

TOWN OF BROOKFIELD  
TOWN BOARD  
APRIL 6, 2005

The regular meeting of the Town Board was held on Wednesday, April 6, 2005 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: John Schatzman, Robert Flessas, Cheryl Mantz and Patrick Stroebel, Attorney Dan Habeck, Administrator Richard Czopp, Building Inspector Gary Lake and the Town Clerk to record the minutes.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Chairperson Henderson said that in the March 15, 2005 Town Board minutes, on page 3 the last sentence, there needs to be a *comma* placed after the word board, and on page 4 the second paragraph the word said should be *asked*.

Supervisor Mantz moved to dispense with the reading of the March 15, 2005 Town Board meeting minutes and approve them as corrected, seconded by Supervisor Stroebel, voted on, carried unanimously.

PUBLIC COMMENT           None.

CHAIRMAN'S REPORT

Chairperson Henderson said that the Chairman's meeting for Waukesha County met last Saturday and there was nothing discussed but it was the last meeting for Joe St Thomas from Oconomowoc who had been a Chairman for twenty plus years.

OLD BUSINESS

- a.     STORM WATER MANAGEMENT ORDINANCE CHAPTER 26  
Place on record as the Second Reading of the Storm Water Management Ordinance Chapter 26.
- b.     EROSION CONTROL ORDINANCE CHAPTER 30  
Place on record as the Second Reading of the Erosion Control Ordinance Chapter 30.

NEW BUSINESS

- a.     REVIEW OF DECEMBER 31, 2004 AUDIT REPORT  
Renee Messing representative from Virchow Krause & Company told the Board that what she handed out is a draft copy of the full Audit Report which has been prepared under the new Governmental Accounting Standards Board Statement 34 (GASB 34) standards and that she also handed out a brief summary highlight document of the financial statements. They will be available to answer any questions the board may have after they have reviewed the report. She explained that the financial statements that are presented under GASB 34 have a different format than in the past. The audit has now

focused on governmental activities, business type activities and major funds and then all the rest of the funds added together. The Town's major funds are the general fund, debt service fund and Utility District # 1 fund. All of the rest of the funds in the full financial statements are aggregated together and reported as one single unit. The opinion issued is based on the new format and presentation. The audit opinion says that the financial statement presents fairly the financial position of the Town and this is what auditors are hired to determine. Part of the process of implementing GASB 34 was that there were a couple of restatements made to the financial statements. Those were related to changing the storm water activities that were previously in a special revenue fund into a Utility District # 1 that was created as of 01-01-2004, to report as an enterprise fund. Along with the creation of the storm water activities within that Utility District # 1 the Town also does the trash collection and billing of the customers. Certain debt service was incurred by the Town for the purposes of Utility District # 1 so, the debt service fund was restated to reflect an amount owed to that fund for past debt service cost. These changes have been made to the beginning balances in the financial statements. She then reviewed and explained the attached 2004 Financial Highlights summary. She explained that it is important to keep in mind that the net assets that are reflecting in the Utility District #1 include all of the storm water capital assets of the Town such as storm drainage basins, catch basins, storm sewer mains etc. and so the amount seen in the report does not represent cash, it primarily represents the investment in those capital assets. She said that with respect to Utility District #1 it will be important to look at the operations and user charges in that fund in 2005 to make sure that the appropriate amount is built into those user charges so that fund can ultimately pay it's share of debt service. Through the end of 2004 it has not paid any of it.

She said that she thinks the Town's general fund is in very strong financial position. There is a solid plan for repayment of outstanding debt that, has been structured so that it is not an undue burden on the taxpayers.

She said that she wanted to let the board know they received full cooperation of the staff and that it has been a pleasure working with Administrator Czopp and the rest of the Town staff.

- b. **PURCHASE OF EQUIPMENT FOR DPW TRUCK**  
Supervisor Flessas moved to follow the DPW Director's recommendation and approve the purchasing equipment for the DPW Truck in the amount of \$39,642.00, seconded by Supervisor Stroebel, voted on carried unanimously.
- c. **BARTENDER LICENSES** None.
- d. **PICNIC PERMIT (JUNE 18, 2005)**  
Supervisor Flessas moved to approve a Picnic Permit for Marx Park on Saturday June 18, 2005 for Terry Lesperance from 11:00 a.m. until 10:00 p.m., seconded by Supervisor Mantz, voted on, carried unanimously.
- e. **PICNIC PERMIT (JULY 23, 2005)**  
Supervisor Flessas moved to approve a Picnic Permit for Marx Park on Saturday, July 23, 2005 for Tanya Siderits (Mothers & More) from 2:00 p.m. until 9:00 p.m., seconded by Supervisor Mantz, voted on, carried unanimously.

