

TOWN OF BROOKFIELD
TOWN BOARD
October 21, 2008

The regular meeting of the Town Board was held on Tuesday October 21, 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 7:47 p.m. with the following people present: Supervisors: John Schatzman, Dan Shea and Patrick Stroebel, Administrator Richard Czopp, Attorney James Hammes, Building Inspector Gary Lake and the Town Clerk Jane Carlson to record the minutes.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Supervisor Shea moved to dispense with the reading of the minutes of the October 5, 2008 Town Board meeting and approve them as presented seconded by Supervisor Schatzman, voted on, passed 3 – 0 – 1 with Supervisor Stroebel voting present.

PUBLIC COMMENT

Fred Sitzberg 19175 Black Forest Drive commented on a non-agenda item regarding having an accident and being dissatisfied with Elders Towing Service and recommends that the Town not use there services.

Rachel Glennon, 4715 Catherine Court commented on a non-agenda item regarding dirt bikes and would like an ordinance adopted that restricts the use of them.

Tom Glennon, 4715 Catherine Court said that he echoed his wife's statement.

Bob Rockey, 21815 Weyer Road commented on dirt bikes, that the noise is continuous and louder and that it is not a child riding it is adults.

Michelle Rockey, 21815 Weyer Road commented on dirt bikes and said that some days they ride all day long.

Sue Weidenstein 4755 Catherine Court commented on dirt bikes and agrees with neighbors that there should be some restriction on them.

The owner of 19165 W. Bluemound Road commented on an agenda item regarding the issuance of Liquor License. He feels that they have found a suitable, excellent choice for a replacement of the business at the property and would like to encourage the board to strongly consider them for the beverage service license.

OLD BUSINESS

a. VACANT SUPERVISOR POSITION

Chairman Henderson said that statutes does not say that a supervisor has to be appointed but if the board is going to consider doing that he thinks it should be done at the next meeting.

Supervisor Stroebel said that he feels that it is something that the board should consider filling. Some feelers should be put out to see if anyone is interested. To go without representation six months may not be the best with the issues that are in front of the board.

Supervisor Shea said that he would like to see it filled and that he has been contacted by one person that is interested. He also said that a background check on the individual should be considered.

Supervisor Schatzman said that he feels that it is most important to get someone that is qualified and familiar and up and running immediately given the things that will be taking place with the board between now and April. He thinks that if there are such qualified people they should be before the board next meeting and a decision can be made based on the people that present themselves.

Supervisor Stroebel moved to have background checks done on candidates that are interested in the vacant Supervisor position, seconded by Supervisor Shea, voted on, and carried unanimously.

NEW BUSINESS

a. **ARCHITECTLURAL CONTROL COMMITTEE**

Chairman Henderson explained that currently the ordinance for the Architectural Control Committee reads that if you are the Supervisor appointed to the Plan Commission you are automatically on the Architectural Committee. This requires that person to attend meetings every Tuesday of the month.

Chairman Henderson asked how many members are on the committee presently.

Inspector Lake said that there are currently 6 members without Mr. Flessas.

Chairman Henderson said that there should be an odd number so the question is whether to fill the vacant position and keep at 7 or decrease to 5 members.

Inspector Lake said that the building inspector position has been a voting member so it could be eliminated to make for a 5 member committee.

Chairman Henderson asked if that would be a workable solution with respect to not running into a problem of having enough members available to have a quorum for meetings.

Attorney Hammes said that could be addressed by appointing the inspector as an alternate so that in the absence of a member, he can make the quorum.

No action taken. The attorney will put together an ordinance regarding the structure of the Architectural Control Committee for the Board to consider.

b. **RESERVE CLASS B BEER & CLASS B LIQUOR LICENSE**

Ken Kilberger, Representative of Ruby Tuesday Restaurant explained the operations of the business and said that they have always looked for an opportunity to be along Bluemound

Road. They have found a site but are in need of a liquor license in order to receive approval from Ruby Tuesday and feel that they would be a real asset for the Town.

