



## OFFICIAL MINUTES OF AN ADMINISTRATIVE APPEALS BOARD MEETING

MINUTES OF AN ADMINISTRATIVE APPEALS BOARD MEETING HELD ON **MAY 31, 2022** AT 10:00 AM., IN THE COUNCIL CHAMBERS, 2000 N. CALHOUN ROAD, BROOKFIELD, WI

Call to Order: Mayor Steven V. Ponto called the meeting to order at 10:00AM.

Roll Call: City Clerk Michelle Luedtke called the roll and noted the following members in attendance:

*3 members present: Mayor Steven Ponto (Chair), Gary Mahkorn, and Dean Marquardt. (Number of members needed to meet quorum requirements: 2)*

*Members excused: n/a*

*Staff Present: City Attorney Jenna Merten, City Attorney Intern Andrea Panozzo, Zoning and Building Administrator Larry Goudy, District Building Inspector Kurt McMahon, and City Clerk Michelle Luedtke*

Minutes: **MOVED BY MAHKORN, SECOND BY MARQUARDT, TO APPROVE THE MINUTES OF THE MAY 16, 2022 ADMINISTRATIVE APPEALS BOARD MEETING.**

Attorney Merten noted the incorrect date for the adjournment on the minutes.

**MOVED BY MAHKORN, SECOND BY MARQUARDT, TO AMEND THE ADJOURNMENT DATE LISTED IN THE MINUTES FROM "MAY 30<sup>TH</sup>" TO "MAY 31<sup>ST</sup>". ALL IN FAVOR. MOTION CARRIED.**

Vote on the original motion to approve **ALL IN FAVOR. MOTION CARRIED.**

Old Business: Hearing: Charles and Christine Stanfield – 1660 Alvin Lane, Brookfield.

Charles Stanfield appeared. Christine Stanfield was not present.

Mr. Stanfield opened with questions and requests for the Board. He asked about a transcript in lieu of a recording, asked about the bias of some members of the Board, talked about the conduct of the Board, and the timeliness of evidence. Each point was denied by the Chair. The hearing continued.

Mr. Goudy took the stand for the City presentation. He reviewed the timeline of notices sent to Mr. Stanfield. 10:24AM

City Attorney Merten asked each person who was going to give testimony in this hearing to be sworn in.

Mr. Stanfield, Zoning and Building Administrator Goudy, and the Building Inspector McMahon were sworn in by the City Clerk. 10:27AM

The City requested Exhibits 1 through 5, photos of the residence were taken May 27<sup>th</sup>, 2022, to be entered into evidence. Mr. Stanfield reviewed the photos and did not object. Exhibits 1-5 were admitted into the record.

The City requested Exhibit 6, the Order to Correct Condition of Premises dated March 2, 2022, to be entered into the record. Mr. Stanfield reviewed the order and objected based on the date. The Chair overruled Stanfield's objection and allowed the Order to Correct into the record with the understanding the order was "on or around" March 2, 2022. 10:35AM

Zoning and Building Administrator Goudy concluded his testimony at 10:37AM.

At 10:37AM, Mr. Stanfield cross-examined Mr. Goudy.

City Attorney Intern Panozzo redirected after Mr. Stanfield's cross-examination. At 10:54AM, the City's presentation of the case concluded.

Mr. Stanfield gave testimony. City Attorney Merten reminded Mr. Stanfield that the Board can only make a decision on the initial determination. 10:58AM

Mr. Stanfield requested Exhibit 7, the Letter to the Clerk dated February 28, 2022, to be entered into evidence. There was no objection by the City. At 11:02AM, Exhibit 7 was entered into the record.

City Attorney Merten reiterated to Mr. Stanfield that the Board is only able to discuss the initial determination at this hearing. 11:05AM

Mr. Stanfield requested to enter into evidence a chapter from the Wisconsin State Code SPS 320, Chapter 1. City Attorney Intern Panozzo reviewed the document and objected to the relevance, as this is a maintenance issue and not a building issue. The Chair sustained the City's objection and returned the document to Mr. Stanfield. 11:13AM

Mr. Stanfield requested to enter a chapter from the Wisconsin State Statute 101.6 into evidence. City Attorney Intern Panozzo reviewed the order and objected to the relevance. The Chair sustained the City's objection and returned the document to Mr. Stanfield. 11:17AM

Mr. Stanfield asked the Board about the source which triggered the complaint process. City Attorney Merten indicated the complaint does not need to come from a resident of the City, it can come from anyone. 11:22AM

Marquardt asked if there was a building permit taken out on the property as of March 2, 2022. Mr. Stanfield indicated there was not. 11:24AM

Mr. Stanfield requested to enter Exhibit 8, an email from Zoning and Building Administrator Goudy dated January 13, 2022, into evidence. City Attorney Intern Panozzo reviewed the email and did not object. At 11:27AM, Exhibit 8 was entered into the record.

Mr. Stanfield noted the highlighted items on the email that pertained to his property. City Attorney Merten reminded Mr. Stanfield of his time limit for testimony. Mr. Stanfield asked for more time. The Chair denied the request. 11:35AM

Mr. Stanfield requested to enter Exhibit 9, Brookfield City Code 15.04.040, into evidence. City Attorney Intern Panozzo reviewed the document and did not object. At 11:38AM, Exhibit 9 was entered into the record.

City Attorney Intern Panozzo started her closing remarks at 11:38AM. She cited the multiple contacts made with the resident and the options to remedy.

Mr. Stanfield started his closing remarks at 11:39AM. He cited difficulties getting contractors.

After the conclusion of the closing statements, Mahkorn added a final comment about board bias. He indicated he purposefully did not engage with the applicant because of the nature of the request. He as an Alderperson is a policy maker and not a mediator. 11:47AM

Closed Session: **MOTION BY MARQUARDT, SECOND BY MAHKORN, TO GO INTO CLOSED SESSION. ALL IN FAVOR. MOTION CARRIED. CLOSED SESSION BEGAN AT 11:53AM.**

Open Session: **MOTION BY MAHKORN, SECOND BY MARQUARDT, TO GO INTO OPEN SESSION. ALL IN FAVOR. MOTION CARRIED. OPEN SESSION BEGAN AGAIN AT 12:15PM.**

Hearing Motion: **MOTION BY MARQUARDT, SECOND BY MAHKORN, TO UPHOLD THE DETERMINATION OF ZONING AND BUILDING ADMINISTRATOR GOUDY AND TO HAVE CITY ATTORNEY MERTEN DRAFT A WRITTEN DECISION. ALL IN FAVOR. MOTION CARRIED.**

Adjournment: **MOTION BY MAHKORN, SECOND BY MARQUARDT, TO ADJOURN MEETING. ALL IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 12:16PM.**

RESPECTFULLY SUBMITTED

MICHELLE LUEDTKE, CITY CLERK

*\* May be viewed in the City Clerk's Office.*

DRAFT