

TOWN OF BROOKFIELD
TOWN BOARD
JUNE 6, 2006

The regular meeting of the Town Board was held on Tuesday, June 6, 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 7:00 p.m. with the following people present: Supervisors: John Schatzman, Robert Flessas, 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.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Supervisor Flessas said that in the May 16, 2006 Town Board minutes under New Business there are two **a's** and the second item should be **b.** and that the word **bid** be added in the first sentence between **the** and **conditioned**.

Supervisor Shea moved to dispense with the reading of the minutes of the May 16, 2006 Town Board meeting and approve them as corrected, seconded by Supervisor Stroebel, voted on, carried unanimously.

PUBLIC COMMENT

Chris Renner, 435 S. Allen Road commented on the agenda item regarding the CUP for the home industry daycare center on Parklawn Court requesting the board to follow the Plan Commission recommendation to deny the Conditional Use Permit. She feels it will open the door for commercial business to infiltrate into the residential zoned district especially if someone is allowed to run a home industry type business and not required to live on the property. A regular daycare would be acceptable but, one for a lot of children run commercially would bring down property values and cause for traffic problems.

OLD BUSINESS None.

NEW BUSINESS

- a. **WISCONSIN AVENUE FINAL LIFT OF PAVING**
Supervisor Schatzman moved to approve the final amount of \$15,746.36 for the 2006 final lift cost for the Wisconsin Avenue Road Resurfacing Project, seconded by Supervisor Shea, voted on, carried unanimously.

- b. **COMPREHENSIVE PLANNING PUBLIC OPINION SURVEY**
Supervisor Flessas moved to approve a commitment to Waukesha County in the amount of \$904.10 for the Comprehensive Planning Public Opinion Survey, seconded by Supervisor Schatzman, voted on, carried unanimously.

- c. **REPORT ON HWY 18**
Chairman Henderson reported that as part of the hazardous mitigation on Highway 18 the state has 1.7 million dollars to spend and it will be used to reset the traffic lights between Barker Road and Moorland Road. Some of the other comments they received from the

public meeting that was held are to move the stop and go light at the Panos Restaurant and Marcus Drive to the Menards crossover area. Make the road that goes between Menards and Applebee's Restaurant a frontage road and put a cross cut at Elizabeth Court. They plan on coming out with more recommendations and comments in a few months.

Administrator Czopp said that the state only has one million dollars for these projects.

- d. **PICNIC PERMIT (JUNE 11, 2006)**
Supervisor Schatzman moved to approve a Picnic Permit for Marx Park on Sunday June 11, 2006 for Georgia Maxwell from 11:00 a.m. until 4:00 p.m., seconded by Supervisor Shea, voted on, carried unanimously.
- e. **OLIVE GARDEN ITALIAN RESTAURANT AGENT CHANGE**
Supervisor Shea moved to approve the Agent change for Olive Garden Italian Restaurant alcohol license, seconded by Supervisor Stroebel, voted on, carried unanimously.
- f. **RESOLUTION WITH STATE ELECTION BOARD FOR VOTER REGISTRATION**
Supervisor Schatzman moved to adopt the Resolution Agreement between the Town and Wisconsin State Election Board regarding use of the Statewide Voter Registration System (SVRS), seconded by Supervisor Stroebel, voted on, carried unanimously.
- g. **ALCOHOL LICENSE APPLICATION**
Supervisor Flessas moved to make it a policy that the Board of the Town of Brookfield will not consider application for alcohol licenses unless a description of where alcohol will be consumed along with the plan of operation that will include the type of business, location, anticipated date of opening and business hours, and shall not be limited to these items. The motion was seconded by Supervisor Schatzman, voted on, carried unanimously.
- h. **DOG LICENSING**
Supervisor Stroebel moved to table and have the Town Attorney review state statute regarding dog licensing, seconded by Supervisor Schatzman, voted on, carried unanimously.
- i. **BARTENDER LICENSES** None.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

- a. **PLAN COMMISSION RECOMMENDATION**
 - 1. **SET PUBLIC HEARING DATE FOR REZONE**
Supervisor Flessas moved to set Tuesday, July 25, 2006 at 7:00 p.m. as the date and time for a Public Hearing for re-zoning of lands at 21680 West Bluemound Road from M-1 Limited Manufacturing District to B-2 General Business District, seconded by Supervisor Stroebel, voted on and carried unanimous.
 - 2. **SET PUBLIC HEARING DATE FOR CUP**
Supervisor Flessas moved to set Tuesday, July 25, 2006 at immediately following the public hearing for the re-zoning at 21680 W. Bluemound Road, as the date and time for a Public Hearing for a Conditional Use Permit for an automotive fuel

facility and car wash, as provided by Section 17.02(14)(b)4.A.. of the Town of Brookfield's Zoning Code, at 21680 West Bluemound Road, seconded by Supervisor Stroebel, voted on and carried unanimous.

3. **CONDITIONAL USE PERMIT**

Supervisor Schatzman moved to follow the Plan Commission recommendation and deny the Conditional Use Permit for a Home Industry (day care center allowing 20 children), 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 Shea, voted on carried unanimously.

