

TOWN OF BROOKFIELD  
TOWN BOARD  
MAY 6, 2008

The regular meeting of the Town Board was held on Tuesday May 6, 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 7:06 p.m. with the following people present: Supervisors: John Schatzman, Robert Flessas, Dan Shea and Patrick Stroebel, 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 Schatzman, voted on, and carried unanimously.

APPROVAL OF MINUTES

Supervisor Schatzman said that on page 4 item g the word Sea is misspelled and should be Shea.

Supervisor Flessas moved to dispense with the reading of the minutes of the April 15, 2008 Town Board meeting and approve them as corrected, seconded by Supervisor Stroebel, voted on, carried unanimously.

Supervisor Shea moved to dispense with the reading of the minutes of the April 29, 2008 Special Meeting of the Town Board and approve them as presented, seconded by Supervisor Stroebel, voted on, passed 4- 0 - 1 with Supervisors Flessas voting present.

Supervisor Stroebel moved to dispense with the reading of the minutes of the April 29, 2008 Joint Town Board Plan Commission Public Hearing and approve them as written with the word Draft removed, seconded by Supervisor Shea, voted on, passed 4 - 0 - 1 with Supervisors Flessas voting present.

PUBLIC COMMENT

Gloria Albrecht, 19720 Timberline Drive shared with people at the meeting donuts that she received from attending the Brookfield Chamber Business After 5 meeting.

OLD BUSINESS      None.

NEW BUSINESS

a.      GAZEBO AT MARX PARK

Chad Brown, Park & Recreation Director presented the Gazebo project that the Park & Recreation Committee has proposed for Marx Park. The specifications for the building include; 20' octagonal, round or dodecahedral pre-fabricated structure, Pagoda style roof, additional cupola for roof, there will be railings, it will be built at grade to allow for handicap accessibility and will be connected to a ADA path. The concrete pad will be installed by an outside contractor estimated cost is \$2,700.00, the gazebo delivered will be approximately \$13,000.00 and the DPW will assemble and install the structure. The Request for Proposals has gone out with a deadline for submittal of Friday, May 9, 2008. The gazebo will allow the people to enjoy the park in comfort and be sheltered from the weather elements.

Administrator Czopp said that the thought is that every couple years you try and do an improvement to your park system and with Marx Park being the major park in the Town the Committee thought that this would enhance what is already there. There is no approval being requested tonight he wanted it presented to the Board to keep them informed. The monies for the project would come out of the proceeds of the land sale.

Chairman Henderson asked where it would be located; if there would be any benches to sit on, and whether there will be lights and plantings.

Director Brown said that it would be east of the Pavilion and that either they will install benches or use the existing benches, there will not be any lights or once it is up they will evaluate what should be done for plantings.

Supervisor Flessas asked if it could be west of the current structure that is there.

Director Brown said there is not enough room with the basketball court and they think because of the use of the playground that is where people would most want to get out of the sun or other weather conditions.

Supervisor Schatzman asked if Menards or Home Depot have been approached regarding doing an in kind contribution with recognition as a civic partner with the Town.

Director Brown said he looked at a structure at Home Depot but it did not appear to be of commercial strength, provide the wind load and abuse that they can withstand, but will check it out.

Supervisor Stroebel asked whether it would be rented out.

Director Brown said he does not think separately from what they currently do by renting the park in general, but it will be an additional asset. He thinks that if you try to rent one group the pavilion and another the gazebo it could create problems.

Supervisor Shea asked if there would be the availability of electricity.

