

Village of Elm Grove Board of Trustee Meeting Minutes

Board of Trustee Call to Order:

The meeting was called to order at 7:36 PM

Roll Call:

PRESIDENT PALMER

TRUSTEE STUCKERT

TRUSTEE KOLESKI

TRUSTEE SCHINDLER

TRUSTEE MICHALSKI

TRUSTEE SAYAS

TRUSTEE CORNELL - absent

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.) Public Hearing

- A. Public Hearing – Conditional Use Permit for Weddle Boys, LLC dba Elements Massage Therapy Studio.

President Palmer stated this is only a change of ownership, the operation stays the same. Trustee Koleski inquired regarding the owner’s experience in running this type of business. Craig Weddle stated he owns and operates a similar business in Sun Prairie. He was approached by the previous owner when they wished to no longer operate the business.

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

- B. Public Hearing – Repeal and Recreate Ch. 330 Floodplain Zoning

President Palmer stated the repeal and recreation is due to changes in state requirements and has been reviewed by Board of Public Works and the Legislative Committee.

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

- 2.) 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.

Robert Cranny, 2155 San Fernando Dr. Mr. Cranny stated he has concerns regarding the Mandel project and trustees trying to find fault; he is concerned the Board doesn’t understand the risk if

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we attempt to stop or slow the project. The risks to the Village need to be assessed prior to this action as there is a good chance we would be sued for lost revenue, potentially tens of millions of dollars. Tomorrow he will email questions directly to the Board members for them to answer. He is very concerned and wants to be sure we weigh the risks appropriately.

Dr. James Klamik, 1225 Orchard Ln – Mr. Klamik said he and his wife are concerned. Several current members have elected to ignore their fiduciary responsibility. The Village's opportunity to increase revenue is limited – it is the Board's responsibility to act in the best interest of the entire Village, not one subdivision. This has been reviewed extensively. The project will enhance the Village and the business district. Don't waste limited Village funds. Don't expose the Village to costly litigation.

Patty Kujawa, 1685 Linherst Dr. Ms. Kujawa asked the Board to dismiss any action on the RFP item. She has reviewed the documents online and 9 attorneys were contacted and only 1 was interested. What does that tell you about the job you want them to do? The one that wants to be involved has sued other municipalities. The June 27th letter from Foley & Lardner LLP to the Board said there is no basis for the review and they will pursue legal remedies. Has the Board thought about how this will affect future deals? Who will want to develop future properties? It is the Board's responsibility to act in the best interest of the Village.

Tom Castile, 1865 Hollyhock Lane. Mr. Castile said the rules of the game changed when the previous Board rammed the item through. This is not to the benefit of the Village. It will take 20+ years before the revenue hits the books for increased revenue. This should be reviewed to see if that the village is getting the best deal; is this sound financially? He hopes something is found in the agreement to cause Mandel and the Village to come back together.

Attorney Brian House, Foley & Lardner. Attorney House sent the Board a letter in June and another today. Of the 9 law firms the RFP was sent to, 8 did not, or could not participate. With no disrespect to Attorney Cincotta, this is what he does. You have to wonder if this is an independent review. He believes this is an effort to undermine the contract. He said it is not just a question of breaching the contract, which hasn't happened yet, but he thinks that is goal, and these incremental actions amount to, in their view, a breach of the duty of good faith and fair dealing, which is inherent in every contract in Wisconsin. Mandel is continuing to invest money into the project, in excess of \$2 million to date. The damages one could see in a case like this would be multiples of that figure. Mandel does intend to hold the Village to its commitment. Trustee Stuckert asked why this letter came today, the day of the meeting. Attorney House said he didn't know if anyone would respond to the RFP and didn't know this was going to be on the agenda until the weekend. Phil Aiello spoke and said he did reach out and trustees did not want to meet one on one. Trustee Stuckert said they were willing to meet as a group. Mr. Mandel said it also has to do with who responded to the RFP that prompted their response.

Krista Allenstein, 1510 Blue Ridge Blvd. Ms. Allenstein said she is here as one of the silent supporters. The development is at the end of her street. She is fully in favor of the development and has always been. She welcomes the new residents of homes and the long

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term residents and transients that will reside in the apartments. She is dismayed at the efforts to stall or stop the development. She believes the stated goal of the RFP to be disingenuous and to stall progress. It is a thoughtful design that will replace aging and abandon structures. Please let this process move forward.

