

TOWN OF BROOKFIELD
TOWN BOARD
JUNE 3, 2008

The regular meeting of the Town Board was held on Tuesday June 3, 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 Shea moved to approve the agenda as presented, seconded by Supervisor Schatzman, voted on, and carried unanimously.

APPROVAL OF MINUTES

Supervisor Flessas moved to dispense with the reading of the minutes of the May 20, 2008 Town Board meeting and approve them as presented, seconded by Supervisor Stroebel, voted on, carried unanimously.

PUBLIC COMMENT

All to the following people commented on the agenda item regarding an Ordinance for Off Road Vehicles:

Paul Consolazione, 18501 Follett Drive said that he opposes an outright ban on the smaller dirt bikes but thinks that putting restrictions on that did not take away the fun could be considered.

Paul Hockmuth 21935 Weyer Road, said that he bought the property in 1995 and they rode a mini bike from the first day on and started the building of the track that is currently there. He would like to explain what he has tried to do in the past concerning this problem. When he received a complaint after Catherine Court was installed and homes built and he talked with the neighbors and worked out an agreement that would limit the hours of operations of the track. If they have gone past the 5 o'clock time agreed on it was because they did not watch the clock. He was surprised to see that the one family was involved because they gave him a release of liability when their son had a mini bike and rode on their property. When the second complaint came he spent several thousand dollars engineering a sound berm between their property and the other property. He came before the Plan Commission with a letter from the Town supporting the building of the berm. However, before the Commission was to vote the affected property owner said they did not want the berm and would deal with the noise. He was issued a ticket after that by the Town that he defended in court and the judge dismissed the ticket. He asked that the Board not ban the use of off road and AT vehicles at this time.

Robert Zaretzke, 4720 Martha Lane, said that he has lived in the Town for 67 years and is totally against any ban of ATV's.

Tony Fohey, 21565 Weyer Road said that he is also against a ban of off road vehicles and ATVs and supports property owner rights.

Jeff Wolf, 17470 Evergreen said that he is also completely against a ban.

Arlen Roemer, 4705 Martha Lane said that he is objecting to any type of ban and said that he is retired and hears no noise from these vehicles. He hears more noise from the gun range on Hwy 74.

Donald Leaders, 4695 Martha Lane, said that he is totally against any ban of ATVs and motorcycles.

Darleen Bira, 21995 Weyer Road, said that she is opposed to this ban and lives down the road from them and does not hear any noise from them.

Dwayne Bira, 21995 Weyer Road, said that he is also totally opposed to the ban. This is something that kids can do to keep themselves out of trouble.

Jim Bira, 21995 Weyer Road, said that he is against the ban and said that is nice to see kids outside doing something to stay out of trouble.

Anthony Tilidetzke, 21195 Weyer Road, said that he is against the ban.

Steve Popek, 21265 Weyer Road, said that he is opposed to an ATV ban and would like the Board to review the Wisconsin All Terrain Vehicle laws that are designated with decibel ratings. A lawn mower decibel is louder than an ATV. He also said that he has never had any problems with neighbors and supports the property owner who has tried to do things that would have helped with the noise and dust.

Brian Wagner, 4705 Lannon Road said that he is also against the ban of ATVs

Tom Glennon, 4715 Catherine Court said that his property faces directly to the property in question with the dirt bike track. They have been experiencing this very frustrating situation for almost 8 years and it is like listening to a buzz saw. They have been very tolerant and trying to work with the neighbors to no resolution.

Rachel Glennon, 4715 Catherine Court said that they purchased the property in the fall of 1997 without the knowledge of perpetual dirt bike activity. They built and moved into their house in 1999 and still were not aware of any dirt bike training activity at the time. After they saw the dirt bike they were told that the rider was recovering from injury and not using the training course. In 2003 the noise and dust of the track became worse so they contacted the police and asked that they received a warning not a citation wanting to be neighborly. They hoped that they might muffle the engine or change the track course. The track goes east to west so that when the bike is going away from their property they get everything right at the house. They talked with one of the parents and were told that they would not put a muffler on the bike because it impedes the performance of the bike. The following week the riders were out and giving the in your face attitude when I was outside working. Following that she contacted the police and they were given the citation and at that point Mr. Hockmuth was going to solve the problem and had the citation waived. That is when the berm came about and a letter that she received from Greg

