

VILLAGE OF ELM GROVE
13600 Juneau Blvd
Elm Grove WI 53122

AD HOC COMMITTEE - REINDERS DEVELOPMENT
Wednesday, September 28, 2016 * 6:00 p.m. * COURT ROOM

AGENDA

1. Bring meeting to order
2. Review and approve minutes
May 18, 2016
June 15, 2016
July 27, 2016
August 10, 2016

Documents:

ahreinders051816md.pdf
ahreinders061516md.pdf
ahreinders072716md.pdf
ahreinders081016md.pdf

3. Presentation by Wangard Partners Inc. for conceptual review of possible development plan at 13400 Watertown Plank Road
4. Adjourn

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Mary S. Stredni, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.

**VILLAGE OF ELM GROVE
AD HOC COMMITTEE – REINDERS DEVELOPMENT
MEETING MINUTES
WEDNESDAY, May 18, 2016**

Present: Chairman Trustee Nelson, Christina Berger, Stew Elliott, Marlee Hansen, Martha Kandler, Joe Klein, Peter Moegenburg, Rebekah Schaefer, and Jan Schoenecker. John Galanis excused.

Also Present: Village Manager David De Angelis, Village Clerk Mary S Stredni, and Zoning/Planning Administrator Tom Harrigan.

1. Call Meeting to Order.

The meeting was called to order at 6:04PM by Chairman Nelson

2. Introduction of members.

Chairman Nelson began the meeting by briefly explaining the concept and purpose of ad hoc committees. He explained that the committee members were asked to serve on the body due to their expertise in certain occupations which will contribute towards the productivity and goals of the committee. Chairman Nelson then provided each committee member with an opportunity to introduce themselves and state their background experience.

3. Discussion regarding function and purpose of the committee

Chairman Nelson stated the purpose of an ad hoc committee is, “all soft”. Authoritative bodies have already been established in the Village. In that regard, the charge of the ad hoc committee is on an advisory level.

Chairman Nelson continued, no formal development proposal presentations have been brought to the Planning Commission. (The process of how development proposals will be brought into the Village was explained to the committee members and the public in attendance.) Development proposals will be received by the Zoning and Planning Administrator, Tom Harrigan, who will scrutinize the proposals ensuring that all necessary documentation has been submitted, and legal requirements met.

Chairman Nelson highlighted that consensus is not a goal of the ad hoc committee. Rather, thoughts that bring rise to valuable considerations and can be shared with potential developers should be encouraged.

Village staff or other professionals may be asked to attend committee meetings for the purpose of addressing specific topics of interest that emerge during discussions. An example of this would be the Director of Public Works, Richard Paul Jr to discuss the condition of the portion of Elm Grove Road which is known as the ‘Cave Road’. Also proposed that The Fire Chief and Police Chief attend a meeting to discuss their position of the impact of development on the Reinders property on public safety.

Village Manager, David De Angelis, mentioned that potential developers may want to meet with the ad hoc committee in order to better understand the public's opinion on certain topics.

Chairman Nelson then opened the floor to the committee for discussion and comments.

Moegenburg stated that many topics of discussion can easily take the committee into discussions that truly do not relate to the goals of the committee. Intuitively, there are many "positives" that outweigh the "negatives" and must be considered while moving forward with the discussions to come.

Chairman Nelson proposed a list of topics should be generated for committee members to consider for future discussion.

The committee was directed to channel future communications through De Angelis or Harrigan, in order to avoid the violation of open meeting laws. All ideas for future discussion topics should be directed to the Village Manager.

4. **Adjourn**

Schoenecker motioned and Berger seconded to adjourn the meeting at 6:48 p.m.

Motion carried 9-0

Respectfully Submitted,

Thomas Harrigan
Zoning and Planning Administrator

**VILLAGE OF ELM GROVE
AD HOC COMMITTEE – REINDERS DEVELOPMENT
MEETING MINUTES
WEDNESDAY, June 15, 2016**

Present: Chairman Trustee Nelson, Christina Berger, Martha Kendler, John Galanis, Jan Schoenecker, Joe Klein, Pete Moegenburg, and Stew Elliott.
Excused: Marlee Hansen, Rebekah Schaefer.
Also Present: Ehlers and Associates Senior Municipal Advisor Michael Harrigan, Village Manager David De Angelis, Village Finance Director Monica Hughes, Village Clerk Mary S Stredni, and Zoning/Planning Administrator Tom Harrigan.

