

Village of Elm Grove Committee of the Whole Meeting Minutes

Board of Trustee Call to Order:

The meeting was called to order at 5:02 PM.

Roll Call:

PRESIDENT KOLESKI  
TRUSTEE SHEPHERD – via zoom  
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

1.) Discussion On Pedestrian Pathway Cost Estimate Updates

*Trustee Castile arrived at 5:03 PM*

Village Manager Harrigan introduced the item and explained that at the July Committee of the Whole meeting there was discussion on the Village’s transportation budget and its forecast for 2024. The Board was interested in pursuing a pathway on Highland Avenue from North Avenue to Gebhardt Road. The Board took action at the July Board of Trustees meeting to request that cost estimates be prepared for Highland Avenue from North Avenue to Gebhardt Road as well as for Highland Avenue from Gebhardt Road to Victoria Circle N and Highland Avenue from Victoria Circle N to Juneau Boulevard. Conceptual layouts were created in 2021 that have not been modified but were used to generate cost estimates.

Further, the Public works Committee recommended to commit \$550,000 for a pathway on Highland Avenue from North Avenue to Gebhardt Road; however, the cost estimate is \$662,000.

Village Manager Harrigan has been in contact with Peter Gesch, engineer with Ruekert & Mielke who recommends that the Village begin conversations with Canadian Pacific rail for the proposed pathway on Highland Avenue.

President Koleski asked if there is any way engineering can begin in 2023 in order to get a better estimate. Village Manager Harrigan stated that the Village does have additional funds because of interest revenues that are higher than expected but would also have to see if there is the personnel to do the work.

Trustee Schindler believes it’s important to start this year and believes that we could take a look at PASER ratings for roadways and use some money to supplement the remaining funding need.

Trustee Hillmann asked how the Village will keep up with commitments financially and President Koleski reiterated that in order to do a pathway annually, borrowing will most likely be required but pathways have been identified by the community as a priority.

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Trustee Sayas stated that pathways are important but at what expense. She would like to hear from Monica if this is feasible and/or how it would affect the budget.

Trustee Stuckert said the community wants pathways and delays keep driving the project costs up. Trustee Stuckert and Trustee Castile are in favor of getting engineering done as soon as possible to get up-to-date information.

Trustee Stuckert asked when the Village is expected to be out from under the issues caused with superpave used in the past. Village Manager Harrigan stated that superpave was used 15-20 years ago.

Trustee Schindler said the Village could look at other funding alternatives.

Audience member Stacy Barry-Coffey explained that a Waukesha County Representative told her that she believed the Village Could eligible for funding based on the types of projects we are doing.

President Koleski noted that there seems to be consensus among the Board members that we should review the budget with Monica Hughes, Finance Director, to see if it is possible to move forward with engineering in 2023 for the pathway on Highland Avenue from North Avenue to Gebhardt Road.

Attorney de la Mora said this direction should be agendized for approval because action cannot be taken at a Committee of the Whole meeting.

Trustee Stuckert asked where the Village will find grants to apply for and how we will apply. Village Manager Harrigan said Ruckert & Mielke can provide assistance about competitiveness of grants. In the past the Village itself has identified grants and then engaged Ruckert & Mielke but could see what the cost would be for Ruckert & Mielke to do this work and if they have the expertise to do it. Trustee Stuckert noted the Village could work with legacy group to help with applying for these grants. Village Manager Harrigan said the Village could have them due the due diligence aspect and then bring it forward so the village could then take it on for professional work.

President Koleski said the Pathway Committee may need to look at pathway prioritization as it relates to community feedback. Trustee Stuckert said they could get the pathway back together again but doesn't know that anything would change. President Koleski believes an updated review and reassessment would be helpful.

2.) Discussion On Municipal Water And Lateral Installation Policies And Procedures

Village Manager Harrigan introduced the item and noted that the intention tonight is to discuss the proposed traffic control detour for Watertown Plank Road after the Board received a request from the Elm Grove Business Association to consider a detour route onto Church Street instead. Assistant Chief Unger and Public Works Director Richard Paul, Jr. both drafted opinions about why the originally proposed detour route onto Legion Drive should be used.

