 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 the 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.

Matilda McClusky - 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.

Village of Elm Grove Board of Trustee Meeting Minutes

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

Ted Eull, 12850 Green Meadow Pl – 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.

5. Report of Standing Committees (moved from further on agenda)

A. Plan Commission - Trustee Michalski

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

1. Review and act on Resolution 032822, Approving the Discontinuance/Vacation of Certain Road Reservation Adjacent and West of 13906 Watertown Plank Road, EGV 1106985, Elm Grove, Wisconsin.

MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE CORNELL, TO APPROVE THE DISCONTINUANCE/VACATION OF CERTAIN ROAD RESERVATION ADJACENT AND WEST OF 13906 WATERTOWN PLANK ROAD, EGV 1106985, ELM GROVE, WISCONSIN.

ALL WERE IN FAVOR. MOTION CARRIED.

2. 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”).

President Palmer spoke regarding this approval of the development and the TIF. He said it does not involve a public works contract and both are allowed with the injunction. They are not relative to the referendum. Palmer said the Finance Committee review was done tonight and they recommended approval by a vote of 4 – 1 (nay Schrubbe). Ehlers reported this is the minimal amount of TIF to make the project viable. The development agreement does shield the Village from risk in that if the property doesn’t increase in value, we don’t pay them. Only after the Village is paid do they get funds. The TIF financing results from tax increase on the parcels within the TIF district – no other tax payers will pay back any of the TIF money.

Trustee Domaszek spoke to explain the project and TID – there are costs to demolish the old building and bring in water. If the TIF amount were to go down, density would have to go up.

There are costs to keep the old buildings. There are protections put in place for the Village. He said Mandel is a well-known developer.

Village of Elm Grove Board of Trustee Meeting Minutes

Trustee Kressin said 34% of property tax comes to the Village for residents. The other taxing jurisdictions have approved the TID. Other neighboring properties will have an increase in value with the opportunity to have water – that is not included in this analysis.

Trustee Sayas said next week is an election – if voters vote No, can we save \$653k in the TIF? President Palmer said if the development agreement is approved tonight, that would have to be renegotiated. Palmer said the money was added to the TIF due to the delay in the project. Sayas asked if the resolution fails, could the Village renegotiate? The village voluntarily removed themselves from the public works aspect. If the referendum is defeated we could enter discussions with developer to renegotiate it. Palmer said the increased cost is caused by the people that tried to stop the project.

Trustee Cornell said if the referendum doesn't pass, she would like to look at financing the development in the original way.

Attorney De La Mora said the Board would need to bring back the previously tabled item amended resolution #122021B and attached Exhibit A, to the floor as drafted and circulated.

MOTION BY MICHALSKI, SECOND BY TRUSTEE DOMASZEK, TO BRING BACK THE PREVIOUSLY TABLED ITEM AMENDED RESOLUTION #122021B AND ATTACHED EXHIBIT A.

President Palmer said that he believes this is a very good developer agreement. He said that it guarantees us in ways that most other projects are not guaranteed against financial risk to the Village. He said nothing goes to developer until the Village's bills are paid. The value of the project will build a cash flow that will repay the loans. The proposal has been changed significantly to reflect the public's input.

Mr. DeAngelis pointed out to the Board that the resolution that was brought off the table is from December 20, 2021 – you have a redlined version of that particular resolution. In order to move forward with that resolution, you need to amend the existing one that you just brought off the table to represent these changes that are in this redlined version.

President Palmer asked if they approve the 122021B resolution as amended, aren't they doing that? Mr. DeAngelis said there were two resolutions in the binder, one with redline. The clean version is the one from December 20, 2021, not the amended version.

DeAngelis said the resolution that was brought back to the table is the one from December, so you need to amend that one because that is the one that is on the floor, so you need a motion to amend that resolution.

MICHALSKI MOVED TO AMENDED HIS MOTION TO AMEND THE ORIGINAL RESOLUTION 122021B AS NOTED IN THE REDLINED VERSION, SECONDED BY DOMASZEK.

Village of Elm Grove Board of Trustee Meeting Minutes

Trustee Michalski said multiple studies have been prepared that support the project. He is the vice-chairman of Waukesha County's Plan Commission. He has spoken to other developers that question why Elm Grove doesn't want the project. School Sisters of Notre Dame requires that the castle be maintained in perpetuity. He believes that the majority of residents support this desire. He believes this limits choices in the project and the size. The desired lower density increases the amount of the TIF. Trustee Michalski's full written comments are incorporated into the Minutes.

