

TOWN OF BROOKFIELD  
TOWN BOARD  
APRIL 5, 2006

The regular meeting of the Town Board was held on Wednesday, April 5, 2006 in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

Chairperson Keith Henderson called the meeting to order at 7:06 p.m. with the following people present: Supervisors: John Schatzman, Patrick Stroebel and Dan Shea, Attorney James Hammes, Administrator Richard Czopp, Building Inspector Gary Lake and the Town Clerk Jane Carlson to record the minutes. Supervisor Robert Flessas entered the meeting at 7:12 p.m. and Attorney James Hammes entered at 7:15 p.m.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Supervisor Shea said that there are correction needed in the March 21, 2006 minutes one is in the second paragraph the time should be **7:05 p.m.** and the other is on page 2 in the first heading the word **Farmer** should be **Farmers**.

Supervisor Stroebel moved to dispense with the reading of the minutes of the March 21, 2006 Town Board meeting and approve them as corrected, seconded by Supervisor Shea, voted on, carried unanimously.

PUBLIC COMMENT

Claudine Setzke, 19645 Briar Ridge Drive West commented on an agenda item asking if the Town Board was going to grant access to Janacek Road for the land development west of the Town Hall site.

NEW BUSINESS

a. **AUDIT REPORT**

Wendy Unger from Virchow Krause & Company presented and summarized the attached 2005 Financial Highlights of the Audit and informed that the board that the debt portion of the tax levy will be increasing over the next years if other sources of revenue are not obtained.

b. **BARTENDER LICENSES**

Supervisor Flessas moved to approve bartender licenses for Yorgancioglu Seyit at Heinemann's, seconded by Supervisor Stroebel, voted on, carried unanimously.

OLD BUSINESS

a. **UPDATE AND DISCUSSION ON TOWN LAND SALE**

Scott Bence with JBJ Development updated the Board on the progress of getting the Waukesha County Development Plan amended so that the rezoning can take place. He explained that there have been public hearings with the Plan Commission at the County,

and meetings with the LUPE Committee (Land Use Parks and Environment) who makes the recommendations to the County Board. These recommendations are based on the information that they have heard at the hearings and meetings. After they reviewed everything they forwarded by a unanimous vote a Resolution to the County Board for action at their meeting last Tuesday, March 28, 2006. However a letter circulated by Claudine Setzke and Carol Johnson was presented to the County Board raising the same issues about the project that had been brought up in the past. Most of these concerns have been heard in the past, however, a few of the Board members were not as familiar with the project and so there was a motion to table it and send it back to the Town to get clarification on the issues. At this time he said that he needs the Town Boards assistance in getting this back to the County Plan Commission and LUPE Committee and will need some type of consensus that everyone is on the same page with this development.

He explained what has taken place with regards to the county's request to take away the Elizabeth Court access by gating it. He has had traffic studies and meetings with county officials and has been able to convince them to keep that access open jointly only with the eventual access to Janacek Road. However at this past meeting there were a couple of the Board members that raised concern over the LUPE Committee recommendation to open the road access.

He summarized that the Town has submitted a rezone request to the county and since it is a PUD (Planned Unit Development) zoning there is the requirement of providing a conceptual plan with a unit count which was 77. Since that took place a while ago he thinks that the Town Board needs to put together a Resolution addressing issues and what the consensus is. He also said that it would probably be helpful if any of the Town Board members could attend the three meetings.

Supervisor Flessas said that he attended the last meeting and was given the opportunity to try to explain the history of the project in three minutes. The conflict is between the unit count of about 9 to 12 more and the access.

Claudine Setzke 19645 Briar Ridge Drive West said that all the residents want is a compromise on the number of units.

Chairman Henderson said that there were four conditions put on the project last year. The number of dwelling units was to be 52, gating Elizabeth Court forcing the only exit to be Janacek Road, maximum height restriction of 880 by removing the third story from the north wing and a deed restriction that the Primary Environmental Corridor will always remain. He said that the number one reason he wanted it back to the County was to get the chain off of Elizabeth Court and for the developer to work on a compromise on the unit number being 64.

