

TOWN OF BROOKFIELD
TOWN BOARD MINUTES
SEPTEMBER 5, 2023

The regular meeting of the Town Board, Sanitary District No. 4, and Utility District No. 1 was held in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

1) CALL TO ORDER.

Chairman Keith Henderson called the meeting to order at 7:00 p.m. with the following people present: Supervisors John Charlier, Steve Kohlmann, John Schatzman, and Ryan Stanelle; Sanitary District No. 4 Superintendent Tony Skof, Town Planner Bryce Hembrook, Town Attorney Michael Van Kleunen and Administrator/Interim Clerk Tom Hagie.

2) MEETING NOTICES.

The meeting was noticed in accordance with Open Meeting Law.

3) APPROVAL OF AGENDA.

Motion by Supervisor Schatzman to approve.

Seconded by Supervisor Stanelle.

Motion Passed Unanimously.

4) APPROVAL OF MINUTES.

Motion by Supervisor Stanelle to approve the minutes of August 15, 2023 Town Board meeting as presented.

Seconded by Supervisor Charlier.

Motion Passed Unanimously.

5) CITIZEN COMMENTS.

None.

6) OLD BUSINESS.

None.

7) NEW BUSINESS.

a. Discussion and possible action regarding a request by Cynthia Harms to amend the Conditional Use Permit issued for the Commercial Day Care located at 20711 Watertown Road.

Motion by Supervisor Schatzman to reconsider the denial of the request made at the August 15, 2023 Town Board Meeting.

Seconded by Supervisor Kohlmann.

Motion Passed Unanimously.

Motion by Supervisor Kohlmann to amend the Conditional Use Permit to remove the requirement of the placement of a chain-link fence and approve the modular block wall to protect the child play area.

Seconded by Supervisor Charlier.

Motion Passed Unanimously.

b. Discussion and possible action regarding an appeal of denial by Jack Cleland for a Beverage Operator (Bartender) License.

Motion by Supervisor Charlier to table the motion to the September 19, 2023 Town Board Meeting with a request for the following information from the applicant:

1. Provide a letter from Café Central of past work experience,
2. Provide clarification on current job status if license is denied,
3. Applicant's current supervisor to attend the next Town Board meeting.

Seconded by Supervisor Kohlmann.

Motion Passed 4-1 with Chairman Henderson opposed.

c. Discover Brookfield Quarterly Update.

Anna Matel Antoine, Tourism Director at Discover Brookfield, provided an update on the upcoming events, new marketing strategies, and finances of Discover Brookfield.

d. Discussion and possible action regarding the 2023-2026 Police Department Union Contract.

Motion by Supervisor Kohlmann to approve the Contract with a change to Section 12.01A.

Seconded by Supervisor Charlier.

Motion Passed Unanimously.

e. Discussion and possible action regarding the Short Elliot Hendrickson, Inc. Town of Brookfield Zoning Code Rewrite Agreement.

Motion by Supervisor Stanelle to approve in an amount not to exceed of \$24,750.

Seconded by Supervisor Schatzman.

Motion Passed Unanimously.

f. Discussion and possible action regarding the Ehlers 2023 Sewer Rate Study Agreement.

Motion by Supervisor Kohlmann to approve in an amount not to exceed \$11,000.

Seconded by Supervisor Stanelle.

Motion Passed Unanimously.

8) DEPARTMENTS, BOARDS, COMMITTEE/COMMISSION REPORTS/RECOMMENDATIONS:

a. Plan Commission

i. Discussion and possible action regarding a recommendation of approval for a zoning code text amendment to Section 17.02(14)(g)11 related to fences.

Plan Commission to recommend a date for a public hearing at the September Plan Commission meeting.

Chairman Henderson allowed a request from Joseph Della, 21620 Greendale Drive, to make comment. Mr. Della asked if the new ordinance would be retroactive and asked for the name of the Town Attorney. Attorney Van Kleunen responded.

