

Village of Elm Grove Board of Trustee Meeting Minutes

Board of Trustee Call to Order

The meeting was called to order by the Clerk at 7:38PM.

Roll Call:

PRESIDENT PALMER

TRUSTEE IRWIN

TRUSTEE HAAS

TRUSTEE MICHALSKI

TRUSTEE DOMASZEK

TRUSTEE CORNELL

TRUSTEE KRESSIN

DAVID DE ANGELIS, VILLAGE MANAGER

HECTOR DE LA MORA, VILLAGE ATTORNEY

TOM HARRIGAN, ZONING ADMINISTRATOR

MICHELLE LUEDTKE, VILLAGE CLERK/DEPUTY TREASURER

The Pledge of Allegiance was recited.

- 1.) Public Hearing – none.
- 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.

James O'Donoghue – from O'Donoghue's Pub – Speaking from business point of view. He feels it is a big win. Directly next door allows for disposable income for those who would be going out. He has sat in many of the meetings and believes Mandel has been compromising. He hopes this can be accomplished and loves the proposal. He looks forward to all of the businesses doing better in the area. We have lost more than ½ of the restaurants in the past few years. New restaurants have a much better chance of succeeding with this type of development.

Jennifer Stuckert – 14949 Juneau Boulevard – Lives on the opposite side of the community from the development. She feels the development will change the character and feel of Elm Grove. She does compliment Mandel with the positive changes including the single family homes. She still is concerned about the density and traffic. When a train comes through the cars stack up. There are over 30 trains per day. She does not believe the traffic study thus far. She asks that when the Village does the traffic study, she would like to see an independent study not related to the Mandel group. She also cited the potential Reinder's development and the current businesses that have apartments above them. She is concerned about the downtown area. She is concerned about the density. Another concern is the number of rental units. People who live here have a commitment to the community and a level of engagement that comes with home ownership. When you have apartment dwellers, they move every 2.5 years. Most people are pretty transient who move in and out of apartments. She would like to see

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more of a condo development rather than apartments. She is also concerned about the schools. She would like to know what the five communities are Mandel used for comparison. She feels the impact will be greater than the studies show. She feels this process has been snowballed.

Deborah Robinson – 1065 Longwood Avenue – Her biggest concern is the community feel. She also has concerns about the people moving in specifically so their children can go to good schools and then move out when they are done. She feels this will cause nothing but problems. She doesn't like that people turn around in their neighborhood not knowing it does not go through. She feels the trains are getting longer. She would like Red Barn to stay the same zoning and not change. She thinks the buildings are beautiful for a different setting. She is in favor of municipal water. She hopes the new water would not be coming from another well system. She believes the newspaper shows this project as one-sided.

Mary Inden – 14745 Watertown Plank Road – One of her concerns is water and where it is going to come from. She has friends across the street who have Brookfield water and it is not good water. What assurances do we have for the water? Lake Michigan water would be her choice. She doesn't know if a TIF would pay for the water. She is in favor of the proposed redevelopment. She would like to see a little more interest in the backside of the curved building. It could be made a little more appealing and fit with Elm Grove architecture. She thinks we have an ordinance that says if you take on municipal water, you have to cap your own well. She would like to maybe see this changed she feels we can use the wells for fire suppression. This development would be great for the businesses downtown. It might attract other high quality businesses. She is in favor to move it ahead.

Bruce Lanser – 12515 Stephen Place – He is opposed to the apartments. He is concerned about the turnover. He thinks it eats away at the fabric of Elm Grove. He would rather it be condos. He believes the pocket community should have fewer houses. The traffic study only addresses intersections and not the flow from the pocket community and through those streets. He would like to see that flow addressed. The study showed the projected costs and he is not aware of any homes in that value range in Elm Grove. Lastly, the meeting in September had a person who lives at the Watermark and he said there would be municipal water. Twelve years later, they still do not have water.