Hockmuth that he was going to change the track. Well the track was never changed, even after they asked that they just remove the curve that is right by their house. They had not seen the plans for the berm until the night of the meeting and it was a small mountain, to be about 325 feet long all along the property and as high as their house. They were told there might be dust for a couple of years because it would take time for installation. They asked point blank if the berm would make any difference for the noise or the dust of the dirt bikes and they were told that they can not guarantee anything. It has gotten to the point that if he is not out riding the dirt bike he is maintaining the track. Three weeks ago they were working on the track at 10:23 p.m., they called and asked if it wasn't a little late to be working on it. They finally stopped at 10:40 p.m. using the bobcat and backhoe on the track. The first time they have had any relief is since the Town meeting because he has not been out riding. Otherwise it is not just riding 2 to 3 days a week they are out their 7 days a week. Anything they ask for they say can't be done because they don't want to offend the lady that is down the road. She researched at the courthouse and found that the date the survey was recorded for the Country Court subdivision was March 14, 1995. Hockmuth bought the house in August 17, 1995 knowing that there was a subdivision going in and still put the dirt bike track in. Before they bought their land they asked what was there and were told that it was a topsoil farm and that no one could build on it for twenty years.

Dave Goss, 4690 Catherine Court, said that he is against a total ban of dirt bikes and ATVs. He said yes that they had a meeting with him and came to an agreement and he had not complained since. However recently there is a large amount of noise and dust being created. He can be in his house with the windows closed and can hear it and it is happening 5 to 6 days a week. If you are outside and want to listen to the birds or nature you can't.

Mark Reitz, 4735 Catherine Court said that he is against a ban on ATVs and motorcycles but thinks that that a good compromise would be putting on mufflers, moving the track and watering it down.

John Vorpapel, 1175 Rolling Green Drive said that he also opposes a ban on ATVs but he has done some research and can understand that people don't like the noise. A lawn mower is 100 decibels and ATVs are 96 decibels. A lot of cities and towns have enacted ordinances that limit the amount of noise that can come out of the muffler or limit the alteration of the muffler. He does feel that there should be compromises and has put together notes on what other communities have done if anyone is interested.

Peggy Vorpapel, 1175 Rolling Green Drive said that she also opposes the ban and thinks it is unfair to punish the whole town for one situation that is an isolated one.

Dee Dee Conrad, 21630 Hillcrest Drive, said that she opposes a total ban but it is a different story if you are talking about a race track versus someone on a small dirt bike going around their yard 5 or 6 times once or twice a week. She thinks that there should be some limitations on it such as time restriction when it can be ridden.

Thomas Walker, 21895 Weyer Road, said that he lives next door to the Hockmuth's and has no problem with the race track. He understands that the motorcycles that are being ridden on this track are competition motorcycles running in races sanctioned by the American Motorcycle

Association which imposes noise limits on competition machines that are a little higher than 96 decibels. He said that he has been off work for 3 weeks and can't recall noticing bikes being ridden on the track more than 3 or 4 times. Since the original agreement was reached the riding has been done by 5 o'clock. He is firmly opposed to any type of blanket ban on any off road vehicle use. He is concerned about what is going to be counted as an off road vehicle, snowmobiles, noisy lawn tractors, or little 50cc miniature race bike.

Sue Weiderstein, 4755 Catherine Court said she does not think a complete ban would be the correct thing to do because it would be punishing the little kids that have their toy bikes. However maybe some clarification regarding decibel at lot lines, time limits on activity not before 9 a.m. and not after 5 p.m., watering the track and reconfigure the track so that it is not revving toward the lot lines. She said that when you talk with the Glennon's on the telephone and they are out on the bikes you can hear the noise, and no one should be bothered by a continual noise. She has noticed in the last two weeks since the Town Board meeting the noise has been less and they have not been riding as much.