Trustee Schindler asked why a full closure of the road is required for two full months. Village Manager Harrigan explained that a full closure is needed due to wide width of Watertown Plank Road and because there are sections where the main has to be placed in the right-of-way. The full closure also helps with

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staging of construction equipment. If there was not a full closure, traffic control would be required and it could result in very long delays and backups.

Trustee Sayas noted that Assistant Chief Unger's report noted that Legion Drive has a pathway for pedestrians and Church Street does not. Church Street is also narrower.

Trustee Sayas and Trustee Stuckert believe that what Assistant Chief Unger and Public Works Director Richard Paul, Jr. have explained makes sense and feel that the Village should do signage instead to help businesses. Trustee Sayas asked representatives from the Mandel Group if there is any opportunity for them to support the businesses. Dan Romnek of the Mandel Group said they could potentially advertise on the project website or do onsite advertisement. They could also involve the affected businesses in the ribbon cutting ceremony.

President Koleski asked how Stephen Place and Meadow Drive construction will happen. Village Manager Harrigan said that construction will be focused on Watertown Plank Road first and then will go to Stephen Place and Red Barn if the project progresses quickly but this depends on the amount of crews available for construction.

Trustee Schindler feels the village should assist with paying for signs for businesses and President Koleski notes that staff should engage the businesses on the placement and content of the signs to meet their needs.

Trustee Shepherd asked if there is potential for a two-stage detour. Village Manager Harrigan said it could be done but it comes down to timing and a reliable detour pattern is the intention.

Trustee Castile noted that the approved detour route keeps the heavy amount of traffic on a large road (Elmhurst Parkway).

Trustee Shepherd has hesitations about the approved detour but is aware that this has been noted as the best and safest route as opined by the Public Works Department and the Police Department.

President Koleski noted that there appears to be Board consensus to stay with the originally recommended detour route as approved at the Board of Trustees meeting on August 22, 2023.

Trustee Shepherd asked if there will be police enforcement if people go into the construction area. Village Manager Harrigan explained that the action taken by Board at the Board meeting gave the ability to enforce.

President Koleski asked what the traffic route for contractors will be through construction. Dan Romnek of the Mandel Group will get the exact route to the Village but has the understanding that it will be on Watertown Plank Road heading east.

President Koleski asked that construction hours be communicated to the community. Dan Romnek of the Mandel Group explained that after the start of construction there will be a neighborhood meeting for those residents who will be most affected.

Attorney de la Mora asked how updates about the project will be shared.

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Village Manager Harrigan said the Village can create a landing page on our website that will be updated daily when we get updates from the Mandel Group.

3.) Discussion On Underwood Creek Daylighting Project

Village Manager Harrigan explained that the Board took action at the August 22, 2023 Board of Trustees meeting to engage Axley Law Offices for the easement agreements.

The Village met with Kevin Schaefer with to talk about Milwaukee Metropolitan Sewerage District (MMSD) regarding their Private Property Inflow and Infiltration (PPII) program that the Village is a part of. Mr. Schaefer thinks alternate funding would be available to cover a current funding shortfall. President Koleski said because of the Village's water flow and flood control we could be able to tap into other money with green initiatives. This effort allows municipalities to apply for funding for projects that use green infrastructure if they are part of the program but once you are part of the program you cannot opt out. MMSD can send representatives to different committees in village to look at the pros/cons and where Committees could benefit from the program. Trustee Schindler asked what the cost per year to participate would be. Village Manager Harrigan believes that it is based on a property valuation assessment per municipality.

Trustee Schindler would like this to come to the Public Works Committee and have the Sustainability Committee there to join in on conversation.

As it relates to the funding shortfall for the PPII program, Mr. Schaefer was confident that the program funding wasn't going to change moving forward, so the Village could use next year's monies to fund the current gap. Trustee Schindler noted that bids came in about \$40,000 higher than expected so the question was whether the Village pays now and hopes that MMSD give money earmarked for next year or do we wait for next year when contracts may change. The current thought of the Public Works Committee is to move forward now.

