

TOWN OF BROOKFIELD
TOWN BOARD
OCTOBER 2, 2007

The regular meeting of the Town Board was held on Tuesday October 2, 2007 in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

Chairperson Keith Henderson called the meeting to order at 7:05 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 Shea, voted on, and carried unanimously.

APPROVAL OF MINUTES

Supervisor Shea moved to dispense with the reading of the minutes of the September 18, 2007 Town Board meeting and approve them as presented seconded by Supervisor Stroebel voted on, carried unanimously.

PUBLIC COMMENT

Len Smeltzer commented on a non-agenda item regarding the placement of the AT&T utility boxes on the roadsides requesting that the Town oversee that they do not become an eyesore and are shielded or aesthetically pleasing.

OLD BUSINESS

a. PREDATOR ORDINANCE

Attorney Hammes said that the board might want to consider adding the provision that if a landlord knowingly rents to an offender that is prohibited from establishing residence under the ordinance, the landlord would be violating the ordinance. It is not in the ordinance that is being considered tonight but could be done as an amendment later.

Supervisor Schatzman asked Attorney Hammes if he was aware of any other community other than Grafton having that provision in their ordinance.

Attorney Hammes said he was not aware at this time of any other communities having that language but, as everybody looks at this they add other things that they feel are important.

Chairman Henderson said with that provision it would require someone to purchase property.

Attorney Hammes said no. The affect is it imposes a duty on the landlord, an obligation to determine that the person they are renting to is allowed to live in that unit.

Inspector Lake presented on the overhead, maps depicting the areas that would be affected within the Town and included the child safety areas in another municipality that are within 2,000 feet of the Town.

Supervisor Schatzman said that it is unfortunate that the state has not done something to make a law that regulates this. He feels that if a municipality does not have some type of

ordinance regulating placement of offenders they will get them, because it will be easier for the state to place them and not have to determine if an area meets the requirements.

Supervisor Shea asked what would happen if the state did adopt something and the Town's ordinance was tougher.

Attorney Hammes said that the state can with an issue of this type, determine that it is a issue of state wide concern that needs to be regulated by the state. There by making sure that there are areas available and this would preempt the ability of local municipalities to regulate these activities. Similar to how they had to regulate the placement of group homes so that they were not prohibited in some municipalities. With the proliferation of local ordinances on this issue the state probably will step in with something.

Supervisor Shea asked what type of homes or facilities the state is looking for.

Attorney Hammes said single family and apartments or anything that some would rent to them.

Supervisor Schatzman said that the board has not just jumped into this and adopted something. This is the fourth meeting that the Town has had and board members have looked at a lot of materials and research, as well as reviewing the law. He said that he was ready to make a motion.

Supervisor Flessas said that people should not be misled by government. It is still the duty as a parent to be vigilant over their children. Just like there are laws that say you can not murder another person it still occurs. This is just one approach to try and provide protection but obviously and absolutely not fail safe, parents have to take the responsibility of watching over their children.

Supervisor Schatzman moved to adopt Ordinance No 07-10-01 an Ordinance to Amend the Town Code to Provide Regulations Relating to Residency Restriction for Sex Offenders and Directing Action for Injunctive Relief for Violations Thereof, seconded by Supervisor Shea, voted on, carried unanimously.

NEW BUSINESS

a. BARTENDER LICENSES

Supervisor Stroebel moved to approve the bartender licenses for Anthony V. Bender at Speedway, seconded by Supervisor Shea, voted on, carried unanimously

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. PLAN COMMISSION

1. BRENNAN'S ADDITION

Supervisor Flessas moved to grant Conceptual & Final Approval of a 2,400 square foot addition for Brennan's Farm Market, 19000 West Bluemound Road, subject to Plan Commission recommendations and Architectural Control approval of the lighting and screening of the dumpster, seconded by Supervisor Shea, voted on and carried unanimously.

2. PUMP IT UP PAVING ADDITION

Supervisor Flessas moved grant Conceptual & Final approval of 4,440 square feet of additional paving at Pump-It-Up, 195 N Janacek Road with the condition that this does not violate the intent of the moratorium that the petitioner extends the rolling curb and the retaining wall and guard rail per tonight's submittal, seconded by Supervisor Schatzman, voted on and carried unanimously.

3. REDEVELOPMENT PLAN

Chairman Henderson said that there were some comments at the public hearing and one of the main comments was from Marcus. They had a concern that the road south of the circle will cut their property in half.

Inspector Lake said the map was revised describing the intent for some kind of connectivity, but the area not necessarily set in stone that it bisects the Marcus parcel.

Supervisor Flessas asked when the moratorium is expect to end.

Inspector Lake said October 31st.

Supervisor Flessas asked what is the plan since what has been put together is pretty broad and general as the Town wanted. What is the next step possibly to extend the moratorium end it or what?

Chairman Henderson said that there is no approved plan at this time.

