

TOWN OF BROOKFIELD
TOWN BOARD
JULY 6, 2004

The regular meeting of the Town Board was held on Tuesday, July 6, 2004 in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

Chairperson Keith Henderson called the meeting to order at 7:00 p.m. with the following people present: Supervisors: Cheryl Mantz, Robert Flessas and Patrick Stroebel, Attorney James Hammes, Administrator Richard Czopp, Building Inspector Gary Lake and the Town Clerk to record the minutes. Supervisor Keith Harenda excused absence.

APPROVAL OF AGENDA

Supervisor Stroebel moved to approve the agenda as presented, seconded by Supervisor Flessas, voted on, carried unanimously.

APPROVAL OF MINUTES

Supervisor Stroebel moved to dispense with the reading of the June 15, 2004 Town Board meeting minutes and approve them as presented, seconded by Supervisor Mantz, voted on, carried unanimously.

PUBLIC COMMENT None.

OLD BUSINESS

a. FEMA GRANT FOR FIRE TRAINING TRAILER

Supervisor Stroebel moved to approve the FEMA Grant for the Fire Training Trailer and using \$11,500.00 from the Fire Department training budget and \$6,000.00 from donations the department has received to pay for the Town's share of the expense, seconded by Supervisor Flessas.

Supervisor Flessas requested that a friendly amendment be added, that the Town create a Usage Contract that incorporates in it that there will be provisions for usage by other municipalities, that the Town will recoup the cost to operate and/or maintain, and that there will be protection of the interest of the Town and their residents, Supervisor Stroebel accepted the amendment. The motion with the Amendment was voted on and passed 3 – 1 with Supervisor Mantz voting nay.

b. GUMINA ROAD CLOSURE FOR ANNIVERSARY EVENT

Supervisor Mantz moved to approve closure of Gumina Road on Saturday, July 17, 2004 from 1:00 p.m. until 4:00 p.m. for a 30th Anniversary Event for Children's Learning Center, seconded by Supervisor Stroebel, voted on, carried unanimously.

c. ORDINANCE FOR DEADLINE FOR PLAN COMMISSION APPROVAL

Supervisor Mantz moved to table the adoption of Ordinance 2.14(1) and (2) of the General Code of the Town of Brookfield regulating a deadline for Plan Commission approval pending the addition of wording regarding

requiring submittal of any and all information prior to the time the agenda is posted, seconded by Supervisor Stroebel, voted on, carried unanimously.

NEW BUSINESS

- a. **BARTENDER LICENSES**
Supervisor Stroebel moved to approve the July 6, 2004 through June 30, 2005 bartender licenses as listed (see attached), seconded by Supervisor Mantz, voted on, carried unanimously.
- b. **PICNIC PERMIT**
Supervisor Flessas moved to approve a Picnic Permit for Art Gamroth family on Sunday, July 25, 2004 from 3:00 p.m. until 8:00 p.m. at Marx Park, seconded by Supervisor Stroebel, voted on, carried unanimously.
- c. **PICNIC PERMIT**
Supervisor Flessas moved to table a Picnic Permit for for Silver Spur BBQ on Sunday, August 15, 2004 from 2:00 p.m. until 8:00 p.m. at Marx Park, seconded by Supervisor Mantz, voted on, carried unanimously.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

- a. **PLAN COMMISSION RECOMMENDATIONS**
 1. **CONCEPTUAL AND FINAL APPROVAL OF ADDITION AT 600 N. SPRINGDALE ROAD**
Supervisor Mantz moved to follow Plan Commission recommendation and grant conceptual and final approval of a 21,500 square foot addition for Sam's Wholesale Club at 600 N. Springdale Road, seconded by Supervisor Stroebel, voted on, carried unanimously.

Notification of any hours of construction for watermain and utility changes and the access exchange that would take place out of the Town's Ordinance is to be given to the property owner of the home east of the property, the property manager of the apartments on Springdale Road south of the property.
 2. **ATTORNEY'S OPINION REGARDING AUTOMOTIVE SERVICE FACILITIES**
Inspector Lake presented on the overhead the location of the property where the proposal for development of an Automotivce Service facility has been requested. His interperetation that went to the Plan Commission was that as a Automotive Service facility it is bond by the limits in the Town's Zoning Code to no more than two such uses in a one mile radius. This would be the third automotive service facility in a one mile radius because in front of the property is Sear's Tire and Auto and at the corner of Brookfield Road and Bluemound Road is Mineke. At the Plan

Commission there was discussion as to whether this use could be considered an auxiliary service facility to the current service facility that is in the Lexus dealership on the south side of Bluemound Road. The recommendation of the Plan Commission was to set a date for a Conditional Use Permit for expansion of an auxiliary service facility if that interruption is approved by the Town Attorney, or set a date to consider amending the code to raise the limit of two in a one mile radius.

Attorney Hammes said that he would have to concur with Inspector Lakes interruption that this would require a Conditional Use Permit and there is not one available under the existing code because there are two within the one mile radius. He does not think it could be considered an auxiliary because Conditional Use Permits go with the land they are granted for a specific site. In the past the Town did allow on the existing property an auxiliary service facility to the new dealership that was there but it involved the same parcel. Here the problem is there is an entirely different parcel involved and as long as he has been in the business he has never seen a CUP that extends to two separate and distinct parcels even if they are contiguous with each other much less across the road or up the road. If the Board is to interrupt the code as allowing CUP in those types of situations they need to consider that other uses that have a CUP at one site will try to operate under the same permit for any site they purchase. So to allow something like this the Town should amend the zoning code. Chairperson Henderson can have it placed on the next Plan Commission agenda to discuss the wording of the ordinance that you want to set the hearing for.

