



## Office of the Town Clerk

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

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

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### MEETING AGENDA

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Tuesday, February 4, 2025  
7:00 p.m.

Town Board  
Utility District No. 1  
Sanitary District No. 4

Eric Gnant Room  
TOB Municipal Building  
645 N. Janacek Rd., Brookfield, WI

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1. Call to Order & Roll Call.
2. Meeting Notices.
3. Approval of Agenda.
4. Approval of Minutes:
  - January 21, 2025 meeting of the TB, UD1, SD4.
  - January 21, 2025 meeting of the Joint Town Board & Community Development Authority.
5. Citizen Comments: Three-minute limit.
6. Old Business: None.
7. New Business:
  - a. Presentation of Citation by the Senate for Gordon Gaeth by Wisconsin State Senator Rob Hutton.
  - b. Discover Brookfield quarterly update on Town tourism.
8. Departments, Boards, Committee/Commission Reports/Recommendations.
  - a. Plan Commission
    1. Recommendation to provide Conditional Approval to Jim Taylor, representing Oscars Frozen Custard, requesting review and comment on the conceptual site plan for building reconstruction at 21165 Highway 18 (Moreland Road).
    2. Recommendation to set a date for a Public Hearing to consider a Conditional Use Permit for a drive-thru to Jim Taylor, representing Oscars Frozen Custard, at 21165 Highway 18 (Moreland Road).
9. Approval of Vouchers and Checks.
10. Communication and Announcements.
11. Adjourn.

Posted January 31, 2025

Tom Hagie, Administrator/Interim-Clerk



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### MEETING MINUTES

Tuesday, January 21, 2025  
Immediately Following Joint CDA &  
Town Board

Town Board  
Utility District No. 1  
Sanitary District No. 4

Eric Gnant Room  
TOB Municipal Building  
645 N. Janacek Rd., Brookfield, WI

1. Call to Order & Roll Call.

Chairman Henderson called the meeting to order at 7:16 p.m.

Present: Chairman Keith Henderson; Supervisors John Charlier, Steve Kohlmann, John Schatzman, and Ryan Stanelle.

A quorum was met (5-0).

Staff Present: Assistant Fire Chief Tony D'Amico, Fire Chief John-Paul Schilling, Attorney Michael Van Kleunen, Deputy Clerk Emily Howells and Administrator/Interim Clerk Tom Hagie.

2. Meeting Notices.

Hagie confirmed the meeting notices were posted as required by law.

3. Approval of Agenda.

Motion by Schatzman to adopt the agenda; seconded by Stanelle.

Motion prevailed by a voice vote (5-0).

4. Approval of Minutes:

December 17, 2024 meeting of the TB, UD1, SD4.

Motion by Charlier to approve the minutes with corrections; seconded by Kohlmann.

Motion prevailed by a voice vote (5-0).

5. Citizen Comments: Three-minute limit. None.

6. Old Business: None.

7. New Business:

a. Discover Brookfield Quarterly Update.

No action. Postponed to February 4, 2025.

b. Discussion and possible action regarding the 2025 Town Advocacy Council of the Wisconsin Towns Association Membership.

Motion by Charlier to approve the 2025 Town Advocacy Council of the Wisconsin Towns Association Membership;

seconded by Kohlmann.

Motion prevailed by a voice vote (5-0).

c. Discussion and possible action regarding the Waukesha County 9-1-1 Emergency System Joint Powers Agreement.

Motion by Charlier to approve the Waukesha County 9-1-1 Emergency System Joint Powers Agreement; seconded by Kohlmann.

Motion prevailed by a voice vote (5-0).

d. Discussion and possible action to reschedule the February 18, 2025 and April 1, 2025 Town Board meetings to February 19, 2025 and April 2, 2025, respectively due to elections.

Motion by Schatzman to reschedule the February 18, 2025 and April 1, 2025 Town Board meetings to February 19, 2025 and April 2, 2025; seconded by Kohlmann.

Motion prevailed by a voice vote (5-0).

