

TOWN OF BROOKFIELD
TOWN BOARD
FEBRUARY 17, 2010

The regular meeting of the Town Board was held on Tuesday February 17, 2010 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, Kevin Van Kirk, Dan Shea and Patrick Stroebel, Administrator Rick Czopp, Attorney James Hammes, 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 Schatzman moved to dispense with the reading of the minutes of the December 1, 2009 Informational Meeting on Bluemound Road Sidewalks and Lighting and approve them as presented, seconded by Supervisor Van Kirk, voted on, carried unanimously.

Supervisor Van Kirk moved to dispense with the reading of the minutes of the February 2, 2010 Town Board meeting and approve them as presented, seconded by Supervisor Stroebel, voted on, carried unanimously.

PUBLIC COMMENT

Owen Durigan, 21475 Mary Lynn Drive commented on a non-agenda item asking if and when he would get answers to his questions regarding the Sanitary District Ordinance.

NEW BUSINESS

a. UPDATE FROM CONVENTION & VISITOR BUREAU

Jay Walt, Brookfield Convention & Visitor Bureau Town Representative said that the proposed basketball tournament will bring revenue to the Town by the number of visitors that will use hotels, restaurants, and shops. He then introduced the Director, Nancy Justman.

Ms. Justman presented the new Visitors Guide that covers both the City and Town of Brookfield. She then gave an overview of the tournament coming to Brookfield.

The Gus Macker basketball tournament would be for ages 5 to 55, with there being 3 people on a team and men and women on separate teams. The Gus Macker tournament that was held in Wausau had 950 participants and an estimated 25,000 people to watch and facilitate the tournament. They will be hosting the tournament on July 24 and July 25, 2010 at the old Menards site. They are hoping for 350 teams and it will be a non-alcoholic family friendly venue.

Menards would be named as a sponsor and area restaurants would be invited to set up concessions. They are approximating that 500 to 1500 hotel rooms could be used for the

night. The State of Wisconsin Department of Tourism estimates that the average spent by a participant for a tournament is \$56, if they are just coming in for the day, and if it is an overnight stay about \$148 is spent a day.

Volunteers are needed for all areas of the tournament, especially referees, and an invitation for local people to form teams was given.

The tournament would be held completely outdoors with t approximately 20 to 25 courts set up in the back paved area. There will be no use of the building, and the restroom facilities will be portable toilets.

Supervisor Van Kirk commented that he had been to a similar tournament, and it did generate a lot of business for the local retailers.

Ms. Justman said that registration starts on July 23rd and many families will come in a day early to register. No lighting is needed because the games will start as early as 8 a.m. and they are done by dark.

- b. **CLASS B BEER AND CLASS C WINE LICENSE**
Supervisor Schatzman moved to approve a Class B Beer and Class C Wine license for Sasmita Mishra, SIDDHANT LLC dba Chiang Mai Thai, at 18895 W Bluemound Road, seconded by Supervisor Van Kirk, voted on, carried unanimously.
- c. **PICNIC PERMIT**
Supervisor Van Kirk moved to approve a picnic permit for Erika McClean, on Saturday, June 26, 2010, from 12:00 p.m. until 8:00 p.m. at Marx Park, seconded by Supervisor Stroebel, voted on, carried unanimously
- d. **BARTENDER LICENSES**
Supervisor Shea moved to approve bartender licenses for Andrea M Wajerski at Applebee's; Rosa R Campoverde at Open Pantry; and Scott A McMillan at PDQ, seconded by Supervisor Van Kirk, voted on, and carried unanimously

OLD BUSINESS

- a. **WISCONSIN DOT PROPOSED RESURFACING AND SAFETY IMPROVEMENT PROJECT FOR 2011-2012-2013**

Chairman Henderson reminded the Board of the poll he took at the Public Hearing and stated that the businesses on Bluemound were in favor of sidewalks and lighting just did not want to receive the bill for both at the same time. He said that the DOT has requested to know if the Town is doing the sidewalks and lighting

Administrator Czopp stated that he received calls after the meeting and there was a concern that the Town paid for the sidewalks on the south side of Bluemound and now the businesses were expected to pay for the sidewalks on the north side.

Supervisor Van Kirk asked if there was a special assessment done for those sidewalks.

Chairman Henderson said no.

Supervisor Schatzman said that was a different time.

Attorney Hammes said that the fact that the Town paid for the south side they could do an assessment for both sides of the street because there would be benefit for both.

Supervisor Schatzman said that the big issue was the maintenance of the sidewalks, such as, snow plowing.

Chairman Henderson said that they did request that the sidewalks be straight because they would be easier to plow.

Administrator Czopp said that there were a lot of complaints in past years regarding the snow plowing of the sidewalks from the residents.

Supervisor Stroebel asked if it was residents or businesses.

Administrator Czopp said mainly from residents especially on Brookfield Road where the city has sidewalks and people walking on Bluemound to the bus stops or park and ride lot.

Chairman Henderson said that part of the problem is that the county plows over the walks.

Curved sidewalks, away from the roadway, would be esthetically better.

Supervisor Shea noted that if the Town had to plow a different piece of equipment would be required, such as large snow blowers, bobcats.

Supervisor Schatzman asked if the Town risks any disability access litigation by either not putting sidewalks in or putting them in and not clearing them.

Attorney Hammes said that that by not putting them in you don't but if the sidewalks were put in you have to take steps to see that they are cleared. There is an ordinance mandating clearing the sidewalks by the property owner.