Supervisor Flessas said that is exactly what the approval was from the LUPE Committee to the County Board the chain off Elizabeth Court, 64 units, height restriction and deed restriction.

Mr. Bence explained that the height would be about the top of the salt shed plus or minus 2 or 3 feet and this would be the ridge of the roof at the highest point.

Charles Setzke, 19645 Briar Ridge Drive West said Supervisor Flessas made a statement that the people to the north of this project are the only ones who have concerns. He asked him and the board how much information they have gotten to the citizens south of Bluemound Road on this project.

Supervisor Flessas said that all the information that has been provided publicly to every Board member is available to anybody. He said that Mr. Setzke did talk with him about the closed meetings that have been held, and he explained to him that they were for purpose of negotiating the selling contract and required so as to not interfere with the Town's bargaining position.

Mr. Setzke said that the public does not attend the meetings so, he feels that they do not know anything about this project, and the possibility that a road will be going right in front of the fire department.

Ms. Setzke said that the County Board members she has talked with will not approve the development unless there is a gate at Elizabeth Court because of the traffic situation on Bluemound Road and they also want to listen to the tape from the annual meeting.

Attorney Hammes said that the issue that was presented to the electors at the Annual Meeting was to authorize the Board to sell the property it was not authorizing the sale with a specific number of units. At the meeting there were a number of different counts given at different times because the exact build able acreage was not known so Mr. Lake based it on approximately 6 build able acres. The issue on the street would be required by the county no matter what the Town would want to develop if there was a rezone required.

Supervisor Schatzman said that the difficulty is the unknown and people perceiving that if there are a certain number of units, what their life style will be like, as well as the traffic. There are other areas that have twice the density one being the Brookfield Lakes Condos on Brookfield Road. They do not have a traffic issue because people have to understand that not everyone is leaving or coming at the same time. If this property were developed as a park and there was soccer or baseball games taking place, and picnics you would then have traffic issues. The one common goal is for the residents to help the Town by letting the County know that they support having Elizabeth Court open.

Mr. Setzke said it is not the traffic it is the safety of the emergency vehicles having to get out. It is his understanding that Mr. Bence is going to reassign the parking to bring a road through. What happens when the fire alarm goes off and the volunteers need to come to the department there can be twenty guys showing up.

Chairman Henderson explained that the department is not volunteer it is a paid staffed department.

Supervisor Schatzman said that they are trained personnel who deal with going around vehicles every time they go on a run because they have to go onto Bluemound Road.

Supervisor Stroebel said that two years ago the Board was proactive in figuring out how to minimize the impact of the debt payment on the taxpayer's bills by looking for other revenue and the sale of the land is one major thing that they can do

Chairman Henderson said that he wanted to find out from the Board if they feel there is a need for a public hearing which would have to take place about a month from now because of publication and notification.

Supervisor Schatzman said that he does not see any benefit of having a public hearing on this. There are approximately 8 to 10 acres that are build able which would allow for a density in the 80's under the Town's code. It has gotten decreased down to the 60's and the developer has agreed, plus he has given in on the height decrease and they still are not satisfied. His concern is that the only alternative the Town is going to have is to develop the land with an office building because that is what it is zoned for already. He does not think that is a good situation because this would not get people that are vested in the community but the property needs to be developed.

Supervisor Flessas said that he agrees with Supervisor Schatzman because he does not feel that the Board will get anywhere having another hearing on this.

Supervisor Stroebel said that he feels that a date needs to be set for the Board to put together a resolution to be presented to the County, and between now and that meeting there can be negotiations between residents, supervisors and Mr. Bence.

Supervisor Shea said that putting this back for thirty days is not a good idea, he has asked Mr. Bence for answers to questions that have been put on literature that was handed out in the subdivision and feels that he has successfully answered them and been upfront with everyone. The Town Board can not look at just the people in this subdivision as to what is good for the whole community. Mr. Bence held a meeting specifically for the people in the subdivision and said that he attended it and was disappointed at the number of people that came to the meeting. He said that he personally counted them and there were 16 people in attendance not the 25 or 26 that was put in the literature handed out.