Janis Crego – 13240 Oakhurst Drive – she has lived here a long time. She believes the development is better than before. She still thinks there are too many units. She would like condos and not apartments. She would like it to be maximum 2-story. The lot sizes are too small. Fewer homes and bigger lots would be nice. She doesn't want the kids to be split and go to Swanson Elementary. She doesn't want to extend 124th Street. She is worried about the traffic and the existing trains. Saving the trees is good. When the Reinder's development is done, keep this project in mind.

Peter Moegenburg – 985 Madera Circle – He supports the development. He applauds

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the Mandel group for the changes they have made. He has lived here 25 years and has worked here 20 years. He has been a part of committees in the community. The threshold income is equal to the average household income in Elm Grove. The demographic that would meet the requirement would be a household earning \$115,000 per year. Even if they are transient, the requirement raises the demographic. The train track idea is mutually exclusive to any development. The mere increase in train traffic is directly related to how we as a country are transporting goods. The development should not fall victim to the train discussion. The density is less than half or more so than other developments surrounding Elm Grove; notably the Brookfield Reserve, Pilgrim Park. Ten units per acre is significantly lower than surrounding areas. Mandel's experience is vast and long. The quality of their product is significantly superior to other projects. A testament to that is what is in the research park in Wauwatosa; The Echelon. The development would match or exceed the development standards of the surrounding homes. He is committed to the community and feels passionate about what Elm Grove represents and feels this would be a positive addition to the community.

Michael Hamilton – 13130 Watertown Plank Road Unit 311 – has been a resident for more than 40 years. He likes that they are protecting the historic buildings as part of the development. He believes the quality shows. His building is 10 years old and still looks new. Looking at the Watermark, it is mostly empty nesters. He doesn't believe the comments made about people moving in with children. He says they are anxious for municipal water but not Brookfield water. It would be a shame to let Mandel walk. He believes the Sisters can then sell to the hospital and he would not like to see a hospital there.

Dale Streitenberger – 14375 Wisconsin Avenue – He and his family have been part of the Village for 40-50 years. He is in favor. He believes we have to keep a few things in mind. The buildings going down look institutional. The ones going up look residential and can be better improved to look better within the process. The architecture compliments the older more beautiful architecture. The single family home developer has just finished a home on Watertown Plank Road – it is beautiful. All of the details will happen along the way. Mandel creates beautiful buildings with beautiful landscaping.

Tom Shepherd – 1040 Katherine Drive – Lives a block away from the Reinder's development. He is in favor of the Mandel proposal. Highest and best use is the best use for this property. There is not a deep enough condo market for this to work. Initial studies show the impact would ease the tax burden on homeowners. The quality of the development – the Watermark speaks for itself. This developer shows they can build quality. Preservation should not be lost – the School Sisters founded Elm Grove. This development keeps this legacy. The School Sisters could have chosen anyone and they picked Mandel. He doesn't believe traffic is bad in the grand scheme of things. We would like to see the coffee and pizza shops downtown as a result of this. He would like to see this move forward.

Shelia Reynolds – 12850 Green Meadow - This is in her back yard. They have been here

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for 25 years. She knows most everyone. Katie and John came out to the site to see how close it would be to her neighborhood. The drawings don't make it clear. She is grateful to Mandel for going over their concerns, but is not pleased with the changes. The two intersections shows on his traffic study impact her directly. The pocket neighborhood will sandwich the neighborhood and not allow places for kids and pets to play. She is concerned about the density and the population. She is also concerned about the zoning and believes the homes are cramped. It is like taking three lots with three homes and making it nine homes on the three lots. They all bought their lots from the School Sisters; and changed the zoning at that time. She would like the zoning to conform. When she asked Mandel to change the size of the lot – he said it was not fiscally feasible. She compared this to a Fox Point development where Mandel changed their specifications to meet Fox Point's needs. She is concerned about the public walking paths that will destroy the privacy of their homes. She mentioned the landscaping. She is pleased they agreed to move the back building closer to Watertown Plank Road. This saves some trees, but not all. She spoke about the prairie lands and controlled burns. She also mentioned the materials being used – she would like something more natural. This project will burden them in their neighborhood more than any other.

