

TOWN OF BROOKFIELD
TOWN BOARD
FEBRUARY 18, 2015

The regular meeting of the Town Board was held on Wednesday February 18, 2015 in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

Chairperson Keith Henderson called the meeting to order at 7:00 p.m. with the following people present: Supervisors: John Schatzman, Steve Kohlmann, Dan Shea and Patrick Stroebel entered at 7:37 p.m., Administrator Rick Czopp, Attorney James Hammes and the Town Clerk Jane Carlson to record the minutes.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Supervisor Schatzman moved to dispense with the reading of the minutes of the February 3, 2015 Town Board meeting and approve them as presented, seconded by Supervisor Shea, voted on, carried unanimously.

PUBLIC COMMENT

Chairman Henderson said that for citizen comment there is a limit of 3 minutes and in total there will be a 20 minute limit. The comments will be only information to the board and the board can not discussion or make any decisions or action can be taken when it is not an agenda item.

Attorney Hammes explained that the procedure for the columbarium request is that the application for conditional use was made because the Building Inspector/Zoning Administrator interpreted the Town zoning code as requiring a conditional use. There was a public hearing and after that hearing the Plan Commission concluded that the columbarium did not meet the definition of a cemetery within the Town zoning code. Since then there has been a memo from the state that has determined that it is a cemetery and whether people agree with that or not is immaterial. Next Tuesday on the Plan Commission agenda there will be a motion for reconsideration and assuming that passes the mater comes back for discussion and at that point the Plan Commission will take up whether they agree it is a cemetery under the zoning code. If they do then they will vote on the Conditional Use Permit. The Plan Commission decision is a recommendation which goes to the Town Board in three weeks. Comments can be made tonight but nothing is going to happen with this tonight and the Town Board will not take any action on the request unless and until there is a recommendation from the Plan Commission.

Richard Diercksmeier, 21770 Davidson Road commented on the Corner's Project inquiring whether the project is still moving on or is it dead.

Attorney Hammes said that it is on the agenda for this evening with action after the closed session.

John Almasi, 1957 Rambling Rose Road, Waukesha commented on a non-agenda item regarding the columbarium at St John's Lutheran Church as a member of the church.

OLD BUSINESS

None.

NEW BUSINESS

APPOINTMENT OF ELECTION INSPECTORS

Supervisor Schatzman moved to appoint Rebecca A Schaeffer as Election Inspectors, seconded by Supervisor Kohlmann, voted on, carried unanimously.

PICNIC PERMIT

Supervisor Kohlmann moved to approve a picnic permit for John T Wendelberger, on Saturday, July 11, 2015 from 11:00 a.m. until 8:00 p.m., at Marx Park, seconded by Supervisor Shea, voted on, carried unanimously.

PICNIC PERMIT

Supervisor Kohlmann moved to approve a picnic permit for Margaret Ijowsky for Wisconsin JAC, on Sunday, August 2, 2015 from 9:00 a.m. until 5:00 p.m., at Marx Park, seconded by Supervisor Schatzman, voted on, carried unanimously.

PICNIC PERMIT

Supervisor Schatzman moved to approve a picnic permit for Tony D'Amico, on Saturday, August 15, 2015 from 11:00 a.m. until 5:00 p.m., at Marx Park, seconded by Supervisor Kohlmann, voted on, carried unanimously.

PICNIC PERMIT

Supervisor Kohlmann moved to approve a picnic permit for Christina Le Captain, on Friday, June 26, 2015 from 9:00 a.m. until 6:00 p.m., at Marx Park, seconded by Supervisor Shea, voted on, carried unanimously.

BUILDING PERMIT AND PLAN EXAM FEES

Inspector Lake explained that the fees for Building Permits and Plan Exam were last updated in 2009. He said that there are 2 pieces of information that has been distributed one is comparison of the adjacent community's fee schedules with the proposed new ones for the Town in the far right column. The other one is a comparison of 3 different projects, a residential addition, commercial new construction and a commercial tenant alteration. He recommends that these permit fees be adopted and will be bring forward plumbing, electrical and heating as the data is gathered.

