



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, June 4, 2024 7:00pm	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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Item # Topic

1. The meeting was called to order at 7:02pm.
 - Present: Chairman Keith Henderson, Supervisors Steve Kohlmann, Ryan Stanelle, and John Schatzman. Absent: John Charlier. A quorum was met (4-1).
 - Staff present: Administrator Tom Hagie, Clerk Deanna Alexander, Attorney Michael Van Kleunen, Sanitary Superintendent Tony Skof, Police Chief Chris Perket, Assistant Fire Chief Tony D'Amico, and Planner Bryce Hembrook.
2. Meeting Notices. Publicly noticed on May 31, 2024.
3. Adoption of the Agenda.
Motion by Stanelle to adopt the agenda; seconded by Kohlmann.
Motion prevailed by a voice vote of 4-0.
4. Meeting Minutes: **May 21, 2024 Meeting of the TB, UD1, and SD4.**
Motion by Stanelle to adopt the minutes as presented; seconded by Kohlmann.
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, Including Departments, Boards, Committee / Commission Reports and Recommendations:

6. Administrator: **Fire Chief Contract & Appointment**
 - 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: Fire Chief Contract & Appointment. *The board opted to remain in open session.*
 - Administrator Hagie provided a brief overview of the pending retirement of Fire Chief Andy Smerz and the diligent candidate search and selection process executed by the Town's Police & Fire Commission (PFC). He introduced John Paul Schilling as selected candidate.
 - Motion by Henderson to approve the proposed Employment Agreement with Mr. Schilling, effective June 4, 2024, and with a start date of June 10, 2024; seconded by Kohlmann.
Motion prevailed by a voice vote of 4-0.
 - Clerk Alexander led an Oath of Office ceremony for the incoming Fire Chief. Chief Schilling then spoke of his 35 years of experience in the fire field, with 15 years as a Fire Chief, acknowledging his dedication to continued public service and he thanked the board and his family for their faith and support.

7. Sanitary: **Amendment No. 1 to the Agreement for Technical Services for the Poplar Creek Lining Project.**
- Superintendent Skof presented an overview of the requested amendment which amongst several changes, alters compensation from \$68,000 to \$98,700, and schedule from May 31, 2024 to August 30, 2024.
 - Motion by Kohlmann to adopt Amendment No. 1 to Task Order No. 23-02, Town of Brookfield, Wisconsin, Sanitary District No. 4 and Strand Associates, Inc. Pursuant to Agreement for Technical Services dated May 22, 2023 on the Poplar Creek Project; Second by Schatzman.
Motion prevailed by a voice vote (4-0).
8. Plan Commission: **Recommendation for Final Approval for a new warehouse building for Master Spa Warehouse located at 21675 Doral Rd.**
- Planner Hembrook presented an overview of the Plan Commission's review and decisions on the project.
 - Kohlmann noted a free-standing DMC sign in the site plan; Hembrook noted it will be stricken from the site plan because it was not approved.
 - Henderson asked about the yellow pipe bollards and why there is one noted in the pictures rather than two, as might be expected. The response was that it was designed as part of the support structure, so it may look different due to a differing intended use.
 - Schatzman asked if there is a current non-annexation agreement in place for the property; Hembrook responded that he was not aware of one.
 - Kohlmann commented that if a motion is made to accept the lighting pending future acceptance by the staff, the lighting plan should go to the ARC Chair prior to accepting. Hembrook confirmed that the town engineer would also review things. The applicant commented that the ARC Chairman was concerned about glare and he is working with the lighting provider to ensure downward facing lights.
 - Kelly Sperl of 3133 E Canvass Back Lane, Appleton, WI 54913, spoke as the engineer working on behalf of the applicant and aided in answering some of the above questions.
 - Motion by Schatzman to final approval subject to all recommendations by the plan commission, a new non-annexation agreement, a landscape bond acceptable to the town engineer, and approval by the Architectural Review Committee for the lighting issue that is outstanding, and removal of the DMC sign; seconded by Stanelle. Motion prevailed by a voice vote (4-0).
9. Clerk: **AB-102 Alcohol Beverage License and Permit Transfer Application**
Acme Group, Inc. d/b/a Prime Cigar Co.
Transfer from 18900 W Bluemound Road, Suite 104, to the same address, Suite 148.
- Brian Randall of Amundsen Davis, LLC was present on behalf of the applicant.
 - Attorney Van Kleunen presented that an application had been received for change of premises, to remain on the same parcel, but moving to another suite. He shared that members of the Town Board had advised a likelihood of not approving license renewal for the new licensing year, starting on July 1, 2024. He advised the Town Board that the transfer to the new suite, if approved, would be effective for less than a month, unless the Board decided to renew the license for July 1st.
 - Motion by Henderson to approve the transfer application; seconded by no one.
No vote was taken, and the motion failed due to lack of a second.
 - Henderson asked for clarification confirming that an existing license holder is supposed to be entitled to up to one move per year once the fee is paid. Attorney Van Kleunen confirmed and stated that the law does

not contemplate a situation where the Town Board is not inclined to approve such a request; Schatzman submitted that the law using the word “entitled” is not the same as “mandated.”

- Henderson asked what to do if there is no motion. The Attorney advised that because the motion was not seconded, it could not be repeated by the same maker, and if no other member was willing to make a motion for approval, he advised laying the item over for further consideration at the next meeting.
- Schatzman moved to lay the item over until the next Town Board meeting; seconded by Kohlmann. Motion prevailed by a voice vote (3-1) (No: Henderson).

10. Administrator: **The Corners – TIF Update**

Closed Session Notice: The body may convene into closed session pursuant to Wis. Stat. § 19.85(1)(e), deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, regarding: **The Corners – TIF Update**.

Motion by Kohlmann to enter closed session at 7:35pm; seconded by Stanelle.
Motion prevailed by a roll call vote (4-0).

Those present for closed session include the Board members, Town Attorney, Town Administrator, Town Clerk, Thomas G. Kafkes of IM & The Corners, Alex Kang of the Mandel Group; Tom Gebhard of the Mandel Group; and Robert B Monnat of the Mandel Group, Inc. and Robert Gould of The Corners.

Motion by Kohlmann to return to open session at 9:44pm; seconded by Schatzman.
Motion prevailed by a voice vote (4-0).

No action was taken as a result of the closed session.

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

Motion by Kohlmann to approve the vouchers and checks as presented; seconded by Schatzman.
Motion prevailed by a voice vote (4-0).

12. Communications & Announcements.

- Hagie: Margaux (restaurant at The Corners) is now open.
- Hagie: The Bluemound Rd. construction has been bindered (first lift of asphalt).
- Hagie: Advised that there will be a significant repair upcoming to the Fire Department’s ladder truck.

13. Adjourn: Motion by Kohlmann to adjourn at 9:48pm; seconded by Schatzman.
Motion prevailed by a voice vote (4-0).

Submitted June 14, 2024. Approved by a vote of the Town Board on June 18, 2024.



Deanna Alexander, MPA
Town Clerk, Town of Brookfield