CHAIRMAN'S WCCC MEETING REPORT

Chairman Henderson reported that the Waukesha County 800 Trunk Radio System will be updating to digital service and that the Town should be okay because they have the digital radios.

OLD BUSINESS

a. **TOWN HALL MAIN FILE SERVER FOR COMPUTERS**

Supervisor Flessas moved to approve the proposal from Taylor Computer Services to upgrade the Town Hall server with the Police Department server in the amount of \$3,085.68 with \$419.32 of the cost paid by Sanitary District No 4, seconded by Supervisor Stroebel, voted on, and carried unanimously.

NEW BUSINESS

a. **ORDINANCE FOR OFF ROAD VEHICLES**

Attorney Hammes explained that there has been lack of information or misinformation that has been put out in the media. At the last meeting the Board specifically talked about the fact that if there were a ban it would not involve ATVs because of the fact that many people use them for doing their yard. Secondly Mr. Hockmuth pointed out that he went to court on a citation that was issued by the Town. There were a lot of complaints and initially a number of letters were sent to try and work out the situation by agreement or consensus between the property owners. Each time a warning letter was sent things got better for a while and then finally it got to the point where a citation was issued. What happened was that the municipal court did not find that there was not a problem, they found that the ordinance that the Town has on its books, which says you can not conduct an activity on your property in a manner that would unreasonably annoy, or interfere with the use and enjoyment of someone else's property was too broad and therefore concluded unenforceable. So, effectively the Town does not have as it relates to this situation an ordinance on the books to address this situation which the municipal judge believes is enforceable. What needs to be taken into clearly clarified is the Board is not talking

about ATVs. If in fact there is going to be something done to address the concerns raised it has to be done by ordinance form.

He said that he has put together two ordinances for the Town Board to consider. One which would be a ban on mini bikes, dirt bikes or trail bikes which are defined as the type of vehicle that are designed or intended for operation off of public roads. The second ordinance would not ban but would limit the operation and incorporate the restrictions that were discussed at the previous meetings, and the comments made here tonight. It would allow the use of mini bikes subject to a number of restrictions and conditions some of them being the following:

- Can not be operated on private property without obtaining the written permission of the property owner.

- Can not be operated between the hours of 6 p.m. and 8 a.m. during week days

- Can not be operated on Saturday, Sunday and legal holidays.

- Can not be operated in excess of 25 miles per hour provided that a licensed vehicle operated by a licensed driver authorized by the laws of the State of Wisconsin.

- Can not be operated in a careless manner or in any way to endanger the operator, or another person or another person's property.

- Can not be operated with more than one passenger.

- Can not be operated without protective head gear.

- Can not be operated without a functioning or sufficient muffler.

- Can not be operated by anyone under 12 years of age.

- Can not be operated so as to race the engine or otherwise cause unnecessary or unusual noise that would disturb or endanger the comfort or safety of others.

- Can not be operated in a manner that would cause an unnecessary or unusual circulation of dust.

- Can not be operated on any Town properties or public roads.

- Can not be operated within 300 feet of a property zoned or used for residential purposes.

He said that he has checked other municipalities and found that most of the above conditions are in those ordinances with a little variation as to times and distances.

Chairman Henderson said that the Clerk's office checked with municipalities and of the ones that responded the majority do have some type of ordinance with conditions.

Attorney Hammes said that this is not being drafted because of a specific issue but there has been an ongoing issue. Also the fact that the Town can't control it by issuing a citation when there is a complaint under the current ordinances. If there is going to be a restriction then it has to be a restriction that would apply fairly to everyone within the Town.

Chairman Henderson asked Mr. Hockmuth what the hours were in the original agreement.

Mr. Hockmuth said that at that time his son was going to school so he agreed not to ride after 5 o'clock. That roughly give them 2 hours that they would ride.

Supervisor Shea said that this is more than having younger children riding on a property. This is the use of a motorcycle without a muffler making a lot more noise. He has been on the telephone with Mrs. Glennon and he could hear the motorcycles in the background. The Board needs to look at what will help the Town as a whole. It is not the intent to stop the kids from riding the little 50cc and 70cc around on 10 acres of land. The parties involved have tried to work out agreements and have not stayed within them. Most laws are made because people abuse something. It is not really a fair statement to say I was here first because things change as in this case it started as a young 12 or 13 years old riding one type of bike compared to what is being ridden now.