Chairman Henderson said that in the commercial tenant alteration there is the indication that the other communities require state plan review and the Town does not.

Inspector Lake said that the Town is a delegated municipality for interior tenant remodeling so the plans do not have to go to state for review. The Town requested that designation 9 years ago and the state approved the Town to do interior plan reviews because there is seldom anything structural in the reviews. The Town's fee includes a plan review fee.

Supervisor Shea moved to approve the proposed permit fees as presented by Inspector Lake (see attached) seconded by Supervisor Schatzman, voted on, and carried unanimously.

BARTENDER LICENSE

None.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

None.

VOUCHERS

Supervisor Schatzman moved to approve the vouchers in the amount of \$226,636.73, seconded by Supervisor Kohlmann, voted on, carried unanimously.

Included in the approved vouchers were: \$34,717.22 to Advanced Disposal for recycling, refuse and yard waste collection; \$32,835.00 to The Horton Group Inc for work comp premium; \$28,856.28 Brookfield Convention and Visitor Bureau for 4th qtr 2014 room tax; \$19,587.75 to Cramer, Multhauf & Hammes for reimbursable legal services for the Corners Project; \$8,847.25 to Cramer, Multhauf & Hammes for legal services; \$6,709.76 to W.S. Darley & Co for grant reimbursable equipment; \$4,593.70 to Badger Meter Inc for Orion meters; numerous refund checks for overpayment of taxes and numerous re-issued checks for un-cashed checks.

COMMUNICATIONS AND ANNOUNCEMENTS

None.

CLOSED SESSION 7:18 P.M.

Supervisor Kohlmann moved to adjourn into Closed Session according to Section 19.85(1)(e) Wisconsin Statutes for conducting other specified public business regarding agreements and contract negotiations whenever competitive or bargaining reasons require closed session "including proposed development agreements relating to the Corner's Project, seconded by Commissioner Shea, voted on, and carried unanimously. Include in the closed session were Attorney James Hammes and Attorney Scott Langolis and Town Financial Advisor, Mike Harrigan.

OPEN SESSION 9:18 P.M.

Supervisor Kohlmann moved to 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, seconded by Supervisor Schatzman, voted on, carried unanimously.

Attorney Hammes explained that for approximately 4 months Attorney Langolis, Mr. Harrigan and himself have been discussion with Marcus and other parties involved with Marcus a Development Agreement on the Corner's Project. The agreement has reached a stage of being in final form and presented to the board and discussed. It would super cede the prior agreement approved in December 2013 that the Town had with Marcus Corporation. The new agreement has some significant changes as far as commitments by the parties involved with regards to monies being put in, financial considerations and guarantees.

Chairman Henderson moved to approve the Development Agreement between the Town of Brookfield and Marcus Corporation and Brookfield Corners LLC and authorize the Town Chair and Town Clerk to execute the final draft of the agreements, subject to final review and approval of all exhibits including Exhibit I by legal counsel for the Town, the approval of the Development Agreement by the Community Development Authority. Also Town Board approval of the Von Mar agreement and execution of the Development Agreement by all of the parties including Marcus. The motion was seconded by Supervisor Stroebel, voted on by roll call vote:

Supervisor Kohlmann – Yes
Supervisor Schatzman – Yes
Supervisor Shea – No
Supervisor Stroebel – Yes
Chairman Henderson – Yes

The motion passed 4 – 1 with Supervisor Shea stating for the record he is not necessarily against it but would have liked to have had the agreement a longer period of time.

Attorney Hammes said that in addition there is a Development Agreement between the Town of Brookfield and Von Mar. This agreement has been executed by Von Mar and presented to the board for action.

