



Office of the Town Clerk

Town of Brookfield | 645 N. Janacek Road, Brookfield, WI 53045

Office: 262-796-3788 | Clerk@TownofBrookfield.com

MEETING MINUTES

Tuesday, May 7, 2024

7pm or at the conclusion of the CDA

Meeting, whichever is later.

Town Board

Utility District No. 1

Sanitary District No. 4

Eric Gnant Room

TOB Municipal Building

645 N. Janacek Rd., Brookfield, WI

Item # Topic

1. Call to Order: The meeting was called to order at 7:12pm.
Membership Present: Chairman Keith Henderson, Supervisors Ryan Stanelle, John Charlier, and John Schatzman.
Absent: Steve Kohlmann. A quorum was met 4-1.
2. Meeting Notices. The Clerk confirmed the meeting was publicly noticed on May 3, 2024.
3. Adoption of the Agenda.
 - Motion by Schatzman to approve the agenda; seconded by Stanelle.
Motion prevailed by a voice vote of 4-0.
4. Meeting Minutes:
 - **April 16, 2024 Meeting of the TB, UD1, SD4.**
Motion by Charlier to approve the April 16, 2024 meeting minutes as submitted; seconded by Schatzman.
Motion prevailed by a voice vote of 4-0.
 - **April 29, 2024 Special Meeting of the TB.**
Motion by Charlier to approve the April 29, 2024 meeting minutes as submitted; seconded by Schatzman.
Motion prevailed by a voice vote of 4-0.
5. Citizen Comments. *No members of the public requested to speak.*

Old Business: *None.*

New Business:

6. Appointments:
 - **Recommendation of Appointments to Town Committees, Commissions, and Boards:** The Chairman distributed a list of recommendations for various appointments for board members to consider for approval at the next meeting. He encouraged members to reach out to appointees for discussions if desired. Recommendations for the Plan Commission were not yet included due to the Chairman's continued work on reaching out to all members. No motions were made on this portion of appointments.
 - **Recommendation and Consideration of Annual Appointments.** The Chairman, Administrator, and Clerk confirmed pending revisions to the annual appointments list in that a few incorrect date spans for prior appointees has been updated (such as a term of 2022-2024 being updated to read 2023-2025) and that additions have been made to the list including recognition of the appointment of the Planner, Commercial Plan Reviewer, Building Inspector, and Engineer.

Motion by Stanelle to approve the updated listing of annual appointments with the discussed changes; seconded by Charlier. Motion prevailed by a voice vote (4-0).

7. Operator's License Review: **Consideration of an appeal by Jamie Vretenar on March 12, 2024 license denial.**

The Clerk shared that she had followed-up in communication with the applicant on multiple occasions to discuss the appeal option or to receive documents from the applicant related to her request for appeal. Due to not having received any communication recently nor the documents anticipated, the Clerk recommended that the Board postpone a final decision to allow the applicant another opportunity to appear.

Motion by Charlier to lay the item on the table; seconded by Stanelle. Motion prevailed by a voice vote of 4-0.

Departments, Boards, Committee / Commission Reports and Recommendations:

8. Treasury: **Review of Vouchers and Checks.**

The Administrator confirmed that the 2023 commission membership payments are included in this package, and the Clerk confirmed that the poll worker payments list should be complete in the next few days. The Chairman noted that the new police car was purchased and that Great Lakes Roofing was paid for some unexpected repairs needed due to leaking.

Motion by Schatzman to approve the payments as presented; seconded by Stanelle.
Motion prevailed by a voice vote of 4-0.

9. Parks: **Adoption of the 2024 Comprehensive Outdoor Recreation Plan.**

The Planner and Parks Director were present to discuss the proposed plan. The plan must be updated every five years so that the Town can remain grant-worthy in the future. Schatzman asked for confirmation that ADA requirements were observed in the plan and the Planner confirmed that an ADA expert did review the proposal. Board members asked about whether the Town is responsible for ensuring the plan conforms with various laws or policies and what type of liability there is if the plan is somehow not in conformance; they were advised by the attorney that approval of the plan would be advisory and demonstrates that if there were any kind of deficiency, the board is at least attempting to document and be aware of its facility and recreation offerings and that the plan provides a guideline for what is known or expected when improvements or changes are considered.

Motion by Charlier to adopt the 2024 Comprehensive Outdoor Recreation Plan; seconded by Stanelle.
Motion prevailed by a voice vote of 4-0.

10. Plan Commission: Recommendations from the April 23, 2024 Plan Commission Meeting.

Eagle's Nest Condominiums: The Plan Commission has recommended preliminary and final approval of the request by Scott Bence (JBJ Develop, L.P.) for of the continuation of the Eagle's Nest Condominium Project with updated building plans, located at Eagle Drive and Aerie Circle, off of Brookfield Road (BKFT1124974016) with the notation also recommending that a building schedule be proposed to the Town Board.

