

TOWN OF BROOKFIELD  
TOWN BOARD  
APRIL 2, 2008

The regular meeting of the Town Board was held on Wednesday April 2, 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 7:16 p.m. with the following people present: Supervisors: John Schatzman, and Dan Shea, Attorney James Hammes, Administrator Richard Czopp, Building Inspector Gary Lake and the Town Clerk Jane Carlson to record the minutes. Absent Supervisor Robert Flessas and excused absence Supervisors Patrick Stroebel.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Supervisor Schatzman moved to dispense with the reading of the minutes of the March 18, 2008 Town Board meeting and approve them as presented seconded by Supervisor Shea, voted on, carried unanimously

PUBLIC COMMENT           None.

OLD BUSINESS           None.

NEW BUSINESS

a.     AUDIT REPORT

Wendy Unger from Virchow Krause & Company presented and summarized the attached 2007 Financial Highlights of the Audit. She reported that the audit opinion says that the financial statement presents fairly the financial position of the Town and this is what auditors are hired to determine.

She explained that the general fund which is the operating fund had revenues and transfer in of 6.4 million which includes the sale of the land for 1.9 million. Also included is the room tax which was \$135,000 over what was budgeted and additional interest earnings of \$130,000 more than budgeted. The expenditures for the year were a 4,066,000 compared to budgeted of 4,068,000 which were right on even with the fact that there was more room tax revenue resulting in paying out more. Another thing was a transfer out of the general fund of \$63,000 to the capital project fund for an anticipated purchase. The revenues exceeded the expenditures by 2.3 million because of the sale of the land leaving a general fund balance at the end of the year of just over 4 million. The undesignated portion of the 4 million is 3 million this being money that the Town has which is approximately 70% of the general fund operating budget which is a very strong position.

The next fund is the debt service with 1.4 million dollars of revenue mainly from tax levy. Expenditures of 1.4 million are the principle and interest on the Town debt. The Town used \$37,000 of the fund balance leaving \$99,000 at the end of the year which was

a planned use. At the end of 2007 there was \$259,000 in reserved and this is the Utility District share of what the Town paid prior to the district and they will pay this back as they generate revenue.

Last there are the non-major funds and these components in detail are found in the last pages of the entire document. There was \$88,000 of revenue in those funds with \$63,000 coming from the general fund and the rest investment income earned. The expenditures were \$194,000 so it used \$105,000 from fund balance leaving a balance of \$311,000 at the end of the year. Again there are several components to the balance, \$25,000 is reserved a small portion from park fees and the majority the ambulance grant funds (Act 102 monies) which must be used for specific purpose. \$105,000 is designated for debt service and is the remaining balance left in the special assessment fund used to finance debt. The balance of \$181,000 is for designated capital improvement.

She further explained that the Utility District No 1 which is the Stormwater and refuse/recycling had revenues of \$866,000 most of it user fees with a little interest and expenses of \$879,000 which gave it an increase in net asset of \$7,155 dollars. This leaves the fund at the end of the year with 2.4 million dollars with a good portion being cash about 1.6 million. However over \$600,000 are borrowed monies that will be used in the near future for Stormwater projects. The remaining is the infrastructure for the Stormwater system.

She said that she wanted to let the board know they received full cooperation of the staff and that it has been a pleasure working with Administrator Czopp and the rest of the Town staff.

b. POLICE DEPARTMENT AND TOWN SERVER

Chief Perket explained that the police department and town have two separate servers and they both need updating. He would like to obtain one serving for the Town and Police Department to use. He has grant money for updating the server for the police department which is project to be \$17,359.26 and would need additional funding to add the Town and at this time it is projected to be \$2,038.78. These are estimates that he has gotten from the company that is working with that has worked with other police departments. They are helping him determine what we have and what is needed.

Administrator Czopp said at this time there is no exact figure for the Town's portion but he wanted the Chief to come in and update the Board.

Supervisor Schatzman moved to authorize the Police Chief to move forward to determine what the Police Department and Town needs are for updating the server and obtaining a large document scanner, seconded by Supervisor Shea, voted on, carried unanimously

c. BARTENDER LICENSES None.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. PLAN COMMISSION

1. SPECIAL EXCEPTION

Chairman Henderson said that Supervisor Shea has put together what drive-thru establishments there are in the Town and east so he would present what drive-thru establishments are to the west of the Town. He reported that there are an additional five in a mile west of the Town. Those being at Kossow Road within one block of each other a McDonalds, Hardees, Cousins and a Cleaner that all have a drive-thru. There is another fast food in the Kohl's shopping center along with a bank and a littler further west is a Burger King with drive-thru.

Supervisor Shea said that along Bluemound Road from 58<sup>th</sup> to the Town there is a drive thru at 64<sup>th</sup> and then there is not another until 113<sup>th</sup> after that there is not another fast food drive-thru until the Town. There are none in the City of Brookfield but when you enter the Town there is six in slightly over two miles. He said that he has looked at fast foods with drive thru restaurants and feels that Rocky's is at the top as one of the nicer properties that have this type of facility. But what is being requested is an exception not just from 2 to 3 but where they want to locate would go from 2 to 5. He said that if the ordinance that is in place is not followed the Town has no way to turn down another request for one across the street or any place else.

