



VILLAGE BOARD – MEETING AGENDA

**WHITEFISH BAY VILLAGE HALL
5300 N. Marlborough Dr.
Whitefish Bay, WI 53217**

Monday, January 5, 2026, 6:00 PM

As an alternative to attending in-person, the public may access this meeting of the Village Board by phone or by computer. Please note that those participating remotely will *not* have an opportunity to provide public comment. The phone number is: +1 312 626 6799. The Zoom Meeting code is: **854 6369 2688** and the Passcode is: **267748**.

<https://us06web.zoom.us/j/85463692688?pwd=d0w0WmxVZFpyWThGSXhTejdPNU8vQT09>

- I. Call to Order and Roll Call
- II. Consent Agenda – Upon request of any Trustee, any item may be removed from the Consent Agenda for separate consideration under General Business.
 1. Minutes of the regular meeting held on December 15, 2025.
- III. Report of Village Officers
 1. Village Attorney
 2. Village Manager
 3. Village President
 4. Miscellaneous Trustee
- IV. Petitions and Communications – This is an opportunity for anyone to address the Village Board on any issue NOT on the current agenda. While the Board encourages input from residents of the Village, it may not discuss or act on any issue that is not duly noticed on the agenda.
- V. General Business
 1. Discussion/action on Ordinance No. 1922 to create Section 6-1C of the Municipal Code pertaining to impounding vehicles used in the commission of reckless driving.

2. The Board may convene into Closed Session pursuant to Wisconsin State Statute 19.85(1)(e) deliberating or negotiating the purchase of public property, investing of public funds, conducting other specified business whenever competitive and/or bargaining reasons require a closed session – specifically regarding 5111 N. Lydell Avenue, developer’s agreement with Sendik’s Food Market, and Whitefish Bay School District’s use of park land.
3. The Board may reconvene to open session. The Board reserves the right to take action on any topic discussed in Closed Session.

VI Adjourn

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at (414) 962-6690. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Business Improvement District Board may be in attendance at the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website (www.wfbvillage.gov).

A REGULAR VILLAGE BOARD MEETING

A regular meeting of the Board of Trustees of Whitefish Bay was held in-person December 15, 2025.

Pursuant to law, written notice of this meeting was given to the press and posted on public bulletin boards.

I. Call to Order and Roll Call

President Buckley called the meeting to order at 6:00 p.m.

Present: Trustees Dettmann, Haller, Kasper, Saunders, Serebin, Vanevenhoven and President Buckley

Also Present: Village Manager – Kelsey McElroy-Anderson
Assistant Village Manager – Anna Christopherson
Police Chief – Patrick Whitaker
Director of Public Works – Matt Collins
Deputy Clerk – Erin Granstrom
Village Attorney – Chris Jaekels, excused.

II. Consent Agenda

It was moved by Trustee Saunders, seconded by Trustee Serebin, to approve the consent agenda with amendment. Motion carried 7-0.

1. Minutes of the regular meeting held on December 1, 2025.
2. Check Register for November, 2025.
3. Investment Report for November, 2025.
4. Resolution No. 3193 adopting the Milwaukee County Hazard Mitigation Plan as the official hazard mitigation plan for the Village of Whitefish Bay.
5. Appointment of Election Inspectors for the period of 1/1/2026 – 12/31/2027.
6. Acceptance of a bench donation from Larry Plaster (in memory of Robert & Jennie Plaster) for installation at Klode Park.

III. Report of the Village Officers

1. Village Attorney – No Report.
2. Village Manager –Property tax bills have been mailed late last week, residents should be receiving this week.
3. Village President – No Report, wished everyone happy holidays.
4. Miscellaneous Trustee – No Report.

IV. Petitions and Communications

No Petitions or Communications received.

V. General Business

1. **Discussion/action on Ordinance No. 1921 to amend Section 1-20 of the Municipal Code pertaining to election wards and places of election.**

Village Manager McElroy-Anderson provided background on the change in polling location for Ward 7, 9 & 11. Communication to voters was described. Combining wards was discussed.