Chairman Henderson moved to approve the Development Agreement between the Town of Brookfield and Von Mar subject to the execution of the Development Agreement between the Town of Brookfield and Marcus Corporation and Brookfield Corners LLC, seconded by Supervisor Stroebel, voted on by roll call:

Supervisor Kohlmann – Yes
Supervisor Schatzman – Yes
Supervisor Shea – No
Supervisor Stroebel – Yes
Chairman Henderson – Yes

The motion passed 4 – 1 with Supervisor Shea stating for the record he is not necessarily against it but would have liked to have had the agreement a longer period of time.

ADDENDUM RE-DEVELOPMENT PLAN FOR CORNER'S PROJECT

Attorney Hammes explained that the Re-Development Plan has previously been approved by the Community Development Authority and Plan Commission but it is unclear if the Town Board ever took action.

Supervisor Stroebel moved to approve the Redevelopment Agreement with the Community Development Authority (Corner Project), seconded by Supervisor Schatzman, voted on, carried unanimously.

Chairman Henderson read a comment: The investment by local, regional and international players in The Corners project really speaks to the attractive location, growth opportunities and strong pace of economic development in the Town of Brookfield. We are very pleased to have

reached an agreement to move this project forward and to work with this team to develop a showcase property that will be known statewide.

There being no further business Supervisor Kohlmann moved to adjourn, seconded by Supervisor Schatzman, voted on and carried unanimously. The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Jane F. Carlson
Town Clerk

CORRESPONDENCE
February 18, 2015

1. Focus 2015 No 2.
2. The Wisconsin Taxpayer Vol 83 No 1
3. Update on the Waukesha County Jurisdictional Highway System Plan and Year 2035 Regional Transportation Plan.
4. Letter from Building Inspector Gary Lake to Donald Weill regarding plumbing inspection.
5. Email regarding proposal by Governor Walker to change how assessments are conducted.

February 13, 2015

**MEETING NOTICE
TOWN BOARD
TOWN OF BROOKFIELD, WISCONSIN**

The Town Board of the Town of Brookfield will hold its regular semi-monthly meeting of Utility Districts No 1, and Sanitary District No 4 and General Town Business will be held on **Wednesday, February 18, 2015 at 7:00 p.m.** in the meeting room of the Town of Brookfield Municipal Building located at 645 N. Janacek Road, Brookfield, Wisconsin.

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. Approve Rebecca A Schaeffer as an Election Inspector.
 - b. Approve Picnic Permit for John T Wendelberger, on Saturday, July 11, 2015 from 11:00 a.m. until 8:00 p.m., at Marx Park.
 - c. Approve Picnic Permit for Margaret Ijowsky for Wisconsin JAC, on Sunday, August 2, 2015 from 9:00 a.m. until 5:00 p.m., at Marx Park.
 - d. Approve Picnic Permit for Tony D'Amico, on Saturday, August 15, 2015 from 11:00 a.m. until 5:00 p.m., at Marx Park.
 - e. Approve Picnic Permit for Christina Le Captain, on Friday, June 26, 2015 from 9:00 a.m. until 6:00 p.m., at Marx Park.
 - f. Discussion and necessary action regarding Building Permit and Plan Exam fees. .
 - g. Approve bartender licenses.
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 Section 19.85(1)(e) Wisconsin Statutes for conducting other specified public business regarding agreements and contract negotiations whenever competitive or bargaining reasons require closed session "including proposed development agreements relating to the Corner's Project.
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.

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.

February 16, 2015

ADDENDUM

Please add the following item to the previously noticed agenda for the **TOWN BOARD** meeting on **WEDNESDAY, FEBRUARY 18, 2015 at 7:00 p.m.** in the Town Hall, 645 North Janacek Road, Brookfield, WI:

AGENDA ADDITION FOR AFTER CLOSED SESSION:

13. Discussion and approval of Redevelopment Agreement with the Community Development Authority (Corner Project).

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..