Kim Irwin, 14275 Hillside Rd. Ms. Irwin said she is a former trustee and was highly involved in the process. She spoke with Jim Nortman prior to his passing away, he was an advocate for progress and positive change and knew that not everyone would always agree with each other. She is friends with and respects most of the members of the Board. She is appalled at the divided Board. To say that this was rammed through couldn't be further from the truth. The past Board members have put hours and hours into the project. She said there are a lot of other projects that need attention. Mandel is an excellent developer that will bring economic value for years to come. Please do not push forward on the RFP.

Lisa Becker, 1155 Church St. Ms. Becker came to give her support of the RFP. She said it is unfortunate that the Village is in the position it is tonight; leaving the village open to legal consequences. She said prior to the Board's rushing to approve the TIF, many people, including Commissioner Joe Kujawa, argued that it would be wrong for the Board to move forward with the project so close to the election. She hopes that by hiring outside counsel that a wrong can be righted.

Joe Kujawa - 1685 Linhurst Dr. Mr. Kujawa said he is the plan commissioner that was referred to, and to clear the record, he did not say that it was wrong, he said that the timing stunk and was a bit curious, but he was in favor of this project going through. He thinks that it is funny to say that it was rushed when it took 3 years of intense work by staff, residents and volunteers. Pursuing the RFP would be foolish and opening this Village up to risk. This has already been reviewed by top lawyers. When you hire someone to give you counsel, you listen to it. You shouldn't shop for an answer. This opens us up to tens of millions in damages and a negative reputation. He encouraged the Board to come to their senses and move forward.

Paul Schmidt 1530 Fairhaven. Mr. Schmidt has been a resident for 22+ years. The Watermark project by Mandel brought opposition by residents and it turned out to be a beautiful property that lots of people want to live in and it was a total success for the Village. He is in support of the SSND project. He said at the Spring Election 4 trustees got elected that do not support the project and he thinks that happened because there have been some people claim that it was a referendum on this project because the voters spoke and elected new trustees that didn't support the project, but there was only 54% voter turnout so almost half the village didn't vote in that election and some of the things that were put out by the group that was not in support of the SSND project were a bit disingenuous. From the Vote Yes Elm Grove website, there was a question in the FAQ: Is the referendum designed to stop Mandel's planned development of the SSND project and the answer was "not necessarily". He would say that putting forth this proposal, that answer was very disingenuous. The 4 members that got elected in opposition to the project clearly had that as a number one goal, to stop this project. He thinks a lot of the voters were fooled that it was about being fiscally conservative and not just about the SSND project and he doesn't think that has been proven to be true.

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Mary Inden – 14745 Watertown Plank Rd – She was a former trustee for 10 years, she made tough decisions. She disagrees with going for another attorney. Our attorney has given us stellar advice over the years. This RFP money is something that could be spent on something worthwhile. She is opposed to moving forward with the RFP. The opening of Underwood Creek, she said at some points it would be 85' wide. She is asking again that public works do a measurement and spray lines and put up some barricades so no one can park there for a week to see what response that we get from the retailers. She has operated a business in that area and she lost a lot of money during the previous construction project when it was stalled for 6 months. She said we don't need a 12' wide pathway with it. Ms. Inden handed out pictures of garbage bins. She said it is on the agenda to obtain bids from contractors that will pick up garbage at the curb or at the up at the house. She presented pictures of western Wauwatosa taken this morning showing what it looks like with garbage containers at the roadway for pickup. It could be difficult for elderly to take the bins to the road. She asked that curb pick up not be considered. She said 30 years ago they began honoring volunteers in the Village, which became costly to do every year. It was agreed that this would be done every 5 – 10 years. She said we need recognition for volunteers and that it is getting harder to find volunteers.

3.) Approval of Agenda

**MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE SAYAS, TO APPROVE THE AGENDA AS PRESENTED.**

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

4.) Approval of Minutes

Approval of Minutes – July 25, 2022

Trustee Koleski asked that the votes in favor of a motion that is not unanimous be included in the minutes. He asked that it be added to the fireworks item that if it rains on September 4<sup>th</sup>, that those funds will be carried over to 2023. He asked if the radar trailer had been placed; Trustee Sayas confirmed that it had been placed.