Trustee Sayas said she appreciates all of the comments from residents. She is against spending the extra \$660,000 on the project a week before the election. This is the biggest TIF request that Elm Grove has ever received. She will vote no tonight.

Trustee Cornell thanked the residents that came tonight and expressed their opinions. She must rely on the experts and the Village committees. Their recommendations are all in favor of the development. The Finance Committee has now recommended approval. Ehlers has approved the project and has commented that the numbers being used are quite conservative. If the referendum doesn't pass next week, she would like the Board to consider moving the water portion of the project back to Village funded public works project. She supports the proposal.

Trustee Domaszek spoke regarding the Village budget and financials. He spoke with the school district and the project will not impact the schools in a negative way. He said the traffic study shows negligible impact. The project was thoroughly vetted. This will ensure the future of Elm Grove. He has spent hundreds of hours reviewing the reports.

Trustee Kressin he appreciated the public continuing to talk about this project. He has hundreds of hours, like everyone else, invested in understanding all aspects of the proposal. He said the project will help keep Elm Grove moving forward, EMS, fire and investing in our roads. This will increase revenue. Other people will be attracted to come here with water. It will help the downtown. We are investing \$13 million for a project with almost \$100 million value. They have worked extensively with Mandel from over 400 units to where we are today. He believes in a lot of ways this saves the Village.

President Palmer called the question on resolution 122021B and Exhibit A.

VOTE: 6 – 1 (NAY SAYAS), MOTION CARRIED.

MOTION BY TRUSTEE MICHALSKI, SECONDED BY TRUSTEE CORNELL TO BRING BACK TABLED RESOLUTION 122021C WITH ITS ATTACHMENTS WITH THE INTENT OF SUBSTITUTION FOR APPROVAL THE VERSION OF THE RESOLUTION AND ATTACHMENTS CIRCULATED IN WRITING.

President Palmer called the question.

VOTE: 6 – 1 (NAY SAYAS), MOTION CARRIED.

Village of Elm Grove Board of Trustee Meeting Minutes

MOTION BY TRUSTEE MICHALSKI, SECONDED BY TRUSTEE DOMASZEK TO BRING BACK TABLED RESOLUTION 122021D AND MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE DOMASZEK TO ACCEPT THE AMENDED VERSION OF RESOLUTION 122021D.

Trustee Hass asked if the Village Attorney has reviewed the changes. Attorney De La Mora confirmed that he has. Trustee Haas asked if Ehlers has also reviewed this and if it is acceptable to them. Attorney De La Mora said he believes that to be consistent with the opinions that he has read.

VOTE: 6 – 1 (NAY SAYAS), MOTION CARRIED.

Attorney De La Mora said he has been asked whether the Village’s ordinances provide for the reconsideration of any action taken by the Board. This is something that is codified in the ordinances with respect to the subject matter at this time.

President Palmer asked if reconsideration can be taken as a group for the resolutions. Attorney De La Mora recommended that they be taken up separately.

MOTION BY TRUSTEE DOMASZEK, SECONDED BY TRUSTEE MICHALSKI, TO RECONSIDER RESOLUTION 122021B.

ALL WERE IN FAVOR. MOTION CARRIED.

MOTION BY TRUSTEE DOMASZEK, SECONDED BY TRUSTEE MICHALSKI, TO APPROVE RESOLUTION 122021B.

VOTE: 6 – 1 (NAY SAYAS)

MOTION BY TRUSTEE DOMASZEK, SECONDED BY TRUSTEE MICHALSKI, TO RECONSIDER RESOLUTION 122021C.

VOTE: 6 – 1 (NAY SAYAS)

MOTION BY TRUSTEE DOMASZEK, SECONDED BY TRUSTEE MICHALSKI, TO APPROVE RESOLUTION 122021C.

VOTE: 6 – 1 (NAY SAYAS)

MOTION BY TRUSTEE DOMASZEK, SECONDED BY TRUSTEE MICHALSKI, TO RECONSIDER RESOLUTION 122021D.

VOTE: 6 – 1 (NAY SAYAS)

MOTION BY TRUSTEE DOMASZEK, SECONDED BY TRUSTEE MICHALSKI, TO APPROVE RESOLUTION 122021D.