Gregg Leas – 1070 Red Barn Lane – Directly across the street. He was part of the keep Elm Grove charming group that was in opposition group. He is no longer in opposition to the project because of the meetings with the group and with the trustees. He also reached out to the Mandel group. He likes the project as it looks now. He was pleased with the Mandel reputation and quality. A lot of the opposition was to the duplexes and senior living – both of which are no longer part of the project. Likes that municipal water would be part of the project; going into downtown and being part of fire suppression. He likes the value on the single family residential homes.

John Stollenwerk Jr. – 12750 Stephen Place – He shares a lot of what Jennifer Stuckert said. He has been against the proposal. He has had a lot of conversations with the trustees and they responded. He has a better understanding now. He was also able to speak to the Mandel group directly. Through those discussions he has come to learn more. He has also been able to share with Mandel what he believes the Village needs. He would like to continue to work with Mandel group on this proposal. There are a lot of things that can still be done. He encourages this process to move forward. All of these questions will be addressed along the way. He is willing to move forward.

Brian Hartlmeier – 12915 Meadow Drive – He isn't going to go into detail on the water. He is not opposed to the development. We all knew something was going to happen there someday. The question is what is going to be there. The items being proposed will likely happen. He is hoping the Village Board will be as particular as they were with the single family homes when they were developed back in the day. Overall the density is a little high. Mandel has changed some of it. Surrounding neighborhoods deserve to have like lots next to them. He has concerns with the water. He is in the area of the south basin and is concerned about excess water run-off. All he can suggest as a resident is that we deserve to have a high quality development to meet everyone's needs. There is

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a give and take for all of us.

Jan Termuehlen – 1275 Orchard Lane – Biggest concern is traffic. It is wishful thinking to think a development project like this will not affect traffic. We do not have a path that would allow us to get out of this if it has been determined that traffic does become an issue.

Tom Herzog - 1550 Church Street - He would like to see condos, keep the same zone, and have more single family homes. Looking at the costs on the presentation, he does not believe these homes will command those amounts. He is concerned about saturation. There are so many apartment complexes. He would like the Village to hire someone outside of Southeastern Wisconsin. Maybe someone from Madison. Someone independent. Thinks it is still too dense. Not in favor of the water. Would like to see the true cost of the hookup per resident. The best distribution of water would be with a water tower. With the TIF, he believes any additional funds will not be sent to the schools. The best course of action would be to have a moratorium to have the residents decide what should go there.

Hearing no one else present or on Zoom who wished to speak – public comment was closed at 9:56PM.

3.) Approval of Agenda

President Palmer requested the Mandel project be moved to the front of the agenda.

MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE DOMASZEK, TO APPROVE THE AGENDA WITH THE MANDEL ITEM FIRST, THEN OPEN TO PUBLIC COMMENT.

ALL WERE IN FAVOR. MOTION CARRIED.

4.) Approval of Minutes

- a. 2020-12-21 Board of Trustee DRAFT Minutes.

MOTION BY TRUSTEE DOMASZEK, SECOND BY TRUSTEE HAAS, TO APPROVE THE DRAFT MINUTES AS PRESENTED.

ALL WERE IN FAVOR. MOTION CARRIED.

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

- a. Review and possible action to create an ad hoc Pathway Committee.

NO MOTION MADE. PRESIDENT PALMER TO MOVE FORWARD WITH THE AD HOC COMMITTEE PER VERBAL APPROVAL FROM VILLAGE BOARD MEMBERS.

6.) Report of Fire Chief - David Kastenholtz

- a. December Fire Department Report

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- 7.) Report of Police Chief - James Gage
 - a. December Police Department Reports
- 8.) Report of EMS Director - Dr. Jon Robinson
 - a. No report.
- 9.) Report of Village Clerk - Michelle Luedtke
 - a. Review and possible action for a palpable assessor error on Parcel EGV 1099.020, located at 15025 Cascade Drive.