Mr. Setzke asked when the Annual Meeting was.

Chairman Henderson said next week.

Mr. Setzke asked why not bring it up at the Annual Meeting and let the towns people decide.

Chairman Henderson said at the Annual Meeting you can talk about whatever you want.

Chairman Henderson requested that the Administrator put together a resolution, based on what was presented to the County Board, and have it for the next Town Board meeting.

b. PLANNING ASSISTANCE CONSULTANT

Supervisor Flessas moved to authorize spending up to \$6,000.00 to hire a planner for the commercial/ manufacturing node extending from east of Janacek Road to Barker Road,

between I-94 and Bluemound Road, seconded by Supervisor Schatzman, voted on, carried unanimously

c. UPDATE ON FARMERS AT TOWN HALL

Chad Brown said that he has received three responses back from the surveys that he sent out to all the vendors that participate in the city's market and they were all interested. They also had suggestions and information on what they sell. As he receives more he will compile a list and make it available to the Town Board. The UW Extension and the County Health Division have submitted a list of things that can be sold with and without retail licenses, most of which vendors would be selling would not need the license. He said that Clerk Carlson had given him some suggestion and asked that she present them to the Board.

Clerk Carlson said that she suggested that since he was having difficulty getting information on vendors from the person that handles the Brookfield market that maybe a flier could be put together and any board members or anyone else could give it to vendors at markets they would go too. Another idea is to try and make the Town's market a special event setting it apart from other and putting a different twist on it. An example would be if something could be put together to begin in May have it the weekend before Memorial Day weekend and zero in on plantings or beddings or other things that people could purchase for their spring gardening or yard spruce up. If there are not individual vendors that do something like this then maybe check on businesses in the Town such as Kmart or Menards or others that might be interested. Also include having school groups for entertainment or groups that want to do fund raising. The biggest obstacle to cross is getting notice to vendors because other markets do not want to share the information for fear of losing vendors.

Supervisor Flessas suggest contacting public service announcements on the radio or television stations and the Department of Agriculture in the state and asked for a list of all the growers within a certain radius of the Town. He also suggested contacting the Brookfield Rotary Club because he heard about a gentleman named Andy involved in bees looking for a place to give presentations and show people how honey is made.

Clerk Carlson said that to have individual things like that or check on getting people that do spinning and like to explain the art of it from start to finish. At one time someone told her that

Supervisor Flessas said it could be educational plus the selling.

Chairman Henderson said that the Chamber of Commerce should be contacted.

Charles Setzke suggested contact the Milwaukee Farmers union on Broadway and another one on 18<sup>th</sup> and Fond Du Lac.

Chairman Henderson said there is also one in West Allis.

Supervisor Stroebel said that there should be a determination of the number of vendors to go ahead such as more than 7 or if there are 10 hold the event. It is going to start small so

a date needs to be determined and the minimum number of vendors.

The consensus of the Board is that if there are 10 vendors interested the event should be held in May the weekend before Memorial Day weekend.

- d. **ORDINANCE REVISING CHAPTER 14 (BUILDING CODE)**  
Supervisor Schatzman moved to approve adopting Ordinance 14 revising Chapter 14- The Building Code of the Town of Brookfield's General Code, updating references to the State of Wisconsin Administrative Code and inserting provisions accepting status as a delegated agency for local building plan review for interior tenant alterations for commercial properties , seconded by Supervisor Stroebel, voted on, carried unanimously.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. **PLAN COMMISSION RECOMMENDATION**

1. **SET PUBLIC HEARING DATE FOR REZONE**

Supervisor Flessas moved to set May 23, 2006 at 7:00 p.m. as the date and time for a Public Hearing for a Home Industry (day care center), as provided by Section 17.02(14)(b)3.F. of the Town of Brookfield's Zoning Code, for the property at 295 Parklawn Court, seconded by Supervisor Stroebel, voted on and carried unanimous.