8. Departments, Boards, Committee/Commission Reports/Recommendations.

a. Fire Department

1. Presentation of CRR proclamation.

Chief Schilling and Assistant Chief D'Amico presented the Community Risk Reduction proclamation to the Board. Chief Schilling noted that the Town Fire Department received the proclamation on behalf of all fire departments in the State of Wisconsin.

2. Discussion and possible action regarding an Intergovernmental Cooperation Agreement for Ownership and Operation of a Forcible Entry Training Prop and Flatbed Trailer.

Motion by Charlier to approve an Intergovernmental Cooperation Agreement for Ownership and Operation of a Forcible Entry Training Prop and Flatbed Trailer subject to changes and in an acceptable form to the Town Attorney.

Motion seconded by Kohlmann.

Motion prevailed by a voice vote (5-0).

9. Approval of Vouchers and Checks.

Motion by Kohlman to approve vouchers and checks in the amount of \$562,647.73 for 12/18-1/7; seconded by Charlier.

Motion prevailed by a voice vote (5-0).

Motion by Kohlman to approve vouchers and checks in the amount of \$265,821.50 for 1/8-1/21; seconded by Charlier.

Motion prevailed by a voice vote (5-0).

10. Communication and Announcements.

a. Assistant Chief Tony D'Amico provided a summary of the Olive Garden fire in response to Kohlmann.

b. Assistant Chief Tony D'Amico provided a summary of the Oscars fire in response to Stanelle.

c. Kohlmann inquired about the reimbursement from the Chamber. Hagie said it is scheduled for repayment in 2025.

d. Howells provided an update on the upcoming elections.

e. Henderson noted the Wisconsin Towns Association meeting will Wednesday, January 22, 2025 at the Town Hall.

11. Adjourn.

Motion by Kohlmann to adjourn at 7:58 p.m.; seconded by Charlier.

Motion prevailed by a voice vote (5-0).

Respectfully submitted by,

Tom Hagie, Administrator/Interim-Clerk



## Office of the Town Clerk

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### JOINT MEETING MINUTES

Tuesday, January 21, 2025

7:00 P.M.

Town Board

&

Community Development Authority (CDA)

Eric Gnant Room

TOB Municipal Building

645 N. Janacek Rd., Brookfield, WI

#### 1. Call to Order & Roll Call.

Chairman Henderson call the meeting to order at 7:00 p.m.

Present: Chairman Keith Henderson; Supervisors John Charlier, Steve Kohlmann, John Schatzman, and Ryan Stanelle; Committee Members Tom Koplin, Don Mueller, and Richard Diercksmeier. Member Dan Zuperku was absent and excused.

A quorum of the Town Board was met (5-0) and a quorum of the CDA was met (5-1).

Staff Present: Assistant Fire Chief Tony D'Amico, Fire Chief John Schilling Attorney Michael Van Kleunen, Deputy Clerk Emily Howells and Administrator/Interim Clerk Tom Hagie.

#### 2. Meeting Notices.

Hagie confirmed the meeting notices were posted as required by law.

#### 3. Approval of Agenda.

Motion by Schatzman to adopt the agenda; seconded by Stanelle.

Motion prevailed by a voice vote by the Board (5-0) and CDA (5-0).

#### 4. Approval of Minutes: Minutes from the December 3, 2024 meeting of the Town Board and CDA

Motion by Koplin to approve the minutes; seconded by Kohlmann.

Motion prevailed by a voice vote by the Board (5-0) and CDA (5-0).

#### 5. Citizen Comments: Three-minute limit. None.

#### 6. Old Business: None.

#### 7. New Business:

##### a. Discussion and possible action regarding the January TID#1A Increment payments.

Motion by Koplin to approve the January TID#1A Increment payments; seconded by Kohlmann.

Motion prevailed by a voice vote by the CDA (5-0).

##### b. Joint Direction and Second Amendment to Deposit Escrow Agreement regarding TID No. 1: Escrow Disbursement to Brookfield Corners LLC.

