

TOWN OF BROOKFIELD  
TOWN BOARD MINUTES  
JUNE 6, 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.

The Town Board meeting was called to order by Chairman Henderson at 7:11 p.m. with the following people present: Town Chairman Keith Henderson; Supervisors Steve Kohlmann, Ryan Stanelle, John Schatzman and John Charlier; Sanitary District Superintendent Tony Skof; 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 Kohlmann to approve the agenda with a request to move Item 10 to Item 4a.

Seconded by Supervisor Charlier.

*Motion Passed Unanimously.*

4) APPROVAL OF MINUTES.

Motion by Supervisor Stanelle to approve the minutes of May 16, 2023 Town Board meeting with minor changes.

Seconded by Supervisor Schatzman.

*Motion Passed Unanimously.*

4)a. COMMUNICATION AND ANNOUNCEMENTS

Attorney Van Kleunen and Administrator Hagie summarized the status of the property maintenance issue at 21715 Doneswood Dr and summarized the corrective action process. Supervisor Stanelle noted the Wray Park Pickleball Courts grand opening will be June 24, 2023 and other events related to the pickleball courts. Administrator Hagie noted that the Kossow Road reconstruction project is nearing completion and that the Elizabeth Court project will be completed by Friday, June 16, 2023.

5) CITIZEN COMMENTS.

Julie Heyen, 21675 Doneswood Dr, commented on the property maintenance issues at 21715 Doneswood Dr and thanked the Town Board and staff for their continued efforts on and attention to this issue.

6) OLD BUSINESS.

None.

7) NEW BUSINESS.

a. Discussion and possible action regarding an Extension of Premises Application from Café Hollander located at, 20150 Union St., Brookfield, WI. 53045 for every Thursday beginning July 6<sup>th</sup> and ending September 7<sup>th</sup> for the Brookfield Summer Beer Garden Event.

Motion by Supervisor Stanelle to approve.

Seconded by Charlier.

*Motion Passed Unanimously.*

b. Discussion and possible action regarding Appointment of Retail License Successor Agent for licensee ALDI #18.

Motion by Supervisor Kohlmann to approve.

Seconded by Supervisor Charlier.

*Motion Passed Unanimously.*

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 to reschedule the Tuesday, July 4, 2023 Town Board meeting to Wednesday, July 5, 2023.

Motion by Supervisor Kohlmann to reschedule the Tuesday, July 4 Town Board Meeting to Wednesday, July 5.

Seconded by Supervisor Charlier.

Motion Passed Unanimously.

e. Discussion and possible action regarding Resolution 2023-05: Master Schedule of Fees Update.

Motion by Supervisor Kohlmann to approve.

Seconded by Supervisor Charlier.

Motion Passed Unanimously.

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

a. Plan Commission

i. Recommendation to schedule a Public Hearing for a Zoning Code Text Amendment related to Adult and Children Day Care Centers.

Motion by Supervisor Stanelle to set a date of June 27, 2023 for a public hearing.

Seconded by Supervisor Kohlmann.

Motion Passed Unanimously.

ii. Recommendation of approval for a Zoning Code Text Amendment to Section 17.02(14)(b)1, related to Conditional Use Permit procedures.

Motion by Supervisor Stanelle to approve.

Seconded by Supervisor Kohlmann.

Motion Passed Unanimously.

b. Sanitary District No. 4

i. Discussion and possible action regarding the Water and Wastewater PLC/Radio Upgrades bid.

Motion by Supervisor Kohlmann to approve the Altronex Control Systems bid in an amount not to exceed \$231,000 contingent upon town attorney review and approval of the agreement and the exploration of possible grant funding options.

Seconded by Supervisor Schatzman.

Motion Passed Unanimously.

9) APPROVAL OF VOUCHERS AND CHECKS.

Motion by Supervisor Schatzman to approve the vouchers and checks dated 5/17/2023-6/6/2023 in the amount of \$348,570.96.

Seconded by Supervisor Stanelle.

*Motion Passed 4-0 with Supervisor Kohlmann voting present.*

10) ITEM 10 MOVED TO ITEM 4)a.

11) ADJOURN

Motion by Supervisor Stanelle to adjourn at 7:55 p.m.

Seconded by Supervisor Kohlmann.

