

TOWN OF BROOKFIELD  
TOWN BOARD  
MAY 17, 2005

The regular meeting of the Town Board was held on Tuesday, May 17, 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 7:45 p.m. with the following people present: Supervisors: John Schatzman, Robert Flessas, Patrick Stroebel and Cheryl Mantz, Attorney Dan Habek, Administrator Richard Czopp, Building Inspector Gary Lake and the Town Clerk to record the minutes.

APPROVAL OF AGENDA

Supervisor Flessas motioned to move the Old Business Approval of appointments to after Approval of bartender licenses and approve the remainder of the agenda as presented, seconded by Supervisor Schatzman, voted on passed 4 – 1 with Chairperson Henderson voting nay.

APPROVAL OF MINUTES

Chairperson Henderson said that the spelling of Special and Meeting in the heading for the April 28, 2005 Special Town Board Meeting minutes needs to be corrected.

Supervisor Stroebel moved to dispense with the reading of the minutes from the Special Town Board meeting on April 28, 2005 and approve them as corrected, seconded by Supervisor Mantz, voted on, and carried unanimously.

Supervisor Stroebel moved to dispense with the reading of the minutes from the Town Board meeting on April 19, 2005 and approve them as presented, seconded by Supervisor Schatzman, voted on, and passed 4 – 0 – 1 with Supervisor Mantz abstaining because she was not present at the meeting.

Chairperson Henderson said that he has a letter from Friebert, Finerty & St John requesting that one of the motions in the minutes from the May 4, 2005 Town Board meeting be changed. He asked Attorney Habek if they can do that.

Attorney Habek said that the question becomes whether or not the motion is accurate per Supervisor Flessas and Supervisor Schatzman the first and the second of the motion. If they think it is accurate then it is accurate. He said that he did talk with Attorney James Hammes concerning the representation as to what he allegedly said and he told him practically how do you get a road, is what he was explaining to her. The agenda item is to approve minutes, not to reconsider the decision. If the minutes do not accurately represent the intent of the motion then they should be adjusted.

Chairperson Henderson asked the Supervisors that made the motion and seconded it how they feel about the revised motion written by Attorney Brian C. Randall from the firm of Friebert, Finerty & St John.

Chairperson Henderson said that he noticed that the minutes need correction on page 1 under New Business, the word Commission is misspelled in the heading.

Attorney Habek said that Attorney Randall called him and said that their concern is two fold. Number one they think that the motion included the eminent domain request, but number two that it included the public roadway request and they have some sort of concern that the Town is

going to stick them with a private roadway or some other type of roadway.

Supervisor Flessas and Supervisor Stroebel read over the revised motion and agreed that it does accurately reflect what was talked about at the meeting. Supervisor Flessas said that the point was that the Board did not want the Town to incur any cost for sign relocation. He asked Attorney Habek what he thinks about the motion.

Attorney Habek said that he was not present for the motion and the only concern he had was limiting the Town to eminent domain procedures. Especially because there are a variety of ways to acquire right of way, but if that was what the intent was that evening that is what the minutes should be confirmed as.

Supervisor Flessas said that what he thinks was discussed that evening was that the Town to not incur any cost. Supervisor Schatzman said that was the spirit.

Supervisor Mantz said that on page 2 in the last sentence where she made the friendly amendment the word perennial needs to be added after bulb.

Inspector Lake said that the proposed language for the revised motion for the theater sign limits their liability for moving the sign only if the right of way is secured by eminent domain. If the right of way is obtained by any other means they do not pay for moving the sign.

Supervisor Flessas said that the point of the motion was that no matter how the Town acquires the right of way the Town does not incur any cost to move it.

Chairperson Henderson said that the way it is worded he would think that if it is not eminent domain the Town is paying the cost.

Supervisor Schatzman said that he does not see the word only, it says pursuant to, not only pursuant to.

Supervisor Flessas suggested the wording be pursuant to, among other methods including but not limited to eminent domain.

Attorney Habek said that the Board could choose to remove it and word it, acquires the property where the sign is located in order to construct a public roadway, then opens it to any method that would acquire it. Again this has to be based on what the decision was that night.

Supervisor Flessas said acquires the property where the sign is located for purposes of installing a road, or right of way.

Chairperson Henderson requested that the Clerk review the tape.

Supervisor Mantz moved to table the May 4, 2005, 2005 Town Board meeting minutes pending review of the tape by the Town Clerk, seconded by Supervisor Stroebel, voted on, carried unanimously.

PUBLIC COMMENT

None.

NEW BUSINESS

- a. JOINT POWERS AGREEMENT, COUNTY 911 EMERGENCY SYSTEM  
Supervisor Mantz moved to approve the Joint Powers Agreement, County 911 Emergency System with Waukesha County, seconded by Supervisor Stroebel, voted on and carried unanimously.
- b. COMPREHENSIVE DEVELOPMENT PLAN PUBLIC PARTICIPATION PLAN  
Supervisor Mantz moved to approve the adoption of Comprehensive Development Plan Public Participation Plan as approved by the Advisory Committee, seconded by Supervisor Schatzman, voted on, carried unanimously.
- c. PICNIC PERMIT (MAY 27, 2005)  
Supervisor Flessas moved to approve a Picnic Permit for Marx Park on Friday May 27, 2005 for GE Healthcare Financial Services from 1:00 p.m. until 10:00 p.m., seconded by Supervisor Mantz, voted on, carried unanimously.
- d. RESCHEDULE JUNE 21, 2005 TOWN BOARD MEETING  
No Action taken the Board decided to have the meeting as regularly scheduled.
- e. BARTENDER LICENSES None.