Inspector Lake said that as redevelopment is proposed it is reviewed for conformance with this plan. The plan does not propose rezoning the whole area to the envisioned uses because that creates legal nonconformities that are not the typically recommended implementation strategies. When redevelopment is proposed it will be reviewed for consistency with the plan.

Supervisor Stroebel said that if it is being inconsistent what happens.

Inspector Lake said that the redevelopment can be denied as inconsistency with the plan.

Supervisor Schatzman said that if it is zoned industrial and not being changed how can a person redevelop it or be denied once the moratorium is lifted.

Inspector Lake said to redevelop it they must be consistent with the plan and therefore would need rezoning.

Supervisor Schatzman asked what if they wanted to stay with the zoning that they have and it is not the envisioned plan zoning.

Inspector Lake said that he is not sure what happens then.

Supervisor Flessas said that the next phase is to contemplating what is going to happen and how it is going to be dealt with.

Inspector Lake said that there is another meeting before the moratorium expires and it could be extended.

Chairman Henderson said that the question at this point is implementation of the plan, whether there is the need to dedicate road area or at least put it on the official map.

Attorney Hammes said that it should be put on an official map because that puts property owners on notice and gives the Town more right to require the development or redevelopment of property to be consistent with where those roads are going to go.

Chairman Henderson asked Attorney Hammes if there were any other implementation issues that should be considered.

Attorney Hammes said the land use plan itself and whether the board would want to modify any of the existing ordinances such as the zoning ordinance and put further restrictions on redevelopment.

Supervisor Flessas asked how long a moratorium can be put in place.

Attorney Hammes said that it has to be for a reasonable period of time with a reasonable state of objective. If you have acted diligently in that period of time and find out that there is a need for another reasonable period of time to complete the process it can be extended.

Supervisor Flessas moved to table Redevelopment Plan for the commercial node bounded by Bluemound Road, Janacek Road, I-94 and Barker Road, for the Town to have time to the broad plan to the next step and look at how the Town can maintain the plan to obtain the final outcome that the Town is looking for, seconded by Supervisor Schatzman, voted on and carried unanimously.

VOUCHERS

Supervisor Schatzman moved to approve the vouchers as presented in the amount of \$154,920.79, seconded by Supervisor Stroebel, voted on, and carried unanimously.

Included in the approved vouchers were: \$25,682.01 to Veolia ES Solid Waste for refuse/recycling and yard waste services; \$22,169.27 to Oshkosh Capital for ambulance lease payment; \$11,962.75 to Cramer, Multhauf & Hammes for legal fees and \$3,192.40 to Strand Associates Inc for engineering services.

COMMUNICATIONS AND ANNOUNCEMENTS

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

There being no further business Supervisor Flessas moved to adjourn, seconded by Supervisor Shea, voted on and carried unanimously. The meeting adjourned at 8:25 p.m.

Respectfully submitted,
Jane F. Carlson, Town Clerk

CORRESPONDENCE

October 2, 2007

1. The Wisconsin Taxpayer, June 2007.
2. Crossroads Fall 2007 Newsletter Wisconsin Transportation Information.
3. SEWRPC notice of Public Information Meeting on Regional Water Quality Management Plan.
4. Focus, August 31, 2007.
5. Waukesha County DPW notice regarding TRIP (Town road Improvement Program) meeting.
6. Village of Menomonee Falls Comprehensive Planning Steering Committee meeting.
7. Letter from Literacy Council.
8. Update from Brookfield Chamber Rep, Gloria Albrecht
9. Update from Time Warner
10. Invitation to Taste of Wellness from MHA.
11. Sierra Club October Event Calendar.

September 28, 2007

MEETING NOTICES

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

TUESDAY, OCTOBER 2, 2007

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

TUESDAY, OCTOBER 2, 2007

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

TOWN BOARD

AGENDA:

- Call to Order.
- Approval of Agenda.
- Approval of Minutes.
- Citizen comments: Three-minute limit.
- Old Business:
- a. Discussion and necessary action regarding enacting a sexual predator ordinance.

New Business:

- a. Approve bartender licenses.

Department, Boards, Committee/Commission Reports/Recommendations:

- a. Plan Commission:
 1. For Conceptual & Final Approval of a 2,400 square foot addition for Brennan's Farm Market, 19000 West Bluemound Road.
 2. For Conceptual & Final Approval of 4,440 square feet of additional paving at Pump-It-Up, 195 North Janacek Road.
 3. For approval of a Redevelopment Plan for the commercial node bounded by Bluemound Road, Janacek Road, I-94 and Barker Road.

Approval of Vouchers and Checks.

Communications and Announcements.

Adjournment.

TUESDAY, OCTOBER 2, 2007

IMMEDIATELY BUDGET WORKSHOP
FOLLOWING THE
TOWN BOARD MEETING

AGENDA:

1. Confirmation of meeting notice.
2. Discussion and review of the 2008 Budget.
3. 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.