*Motion Passed Unanimously.*

Respectfully submitted,

Tom Hagie

Town Administrator/Interim Clerk

APPLICATION FOR PAYMENT

OWNER Town of Brookfield PROJECT Kossow Road Reconstruction  
CONTRACTOR Wolf Paving Co., Inc. CONTRACT \_\_\_\_\_  
FOR PERIOD ENDING 6/14/2023 PAYMENT APPLICATION DATE 6/14/2023

PAYMENT APPLICATION NO. 1

TOTAL AMOUNT REQUESTED TO DATE	<u>\$418,416.62</u>
LESS RETAINAGE	<u>\$20,920.85</u>
NET AMOUNT DUE	<u>\$397,495.77</u>
AMOUNT OF PREVIOUS PAYMENTS	<u>\$0</u>
AMOUNT DUE THIS APPLICATION	<u>\$397,495.77</u>

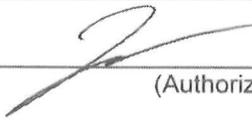
CONTRACTOR's Certification:

The undersigned CONTRACTOR certifies, to the best of its knowledge, the following: (1) All previous progress payments received from OWNER on account of Work done under the Contract have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment; (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to OWNER at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to OWNER indemnifying OWNER against any such Liens, security interest, or encumbrances); and (3) All Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Required lien waivers attached.

Dated June 14, 2023

Wolf Paving Co., Inc.  
CONTRACTOR

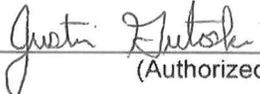
By   
(Authorized Signature)

By Jacob Mrugacz, President  
(Print Name)

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated June 15, 2023

STRAND ASSOCIATES, INC.®

By   
(Authorized Signature)

By Justin Guteski  
(Print Name)



## Progress Billing Invoice

**From:** Wolf Paving Co., Inc.  
 1320 Walnut Ridge Dr, Ste 100  
 Hartland, WI 53029  
 262.965.2121

**Invoice #:** 44357

**Date:** 06/14/23

**Application #:** 1

**To:** Town of Brookfield  
 645 N Janacek Rd  
 Brookfield, WI 53045

**Invoice Due Date:** 07/14/23

**Payment Terms:** Net 30 days

DPW@townofbrookfield.com

**Contract:** 23.20028. Brookfield, TO-Kossow Road Reconstruction

Cont Item	Description	Contract Amount	Contract Quantity	Quantity This Period	Quantity JTD	U/M	Unit Price	Amount This Period	Amount To-Date	% Compl
1	Common Excavation	47,400.00	1.00	1.00	1.00	LS.	47,400.00000	47,400.00	47,400.00	100.00%
2	Pulverize and Reshape Existing Asphalt Pavement and Base Cou	17,360.00	6,200.00	6,200.00	6,200.00	SY	2.80000	17,360.00	17,360.00	100.00%
3	Asphaltic Concrete Pavement?Upper Course	58,400.00	800.00	829.81	829.81	TON	73.00000	60,576.13	60,576.13	103.73%
4	Asphaltic Concrete Pavement?Lower Course	74,880.00	1,040.00	910.73	910.73	TON	72.00000	65,572.56	65,572.56	87.57%
5	Asphaltic Concrete Driveway	16,900.00	6,500.00	5,589.00	5,589.00	SF	2.60000	14,531.40	14,531.40	85.98%
6	7-IN Concrete Driveway	23,750.00	1,900.00	1,210.04	1,210.04	SF	12.50000	15,125.50	15,125.50	63.69%
7	Adjust MH Casting and Internal Chimney Seal	13,500.00	9.00	9.00	9.00	EA	1,500.00000	13,500.00	13,500.00	100.00%
8	DGB Course, 3-IN	25,190.00	1,100.00	41.83	41.83	TON	22.90000	957.91	957.91	3.80%
9	EBS	12,500.00	500.00	40.00	40.00	CY	25.00000	1,000.00	1,000.00	8.00%
10	DGB Course, 1 1/4-IN	36,520.00	2,200.00	1,283.20	1,283.20	TON	16.60000	21,301.12	21,301.12	58.33%
11	2-FT Wide Gravel Shoulder	6,900.00	4,600.00	3,880.00	3,880.00	LF	1.50000	5,820.00	5,820.00	84.35%
12	Epoxy Pavement Markings	5,550.00	1.00	0.00	0.00	LS.	5,550.00000	0.00	0.00	0.00%
13	Removing Storm Sewer Pipe and Structures	6,302.00	1.00	1.00	1.00	LS.	6,302.00000	6,302.00	6,302.00	100.00%
14	13-IN by 17-IN Corrugated Metal Pipe Arch	55,000.00	550.00	568.00	568.00	LF	100.00000	56,800.00	56,800.00	103.27%
15	15-IN RCP Culvert	7,700.00	70.00	64.00	64.00	LF	110.00000	7,040.00	7,040.00	91.43%
16	23-IN by 14-IN Horizontal Elliptical Reinforced Concrete Pip	10,800.00	90.00	80.00	80.00	LF	120.00000	9,600.00	9,600.00	88.89%
17	Apron Endwalls for 13-IN by 17-IN Corrugated Metal Pipe Arch	23,000.00	46.00	46.00	46.00	EA	500.00000	23,000.00	23,000.00	100.00%
18	Apron Endwalls for 23-IN by 14-IN Reinforced Concrete Horizo	10,000.00	4.00	4.00	4.00	EA	2,500.00000	10,000.00	10,000.00	100.00%
19	Apron Endwalls for Culvert Pipe 15-IN Reinforced Concrete Cu	10,000.00	4.00	4.00	4.00	EA	2,500.00000	10,000.00	10,000.00	100.00%
20	Traffic Control	16,100.00	1.00	1.00	1.00	LS.	16,100.00000	16,100.00	16,100.00	100.00%
21	Erosion Control	2,369.00	1.00	1.00	1.00	LS.	2,369.00000	2,369.00	2,369.00	100.00%
22	Geotextile Fabric	2,320.50	1,547.00	60.00	60.00	SY	1.50000	90.00	90.00	3.88%
23	Riprap	800.00	8.00	0.00	0.00	CY	100.00000	0.00	0.00	0.00%
CO 1.1	Ditch Excavation Beyond Slope Intercept. (Includes Crew, Equ	11,820.00	15.00	13.25	13.25	HRS	788.00000	10,441.00	10,441.00	88.33%
CO 2.1	Lower Existing Culvert Approximately 6"	3,530.00	1.00	1.00	1.00	LS.	3,530.00000	3,530.00	3,530.00	100.00%