Director Brown said that they did not think of that and it could be something added at a later date.

b. FEFUND HOLDING TANK DEPOSITS

Supervisor Schatzman moved to table the refund of the Holding Tank Deposits to verify payment of them, seconded by Supervisor Flessas, voted on, and carried unanimously.

c. PICNIC PERMIT

Supervisor Shea moved to approve a picnic permit for Gary Muelrath, on Sunday, July 20, 2008 from 8:00 a.m. until 7:00 p.m., at Marx Park, seconded by Supervisor Stroebel, voted on, carried unanimously.

d. PICNIC PERMIT

Supervisor Schatzman moved to approve a picnic permit for Mothers & More Inc (Nancy Donahue), on Saturday, July 26, 2008 from 1:00 a.m. until 4:00 p.m., at Marx Park, seconded by Supervisor Shea, voted on, carried unanimously.

e. PICNIC PERMIT

Supervisor Shea moved to approve a picnic permit for John G Howitt, on Saturday, August 16, 2008 from 8:00 a.m. until 10:00 p.m., at Marx Park, seconded by Supervisor Stroebel, voted on, carried unanimously

f. PICNIC PERMIT

Supervisor Schatzman moved to approve a picnic permit for Tom Consolazione, on Sunday, September 21, 2008 for from 11:00 a.m. until 7:00 p.m., at Marx Park, seconded by Supervisor Stroebel, voted on, carried unanimously

g. BARTENDER LICENSES

None.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. PLAN COMMISSION

1. SET PUBLIC HEARING DATE

Supervisor Flessas moved to set the Public Hearing date for Tuesday, May 27, 2008 at 7:00 p.m. for a Conditional Use Permit for a Home Industry, as provided by Section 17.04(14) of the Town of Brookfield's Zoning Code, for a nail salon at 875 Plateau Lane, seconded by Supervisor Shea, voted on carried unanimously.

2. REVISED BUILDING ELEVATIONS AND EXTERIOR FINSH FOR 19555 W BLUEMOUND ROAD

Supervisor Schatzman grant approval of revised building elevations and a revised palette of exterior finish materials for Bluemound Plaza at 19555 West Bluemound Road conditioned upon removal of the pylon sign when completion of the facade renovation, and seal coating the parking lot by the end of the year, seconded by Supervisor Shea, voted on, carried unanimously.

3. CONCEPTUAL APPROVAL OF AUTOMOTIVE REPAIR FACILITY

Supervisor Flessas moved to follow Plan Commission recommendation of waiving the moratorium and grant conceptual approval for an automotive repair facility at 19455 Janacek Court, seconded by Supervisor Schatzman, voted on, and carried unanimously.

VOUCHERS

Supervisor Schatzman moved to approve the vouchers as presented in the amount of \$185,425.38, seconded by Supervisor Shea, voted on, and carried unanimously.

Included in the approved vouchers were: two checks for \$27,558.59 to Brookfield Convention and Visitor Bureau for 1<sup>st</sup> qtr room tax distribution; \$27,246.04 to Veolia ES Solid Waste for recycling, refuse and yard waste collection \$7,537.15 to Strand Associates Inc for engineering

services; \$7,033.66 to 5 Alarm for Fire Department turn out gear; \$6,004.11 to Cramer, Multhauf & Hammes for legal services; and \$5,485.85 to General Fire Equipment Co, Inc for Police & Fire Department equipment.

#### COMMUNICATIONS AND ANNOUNCEMENTS

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

Chairman Henderson said that he would be attending the May Business After 5.

#### WORKSHOP WITH PLAN COMMISSION AND ARCHITECTURAL CONTROL COMMITTEE REGARDING SIGN ORDINANCE, DRIVE-THRU FACILITY AND ACCESSORY USES

In addition to the Town Board, Administrator Czopp, Building Inspector Lake, Attorney Hammes the following people were present from the Plan Commission: Kevin Van Kirk, Brian Eckelman, Len Smeltzer, Gordon Gaeth; the Architectural Control Committee: Dick Thompson, P. J. Burbach.

Chairperson Henderson explained the need for discussion as to the direction the Town wants with the development along Bluemound Road. Issues such as new frontage roads, tree lines, placement of monument signs in the medium, and road signage not being effective. Perhaps lighting of signs is needed.

Supervisor John Schatzman wants to recognize things that the Town can't control such as: speed of traffic on Bluemound Road, amount of snowfall, lighting and how it affects placement of signs. He knows the population base is pretty fixed and the Town doesn't have any say in the traffic patterns but would like to see a "look" prescribed for the road that businesses must conform to, rather than recreate this hodge-podge after the fact. When he moved in 25 years ago and there was a drive-in theatre on Bluemound no one thought about what the scheme of the road should be for the future. The Town needs to think of the future and what will be different, how mass transit might affect the road rather than focus on fine details.