Supervisor Schatzman said that he does not feel there is clear and compelling evidence that there is a need for a Special Exception. This was made available for the really out of the ordinary things that were not thought of, the special circumstance. Ordinances should be used for what the people that created them and intended them to do.

Supervisor Shea moved to deny a Special Exception that would allow a drive-thru food service at a proposed multi-tenant commercial building at 19770 West Bluemound Road, in excess of the provision in the Town Code limiting such to two in a one mile radius seconded by Supervisor Schatzman, voted on passed 2 – 1 with Chairman Henderson voting nay.

2. CONDITIONAL USE PERMIT

Supervisor Schatzman moved to remand the sign design approval Chapter 17.08 of the Town Code. The motion was withdrawn.

Supervisor Schatzman moved table until the next meeting the Conditional Use Permit, as provided by Section 17.08(5)a. of the Town of Brookfield's Zoning Code to allow for the installation of free-standing signage at a reduced setback, allowing for existing site development conditions at 19730 & 19770 & 19850 Bluemound Road, seconded by Supervisor Shea, voted on passed 2 – 1 with Chairman Henderson voting nay.

3. BUS SHELTERS

Supervisor Schatzman moved to table install bus shelters within road right-of-ways in the Town of Brookfield, seconded by Supervisor Shea, voted on, and carried unanimously.

4. SET PUBLIC HEARING DATE TO AMEND ZONING CODE  
Supervisor Shea moved to set the Public Hearing date for Tuesday, April 29, 2008 at 7:00 p.m. to amend the zoning code to include Mixed-Use, seconded by Supervisor Schatzman, voted on and carried unanimously

#### VOUCHERS

Supervisor Schatzman moved to approve the vouchers as presented in the amount of \$150,432.80, seconded by Supervisor Shea, voted on, and carried unanimously.

Included in the approved vouchers were: \$25,957.00 to Wausau Insurance for Town and Utility District No 1 general liability, vehicle and workers comp insurance premiums; \$25,939.93 to Veolia ES Solid Waste for recycling, refuse and yard waste collection and \$8,187.16 to General Fire Equipment Co, Inc for police department equipment.

#### COMMUNICATIONS AND ANNOUNCEMENTS

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

Chairman Henderson noted the Focus regarding the state budget.

#9 Supervisor Shea noted.

Clerk Carlson announced the official results of the April 1, 2008 election. She reported that 1,313 voter turned out which is a 22% turn out. The top two candidates were Patrick Stroebel with 641 and John Schatzman with 587.

There being no further business Supervisor Shea moved to adjourn, seconded by Supervisor Schatzman, voted on and carried unanimously. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Jane F. Carlson  
Town Clerk

**CORRESPONDENCE**

**April 2, 2008**

1. Focus, Feb. 29, 2008
2. Announcement from Governor Doyle regarding Storm Disaster.
3. Wis DOT meeting on Bluemound & I-94 upgrades.
4. Letter from Kathy Landess regarding Silver Star program.
5. Update from Gloria Albrecht, Brookfield Chamber rep.
6. Eastern Waukesha County Construction for 2008.
7. Letters from Time Warner regarding new digital channels.
8. Foundations, Winter 2007.
9. E-mail from Kathy Schwei regarding Waukesha County not being a disaster area.
10. Memo from Jeff Golner regarding winter storm costs.
11. E-mail from Lynda Barry in appreciation of local governments.
12. Letter from Wis DOT regarding policy changes.

March 28, 2008

**MEETING NOTICES**

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

**WEDNESDAY, APRIL 2, 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. Review of December 31, 2007 Audit Report by representative from Virchow Krause.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

**WEDNESDAY, APRIL 2, 2008**

**IMMEDIATELY  
FOLLOWING THE  
SANITARY DISTRICT NO  
MEETING**

**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. Review of December 31, 2007 Audit Report by representative from Virchow Krause.
  - b. Discussion and necessary action regarding replacement of Police Department and Town servers.

- c. Approve bartender licenses.
- 7. Department, Boards, Committee/Commission Reports/Recommendations:
  - a. Plan Commission Recommendations:
    - 1. For approval of a Special Exception, as provided by Section 17.02(16) of the Town of Brookfield's Zoning Code, to allow drive-thru food service at a proposed multi-tenant commercial building at 19770 West Bluemound Road, in excess of the provision in the Code limiting such to two in a one mile radius.
    - 2. For approval of a Conditional Use Permit, as provided by Section 17.08(5)a. of the Town of Brookfield's Zoning Code to allow for the installation of free-standing signage at a reduced setback, allowing for existing site development conditions.
    - 3. For approval to install bus shelters within road right-of-ways in the Town of Brookfield.
    - 4. To set a date for a Public Hearing to amend the zoning code to include Mixed-Use and to rezone the commercial node bounded by Bluemound Road, Janacek Road, I-94 and Barker Road to Mixed-Use.
- 8. Approval of Vouchers and Checks.
- 9. Communications and Announcements.
- 10. Adjournment.

**THURSDAY, APRIL 3, 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.