

Village of Elm Grove Board of Trustee Meeting Minutes

Board of Trustee Call to Order:

The meeting was called to order at 7:12 PM.

Roll Call:

PRESIDENT KOLESKI
TRUSTEE SHEPHERD
TRUSTEE STUCKERT
TRUSTEE SCHINDLER
TRUSTEE SAYAS
TRUSTEE CASTILE
TRUSTEE HILLMANN

TOM HARRIGAN, VILLAGE MANAGER
HECTOR DE LA MORA, VILLAGE ATTORNEY
KATHERINE GEHL, ASST. VILLAGE MANAGER/ZONING ADMINISTRATOR

The Pledge of Allegiance was recited.

1.) Public Hearing – Amendment to Chapter 330 Floodplain Zoning

President Koleski opened the Public Hearing.

Noting that no one wished to speak, President Koleski closed the Public Hearing.

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.

Mary Inden – 14745 Watertown Plank Road
Shred Day will be taking place on September 9th, 2023 in the Park & Shop parking lot. The event will run from 9:00 AM to noon. No metal or ceramic will be accepted – just paper.

Mike Hamilton - 13130 Watertown Plank Road
Was present to speak on the water main project. Noted that the Watermark should be installing pressure pumps in order to get water up to the third floor based on review done by Wauwatosa on the anticipated water pressure. Village Manager Harrigan stated that measurements of water pressure will have to be taken after initial installation.

Heather Weber – 13445 Tosca Court
Member of Elm Grove Business Association and has two businesses located on Watertown Plank Road. Is requesting that an alternate detour route be considered on Church Street rather than Legion Drive to not divert traffic as far from businesses.

Stacy Barry-Coffey – 12805 Dunwoody Drive
Member of the Elm Grove Recreation Committee and urges the Village Board to approve funding for the creation of Comprehensive Outdoor Recreation Plan (CORP) in 2024 because the Village's current park plan is out of date and the Village cannot apply for certain grants without an updated plan. The CORP could incorporate pathways, beautification, sustainability, and daylighting project.

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Tim Broerman – 13865 Stonefield Court

Resides on Stonefield Court and believes there is a speeding issue on Sunnyslope Road and throughout the Village. He went before the Public Safety Committee in January and an electronic speed sign was subsequently installed but believes there should be more enforcement done.

Mary Inden - 14745 Watertown Plank Road

Echoes Mr. Broerman’s concerns about speeding and also noted that speeding on Watertown Plank Road is an issue. Asked the Village to look into camera monitored speeding ticket system. President Koleski and Attorney de la Mora noted that these systems are not legal in the State of Wisconsin.

President Koleski asked that comments about the CORP be forwarded to the Recreation Committee and comments about speed be forwarded to the Public Safety Committee.

3.) Approval of Agenda

MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE CASTILE, TO APPROVE THE AGENDA AS PRESENTED. ALL WERE IN FAVOR. MOTION CARRIED 6-0.

4.) Approval of Minutes

- a. July 25, 2023 - Village Board of Trustee DRAFT Minutes.

MOTION BY TRUSTEE SCHINDLER, SECOND BY TRUSTEE HILLMANN, TO APPROVE THE MINUTES AS AMENDED. ALL WERE IN FAVOR. MOTION CARRIED 6-0.

5.) Report of the Village President – Jim Koleski

- a. Review and possible action of Elizabeth Hermsen to the Sustainability Committee

President Koleski noted that an individual stepped down from their position on the Sustainability Committee and this appointment would fill the open position.

MOTION BY PRESIDENT KOLESKI, SECOND BY TRUSTEE STUCKERT, TO APPOINT ELIZABETH HERMSEN TO THE SUSTAINABILITY COMMITTEE. ALL WERE IN FAVOR. MOTION CARRIED 6-0.

Trustee Sayas arrived in person at 7:38 PM.

- b. Review and act on nomination of Trustee Shawn Hillmann to the Fire and EMS Futures Study Committee

President Koleski noted that there was a vacancy on the Ad Hoc Committee following the departure of former Trustee Tom Michalski.