Village of Elm Grove Board of Trustee Meeting Minutes

VOTE: 6 – 1 (NAY SAYAS).

6.) Approval of Minutes

- a. 2022-02-28 Village Board of Trustee DRAFT Minutes
- b. 2022-02-11 Special Village Board of Trustee DRAFT Minutes

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

ALL WERE IN FAVOR. MOTION CARRIED.

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

- a. Review and possible action on Resolution 032822A, Recognizing No Mow May to Promote Pollinator Friendly Habitat

MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE KRESSIN, TO APPROVE RESOLUTION 032822A, RECOGNIZING NO MOW MAY TO PROMOTE POLLINATOR FRIENDLY HABITAT.

ALL WERE IN FAVOR. MOTION CARRIED.

- b. Review and possible action on the appointment of Thomas Shepherd to the Village Finance Committee, term end 4/18/2023

MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE SAYAS, TO APPROVE THE APPOINTMENT OF THOMAS SHEPHERD TO THE VILLAGE FINANCE COMMITTEE, TERM END 04/18/2023.

ALL WERE IN FAVOR. MOTION CARRIED.

8.) Report of Fire Chief - David Kastenholtz

- b. February Fire Department Report.

9.) Report of Police Chief - James Gage

- c. February Police Department Reports.

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

- d. No report.

11.) Report of Village Clerk – Sandee Policello

Village of Elm Grove Board of Trustee Meeting Minutes

- a. Review and possible action on resolution 032822B for Elm Grove Special Events

MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE KRESSIN, TO APPROVE RESOLUTION 032822B FOR ELM GROVE SPECIAL EVENTS

ALL IN FAVOR. MOTION CARRIED.

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

MOTION BY TRUSTEE HASS, SECOND BY TRUSTEE KRESSIN, TO APPROVE THE SPECIAL EVENT PERMIT FOR CRUISIN' IN THE GROVE CAR SHOW PENDING THE VILLAGE ATTORNEY'S APPROVAL OF THE CERTIFICATE OF INSURANCE.

Attorney De La Mora asked for confirmation that the alcoholic beverages associated with the event will be served on the licensed premises of Silver Spur and O'Donoghue's. This was confirmed.

ALL IN FAVOR. MOTION CARRIED.

- c. Review and act on special event application for Elm Grove Men's Club Memorial Day Event.

Mr. DeAngelis said he is still working out the exact location of the stage for this event. Attorney De La Mora inquired regarding the alcohol that will be served with the event. O'Donoghue's will be serving alcohol on their premise.

MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE MICHALSKI TO APPROVE THE SPECIAL EVENT PERMIT FOR THE ELM GROVE MEN'S CLUB MEMORIAL DAY EVENT, WITH THE CONDITION THAT THE ALCOHOL SERVICE BE LIMITED TO O'DONOGHUE'S LICENSED PREMISE AND A CERTIFICATE OF INSURANCE THAT MEETS THE SATISFACTION OF THE VILLAGE ATTORNEY.

- d. Review and possible action on a special event permit for the Tonawanda Tiger Fun Run

MOTION BY TRUSTEE KRESSIN, SECOND BY TRUSTEE SAYAS TO APPROVE THE SPECIAL EVENT PERMIT FOR THE TONAWANDO TIGER FUN RUN.

The Park/Rec Committee has not reviewed this application. Trustee Haas asked what time the actual run is, they are asking for 10 am – 7 pm. Mr. DeAngelis said this is the same event they had last year, they are looking at having 100 more kids run this year. Last year the participation did not pass the threshold to have it come to the Board. Trustee Haas is concerned this will congest the park. Natalie Schneider spoke and said the race will last an hour. They wanted to include set up and clean up time in the application. Set up will be at noon and the run will be from 2 pm until 5 pm. Clean up to be done by 7 pm.

MOTION BY TRUSTEE KRESSIN TO MODIFY HIS MOTION WITH STAFF CLARIFYING THE SET UP AND CLEAN UP TIME AND WHO IS PROVIDING THE CERTIFICATE OF

**Village of Elm Grove Board of Trustee Meeting Minutes
INSURANCE, SECOND BY TRUSTEE SAYAS.**

ALL IN FAVOR. MOTION CARRIED.

