

TOWN OF BROOKFIELD
TOWN BOARD
AUGUST 23, 2005

The regular meeting of the Town Board was held on Tuesday, August 23, 2005 in the Erich Grant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

Chairperson Keith Henderson called the meeting to order at 7:40 p.m. with the following people present: Supervisors: John Schatzman, Robert Flessas and Patrick Stroebel, Attorney James Hammes, Administrator Richard Czopp, Building Inspector Gary Lake and the Town Clerk to record the minutes.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Supervisor Stroebel moved to dispense with the reading of the minutes of the August 2, 2005 Town Board meeting and approve them as presented, seconded by Supervisor Schatzman, voted on, carried unanimously.

PUBLIC COMMENT

Owen Durigan Mary Lynn Drive commented on a non-agenda item regarding the salary given to the Administrator and Clerk for the duties they are doing for Sanitary District No 4 and asked Attorney Hammes to e-mail him the statutes he referenced at the Sanitary District meeting.

CHAIRMAN'S REPORT

a. UPDATE ON SUPERVISOR POSITION

Chairperson Henderson reported to the Board that he has received 7 letters of interest for the Supervisor seat vacated by Cheryl Mantz. He explained the procedure that will take place on September 6, 2005 when the replacement will be selected by the remaining board members and the clerk. Randomly each candidate will be given the opportunity to give a short biography of them and why they are interested in the Supervisor seat, the board and clerk will be given an opportunity to ask questions, and then end with a summary by the candidates.

OLD BUSINESS None.

NEW BUSINESS

ADDENDUM

GREENFIELD AVE (HWY 59) RECONSTRUCTION

Chairman Henderson said he would like to give a brief history on the project and that Mr. Johnson is here tonight from the Department of Transportation to answer questions of the Board and Town Officials.

He explained that in the late 90's the state approached the Town as well as the

City of Brookfield, City of New Berlin, City of Waukesha and the Town of Waukesha on the possibility of expanding Hwy 59 (Greenfield Ave) to four lanes from Calhoun Road to Hwy 164. They had concern with the safety of the road and felt expanding it to four lanes would help that, but the state budget indicated nothing to happen until 2012 at the earliest. They requested the communities to show support of the project by adopting a resolution so they could then approach the state regarding moving the project up by about five years.

All five communities agreed so the next step was that the state then needed to do a study to determine if it is classified as a regional road or local road. If the results came back that Hwy 59 (Greenfield Road) was a regional road there would be no cost to the communities, if it was determined to be a local road then twenty-five percent of the cost would have to be paid by the communities. There was a meeting held in late 1999, all five communities and the state were aware of cost factors but, all parties at the table agreed that Hwy 59 (Greenfield Road) was a regional road. The conclusion of the study was in a report dated October 2000 and the decision was that Hwy 59 (Greenfield Avenue) is a local road. Each of the communities then needed to decide whether they wanted to contribute in the twenty-five percent cost share. The state at that point said that if any one of the five communities did not want to pay their share of the twenty-five percent the project would not go forward. There were two communities the Town of Brookfield and the City of New Berlin that decided that they did not want to pay the share that was presented to them, and the other three agreed to participate. So, at that point it was thought that the project was dead and would not be back on the table for the state until 2012. The three communities that voted for it decided to actually put the money for it in their budgets and the state then did some planning for it. The state has come back to the City of New Berlin and the Town of Brookfield and requested that they pay their share since the other three have put theirs in.

Chairman Henderson said that his major problem is that he does not feel the study was done properly therefore, the results are not accurate. He has had numerous discussions with the state on why he does not feel the study is accurate. At this time the state has put the Town's cost share at \$723,000 and some odd dollars and the original number was \$980,000. The reduction as he understands it is because of the front footage change over the years.

Mr. Johnson said that the reduction is because of the state agreed to base the cost share on a July 2003 cost estimate and the time the other communities signed on board. This is significantly less than the current project estimate.

Chairman Henderson said that the letter that he wrote to Mr. Johnson had a few things in it that he was concerned about. The Town of Brookfield has approximately four tenths of a mile front footage on this road and based on the size of the community the cost requested from the Town is inappropriate. He gave comparisons of the numbers requested from the other communities prior to

the change. They were City of Waukesha 900,000; Town of Waukesha a little over 800,000; City of New Berlin 2.3 million and the City of Brookfield 1.3 million. These numbers have changed but even with that for the size of the Town, they are requested to pay a pretty good share.

