

Village of Elm Grove Board of Trustee Meeting Minutes

Board of Trustee Call to Order:

The meeting was called to order at 7:41 P.M.

Roll Call:

PRESIDENT PALMER  
TRUSTEE CORNELL  
TRUSTEE DOMASZEK - Absent  
TRUSTEE HAAS  
TRUSTEE KRESSIN  
TRUSTEE MICHALSKI  
TRUSTEE SAYAS  
DAVID DEANGELIS, VILLAGE MANAGER  
HECTOR DE LA MORA, VILLAGE ATTORNEY  
TOM HARRIGAN, ZONING ADMINISTRATOR  
JASON KUBIAK, CHIEF OF POLICE  
JIM GAGE, RETD. CHIEF OF POLICE  
JASON HENNEN, RETD. ASSISTANT CHIEF OF POLICE

The Pledge of Allegiance was recited.

1.) Approval of Agenda

**MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE HAAS, TO APPROVE THE AGENDA**

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

2.) Public Hearing – none.

3.) Public Comments –

**SEEING NO ONE PRESENT OR ON ZOOM WHO WISHED TO SPEAK – THE PUBLIC COMMENT PERIOD WAS CLOSED.**

4.) Approval of Minutes

a. 2021-12-20 Village Board of Trustee DRAFT Minutes.

**MOTION BY TRUSTEE KRESSIN, SECOND BY TRUSTEE SAYAS, TO APPROVE THE MINUTES WITH THE REVISIONS REQUESTED BY JEFF BEHRING BEING ENTERED INTO THE RECORD.**

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

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

a. Review and act on Resolution of Tribute to James P. Gage, Chief of Police Retd. President Palmer read the Resolution of Tribute and thanked James Gage for his exceptional dedication and years of service as Chief of Police to the Village of Elm Grove.

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James Gage thanked the Board of Trustees for their support throughout his career. It was noted that the Police Department has been greatly improved due to the commitment and support of this Board of Trustees and many other Boards have provided over the years.

- b. Review and act on Resolution of Tribute to Jason R. Hennen, Assistant Police Chief Retd.

President Palmer read the Resolution of Tribute and thanked Jason Hennen for his steadfast commitment and many years of stellar service within the Elm Grove Police Department.

Jason Hennen thanked the Board of Trustees for their recognition and support for the Police Department over the years. Mr. Hennen stated that he is looking forward to spending more quality time with his family, and will always appreciate the mentorship he received while working his way through the ranks of the Police Department.

President Palmer again thanked both Mr. Retd. Chief Gage and Retd. Assistant Chief Hennen for their service, and recognized the difficulties which exist in overseeing a Police Department.

Well wishes were given from the Board.

- 6.) Report of Fire Chief - David Kastenholtz
  - a. December Fire Department Report.

President Palmer noted there was recently a structure fire in the Village on Monday, January 10<sup>th</sup>, 2022. If any Trustees have questions related to this incident, please reach out to Chief Kastenholtz.

- 7.) Report of Police Chief – Jason Kubiak
  - a. December Police Department Reports.

Chief Kubiak provided the Board with a Department status update, stating that the command staff transition is going very well. It is anticipated the department will soon be fully staffed as the newest officer recruit is proceeding through the final stages of onboarding.

- 8.) Report of EMS Director - Dr. Jon Robinson
  - a. No report.

- 9.) Report of Village Clerk -
  - a. Review and act on appointment of Interim Clerk and Village Clerk positions.

Mr. De Angelis is recommending to the Board that Tom Harrigan, Zoning and Planning Administrator and Assistant to the Village Manager become Interim Village Clerk. Mr. Harrigan has previously shadowed former Village Clerk Michelle Luedtke in election

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duties, and feels it is only appropriate Mr. Harrigan fill this role while the Village continues its search to fill the Clerk position.

**MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE KRESSIN, TO APPROVE MR. HARRIGAN AS INTERIM VILLAGE CLERK.**

**ALL IN FAVOR. MOTION CARRIED.**

- b. Review and possible action on resolution 012422A for the referendum question to be placed on the April ballot.

Mr. De Angelis stated that the board is being presented with Resolution 012422A which contains the direct legislation language as submitted by the petitioners in October of 2021. A correction has been made changing the word “contract” to “project”. There are also two other clerical adjustments to make the language more clear so that there is no confusion. **State Statute §9.20 allows for modification for the purpose of clarity. This proposed language has been reviewed by Attorney de la Mora, and it is believed that the intent of the submitted language remains unchanged.**

Trustee Michalski noted that in the interest of clarity, in the first sentence, “that requires that” should be replaced with “requiring that”. The first sentence should read, *“Do you approve the adoption of an Elm Grove ordinance requiring that prior to the letting of any project for a Public Works Project financed (in whole or in part) which requires a Village capital expenditure of \$1 million or more, that the Village Board shall submit to the electorate a binding referendum for approval of the Project?”*

Trustee Sayas commented that she researched other referendum ballots, some from Winnebago County, and it appears the more common order for the decision choices is “Yes” and “No”, rather than “No” and “Yes” as proposed on this Resolution.

Attorney de la Mora states there is no provision in the referendum statute as to the order of approval or disapproval. Therefore, it is up to the Board of Trustee to decide.

Trustee Sayas asked how this has been presented with previous referendum questions within the Village of Elm Grove.

Trustee Hass proposed the Board leave the Resolution the way it is written.

Attorney de la Mora expressed that to the best of his knowledge, in over 40 years of serving as Village Attorney, there has never been a referendum on the ballot.