MOTION BY PRESIDENT KOLESKI, SECOND BY TRUSTEE SAYAS, TO APPOINT TRUSTEE SHAWN HILLMANN TO THE FIRE AND EMS FUTURES STUDY COMMITTEE. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

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- c. Review and act on nomination of Jennifer Morris to the Library Board

Jennifer Morris was present before the Board. She is a 27-year resident of Elm Grove and has worked as a Firefighter/EMT in the Village, has participated in the Citizens Police Academy, has been a part of the Elm Grove Women’s Club, is an active user of the Elm Grove Public Library, and taught high school and college.

MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE SCHINDLER, TO APPOINT JENNIFER MORRIS TO THE LIBRARY BOARD. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

- 6.) Report of Fire Chief – Brian Naylor

- a. July Fire Department Report

President Koleski asked for clarification to be made as to why there were a significant number of calls for service for Electrical Hazards. Village Manager Harrigan will follow-up with Fire Chief Naylor.

- 7.) Report of Police Chief

- a. July Police Department Report

Trustee Stuckert asked why there was a significant increase in the amount of calls for service for Ordinance Violations in July. Village Manager Harrigan will follow-up with Assistant Police Chief Ryan Unger.

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

- a. Year-to-date EMS Department Report

- 9.) Report of Village Clerk

- a. Discussion and possible action to designate Village Manager, Thomas Harrigan, as interim Village Clerk

Village Manager Harrigan explained that with the current vacancy of the Village Clerk position, an individual needs to be appointed to serve as Interim Village Clerk.

MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE SCHINDLER, TO APPOINT VILLAGE MANAGER THOMAS HARRIGAN AS INTERIM VILLAGE CLERK. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

- b. Review and act on Special Event Application for Oktoberfest

Village Manager Harrigan explained that the event will occur on September 15th and September 16th in the Village. A pre-event meeting is scheduled for this Friday with the Elm Grove Community Foundation and village staff to go over final details. There are no significant changes proposed from previous years. It is a very well received event in the Village.

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President Koleski asked that clarification be made that the event will be held during certain hours on Friday and Saturday. President Koleski asked if the event will be impacted by construction. Village Manager stated no, the event will be far enough west.

MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE SHEPHERD, TO APPROVE THE SPECIAL EVENT APPLICATION FOR OKTOBERFEST WITH MORE DETAILED HOURS OF OPERATION INCORPORATED IN THE APPLICATION. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

- c. Review and act on Special Event Application for Walk the Plank

Village Manager Harrigan explained that the event takes place on Watertown Plank Road on October 21st and requires a closure of the Road.

Heather Weber of the Elm Grove Business Association noted that all activities will be the same as last year and a notice letter will be addresses within the closure. President Koleski asked that the road closure hours be 3:30 PM – 7:00 PM to accommodate set-up and take-down of the event.

MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE SHEPHERD, TO APPROVE THE SPECIAL EVENT APPLICATION FOR WALK THE PLANK WITH THE EVENT TIME ON THE APPLCIATION BE ADJUSTED TO 3:30 PM TO 7:00 PM. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

10.) Report of Village Manager – Thomas Harrigan

- a. Review and action on Resolution 082223 to Appropriate Library Funds for 2024

Village Manager Harrigan explained that this is an annual item that occurs in the month of August. This resolution commits the Village to a library tax levy at least equal to the County library tax levy. This requires that the Village levy at least \$347,388.

MOTION BY TRUSTEE CASTILE, SECOND BY TRUSTEE SCHINDLER, TO APPROVE RESOLUTION 082223 TO APPROPRIATE LIBRARY FUNDS FOR 2024. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

- b. Review and act on Resolution 082223B to Suspend Enforcement of Temporary Sign Ordinance

Village Manager Harrigan explained that this Resolution comes at the request of the Elm Grove Business Association to suspend the Village’s temporary sign ordinance during construction and extension of water main on Watertown Plank Road. The suspension would be from August 22, 2023 to November 30, 2023. This request has previously been granted during the reconstruction of the Watertown Plank Road Bridge. Permits will still be required and all standards must still be followed but the permit fee will be waived.

MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE HILLMANN, TO APPROVE RESOLUTION 082223B TO SUSPEND ENFORCEMENT OF TEMPORARY SIGN ORDINANCE.

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ALL WERE IN FAVOR. MOTION CARRIED 7-0.