**MOTION BY TRUSTEE KOLESKI, SECOND BY TRUSTEE MICHALSKI, TO APPROVE THE MINUTES AS AMENDED.**

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

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

President Palmer spoke to the passing of Jim Nortman. He was a friend and mentor to most of them. He will be missed. Trustee Michalski added that he was a friend of the Fire Department. Trustee Sayas said she served on the Foundation Board with Jim Nortman. She said he loved clocks and he wanted the Foundation to meet him halfway and get a clock for the downtown area. The Foundation will match Jim's efforts and there will be a clock as part of the Daylighting and landscaping project.

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6.) Report of Fire Chief - David Kastenholtz

- a. July Fire Department Report

7.) Report of Police Chief – Jason Kubiak

- a. July Police Department Report

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

- a. No report.

9.) Report of Village Clerk - Sandee Policello

- a. Special Event Application: Walk the Plank – A Business Trick or Treat Event

**MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE SCHINDLER, TO APPROVE WALK THE PLANK – A BUSINESS TRICK OR TREAT EVENT. ALL WERE IN FAVOR, MOTION CARRIED.**

- b. Special Event Application: Elm Grove Oktoberfest

**MOTION BY TRUSTEE SCHINDLER, SECOND BY TRUSTEE STUCKERT, TO APPROVE ELM GROVE OKTOBERFEST. ALL WERE IN FAVOR, MOTION CARRIED.**

- c. Review and possible action on resolution 082222 to appropriate library funds for 2023.

**MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE SAYAS, TO APPROVE RESOLUTION 082222 TO APPROPRIATE LIBRARY FUNDS FOR 2023. ALL WERE IN FAVOR, MOTION CARRIED.**

10) Report of Village Manager - David DeAngelis

- a. Review and possible action regarding RFP for legal services for review of creation of TID #3 and TIF plan.

Mr. De Angelis reported that there was one response to the RFP received, which was from Attorney Cincotta and was received at 12:30 pm – it was a partial response that did not meet the requirements of the RFP. Trustee Koleski asked if we have accepted tardy bids in the past. De Angelis said bids and requests for proposals are two different things. Late bids are not allowed. RFP's are discretionary, but he doesn't recall accepting any, but he did not check prior to the meeting. President Palmer said he does not recall ever accepting one. Palmer said he suggests not accepting it and if you are still interested in an RFP, you could ask for a new one.

Trustee Sayas said she was disappointed that we received only one. Trustee Stuckert asked if we followed up with the attorneys to see if they received the RFP. Dave said we have never done that in the past. Dave said we did not receive any of the letters returned by the post office.

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Trustee Stuckert thanked everyone that came today and shared their opinions. She has sat through past board meetings where the majority of the attendees voiced concerns. This is the first time she has seen a strong showing on the other side. The Village is deeply divided. When she is in public she has strangers thanking her for looking into this further. They are deeply concerned as to the density and the scope of the SSND project. She said the people opposing have outnumbered the ones in support. They ran and were elected to replace others in favor of keeping things the way the Board had voted and supported. This did pass and the Board did approve it. She said there are questions as to how this was done, there was a vote that was made and the vote was taken, but the amendments that supported and substantiated it were gone, they weren't attached and a part of the motion, that was concerning. The fact that days before the election the public works went from the Village column to the developer column, which was concerning to her. The \$23 million is huge and when looking at this they want to be sure that their dollars spent are spent appropriately. People are concerned about the size of the TIF. She continues to support the RFP for independent counsel, it is good financial stewardship. If by retaining outside counsel we find out that everything was fine, then we move on and residents feel comfortable with what was done. There are questions as to the timing of the RFP response and that 1 proposal came in. She wants to move forward with someone taking a second look at this. It doesn't say we are terminating things with Mandel; it's about doing the fiscally responsible thing in making sure that our money is spent wisely. That there are sound numbers and math behind it.