**Total Billed To Date: 418,416.62**



## Progress Billing Invoice

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**From:** Wolf Paving Co., Inc.  
1320 Walnut Ridge Dr, Ste 100  
Hartland, WI 53029  
262.965.2121

**Invoice #:** 44357

**Date:** 06/14/23

**Application #:** 1

**To:** Town of Brookfield  
645 N Janacek Rd  
Brookfield, WI 53045

**Invoice Due Date:** 07/14/23

**Payment Terms:** Net 30 days

DPW@townofbrookfield.com

**Contract:** 23.20028. Brookfield, TO-Kossow Road Reconstruction

Less Retainage:	20,920.85
Less Previous Applications:	0.00
<b>Total Due This Invoice:</b>	<b>397,495.77</b>

Brookfield-Kossow Road					
Item #	Description	Bid Qty.	UM	Unit Bid Price	Quantities
1	Common Excavation	1	LS	\$47,400.00	1.00
2	Pulverize and Reshape Existing Asphalt Pavement and Base Course	6200	SY	\$2.80	6200.00
3	Asphaltic Concrete Pavement--Upper Course	800	TON	\$73.00	829.81
4	Asphaltic Concrete Pavement--Lower Course	1040	TON	\$72.00	910.73
5	Asphaltic Concrete Driveway	6500	SF	\$2.60	5589.00
6	7-IN Concrete Driveway	1900	SF	\$12.50	1210.04
7	Adjust MH Casting and Internal Chimney Seal	9	EACH	\$1,500.00	9.00
8	DGB Course, 3-IN	1100	TON	\$22.90	41.83
9	EBS	500	CY	\$25.00	40.00
10	DGB Course, 1 1/4-IN	2200	TON	\$16.60	1283.20
11	2-FT Wide Gravel Shoulder	4600	LF	\$1.50	3880.00
12	Epoxy Pavement Markings	1	LS	\$5,550.00	
13	Removing Storm Sewer Pipe and Structures	1	LS	\$6,302.00	1.00
14	13-IN by 17-IN Corrugated Metal Pipe Arch	550	LF	\$100.00	568.00
15	15-IN RCP Culvert	70	LF	\$110.00	64.00
16	23-IN by 14-IN Horizontal Elliptical Reinforced Concrete Pipe Culvert	90	LF	\$120.00	80.00
17	Apron Endwalls for 13-IN by 17-IN Corrugated Metal Pipe Arch Culvert	46	EACH	\$500.00	46.00
18	Apron Endwalls for 23-IN by 14-IN Reinforced Concrete Horizontal Elliptical Culvert Pipe W/ Pipe Gate	4	EACH	\$2,500.00	4.00
19	Apron Endwalls for Culvert Pipe 15-IN Reinforced Concrete Culvert Pipe W/ Pipe Gate	4	EACH	\$2,500.00	4.00
20	Traffic Control	1	LS	\$16,100.00	1.00
21	Erosion Control	1	LS	\$2,369.00	1.00
22	Geotextile Fabric	1547	SY	\$1.50	60.00
23	Riprap	8	CY	\$100.00	

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

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**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