- c. Review and possible action regarding the approval of a final plat titled Red Barn and for a final plat titled Green Meadow as part of the redevelopment of the School Sisters of Notre Dame (SSND) property

Village Manager Harrigan introduced the item and explained that these are plats for the individual single-family lots. The plats have received approval from the Wisconsin Department of Administration and Waukesha County. Village engineering firm Ruekert & Mielke provided an engineering review memo which states that all baseline materials have been addressed as outlined in the review letter provided by the Wisconsin Department of Administration.

Attorney de la Mora explained that prior meeting minutes have been included in tonight's packet materials to show that the Village Board review and approved the final plats in 2020 and then forwarded the plats to the State and Waukesha County for review. The Village heard back from the State on August 9, 2023 that they had no objections. Attorney de la Mora explained that to be consistent with the formal process, the Board should take action to approve the plats following State approval. He further explained that by statute, if a preliminary plat was approved and a final plat was submitted which is in substantial conformity action should be taken to approve the final plat.

Trustee Stuckert noted that although the lots are well designed they are inconsistent with the rest of the Village. There are also notes on the plat as it relates to soil testing and it being an archeological site. Trustee Stuckert would like these things to be addressed and action on this item should be tabled until such has occurred.

Village Manager Harrigan explained that the comments made by Waukesha County on the plats are entirely customary and are only recommendations. Groundwater concerns will be reviewed by Village Engineers at such time the proposals come to the Building Board. He explained the certification from the State is to say that these final plats are in substantial conformity with the preliminary plats and if the Board does something to stop or delay the approval process substantial ramifications to the Village are possible.

Trustee Hillmann asked how the setbacks for these lots are being defined. Village Manager Harrigan stated that the setbacks were approved as part of the Planned Development Overlay process are memorialized on the face of the plats. And in engineering review letters from Ruekert & Mielke.

Trustee Stuckert noted that she does not want to see applications for variances coming to the Board of Appeals for requests to deviate from the set requirements on setbacks and height. Attorney de la Mora stated that the only way to revise a Planned Development Overlay is by Board action.

MOTION BY TRUSTEE SHEPHERD, SECOND BY TRUSTEE SAYAS, TO RE-APPROVE THE FINAL PLAT TITLED RED BARN AND FINAL PLAT TITLED GREEN MEADOW APPROVED BY THE WISCONSIN DEPARTMENT OF ADMINISTRATION AND CERTIFIED BY WAUKESHA

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COUNTY ON AUGUST 8, 2023 FOR RED BARN AND ON AUGUST 9, 2023 FOR GREEN MEADOW. MOTION CARRIED 6-1 WITH TRUSTEE STUCKERT DISSENTING.

- d. Review and approval of temporary stop signs at Legion and Elmhurst Parkway

Village Manager Harrigan introduced the item and explained that the temporary signs are needed as a result of the planned detour route as a result of the water main construction closing parts of Watertown Plank Road. The detour will be from 124th Street north to Elmhurst Parkway, west to Legion Drive, then south to Watertown Plank Road. The detour signs will be installed by the contractor at the beginning of construction and will remain until the end of construction which is expected to be in November 2023. Village Manager Harrigan stated that he has heard from the Elm Grove Business Association (EGBA) that they would request that the detour instead be from 124th Street north to Elmhurst Parkway, west to Church Street, then south to Watertown Plank Road in order to keep the detour traffic closer to the businesses. Action could be taken tonight or could be tabled until further discussion is held.

President Koleski stated that he would like to take action tonight so that something is in place and then modifications could be made later if it was determined to be necessary.

Trustee Shepherd asked if there was concern with a detour on a more narrow Church Street because of St. Mary's and Tonawanda Elementary school traffic.

Trustee Stuckert and Trustee Sayas both stated they understood the concerns of the EGBA but requested that Richard Paul, Jr., the Public Works Director, and the Police Department offer their feedback that the Board can consider at the Committee of the Whole meeting on August 23rd, 2023.

Heather Weber of the EGBA asked if the detour route could change as the project progresses down Watertown Plank Road. President Koleski said the construction schedule would need to be reviewed to see if this was possible.

Trustee Sayas asked if the stop signs at Legion Drive and Elmhurst Drive are intended to be flashing and if lines are intended to be painted. Village Manager Harrigan stated that the lights are intended to be flashing and our Public works will be using tape rather than paint to mark lines on the road.

MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE HILLMANN, TO APPROVE TEMPORARY STOP SIGNS AT LEGION DRIVE AND ELMHURST PARKWAY. MOTION CARRIED 6-1 WITH TRUSTEE SHEPHERD DISSENTING.

- e. Review and act on Amendment to Chapter 330 Flood Plain Ordinance

Village Manager Harrigan explained that the Village Board approved updated FIRM (Flood Insurance Rate Map) Panels which were completed in 2023. As a result, the Village's Flood Plain Ordinance needs to be amended to reflect the new Panel numbers.

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MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE CASTILE, TO APPROVE AMENDMENT TO CHAPTER 330 FLOOD PLAIN ORDINANCE. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

Mr. Harrigan provided an update to projects detailed in his memo.

1. The Gebhardt Road project is 70-75% complete.
2. Letters regarding water extension were mailed out and the Village has received about 30 responses. Final letters will be sent to those we have not yet heard from shortly.
3. Interfluve notified the Village that several plantings that were planted as part of the Underwood Creek Streambank Stabilization project did not make it. As part of their contract they will be replanting them.
4. The developer of the Caroline Heights property plans to close on the property at the end of August. Construction equipment is planned to mobilize on site the week of September 4th.

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

- a. Attorney De La Mora had no report at this time

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

A. Plan Commission – President Koleski

President Koleski explained that there was a Special Exception granted for the property located at 700 Brinsmere Drive and that this is a normal process to occur in the Village for legal non-conforming structures to do additions so long as they do not increase non-conformity.

A demolition permit was approved for the home located on 1745 Westmoor Terrace.

There was discussion regarding Downtown Master Planning and the next step is for Village Manager Harrigan to reach out to the Elm Grove Business Association.

B. Library Board – Trustee Castile

Trustee Castile explained that the process of implementing RFID tags is in process and will be closed on August 22nd, 23rd, and 24th. The library has lost four employees in the last six weeks. Library Administration and the Library Board are looking at what needs to be done to retain employees. To mitigate the challenges of understaffing the library will have reduced hours in the month of September and October. The hour changes will be shared on the library website, in the library newsletter, and in the Village newsletter.

C. Public Works – Trustee Schindler

Trustee Schindler gave an update on the water main project. A pre-construction meeting was held and the project is expected to begin the week of September 4th. Construction will

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occur in the Village from 124th west to just past Church Street. The timeline of construction will depend on the availability of crews.

The submitted bids for the Private Property Inflow and Infiltration (PPII) project were discussed. The lowest bid came in about \$40,000 higher than the projected cost. Action of the bids was tabled in order for MMSD to look at funding options.

The Public Works Committee discussed the Gebhardt Road project and the Public Works 5-year Capital Budget.

The Sustainability Committee has placed two bins for collecting textiles which will generate 10 cents per pound.

D. Public Safety – Trustee Sayas

The Public Safety Committee did not meet. No report.

E. Legislative – Trustee Stuckert

The Legislative Committee did not meet. No report.

F. Park and Recreation – Trustee Shepherd

Trustee Shepherd gave an update on the Recreation Committee meeting. An update of the 4th of July Event and Great Elm Grove Campout Event was given. Summer programs are ending and registration numbers are very strong. There was a Recreation Manager interview held and a second interview is being scheduled. The Committee had a discussion about including funding for the completion of a CORP in 2024 in the Recreation Capital Budget. The Committee recommended to the Finance & Licensing Committee to earmark this project for 2024 in the Capital Budget. The Committee had a discussion regarding the basketball court in Village Park and the Committee recommended to the Finance & Licensing Committee to allocate funds for the full replacement of the basketball court prior to June 1, 2024. The Committee recommended to the Finance & Licensing Committee to adjust the year of purchase of a second diving board to 2024.

G. Administrative and Personnel – Trustee Stuckert

The Administrative and Personnel Committee did not meet. No report.

H. Finance and Licensing – President Koleski

1. Review and act on license applications/renewals

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The applicant for Walgreens was not present. Review and action was not taken.

