

TOWN OF BROOKFIELD
TOWN BOARD
JULY 1, 2008

The regular meeting of the Town Board was held on Tuesday July 1, 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 7:04 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 Shea, voted on, and carried unanimously.

APPROVAL OF MINUTES

Supervisor Schatzman said that on page 2 the fourth sentence the word *our* should be *out*. Supervisor Shea said that on page 1 under Bartender License the word *moved* needs to be added in the motion that Supervisor Shea made.

Supervisor Flessas moved to dispense with the reading of the minutes of the June 17, 2008 Town Board meeting and approve them as corrected, seconded by Supervisor Schatzman, voted on, carried unanimously.

PUBLIC COMMENT

Paul Hockmuth 21935 Weyer Road said that he wanted to comment on the item under the Administrator's Report regarding the motor cross biking. He said that this item was discussed at a previous meeting and the board had directed them to work with Administrator Czopp and Inspector Lake to try and work out the disagreement between the two parties. He said that the scheduled meeting was cancelled because Administrator Czopp was working on the storm related issues. He received a letter from the county telling him that he needed a Conditional Use Permit in order to operate the track. He had the county representative, Administrator Czopp, and Inspector Lake come out to his property and understands that the board will be receiving information tonight and is here to answer any questions that there might be.

OLD BUSINESS

a. KOPP'S EASEMENT AGREEMENT

Supervisor Schatzman moved to approve accepting the license for private use of dedicated right of way and prescribing conditions of use to 18880 W. Bluemound Rd., LLC (referred to as Kopp's), for the purpose of providing customer parking, seconded by Supervisor Stroebel, voted on, carried unanimously

b. ORDINANCE FOR ESCORT SERVICES

Supervisor Schatzman moved to adopt an Ordinance Creating Section 12.11 of the Town code of the Town of Brookfield, Waukesha County which regulates the operation of Escort Services in the Town, seconded by Supervisor Flessas, voted on, and carried unanimously.

c. **ORDINANCE FOR MASSAGE THERARY/THERAPISTS**

Supervisor Shea moved to adopt an Ordinance Creating Section 12.12 of the Town Code of the Town of Brookfield, Waukesha, County regulating the operation of Massage Therapy Businesses and Massage Therapists, seconded by Supervisor Flessas, voted on, and carried unanimously.

NEW BUSINESS

a. **ALDI'S PLAN OF OPERATION AND BLUEMOUND PLAZA'S REVISED FAÇADE/SIGNS**

Supervisor Flessas moved to approve Aldi's Plan of Operation and Bluemound Plaza's revised façade/signs, subject to Architectural Control review, seconded by Supervisor Schatzman, voted on, and carried unanimously.

b. **REFUND SURETY DEPOSIT TO PAUL BURBACH**

Supervisor Flessas moved to approve refunding the \$100,000.00 Surety Deposit Bond that Paul Burbach made to the Town November 18, 1992 for the Brookhill Estates IV development, seconded by Supervisor Shea, voted on, and carried unanimously.

c. **BARTENDER LICENSES**

Supervisor Schatzman to approve the July 1, 2008 through June 30, 2009 bartender licenses as listed (see attached), seconded by Supervisor Stroebel, voted on, carried unanimously.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. **PLAN COMMISSION**

1. **CONCEPTUAL APPROVAL OF REDEVELOPMENT AT 19770 W BLUEMOUND ROAD**

Supervisor Flessas moved to follow the Plan Commission recommendation and grant conceptual approval of a 12,000 square foot commercial redevelopment at 19770 West Bluemound Road, subject to developer securing cross easements to adjoining properties along Bluemound, seconded by Supervisor Schatzman, voted on, carried unanimously.

2. **ADOPTION OF REDEVELOPMENT PLAN FOR COMMERCIAL NODE BOUNDED BY BLUEMOUND ROAD, JANACEK ROAD, I-94 AND BARKER ROAD**

Mr. Lake presented the final draft of the Node Plan, highlighting the revisions that were included in response to comments received both at the Public Hearing, held on September and in meetings with stakeholders.

The revisions allow additional flexibilities for consideration of development proposals within the Node. For example, envisioned roadway delineations are

now shown as dashed on the land use map to indicate geometries and alignments as “suggested” rather than mandatory. Also, land uses originally prohibited within areas of the Node may now be considered as Conditional Uses. The Plan suggests that conditions under which those uses can be considered be developed as part of an implementation strategy.

He also said that the Plan Commission had recommended those revisions, and the Draft presented this evening has incorporated them.

Supervisor Schatzman moved to follow the Plan Commission recommendation of June 18, 2008 (see attached) and adopt the neighborhood Redevelopment Plan for the commercial node bounded by Bluemound Road, Janacek Road, I-94 and Barker Road, seconded by Supervisor Flessas, voted on, carried unanimously.

