

TOWN OF BROOKFIELD
TOWN BOARD
NOVEMBER 5, 2008

The regular meeting of the Town Board was held on Wednesday November 5, 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 7:14 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 Shea moved to approve the agenda with the addendum as presented, seconded by Supervisor Stroebel, voted on, and carried unanimously.

APPROVAL OF MINUTES None.

PUBLIC COMMENT

Darell Imler Representative of Ruby Tuesday's, Crystal Lake, IL. commented that he would like to be on the agenda for a meeting to discuss obtaining a Class B liquor license.

Dave Goss, 4690 Catherine Court commented on a non-agenda item saying that there have been hunters in the area shooting and wonders if the property owner could receive a citation for allowing unlawful activity to take place on their property.

Rachel Glennon, 4715 Catherine Court, commented on an agenda item regarding an ordinance regulating mini and dirt bikes by reading a statement regarding the sizes and performance of the bikes.

CHAIRMAN'S REPORT.

a. UPDATE ON WTA MEETING

Chairman Henderson reported that at the meeting they had a presentation on open meetings/open records by District Attorney Brad Schimel and Attorney John Macy. He said that the handout from the meeting is in the packet and if board members get a chance they should review it and if anyone gets the opportunity to attend a meeting given by them they should go. He said the next WTA meeting will be in the Town of Mukwonago on January 28, 2009.

b. UPDATE ON WCCC MEETING

Chairman Henderson reported that they went over the Countywide Mutual Aid Agreement. He said we have mutual aid with our neighbors but what this does is clarifies it a little better. It also explains that if something drastic happens when and where money could be collected from the Federal government. Also given out was Countywide Pre-disaster Mitigation Plan including a survey that should be filled out. He said they talked about the Regional Water Study which they want to make sure everyone has sufficient ground water and where the water is going to come from. The Great Lake Charters Compact has been adopted and Lake Michigan water coming to Waukesha. The study says that the City of

Waukesha and half of the City of Brookfield and New Berlin would be Lake Michigan. The Town of Brookfield is not included because they feel that the Town has sufficient water. The study is available to review at the Clerk's office.

OLD BUSINESS

a. VACANT SUPERVISOR POSITION

Chairman Henderson explained the procedure for appointing the person to fill the vacant seat on the Town Board that was created by the resignation of Robert Flessas. He said that the following two people had submitted an email, Kevin Van Kirk, 21390 W Greenhill Dr. and Paul X. Sawicki, 4675 Catherine Ct. He thanked them, told them if they are not appointed to not take it personal, and encouraged each of them to seriously consider running for the election in April. He said that each candidate would be given two minutes to introduce themselves and their reason why they would like to be a Supervisor. The Board and Clerk then will then have the chance to ask questions after which the candidates will be given the opportunity to summarize why they the best candidate for the position. He said that the order would be randomly chosen for the opening statements and alternated for the questions and closing comments.

A roll call vote was taken by Attorney Hammes for the position of Town of Brookfield Supervisor, to fill the unexpired term created when Robert Flessas resigned, with the following results:

Supervisor Schatzman:	Kevin Van Kirk
Supervisor Shea:	Kevin Van Kirk
Supervisor Stroebel:	Kevin Van Kirk
Clerk Carlson:	Kevin Van Kirk
Chairman Henderson:	Kevin Van Kirk

Kevin Van Kirk was appointed to the Board by a 5 – 0 vote and sworn into office by Clerk Carlson.

b. ARCHITECTURAL CONTROL COMMITTEE

Supervisor Schatzman moved to table until the next meeting the structure of the Architectural Control Committee, seconded by Supervisor Shea, voted on, carried unanimously.

ADDENDUM

1. OLD BUSINESS

a. CLASS B BEER AND CLASS B LIQUOR LICENSE

Administrator Czopp said that the Town has been working on a redevelopment area and does not want the Town to put themselves in the position that Oconomowoc did with the development of the Pabst Farm and have no license available. He would like the board to reserve for the next 2 years any existing license and any other

license(s) that would become available for the Master Planned Area. The property owners in this area have been put on hold with a moratorium for development, while the Town has worked on the Master Plan. They should be given some time and an opportunity when the Plan has received county approval to market the area.

Attorney Hammes explained that there are exceptions in statute that does allow for a license to be issued if the business had a three hundred (300) seating capacity or is attached to a hotel.

Supervisor Schatzman moved to reserve any existing Class B Liquor license and any other license and/or licenses that become available for 2 years for the Master Plan area given the understanding that the value of this area developed is substantial and with the understanding that the Town needs to go down the route of some more creative thought for additional opportunities that come up, seconded by Supervisor Shea.

Supervisor Stroebel and Chairman Henderson asked if something came up if this could be changed in the 2 year period.

Attorney Hammes explained that the motion is only establishing a policy and it can be changed at some point in the future. Even with a policy established if an application would come in the Board would still have to act on it.

Administrator Czopp said that we need the board to establish a policy so that when someone asked we know what to tell them. This is the third request that has come in recently and the Board already turned down two for this same reason.

The motion was voted on and carried unanimously.