Motion by Kohlmann to approve the Joint Direction and Second Amendment to Deposit Escrow Agreement regarding TID No. 1: Escrow Disbursement to Brookfield Corners LLC.; Seconded by Charlier.

Motion prevailed by a voice vote by the Board (5-0).

Motion by Koplin to approve the Joint Direction and Second Amendment to Deposit Escrow Agreement regarding TID No. 1: Escrow Disbursement to Brookfield Corners LLC.; Seconded by Mueller.

Motion prevailed by a voice vote by the CDA (5-0).

#### 8. Approval of Vouchers and Checks. No action.

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 individuals with disabilities through appropriate aids and services. For additional information or to request such services contact the clerk's office at the above.

9. Communication and Announcements.

- a. Koplin noted the Corners Condo meeting went well.
- b. Hagie noted that William Neville moved and resigned his position from the CDA.

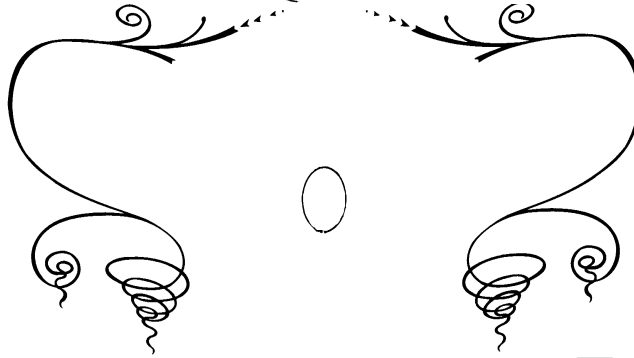
10. Adjourn.

Motion by Kohlmann to adjourn at 7:14 p.m.; seconded by Charlier.  
Motion prevailed by a voice vote by the Board (5-0).

Motion by Koplin to adjourn at 7:14 p.m.; seconded by Mueller.  
Motion prevailed by a voice vote by the CDA (5-0).

Respectfully submitted by,  
Tom Hagie, Administrator/Interim-Clerk

# State of Wisconsin



## CITATION BY THE SENATE

### KNOW YOU BY THESE PRESENTS:

*WHEREAS, Gordon (Gordie) Gaeth passed away peacefully surrounded by his loving family on Tuesday, June 4, 2024, at the age of 82; and*

*WHEREAS, Gordie was first appointed to the Town of Brookfield Plan Commission in May 2003, an appointment he maintained for 21 years until his passing; and*

*WHEREAS, In addition to the Plan Commission, Gordon expanded his service to the Town of Brookfield with a subsequent appointment to the Board of Zoning Appeals; and*

*WHEREAS, Gordie always brought a positive demeanor and created an environment where people enjoyed working with him and valued his insight on projects that came before the Plan Commission; and*

*WHEREAS, Gordie was a commercial electrical contractor, owning Gaeth Electric for 40 years and worked for the City of Brookfield as an Electrical Inspector for 13 years; and*

*WHEREAS, Gordie loved walking his dogs through the neighborhood and enjoyed meeting his buddies every morning for coffee and will be greatly missed; now,*

*THEREFORE, the members of the Wisconsin Senate, on the motion of Senator Rob Hutton do honor, Gordon (Gordie) Gaeth on his decades of service to the community and express their deepest condolences to his family on his passing.*

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**ROB HUTTON**  
State Senator

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**CHRIS KAPENGA**  
President of the Senate

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**LINSAY HALE**  
Acting Chief Clerk of the Senate

December 3, 2024  
Date

**TOWN OF BROOKFIELD  
PLANNING COMMISSION RECOMMENDATIONS  
JANUARY 28, 2025**

Town Supervisor Ryan Stanelle called the meeting to order at 7:00pm on Tuesday, January 28, 2025, at the Town of Brookfield Town Hall, 645 North Janacek Road, Brookfield, Wisconsin. Also present at the meeting was Commissioners Jeremy Watson, Len Smeltzer, Kevin Riordan, and Tim Probst and Town Planner Bryce Hembrook. Town Chairman Keith Henderson was absent and excused.