NO MOTION MADE. ITEM WAS SENT BACK TO THE ASSESSOR FOR CLARIFICATION.

- 10.) Report of Village Manager - David De Angelis
 - a. Review and possible action on the Mandel request for approval of a Certified Survey Map, Comprehensive Plan Amendment, Rezoning and Redevelopment Plans.
Item has been approved to be taken out of order. This item was first followed by public comment.

Presenting: Phil Aiello – Chief Operating Officer of Mandel, Eric Ponto – Partner of Anderson Architects.

Mr. Aiello presented on the screen. He reviewed the members of the team working on the Elm Grove project; many of them via Zoom.

Mr. Aiello noted their development overview was to develop high quality living for empty nesters and single family. They want to create a long standing high quality community while paying tribute to the School Sisters heritage. Mr. Aiello continued to go over the demographics from other projects they have completed similar to the proposed Elm Grove development. Mr. Aiello referenced his relationship with the now current Mayor of Wauwatosa and the Echelon project in Wauwatosa.

Mr. Aiello continued to speak about the history of the project and how they have taken resident input and changed their plans to include those concerns. He continued to speak about green space and parking areas. Mr. Aiello indicated they would likely be working with Miller Marriott for the single family buildings on Red Barn Lane and on the South portion of the project.

Mr. Ponto presented. He reviewed the exterior materials and overall changes implemented from resident input. He also went over viewpoints from various sections of the development.

Mr. Aiello continued with the explanation of the zoning; citing zoning code 335-30D(2). He continued to speak regarding the traffic. Ken Voigt from Ayres

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Associates is on Zoom for questions. Mr. Aiello went over the analysis in brief and cited three reports created. He also reviewed the traffic as it related to the train. Mr. Aiello went over the potential water solutions to the development and briefly discussed the environmental impact. He does plan on having a discussion with the Village about a TIF district.

Public Comment followed the presentation.

Public Comment closed at 9:56PM.

President Palmer opened up the Trustee discussion. He believes we need to continue to cooperate that both saves the historic buildings and provide some variation of high quality living. This project allows for a connection to municipal water that we would otherwise not be able to pay for. This project would add to the appeal to the downtown area. He encourages the residents to read the Ruekert & Mielke memo. Many of the issues relayed tonight are addressed in this seventeen page memo. The Village has been reaching out to the Elmbrook School District for over a year. If we move forward tonight, details will be reviewed in subsequent meetings.

Trustee Michalski supports moving it forward. All of these answers will come with the studies and the meetings. Someone brought up the prairie look of it. We are a tree city. He wants to move forward to find all of the answers to the questions raised.

Trustee Haas is in favor of moving on. Additional study is needed. Wants to clarify this is not high density based on the municipal code. There are issues to be looked at in more detail.

Trustee Domaszek stated this has been done well in a lot of ways but still has some concerns. He indicated we would have our own traffic study. The lot size seems small to him. He looked at where he lives and where there are two homes that were knocked down and rebuilt. He looked at the home values. He doesn't believe people should be worried about the actual zoning, but more the house itself. He is more concerned with lot size and setbacks. Get more into the nitty gritty and less on the labels. As far as the schools go, the gentleman he spoke to from the District indicated they revised the formulas from developments like this. Many students here go to St Mary's and not Tonawanda. There will be a 4k program now – how does that impact them.

Trustee Cornell has talked with those for and against the project. She has determined she should not base her vote on what could and could not be built and that this proposal still has some things to work out. She would like more detail. The proposal merits further consideration. She will be watching for changes that include all of the items brought up this evening. Mandel has shown a commitment to this project. She is in favor that this process move forward.

Trustee Irwin said one of the emails she received was from a resident whose

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father was a founder. She quoted *“My father always preached that the purpose of any board member is to plan for perpetuity. Not for this day, or tomorrow or the next. And not for your constituents today, or tomorrow or the next. The plans set forth by the founders 65 years ago were written for the people who live in Elm Grove today”*. She is in favor. Her vote is with the request that the building board ask for something that is more in keeping with Elm Grove’s character and less institutional looking. She believes the time spent on public comment is necessary. She thanked the Mandel group.