No Action.

ii. Discussion and possible action regarding a recommendation of denial of a request for a Conditional Use permit by William Rahfaldt for a field fence in the street yard on parcel BKFT1133999.

Motion by Supervisor Schatzman to deny the request for a Conditional Use Permit.

Seconded by Supervisor Kohlmann.

Chairman Henderson allowed comment by William Rahfaldt, 480 Claremont Court.

Motion Passed 3-2 with Supervisors Stanelle and Charlier opposed.

iii. Discussion and possible action regarding a recommendation to set a date for a public hearing for Aaron Tesch (Adult Day Services of Southeast Wisconsin) for a Conditional Use request to allow an adult day care in the B-2 limited General Business District, located at 20875 Crossroads Circle (BKFT1129999004).

Motion by Supervisor Stanelle to set a date for a public hearing on September 26, 2023 at 7:00 p.m.

Seconded by Supervisor Kohlmann.

Motion Passed Unanimously.

9) APPROVAL OF VOUCHERS AND CHECKS.

Motion by Supervisor Charlier to hold the Catalis invoice until after the Board of Review is complete and approve vouchers dated 8/16/2023-9/5/2023 in the amount of \$174,857.16.

Seconded by Supervisor Kohlmann.

Motion Passed Unanimously.

10) COMMUNICATION AND ANNOUNCEMENTS.

Administrator Hagie noted the Board of Review would meet on September 19, 2023 to adjourn to a future date to allow for the Town Assessors to update the Tax Roll.

11) ADJOURN.

Motion by Supervisor Charlier to adjourn at 9:16 p.m.

Seconded by Supervisor Kohlmann.

Motion Passed Unanimously.

Respectfully submitted,

Tom Hagie

Town Administrator/Interim Clerk

DRAFT

TOWN OF BROOKFIELD
BOARD OF REVIEW MINUTES
AUGUST 7, 2023

The regular meeting of the Town Board, Sanitary District No. 4, and Utility District No. 1 was held in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

1) CALL TO ORDER.

Supervisor Ryan Stanelle called the meeting to order at 6:00 p.m. with the following people present: Supervisors John Charlier, Steve Kohlmann, and John Schatzman. Chairman Keith Henderson and Administrator/Interim Clerk Tom Hagie were absent and excused.

2) MEETING NOTICES.

The meeting was noticed in accordance with Open Meeting Law.

3) APPROVAL OF AGENDA.

Motion by Supervisor Charlier to approve.
Seconded by Supervisor Schatzman.
Motion Passed Unanimously.

4) ELECTION OF OFFICERS (CHAIRMAN AND VICE CHAIRMAN).

Motion by Supervisor Schatzman to elect Supervisor Stanelle as Chairman of the Board.
Seconded by Supervisor Kohlmann.
Motion Passed Unanimously.

Motion by Supervisor Schatzman to elect Supervisor Kohlmann as Vice Chairman of the Board.
Seconded by Supervisor Charlier.
Motion Passed Unanimously.

5) VERIFY TRAINING CERTIFICATION AFFIDAVIT PURSUANT TO SS 70.46(4) WIS. STATS. (MINIMUM OF ONE MEMBER MUST HAVE RECEIVED TRAINING).

Chairman Stanelle confirmed both he and Town Chairman received the required training certification.

6) REMINDER TO BOARD OF REVIEW MEMBERS OF ORDINANCE 1.23(2) RELATED TO THE CONFIDENTIALITY OF INFORMATION ABOUT INCOME AND EXPENSE REQUIRED BY THE TOWN ASSESSOR IN PROPERTY ASSESSMENT MATTERS.

Chairman Stanelle reminded the members of the confidentiality requirements.

7) BOARD OF REVIEW RULES AND PROCEDURES POLICY.

Town Assessor Mike Grota with Catalis reviewed the rules and procedures of the Board of Review.