- e. Review and act on a special event permit application for Tone Body Fitness, Run the Grove 5K.

Trustee Haas Haas has concern about closing main streets in the Village. He isn't sure a for profit organization should be closing roads. If they want to plan something entirely in the park, it may be something for the Park/Rec Committee to approve. The event is on a Saturday. Tony Becker, event organizer said the run is at 9 am – finishing at approximately 10 am. The application shows that Elm Grove Road doesn't close – it would be on the new trail on Elm Grove Road. It starts on Wall Street, crosses Watertown plank and goes to Juneau. President Palmer suggested this go to the Park/Rec Committee. Mr. Becker is concerned about marketing the event with a delay. President Palmer said they could have a special meeting to accommodate if there is a favorable outcome from the committee. He said it's a matter of police protection. A certificate of insurance has been submitted. The alcohol service location also needs to be clarified.

This item is on hold.

12.) Report of Village Manager - David DeAngelis

- a. Mr. DeAngelis presented a contract to extend the service of John's Disposal through the end of 2022 to allow time for bids.

**MOTION BY TRUSTEE KRESSIN, SECOND BY SAYAS TO APPROVE THE CONTRACT
EXTENSION FOR JOHN'S DISPOSAL.**

ALL WERE IN FAVOR. MOTION CARRIED.

Mr. DeAngelis gave an update on the pool house renovation. Materials are arriving and the project is on schedule. The goal is to get the outdoor bathrooms installed before pool opening.

A second round of interviews for the Park Recreation Manager position will take place next week. He anticipates having a new Manager by mid-April.

13.) Report of Standing Committees - Please review the minutes on our website for more details.

- 1. Library Board - Trustee Sayas
 - i. Update given regarding the facilities assessment progress. On April 7th the Library Board will meet with FEH Design, the Village Manager and Library staff. A library survey was mailed related to the library's future, which should provide valuable input regarding facility needs assessment and future planning.

Village of Elm Grove Board of Trustee Meeting Minutes

2. Public Works - Trustee Kressin
 - i. Trustee Kressin did not attend the last meeting. Trustee Haas gave the report indicating that they met with the Village Attorney will review the revised plans for the Gebhardt repaving pathway project as well as the Highland Gebhardt intersection. They were sent back to the engineers for finalization after making some decisions on various options. They received an update on the PPII project and that is progressing.
3. Public Safety - Trustee Sayas
 - i. At their March 21st meeting they reviewed concerns of increased coyote presence. The recent incident involving a pet was not witnessed, although it is probable that it involved a coyote. Chief Kubiak reviewed police calls for service and indicated that since 2017 they received a total of 21 calls for coyotes of which only one, the most recent alleged pet attack, was a nuisance type call. The DNR did not attend the meeting but did provide information to educate citizens on how to avoid coyotes settling in neighborhoods. They do not feel a mitigation effort to remove coyotes is necessary. An informational flyer was created by the committee last week which will be distributed on the website. President Palmer suggested providing links to the DNR information.
 - ii. They received an email request to allow ATV and UTV's on Village roadways. Communities that allow this are typically more rural and smaller. Chief Kubiak said it would be unsafe with other traffic on the roadways. They would have to be licensed by the community. The committee did not think this was a good idea at this time.
 - iii. The speed signs for Highland Drive are in stock and will be installed soon.
 - iv. The new sidewalks on North Avenue were posted closed rather than they be cleared of snow – these are maintained by City of Brookfield.
3. Legislative - Trustee Domaszek
 - i. No meeting, no report.
4. Park and Recreation – Trustee Cornell
 - i. Summer employees are still needed. Recreation programs are available to view online and the guide will be sent out soon. An update was previously given regarding the pool upgrades.
5. Administrative and Personnel - Trustee Michalski
 - i. No meeting, no report.
6. Finance and Licensing - Trustee Haas
 - i. 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.

Village of Elm Grove Board of Trustee Meeting Minutes

President Palmer announced that this is the last meeting for Trustees Haas and Domaszek and thanked them for their service.

14.) 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, and with respect to the potential purchase of 13405 Watertown Plank Road, commonly referred to as One Hour Martinizing (OHM).

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

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

MOTION CARRIED. THE CLOSE SESSION BEGAN AT 10:15 PM IN THE COURTROOM.