1. Call Meeting to Order.

The meeting was called to order at 6:00PM by Chairman Nelson.

2. Review information regarding Village finances.

Chairman Nelson introduced Village Finance Director, Monica Hughes to the committee. Mrs. Hughes explained that she would provide the committee with a brief overview of the Village finances. To begin, Mrs. Hughes explained the basic concepts of governmental finance including, fund accounting, capital budgeting, determination of the tax levy, and the Comprehensive Annual Financial Statements (audit).

The financial results of 2015 were reviewed by a comparison of revenue sources to expenses. Mrs. Hughes then provided an examination of the Village fund Balance as of December 31, 2015. It was noted that the Village debt limit is 5% of the total equalized value. The total equalized value as of January 1, 2015 was \$1,076,396,900. Based on the debt limit equation, and current outstanding debt obligations, the additional borrowing capacity of the Village is \$45,979,845. Historically, the Village has maintained a conservative fiscal approach which has resulted in a lower utilization of debt capacity when compared to other municipalities of similar demographics and population.

Chairman Nelson made comment that although the Village is in excellent financial position, it is important to be aware of the constraints and realities that exist in the annual budgeting process. Chairman Nelson asked Mr. De Angelis to provide a summary of the annual budgeting process and how that translates into services for the community.

Mr. De Angelis briefly explained the methodology and approach that is necessary in order to generate a balanced budget.

Chairman Nelson thanked Finance Director Hughes for her presentation and introduced Michael Harrigan, Senior Municipal Financial Advisor of Ehlers and Associates.

3. Review information on how TIF works

Mr. Harrigan introduced himself to the committee and provided a background on Ehlers and Associates and the work they do not only in Wisconsin, but also Minnesota, Illinois, and Colorado. Ehlers and Associates has been the municipal financial advisor to the Village for the past several years.

To begin, Mr. Harrigan provided a basic introduction to Tax Incremental Financing (TIF). This included the background of the program, the laws associated with TIF, and the procedures of implementation.

Mr. Harrigan explained that since 2008, there has emerged a more conservative approach to the utilization of TIF. This includes a more detailed analysis of the risks associated with TIF, embarrassing more conservative assumptions, and hedging against potential economic depreciation.

A key point of understanding how TIF operates is the “But For” test. In this benchmark, “But For” the use of TIF, the proposed development would not occur:

- As proposed
- Within the same time period
- With the same level of value (property, jobs, amenities)

Mr. Harrigan continued by explaining the importance of a thorough pro forma analysis on a proposed developments projected financials.

In concluding remarks, Mr. Harrigan summarized that TIF is still the most important tool available to help stimulate growth and development within municipalities. The tool has many features and options, but the potential risks must be considered. It is incumbent upon the municipality to conduct its own due diligence and require good data from the developer and advisors in order to quantify risks. Recognize that everything changes, including TIF law. Finally, plan ahead to position yourself to take advantage of growth opportunities in your community.

Chairman Nelson thanked Mr. Harrigan for his time and presentation.

4. Review proposed schedule for future meetings

Future Ad Hoc Committee meetings will be held at 6:00PM on:

- June 29, 2016
- July 13, 2016
- July 27, 2016
- August 10, 2016
- August 24, 2016

5. **Adjourn**

Kendler motioned and Berger seconded to adjourn the meeting at 7:40PM
Motion carried 8-0

Respectfully Submitted,

Thomas Harrigan
Zoning and Planning Administrator

DRAFT

**VILLAGE OF ELM GROVE
AD HOC COMMITTEE – REINDERS DEVELOPMENT
MEETING MINUTES
July 27, 2016**

Present: Chairman Trustee Nelson, Martha Kendler, Jan Schoenecker
Absent: Marlee Hansen, Rebekah Schaefer, Christina Berger, John Galanis, Joe Klein, Pete Moegenburg, and Stew Elliott
Also Present: James Delwiche, Wisconsin Department of Natural Resources, Village Manager David De Angelis, Village Clerk Mary S Stredni, Village Attorney Hector de la Mora, and Zoning/Planning Administrator Tom Harrigan.

No quorum

Chairman Nelson began the meeting by stating that he will be stepping down from his position as Village Trustee due to a change in residence outside the Village of Elm Grove. Another Village Trustee will assume the Chairman role.