**TRUSTEE SAYAS MOTIONED TO CHANGE THE ORDER OF THE DECISION LANGUAGE ON**

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**THE BALLOT FROM “NO” AND “YES” TO “YES” AND “NO”.**

**MOTION FAILED FOR LACK OF A SECOND.**

**TRUSTEE HAS MOTIONED TO APPROVE THE AMENDED RESOLUTION 012422A, TRUSTEE MICHALSKI SECONDED.**

**ALL IN FAVOR. MOTION CARRIED.**

Mr. De Angelis told the Board that absentee ballots will begin to be mailed out on Wednesday, January 26<sup>th</sup>, 2022.

10.) Report of Village Manager - David DeAngelis

- a. Review and possible action on the engagement letter of services from Von Briesen & Roper.

Mr. De Angelis stated the principal change to the agreement is a slight increase in fees. Otherwise, the terms are the same.

**PRESIDENT PALMER MOTIONED TO APPROVE THE NEW ENGAGEMENT AGREEMENT WITH VON BRIESEN & ROPER, TRUSTEE HAAS SECONDED.**

**ALL IN FAVOR. MOTION CARRIED.**

- b. Review Resolution 032822 Approving the discontinuance/vacation of certain road reservation adjacent and west of 13906 Watertown Plank Road, EGV 1106985 - INTRODUCTION ONLY

President Palmer noted this matter has been taken up at the Plan Commission and Public Works and Utilities Committee. It will be returning to both bodies for information purposes. The intention is for the Village to vacate the specified road reservation as identified in Exhibit A.

- c. Review and possible action on an extension on the agreement between the Village of Elm Grove and R&R Investments of Wisconsin, LLC.

Mr. De Angelis explained the R & R investments have requested an additional six months to be approved as an extension to this agreement.

**PRESIDENT PALMER MOTIONED TO APPROVE THE EXTENSION AGREEMENT BETWEEN THE VILLAGE OF ELM GROVE AND R&R INVESTMENT OF WISCONSIN, LLC FOR AN ADDITIONAL 180 DAYS, SECONDED BY TRUSTEE KRESSIN.**

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**ALL IN FAVOR. MOTION CARRIED.**

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.

1. Plan Commission - Trustee Michalski

- i. Trustee Michalski stated the Commission reviewed the proposed redevelopment of 15300 W. Bluemound Road for a new UW Credit Union Branch office. The Commission determined a profession Traffic Engineer will need to review the impacts of a relocated access driveway servicing the bank branch, and its impacts to traffic flow on Bluemound Road and the existing shared access drive. This will be returning to the Commission in February.

2. Library Board - Trustee Sayas

- i. Trustee Sayas stated that \$22,000 was raised during the 2021 Light of Love campaign. The Library Board has selected FEH to complete a facilities assessment for the library. The Library Board will also be reviewing the book selection policy at their upcoming meeting, and the library Director has received a 2% increase in salary effective as of January 1, 2022 and an additional 1% increase effective July 1<sup>st</sup>, 2022.

3. Public Works - Trustee Kressin

- i. Trustee Kressin mentioned the Public Works Committee held a well-attended Public Open House for the Gephardt Road reconstruction and potential pathway project on January 6<sup>th</sup>, 2022. The Committee will now be exploring options for reducing the total project costs. As the pending referendum question will not be determined until April, the Committee has asked the Village Engineer to develop alternative design options for this project, which would not exceed the \$1MM expenditure cap as outlined within the referendum. This may require the pathway and intersection realignment of Highland Drive and Gabhardt Road be removed from the plan at this time. The DPW Director will also be conducting a PASER rating of the Village roadways which will be brought to the Committee for review.

4. Public Safety - Trustee Sayas

- i. No meeting, no report.

5. Legislative - Trustee Domaszek

- i. Trustee Haas informed the Trustees the Legislative committee continued its review of Draft Floodplain Ordinance, which will be returning to the Committee in February with final edits.

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6. Park and Recreation – Trustee Cornell
  - i. Trustee Cornell informed the Trustees that the planning for offering Pickle Ball on the tennis courts in Village Park continues to move forward. Third Space Brewing Company presented a season report of the 2021 Beer Garden, it was a success. Third Space Brewing will be submitting a proposal for the 2022 season. The Committee is also evaluating the pool rental policy and is exploring the possibility of including a deposit in addition to the rental fee. Summer seasonal staff wages are anticipated to go up for the 2022 season. Winter fest will be held on February 8<sup>th</sup>, 2022 in Village Park. Park and Recreation Director Mr. Mikkelsen has submitted his resignation and will be leaving the position in mid-April.
  
7. Administrative and Personnel - Trustee Michalski
  - i. No meeting, no report.
  
8. Finance and Licensing - Trustee Haas - Note: this item was taken out of order per the motion made on item 1 above.
  - i. Review and possible action on the agent change for Otto's Wine and Spirits.

**TRUSTEE HAAS MOTIONED TO APPROVE THE AGENT CHANGE FOR OTTO'S WINE AND SPRITS, TRUSTEE KRESSEN SECONDED.**

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

- ii. Review and Act on Vouchers.

**MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE CORNELL, TO APPROVE THE VOUCHER LISTS AS SUBMITTED.**

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

13.) Other Business – None.

14.) Adjournment

There was no further business.

**MOTION BY TRUSTEE KRESSIN, SECOND BY TRUSTEE MICHALSKI, TO ADJOURN THE MEETING.**

**ALL WERE IN FAVOR. MEETING ADJOURNED AT 8:34 PM.**

Minutes transcribed by: Thomas Harrigan  
Minutes Approved on: March 28, 2022