15.) Closed Session - The Board may go into closed session pursuant to Wis. Stat. 19.85 (1)(c) to consider employment and compensation data over which the governmental body has jurisdiction and exercises responsibility, more specifically performance evaluation and review of the Village Manager and establishment of non-represented salaries.

This item was deferred to a special meeting to be scheduled.

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 AT 10:50 PM

ALL IN FAVOR. OPEN SESSION RESUMED AT 10:50 PM.

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

i. MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE DOMASZEK, TO APPROVE THE WAUWATOSA WATER AGREEMENT AS PRESENTED IN THE PACKET.

VOTE: 6 – 1 (NAY SAYAS) MOTION CARRIED.

ii. MOTION BY TRUSTEE DOMASZEK, SECOND BY TRUSTEE HAAS, TO RECONSIDER THE APPROVAL OF THE WAUWATOSA WATER AGREEMENT AS PRESENTED IN THE PACKET.

VOTE: 6 – 1 (NAY SAYAS) MOTION CARRIED.

iii. MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE DOMASZEK, TO APPROVE THE WAUWATOSA WATER AGREEMENT AS PRESENTED IN THE PACKET.

Village of Elm Grove Board of Trustee Meeting Minutes

VOTE: 6 – 1 (NAY SAYAS) MOTION CARRIED.

17.) Other Business – none

18.) Adjournment

MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE DOMASZEK, TO ADJOURN THE MEETING.

ALL WERE IN FAVOR. MEETING ADJOURNED AT 11:00 PM

Minutes transcribed by: Sandee Policello

Minutes Approved on: June 27, 2022

We have been talking about the proposed development of the School Sisters of Notre Dame for about three years now. The Village has had experts review issues related to traffic, sewer, emergency services, schools, and other matters. All their reports indicate that this project is not harmful to the Village.

The remaining concerns from a vocal group of residents are the number of units and the size of the TIF. This is really part of a more significant concern that the size of the project will irreparably change the village for the worse. It has produced calls for searching for other options and the hopeful declaration that “we can do better.”

I am Vice-Chairman of Waukesha County’s Planning Commission. There are developers on that commission and other developers that provide the county with resource information. At one time or another, every one of the developers has come to me and asked, “what is Elm Grove’s problem.” These well-meaning developers see Mandel and Marriott Miller as two well-qualified, high-end developers. They also see a project that will benefit the Village. I ask each of the developers if they wish to bring forward a proposal; without hesitation, they all throw up their arms and shake their heads emphatically no

The decision before us tonight is binary. We either accept the proposal, or we do not accept it. There are no other options before us. And to my knowledge, none are waiting in the wings.

One of the conditions of sale the Sisters placed on the developer was their wish to maintain the castle in perpetuity. I believe the majority of our residents share this desire to keep the castle. The decision to keep the castle limits choices on both the types of projects and their size. To maintain the very old castle, you need a steady and growing cash flow. Single-family homes or condos will not provide the cash flow, while rent from apartments will. How many units is largely a function of

the estimated cash flow needed to finance the project, maintain the buildings, and provide a profit. The size of the TIF impacts the Cost of the required capital to complete the project and (in this way) inversely moderates the number of units needed. A larger TIF reduces the number of units. From Day 1, the residents have requested a reduction in the number of units. This is not a high-density project; the units are large and will command significant rents.

At some point, this becomes a math problem that experts in their field have analyzed to verify and confirm both the estimated costs and the needed financing to successfully complete the project.

The Board and I have listened to the residents, and the builder has listened too. The plans, scope, funding have all been modified and improved by the recommendations of our residents. I have also heard the residents' expression that Elm Grove is a unique place worthy of protection. I entirely agree with that sentiment.

However, the real threat to Elm Grove comes not from this project but from the decay caused by lack of growth. Last May, I wrote about how the State's "Shared Revenue" capped our ability to increase taxes. Instituted in 1972, this tax cap essentially turned Elm Grove into a municipality forced to live on a fixed income. As costs continue to increase, balancing a budget and maintaining the basic services becomes increasingly difficult. Without the increased tax revenues generated by this project and a revitalized Business District, Elm Grove as a municipality will, over time, cease to exist. Elm Grove will be reduced to a neighborhood within Brookfield without the authority to control its destiny.

As a trustee, my job is to listen to the residents of Elm Grove. Then look at the potential impact, both the present and the future, and make my decisions based on facts and expert reports.

I support this development.