- f. PICNIC PERMIT (AUGUST 19, 2005)  
Supervisor Flessas moved to approve a Picnic Permit for Marx Park on Friday, August 19, 2005 for Pat Barr from 3:00 p.m. until 10:00 p.m., seconded by Supervisor Stroebel, voted on, carried unanimously.
- g. WISCONSIN TOWN'S ASSOCIATION DUES  
Supervisor Mantz moved to approve payment of the Wisconsin Town's Association dues for 2005-2006, seconded by Supervisor Stroebel, voted on, carried unanimously.
- h. URBAN TOWN'S COMMITTEE DUES  
Supervisor Mantz moved to not pay the membership dues for the Urban Town's Committee, seconded by Supervisor Stroebel, voted on, carried unanimously.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

- a. PLAN COMMISSION RECOMMENDATIONS
  - 1. CONDITIONAL USE PERMIT FOR GE HEALTHCARE/FINANCIAL SERVICES  
Supervisor Schatzman moved to approve a Conditional Use Permit for GE Healthcare/ Financial Services at 20275 Watertown Boulevard, as provided by Section 17.08, to allow the re-facing of an existing address monument sign with an identification sign, seconded by Supervisor Flessas, voted on, carried unanimously
  - 2. SET DATE FOR PUBLIC HEARING  
Supervisor Mantz moved to set as the Public Hearing date April 27, 2005, for a Conditional Use Permit for a revised plan of operation for the drive-thru facility at McDonald's at 18695 West Bluemound Road to allow 24 hour drive-thru operation, seconded by Supervisor Flessas, voted on, carried unanimously
  - 3. CONCEPTUAL AND FINAL APPROVAL REVISED SITE PLAN AND BUILDING ELEVATIONS  
Supervisor Flessas moved to approve Conceptual and Final Approval of revised site plan and building elevations at 19555 West Bluemound Road subject to Architectural Control Committee review, seconded by Supervisor Schatzman, voted on, carried unanimously
  - 4. CONCEPTUAL AND FINAL APPROVAL OF THEATRE DEVELOPMENT  
Supervisor Mantz moved to approve Conceptual and Final Approval of a 17 screen theatre development at 770 North Springdale Road subject to the attached March 22, 2005 Plan Commission recommendations, seconded by Supervisor Flessas. A friendly amendment was added that when the term of the lease for the Billboard that is on the property comes up they will terminate the lease. The motion with the amendment was voted on and carried unanimously.
  - 5. CSM FOR JENNIFER DRIVE  
Supervisor Flessas moved to approve the Certified Survey Map for the parcel of land east of Jennifer Drive, north of Bluemound Road subject to the Town Engineer's review, including at minimum, noted on the CSM a reference to an existing, recorded easement for access to the lights on Watertown and Barker Road, parking, and identification signage with the property at 600 N Barker Road, seconded by

Supervisor Mantz, voted on and carried unanimously.

6. SET DATE FOR PUBLIC HEARING

Supervisor Flessas moved to set as the Public Hearing date April 27, 2005, for the rezoning of land identified as Parcel 2 on the above Certified Survey Map from B-2 Limited General Business District and C-1 Conservancy District to Rm-2 Multi-Family Residential district and C-1 Conservancy District with a Planned Unit Development (P.U.D.) Overlay District, seconded by Supervisor Stroebel, voted on, carried unanimously.

7. SET DATE FOR PUBLIC HEARING

Supervisor Flessas moved to set as the Public Hearing date April 27, 2005, a Conditional Use Permit for a Home Industry at 21795 Greendale Drive, seconded by Supervisor Mantz, voted on, carried unanimously.

b. CLERK'S REPORT

1. ELECTIONS RESULTS

Clerk Carlson reported that the Board of Canvas was completed today and that Certified Election Results are as follows:

Chairperson: Keith Henderson Eight Hundred and sixty-two (862) votes

Supervisors: Cheryl M. Mantz Six Hundred and twenty-two (622) votes  
Robert W. Flessas Five Hundred and ninety-six (596) votes  
Brian Eckelman Five Hundred and eleven (511) votes

For the two Supervisor seats the top two persons receiving the most votes were certified as the winners.

VOUCHERS

Supervisor Stroebel moved to approve the vouchers as presented in the amount of \$205,135.78 seconded by Supervisor Mantz, voted on, and carried unanimously.

Included in the approved vouchers were \$26,940.29 to Onyx Waste Services for garbage/recycling and yard waste services; \$22,323.00 to Wausau Insurance for general liability, property, auto and worker comp insurance services; \$21,055.00 to Ewald Automotive Group for police squad; \$ 16,759.26 to Michael Best & Friedrich for specialty legal fees; \$14,140.10 to Mid-American Truck & Equip Co for maintenance service for fire department vehicles and \$5,655.80 to Cramer, Multhauf & Hammes for legal fees

COMMUNICATIONS AND ANNOUNCEMENTS

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

Supervisor Mantz said that she and a guest Dean Pearson will be attending the Chamber Business After 5 event at the Acura car dealership. Gloria Albrecht, Supervisors: Schatzman, Flessas and Stroebel, Administrator Czopp said they would be attending and Chairperson Henderson said he would try to be there.

ADDENDUM

1. CLOSED SESSION

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

2. OPEN SESSION

Supervisor Mantz 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 Flessas, voted on, carried unanimously.

Supervisor Flessas moved to change the date on Line 22 of the Offer to Purchase dated August 11, 2004 from April 11, 2005 date to April 22, 2005 in the Offer to Purchase, seconded by Supervisor Mantz, voted on and carried unanimously.