Trustee Sayas she said she appreciates the effort that Mandel made in making changes to the project throughout the process; this is about the TID. When she started going for trustee there was a petition submitted on 10/21/20 that had over 800 signatures with a \$1 million referendum trigger on public works projects. She was against that. However, ordinance 30.2 passed on October 26<sup>th</sup> which was submitted on October 21<sup>st</sup> and it was a \$5 million dollar referendum on public works projects. This didn't make her feel good. Can a board receive a petition and then say they don't like that and then pass something when our Village clerk is verifying the signatures? We were sued because of this. Judge Borhen, through an injunction, prevented the Village from voting on a project that would cost more than a million dollars, so we couldn't vote on it because the water would cost \$3.4 million. The cost of the water project was then transferred to Mandel, she found out about the shift in the Journal Sentinel. This cost us an additional \$663,000 by this maneuver. She voted no due to the additional cost. She believes there were games being played by our Village Board. She doesn't want to stop the project, she wants to be sure it was done right. She is happy to talk one on one with Mandel, she hasn't been contacted.

Trustee Schindler said he listened to the concerns of the residents and some of them have merit and some of them are speculation that he thinks is out of place. The motion that was passed was to do a legal and factual review, they are not saying they will slow or stop the project. He said he has concerns and it's better that it come out now than in 5 years. He has concerns regarding the single response. He would question his impartiality. He believes it is within their fiduciary responsibility to go ahead with the review. He wants RFP to go out for further review by other attorneys.

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Trustee Koleski said he appreciates the time spent by residents to be here this evening. He said the RFP for a second opinion on the appropriateness of the process and the overall votes taken is important. This is risk management for the Village and the Board. Let's understand what the risks are. He also wants to know best practices for projects. It is hard for him to accept the moving of \$663,000 and delaying when the Village will see the first dollar. It will be 17 – 18 years before any money comes into the Village. He believes that a 2<sup>nd</sup> opinion is warranted. Many of the opinions were on the fly by the current legal counsel related to bringing back votes for reconsideration, bringing back votes with respect to the movement of the monies from the Village to Mandel. It is necessary for us to move forward and heal.

Trustee Michalski said he does not have much to add – he is in support of the majority of the people in the room at this time. The project should move forward as quickly as possible. The \$1 million public works cap was disingenuous. This process of finding a review of the Board's actions is equally disingenuous. He is against the RFP.

President Palmer said he has been hearing let's get all the facts on the table. Everything is public – what is not on the table? Reconsideration of votes is a common process, done specifically for future boards reversing actions of previous boards and costing money. Hiring an outside attorney will cost us money. Attorney Cincotta, his entire existence is opposing TIF's. He is comfortable saying this Village and its legal counsel spent 2 ½ years and dozens and dozens of public meetings on this. Mandel is one of the premier developers in the country, certainly the biggest in this region, they are represented by one of the biggest law firms in the country. Do you think they would be part of an agreement where they would put their \$40 million at risk? Their concern for the agreement and about the procedure being correct is even higher than ours. You don't have to get to the point of pulling permits to show bad faith. This action puts us at risk. It is clear where Attorney Cincotta is with TIF's. If this is where you want to go, realize this is going to be on you. There is a chance you are going to put us at risk for 10's of millions of dollars. If we want to accept parsing of the numbers, it's not quite half and half – most people don't come to meetings, opponents come to meetings. To say we need to do this to heal, it is beyond absurd. If you decide to go forward, consider striking getting best practices from the RFP, focus on this development. Best practices are available and most of us know them. We have that information. You won't need best practices on future projects if you go forward with this. We have had a reputation for the 3 decades that I have been on this Board for being anti-development in Elm Grove. He tries to argue that we have good standards. He believes this will be a disaster for us and he urged the Board not to do it. If you feel you need to go forward, we need a fair expert. This is where we are now talking about actual risk versus adjusting the length of the TIF.

**MOTION:** Trustee Stuckert moves that we continue to move forward with the RFP for outside independent counsel as stated in the previous RFP, that we reach out to a larger audience and extend the search and also continue to include Attorney Cincotta in our RFP, to be brought back at the next meeting in September. She wants to reissue the RFP stated exactly as it is here.

President Palmer asked how do you suggest we direct staff to select firms? The previous RFP was sent to 8-10 firms who are known to have practice areas of municipal law. Stuckert said to do a

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broader reach in terms of municipal law, we go outside the greater Milwaukee area. Palmer asked Attorney de la Mora if he could help in this process.

Attorney de la Mora said he has recused himself so shouldn't weigh in. Palmer asked if there is there a resource to identify firms specializing in municipal law? Attorney de la Mora suggested the League of Wisconsin Municipalities, which the previous search did involve. Palmer said he will ask staff to look for more firms.