Supervisor Schatzman said that he is disappointed that the Board has to oversee as a government a disagreement that can not be work out between adults. When a behavior starts to affect neighbors it is time for the behavior to be changed not the neighbors. He asked Mr. Hockmuth how many cc bike is being presently used.

Mr. Hockmuth said that there are two bikes one is 250cc and the other is 450cc.

Supervisor Schatzman said that we are not talking about a little dirt bike or mini bike.

Mr. Hockmuth said it is a motor cross bike and that as his son has grown up he has moved on to bigger motorcycles.

Supervisor Schatzman asked if the track is in compliance with the County's erosion zoning rules.

Mr. Hockmuth said that when he applied for the permit for the berm and that the Planning Commission, the DNR, the Department of Engineers came out to his property and they had no problem with what he had.

Supervisor Schatzman asked if it was to review the berm or the track.

Mr. Hockmuth said it was the track that they walked and had no problem with it.

Attorney Hammes asked when that was.

Mr. Hockmuth said that was in 2004 when he applied to build the berm.

Attorney Hammes asked Inspector Lake what the rule is on moving or disturbing dirt.

Inspector Lake said that it is 3,000 square feet, and that is the reason the permit was required from the County for the berm.

Attorney Hammes asked Mr. Hockmuth if he is disturbing more than 3,000 square feet of area.

Mr. Hockmuth said he is not sure.

Attorney Hammes asked what the property is zoned.

Inspector Lake said that it is zoned Residential and Conservancy because of flood plain.

Attorney Hammes asked if he is operating a motor cross track.

Mr. Hockmuth said that it is a practice motor cross track.

Attorney Hammes said that comments that were heard from the public were based on 50cc and 90cc dirt bikes which are a lot different situation than a 250cc and 450cc. Maybe from a definitional stand point the Board wants to look at that too. He thinks that the Board should look at what has been put together consider the comments received and study this a little more because there is no reason why this needs to be done tonight.

Supervisor Flessas said that laws are designed to encourage and maintain stability in this country and no one wants to see people's property rights extinguished but he does see that a delicate balancing act needs to be performed. Some property rights are going to be affected versus other property rights for people to enjoy their property. It appears that the neighbors that are affected are frustrated because this has been going on for a long time. They have tried to be good neighbors, not to be pest but are to the point of feeling helpless and are asking the Town to do something without stomping on peoples rights. He said that the operation here is almost a commercial operation of a motor cross track. People that own ATVs use them for lawn work and there is nothing the matter with that but when it gets to the level of being obnoxious and not taking measures to at least comply with a request that are reasonable it has elevated to a problem that needs some government intervention. He agrees that it should be look at further and agrees with needing mufflers, decibel levels, moving the track and watering it to prevent dust.

Attorney Hammes asked Inspector Lake if he had any aerial of the property to see how close the track is to the property line.

Inspector Lake put up the aerial from the Waukesha County website and measured that about 10.2 acres are utilized for the track, with the dimension from the track to the Glennon home is about 150 feet.

Supervisor Stroebel said that it is important that the Board step back and take measured and global response looking at not just this property but the Town as a whole. If this ordinance is drafted it needs to apply to the entire Town, and that based on the ruling of the judge there needs to be clear enforcement mechanism. If there are violations they are clear and measurable and upheld in a court. Some of the things from the proposal drafted by Attorney Hammes that he agreed with were set back requirement, some type of

muffler or decibel limit, time restriction of the day and perhaps even restrictions of what days of the week and maybe a speed limit.

Supervisor Shea said that he thinks no matter what is done, it will have an affect on the Hockmuth property, because looking at the ordinances in other communities the speed limit, distance from dwellings etc they are doing. He encouraged them to sit down and work with neighbors because if the Board has to do something it will probably be something that they are sorry for.