It was moved by Trustee Serebin, seconded by Trustee Dettmann to adopt Ordinance No. 1921 to amend Section 1-20 of the Municipal Code pertaining to election wards and places of election. Motion carried 7-0.

2. Discussion/action on purchasing a hook lift vehicle.

Village Manager, McElroy-Anderson, presented information on the vehicle, which vehicles it would be replacing and stated the funding within the budget. Resale of vehicles being removed from the fleet was discussed. The discrepancy in price between bids was discussed. Training or learning curve for staff was mentioned. Future purchases of hook trucks was mentioned.

It was moved by Trustee Haller, seconded by Trustee Vanevenhoven that the Village Board approve the purchase of a hook lift vehicle and attachments as shown in meeting packet in the amount of \$614,032. Motion carried 7-0.

3. Discussion/action on contract award for the Library Solar Panel Project.

Director of Public Works Collins provided a brief summary of previous work done on the Library roof in preparation for this project. Incentive rates were determined to change over time, resulting in the desire to complete this project soon rather than waiting. Recommendation of which system to install was detailed and completing the replacement at the same time since lifespan of both are 30 years. Return on investment for previous solar arrays were discussed. Federal tax credit was discussed. Leak concerns with roof replacement was further discussed. Efficiencies of current solar panels was discussed.

It was moved by Trustee Serebin, seconded by Trustee Saunders that the Village Board approve the bid award Option #2 in the amount of \$99,700 to Arch Solar C&I as described within the meeting packet. Motion carried 7-0.

4. Discussion/action on a one-time exception to the hours of operation listed in the Conditional Use Permit to allow The Argo Entertainment Venue and Bar/Restaurant to operate until 12:15 a.m. on January 1, 2026.

Village Manager McElroy-Anderson stated that The Argo would like to host a New Year's Eve event which would be outside of operating hours in the Conditional Use Permit. Trustees proposed to extend the time to 1:00 a.m. Resident feedback has been positive on The Argo overall however there were two noise complaints. The Argo staff responded quickly and thoroughly to the complaints and there has not been any complaints.

It was moved by Trustee Haller, seconded by Trustee Dettmann that the Village Board grant a one-time exception to the hours of operation listed in the Conditional Use Permit to allow The Argo Entertainment Venue and Bar/Restaurant to operate until 1:00 a.m. on January 1, 2026. Motion carried 7-0.

5. The Board may convene into Closed Session pursuant to Wisconsin State Statute 19.85 (1)(e) deliberating or negotiating the purchase of public property, investing of public funds, conducting other specified business whenever competitive and/or bargaining reasons require a closed session – specifically regarding negotiations on an Intergovernmental Agreement with the Whitefish Bay School District.

It was moved by Trustee Serebin, seconded by Trustee Dettmann that the Village Board convene into Closed Session pursuant to Wisconsin State Statute 19.85 (1)(e) deliberating or negotiating the purchase of public property, investing of public funds, conducting other specified business whenever competitive and/or bargaining reasons require a closed session – specifically regarding Whitefish Bay School District's use of park land. Motion carried 7-0 at 6:34 p.m.

6. The Board may reconvene into open session. The Board reserves the right to take action on any topic discussed in Closed Session.

It was moved by Trustee Saunders, seconded by Trustee Dettmann that the Board reconvene into open session. Motion carried 7-0 at 8:03 p.m.

VI. **Adjourn**

There being no further business, it was moved by Trustee Saunders seconded by Trustee Dettmann to adjourn the meeting at 8:03 p.m. Motion carried 7-0.

Erin M Granstrom

Erin Granstrom, Deputy Clerk

DRAFT



VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: President Kevin Buckley & Village Board of Trustees
REPORT FROM: Patrick Whitaker, Chief of Police
DATE: December 17th, 2025
AGENDA ITEM: Ordinance Allowing the Police Department to Impound Vehicles used in the Commission of Reckless Driving

ACTION REQUESTED: Ordinance Resolution Motion Direction to Staff

BACKGROUND:

2025 Wisconsin Act 46 was passed by the legislature and signed into law by Governor Tony Evers. This Act created §349.115(1m) of the Wisconsin State Statutes relating to impounding of vehicles used in certain driving offenses, amending §349.115(1) to read,

“A political subdivision may, by ordinance, authorize a law enforcement officer, at the discretion of the officer, to impound any vehicle used in the commission of a violation of §346.62 or a local ordinance in strict conformity with §346.62 at the time of issuing a citation or making an arrest for the offense. The ordinance may provide for impoundment of the vehicle until the reasonable costs of impounding the vehicle, including towing or other transportation costs and storage costs, and any outstanding fines or forfeitures owed by the owner of the vehicle are fully paid.”