4. **CONCEPTUAL APPROVAL AT 19900 W BLUEMOUND ROAD**

Supervisor Flessas moved to grant conceptual approval of a 64 unit condominium development at 19900 West Bluemound Road, on 18 acres of land immediately west of the Town Hall, seconded by Supervisor Schatzman, voted on carried unanimously.

b. **DPW HIRING PERSONNEL**

Supervisor Flessas moved to authorize hiring up to 2 part time employees for the DPW on a trial basis, seconded by Supervisor Shea, voted on, carried unanimously.

VOUCHERS

Supervisor Stroebel moved to approve the vouchers as presented in the amount of \$184,313.78 seconded by Supervisor Schatzman, voted on, and carried unanimously.

Included in the approved vouchers were: \$26,292.17 to Brookfield Convention and Visitor Bureau for 1st quarter 2006 room tax; \$25,591.27 to Onyx Waste Service for refuse/recycling and yard waste services; \$13,200.61 to Mid-America Truck & Equip Co for fire department vehicle maintenance; \$12,284.53 to Payne & Dolan Inc for 2005 Road project retainage; \$9,234.50 to Michael Best & Friedrich for legal fees and \$5,582.00 to Cramer, Multhauf & Hammes for legal services..

COMMUNICATIONS AND ANNOUNCEMENTS

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

Chairman Henderson noted number 5.

CLOSED SESSION 8:05 P.M.

Supervisor Stroebel moved to adjourn into Closed Session according to Section 19.85(1)(g) Wisconsin Statutes for conferring with legal counsel with respect to possible litigation in which it is or is likely to become involved in and related Town-City issues, seconded by Supervisor Shea, voted on, carried unanimously.

OPEN SESSION 8:15 P.M.

Supervisor Stroebel 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 Schatzman, voted on, carried unanimously.

Supervisor Flessas moved to authorize the Town Attorney to commence action to recover Town Fire Department property allegedly held by the former Fire Chief Alex Felde for reason being that he has refused to return Town property. Also authorize the Town Attorney to commence litigation against the City of Brookfield regarding any annexations on the northern portions of the Town, seconded by Supervisor Schatzman, voted on and carried unanimously.

There being no further business Supervisor Flessas moved to adjourn, seconded by Supervisor Stroebel, voted on and carried unanimously. The meeting adjourned at 8:17 p.m.

Respectfully submitted,

Jane F. Carlson
Town Clerk

CORRESPONDENCE

June 6, 2006

1. Wis DNR Horizons, Summer 2006.
2. Bluemound Road – I-94 Redevelopment Area Study draft.
3. Wisconsin Towns Association Legislative Update May 5, 2006.
4. On Track – Spring 2006.
5. Letter from David Feerick regarding Town employees.
6. Letter from Attorney Hammes regarding new legislation on impact fees.
7. Brookfield Chamber update from Gloria Albrecht.
8. Bluemound Road (US 18) newsletter April 2006.
9. Focus, Apr 28, 2006, No. 8.
10. Police & Fire Commission minutes, Jan – May 2006. June 2, 2006

MEETING NOTICES

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

TUESDAY, JUNE 6, 2006

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. Old Business: None.
6. New Business:
 - a. Discussion and necessary action regarding Wisconsin Avenue Final Lift of paving
 - b. Comprehensive Planning Public Opinion Survey.
 - c. Report on Hwy 18.
 - d. Approval of Picnic Permit for Marx Park on Sunday June 11, 2006 for Georgia Maxwell from 11:00 a.m. until 4:00 p.m.
 - e. Approval of Agent change for Olive Garden Italian Restaurant alcohol license.
 - f. Resolution Agreement between the Town and Wisconsin State Election Board regarding use of the Statewide Voter Registration System (SVRS).
 - g. Discussion and necessary action regarding submittal of application for alcohol license prior to site development and plan of operation approval.
 - h. Discussion and necessary action regarding dog licensing.
 - i. Approve bartender licenses.
7. Department, Boards, Committee/Commission Reports/Recommendations:
 - a. Plan Commission Recommendations:
 1. To set a date for a Public Hearing for the re-zoning of lands at 21680 West Bluemound Road from M-1 Limited Manufacturing District to B-2 General Business District.
 2. To set a date for a Public Hearing for a Conditional Use Permit for an automotive fuel facility and car wash, as provided by Section 17.02(14)(b)4.A.. of the Town of Brookfield's Zoning Code, at 21680 West Bluemound Road.
 3. For a Conditional Use Permit 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.
 4. For Conceptual Approval of a 64 unit condominium development at 19900 West Bluemound Road, on 18 acres of land immediately west of the Town Hall.
 - b. DPW discussion and necessary action regarding hiring personnel.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.

10. Adjourn into **CLOSED SESSION**, according to Section 19.85(1)(g) Wisconsin Statutes for conferring with legal counsel with respect to possible litigation in which it is or is likely to become involved in and related to Town-City issues.
11. 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.
12. Adjournment.

TUESDAY, JUNE 6, 2006

**IMMEDIATELY
FOLLOWING THE
TOWN BOARD MEETING**

**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.
 - a. Discussion and necessary action regarding going out for bid for Water and Sanitary Systems SCADA System.
 - b. Update on the Compliance Maintenance Annual Report and approval of resolution submitted by District Superintendent.
6. New Business. None
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjourn into **CLOSED SESSION**, according to Section 19.85(1)(g) Wisconsin Statutes for conferring with legal counsel with respect to possible litigation in which it is or is likely to become involved in with Sanitary District-City issues.
10. 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.
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