Trustee Kressin thanked the Mandel group for their time. We all live in Elm Grove for many reasons. He thinks saving the castle is really fantastic. Our population has been decreasing since the 70’s. The traffic on Watertown Plank has been decreasing every year since the expansion of Bluemound Road. He wants to address density and condos and rentals. Squires Grove has about 20 units per acre. There is no issue with density or traffic. This property has issues when repairs need to be completed due to space. Adding this will help the downtown area. Our downtown is not thriving. He wishes it could be better. This allows us to protect our future downtown. We don’t want them to fail. Having the access to Lake Michigan water helps us and our kids in the future. He is in favor of moving this forward.

MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE KRESSIN, TO APPROVE THE MANDEL REQUEST TO MOVE FORWARD TO THE PLAN COMMISSION AND BUILDING BOARD FOR REVIEW AND RECOMMENDATIONS.

ALL WERE IN FAVOR. MOTION CARRIED.

Manager De Angelis asked for more direction on what firm to use for the traffic study.

President Palmer indicated we should get bids. Staff will evaluate the responses and bring the information to the appropriate meeting groups.

Trustee Kressin indicated it would not be correct with the reduction of traffic due to the pandemic.

President Palmer noted the 2019-2020 traffic study would be pre-pandemic.

Manager De Angelis confirmed using a prior study and getting additional information regarding the train.

- b. Review and possible action on the joining the Waukesha Center for Growth.

Manager DeAngelis reviewed the information in the packet.

Trustee Cornell stated she spoke with a business owner from the community and she asked if the businesses just work with their banks for fund options. The

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business owner did not see a benefit from the Center for Growth. She would like to see the village have a subcommittee and do the same things on our own instead of spending the money on this center for growth.

Manager DeAngelis indicated the CFG has another fund they use to close gaps or retain business if they have specific needs. They would also assist the village if we have recruitment for businesses to come into the village.

Trustee Michalski indicated the recruitment portion would be beneficial.

President Palmer added we are one of the only communities in the county not included in this program. The PPP is a small portion of what this program does. There are more programs involved with this group than what we can do on our own. They can tap state loans no one else can. This is not to say we cannot have a subcommittee here, but they have more resources available to them.

Trustee Domaszek agreed. He thinks we should take out a sentence at the end of the agreement about waiving jurisdictional defenses.

Manager DeAngelis commented that this is an annual agreement. He also indicated he believed we have funds available.

Trustee Cornell asked why this has come about and if businesses have asked for this.

Manager DeAngelis said this is not coming from the business association or any specific business.

President Palmer clarified that we have never had a program with support and recruitment for businesses. This is much more complex than it was in the past.

MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE MICHALSKI, TO APPROVE THE JOINING THE WAUKESHA CENTER FOR GROWTH.

ALL WERE IN FAVOR. MOTION CARRIED.

- c. Review and possible action on the hiring of a consultant for the purpose of studying the possible implementation of a transportation utility.

MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE KRESSIN, TO APPROVE THE HIRING OF EHLERS FOR THE PURPOSE OF STUDYING THE POSSIBLE IMPLEMENTATION OF A TRANSPORTATION UTILITY.

Trustee Michalski asked about the scope of work. He was not able to locate one

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in the contract.

Manager DeAngelis indicated it is buried within the text.

Attorney De La Mora further clarified on page 22 there is a listing of project deliverables.

ALL WERE IN FAVOR. MOTION CARRIED.

- d. Review and possible action on the acceptance of grant funds from the Fund for Lake Michigan and the initiation of property acquisition for the OHM property and the creation of resolutions of necessity for the properties addressed at 13425 Watertown Plank Road and 890 Elm Grove road for the purpose of daylighting Underwood Creek.

Manager DeAngelis reviewed the packet material. He is looking to put OHM on notice that we are going to begin the process which will answer the questions and provide additional clarification for some of the trustees.