The Village of Whitefish Bay and the Police Department recognize reckless driving as an act that threatens public health, welfare, and safety. Adoption of this ordinance provides the Police Department tools to help combat this dangerous behavior.

RECOMMENDED ACTION BY VILLAGE BOARD:

Staff recommends approval of Ordinance 1922 allowing the Police Department to impound vehicles used in the commission of reckless driving.

ATTACHMENTS

1. Ordinance No. 1922
2. 2025 Wisconsin Act 46
3. §346.62

C: Attorney Jaekels

**STATE OF WISCONSIN
MILWAUKEE COUNTY
VILLAGE OF WHITEFISH BAY**

ORDINANCE NO. 1922

**AN ORDINANCE TO CREATE SECTION 6-1C OF THE MUNICIPAL CODE
TO ALLOW FOR THE IMPOUNDMENT OF VEHICLES USED IN THE
COMMISSION OF RECKLESS DRIVING**

WHEREAS, the Wisconsin legislature passed 2025 Wisconsin Act 46, which amended Wis. Stat. § 349.115(1) to permit local municipalities to adopt an ordinance allowing a law enforcement officer, at his or her discretion, to impound any vehicle used in the commission of a violation of Wis. Stat. § 346.62, “Reckless driving”; and

WHEREAS, § 6-1 of the Whitefish Bay Municipal Code adopts by reference Wis. Stat. § 346.62, as well as all other provisions of the state traffic code contained in Wisconsin Stats. Chapters 340-348; and

WHEREAS, the Village recognizes that reckless driving threatens public health, welfare, and safety, and the Village Board wishes to adopt an ordinance consistent with 2025 Wisconsin Act 46;

NOW THEREFORE, the Village Board of the Village of Whitefish Bay, does hereby ordain as follows:

Section One: Section 6-1C of the Municipal Code, “Impounding of vehicles used in the commission of reckless driving,” is hereby created to read as follows:

Sec. 6-1C. Impounding of vehicles used in the commission of reckless driving.

(1) Authority.

Under the authority of s. 349.115, Wis. Stats., law enforcement officers may, at their discretion, impound any vehicle used in the commission of reckless driving, in violation of s. 346.62, Wis. Stats. or a local ordinance in strict conformity with s. 346.62, Wis. Stats., at the time of issuing a citation or making an arrest for the offense.

(2) Identifying stolen vehicles.

Upon impounding a vehicle under this section, a law enforcement officer shall make a reasonable effort to determine whether the vehicle has been reported as stolen. If the officer determines that the vehicle has been reported as stolen, the officer shall make a reasonable attempt to contact the owner.

(3) Recovery of impounded vehicle.

The Village shall return an impounded vehicle to the owner provided owner has completed payment of any outstanding fine or forfeiture owed by the owner, as well as any additional costs associated with impounding the vehicle, including towing, transportation and storage fees.

(4) Recovery of impounded stolen vehicle.

Notwithstanding sub. (3), the police department shall return to its owner a vehicle reported as stolen and impounded under sub. (1) without the payment of a fee or charge.

(5) Disposal of impounded vehicle

The Village may dispose of any vehicle impounded under sub (1) in accordance with s. 342.40, Wis Stats., provided the impounded vehicle remains unclaimed for more than 90 days after the disposition of the reckless driving citation for which the vehicle was impounded.

Section Two: The sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section Three: This Ordinance shall take effect and be in force after its passage and posting as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin, this 5th day of January 2026.