**JIM TAYLOR, REPRESENTING OSCARS FROZEN CUSTARD, REQUESTING REVIEW AND COMMENT ON THE CONCEPTUAL SITE PLAN FOR BUILDING RECONSTRUCTION AT 21165 HIGHWAY 18**

Supervisor Watson moved to **recommend the Town Board approve the conceptual plan**, specifically approval for option 2 with expanded dining area and two added stalls to east parcel (updated plan will be provided at the meeting), for the proposed building reconstruction of Oscar's Frozen Custard, located at 21165 Highway 18.

The motion was seconded by Commissioner Smeltzer. The motion carried.

**JIM TAYLOR, REPRESENTING OSCARS FROZEN CUSTARD, REQUESTING APPROVAL OF A CONDITIONAL USE PERMIT FOR THE DRIVE-THRU AT 21165 HIGHWAY 18**

Supervisor Watson moved to **recommend the Town Board set a public hearing date** for the requested conditional use permit request to allow for a drive-thru restaurant, located at 21165 Highway 18.

The motion was seconded by Commissioner Smeltzer. The motion carried.



Building a Better World  
for All of Us®

## TOWN OF BROOKFIELD PLAN COMMISSION ZONING REPORT

TO: Plan Commission

FROM: Bryce Hembrook, AICP  
Town Planner

REPORT DATE: January 23, 2025  
PC MEETING DATE: January 28, 2025

RE: **Oscar's Frozen Custard – Conceptual Approval & Conditional Use Permit  
21165 Hwy 18 BKFT1130999001 & 1128959001**

SEH No. 171421, TASK 85

**Applicant:** Jim & Susie Taylor, representing Oscar's Frozen Custard

**Application Type:** Conceptual Approval & Conditional Use Permit

### **Request**

Applicant is requesting conceptual approval and conditional use permit for the construction of a drive-thru restaurant and ice cream shoppe for the property located at 21165 Hwy 18. This request also includes conceptual plans for the adjacent property which is also owned by the applicant.

### **Summary of Request**

- Oscar's Frozen Custard has occupied this site for decades but a fire recently significantly damaged the building beyond repair. The applicant is proposing to construct a new building which will be slightly larger but generally in the same location as the last building. The applicant also owns the adjacent parcel to the east of the subject parcel and has included conceptual plans for this site as well. The purpose of including this parcel is to show joint access for parking and drive circulation areas between the two sites. There is no building proposed on the property to the east but the plans shows a potential location. Any future site plans for this property will have to be reviewed and approved at a later date. It is not clear if the parking and drive areas are proposed to be constructed along with the Oscar's project or in the future. The applicant should clarify this at the meeting.
- The applicant is proposing to construct a 5,513 square foot restaurant building with two drive thru lanes and one pick up window.
- Zoning District = B-2 Limited General Business District.
  - Note: The property to the east is zoned I-1 Institutional District and may need to be rezoned in the near future.
- Lot size = .864 acres.
- Proposed Use = Drive-thru restaurant.
- Proposed setbacks:
  - Street (Hwy 18) = 76'

Engineers | Architects | Planners | Scientists

**Short Elliott Hendrickson Inc.**, 501 Maple Avenue, Delafield, WI 53018-9351

SEH is 100% employee-owned | [sehinc.com](http://sehinc.com) | 262.646.6855 | 888.908.8166 fax