8) ASSESSOR'S REPORT ON THE VALUES AND TRENDS IN THE TOWN OF BROOKFIELD.

Town Assessor Mike Grota with Catalis presented the assessor's report.
Motion by Supervisor Schatzman to go into recess.
Seconded by Vice Chairman Steve Kohlmann.
Motion Passed Unanimously.

9) EXAMINATION, CORRECTION OF ERRORS AND CERTIFICATION OF CORRECTIONS IF WARRANTED AND ACCEPTANCE OF THE 2023 ASSESSMENT ROLL FOLLOWING A DETERMINATION THAT OPEN BOOK CHANGES ARE INCLUDED IN THE ASSESSMENT ROLL PRESENTED.

After review of the 2023 Roll, it was determined the Roll is incomplete. The Town Assessor will reconcile the building permits from 2021 to present to the Roll and present the revised Roll at the next hearing date. In addition, the Town Assessor will work with the Town Administrator and Development Services Department to develop a new procedure for tracking assessment related information going forward.

10) REVIEW OBJECTIONS FOR ACCEPTABILITY AND SCHEDULE, DENY OR WAIVE HEARINGS FOR WRITTEN OBJECTIONS RECEIVED. CONSIDER ASSESSOR'S REQUEST FOR SUBPOENA(S) AS NEEDED.

None.

11) ADJOURN TO ADDITIONAL HEARING DATE(S), IF NECESSARY OR IF NONE, ADJOURN.

Motion by Vice Chairman Kohlmann to adjourn to September 19, 2023 at 6 p.m.

Seconded by Supervisor Charlier.

Motion Passed Unanimously.

Respectfully submitted,

Tom Hagie

Town Administrator/Interim Clerk

DRAFT

**ORDINANCE CREATING SECTION 12.08 OF THE MUNICIPAL CODE OF THE
TOWN OF BROOKFIELD**

NOW THEREFORE, the Town Board of the Town of Brookfield, Wisconsin does ordain
as follows:

SECTION 1: Section 12.08 of the Town Code is hereby created to read as follows:

- (1) Definitions. The terms used in this section shall be defined as follows:

FOOD

All articles used for food, non-alcoholic drinks, or condiments including ice or water used for human consumption whether simple, mixed, or compound articles used or intended for use as ingredients in the composition or preparation thereof.

MOBILE FOOD ESTABLISHMENT

A restaurant or retail food establishment where ready-to-eat food is cooked, wrapped, packaged, processed, served, or sold from a vehicle, car, truck, trailer, cart, or similar portable device which may or could be capable of periodically changing locations. Mobile food establishment does not include the home delivery of food and beverage items.

MOBILE VENDOR

The owner, including any corporate or individual owner, owner's agent, or owner's employees of a mobile food establishment.

- (2) Permit Required. It shall be unlawful for a person to operate as a mobile vendor and serve, sell, or distribute food from a mobile food establishment or cook, wrap, package, process, serve, or portion food in a mobile food establishment in the Town of Brookfield without first obtaining a mobile food establishment permit from the Clerk in accordance with this section. No mobile food establishment permit shall be required for a mobile food establishment that operates as a temporary mobile food vendor pursuant to a special event permit issued by the Building Inspector. A mobile food establishment shall not qualify for a special occupancy permit or temporary use permit to operate at a special event.