4.) Discussion On Caroline Heights And Construction Update

President Koleski introduced the item and explained that signatures are needed on various documents as it relates to the project.

Village Manager Harrigan explained that all of these documents were approved as part of development agreement but need to be signed and incorporated as part of overarching agreement.

Attorney de la Mora explained that the Walkway Path Easement Agreement focuses on the rights that the developer gave to the public for the use of the pathways within the development, treating them as pedestrians but not for the use of bikes, scooters, and motorized vehicles. Dan Romnek of Mandel Group explained that there is a utility easement that will be paved over to create the connection south to Green Meadow Place from the apartment development. The maintenance will be the responsibility of the developer and any successor. There will be signage along the pathway for permissions, rules, and regulations. There are guarantees in the agreement about having "reasonable" regulations.

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Attorney de la Mora also explained that the spirit of the agreement is to treat Elm Grove residents receiving Wauwatosa water are treated similarly to Wauwatosa residents. We should expect the level of PSI that they are running at for Wauwatosa residents to be the same for Elm Grove residents. Village Manager Harrigan noted he reached out to Dave Simpson with Wauwatosa to see what the intended PSI of the system will be and is awaiting an update.

Attorney de la Mora explained that the Storm Water Management, Facility Maintenance and Easement Agreement details that a certain amount of material will have to be reallocated throughout the site and documents the expectation of the water management scheme of the site and that the developer has to strictly adhere to the terms of construction for the life of the project. Village engineers have reviewed these plans extensively.

*Trustee Hillmann arrived in person at 7:09 PM*

Attorney de la Mora explained that the Irrevocable Standby Letter of credit needs to be signed. The Village is working through the base numbers used to calculate the final Letter of Credit amount. The Mandel Group forwarded calculations/spreadsheets which outline line items in the Letter of Credit. Ruckert & Mielke asked for clarification in order to review the numbers to see if the values make sense. The Letter of Credit will be issued upon the closing of property. These funds are to ensure the public portion of the project is completed if Mandel does not complete them for whatever reason.

Attorney de la Mora explained that the MGI Elm Grove Assessment Valuation Completion Guaranty outlines that the Mandel entity is required to incorporate a guarantee on the assessment valuation meaning a specific value that the project has to meet at the end, \$41,000,000, and that construction has to be completed as set forth in the development agreement. If the value is not met, Mandel will pay the difference.

President Koleski noted that there is Board understanding of what is being signed.

5.) Other Business

Trustee Sayas asked about the process for public comments at Board of Trustee meetings and whether comments from the public should be allowed in the middle of the meeting.

Attorney de la Mora explained that once public comment is received, the members of the public do not have the right to be heard; however, it is left to the discretion of the Chair of the meeting to allow for it. The ruling of Chair can be challenged if there is dissatisfaction by another Trustee and the ruling can be changed by power of vote.

President Koleski explained that his current thought was to allow dialogue because there is usually low attendance at the Board meetings; however, if it becomes disruptive adjustments can be made.

Trustee Hillmann asked if additional stop signs will be added along the approved detour routes. Village Manager Harrigan stated no, they will only be on Legion Drive and Elmhurst Parkway.

Trustee Hillmann asked if there can be trimming done on Elmhurst Parkway for shrubbery to allow for better sightlines.

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President Koleski asked that speed and speed enforcement be a topic of conversation at an upcoming meeting. We have to find out what is reasonable from our Department and what the current practice is.

*Trustee Stuckert left the meeting at 7:37 PM*

Trustee Castile would like to focus on what is being done to improve public safety.

Trustee Schindler noted that the Boards' goal should be to set direction and policy.

6.) Adjourn

**MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE HILLMANN, TO ADJOURN THE MEETING. ALL WERE IN FAVOR.**

Meeting adjourned at 7:41 PM.

Minutes transcribed by: Katherine Gehl

Minutes Approved on: September 26, 2023