2. Presentation by Jim Delwiche, Hydrologist at the Wisconsin Department of Natural Resources

Mr. Delwiche began by stating that his presentation does not include information that specifically addresses the Reinder's potential redevelopment site, however the presentation does address a property in the Village to exemplify an environmental remediation effort. Specifically, the OHM drycleaner (Martinizing building) located on Water Town Plank Road.

What types of contaminants does the DNR encounter on properties that are not naturally occurring substances? Examples of these substances include Volatile Organic Compounds (VOC's), metals, lead, deiseal, and arsenic. Once a contaminated site has been fully remediated, the WDNR will issue a Closure Letter. It is important to note that a Closure Letter is not required in order for development of land to move forward. However, lending institutions are often reluctant to engage in loans without the Closure Letter verification. The ultimate responsibility of the property rests with the property owner.

Mrs. Schoenecker asked what kind of contamination is found on the Reinder's property. Mr. Delwiche said foundry sand is the known contaminant on site.

Mrs. Kendler asked if the committee will be counseled on what the reasonable expectations are for the process and duration of remediation. Mr. Delwiche responded by saying one must first know the property. What is the contaminant, and what are the options to remediation of that specific contaminant. To what degree and extent is the contaminant on the property?

Another common source of contamination are historic fill sites. The Reinder's property would fall within this classification. These sites are often contaminated with poly aromatic

hydrocarbons (PAB's). PAB's can stay in the subsurface for a long time due to their weight. However, they do not tend to migrate, allowing for a more targeted mediation approach.

How long does the DNR monitor an underground contamination plume? Mr. Delwiche commented that the DNR will monitor the contamination plume until it is stable or receding. The key is to remove the source of the contamination first, and then monitor the degree and extent of the contamination.

Mrs. Kendler asked when the Reinder's property was evaluated for contamination. Mr. De Angelis stated that a Phase II environmental assessment has occurred on site prior to submission of the last development proposal. All of this information is available on the Village website under Business & Development, Development Projects. Mr. Delwiche explained that in the state of Wisconsin, if there is a recognized contaminated site, it must be reported to the WDNR and then it will be monitored and tracked as an active site. The property owner will then receive a responsible party letter that cites the spills law. The owner will then have to restore to the extent practical.

How do you address remediation of contaminated soil? Mr. Delwiche explained that there are specific landfills that will accept contaminated soils for disposal. Often times, soil roasting is used to "clean" the soil. The soil is incinerated at extreme temperatures and returned to the site.

In regard to the OHM Martinizing site, when the Watertown Plank Road Bridge project was being planned, a Phase I Environmental Site Assessment was conducted. At that time, the two potential indicators of contamination were the Reinder's site to the north (historic tank spill), and the OHM Martinizing site were flagged as a recognizable environmental concern (REC). After reviewing the written record, the site to the north (Reinder's) is encapsulated, and the site to the south (Martinizing) is open and has not been fully remediated. Therefore the Village has to place testing requirements for any contracted work, and proper disposal of any material that is excavated from the site. In regard to the OHM Martinizing site, the business does have insurance coverage which is assuming responsibility for the property owner. The village has been working with their consultant and environmental technician and the village has hired an independent environmental technician to review their results, review the plan the engineer developed and where the excavations are going to be. Then a contamination removal plan is identified and reviewed by the WDNR. A landfill that will accept the contaminated material had to be identified. Each "batch" of material that is removed on site is tested prior to it being hauled away to the landfill.

Mrs. Kendler asked Mr. De Angelis if there were any occurrences on the property that were not anticipated in the pre-work. Mr. De Angelis stated that there have been none, however remediation of the site is still an ongoing issue and the Village is working with the property owner as some of the contamination has been found in the Right of Way.

Mr. Delwiche indicated that the surrounding property owners have been very cooperative with the monitoring of the groundwater through monitoring wells.

The contamination of the OHM Martinizing site has chlorinated PCE's and impacts both soil and groundwater. The extent has been defined, and the contamination has extended into Watertown Plank road. This is a common occurrence for contamination because laterals which serve the building connect in the Right of Way.

To summarize "Environmental Cleanup 101", the main source of contamination are petroleum hydrocarbons, volatile organic compounds (VOC's), and metals. Often "horror stories" circulate of illegal dumping taking place in communities. However, if you run a petroleum hydrocarbon "suite", that is 112 compounds. No matter what you can possible image can be "dumped", it always points to the usual compounds, 6-8 PCE's, TCE's. In summary, a VOC testing suite will always determine what the specific contamination is.