Supervisor Flessas noted that the bigger problem was that there were no frontage roads and with the speed on Bluemound Road making it almost a freeway, signs will have to be monuments with minimum wording to identify businesses. The name of the center would be on the sign such as Bluemound Plaza, and the businesses will have to advertise what shopping center there in. The traffic patterns and speed makes it impossible to see all the signs from the street.

Commissioner Van Kirk noted the City of Brookfield has small monument signs for small individual businesses and larger monument signs with the development name except for V Richards which also has its own sign and a tenant's.

Supervisor Flessas noted that the tenant that was out of sight had a good vantage point of having their name on the monument which would give the landlord a selling point.

Commissioner Smeltzer feels a tree line wouldn't work because it will block visibility but, more landscaping around the buildings and signs would create a more welcoming appeal.

Commissioner Van Kirk agreed that the monument signs, when designed to blend in with the buildings architecture and landscaped, adds beauty to the development. He stated that the setback issue was critical if future plans for mass transit, walkways, bicycle paths etc. were planned. There is only the thin strip along Bluemound Road and since the Town can't control it for speed or improvement, the Town is limiting itself with the setback.

Commissioner Burbach noted that the City had a dimensional setback ordinance, the further back the sign, the taller it could be and if businesses want the signs closer to the road, they must be smaller.

Supervisor Schatzman inquired if everyone was on board with a consistent look for the Bluemound corridor. The consensus was that it should be a "shopping corridor".

Commissioner Gaeth asked if the DOT planned Bluemound to be a 3 or 4 lanes with a bus lane in 2012.

Chairperson Henderson responded that there would be 3 lanes of traffic and a bus lane that also will be an acceleration/deceleration lane and that only repaving would be done.

Chairperson Henderson posed the question that currently frontage roads pass thru parking lots, does the Town want true frontage roads.

Commissioner Van Kirk would like true frontage due to the lack of cooperation of business owners.

Commissioner Eckelman stated that more people will be using parking lots with the inability to make u-turns and left turns out of parking lots.

Supervisor Flessas said the DOT wants to divert traffic off of Bluemound Road into the parking lots.

Chairperson Henderson agreed and when the zoo interchange is under construction Hwy 59 & Hwy 18 will be used to divert I-94 traffic which will cause the traffic to be excessive for the four year project.

Supervisor Schatzman stated this was all the more reason to reduce the signs, and simplify them to identify addresses.

Commissioner Burbach concurred and was said that the Town has already acquired easements for frontage roads as much as possible.

Supervisor Flessas suggested that business owners be contacted for creating more frontage roads.

Chairperson Henderson responded that parking stalls would be eliminated and the ordinance that requires a certain number of them would have to be revised.

Inspector Lake stated that a frontage road only had to be twenty-six feet wide and a parking stall is eighteen to twenty-four. The DOT proposed a number of cross easements from parking lot to

parking lot at their expense and found few business owners interested. However, now that the project is underway, and the DOT plans on more median closures more property owners are looking into them.

Supervisor Schatzman inquired if eminent domain would apply in acquiring cross easements.

Attorney Hammes responded that it would; but recommended that existing cross-easements be identified as a starting point. Then you can work with the property owners when redevelopment happens, create frontage roads from those cross easements and in exchange work with the owners on parking requirements.

Administrator Czopp reiterated that if there is a plan, with existing easements, and redevelopment, frontage roads will be more feasible. Business owners will recognize the need for traffic to use them to access their properties. The Town already has a good start to building frontage roads and with new developments on the horizon now is the time to form a plan for future frontage roads. The Town is fortunate to have a billion dollars of value and ranks in the top 20% of Towns in Wisconsin.

Attorney Hammes interjected that in order to have a vision that the Plan Commission, Town Board, and Architectural Control all agree with, the Sign Ordinance must be modified with Conditional Use and sign placement of monument signs to reflect that vision.