The Finance & Licensing Committee recommended approval of a Class “B” Beer and “Class C” Wine License for Fairgrounds Coffee with the exclusion of the outdoor patio area due to the current lack of containment.

MOTION BY PRESIDENT KOLESKI, SECOND BY TRUSTEE STUCKERT, TO APPROVE A CLASS “B” BEER AND “CLASS C” WINE LICENSE FOR FAIRGROUNDS COFFEE EXCLUDING THE OUTDOOR PATIO AREA. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

The Finance & Licensing Committee recommended approval of a reserve “Class B” Liquor and Class “B” Beer License for ZA.

MOTION BY PRESIDENT KOLESKI, SECOND BY TRUSTEE CASTILE, TO APPROVE A “CLASS B” LIQUOR AND CLASS “B” BEER LICENSE FOR ZA. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

2. Project Updates and Financial Reports

President Koleski explained that overall revenues are in-line or slightly higher than budgeted and expenditures are in control. Soon there will be payouts made for resignations and retirements that will affect the expenditure levels.

3. Review and possible action on reconstruction of park basketball court

President Koleski introduced the item and noted that the Finance & Licensing Committee made a recommendation to the Village Board to direct staff to move forward with seeking concrete and asphalt bids in 2023 for the reconstruction of the existing basketball court to be completed no later than June of 2024.

MOTION BY TRUSTEE SHEPHERD, SECOND BY TRUSTEE SCHINDLER, TO SEND OUT A REQUEST FOR PROPOSAL FOR THE REPLACEMENT OF THE EXISTING BASKETBALL COURT WITH EITHER CONCRETE OR ASPHALT WITH THE INCLUSION OF NEW BASKETBALL POLES, BACKBOARDS, AND RIMS.

Trustee Hillmann explained that he voted no on the recommendation by the Recreation Committee because he is concerned that money is being spent without the consideration of adding additional facilities. He would like more time to consider the options for the project and notes the CORP would be a guiding document.

ALL WERE IN FAVOR. MOTION CARRIED 7-0.

5. Review and act on vouchers

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President Koleski noted that there were limited questions on the vouchers but explained there was direction given to staff to have an understanding of the warranty on the equipment before final payment is made.

MOTION BY PRESIDENT KOLESKI, SECOND BY TRUSTEE SAYAS, TO APPROVE THE VOUCHERS. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

6. Discussion of updated Caroline Heights review by Ehlers

President Koleski explained that the Finance & Licensing Committee had an extension review on updated reporting by Ehlers to look at the developer's ability to honor the guarantee, cash flows, and financial projections.

Trustee Shepherd explained it was very informative to see Ehlers side-by-side comparisons and report. He is aware of many projects outside of the organization that have failed because of the current economic climate.

Trustee Schindler noted that the reports prepared by Ehlers projected that it would take an additional four years to pay off the TID which was disappointing. President Koleski noted that the extension may be 2-4 years because Ehlers has very conservative estimates.

13.) Closed Session - Pursuant to Wis. Stat. §19.85(1)(e) upon a motion duly made, may convene into a closed session for the purpose of deliberating or negotiating 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, namely to consider the engagement of a law firm to assist the village in the acquisition of interests in properties needed for the pending daylighting of the creek project in downtown Elm Grove and to assist with other legal issues where the firm of the village attorney may have a professional conflict due to a prior professional engagement by the owner(s) of any interest being acquired.

BY ROLL CALL VOTE, ALL WERE IN FAVOR OF GOING INTO CLOSED SESSION. MOTION CARRIED 7-0.

14.) May reconvene into open session to take action on any closed session items.

MOTION BY TRUSTEE HILLMANN, SECOND BY TRUSTEE SAYAS, TO APPROVE THE REQUEST FOR PROPOSAL OF AXLEY BRYNELSON, LLP FOR THE SERVICES AS OUTLINED IN THE RFP. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

15.) Other Business

None.

16.) Adjourn

Tuesday, August 22, 2023

7:00 PM

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MOTION BY TRUSTEE SHEPHERD, SECOND BY TRUSTEE SCHINDLER, TO ADJOURN THE MEETING. ALL WERE IN FAVOR. MOTION CARRIED 7-0.

Meeting adjourned at 9:33 PM.

Minutes transcribed by: Katherine Gehl
Minutes Approved on: September 26, 2023