- (3) Application. Any person desiring to operate a mobile food establishment shall file a written application for a mobile food establishment permit with the Clerk. The application shall be on the form provided by the Clerk and include all of the following:
- (a) The name, signature, and address of each applicant and each member or officer of a corporate applicant.
 - (b) A description of the mobile food establishment vehicle, including the make, model, vehicle identification number, and license plate.
 - (c) A valid copy of all necessary licenses, permits, or inspection compliance forms for the operation of the mobile food establishment, including but not limited to, licenses or certificates required by the Town of Brookfield Fire Department, Waukesha County Health Department, the State of Wisconsin, or any other governmental entity.
 - (d) A signed statement that the applicant shall hold harmless and indemnify the Town of Brookfield, its officers, and employees from any claims for damage to property or injury to persons that arise out of or relate to the activities authorized by the mobile food establishment permit.
 - (e) Certificate of insurance demonstrating that the applicant has and will maintain public liability insurance coverage of not less than \$1,000,000.00 covering the mobile food establishment.
 - (f) The proposed location of the mobile food establishment and any additional information deemed necessary by the Clerk.
- (4) Location Restrictions. Except as provided herein, all mobile food establishments and mobile vendors shall:
- (a) Not serve food upon or within the public road right-of-way or public alleys, including any State Trunk Highway, U.S. Highway, or County Trunk Highway, unless such highway is legally closed for an event;
 - (b) Comply with all state and municipal traffic and parking laws;
 - (c) Ensure the free use of a sidewalk for pedestrian traffic or indicate the mobile food establishment has exclusive rights to a certain location;
 - (d) Obtain the written consent of the private property owner if the mobile food establishment is operating on private, non-residential property; and
 - (e) Operate only at the location identified in the approved mobile food establishment permit.

(5) General Operation Restrictions.

- (a) Mobile food establishments may only operate between the hours of 8:00 a.m. and 11:00 p.m.
- (b) A mobile food establishment shall not draw from any public utilities. No power cable or equipment shall be extended over any Town right-of-way or sidewalk.
- (c) No mobile vendor or mobile food establishment shall use or maintain any outside sound amplifying equipment, or noisemakers of any kind, while stationary.
- (d) Mobile vendors shall provide ample trash or refuse receptacles for its mobile food establishment and remove such receptacles immediately after ceasing operation of the mobile food establishment. Trash or refuse from the mobile food establishment's receptacles shall not be placed in any public or private trash receptacles, including dumpsters, without the private trash receptacle's owner's consent.
- (e) Mobile vendors shall take all necessary action to ensure that the operation of the mobile food establishment does not materially affect the peace and welfare of the general public or cause any unreasonably loud, disturbing, or unnecessary noise, or any other noise of any character, intensity, or duration as to be detrimental or disturbing to the public peace or welfare.
- (f) No mobile food establishment shall operate within: (i) 30 feet of a residential property; (ii) 10 feet of a driveway or driveway apron; (iii) 10 feet of a building entrance or fire exit; (iv) 10 feet of another mobile food establishment; (v) 10 feet of any public sidewalk; (vi) 25 feet of a wetland or waterway; (vii) 300 feet of the premise of a private or public school; or (viii) 500 feet of the boundary line of any property upon which restaurant, special event, or civic event licensed or approved by the Town operates, unless the mobile vendor has otherwise obtained prior approval from the Town Board.
- (g) The mobile food establishment permit shall be displayed on the mobile food establishment during all hours of operation. Signage for any mobile vendor shall be limited to the area of the mobile food establishment vehicle and one free standing board that does not exceed an area of 24 inches by 36 inches.

(6) Fees and Conditions.

- (a) All applicants for a new mobile food establishment permit and any applicants applying for a renewal of a mobile food establishment permit shall pay an annual permit fee as established by the Town's Fee Schedule.
- (b) Upon issuance, all permits are deemed to have commenced on July 1 and expire on June 30 of the following calendar year. Permit fees shall not be prorated.

