

TOWN OF BROOKFIELD  
TOWN BOARD  
FEBRUARY 5, 2008

The regular meeting of the Town Board was held on Tuesday February 5, 2008 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, 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 was absent.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES None.

PUBLIC COMMENT None.

CHAIRMAN REPORT

a. UPDATE ON WCCC MEETING

Chairman Henderson reported that this meeting is with the City Mayors, Village Presidents and Town Chairs. They brought them up to date on the water supply study and at this point they have four alternatives, one of which is doing nothing, with the last alternative to get water from Lake Michigan. They are reviewing the recommendations to see which one could be implemented.

There was also information on the Fire Chief Association ADHOC committee regarding mutual aid and paramedic service. With the paramedic service, they have concluded that municipalities will provide the services that their community wants at the cost of what they would like to pay. The mutual aid agreement they are forming is a catch-all format that not only addressed the police and fire services but also for the libraries, park & recreation etc.

OLD BUSINESS None.

NEW BUSINESS

a. APPROVE ELECTION INSPECTOR

Supervisor Stroebel moved to approve the appointment of Diane Rodencal as an Election Inspector, seconded by Supervisor Shea, voted on, carried unanimously.

b. BARTENDER LICENSES

Supervisor Schatzman moved to approve bartender licenses for Brandon A Michalowski, Stephanie M Jahr and Trang T Nguyen at Pano's Char House and Aimee B Wold at Umami Moto, seconded by Supervisor Stroebel, voted on, carried unanimously

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. PLAN COMMISSION

1. SET A PUBLIC HEARING DATE FOR A CONDITIONAL USE PERMIT  
Supervisor Stroebel moved to set the Public Hearing date for Tuesday, February 26, 2008 at 7:00 p.m. for a Conditional Use Permit for a home industry (bed and breakfast) at 17520 West Wisconsin Avenue, seconded by Supervisor Schatzman, voted on and carried unanimously.
2. SET A PUBLIC HEARING DATE FOR A REZONE  
Supervisor Schatzman said that he would like to have additional time to read more about the proposal so he moved to table setting a Public Hearing date for the rezoning of land along I-94, east of the cul-de-sac of Larry Court, from B-3 Office and Professional Business District, to B-2 Limited General Business District and P.U.D. Planned Unit Development Overlay District to allow the development of an extended stay hotel, seconded by Supervisor Shea, voted on, carried unanimously.
3. CONCEPTUAL AND FINAL APPROVAL FOR AN AUTOMOTIVE SERVICE FACILITY ON JENNIFER DRIVE  
Supervisor Schatzman moved to grant Conceptual & Final Approval for a 39,000 square foot automotive service facility on Jennifer Drive north of Bluemound Road, west of Poplar Creek subject to Plan Commission recommendations and any further recommendations of the Fire Chief, seconded by Supervisor Shea, voted on, carried unanimously.
4. CONCEPTUAL APPROVAL OF A MULTI-TENANT COMMERCIAL REDEVELOPMENT AT 19770 W BLUEMOUND ROAD  
Inspector Lake said that this proposal has an issue that needs resolution regarding having a drive thru window on the west side of the building. The Town ordinance limits fast food restaurants with a drive thru to no more than two in a one mile radius. With the KFC and McDonalds each having a drive-thru, there currently is two in the one mile radius. The petitioner indicated that the tenant of the space with the drive thru window would be for Rocky Rococo and that this would be principle a pick up window, not a typical fast food pick up window, as you would not order a pizza at a drive thru and wait for it to be cooked. However they do offer pizza by the slice so there would be some instances of ordering and pick up. There was extended discussion at the Plan Commission regarding that limit and a motion was made to recommend to the Town Board to amend the ordinance to allow three in a one mile radius, but the motion did not receive a second because there was concern that the Town would be setting a precedent of accommodating a development by amending the ordinance. The issue of how to accommodate a third drive thru in a one mile radius was not resolved so the recommendation was made to grant conceptual approve subject to interpretation of the fast food drive-thru ordinance.

Attorney Hammes said that the Board could grant a special exception.

Supervisor Schatzman said that he thinks that a compromise to fix the issue would be that the facility have a single pick up window where there would be no ordering of any food cone by a stand up box like the other facilities have.

The petitioner said that they would need an order window and also commented that Rocky Rococo does not consider themselves as a fast foot restaurant and wonder why they would be in the same category.

Supervisor Schatzman said because of an order box and pick-up window.

Attorney Hammes said that ordinances are a guide for planning but the Board has the authority to review whether a development along with what they are proposing is a fit for the site.

Supervisor Schatzman said that another thing that can be considered is the proposed hours.

Inspector Lake said that his presumption of interpretation of why the Town limits fast food restaurants with the drive-thru is the intensity of use. The argument can be made that all drive-thru are not of the same intensity. The petitioner hired a traffic consultant and they described that the ITE trip generation manuals do describe a range of volumes from different classes of restaurants. Examples are a Panera Bread or Noodles and Company and Pizza could generate 50 or 100 trips a day where hamburger typical fast food could generate 500 trips a day. If intensity is the Town's concern, maybe quantifying a number of trips could be considered.

Supervisor Schatzman moved to grant Conceptual Approval of an 8,400 square foot multi-tenant commercial redevelopment at 19770 West Bluemound Road based on the ability of utilizing the easement with the property to the west and the petitioner pay for all cost associated with it, and obtaining a special exception for the proposed drive-thru, seconded by Supervisor Schatzman. The motion was voted on after the following discussion and passed 3 – 1 with Supervisor Shea voting nay.