Supervisor Schatzman moved to table the ordinance for off road vehicles with the understanding that the parties that have this issue sit down with the Town Administrator and Town Planner/Inspector and work out an amicable written agreement, seconded by Supervisor Flessas, voted on, and carried unanimously

b. ORDINANCE FOR ESCORT SERVICES

Supervisor Stroebel moved to table creating Ordinance 12.11 Escort Services to give Attorney Hammes time to review the changes that Police Chief Perket and the Clerk would like made, seconded by Supervisor Shea, voted on, and carried unanimously.

c. ORDINANCE FOR MASSAGE THERARY/THERAPISTS

Supervisor Shea moved to table creating Ordinance 12.12 Massage Therapy Businesses and Massage Therapists for the changes that Police Chief Perket and the Clerk would like to be incorporated, seconded by Supervisor Stroebel, voted on, and carried unanimously.

d. POLICE INCIDENCES AT CHUCK E CHEESE

Captain Tim Imler said that the Town has had a lot of calls for service to Chuck E Cheese compared to other businesses in the Town. He has been contacted by the Corporate Office and reported what they are proposing to do. They will be hiring a new security firm and stepping up private security, posting signs inside and outside the establishment stating what will and will not be tolerated, enforcing the population at the establishment and limiting it to 600 people, installing high tech security camera both inside and outside, and they have brought in a private firm to train management and employees. He is meeting with corporate on June 10, 2008 to try and come up with a resolution on some of the calls they respond to. They are making the right steps forward and only time will tell if it will make a difference.

Supervisor Flessas said that as he reviews what is happening at Chuck E Cheese what they were designed to be, a gathering place for children to eat pizza and have fun now has turned into a gathering place for adults that act like juveniles. All the things that they are proposing to do are good but they need to get rid of any alcohol because you should not put alcohol where children are playing it does not mix.

Supervisor Stroebel asked if they mentioned anything about the alcohol.

Captain Imler said they have not said anything but in Milwaukee they did voluntarily surrender the alcohol license at one of the establishments and there has been a decline in police calls. He said that he can not say it is the problem but can not say it is not the

problem. They have all different calls such as kids calling 911 or pulling fire alarms, there are fights, thefts from cars, stealing license plates, stealing cars, fights in the parking lot, drugs in the bathroom and all sorts of activities.

Attorney Hammes said that if they do not decide to voluntarily give up the license the Board should consider putting them on notice that with the new things they are implementing the police department will be monitoring it and keeping the board updated for the possibility of revocation of their license.

Supervisor Schatzman asked if they really had a drug situation and if so whether it was employees or guest.

Detective Tony Bertram said yes it was heroin injection needles and cocaine and it was guest related. They also have a problem with guest who carry in hard liquor even though is says no carry in.

Supervisor Schatzman asked Attorney Hammes is there was anything else that the Town can do.

Attorney Hammes said that they could look into an ordinance of charging for having to respond habitually.

Administrator Czopp said that he met with the Chief and officials from Chick E Cheese two years ago and there were whiskey bottles under the seats. At that time they said they would take care of the problem and here it is two years later and they have not done anything. The Board needs to give him and the police department some direction for when they meet so he can let them know the Town's position.

Supervisor Flessas moved to have the Board at the July 1, 2008 meeting seriously consider revoking the Beer and Wine License for Chuck E Cheese, seconded by Supervisor Schatzman, voted on, carried unanimously

e. KOPP'S EASEMENT AGREEMENT

Supervisor Flessas moved to let the owners of Kopp's and the Wisconsin DOT know that the Town grants conceptual approval of an Easement Agreement for parking lot expansion, seconded by Supervisor Stroebel, voted on, carried unanimously

f. CYCLING RACE

Supervisor Stroebel said that he would like individual flyers distributed to each residence and signage put up at the entrances to the subdivision ahead of time as a reminder to the residents in the subdivision.