- (c) The mobile food establishment permit is not transferrable from person to person.
 - (d) The mobile food establishment permit is only valid for one mobile food establishment vehicle. Each mobile vendor or mobile food establishment shall obtain a separate permit.
 - (e) All mobile vendors and any mobile food establishments shall comply with the National Fire Protection Association Fire Code and Wisconsin Administrative Code SPS 314.50.
 - (f) All mobile vendors and mobile food establishments shall be inspected by the Town of Brookfield Fire Department prior to obtaining a permit.
- (7) Four mobile food establishment permits authorized. The amount of mobile food establishment permits issued by the Clerk shall not exceed four at any one time. After the maximum threshold has been reached, applicants may submit an application for a mobile food establishment permit and be placed on a reserved list to receive the next available permit. The maximum threshold under this section does not apply to special event permits issued by the Building Inspector to mobile food establishments.
- (8) Renewal. In order to renew a mobile food establishment permit, a permit holder shall file a renewal application on the form provided by the Clerk and pay the renewal fee set forth on the Town's Fee Schedule. The permit holder shall file a renewal application prior to the expiration of the mobile food establishment permit.
- (9) Suspension, Revocation, or Non-Renewal. A mobile food establishment permit may be suspended, revoked, or not renewed by the Clerk if the applicant or permit holder makes any material omission or materially inaccurate statement in the permit application, violates any provision of this section, or was convicted of any offense which is directly related to the permit holder's fitness to operate a mobile food establishment. Notice of suspension, revocation, or nonrenewal shall be sent by regular mail to or personally served upon, the permit holder at least 10 days prior to hearing before a final determination is made by the Town Board.

SECTION 2: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting or publication as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Brookfield, Waukesha County, Wisconsin this _____, day of _____, 2023.

By: _____
Keith Henderson, Chairman

By: _____
Steve Kohlmann, Supervisor

By: _____
John Charlier, Supervisor

By: _____
John R. Schatzman, Supervisor

By: _____
Ryan Stanelle, Supervisor

Attest: _____
Tom Hagie,
Administrator and Interim Clerk

STATE OF WISCONSIN:

TOWN OF BROOKFIELD:

WAUKESHA COUNTY:

RESOLUTION #2023-06

**RESOLUTION UPDATING THE TOWN OF BROOKFIELD
MASTER FEE SCHEDULE**

WHEREAS, under the Town of Brookfield Code, the Town Board for the Town of Brookfield may from time to time update all or portions of its Master Fee Schedule by adoption of a resolution; and

WHEREAS, by adoption of this Resolution, the Town Board desires to update certain portions of its Master Fee Schedule, as further shown on the attached **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED, the Town of Brookfield Master Fee Schedule shall be revised and updated in accordance with Exhibit A attached to this Resolution;

BE IT FURTHER RESOLVED that all other fees on the Master Fee Schedule shall remain in full force and effect.

Adopted this ____ day of September, 2023.

BY: _____
Keith Henderson, Chairman

BY: _____
John Charlier, Supervisor

BY: _____
Steve Kohlmann, Supervisor

BY: _____
John R. Schatzman, Sr., Supervisor

BY: _____
Ryan Stanelle, Supervisor

ATTEST: _____
Tom Hagie
Administrator and Interim Clerk

EXHIBIT A
 RESOLUTION #2023-06
 SCHEDULE OF FEES AND FORFEITURES
 PROPOSED CHANGES
 9/15/2023

Building Inspections: DELETE sprinkler fees.

MECHANICALS - RESIDENTIAL AND COMMERCIAL (ALL AREAS)	
Description	Fee
Sprinkler	\$ 0.06 per sq ft plus \$ 65.00 - new construction
	\$ 0.06 per sq ft plus \$ 65.00 - additions, remodels
	\$ 65.00 minimum per permit application modifications

Fire Department: ADD the following fee table

Fire Protection Plan Review	Fee
SPRINKLER SYSTEM	
20 or less heads	\$ 25.00
More than 20 to 250 heads	\$ 50.00
Each additional 100 heads	\$ 25.00
Site Inspection	\$ 100.00
FIRE ALARM SYSTEM	
50 fixtures or less	\$ 50.00
More than 50 fixtures	\$ 100.00
Site Inspection	\$ 125.00
SPECIAL FIRE SUPPRESSION SYSTEM	
to include, but not limited to hood, duct ventilation, spray booths, dip tank operation flammable liquid spray areas	\$ 100.00
Site Inspection	\$ 100.00