

VILLAGE OF ELM GROVE
BOARD OF TRUSTEES
June 22, 2020

Present: President Palmer and Trustees Haas and Michalski. Present via Zoom Trustees Irwin, Cornell, and Kressin. Trustee Domaszek via Zoom – arrived in person 7:50 p.m.
Also Present: Village Manager David De Angelis, Village Clerk Mary S Stredni, Zoning Administrator Thomas Harrigan and Village Attorney Hector de la mora.

President Palmer brought the meeting to order at 7:35 p.m.
Mary S Stredni took the roll.
President Palmer led the Pledge of Allegiance.

1. Public Hearing

Conditional Use Permit pursuant to §335-86 and §335-50.1 for the operation of a wireless telecommunication antenna to be located at 1085 Grandview Drive.

Patrick Hayes – applicant gave short presentation. He has changed the proposed height from 70 feet to 50 feet.

Susan Freedy – 840 Kurtis Drive – Stated that there are other ham radio operators in the village and they do not have towers. Stated that she read in the Village Code the applicant should furnish a \$20,000 letter of credit.

James Vander Heiden – 975 Brinsmere Drive – Stated that he heard a rumor that this will be a backup for the police department. He spoke with Police Chief Gage and the Chief clarified that this is not true. Opined that the Plan Commission did not follow the law. There is no co-location analysis, there should be a structural analysis of the actual tower, need to look at the economic impact, and the safety issue as to where the tower will fall if it fails.

Francis Jablonski – 645 Crystal Lane – Stated that he also did a fall analysis. Believes that a tower must not be installed where it can fall on power lines and the applicant must take steps to keep children from climbing. Opined that a fence should be installed but does not believe that the Village allows fences.

Peter Connelly – 885 Brinsmere Dr. - Has four children who could potentially be tempted to climb the tower. Falling Objects is a real risk. Also hopes that property values do not decline.

Maciolek – 1015 Grandview Dr. – Concerned with interference with phone, cable, etc.

Libby and Anthony Ryan – 1055 Grandview Dr. - Contacted Senator Kooyenga’s office who provided information regarding Wis.Stats. for amateur radio towers. Opined concerned with safety and with the actual structure. The Board should take the opportunity to review for safety.

Kerri Ochotnicki – 14255 Oakdale Dr. – Offended that applicant is comparing his tower to the tower at Village Hall as there is a big difference. Against something that could affect value of her property and concerned with safety.

Kate Wilhelm – 14100 Oakdale Dr. – Because of children concerned with safety. Also questioned why other ham radio operators in the Village do not need a tower.

Ruth Flanagan – 600 Kurtis Dr. – Safety is the number one issue. If approved, how many more will there be in the future.

Lilly Harris – 1020 Kurtis Dr. – Lives at dead end of Kurtis which is very safe for children to play. She has spoken to many neighbors and they all say no to the tower. If the applicant is changing his plans, he needs to return to the Plan Commission.

Joan Riederer – 1090 Grandview Dr. – Opined she receives loud sounds and interference in her home now due to the applicants ham radio antennas.

Rebecca Hawkins – 14230 Watertown Plank Rd. – Concerned with safety and with the aesthetics of the tower.

Tom Blanchard – 905 Kurtis Dr. – Questioned if the applicant will need a building permit. Concerned with safety. Opined the tower could fall on the utility lines.

Maureen Denny – 1075 Grandview – (via Zoom) Opined they can all be better neighbors. Let it be.

Mike Peronne – 825 Grandview Dr. - Did renovations on his home and was required to get surveys and go before the building board. Opined this should also go before the building board.

Jan Termuehlen – 900 Brinsmere Dr. – Questioned that since the height has changed does the applicant need to resubmit the request. President Palmer stated that yes the applicant must go before the Plan Commission with a new application.

Debrah Vander Heiden – 975 Brinsmere Dr. – There are two antennas on the house now. Will they be removed if the tower is approved? President Palmer stated that if a Conditional Use Permit is approved then the antennas will be removed.

Patrick Hayes – applicant – Stated that during the Plan Commission, it was requested that a PE sign off. That person recommended that the tower be lowered to 50 feet from 70 feet.

Trustee Haas – questioned the applicant on how he proposed to prevent children from climbing the tower. Hayes stated that possibly a fence. President Palmer stated that a fence may be allowed. Trustees Haas asked if the tower was used. Hayes stated that it is used. Trustee Haas asked if it was telescopic – answer no. Trustee Haas asked what if the tower were hit by lighting. Hayes stated that it will be grounded.

Trustee Michalski – questioned the applicant that if the tower were 50 feet and it toppled over would it hit another property. Hayes stated that he did not know.

Trustee Kressin – Asked if the engineer did a foundation analysis and if so can the Village engineer review. Applicant stated that he does not have. Trustee Kressin asked about a foundation analysis. Requested that both be provided. Asked applicant if the tower is tied into his business. Hayes stated that he is in information technology and does not work from home; so no.