ADJOURNMENT

There being no further business Supervisor Flessas moved to adjourn, seconded by Supervisor Schatzman, voted on and carried unanimously. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Jane F. Carlson/Town Clerk

**CORRESPONDENCE**  
**April 6, 2005**

1. Focus, February 28, 2005.
2. Focus, March 16, 2005.
3. The Wisconsin Taxpayer, February, 2005.
4. Waukesha County Parks & Land Use Recycling change and Solid Waste Report.
5. Letter from Gov. Doyle regarding Assembly Bill 58.
6. Waukesha County Parks & Land Use 2005 Comprehensive Grant.
7. Letter from Time Warner regarding awards & new events.
8. Letter from City of Brookfield regarding Sheraton Hotel tragedy.
9. E-mail response from Keith Henderson regarding WCC.
10. Letter from Flight for Life regarding tragedy.
11. Police & Fire Commission minutes Oct. 20, 2004 and Jan. 25, 2005.
12. Sanitary Dist No. 4 minutes Mar. 2, 2005.
13. Introduction to Mio Bella.
14. Waukesha County Cooperative Council agenda, Apr. 25, 2005.
15. Invitation to Forecast Luncheon Apr. 28, 2005 invitation.
16. Crossroads, Spring 2005.
17. News article regarding Storm Water Management.
18. Public Hearing Notice Apr. 21, 2005 City of Brookfield Plan Review Board.
19. Simon Group waterway general permit application.
20. Wis Dept of Admin letter regarding sewers for Haasch & Finger annexation.
21. Copy of Wisconsin ACT 317 regarding annexation.

April 1, 2005

## MEETING NOTICES

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

WEDNESDAY, APRIL 6, 2005

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. Chairman's Report.
6. Old Business:
  - a. Discussion and necessary action regarding rescinding and recreating Chapter 26 the Storm Water Management Ordinance (Second reading).
  - b. Discussion and necessary action regarding adoption of Chapter 30 Erosion Control Ordinance (Second reading).
7. New Business:
  - a. Review of December 31, 2004 Audit Report by representative from Virchow Krause.
  - b. Discussion and necessary action regarding purchase of equipment for DPW Truck.
  - c. Approve bartender licenses.
  - d. Approval of Picnic Permit for Marx Park on Saturday June 18, 2005 for Terry Lesperance from 11:00 a.m. until 10:00 p.m.
  - e. Approval of Picnic Permit for Marx Park on Saturday, July 23, 2005 for Tanya Siderits (Mothers & More) from 2:00 p.m. until 9:00 p.m.
  - f. Approval of Picnic Permit for Marx Park on Friday, August 19, 2005 for Pat Barr from 3:00 p.m. until 10:00 p.m.
  - g. Discussion and necessary action regarding Wisconsin Town's Association dues.

- h. Discussion and necessary action regarding Urban Town's Committee Membership dues.
- 8. Department, Boards, Committee/Commission Reports/Recommendations:
  - a. Plan Commission Recommendations:
    - 1. Discussion and necessary action regarding a Conditional Use Permit for GE Healthcare/ Financial Services at 20275 Watertown Boulevard, as provided by Section 17.08, to allow the re-facing of an existing address monument sign with an identification sign.
    - 2. To set a date for a Public Hearing for a Conditional Use Permit for a revised plan of operation for the drive-thru facility at McDonald's at 18695 West Bluemound Road to allow 24 hour drive-thru operation.
    - 3. Discussion and necessary action regarding conceptual and final approval of revised site plan and building elevations at 19555 West Bluemound Road.
    - 4. Discussion and necessary action regarding conceptual and final approval of a 17 screen theatre development at 770 North Springdale Road.
    - 5. For approval of a Certified Survey Map for the parcel of land east of Jennifer Drive, north of Bluemound Road.
    - 6. To set a date for a Public Hearing for the rezoning of land identified as Parcel 2 on the above Certified Survey Map from B-2 Limited General Business District and C-1 Conservancy District to Rm-2 Multi-Family Residential district and C-1 Conservancy District with a Planned Unit Development (P.U.D.) Overlay District.
    - 7. To set a date for a Public Hearing for a Conditional Use Permit for a Home Industry at 21795 Greendale Drive.
  - b. Clerk's Report.
    - 1. Election Results.
- 9. Approval of Vouchers and Checks.
- 10. Communications and Announcements.
- 11. Adjournment.

**THURSDAY, APRIL 7, 2005**

**5:30 P.M.**

**MUNICIPAL COURT**

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.

April 5, 2005

**ADDENDUM**

Please add the following to the previously noticed agenda for the **TOWN BOARD** meeting scheduled for **7:00 p.m. on WEDNESDAY, APRIL 6, 2005** in the Town Hall, 645 North Janacek Road, Brookfield, WI:

AGENDA ADDITION:

12. Adjourn into **CLOSED SESSION**, according to Section 19.85(1)(e) Wisconsin Statutes for the purpose of contract negotiation regarding Town owned land, whenever competitive or bargaining reasons require a closed session
13. 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.

Jane F. Carlson  
Town Clerk

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