Administrator Czopp asked if as part of the assessment a charge could be for acquiring equipment to keep the walks cleared.

Attorney Hammes said that the Town could establish a charge for clearing and maintaining sidewalks on those properties that are benefiting and bill those property owners and if not paid put on the tax bill.

Supervisor Van Kirk thought the liability would be less if there were sidewalks on the north side, as the people would not have to cross the road to get from Barker to Brookfield Road.

Administrator Czopp said that many of the parking lots are close to Bluemound Road on the north side so a lot of the sidewalks would be going through them.

Supervisor Shea inquired if the walk went through the parking lots, would that take away parking spots.

Chairman Henderson said that is question that should be checked on.

Chairman Henderson said that it is \$42,000 for the sidewalks and \$68,000 for the street lights, also, an additional annual estimate of \$8,000 for lighting expenses. This bill would come due 2012. He said that the businesses agreed that they like the street lights.

Supervisor Shea asked if the lighting expenses could be assessed to the businesses.

Attorney Hammes said that the businesses want the lights, and did not seem to object to paying for them in installments.

Chairman Henderson said that the annual costs would have to be paid by the Town.

Supervisor Shea questioned if it was worth \$42,000 to put the sidewalk in when they would probably be used only four or five months of the year.

Supervisor Van Kirk thought the bus stop without a sidewalk looked precarious for people and it looks unfinished.

Supervisor Schatzman asked if a special assessment was put on the property owners, would the County pay for their portion

Chairman Henderson stated that the question that needs to be answered for the DOT is does the Town want the lights and sidewalks put in. How it is going to be paid for can be decided at a later date.

Supervisor Schatzman said that the next opportunity to have sidewalks would probably be in another ten years.

Supervisor Van Kirk motioned to approve the lighting and sidewalk on Bluemound Road with a friendly amendment to include that it will be paid for all inclusive by a special assessment to the property owners on both sides of the road, seconded by Supervisor Shea, voted on, and carried unanimously.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

None.

VOUCHERS

Supervisor Van Kirk moved to approve the vouchers as presented in the amount of \$104,326.50, seconded by Supervisor Schatzman, voted on, and carried unanimously.

Included in the approved vouchers were: \$20,450.59 to Brookfield Convention & Visitor Bureau for 2009 4th qtr Room Tax; \$17,200.59 and \$16,983.85 to Strand Associates for engineering services; and \$6,717.58 to Scott Oil/Heating Co for vehicle fuel;.

COMMUNICATIONS AND ANNOUNCEMENTS

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

Chairman Henderson noted #3.

Clerk Carlson reported that there were only 33 voters for the Spring Primary Election, for Wards 9 & 10 (Elmbrook School District) and of those voters 11 were absentee voters and 3 were Election Inspectors.

CLOSED SESSION (7:43 P.M.)

Commissioner Stroebel moved to adjourn into Closed Session according to Section 19.85(1)(e) to discuss negotiation and terms of boundary agreements, seconded by Commissioner Schatzman, voted on, and carried unanimously.

OPEN SESSION (8:21 P.M.)

Commissioner Schatzman moved to adjourn into Open Session according to Section 19.85(2) Wisconsin Statutes, for any necessary action resulting from the Closed Session to continue the meeting and to adjourn the meeting, seconded by Commissioner Shea, voted on, carried unanimously.

No action resulting from the Closed Session.

There being no further business Supervisor Schatzman moved to adjourn, seconded by Supervisor Van Kirk, voted on and carried unanimously. The meeting adjourned at 8:22 p.m.

Respectfully submitted,

Jane F. Carlson
Town Clerk

CORRESPONDENCE
February 17, 2010

1. "Focus", 1/20/2010.
2. Thank You letter from the Wauwatosa Police Department.
3. Request for parade vehicle from Waukesha County Sheriff's Dept.
4. "Municipal News", January 2010.
5. Waukesha County Cooperation Council minutes and schedule.
6. Wisconsin Partners for Clean Air 2009 Recognition Awards nomination.

February 12, 2010

MEETING NOTICES

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

WEDNESDAY, FEBRUARY 17, 2010

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.

WEDNESDAY, FEBRUARY 17, 2010

**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. New Business:
 - a. Update from Convention & Visitor's Bureau regarding Gus Macker basketball tournament.

- b. Approval of a Class B Beer and Class C Wine license for Sasmita Mishra, SIDDHANT LLC dba Chiang Mai Thai, at 18895 W Bluemound Road.
 - c. Approve Picnic Permit for Erika McClean, on Saturday, June 26, 2010, from 12:00 p.m. until 8:00 p.m. at Marx Park.
 - d. Approve bartender licenses.
6. Old Business:
- a. Discussion and necessary action on the Wisconsin Department of Transportation's proposed 2011-2012-2013 USH 18 (Moreland Blvd/ Bluemound Road) resurfacing and safety improvement project (60% Plan Set)(middle segment from I-94 to Calhoun Road), including a cost share agreement for sidewalks and lighting..
7. Department, Boards, Committee/Commission Reports/Recommendations: None.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. Adjourn into **CLOSED SESSION** according to Wisconsin Statutes Section 19.85(1)(e) to discuss negotiation and terms of boundary agreements.
11. 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.
12. Adjournment.

THURSDAY, FEBRUARY 18, 2010

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.