Darell Imler, Representative of Ruby Tuesday presented the drawings and explained the elements of the building both interior and exterior. He also presented a document that gives a brief description of the four business partners and how long they have been in business, the operating plan and hours of operation. He reiterated what Mr. Kilberger said that the hurdle for them is the Class B Liquor license and that they would appreciate the board's consideration for the license. He asked that if the board has held the license for people in the past that they confirm that they still have a project going forward and that they have tenants that will use a Class B Liquor license.

Don Carlson General Manager of the Greendale restaurant and will be the manager of any other restaurants that are opened in southern Wisconsin area and would be the agent for the liquor licenses. He explained the operations of the business and quality materials that they use to prepare the foods and their service.

Chairman Henderson explained that liquor licenses are issued by the municipalities but the number available is based on the population. He has been talking with the Town Representative in Madison trying to get it based on the daytime population which is around 30 to 40 thousand and the nighttime is about 6,400. He told him that the Town could use 3 or 4 more licenses.

He went on to explain that the Town has been going through a neighborhood plan for the Bluemound Road / Barker Road intersection which includes the property of the old Marcus Theater, Menards and a few others. Part of the section on that plan indicates that there will be a hospitality node and the assumption is that they will need a liquor license for that to take off and that is why the board has held the last license it has available.

Supervisor Schatzman asked Attorney Hammes if that threshold of every 500 residents was based on the per decennial population figures.

Attorney Hammes said yes and there was just a population update of about 6,370.

Supervisor Schatzman said that it looks like the Town needs about 150 more residents and that there is a Condo project going in just west of the Town Hall site. He said that some of the solutions to the problem are; a license given tonight; picking up one from a failing restaurant or one that would be surrendered, and if there is a renewal that does not get approved next July. The last solution is that you mentioned that this is a family restaurant and he does not know of any kid that needs a shot or a mixed drink to go with the food so, a beer and wine license could be obtained until such time that a full license becomes available.

Mr. Kilberger said that Corporate would never approve the operation of the business without a full license.

Mr. Imler said that in order to get the franchisee, there is a questionnaire that you fill out and have to show that you have a Class B Beer and Class B Liquor license or how you will obtain one.

Supervisor Schatzman said that with the economy as it is, and you tell corporate that you possibly can get one next July or August, they will say forget it.

Mr. Imler said they have in the past, but the big thing is the uncertainty if they knew that they had a commitment that they would get one in July that would be different than saying we think there is a probability. He also said that they have been advised that you can not buy and sell these licenses but that the real estate can be bought and take the license with it.

Supervisor Schatzman said that he does not think that it is a possibility for the board today to make any commitment like that.

Attorney Hammes said that what takes place is that you buy the person's business contingent upon the surrender and re-issuance of the license.

Supervisor Shea said that he likes the idea of the restaurant coming to the site but he said that he does not think that the board is ready to grant the only license it has left. There is a restaurant that burned down that has a license maybe they are not going to rebuild.

Mr. Kilberger said they have the right to hold it until renewal and that is the problem they have run into in another municipality.

Mr. Imler said that they have not made contact but information from a broker was that they thought they were going to rebuild. He asked if they have had any communication with the Town.

Inspector Lake said yes as early as this afternoon they played phone tag. They have since the fire discussed with him on several occasions development potential of that site and expressed his interest in redeveloping a restaurant there.

Attorney Hammes asked if that was the owner.

Inspector Lake said it was the land owner.

Attorney Hammes explained that the land owner is not the restaurant owner that holds the license.

No Action taken.

c. 2008 TAX COLLECTION AGREEMENT

Supervisor Stroebel moved to approve the 2008 Tax Collection Agreement with Waukesha County, seconded by Supervisor Shea, voted on, carried unanimously.

d. HUMANE ANIMAL SERVICE AGREEMENT

Supervisor Shea moved to approve the 2009 Animal Service Agreement with Elmbrook Humane Society, seconded by Supervisor Schatzman, voted on, carried unanimously

- e. **TOWN HALL USE FOR PREVENTIVE HEALTH SCREENING EVENT**
Supervisor Schatzman moved to table to allow for a policy to be put together on the use of the Town Hall, seconded by Supervisor Shea, voted on, carried unanimously.