Commissioner Van Kirk questioned whether the signs are defined for set back from Bluemound Road or from the frontage road.

Attorney Hammes affirmed that Bluemound Road should be the relevant factor to the sign ordinance for the setbacks, size, and placement, but the frontage roads must be taken into account.

Supervisor Flessas suggested putting a plan together showing all existing cross-easements and get it to all the committees and Town Board.

Commissioner Smeltzer would like to see Watertown Road connect to Jennifer Court with a round-about to funnel traffic.

Inspector Lake noted that the Plan Commission has discussed the Redevelopment of the area south of Bluemound Road, east of Barker for 18 months and primarily has focused on uses rather than site development standards. Site development standards are frequently part of a plan, and specify architecture, landscaping, lighting, signage, and pedestrian traffic. The City of Brookfield has a very specific site development standard being prescribed with how many trees and bushes and limits the creativity of developers. The Town of Brookfield does not have a compiled site development standard spelled out but it has been understood by the various committees what is wanted. Architectural standard such as efface and glass could be set and signage could be included.

Commissioner Van Kirk concurred that having a site development standard can be a nuisance but makes it easier for the developer because they know what is expected, there are no surprises.

Commission Burbach stated that the Architectural Control has been fortunate to have quality projects come before them and most that is not goes away. They are always pushing for additional brick and monument signs and following the Ordinance. However it is difficult to tell a developer no, without the Ordinance being spelled out more clearly. They do appreciate flexibility because there are always exceptions but guidelines are helpful.

Supervisor Schatzman wondered if the Bluemound commercial corridor could be designated with its own unique zoning.

Commissioner Burbach agreed that Bluemound was its own shopping area and that other areas, such as closer to Waukesha, need to have more flexibility with zoning or they will go to Waukesha.

Supervisor Stroebel concurred that along Watertown Road sign standards need to be less rigid.

Inspector Lake suggested ways to implement standards for architecture, landscaping, or lighting by giving directions to Architectural Control as to what the Board and Committees would like to see for the Town of Brookfield. He suggested that standards could be developed and while they are being drafted, direction be given to the committees or a moratorium could be imposed on all issues.

Supervisor Schatzman referred to the Bluemound Plaza and Les Moise projects as having a need to have a plan, because they can't be left hanging.

Commissioner Burbach stated he was against a moratorium and the Town should start with the City of Brookfield's plan and soften it. To follow the intent but be less rigid will make development match what's been done and quickly create a site development standard.

Attorney Hammes said the first step was the signs and what standards are to be set. The Architectural Committee is already very knowledgeable on building standards and requirements. He also said that there is no problem with the moratorium on the south side of Bluemound because it is going through a redevelopment phase. But with new development starting a moratorium does not benefit the Town. He thinks that the sign ordinance should be handles first, and then where the existing cross-easements are need to be identified; the final thing is to work on the rest of the development standards.

Commissioner Burbach suggested starting with City of Brookfield's plan, forming a sub-committee, and hammering out an Ordinance in two or three meetings.

Supervisor Flessas suggested putting it on the next Architectural Control agenda, scaling it back, and working on it right there as they have the most experience rather than making more committees.

Inspector Lake replied that items submitted to the committee could not be scaled back.

Supervisor Stroebel suggested looking at the cities requirements which would give you an idea and help to determine what might be overly restrictive. We need to respond to this quickly it should not that take a year to get done. This should show a willingness on our part to work with the business owners.

Supervisor Schatzman agreed that property owners don't care what they have to do, they just want to know that is required. He felt the consensus was toward monument signs, but wants to eliminate other signs, bus shelter signs, stand-alone and provide for a clean look.

Chairperson Henderson summarized that the consensus was that monument signs were desired, and that Architectural Control should determine appropriate size, design, and addresses requirements. The cross-easements and frontage roads should be looked at by the Plan Commission.

Inspector Lake stated that road signs and lighting will be installed by the DOT. Discussion ensued as to different lighting and signs and that the City was installing 63 new streetlights as part of the project. The question was asked if the Town could upgrade the street signs if the Town paid for it, such as adding hundred blocks.