3. SET PUBLIC HEARING DATE

Supervisor Flessas moved to set the Public Hearing date for Tuesday, July 22, 2008 at 7:00 p.m. for proposed amendments to Section 17.08 (Signs) of the Town of Brookfield’s Zoning, seconded by Supervisor Schatzman, voted on carried unanimously.

b. ADMINISTRATOR’S REPORT ON MOTORCROSS BIKING

Administrator Czopp said that the first thing that needs to be clarified is that the Town Board is not trying to ban ATV’s, snowmobiles and those types of vehicles. What they are trying to do is be the mediator between the neighbors regarding the problem of the noise, dust. At the last board meeting the board asked that he and Inspector Lake go out and take a look at the Hochmuth property and talk with him which they did. They also met and talked with the Glennon’s. He presented a location of the Hochmuth properties and the track and the Glennon property. They went out with County Representative, Sheri Mount and reviewed the situation. He presented pictures that he took of the 20 jump hills on the track and asked that Mr. Hochmuth’s son give them a demonstration of his riding. He said that the thing that concerned him was when he viewed the area from the Glennon’s back yard, about fifty feet from the fence line is a jump hill that comes around and travels west. With all the rain that there has been he thought it would have packed down the dirt but, it did not when the bike was operating it created quite a bit of dust. He said that Mr. Hochmuth has received a letter from the county that directs him to remove all illegally placed fill, restore the distributed area, and give the county a restoration plan. Before the Town Board can proceed on anything he must conform to the County’s letter.

Mr. Hochmuth said that he went to see Ms. Mount after he received the letter. He also explained that in 2004 he applied for a Conditional Use Permit for a berm on the property. When applying for the permit the County, the DNR, the US Department of Engineers and several other governmental agencies came out to the property and looked at what he had there and did not have a problem with what he was doing. He said that when he went to those agencies before he bought the property to inquire if there would be

a problem with building bumps and jumps and having that type of activity on that property.

Administrator Czopp asked if he had the permit.

Mr. Hochmuth said no they said there would be no problem or permit required.

Chairman Henderson said that there is a letter that Mr. Hochmuth needs to take action on and the Town Board can not take any action.

Mr. Hochmuth said that he understands that the county has come out on a follow up visit and they are going to send him something that he has to do, and that they do not have a problem with him operating the track with a Conditional Use Permit.

Attorney Hammes said that is right and that is in the letter received from Ms. Mount. You either have to restore the property or get a Conditional Use Permit. It is presumptuous to say that the County has no problem because they will have to hold a public hearing to receive public comment before a permit can be issued. So, before the Town Board can do anything you have to take care of the matters that the county has directed you to do, as stated in the letter you received.

VOUCHERS

Supervisor Schatzman moved to approve the vouchers as presented in the amount of \$114,149.67, seconded by Supervisor Shea, voted on, and carried unanimously.

Included in the approved vouchers were: for \$29,241.00 to Wausau Insurance Companies for general liability, worker comp and vehicle insurance; \$27,273.71 to Veolia ES Solid Waste for recycling, refuse and yard waste collection and \$2,311.15 to Taylor Computer Services Inc for Town Hall and Sanitary District #4 computer server update (SD#4 will reimburse their portion).

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 Stroebel, voted on and carried unanimously. The meeting adjourned at 8:35 p.m.

Respectfully submitted,
Jane F. Carlson, Town Clerk

CORRESPONDENCE

July 1, 2008

1. Press Release, Waukesha County Recycling update and report.
2. "Focus", June 6 & 18, 2008.
3. "The Wisconsin Taxpayer" May 2008.
4. Waukesha County Parks & Land Use notice of violation-Hochmuth property.
5. Petition from Weyer Road residents regarding Dirt Bike Ordinance

June 27, 2008

MEETING NOTICES

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

TUESDAY, JULY 1, 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, JULY 1, 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. Old Business:
 - a. Discussion and necessary action regarding Easement Agreement for parking lot expansion at Kopp's. (Tabled 6/3/2008)
 - b. Discussion and necessary action regarding creating Ordinance 12.11 Escort Services (Tabled 6/3/2008).

- c. Discussion and necessary action regarding creating Ordinance 12.12 Massage Therapy Businesses and Massage Therapists (Tabled 6/3/2008).
- 6. New Business:
 - a. Discussion and necessary action on Aldi's Plan of Operation and Bluemound Plaza's revised facade/signs.
 - b. Refund Surety Deposit to Paul Burbach.
 - c. Approve bartender licenses.
- 7. Department, Boards, Committee/Commission Reports/Recommendations:
 - a. Plan Commission Recommendations:
 - 1. For Conceptual Approval of a 12,000 square foot commercial redevelopment at 19770 West Bluemound Road.
 - 2. For adoption of a neighborhood Redevelopment Plan the commercial node bounded by Bluemound Road, Janacek Road, I-94 and Barker Road.
 - 3. To set a date for a Public Hearing for proposed amendments to Section 17.08 (Signs) of the Town of Brookfield's Zoning.
 - b. Administrator's Report on motocross biking.
- 8. Approval of Vouchers and Checks.
- 9. Communications and Announcements.
- 10. Adjournment.

THURSDAY, JULY 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.