3. SET PUBLIC HEARING DATE FOR SPECIAL EXCEPTION AT 20200 W. GREENFIELD AVENUE

Supervisor Mantz moved to set July 27, 2004 immediately following the Joint Public Hearing with the County as the Public Hearing date for a Special Exception for the development of a 15,000 square foot office building at 20200 West Greenfield Avenue, seconded by Supervisor Stroebel, voted on, carried unanimously.

VOUCHERS

Supervisor Mantz moved to approve the vouchers as presented in the amount of \$170,338.66, seconded by Supervisor , voted on, and carried unanimously.

Included in the approved vouchers were: \$26,994.96 to Onyx-Hartland for refuse/recycling and yard waste services; \$20,935.87 to Brookfield Convention and Visitor Bureau for 1st qtr room taxes; \$8,698.51 to City of Brookfield for 2003 Road Program payment; \$8,136.90 to Cramer Multhauf & Hammes for legal services and \$3,300.00 to CIVIC Systems for annual maintenance.

COMMUNICATIONS AND ANNOUNCEMENTS

The attached list of correspondence was reviewed by members of the Board, with comment on the following:

4. Chairperson Henderson noted.
8. Chairperson Henderson noted the fire dues number is higher than expected.
16. Chairperson Henderson said it appears that the percentage is favorable for the Town.

Supervisor Mantz noted the Chamber Events.

CLOSED SESSION (8:45 P.M.)

Supervisor Stroebel moved to adjourn into Closed Session according to Section 19.85(1)(e) Wisconsin Statutes for the purpose of negotiation of Town owned land, and negotiating for extension of municipal services, whenever competitive or bargaining reasons require a closed session approve, seconded by Supervisor Flessas, voted on, carried unanimously.

OPEN SESSION (9:20 P.M.)

Supervisor Flessas moved to adjourn into Open Session, according to Section 19.85(2) Wisconsin Statutes, for any necessary action resulting from the Closed Session and to adjourn the meeting, seconded by Supervisor Stroebel, voted on, carried unanimously.

ADJOURNMENT

There being no further business Supervisor Mantz moved to adjourn, seconded by Supervisor Flessas, voted on and carried unanimously. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Jane F. Carlson
Town Clerk

CORRESPONDENCE

July 6, 2004

1. Notice of Legislative Hearings, No. 65-67.
2. Focus, May , 2004, No. 10 & June, No. 11
3. The Wisconsin Taxpayer, March 2004, No.3.
4. Minutes for Sanitary District No. 4, May 25, 2004.
5. Elmbrook School District quarterly report, June 2004.
6. Waukesha County Community Foundation, 2003 annual report.
7. Letter from Dan Finley regarding Waukesha County Executive Awards Program.
8. Wis Dept of Commerce statement of fire dues payment.
9. Forest Tax & Stewardship News, Spring/Summer 2004.
10. Letter from PSC regarding Storm Water charges.
11. Email from Karen Fiedler regarding Town of Genesee Compost Project.
12. Hwy 59 and Brookfield Road Extension project update.
13. Letter from Time Warner regarding passtime games.
14. Letter from Time Warner regarding Music Choice channel.
15. Letter from Time Warner regarding new Corporate Executive Vice President.
16. Letter from Waukesha County Dept of Admin regarding Trunk Radio Infrastructure reconciliation.
17. Notice of Public Hearing July 27, 2004 for 21935 Weyer Road.
18. County Executive Dan Finley "Town Hall Meetings".
19. Recycling and solid waste fall promotional campaign.

July 2, 2004

MEETING NOTICES

All meetings will be held at the TOWN HALL, 645 N Janacek Road, Brookfield, WI:

TUESDAY, JULY 6, 2004

7:00 P.M.

TOWN BOARD

AGENDA:

1. Call to Order.
2. Approval of Agenda.
3. Approval of Minutes.
4. Citizen comments: Three-minute limit.
5. Old Business:
 - a. Discussion and necessary action on FEMA Grant or fire training trailer.
 - b. Discussion and necessary action regarding closure of Gumina Road on Saturday, July 17, 2004 from 1:00 p.m. until 4:00 p.m. for a 30th Anniversary Event for Children's Learning Center.
 - c. Discussion and necessary action regarding creating Ordinance 2.14(1) and (2) of the General Code of the Town of Brookfield regulating a deadline for Plan Commission approval. (Second Reading)
6. New Business:
 - a. Approve bartender licenses pending record checks if necessary.
 - b. Approval of Picnic Permit for Marx Park on July 25, 2004 for Art Gamroth family from 3:00 p.m. until 8:00 p.m.
 - c. Approval of Picnic Permit for Marx Park on August 15, 2004 for Silver Spur BBQ from 2:00 p.m. until 8:00 p.m.

7. Department, Boards, Committee/Commission Reports/Recommendations:
 - a. Plan Commission Recommendations:
 1. For conceptual approval and final approval of a 21,500 square foot addition for Sam's Wholesale Club at 600 N. Springdale Road.
 2. Attorney's opinion regarding automotive service facilities.
 3. To set a date for a Public Hearing for a Special Exception for the development of a 15,000 square foot office building at 20200 West Greenfield Avenue.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. Adjourn into **CLOSED SESSION**, according to Section 19.85(1)(e) Wisconsin Statutes for the purpose of negotiation of Town owned land, and negotiating for extension of municipal services, whenever competitive or bargaining reasons require a closed session.
11. Adjourn into **OPEN SESSION**, according to Section 19.85(2) Wisconsin Statutes, for any necessary action resulting from the Closed Session and to adjourn the meeting.
12. Adjournment.

Jane F. Carlson
Town Clerk

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meetings to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services contact the clerk's office at the above location.