Chairperson Henderson asked Inspector Lake to check with the DOT to find out if the street lights they are installing would illuminate the street signs.

Chairperson Henderson brought up drive-thru restaurants and that the current ordinance limits them to 2 within a one mile radius and the Board needs to decide if the Ordinance should be changed, or follow it and not allow for any special exceptions.

Supervisor Flessas responded that the discussions have been that the Bluemound corridor is more high-end, and therefore, no more drive-thru restaurants.

Attorney Hammes explained in order to say no to drive-thru, the provision would have to be eliminated in the Conditional Use Permit for the Bluemound corridor.

Supervisor Flessas suggested creating an overlay for zoning of the Bluemound corridor.

Commissioner Smeltzer responded that some people like drive-thru restaurants and the current Ordinance provides for some on a limited basis with the one-mile radius. To fit the Town's vision the Town Board should define the Bluemound corridor and determining the language of the drive-thru Ordinance.

#### ACTION RESULTING FROM WORKSHOP

Supervisor Flessas motioned to have the Architectural Committee review and revise the Ordinance on signage, to have the Plan Commission to identify and evaluate the of cross-easements and frontage roads and both to present to the Town Board for approval; and that the Town Board develop an Ordinance that prohibits drive-thru facilities with defining the Bluemound corridor where this Ordinance would take effect specifically, seconded by Supervisor Schatzman, voted on, carried unanimously.

There being no further business Supervisor Flessas moved to adjourn, seconded by Supervisor Schatzman, voted on and carried unanimously. The meeting adjourned at 9:05 p.m.

Respectfully submitted,  
Jane F. Carlson, Town Clerk

**CORRESPONDENCE**

**May 6, 2008**

1. "Focus", Apr. 4 & 16, 2008
2. Bluemound Road Contact list and timetable for construction.
3. Update from Gloria Albrecht, Brookfield Chamber rep.
4. Notice from Wis DNR regarding conservation easement.
5. "The Wisconsin Taxpayer" March 2008.
6. Letter from Time Warner regarding new HD channels.
7. Invitation to seminar May 22 for Wis Partners for Clean Air.
8. "Solutions", Spring 2008.
9. Proclamation for Municipal Clerks Week, May 4, thru May 10, 2008.

May 2, 2008

**MEETING NOTICES**

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

**TUESDAY, MAY 6, 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. None.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

**TUESDAY, MAY 6, 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. Discussion and necessary action on construction of a gazebo at Marx Park.
  - b. Refund of Holding Tank Deposit for seven properties that annexed.

- c. Approval of Picnic Permit for Marx Park on Sunday, July 20, 2008 for Gary Muelrath from 8:00 a.m. until 7:00 p.m.
  - d. Approval of Picnic Permit for Marx Park on Saturday, July 26, 2008 for Mothers & More Inc (Nancy Donahue) from 1:00 a.m. until 4:00 p.m.
  - e. Approval of Picnic Permit for Marx Park on Saturday, August 16, 2008 for John G Howitt from 8:00 a.m. until 10:00 p.m.
  - f. Approval of Picnic Permit for Marx Park on Sunday, September 21, 2008 for Tom Consolazione from 11:00 a.m. until 7:00 p.m.
  - g. Approve bartender licenses.
7. Department, Boards, Committee/Commission Reports/Recommendations:
- a. Plan Commission Recommendations:
    1. To set a date for a Conditional Use Permit for a Home Industry, as provided by Section 17.04(14) of the Town of Brookfield's Zoning Code, for a nail salon at 875 Plateau Lane.
    2. For approval of revised building elevations and a revised palette of exterior finish materials for Bluemound Plaza at 19555 West Bluemound Road.
    3. For conceptual approval of an automotive repair facility at 19455 Janacek Court.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. Workshop with Plan Commission & Architectural Control Committee to discuss the Sign Ordinance, Drive-thru facility and Accessory Uses; and the Bluemound Road Redevelopment Plan.
11. Take any necessary action resulting from the discussion in the Workshop.
12. 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.