The Planner introduced the project as being a 2008 original proposal for 42 units that were never completed due to the economy at the time. There are seven pad-ready condo lots available for construction to be added to the two buildings existing on the southeast side of the property. The building materials have changed slightly over the years but are as close to the same as they could be. At the PC and ARC meetings, the applicant brought in samples to show similarity.

The applicant is seeking to begin construction on Building 9 first and immediately, which is a 6-unit. Some buildings will be 6-units or 5-units. The building schedule (handed out at meeting) would then proceed with buildings 8, 7, 5, 6, 4, and 3 between spring 2024 and spring 2027. The idea of having a developer's agreement was discussed and is recommended. The developer is seeking to start on Building 9 even while a developer's agreement may be in process.

It was confirmed that all sewer and water is intact and has been videoed as needed. Stormwater management was discussed by the developer, department, planner, administrator, and board and determined that there should be no HOA issues and that finishing the buildings with the appropriate grading will improve the topography grading in accordance with the original development plan. The Chairman clarified with the attorney that there will be a phasing

plan in the developer's agreement that will require certain performance by certain dates, that there is no need for a letter of credit because no public funds are being used, that a non-annexation agreement and landscaping bond will be required. It was then confirmed to the developer that he does not have to come back to the board for subsequent approval once the attorney approves. The Attorney stated he will make it a priority to get a developer's agreement together.

Motion by Stanelle to approve the plan as presented, contingent upon inclusion of a pending developer's agreement with timelines, a non-annexation agreement, and landscape bond being approved and verified by the Town's attorney; seconded by Charlier.

Motion prevailed by a voice vote (4-0).

11. **Water & Sewer: Update and Change Order on Poplar Creek Interceptor Relining.**

The Sanitary Superintendent reported that the spring rains have caused delays on the project, for example, May rain in the first week was already double the normal rainfall typical for May. The third section of the relining has been started and weather permitting, there will be two more sections to complete, one per week. The retention pond is up 1.5 inches and there are more leaks of gushing ground water than anticipated, which is addressed by one of the change orders proposed. On Barker Rd. there is a situation with a lot of seepage in a deteriorating man hole, causing the \$38k change. Doing this work now saves the town money because the bypass is in place. In another area the property was supposed to be completed with grass seed but the adjusted schedule didn't allow for that and the owner has requested sod as a result. The City of Brookfield has its own budget for these types of change orders and has already administratively approved things. The Chairman stated the board should be aware that there is another section to the east that needs work in the next two years and when that happens the city vs. town contribution percentage will be reversed.

Motion by Stanelle to approve Change Order #1 contingent on the city's approval of the same; seconded by Charlier.

Motion prevailed by a voice vote (4-0).

12. **Water & Sewer: Iron Filter 3 & 4 Rehabilitation Bids from Bid Opening on May 4, 2024.**

The Sanitary Superintendent explained that the equipment is outdated and parts can no longer be obtained. There were two bids and they were close to each other. \$450k was budgeted for this project and there is enough money in reserves to handle the project. The water rate was a first step, and once this project is complete and the PFC is notified, the next rate increase will be allowed on the water side.

Motion by Schatzman to approve acceptance of the lowest responsible bid for the Iron Filter 3 & 4 Rehabilitation project; seconded by Charlier.

Motion prevailed by a voice vote (4-0).

13. **Closed Session Notice:**

The body may convene into closed session pursuant to Wis. Stat. § 19.85(1)(c) regarding the consideration of employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility regarding:

A. Contract for the position of Fire Chief.

The body may convene into closed session pursuant to Wis. Stat. § 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved regarding:

B. Possible zoning code enforcement regarding Bluemound Road signage.

C. Licensure or renewal of licensure of alcohol licenses.

The closed session notice was read into the record. Motion by Charlier to enter into closed sessions for items 13A, 13B and 13C as described with the intention to reenter open session prior to adjournment; seconded by Schatzman.

Motion prevailed by a voice vote (4-0).

The board entered into closed session at 8:17pm and returned to open session at 9:00pm.

14. Communications and Announcements.

- The Administrator acknowledged new businesses in the area with recent ribbon-cutting events: HOTWORX (exercise studio) and Strive Integrative Health (chiropractic services).
- The Administrator provided an update on the recent fraud against the town being still under investigation and hopeful for charges to be filed when possible.
- The Administrator announced a retirement party for Fire Chief Andrew Smerz on Saturday, June 29th 2pm-6pm at Bullwinkle's, 18900 W Bluemound Rd in Brookfield, WI 53045. RSVPs should be sent to asmerz@tbfd.org.
- There have been some changes to the Barker Rd. sidewalk plan where the Administrator has proposed a crosswalk in a new position with sidewalk going up the other side of the street and this is in discussion.

15. Adjourn.

Submitted May 15, 2024. Approved by a vote of the Town Board on May 21, 2024.



Deanna Alexander, MPA. Town Clerk, Town of Brookfield