OLD BUSINESS

- a. COMMITTEE COMMISSION AND BOARD APPOINTMENTS  
Supervisor Mantz moved to approve Chairperson Henderson's recommendation for appointment to the Architectural Control Committee, Police & Fire Commission, Board of Review and Board of Appeals, the motion died for lack of a second.  
  
Supervisor Stroebel moved to table the appointment to the Architectural Control Committee, seconded by Supervisor Mantz, voted on, passed 3 – 2 with Chairperson Henderson and Supervisor Flessas voting nay.  
  
Supervisor Mantz move to approve Chairperson Henderson's recommendation for appointment of Jere Jelinek to the Board of Review, seconded by Supervisor Stroebel, voted on, and carried unanimously.  
  
Supervisor Schatzman moved to approve Chairperson Henderson's recommendation for appointment to the Police & Fire Commission of Don Pekel for a 5 year term and Steve Popek for the 1 year term. The motion was seconded by Supervisor Mantz, voted on, carried unanimously.  
  
Supervisor Mantz moved to approve Chairperson Henderson's recommendation for appointment to the Board of Appeals of Gordon Gaeth as the Plan Commission member, Brian Eckelman and Dick Thompson, seconded by Supervisor Stroebel, voted on, carried unanimously.  
  
Chairperson Henderson has designated Dean Pearson as the Chair of the Board of Appeals.

VOUCHERS

Supervisor Mantz moved to approve the vouchers as presented in the amount of \$51,278.96 seconded by Supervisor Stroebel, voted on, and carried unanimously.

Included in the approved vouchers were \$12,050.00 to Grota Appraisals LLC for annual assessment work and revaluation; \$7,081.25 to Cramer, Multhauf & Hammes for legal fees and \$4,139.12 to Scott Oil/Heating Co for vehicle fuel.

COMMUNICATIONS AND ANNOUNCEMENTS

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

12. Chairperson Henderson noted that the Smart Growth will be requesting information on housing stock so he would like the Town's Assessor Grota Appraisal to supply that electronically to the County when they get to that point.
14. Chairperson Henderson said that a note should be in tidings. Clerk reported that the note was not received in time for the tidings but it has been put on the Town web page.
16. Chairperson Henderson said he would not be able to attend but Supervisor Flessas said he could and Supervisor Mantz and Schatzman also will attend.

ADJOURNMENT

There being no further business Supervisor Flessas moved to adjourn, seconded by Supervisor Stroebel, voted on and carried unanimously. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Jane F. Carlson  
Town Clerk

**CORRESPONDENCE**

**May 17, 2005**

1. Waukesha County "Focus on County Government" Spring/Summer 2005.
2. E-mails regarding McDonalds 24 hour drive-thru.
3. Business After Five, May 19, 2005.
4. Minutes Waukesha County Cooperative Council.
5. Local Streets and Roads, Spring 2005.
6. Certified copy IOrdinance No. 2010-05, annexing 73.2908 acres.
7. Letter to City of Brookfield requesting public records.
8. Letter to City of Brookfield requesting W-2 and 1099 records.
9. Waukesha County Recycling report.
10. Letter from Waukesha County regarding lot not abutting public road.
11. Certified Survey Map for S & T North Shore LLC.
12. May 2005 invoices from Grota Appraisals.
13. Letters to Alan Kopp, Frank Dombrowski, and Tom Cole regarding resignations from Sanitary District No. 4.
14. Onyx Recycling Awareness.
15. Wisconsin Waste Reduction and Recycling Program.
16. Invitation Wauwatosa Savings groundbreaking, May 20, 2005.
17. Invitation Ruckert-Mielke open house, May 26, 2005.

May 13, 2005

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

TUESDAY, MAY 17, 2005

7:00 P.M.

PUBLIC HEARING

The purpose of the public hearing is to solicit public comment regarding whether the Sanitary District No 4 should be dissolved. If dissolved the assets and liabilities would be assumed by the Town of Brookfield Utility District pursuant to Sec. 66.0827 Wis. Stat.

TUESDAY, MAY 17, 2005

IMMEDIATELY  
FOLLOWING 7:00 P.M.  
PUBLIC HEARING

BOARD OF REVIEW

The Board of Review will adjourn to a later date.

TUESDAY, MAY 17, 2005

IMMEDIATELY  
FOLLOWING  
BOARD OF REVIEW

SANITARY DISTRICT  
NO 4

AGENDA:

1. Call to Order.
2. Approval of Agenda.
3. Approval of Minutes.
4. Citizen comments: Three-minute limit.
5. New Business:
  - a. Review of December 31, 2004 Audit Report.
  - b. Discussion and necessary action regarding rescheduling the June 21, 2005 Sanitary District No 4 meeting.
6. Old Business:
  - a. Appointment of Engineer.
  - b. Discussion and necessary action regarding Administrator salary
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

**TUESDAY, MAY 17, 2005**

**IMMEDIATELY  
FOLLOWING THE  
SANITARY DISTRICT NO 4  
MEETING**

**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. Recommendation and approval for appointments to the Town Committees, Commissions and Boards.
6. New Business:
  - a. Discussion and necessary action regarding Joint Powers Agreement, County 911 Emergency System.
  - b. Discussion and necessary action regarding adoption of Comprehensive Development Plan Public Participation Plan.
  - c. Approval of Picnic Permit for Marx Park on Friday May 27, 2005 for GE Healthcare Financial Services from 1:00 p.m. until 10:00 p.m.
  - d. Discussion and necessary action regarding rescheduling the June 21, 2005 Town Board meeting.
  - e. Approve bartender licenses.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

**THURSDAY, MAY 19, 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.