Trustee Irwin – Questioned why other ham radio operators in the Village do not need a tower. Hayes stated that he is interested in Hi-frequency and the height is needed.

Attorney de la mora – Inquired as to the type of ham operator Hayes is. Stated that he is considered in the extra class. Attorney de la mora stated that the original height was planned at 70 feet. Hayes stated yes. Attorney de la mora questioned what the maximum height could be in the extra class. Hayes stated 200 feet and minimum 50 feet.

President Palmer closed the Public Hearing at 9:00 p.m.

President Palmer and Trustee Domaszek moved and seconded to move the Plan Commission item 12A to this portion of the agenda. Motion carried.

Plan Commission

Review and act on conditional use permit pursuant to §335-86 and §335-50.1 for the operation of a wireless telecommunication antenna to be located at 1085 Grandview Dr.

President Palmer reviewed the Plan Commission meeting and stated that the Commission moved the item to the Board of Trustees with no recommendations. Some items that the Plan Commission asked for were addressed by the applicant but not all of them. The applicant is now stating something different than what was originally in the application.

President Palmer moved to refer the item back to the Plan Commission and the applicant is to resubmit an application with a site plan, fall zone, climbing avoidance, condition analysis of the tower, provide comment on

how to address any interference, statement that there will be no commercial use, statement for plan of the antennas on the house, geotech issues. The applicant should review the memo provided by Jim Vander Heiden. Board of Trustee members will provide their comments to the Zoning Administrator. Trustee Kressin seconded. Motion carried.

2. No Public Comment
3. Agenda
Previously approved.
4. Minutes
Trustees Kressin and Irwin moved and seconded to approve the May 26, 2020 minutes. Motion carried.
Trustees Cornell and Domaszek moved and seconded to approve the June 4, 2020 minutes. Motion carried.
5. No Report of the Village President
6. Fire Department – monthly report in binder
7. Police Department– monthly report in binder
8. No EMS Department report
9. Report of the Village Clerk
Review and act on Resolution 062220 to Disallow Claim for Vehicle Damage – Jared Wentz
Zoning and Planning Administrator, Thomas Harrigan reviewed the claim. Trustees Haas and Michalski moved and seconded to approve the resolution. Motion carried.
10. Report of the Village Manager
De Angelis reported that the opening of the splash pad is being held up by the State which needs to review the plans before a permit can be issued. It is hoped that the splash pad will be able to open in August.
The sanitary sewer work on Elm Grove Road is complete.
11. No Report of the Village Attorney
12. Standing Committees
 - A. Plan Commission
Item has been addressed.
 - B. Library Board
Trustee Irwin reported that the library will open on June 24 with limited hours and with a limited number of people allowed in at a time.
 - C. Public Works/Utilities
Trustee Kressin noted that the committee reviewed the Underwood Creek stream bank stabilization proposals and the Marcella Bridge. They also reviewed the Indian Hills request for a ROW indemnification agreement for entrance monuments in the village ROW.
 - D. No Public Safety
 - E. Legislative Committee
Trustee Domaszek reported that the Committee has approved amendments to Chapter 335-22 B-1 and Chapter 335-24 B-3. Both items will be on the next Board of Trustees agenda for a public hearing. The Committee continues to review the PDO ordinance.
 - F. Park and Recreation Committee
Trustee Irwin reported that the pool has been open since June 13 and recreation programs have begun.

G. No Administrative and Personnel

H. Finance and Licensing

1. Review and act on Licenses

Trustees Haas and Domaszek moved and seconded to approve alcohol license renewals for:
Kettle Range Meats Mill Place
Kennedy Enterprises dba Board and Brush
JIF Restaurant LLC dba Silver Spur BBQ
O'Donoghue's Irish Pub
Yamato Sushi House LLC
And Dance Hall license for O'Donoghue's Irish Pub.
Motion carried.

Trustees Haas and Michalski moved and seconded to approve new Operator License for:
Ryan Bogenschneider
Renee Ross
Sierra Tetzlaff
Catherine Dunn
Josh Jurgella
Victoria Berry
Motion carried.

Trustees Haas moved and seconded to approve Operator Licenses renewals for:
Amanda Nazario
Brendan O'Donoghue
Tabitha Lovejoy
Motion carried.

Trustees Haas and Michalski moved and seconded to approve the amendment of change of
premise for Western Racquet Club. Motion carried.

2. Review and act on 2018 Delinquent Personal Property tax write-off.

President Palmer moved to delay the write off of the 2018 delinquent personal property taxes for
further review and publication of the delinquent accounts. Trustee Haas seconded. Motion
carried.

3. Review and act on vouchers

Trustees Haas and Domaszek moved and seconded to approve the vouchers in the total amount of
\$360,098.69. Motion carried.

13. No Other business

14. Adjourn

President Palmer and Trustee Michalski moved and seconded to adjourn at 9:46 p.m. Motion carried.

Respectfully submitted,

Mary S Stredni, Village Clerk