Trustee Koleski asked if we want something before us prior to the next meeting? President Palmer confirmed that we want responses the Friday before the next meeting. He asked should we remove best practices from the RFP? There are conferences and policy experts that can help us with that. Trustee Stuckert said she is ok with separating the two. Trustee Schindler is familiar with best practices and agrees that it should be separated. Trustee Koleski said he is ok with removing that.

President Palmer said there was a motion that he summarized as: reissuing the RFP with a return time of Friday noon prior to next Board meeting. Mr. De Angelis requested that the deadline be Thursday at noon. Stuckert agreed. Palmer and that it should be sent to another list of up to 10 identified firms and removing the best practices aspect. Stuckert agreed to the summarization.

**MOTION WAS SECONDED BY TRUSTEE KOLESKI.**

Trustee Sayas said she would like to see Attorney Cincotta included again since it was received late. Trustee Stuckert said he can still be on the list. President Palmer continues to oppose the RFP. There is no evidence of anything inappropriate.

**VOTE: AYE – STUCKERT, KOLESKI, SCHINDLER, SAYAS**

**NAY – MICHALSKI, PALMER.**

**MOTION CARRIES.**

Mr. De Angelis said the signed agreement with Wauwatosa Water has been emailed to the Board.

Paving has begun for Watertown Plank Rd. We did have to pivot somewhat on the paving project due to existing concrete pavement on Watertown Plank Road that did not show up on the testing prior to construction. We then moved ahead with repaving Sunny Slope Road. We did not do as much pulverizing on Watertown Plank as planned and saved \$30,000 - \$40,000, so we looked at other streets that we could redo. The estimate to redo Sunny Slope came in at \$40,000 and we had no manhole or drainage issues and after discussing this with Trustee Schindler decided to move ahead. We no longer have a sidewalk on Bluemound that goes nowhere. We were able to pave that section to connect to the sidewalk.

Regarding the Morningside pillar that was struck several months ago, the contractor expects to start the last week of August/first week September. The contractor for the tennis courts is looking at that same timeframe.

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Trustee Michalski brought up the need for a referendum for Gebhardt at the Finance Committee meeting. We applied for a grant of 1.6 – 1.8 million dollars – we haven't heard from the State regarding that grant review. The referendum deadline is 70 days prior to election which is August 30<sup>th</sup>. President Palmer asked if we should vote on referendum language next week using the total dollar amount – worst case scenario. Mr. De Angelis said if we don't get the grant, the project won't be as expensive, as we won't have to abide by all of their guidelines. He said the problem he sees with that is that we can't give an accurate representation for the language. Mr. De Angelis said with grant approval this would go out for bid next year probably after April, however, if we did it ourselves, it would go out for bid this fall if we didn't get grant. If we do get the State grant, it could make the spring election with an estimate. Palmer said to assume the higher amount based on State standards and put the referendum on the November ballot. Trustee Michalski said one of the reasons we want it on the November ballot is for project scheduling for contractors. Mr. De Angelis said if we do this now and put 1.8 on referendum and bid comes back at 2.3 we have to go back to referendum, that is the risk. Trustee Stuckert asked if we put it out for \$1.8 million and we get funding from state and we don't need \$1.8, and it passes on referendum, what then happens? De Angelis said the language is always "not to exceed". We could put together language, we have the full 70 days to do education if we have a dollar amount. Palmer asked that staff put a draft together and send out and put it before the Board next week. Koleski asked that it be made clear what the Village's funding portion would be. Stuckert recommended Palmer put information on this in the paper; De Angelis recommended mailers, which have been done in the past, and social media. Attorney de la Mora stated the Village cannot spend public money to advocate for either side, they can only educate.

#### 11.) Report of Village Attorney – Hector De La Mora

- a. No report.

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

- a. Plan Commission - Trustee Michalski

The Commission met several times last month. On August 1<sup>st</sup> they reviewed the Waddell certified survey map.

**MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE SAYAS TO APPROVE THE CERTIFIED SURVEY MAP SUBMITTED FOR THE PROPERTY AT 13906 WATERTOWN PLANK ROAD.**

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

Review and act on the plan of operation for Elements Massage. There was a public hearing on this earlier in this meeting.

**MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE KOLESKI TO APPROVE THE REQUEST FOR CONDITIONAL USE PERMIT FOR WEDDLE BOYS, LLC DBA ELEMENTS MASSAGE THERAPY STUDIO PURSUANT TO SEC. 335-22C (10) AND 335-86 FOR THE OPERATION OF A MASSAGE PARLOR AT 12920 BLUEMOUND ROAD.**

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

The plan of operation for Tiny Green Trees was tabled for a second proposal after receiving input from those in attendance at the meeting. President Palmer said he believes a lot of progress has been made regarding this.

On August 11<sup>th</sup> the Plan Commission met and reviewed and acted on a demolition permit request for a multi-unit building located at 13320 W. Bluemound Road, which was damaged by fire. That motion was approved unanimously.

b. Library Board - Trustee Sayas

The Board met this evening. Heritage residents participated at a library event for the first time. Wireless printing is now available in the library. There will be a presentation by FEH on September 7<sup>th</sup> at 6:30 pm in the Reinder's Room and it is open to the public, the survey responses will be provided in a report. The Board approved the submission of their 5 year budget request for 2023 – 2027 this evening. Next, the Library Board President and Library Director will meet with the Village Finance Committee to continue the review.

c. Public Works - Trustee Schindler

The Committee voted to recommend to the Village Board to approve the bid for RES Great Lakes; they not only had the lowest bid overall, but they have worked with Interfluve and the Village in the past and their work was satisfactory. Interfluve has reviewed the bids and is also recommending approval of RES Great Lakes. The costs are to be shared with Brookfield and include a grant of \$225,000. A provision was added by Trustee Koleski that if costs are to exceed \$290,000 that the changes would need to come back to the Public Works Committee and that the portion that the Village pays not to exceed \$110,000.

**MOTION BY TRUSTEE SCHINDLER, SECOND BY TRUSTEE SAYAS, TO ACCEPT THE BID OF RES GREAT LAKES.**

**ALL WERE IN FAVOR, MOTION PASSED.**

The Committee reviewed the plans to use the private property infiltration and inflow monies from MMSD, specifically in the Terrace Drive and Wrayburn areas. The two plans have been approved by the Committee and have been sent to MMSD for their approval. Once they hear back, a timetable will be set for the project and obtaining bids.

The Committee reviewed the RFP put together by staff to obtain bids for refuse and recycling services. End of drive and up the drive estimates are requested. The RFP was approved.

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**MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE KOLESKI TO APPROVE THE RFP FOR REFUSE AND RECYCLING SERVICES.**

President Palmer said he has heard from residents that they are happy with the up the drive services.

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

The Committee had a lengthy discussion regarding the transportation fund and providing funding for road paving, pathways and bridges. All three will be incorporated in a ten year plan and revisited at their September meeting.

The Committee reviewed the potential Brookfield water main for Emerald Woods and discussed a response to the letter from the City of Brookfield regarding our future plans for a water main build out. They directed Mr. De Angelis to draft response for Village Board approval indicating that we currently do not have a build out plan or timeline in place and we currently do not see any problems with the future option of a 16" water main connecting the Brookfield water system from North Avenue to Bluemound Road through Elm Grove. A copy of the memo is in tonight's packet.

Trustee Koleski questioned the statement that indicates the long term goal is to have the Village served with municipal water utilizing this connection and other future connections for service. He asked what we have agreed to as a Village Board. President Palmer said the ultimate goal for the Village is to no longer be on private wells. You can't build commercial facilities economically due to the sprinkler requirements, it could cost over half a million dollars. Schindler said this response is being sent to Brookfield to respond to their 7 questions and they just want an idea what we think we are going to do going forward so they can either approve or not approve doing the water main extension to Emerald Woods.

**MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE SCHINDLER, TO APPROVE THE LETTER RECOMMENDED BY THE COMMITTEE.**

**ALL WERE IN FAVOR, MOTION PASSED.**

The Committee was informed by staff that during the construction of the UW Credit Union, a 36" storm sewer was discovered to be outside of the easement area where it was thought to be and is interfering with their construction. The contractor will remove it and replace it in the appropriate location.

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d. Public Safety - Trustee Sayas

Trustee Sayas gave her report of the August 15<sup>th</sup> meeting. Monitoring the area of Marilyn Drive after a recent accident showed findings of minimal travel of vehicles and most only 3 – 5 mph over limit. Brush in the area has been cut back to allow better visibility. Chief Kubiak said based on data the Police Department collected, Marilyn Dr. would not be a candidate for installation of speed bumps; they will continue to have a presence in the area.