5. COUNTY DEVELOPMENT PLAN MAP AMENDMENTS FOR REDEVELOPMENT PLAN

Supervisor Schatzman moved to table Map Amendments for the County Development Plan to reflect the land uses envisioned in the Redevelopment Plan for the commercial node bounded by Bluemound Road, Janacek Road, I-94 and Barker Road per Inspector Lake's request, seconded by Supervisor Stroebel, voted on, carried unanimously.

b. FIRE DEPARTMENT

1. DISCUSS REPLACEMENT OF FIRE TRUCK

Fire Chief Andy Smerz presented information on the vehicles that the department depends on for providing service. He said that the proposed new vehicle will replace the 1989 engine that is being used as a reserve engine, which has a market value of somewhere between \$25,000.00 and \$30,000.00. This engine was not put through the process of pump testing because it would not pass, which does not

mean it will not pump water but it would not meet the bench marks without some major repairs. In 2006 it was used on 138 responses and in 2007 it was used on 23. The other engine is a 1995 Pierce and is considered the front line engine and responded to 806 calls in 2007. It was in service more often in 2007 than 2006 because of the maintenance program that was put in place over the last year and also being able to be in service can be attributed to Superintendent Jeff Golner and his staff for staying up with the maintenance. The standard life span of a fire engine is considered to be twelve to fifteen years and the apparatus life is affected by its frequency and type of use whether it is front line or reserve and the environment and operating conditions. Last year they had a difficult time getting through the winter with the engine, but this year so far no problems, which can again be attributed to the regular preventive maintenance that is being provided.

He presented the attached proposal from Pierce for the new Impel PUC Rescue Pumper

Supervisor Stroebel exited the meeting at 8:30 p.m.

c. ADMINISTRATOR'S UPDATE

1. DIRECT DEPOSIT OPTION

Supervisor Schatzman moved to approve providing for the option of employees participating in Direct Deposit with M & I for payroll, seconded by Supervisor Shea, voted on, carried unanimously.

2. DENTAL INSURANCE

Supervisor Schatzman moved to approve changing the dental insurance from Anthem Blue to Delta Dental, seconded by Supervisor Shea, voted on, carried unanimously.

VOUCHERS

Supervisor Shea moved to approve the vouchers as presented in the amount of \$197,304.19, seconded by Supervisor Schatzman, voted on, and carried unanimously.

Included in the approved vouchers were: two checks for \$21,947.00 to Ewald – Hartford for police department squad cars; \$25,939.93 to Veolia ES Solid Waste for recycling, refuse and yard waste collection; \$4,325.74 to Strand Associates Inc for engineering service and \$4,015.25 to Cramer, Multhauf & Hammes for legal fees

COMMUNICATIONS AND ANNOUNCEMENTS

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

There being no further business Supervisor Schatzman moved to adjourn, seconded by Supervisor Shea, voted on and carried unanimously. The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Jane F. Carlson  
Town Clerk

**CORRESPONDENCE**

**February 5, 2008**

1. Focus, Dec 28, 2007 & Jan 13, 2008.
2. Waukesha County's 2008 budget.
3. Business After 5 2008 schedule.
4. Waukesha County Environmental League pamphlet.
5. Brookfield Chamber of Commerce Legislative Update.
6. Brookfield Chamber of Commerce Legislative Update State Budget.
7. Brookfield Chamber Rep, Gloria Albrecht, January update.
8. Correspondence regarding fireworks at new restaurant.
9. Southeastern Wisconsin Regional Planning Commission report

February 1, 2008

**MEETING NOTICES**

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

**TUESDAY, FEBRUARY 5, 2008**

**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.
  - a. Designation of Wauwatosa Savings Bank as one of the Districts Financial Institute.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

**TUESDAY, FEBRUARY 5, 2008**

**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 WCCC meeting.
6. Old Business: None.
7. New Business:

- a. Approve Diane Rodencal as an Election Inspector.
  - b. Approve bartender licenses.
8. Department, Boards, Committee/Commission Reports/Recommendations:
- a. Plan Commission Recommendations:
    1. To set a date for a Public Hearing for a Conditional Use Permit for a home industry (bed and breakfast) at 17520 West Wisconsin Avenue.
    2. To set a date for the rezoning of land along I-94, east of the cul-de-sac of Larry Court, from B-3 Office and Professional Business District, to B-2 Limited General Business District and P.U.D. Planned Unit Development Overlay District to allow the development of an extended stay hotel.
    3. For Conceptual Approval and a recommendation for Final Approval of a 39,000 square foot automotive service facility on Jennifer Drive north of Bluemound Road, west of Poplar Creek.
    4. Discussion and necessary action regarding Conceptual Approval of an 8,400 square foot multi-tenant commercial redevelopment at 19770 West Bluemound Road.
    5. For Map Amendments for the County Development Plan to reflect the land uses envisioned in the Redevelopment Plan for the commercial node bounded by Bluemound Road, Janacek Road, I-94 and Barker Road.
  - b. Fire Department Update
    1. Discussion regarding the replacement of a fire truck.
  - c. Administrator's Update
    1. Discuss and approve providing for the option of participation in Direct Deposit to employees for payroll.
    2. Report and approve if necessary changes to the dental insurance.
9. Approval of Vouchers and Checks.
10. Communications and Announcements.
11. Adjournment.

**THURSDAY, FEBRUARY 7, 2008**

**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.