2. **CONCEPTUAL AND FINAL APPROVAL AT 740 N BARKER ROAD**

Supervisor Flessas moved to grant **Conceptual and Final** Approval for a 900 square foot porte-cochere (entry canopy) for the Quality Inn at 20150 West Bluemound Road subject to Architectural Control review of landscaping and lighting, seconded by Supervisor Schatzman, voted on.

b. **CLERK'S REPORT**

1. **ELECTION RESULT'S**

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

Supervisors: Patrick Stroebel Four Hundred and thirty-eight (438) votes  
John Schatzman Three Hundred and seventy-seven (377) votes  
Brian Eckelman One Hundred and ninety-four (194) 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 \$138,598.14 seconded by Supervisor Shea, voted on, and carried unanimously.

Included in the approved vouchers were: \$27,515.13 to Onyx Waste Service for refuse/recycling and yard waste services; \$25,784.33 to Wausau Insurance for property and liability insurance; \$; \$7,446.30 to Michael Best & Friedrich for legal fees; \$5,427.00 to Cramer, Multhauf & Hammes

for legal fees \$5,301.34 to Scott Oil/Heating Co for vehicle fuel and \$4,466.61 to General Fire Equipment Co for police department equipment.

COMMUNICATIONS AND ANNOUNCEMENTS

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

7. Chairman Henderson noted and said the report is available for review.

There being no further business Supervisor Flessas moved to adjourn, seconded by Supervisor Schatzman, voted on and carried unanimously. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Jane F. Carlson  
Town Clerk

**CORRESPONDENCE**

**April 5, 2006**

1. The Wisconsin Taxpayer, January 2006, Vol. 74, No. 1.
2. Focus, Feb 28, 2006 & March 16, 2006.
3. Brookfield Chamber Update, Gloria Albrecht.
4. Letter from Time Warner regarding SBC—AT&T “cable”.
5. Letter from Time Warner introducing new channels.
6. Business After Five, Nautical Night, April 20, 2006.
7. Letter from Waukesha County Executive regarding Communications Center.
8. Open records request from Owen Durigan.
9. Response to Owen Durigan from Cramer, Multhauf & Hammes.
10. Mar. 29, 2006 agenda, Wisconsin Towns Assn.
11. Fire Service Consolidation Report.
12. Gumina Road annexation petition.

March 31, 2006

**MEETING NOTICES**

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

**WEDNESDAY, APRIL 5, 2006**

**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. Old Business.           None
6. New Business.         None
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

**WEDNESDAY, APRIL 5, 2006**

**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. New Business:
  - a. Review of December 31, 2005 Audit Report by representative from Virchow Krause.
  - b. Approve bartender licenses.
6. Old Business:
  - a. Update and discussion regarding the Town land west of the Town Hall site.

- b. Discussion and necessary action on approving a proposal for planning assistance recommended as part of the updates to the County Development Plan for the commercial/ manufacturing node extending from east of Janacek Road to Barker Road, between I-94 and Bluemound Road.
  - c. Update with discussion and action if needed on a Farmers Market held at the Town Hall.
  - d. Approval of an Ordinance revising Chapter 14- The Building Code of the Town of Brookfield's General Code, updating references to the State of Wisconsin Administrative Code and inserting provisions accepting status as a delegated agency for local building plan review for interior tenant alterations for commercial properties.
7. Department, Boards, Committee/Commission Reports/Recommendations:
- a. Plan Commission Recommendations:
    - 1. To set a date for a Public Hearing for a Home Industry (day care center), as provided by Section 17.02(14)(b)3.F. of the Town of Brookfield's Zoning Code, for the property at 295 Parklawn Court.
    - 2. For Conceptual Approval and Final Approval for a 900 square foot porte-cochere (entry canopy) for the Quality Inn at 20150 West Bluemound Road.
  - b. Clerk's Report.
    - 1. Election Results.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. Adjournment.

**THURSDAY, APRIL 6, 2006**

**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.