The committee members thanked Mr. Delwiche for his time. Any additional questions can be address to him at:

James Delwiche, P.G.
State of Wisconsin Department of Natural Resources
141 NW Baestow Street, RM 180
Waukesha, WI 53188
(262)5742145

Respectfully Submitted,

Thomas Harrigan, Zoning and Planning Administrator

**VILLAGE OF ELM GROVE
AD HOC COMMITTEE – REINDERS DEVELOPMENT
MEETING MINUTES
WEDNESDAY, August 10, 2016**

Present: Chairman Trustee Hass, Christina Berger, Stew Elliott
Absent: Marlee Hansen, Rebekah Schaefer, John Galanis, Joe Klein, Pete Moegenburg, Martha Kendler, and Jan Schoenecker
Also Present: Fire Chief William Selzer, Police Chief James Gage, Village Manager David De Angelis, Village Clerk Mary S Stredni, Village Attorney Hector de la Mora, and Zoning/Planning Administrator Tom Harrigan, and members of the public

1. Bring the meeting to order

No quorum. Chairman Hass explained that he has been appointed to the committee by the Village Board. Mr. Hass explained that the charge of the committee is to provide educational value. Mr. Hass explained that the committee may not be hearing public comment in regard to the potential development this evening.

2. Presentation and discussion from public safety departments

Mr. Hass introduced Fire Chief Selzer. Chief Selzer produced for the committee a list of discussion points that would need to be addressed by any potential development on the Reinder's property. Topics of the discussion points include:

Emergency services ingress, egress, and operations

- Emergency services access- access from Elm grove Rd. and Watertown Plank to accommodate Fire and EMS Department apparatus.
- Apparatus turning radius- all apparatus should be able to safely navigate through the property and stage for service.
- Aerial ladder reach to each building- aerial apparatus should be able to reach above the roof line from strategic locations.

Underground Parking

- Points of access- there should be multiple easy access points to the parking garage for fire suppression and EMS operations.
- Maximum length hose lays- should be established.
- Standpipes and sprinklers- provided throughout underground parking.

Buildings

- Hydrants, FDC's and strobes- hydrants should be within close proximity, to be determined, of the building's fire department connection (FDC).

- Building entrance access- should be easily accessed by fire and EMS crews.
- Standpipes in all stairwells and sprinklers throughout.
- Length of hose lays- to be determined from the standpipes with a not to exceed established distances.
- EMS access- hallway widths and elevators sized to accommodate stretchers and crew.

Call for service to Emerald Woods-90 units

- Since 2002, the Elm Grove Fire and EMS have responded to 7 calls for service with the majority CO alarms. 1 call every 2 years.

Chairman Hass asked Chief Selzer and Chief Gage to address the EMS component of a potential development.

Chief Gage commented that it all depends on the clientele, and who is living in the buildings. The structure does not mean too much. Chief Gage did check with the City of Wauwatosa Police Chief regarding the Reef development. Wauwatosa has not experienced any significant problems with this property development. In comparison to Emerald Woods, in Elm Grove, there are no significant "criminal" type events that stand out. The department experiences more EMS calls.

Does State Code require elevators in certain locations, with emergency power available? Yes, however it may depend on the particular structure.

Also need to be aware of the area around the elevator for ingress and egress.

In regard to potential density that was included in the concept plan: Do we need to create any type of crime intervention plans to address the density? Sometimes Elm Grove police and Fire cannot get out with the radios (equipment functionality issues). Possible make it incumbent on the developer to install "boosters" for radio communication purposes.

Also video installed in parking garages. Reasonable video systems for public areas, and "typical" good lighting.

Higher "crime of opportunity" tends to occur along larger throughways. Perhaps this is more of a function of location rather than apartments or condominiums.

Mr. De Angelis stated that he hopes to have the school district attend the next AD Hoc meeting. The Elmbrook School District has just completed a study that addresses redistricting and expected student hopping from apartments and other housing stock. This would be the last subject until the proposal is submitted.

Chairman Hass thanked Chief Selzer and Chief Gage for their time and participation.

Meeting adjourned at 6:46PM.

Respectfully Submitted,

Thomas Harrigan, Zoning and Planning Administrator