Supervisor Stroebel moved to approve the cycling race in the Summit Lawn/Black Forest subdivision for August 23, 2008, seconded by Supervisor Shea, voted on, carried unanimously

- g. **ORDINANCE FOR BOARD OR REVIEW HEARING EXTENSION**
The consensus of the Board was not to do anything at this time.
- h. **PICNIC PERMIT**
Supervisor Stroebel moved to approve a picnic permit for Julie Hall, on Sunday, July 13, 2008 from 10:00 a.m. until 10:00 p.m., at Marx Park, seconded by Supervisor Schatzman, voted on, carried unanimously.
- i. **PICNIC PERMIT**
Supervisor Stroebel moved to approve a picnic permit for John G Howitt, on Saturday, August 2, 2008 from 9:00 a.m. until 10:00 p.m., at Marx Park, seconded by Supervisor Shea, voted on, carried unanimously
- j. **BARTENDER LICENSES**
Supervisor Stroebel moved to follow the Police Chief's recommendation and deny the Bartender Operator License for Jeanette K Ruplinger, seconded by Supervisor Shea, voted on, carried unanimously

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

- a. **PLAN COMMISSION**
 - 1. **CONDITIONAL USE PERMIT FOR HOME INDURSTRY (NAIL SALON)**
Supervisor Stroebel moved grant 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, with the following conditions: reviewed for renewal in 2 years, may conduct business 25 hours a week on Monday through Saturday, only 1 technician may be working, and 1 customer at a time, seconded by Supervisor Shea, voted on carried unanimously.
 - 2. **CONCEPTUAL AND FINAL APPROVAL OF GAZEBO AT MARX PARK**
Supervisor Flessas moved to table the Gazebo at Marx Park until the details of the exact location are determined, seconded by Supervisor Stroebel, voted on, carried unanimously.
 - 3. **CONCEPTUAL AND FINAL APPROVAL OF CONDO DEVELOPMENT ON BARKER ROAD**
Supervisor Schatzman moved to table for 2 weeks the approval of 8 unit condominium development at 740 North Barker Road to determine if the DNR is going to require a conservation easements, died for lack of a second

Supervisor Flessas moved to grant conceptual and final approval of 8 unit condominium development at 740 North Barker Road subject to the Architectural Control Committee and Plan Commission recommendations and a non-annexation agreement, seconded by Supervisor Stroebel, voted on, passed 4 – 1 with Supervisor Schatzman abstaining.

4. CONCEPTUAL APPROVAL OF OFFICE DEVELOPMENT ON JENNIFER DRIVE
Supervisor Flessas moved to follow Plan Commission recommendation and grant conceptual approval a 70,000 square foot office development and a 5,600 square foot restaurant on Jennifer Drive west of Poplar Creek, seconded by Supervisor Schatzman, voted on, and carried unanimously.

5. COUNTY DEVELOPMENT PLAN MAP AMMENDMENTS
Supervisor Flessas moved to follow Plan Commission recommendation and approve Map Amendments to the Land Use Element of the County Development Plan prepared as part of the update to that Plan, seconded by Supervisor Schatzman, voted on, and carried unanimously.

VOUCHERS

Supervisor Shea moved to approve the vouchers as presented in the amount of \$125,465.83, seconded by Supervisor Stroebel, voted on, and carried unanimously.

Included in the approved vouchers were: two checks for \$27,259.87 to Veolia ES Solid Waste for recycling, refuse and yard waste collection \$13,996.49 to Taylor computer Services Inc for Police Department computer server update (grant reimbursable); \$6,100.00 to James Imaging Systems Inc for grant reimbursable purchase of scanner; and \$4,488.88 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.

Supervisor Shea noted item 4.

There being no further business Supervisor Stroebel moved to adjourn, seconded by Supervisor Flessas, voted on and carried unanimously. The meeting adjourned at 10:25 p.m.

Respectfully submitted,
Jane F. Carlson, Town Clerk

CORRESPONDENCE

June 3, 2008

1. "Focus", May. 12, 2008
2. "The Wisconsin Taxpayer", April 2008.
3. Police & Fire Commission Minutes Apr 15, 2008.
4. Journal article on Merrimac annexation ruling.
5. 2006-2008 Local Roads and Streets Council Biennial Report.

May 30, 2008

MEETING NOTICES

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

TUESDAY, JUNE 3, 2008

7:00 P.M.