Another concern he said is the extension of Brookfield Road at the request of the City of Brookfield. The state did the study of where it would come out at and decided to use a property located in the Town. The state obtained the land by purchasing it, evicting the land owner and then will be giving the land to the City of Brookfield so the road can be built. What the state has basically done was taken land from the Town and given it to another municipality. The extension of Brookfield Road will create more traffic causing the portion of the road north of I-94 that is in the Town to have to be rebuilt sooner than the Town planned for. Depending on how much more traffic is generated from the extension along with the proposal of a split diamond interchange on Brookfield Road it will probably have to be expanded to four lanes which for a half mile section of road would cost approximately a million dollars. Now not only has the Town lost the land and value of the property they will have to pay more money in the near future for road improvements.

He has asked the state to consider that this community is a Town, will not be growing that much, is under constant threat of annexation, and have requested that they allow the citizens of the Town to vote on village status. This way the Town would know that the borders are fixed and therefore would have a fixed income to pay this type of a bill and other improvements it will create.

The response back from the state is they are the Department of Transportation and have no say over the Department of Administration so therefore they can not support that.

Dewayne Johnson introduced himself as the Director of the Southeast Region of the Wisconsin Department of Transportation. He said that the staff has been working with Chairman Henderson and the other communities to try and move forward the Greenfield Avenue project. He said that Chairman Henderson probably described the history more accurately than he could because he has not been involved as long.

The project is currently broken down into two parts; one area is east of Baythorne which has been let for construction this year, with most of the construction being done next year. Then the piece west of Barker Road would be let next year and constructed after that. Because at this point the City of New Berlin and the Town of Brookfield are not on board for the local cost share the plan right now is to narrow the road down to two lanes from Baythorne to Barker Road. However because of safety and capacity concerns the state will also cul-de-sac off two roads in New Berlin. The state is trying to work with all of the communities but they have to adhere to the statewide policy for local cost share, and are looking

for ways to be flexible and reasonable. The current project cost is estimated at nearly 27 million dollars and if the local cost share for the Town would be based from that it would be nearly 1 million dollars. Because the state has negotiated agreements with the other three communities they have decided from a fairness stand point they would offer the same deal to the Town of Brookfield and the City of New Berlin. They recognize that the Town is small, under threat of annexation and like all communities have some debt service, so are willing to work on spreading out the payments over a period of time. By getting the cost share agreement the road could be widened and provide for the regional users as well as the local users.

Regarding the traffic study, to be eligible or require the twenty-five percent local cost share there has to be forty percent local traffic coming to or coming from an area within one half mile of an envelope of the project limits. In this case the study reflected that sixty-eight percent of the traffic is local traffic. The points that Chairperson Henderson have brought up to the state they do not feel would bring the percentage down to or below the forty percent mark. A decision needs to be made quickly because the month of September has been designated as the time this is to be brought to resolution in order to make plan changes.

Supervisor Flessas asked what the cost is per mile to build a four lane road.

Mr. Johnson said that he does not have an exact mileage, but an urban roadway would be in the neighborhood of 3 to 5 million dollars per mile.

Supervisor Flessas asked how many miles will be constructed for this project.

Mr. Johnson said that he is not sure how many miles but the project is from Calhoun Road to Hwy 164 and with discussions including east of 124th street it is around 5 miles.

Chairperson Henderson said that he thinks this area is about 3 to 4 miles.

Supervisor Schatzman asked if there has been any modification to the study for annexation that has occurred since the study.

Mr. Johnson said that he spoke with Brian Bleisner the supervisor for the project and he said that he has looked into the issue on annexations and they are negligible in terms of effect on the local cost share. The City of Brookfield Mayor said that he is willing to consider a proposal from the department for changes if they felt there was a need.

Supervisor Schatzman said that he has to agree with the study being flawed because he did participate in the study. He was transporting his children to school at the time the study was conducted. He explained that they hand out post cards to be filled out on a totally voluntary basis and send it in. People were making

multiple trips and sometimes they would send the card in and some times they did not. Maybe this was the best the state could do, but it was really flawed by not having a second stop to pick up the cards. Maybe there is a different way to calculate the results or reexamine that issue.

Mr. Johnson said that the people that do the studies would be happy to come out and meet with the Town and talk about that. Previously they have offered to restudy the local cost share but, if the results came in above the forty percent local traffic the community that requested that it be restudied would have to pay the cost of the study. However, to bring this to resolution, at this time there is no way that another study could be done before the project starts.