VILLAGE OF WHITEFISH BAY

Kevin Buckley, Village President

Jaimie Krueger, Village Clerk

State of Wisconsin



2025 Assembly Bill 78

Date of enactment: October 31, 2025
Date of publication*: November 1, 2025

2025 WISCONSIN ACT 46

AN ACT to amend 349.115 (1) and 349.115 (3); to create 349.115 (1m) of the statutes; relating to: impoundment of vehicles used in certain reckless driving offenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 349.115 (1) of the statutes is amended to read:

349.115 (1) A political subdivision may, by ordinance, authorize a law enforcement officer, at the discretion of the officer, to impound any vehicle used in the commission of a violation of s. 346.62 or a local ordinance in strict conformity with s. 346.62 at the time of issuing a citation or making an arrest for the offense ~~if the person cited is the owner of the vehicle and the person has a prior conviction for a violation of s. 346.62 or a local ordinance in strict conformity with s. 346.62 for which a forfeiture was imposed that has not been fully paid.~~ The ordinance may provide for impoundment of the vehicle until the ~~person fully pays the prior forfeiture amount and~~ reasonable costs of impounding the vehicle, including towing or other transportation costs and storage costs, and any outstanding fine or forfeiture owed by the owner of the vehicle are fully paid.

SECTION 2. 349.115 (1m) of the statutes is created to read:

349.115 (1m) Upon impounding a vehicle under

sub. (1), a law enforcement officer shall make a reasonable effort to determine if the vehicle has been reported as stolen. If the officer determines that the vehicle has been reported as stolen, the officer or political subdivision shall make a reasonable attempt to contact the owner. Notwithstanding sub. (2), the political subdivision shall return to its owner a vehicle reported as stolen and impounded under sub. (1) without the payment of a fee or charge. If a vehicle reported as stolen remains unclaimed for more than 60 days after impoundment, the political subdivision may dispose of the vehicle following the same procedure as provided for disposing of an abandoned vehicle under s. 342.40.

SECTION 3. 349.115 (3) of the statutes is amended to read:

349.115 (3) ~~A~~ Subject to sub. (1m), a political subdivision that has impounded a vehicle under sub. (1) may dispose of the vehicle by following the same procedure as provided for disposing of an abandoned vehicle under s. 342.40 if the impounded vehicle remains unclaimed for more than 90 days after the disposition of the ~~citation~~ charge for which the vehicle was impounded.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

346.62 Reckless driving.

- (1) In this section:
- (a) "Bodily harm" has the meaning designated in s. 939.22 (4).
 - (b) "Great bodily harm" has the meaning designated in s. 939.22 (14).
 - (c) "Negligent" has the meaning designated in s. 939.25 (2).
 - (d) "Vehicle" has the meaning designated in s. 939.22 (44), except that for purposes of sub. (2m) "vehicle" has the meaning given in s. 340.01 (74).
- (2) No person may endanger the safety of any person or property by the negligent operation of a vehicle.
- (2m) No person may recklessly endanger the safety of any person by driving a vehicle on or across a railroad crossing in violation of s. 346.44 (1) or through, around or under any crossing gate or barrier at a railroad crossing in violation of s. 346.44 (2).
- (3) No person may cause bodily harm to another by the negligent operation of a vehicle.
- (4) No person may cause great bodily harm to another by the negligent operation of a vehicle.

History: 1987 a. 399; 1997 a. 135.

Judicial Council Note, 1988: The revisions contained in subs. (2) and (3) are intended as editorial, not substantive, as is the substitution of a cross-reference to s. 939.25 (2) for the prior definition of a high degree of negligence. New sub. (4) carries forward the crime created by 1985 Wisconsin Act 293. [Bill 191-S]

That the defendant was an experienced stock car racer was not a defense to a charge of reckless driving. *State v. Passarelli*, 55 Wis. 2d 78, 197 N.W.2d 740 (1972).

Sub. (4) is not unconstitutionally irrational. *State v. King*, 187 Wis. 2d 548, 523 N.W.2d 159 (Ct. App. 1994).

This section may be applied to a corporation. *State v. Steenberg Homes, Inc.*, 223 Wis. 2d 511, 589 N.W.2d 668 (Ct. App. 1998), 98-0104.