**JOINT PUBLIC HEARING
SANITARY DISTRICT NO AND
SEWRPC**

The purpose of the hearing is for Commissioners of Sanitary District No. 4 - Town of Brookfield and the Southeastern Wisconsin Regional Planning Commission (SEWRP) to receive public comment on, and reaction to, a proposed amendment to the sanitary sewer service areas for Brookfield-Elm Grove and Waukesha.

TUESDAY, JUNE 3, 2008

**IMMEDIATELY
FOLLOWING
PUBLIC HEARING**

**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. Discussion and necessary action on whether any changes should be made to the sewer service area and to formally adopt the report for forwarding to the Wisconsin Department of Natural Resources for use by that Department in reviewing and approving sanitary sewer extensions in accordance with the provisions of Chapter 283 of the Wisconsin Statutes. .
7. Adjourn into **CLOSED SESSION**, according to Section 19.85(1)(g) Wisconsin Statutes for conferring with legal counsel with respect to litigation regarding the I & I lawsuit.
8. 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.
9. Approval of Vouchers and Checks.
10. Communications and Announcements.
11. Adjournment.

TUESDAY, JUNE 3, 2008

**IMMEDIATELY
FOLLOWING THE
SANITARY DISTRICT**

**JOINT PUBLIC
HEARING
TOWN BOARD AND
PLAN COMMISSION**

The purpose of the hearing is to consider the request of Michael Schreiber, for a Conditional Use Permit, to operate a Home Industry (nail salon), at 875 Plateau Lane, Waukesha WI, 53188

TUESDAY, JUNE 3, 2008

**IMMEDIATELY
FOLLOWING THE
PUBLIC HEARING**

**PLAN COMMISSION
SPECIAL MEETING**

AGENDA:

1. Confirmation of meeting notice.
2. CU-0408-001 Michael Schreiber for a recommendation 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.
3. Adjournment.

TUESDAY, JUNE 3, 2008

**IMMEDIATELY
FOLLOWING
PLAN COMMISSION**

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 on WCCC Meeting.
6. Old Business:
 - a. Discussion and necessary action regarding updating Town computers to a Main File Server shared by all departments.
7. New Business:
 - a. Discussion and necessary action regarding an Ordinance regulating Off Road Vehicles.
 - b. Discussion and necessary action regarding creating Ordinance 12.11 Escort Services.
 - c. Discussion and necessary action regarding creating Ordinance 12.12 Massage Therapy Businesses and Massage Therapists.
 - d. Discussion and necessary action regarding Police responding to numerous incidences at Chuck E Cheese.

- e. Discussion and necessary action regarding Easement Agreement for parking lot expansion at Kopp's.
 - f. Discussion and necessary action regarding a cycling race in the Summit Lawn/Black Forest subdivision for August 23, 2008.
 - g. Discussion and necessary action regarding adopting an ordinance for the 60 day board of review hearing extension under 70.47(7)(c) Wis Stats.
 - h. Approval of Picnic Permit for Marx Park on Sunday, July 13, 2008 for Julie Hall from 10:00 a.m. until 10:00 p.m.
 - i. Approval of Picnic Permit for Marx Park on Saturday, August 2, 2008 for Lori Groh from 9:00 a.m. until 10:00 p.m.
 - j. Approve bartender licenses.
8. Department, Boards, Committee/Commission Reports/Recommendations:
- a. Plan Commission Recommendations:
 1. 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 Conceptual and Final Approval of a 315 square foot gazebo at Marx Park, 20255 Poplar Creek Drive.
 3. For Conceptual, and Final Approval of an 8 unit condominium development at 740 North Barker Road, including a recommendation for approval of required conservation easements.
 4. For conceptual approval of a 70,000 square foot office development and a 5,600 square foot restaurant on Jennifer Drive west of Poplar Creek
 5. For approval of Map Amendments to the Land Use Element of the County Development Plan prepared as part of the update to that Plan.
9. Approval of Vouchers and Checks.
10. Communications and Announcements.
11. Adjournment.

THURSDAY, JUNE 5, 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.