Chairperson Henderson said that based on the study recognizing that from Hwy 59 north on Barker Road up to almost Davidson Road is a half mile they are saying that the Town of Brookfield has 20.9 percent of the traffic through the study area. If you think about it that is a lot of cars going north on Barker Road and turn off at Davidson Road because to go past Davidson road is out of the study area. What is happening is that in the morning cars traveling from the south side of the City of Waukesha are using Hwy 59 (Greenfield Avenue), turning on Barker Road going past Davidson Road to get to I-94. The numbers prove that because all the traffic is going north in the morning and the reverse in the evening. They have listed same pattern all seven days of the week with different quantities. He said that is one of his major objections, what they really have is regional traffic starting in the City of Waukesha going through the study area and going north on Barker Road. The states is saying that 20.9 percent of that traffic turns off and goes into the Town for a total of 389 homes in that area.

Supervisor Flessas said he would like to see the figures on what it actually cost per mile to build this road.

Attorney Hammes asked Mr. Johnson if the Town does not participate in the cost share if the DOT will not, or can not construct a four lane road between Barker Road and Baythorne.

Mr. Johnson said the state will not.

Attorney Hammes said then the state can build it but have decided they will not if the Town does not pay. He also asked when the state figured the percentage did they looked at the increase in use that will result when Brookfield Road is connected. Because once that happens the City of Brookfield's use would go up significantly.

Mr. Johnson said that he did not think so and thinks it was based on what is there at the time of the study. He added that on the local cost share the state is concerned with obtaining the twenty-five percent of the total cost based on the 2003 estimate. The Town could negotiation with the other communities a portion

of their share based on the different logics and the Department of Transportation is open to that. He also said that they are willing to cap the local cost share if the Town comes on board now. However, if the Town does not come on board now and there is this ½ mile gap the cost share issue at a later date will not go away and it could be based on the 27 million dollar estimate in addition to what the overall cost could increase due to inflation.

Supervisor Flessas said that the state collects a lot of the money on gas taxes and wonders what the state is doing with this money.

Chairman Henderson said that all the communities involved get something out of this except the Town. The City of Waukesha is getting the road that they desperately want for their residents, Town of Waukesha gets Springdale Road moved to the east instead of the west which saves some of their businesses, New Berlin gets a storm water pond bigger than what they had plus three accesses to Greenfield instead of one for a neighborhood and the City of Brookfield gets Brookfield Road extended to Greenfield. What does the Town get nothing and the only thing that the Town wants is a frozen border so then he could consider it.

He said that he would like this board to consider more than just one night for a decision on this amount of money. He would like to bring this back at the second meeting in September to give the new member time to get the information before they vote.

Supervisor Flessas said he would like the cost information before the Town votes.

Chairman Henderson said that from the very beginning the state was doing the project at the four lanes for safety reasons. However, if the Town does not participate, the ½ mile stay at two lanes negates the safety reason to why the state wants to build the road in the first place.

Supervisor Stroebel asked if the cost to acquire the property to extend Brookfield Road is included as part of the project. He also asked why the project was being moved up from 2012 to 2007.

Mr. Johnson said that his recollection is that there was local request and state action, that at the budget that took Greenfield Avenue from 124th Street out of the major project category.

Supervisor Schatzman asked if it was the City of Brookfield that specifically requested that it be moved up.

Mr. Johnson said that he did not know but could verify that, and that they have had a number of discussions with the City of Brookfield who felt it was important that the project be constructed.

There being no further questions and discussion and no action needed at this time Chairman Henderson moved to the next item on the agenda.

- a. ENVIRONMENTAL TAX INCREMENTAL DISTRICT NO 1
Supervisor Schatzman moved to approve the creation of the Environmental Tax Incremental District No. 1 in the Town of Brookfield, Wisconsin (See the Resolution "A Resolution of the Town Board Approving the Proposal to Remediate Environmental Pollution, to Create E-TIF No. 1, and to Convene a Joint Review Board to Review the Creation of the District, the Remediation Proposal and its costs within Proposed Environmental Remediation Tax Incremental District No. 1 in the Town of Brookfield, Wisconsin), seconded by Supervisor Flessas, voted on and carried unanimously.
- b. BARTENDER LICENSES
Supervisor Stroebel moved to, approve bartender licenses for Gino A. Jorgensen at Hampton Inn and Meghan L. Petersen at Applebee's, seconded by Supervisor Schatzman, voted on, carried unanimously.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

- a. CLERK'S REPORT
 1. SPECIAL ELECTION UPDATE
Clerk Carlson explained that the election to fill the vacant County Executive seat is scheduled for October 18, 2005. If there are more than two people that file candidacy papers for the County Executive seat there will be a primary held on September 20, 2005.