Attorney De La Mora authorize the preparation of the resolution of necessity. There is a process that needs to be followed.

Manager DeAngelis clarified Martinizing has been completed. The other two need to be brought forth.

MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE DOMASZEK, TO APPROVE THE INITIATION OF PROPERTY ACQUISITION FOR THE OHM PROPERTY AND THE CREATION OF RESOLUTIONS OF NECESSITY FOR THE PROPERTIES ADDRESSED AT 13425 WATERTOWN PLANK ROAD AND 890 ELM GROVE ROAD FOR THE PURPOSE OF DAYLIGHTING UNDERWOOD CREEK.

ALL WERE IN FAVOR. MOTION CARRIED.

MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE KRESSIN TO ACCEPT GRANT FUNDS FROM THE FUND FOR LAKE MICHIGAN.

ALL WERE IN FAVOR. MOTION CARRIED.

Manager DeAngelis gave an update on Covid – 19. Dr. Robinson opted Elm Grove as a site to complete vaccinations. We will start inoculating people with help from the Woman’s Club. We have limited access to the vaccine. We are trying to provide a service to residents who do not have access any other way. Giving opportunities to those people here at Village Hall. It takes a few weeks to put together. Vaccine shortage at the moment. It’s in process. Stay tuned.

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

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

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

1. Plan Commission - Trustee Michalski
 - i. No meeting, no report.
2. Library Board - Trustee Irwin
 - i. No meeting, rescheduled for Feb 1.
3. Public Works - Trustee Kressin
 - i. No meeting, no report.
4. Public Safety - Trustee Cornell
 - i. No meeting, no report.
5. Legislative - Trustee Domaszek
 - i. No meeting, no report.
6. Park and Recreation - Trustee Irwin
 - i. Review and possible action to change the Village of Elm Grove Trick-or-Treat for 2021.

MOTION BY TRUSTEE IRWIN, SECOND BY TRUSTEE DOMASZEK TO MOVE TRICK-OR-TREAT TO SATURDAY OCTOBER 30TH FROM 5:00-7:30PM.

ALL WERE IN FAVOR. MOTION CARRIED.

- ii. Met on January 21st. Winterfest is moving forward. The ice rink is up and running. Trustee Kressin would like to add that the ice rink is usually busy. Thanks to Village staff, the Elm Grove Junior Guild, and the Community Foundation for the rink and support surrounding it.
7. Administrative and Personnel - Trustee Michalski
 - i. No meeting, no report.
8. Finance and Licensing - Trustee Haas
 - i. 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.) Closed Session - May convene into closed session pursuant to Wis. Stat. ss.19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. More specifically the petition for writ of mandamus filed January 21, 2021 from petitioners Michael Rohr, Marc McSorley, and Jan Termuehlen.

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MOTION BY PRESIDENT PALMER, SECOND BY TRUSTEE DOMASZEK, TO CONVENE INTO CLOSED SESSION.

ROLL CALL VOTE: YAY – PALMER, HAAS, IRWIN, KRESSIN, MICHALSKI, DOMASZEK, CORNELL. MOTION CARRIED. CLOSED SESSION BEGAN AT 11:06PM.

14.) Open Session - May convene into open session to take action on any closed session items.

MOTION BY TRUSTEE HAAS, SECOND BY TRUSTEE DOMASZEK, TO CONVENE INTO OPEN SESSION.

ROLL CALL VOTE: YAY – PALMER, HAAS, IRWIN, KRESSIN, MICHALSKI, DOMASZEK, CORNELL. MOTION CARRIED.

15.) Other Business – None.

16.) Adjournment

There was no further business.

MOTION BY TRUSTEE DOMASZEK, SECOND BY TRUSTEE KRESSIN, TO ADJOURN THE MEETING.

ALL WERE IN FAVOR. MOTION CARRIED. MEETING ADJOURNED AT 11:58PM.

Minutes transcribed by: Michelle Luedtke

Minutes Approved on: 2/22/21