- f. **ORDINANCE RELATED TO ELECTION OFFICIALS**
Supervisor Stroebel moved to approve and adopt Ordinance Creating Section 1.28 regarding Election Officials, seconded by Supervisor Schatzman, voted on, carried unanimously.

- f. **AUTHORIZATION TO PUBLISH 2009 BUDGET**
Supervisor Schatzman moved to approve publishing the 2009 Budget in the Town's newspaper (The Freeman) on Friday, October 31, 2008, seconded by Supervisor Shea, voted on, carried unanimously.

- g. **BARTENDER LICENSES**
Supervisor Stroebel moved to approve bartender licenses for Dustin J Corrigan at Jose's Blue Sombrero; Miguel A Sanchez at Mi Cocina Mexican Restaurant; and Alan G Hackl at Open Pantry, seconded by Supervisor Shea, voted on, carried unanimously

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS NONE

VOUCHERS

Supervisor Stroebel moved to approve the vouchers as presented in the amount of \$88,187.05 seconded by Supervisor Schatzman, voted on, and carried unanimously.

Included in the approved vouchers were: \$13,838.00 to Ray Galinsky Contractors for concrete work; \$9,634.56 to Scott Oil/Heating Co for vehicle fuel; \$7,843.35 to Strand Associates Inc for engineering services and \$3,379.50 to Sherwin Industries Inc for crack filling machine rental and material.

COMMUNICATIONS AND ANNOUNCEMENTS

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

Chairman Henderson noted item #8.

There being no further business Supervisor Schatzman moved to adjourn, seconded by Supervisor Stroebel, voted on and carried unanimously. The meeting adjourned at 9:15 p.m.

Respectfully submitted,
Jane F. Carlson, Town Clerk

CORRESPONDENCE
October 21, 2008

1. "Focus", September 30, 2008.
2. Wisconsin DNR 2009 stormwater projects report.
3. Waukesha County Cooperative Council agenda Oct 27, 2008.
4. Wisconsin Towns Assn agenda Oct 22, 2008.
5. SEWRPC 2007 annual report.
6. Update from Gloria Albrecht, Chamber rep.
7. Wis Dept of Admin 2008 estimated population.
8. Waukesha County Parks & Land Use violation Mallards Landing.

October 17, 2008

MEETING NOTICES

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

TUESDAY, OCTOBER 21, 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. Discussion and approval of design for Poplar Creek water crossing.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

TUESDAY, OCTOBER 21, 2008

**IMMEDIATELY
FOLLOWING THE
SANITARY DISTRICT NO 4
MEETING**

**UTILITY DISTRICT
NO 1**

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 approval of updating SLAMM model.
7. Adjournment.

TUESDAY, OCTOBER 21, 2008

IMMEDIATELY

TOWN BOARD

FOLLOWING THE
UTILITY DISTRICT NO 1
MEETING

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 vacant Supervisor position.
6. New Business:
 - a. Discussion and necessary action regarding structure of Architectural Control Committee.
 - b. Discussion and necessary action regarding issuance of the Reserve Class B Beer and Class B Liquor License.
 - c. Discussion and necessary action regarding 2008 Tax Collection Agreement with Waukesha County.
 - d. Discussion and necessary action regarding Humane Animal Service Agreement.
 - e. Discussion and necessary action regarding use of the Town Hall to host a preventive health screening event by Life Line Screening.
 - f. Adoption of Ordinance relating to Election Officials.
 - g. Discussion and review of the 2009 Budget and authorization to publish.
 - h. Approve bartender licenses.
7. Department, Boards, Committee/Commission Reports/Recommendations:
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. 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.