VOUCHERS

Supervisor Stroebel moved to approve the vouchers as presented in the amount of \$115,981.00 seconded by Supervisor Schatzman, voted on, and carried unanimously.

Included in the approved vouchers were: \$21,694.63 to Graef, Anhalt, Schloemer & Assc. for engineering services; \$14,950.00 to Grota Appraisals, LLC for assessment and revaluation work and \$5,628.29 to Scott Oil/Heating Co for vehicle fuel.

COMMUNICATIONS AND ANNOUNCEMENTS

The attached list of correspondence was reviewed by members of the Board, with no comment.

ADJOURNMENT

There being no further business Supervisor Flessas moved to adjourn, seconded by Supervisor Schatzman, voted on and carried unanimously. The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Jane F. Carlson/Town Clerk

CORRESPONDENCE
August 23, 2005

1. Ruckert-Mielke, "Solutions", Summer 2005.
2. Memo from Paul Kanter regarding Waukesha County Towns meeting.
3. Report from Gloria Albrecht, Brookfield Chamber member.
4. Legislative Breakfast Meeting, Aug. 26, 2005.
5. Invoice from Grota for assessment notices.
6. Invoice from Grota for August 2005.
7. Wis Dept of Admin 2005 population estimate.
8. Letter of appreciation for Sanitary District No. 4 from Carroll College.
9. Letter from Bob Rockey regarding SB 165.
10. Memo from Wis Elections Board regarding Voter Registration System.
11. Elmbrook Schools Joint Community Forum, Set 22, 2005.
12. Letter from Ken Chmielewski regarding sewer assessments.
13. Notice of resignation from Dan Finley, County Exec.
14. Alby Materials, "Foundations", Summer 2005.
15. Waukesha County Community, "Foundations", Summer 2005.
16. E-mail from Sharon L regarding Comprehensive Planning Act.
17. WE Energies, Power the Future update", Spring 2005.
18. Wis DNR, "Horizons", Summer/Autumn 2005.
19. Wis DNR, "Horizons Directory", Summer/Autumn 2005.
20. Letter from Chad Brown requesting direction on Brook Park weed cutting.
21. "Seasonal Impressions", Summer 2005.
22. Food Pantry of Waukesha, "Fruits of our Labor 2005".
23. Letter to Mayor Speaker regarding Sheraton Hotel incident.
24. Legislative Breakfast with Scott Walker & Mark Green, Aug 26, 2005.
25. Waukesha County volunteers fundraiser, Nov. 18, 2005.
26. Waukesha County 2005 Town Hall Meetings overview.
27. 2005 Concerts in the Gardens schedule.
28. Letter to Gary Lake from Earth Construction LLC regarding demolition permit.
29. E-mail to Keith Henderson from Owen Durigan regarding salary increases.
30. Local Roads & Streets Council newsletter Vol 5 No 2.

August 19, 2005

MEETING NOTICES

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

TUESDAY, AUGUST 23, 2005
DISTRICT

7:00 P.M.

SANITARY

NO 4

AGENDA:

1. Call to Order.
2. Approval of Agenda.
3. Approval of Minutes.
4. Citizen comments: Three-minute limit.
5. New Business:
6. Old Business
 - a. Recommendation from Administrator regarding sewer rate study.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

TUESDAY, AUGUST 23 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. Chairman's Report

- a. Update on Supervisor position.
6. Old Business:
7. New Business:
 - a. Town Board Action Regarding the Proposed Creation of Environmental Tax Incremental District No. 1 in the Town of Brookfield, Wisconsin (See the Resolution “A Resolution of the Town Board Approving the Proposal to Remediate Environmental Pollution, to Create E-TIF No. 1, and to Convene a Joint Review Board to Review the Creation of the District, the Remediation Proposal and its costs within Proposed Environmental Remediation Tax Incremental District No. 1 in the Town of Brookfield, Wisconsin”).
 - b. Approve bartender licenses.
8. Department, Boards, Committee/Commission Reports/Recommendations:
 - a. Clerk’s Report.
 1. Special Election for County Executive position.
9. Approval of Vouchers and Checks.
10. Communications and Announcements.
11. 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.