

TOWN OF BROOKFIELD
TOWN BOARD
SEPTEMBER 6, 2005

The regular meeting of the Town Board was held on Tuesday, September 6, 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 : 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 Flessas motioned to move agenda items number 7 New Business and number 8; Department, Boards, Committee/Commission Reports/Recommendations up for consideration after item number 3, seconded by Supervisor Schatzman, voted on, and carried unanimously.

APPROVAL OF MINUTES

Chairman Henderson said that the August 23, 2005 Town Board meeting minutes need some changes: On page 2, in the second paragraph, the second to the last sentence the word *actual* should be *actually*; on page 3, the second paragraph, the last sentence needs a comma after the word property. Also, on page 5, the third paragraph in the fourth sentence, the word *The* should be *They* and the word *the* added between listed and same; On page 6 in the third paragraph, the last sentence needs to be re-worded and should read as follows: The Town is proposed to get nothing from this, and the only thing needed for him to consider participation, would be for the state to freeze the Town's border.

Supervisor Flessas moved to dispense with the reading of the minutes of the August 23, 2005 Town Board meeting and approve them as corrected, seconded by Supervisor Schatzman, voted on, carried unanimously.

NEW BUSINESS

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 it 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. SET DATE FOR BOARD INFORMATIONAL MEETING ON GREENFIELD ROAD

Supervisor Flessas moved to set Tuesday, September 20, 2005 at 6:00 p.m. as the date for a Special Town Board Informational Meeting to review the proposal from the state for the Town's cost share for the reconstruction of State Highway 59 (Greenfield Road) from State Highway 164 to Calhoun Road, seconded by Supervisor Schatzman, voted on, carried unanimously.

- c. TEMPORARY CLASS B BEER LICENSE FOR FIRE BELLES
Supervisor Schatzman moved to approve a Temporary Class B Beer License to Town of Brookfield Fire Belles for September 10, 2005 at Brookfield Regency, 777 N. Brookfield Road., seconded by Supervisor Flessas, voted on, carried unanimously.
- d. BARTENDER LICENSES
Supervisor Stroebel moved to approve bartender licenses for Angela C. Verberne and Joseph Wiemiller Applebee's and Preston Reynolds, seconded by Supervisor Schatzman, voted on, carried unanimously.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

- a. PLAN COMMISSION RECOMMENDATION
 - 1. CONDITIONAL USE PERMIT AT CORNER OF JANACEK ROAD AND SOMMER DRIVE
Supervisor Schatzman moved to approve the Conditional Use Permit for a commercial recreational facility at the southwest corner of Janacek Road and Sommers Drive, with the following August 30, 2005 Plan Commission recommendations:
 - 1. The hours of operation shall be from 9:00 a.m. to 9:00 p.m. seven days a week.
 - 2. An indoor juvenile party facility for privately scheduled parties.
 - 3. No serving of alcohol and no on-site food preparation.

The motion was seconded by Supervisor Flessas, voted on and carried unanimously

- 2. CONCEPTUAL AND FINAL APPROVAL OF RECREATIONAL FACILITY AT JANACEK ROAD AND SOMMER DRIVE
Supervisor Flessas moved to grant Conceptual and Final Approval for a 12,000 square foot commercial recreational facility at the southwest corner of Janacek Road and Sommer Drive, subject to the attached August 30, 2005 Plan Commission recommendations, seconded by Supervisor Schatzman, voted on and carried unanimously

SELECT AND SWEAR IN NEW TOWN BOARD SUPERVISOR

Chairman Henderson explained the procedure for appointing the person to fill the vacant seat on the Town Board that was created by Cheryl Mantz's resignation. He said that the following seven people had submitted letters and/or resumes of interest. Nicole Marie Bostrom, 20225 Davidson Road; Paul Bugenhagen Jr, 20885 Hawthorne Ridge Ct; Brian Eckelman 1135 Summit Dr; Daniel J Krueger 21295 Weyer Road; Ray W. Palmer, 21365 Greendale Dr; Terrence L. Pringle, 20455 Brook Park Dr; Dan G. Shea, 19145 Timberline Dr. He thanked them, told them if they are not appointed not take it personally, and encouraged each of them to seriously consider running for the election in April. He said that each candidate would be given two to three minutes to introduce themselves, the Board and Clerk will then have the opportunity to ask questions for each

candidate to answer, followed by the candidate summarizing their reason of interest and they can bring to the Town. He said that the order would be random each time the candidates responded.