NEW BUSINESS

a. **ORDINANCE ON OFF ROAD VEHICLES**

Supervisor Schatzman moved to approve and adopt Ordinance Creating Section 9.23 regarding Operation and Regulation of Dirt Bikes, Mini Bikes and Trail Bikes, seconded by Supervisor Stroebel, voted on, carried unanimously.

b. **CLASS A BEER AND CLASS A LIQUOR LICENST FOR ALDI INC**

Supervisor Stroebel moved to approve a Class A Beer and Class A Liquor License for Aldi inc located at 19555 W. Bluemound Road, seconded by Supervisor Shea, voted on, carried unanimously.

c. **BARTENDER LICENSES**

Supervisor Shea moved to approve a bartender license for Heather A Nicholas at Marcus Majestic, seconded by Supervisor Stroebel, voted on, carried unanimously

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

ADDENDUM

2. PLAN COMMISSION RECOMMENDATION

a. CONDITIONAL USE PERMIT FOR STABILIZATION OF POPLAR CREEK AND BROOK PARK PONDS BANK

Supervisor Stroebel moved to follow the Plan Commission recommendation and request that Waukesha County Parks & Land Use approve a Conditional Use Permit for earth-altering activities in conjunction with the stabilization of approximately 800 feet of the west bank of Poplar Creek, east of the northern-most pond in Brook Park to possibly be started in phases beginning the winter of 2008-2009 , seconded by Supervisor Shea, voted on, carried unanimously.

b. CONCEPTUAL APPROVAL OF A MEDICAL OFFICE BUILDING AT BARKER ROAD AND GREENFIELD AVENUE

Supervisor Schatzman moved to grant Conceptual Approval of a 6,500 square foot medical office building at the northeast corner of Barker Road and Greenfield Avenue, seconded by Supervisor Stroebel, voted on, carried unanimously.

Clerk Carlson reported that the unofficial election results for the Town are 4,187 people voted and that is about a 66% turn out, and around 1,300 voted by absentee ballot.

VOUCHERS

Supervisor Shea moved to approve the vouchers as presented in the amount of \$311,142.61 seconded by Supervisor Stroebel, voted on, and carried unanimously.

Included in the approved vouchers were: \$209,299.67 to Pierce Manufacturing for final payment for new fire truck; \$27,287.55 to Veolia ES Solid Waste for recycling, refuse and yard waste collection; and \$4,010.09 to Cramer, Multhauf & Hammes for legal fees.

COMMUNICATIONS AND ANNOUNCEMENTS

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

Chairman Henderson noted that someone should attend number 6, and 9. Inspector Lake said that Jeff Golner will attend #6 and he is going to #9.

There being no further business Supervisor Schatzman moved to adjourn, seconded by Supervisor Shea, voted on and carried unanimously. The meeting adjourned at 8:45p.m.

Respectfully submitted,
Jane F. Carlson, Town Clerk

CORRESPONDENCE

November 5, 2008

1. "Focus", October 10, 2008 & October 21, 2008.
2. Letter from Cramer, Multhauf & Hammes regarding "Class B" liquor license.
3. Letter from Wis Partners for Clean Air regard air quality watch day.
4. Survey from Wis Partners for Clean Air.
5. Letter from Time Warner regarding new channels.
6. Wis DOT Project Advisory Committee meeting Nov 18, 2008.
7. Wis DOR Law Enforcement round table.
8. Letter of introduction from 360 Direct.
9. Letter from Ruckert-Mielke seminar on "After the flooding".
10. Request for permission to bow hunt from Brandon Burbach.
11. "The Wisconsin Taxpayer" September 2008.

October 31, 2008

MEETING NOTICES

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

WEDNESDAY, NOVEMBER 5, 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.
 - a. Discussion and approval of design for Poplar Creek water crossing.
6. New Business. None.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

WEDNESDAY, NOVEMBER 5, 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.
 - a. Discussion and approval of updating SLAMM model.
6. New Business: None
7. Adjournment.

TUESDAY, NOVEMBER 4, 2008

IMMEDIATELY
FOLLOWING THE
UTILITY DISTRICT NO 1
MEETING

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
 - a. Update on WTA meeting.
 - b. Update on WCCC meeting.
6. Old Business:
 - a. Discussion and necessary action regarding vacant Supervisor position.
 - b. Discussion and necessary action regarding structure of Architectural Control Committee.
7. New Business:
 - a. Discussion and necessary action regarding an Ordinance regulating Off Road Vehicles.
 - b. Approval of Class A Beer and Class A Liquor License for Aldi Inc located at 19555 W. Bluemound Road.
 - c. Approve bartender licenses.
8. Department, Boards, Committee/Commission Reports/Recommendations:
9. Approval of Vouchers and Checks.
10. Communications and Announcements.
11. 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.

November 3, 2008

ADDENDUM

Please add the following to the previously noticed agenda for the **TOWN BOARD** meeting scheduled for **Immediately following the Sanitary District No 4 and Utility District No 1 meeting at 7:00 p.m.** on **WEDNESDAY, NOVEMBER 5, 2008** in the Town Hall, 645 North Janacek Road, Brookfield, WI:

AGENDA ADDITION:

1. Old Business.
 - a. Discussion and necessary action regarding developing a policy on issuance of Class B Beer and Class B Liquor License.
2. Plan Commissioner Recommendations:
 - a. For Waukesha County to grant approval of a Conditional Use Permit for earth-altering activities in conjunction with the stabilization of approximately 800 feet of the west bank of Poplar Creek, east of the northern-most pond in Brook Park.
 - b. For Conceptual Approval of a 6,500 square foot medical office building at the northeast corner of Barker Road and Greenfield Avenue.

Jane F. Carlson
Town Clerk

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