Motorized scooters and e-bikes were discussed. Chief Kubiak informed the Committee that motorized scooters and e-bikes were allowed per state statute on roadways, bikeways and sidewalks. Their use may be limited by municipalities if they so choose. E-bikes are allowed in the park, but motorized scooters are not. This will continue to be monitored with no further action at this time.

e. Legislative - Trustee Michalski

The Committee met on August 11<sup>th</sup>. The WI DNR contacted the Village indicating that one word needed to be changed on line 866 of the proposed ordinance. Mr. Harrigan said the change made the ordinance more restrictive.

**MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE STUCKERT, TO APPROVE THE PROPOSED ORDINANCE.**

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

f. Park and Recreation – Trustee Cornell

No meeting, no report.

g. Administrative and Personnel - Trustee Stuckert

No meeting, no report

h. Finance and Licensing - Trustee Koleski

1. Review and act on Delinquent 2020 Personal Property Taxes.

All efforts have been exhausted to attempt collection of the outstanding \$824.18; last year it was \$2000 and \$4,200 the year prior.

**MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE STUCKERT TO WRITE OFF THE DELINQUENT PERSONAL PROPERTY TAXES IN THE AMOUNT OF \$824.18.**

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

2. Bartender application for Diane Anguiana, Zisters. The Committee recommended approval.

**MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE SCHINDLER, TO APPROVE THE BARTENDER LICENSE FOR DIANE ANGUIANA.**

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

The Committee recommended approval of the Class A beer and tobacco license applications by Jilly's LLC.

**MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE MICHALSKI, TO APPROVE THE CLASS A BEER AND TOBACCO APPLICATIONS BY JILLY'S LLC.  
ALL WERE IN FAVOR, MOTION CARRIED.**

The Committee recommended approval of the Class C Wine application for Bug & Goose.

**MOTION BY TRUSTEE KOLESKI, SECOND BY TRUSTEE MICHALSKI, TO APPROVE THE CLASS C WINE LICENSE BY BUG & GOOSE.  
ALL WERE IN FAVOR, MOTION CARRIED.**

3. Review and act on vouchers

**MOTION BY TRUSTEE KOLESKI, SECOND BY TRUSTEE SCHINDLER, TO APPROVE VOUCHERS AS PRESENTED.  
ALL WERE IN FAVOR. MOTION CARRIED.**

13.) Other Business

There was no further business

14.) Adjournment

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

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

Minutes submitted by: Sandee Policello

Minutes Approved on: September 26, 2022

Elm Grove Board of Trustee Minutes August ,2022  
Corrections & Comments

Under Brian House comments in the public forum there are a number of comments that are important to the public record that were not included.

- James Koleski commented that he just walked into the Board of Trustee Meeting and is first seeing the letter from Brian House on behalf of Mandel, thus has not had a chance to digest it.
- Jennifer Stuckert asked why the last minute for this letter? Why did it come today?
- Brain responded that they did not know if anyone would respond.
- Jenifer Stuckert stated that they (Mandel) knew the RFP for outside counsel was coming, it was in the August meeting minutes. Phil from Mandel was in attendance. The intention was clear in that a motion was made and approved for an RFP for outside counsel at the last meeting so obviously it was going to be on the agenda today. So why are we getting this letter today?

This letter and other materials given the Board of Trustee members were not included in the Board of Trustee packet, but instead were placed in front of each trustee upon arrival at the August Board of Trustee.

My comments should also include the following statements that were made.

Trustee Stuckert thanked everyone that came today and shared their opinions. There certainly are two sides to every issue. She has sat in village Board meetings for the past year and a half during which time the vast majority of residents were voicing concerns or had specific questions. This is the first time she has seen a strong showing on the other side. The village is deeply divided. Evidence of this included the large file of emails and letters sent to the village Board of Trustees by residents regarding their concerns. When she is in public she has strangers thanking her for looking into this further. They are deeply concerned about the approval process and the amount of money spent.

Meeting notes from there are fine under Stuckert with the 2 minor corrections below.

The fact that .....was concerning to people [not her]

The \$23M .....our dollars are spent