A roll call vote was taken by Attorney Hammes for the position of Town of Brookfield Supervisor, to fill the unexpired term created when Cheryl Mantz resigned, with the following results:

Supervisor Schatzman: Dan Shea
Supervisor Stroebel: Dan Shea
Supervisor Flessas: Nicole Bostrom
Clerk Carlson: Terrence Pringle
Chairman Henderson: Dan Shea

Attorney Hammes read the vote that Mr. Shea received 3 votes, Ms. Bostrom 1 vote and Mr. Pringle 1 vote. Dan Shea was appointed to the position of Town Board Supervisor by a 3 – 1 - 1 vote. Chairman Henderson explained that there is a Police and Fire Commission meeting on September 12, 2005 and Mr. Shea is the current Chairman. He said that he should serve out for that meeting so, will not be sworn into office until after that meeting and he submits his resignation from his position on the Police and Fire Commission.

Chairman Henderson took a five-minute recess from 9:05 p.m. until 9:10 p.m. to allow Supervisor the opportunity to take his place at the table with the remainder of the Board and to review some of the information in the packet.

PUBLIC COMMENT

Owen Durigan, 21475 Mary Lynn Drive commented on a non-agenda item regarding Administrator Czopp's contract and salary and Clerk Carlson's salary.

OLD BUSINESS None.

VOUCHERS

Supervisor Stroebel moved to approve the vouchers as presented in the amount of \$153,834.66, seconded by Supervisor Schatzman, voted on, and carried unanimously.

Included in the approved vouchers were: \$55,020.00 to Badger Truck Center, Inc for the body of the DPW Sterling Truck; \$27,529.08 to Onyx Waste Services for refuse/recycling and yard waste services and \$8,475.25 to Cramer, Multhauf & Hammes for legal fees.

COMMUNICATIONS AND ANNOUNCEMENTS

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

5. Chairman Henderson said that it should be noted.
12. Chairman Henderson said that he would be attending.

CLOSED SESSION 9:15 P.M.

Supervisor Flessas moved to adjourn into Closed Session according to Section 19.85(1)(g) Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted with respect to pending litigation with City of Brookfield, seconded by Supervisor Stroebel, voted on, and carried unanimously.

OPEN SESSION 9:35 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.

Supervisor Schatzman directed Attorney Hammes to request via open records request to the City of Brookfield a copy of their complete Draft of the Municipal Consolidation Study immediately upon availability to any other city department or body including any memos, notes, outlines, sketches or rough copies used to compile the study, seconded by Supervisor Flessas, voted on, 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 9:40 p.m.

Respectfully submitted,

Jane F. Carlson
Town Clerk

CORRESPONDENCE
September 6, 2005

1. Focus, July & August 2005.
2. Waukesha County 2nd Qtr 2005 Recycling report.
3. Elmbrook Humane Society month report, May 2005.
4. Waukesha County "Turn Over a New Leaf" yard waste program.
5. WISDOT new organization structure.
6. Time Warner Cable programming change.
7. Brookfield Chamber of Commerce Annual Dinner, Nov 16, 2005.
8. Time Warner Cable October billing statement & FCC Regulatory Fee.
9. Minutes Waukesha County Cooperation Council, July 25, 2005.
10. Brookfield Registry, August-October 2005.
11. Police & Fire Commission minutes of August 4, 2005.
12. Meeting notice for TRIP Committee meeting September 22, 2005.
13. Grota Appraisal invoice for August 2005 revaluation and assessment work.

September 2, 2005

MEETING NOTICES

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

TUESDAY, SEPTEMBER 6, 2005

7:00 P.M.

**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. Set date for a Special Sanitary District No 4 meeting regarding rate study.
6. Old Business None.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

TUESDAY, SEPTEMBER 6, 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. Select and swear in the Town Board Supervisor to fill the seat vacated by Cheryl Mantz whose term expires in April of 2007.
5. Citizen comments: Three-minute limit.
6. Old Business: None.
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. Discussion and necessary action on setting a date for an Informational Meeting for the Board to review the proposal from the state for the Town’s cost share for the reconstruction of Greenfield Road from STH 164 and Calhoun Road.
 - c. Approval of a Temporary Class B Beer License to Town of Brookfield Fire Belles for September 10, 2005 at Brookfield Regency, 777 N. Brookfield Road.
 - d. Approve bartender licenses.
8. Department, Boards, Committee/Commission Reports/Recommendations:
- a. Plan Commission Recommendations:
 1. For approval of a Conditional Use Permit for a commercial recreational facility at the southwest corner of Janacek Road and Sommer Drive.
 2. For Conceptual Approval, and Final Approval for a 12,000 square foot commercial recreational facility at the southwest corner of Janacek Road and Sommer Drive.
9. Approval of Vouchers and Checks.
10. Communications and Announcements.
11. Adjourn into **CLOSED SESSION**, according to Section 19.85(1)(g) Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted with respect to pending litigation with City of Brookfield.
12. 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.
13. 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.