- Street (Swenson Dr) = 109'
  - Side (west) = 29.6'
  - Side (east) = 31'
  - All building setbacks will meet code requirements.
- Sum total of floor area
  - Proposed = 5,513 square feet or 14.6% of lot area for both buildings.
  - Required = Sum total of the floor area of the principal building and all accessory buildings shall be not less than 6,000 square feet or 15% of the lot area, whichever is less. Also, sum total of the floor area of the principal building and all accessory buildings shall not exceed 30% of the lot area.
  - Requirement is not met.
    - Looking back at past approvals, it appears that outdoor seating areas and drive thru areas have been included in this number and there have been a number of recent projects that were not meeting this requirement.
- Parking
  - Code requirement: One space per 50 square feet of gross dining area, plus one space per two employees for the work shift with the largest number of employees. Restaurants with drive-through facilities shall provide sufficient space for four waiting vehicles at each drive-through service lane.
    - Parking required: Dining area (2,100sf) = 42 stalls; employees (10) = 5 stalls; total stalls required: 47
    - Staff recommends that the stacking length should exceed four waiting vehicles.
  - Proposed: 42 parking spaces on the subject parcel, 3 of which are ADA stalls. 41 proposed parking spaces on the adjacent property owned by the applicant.
    - There is currently no proposed use for the adjacent property so a specific parking requirement cannot be determined at this time. However, the applicant assumed that this area will likely fall under the general merchandise use type which requires 1 stall per 300sf of floor area and 1 space per employee.
      - Assuming 6 employees, the parking requirement for this property would be 25 parking stalls.
      - They are proposing 41 stalls on this property and so it is likely that there will be sufficient parking provided but that cannot be confirmed at this time.
  - There would be a shared parking agreement to use the property to the east as well.
- Drive-through lanes
  - The site plan shows 2 drive-through lanes and 1 pickup window. Generally, a stacking length of 100 feet is desirable and 40 feet of distance between the pick up window and the access drive is preferred. Overall, it looks like sufficient stacking length is provided but there may be some concerns with traffic flow. See Town Engineer feedback below for more information.
- Lighting
  - Not required for conceptual approval.
- Landscaping
  - Not required for conceptual approval.
- Phasing.
  - The plan is to develop the Oscar's site (west parcel) first and then down the road the property to the east will need to be rezoned.
  - The applicant will need to provide more information regarding the parking and circulation areas in the eastern parcel.
    - Will the parking and access drives be installed in conjunction with the Oscar's parcel?

**Development Review Team Feedback**

The development review team has provided some initial feedback and offer the following comments:

**Fire Department**

- The Fire Department requested that turning radius is depicted on future plans.

**Sanitary District No.4**

- No comments/concerns regarding the conceptual plan; however, as the project progresses the Superintendent will need to know if the building will include a fire sprinkler system and, if so, they will need to abandon the existing water service at the water main across the street and tap a new larger water service and possibly add a fire hydrant.
- The future development property currently does not have water or sewer laterals so that would need to be added when/if they decide to construct it.

**Town Engineer**

- Are there any parts (parking lot?) of the northeast development that will be developed as part of the Oscar's redevelopment? This wasn't very clear by their concept figure.
- The figure mentions a "shared parking agreement". Who is this agreement with? Taco Bell?
- An ADA accessible route should be provided from the handicapped parking stalls to the building.
- It appears that the future development will add over 0.5 acres of impervious area. If this is correct, that site will need to meet Town stormwater requirements.
- We took a quick look at the trip generation for a similar site and the afternoon peak could generate anywhere from 94 to 143 cars entering the site during the peak hour. The site plan directs traffic entering right to the drive through, but once there are about 11 to 12 cars (assuming an even stacking) then the access to the front of the site may be cut off. This is a bit of concern when thinking about circulation on the site. I wonder if they could be able to provide any information on average ticket times at their existing drive through locations so that an estimation of the queueing during peak times here could be determined. If we do not consider site circulation, then there is room for about 16 cars off of the roadway in the drive through line. Again, if we could get information that could be used to estimate queueing during the peak time it could be determined if there would be any anticipated time of when queues would reach the roadway.
- Additional comments/notes can be found on attachment 1 (site plan with engineer's notes).

**Conceptual Approval**

The purpose of conceptual project review shall be to determine the best use of a building site. The Plan Commission will consider the proposed land use and its compatibility with adjacent land uses. The Plan Commission should consider ingress and egress, off-street parking, and internal traffic patterns.

**Attachments**

1. Conceptual Plans – Town Engineer Feedback
2. Conceptual Plans – Fire Department Feedback



