



MINUTES OF A REGULAR MEETING OF THE
LEGISLATIVE & LICENSING COMMITTEE HELD ON
TUESDAY, **DECEMBER 3, 2019** AT **7:30 P.M.** IN THE
SELIGENSTADT (MAIN) CONFERENCE ROOM, 2000
NORTH CALHOUN ROAD, BROOKFIELD, WISCONSIN

ALDERMAN GARY MAHKORN PRESIDING

5 MEMBERS PRESENT: Alderman Brad Blumer,
Alderman Bill Carnell, Alderman Buck Jurken,
Alderman Gary Mahkorn, Alderman Jeff McCarthy

OTHERS PRESENT: City Attorney Jenna Merten, City
Clerk Kelly Michaels

1. Chairman Mahkorn noted a quorum was present and called the Legislative & Licensing Committee to order at 7:30 p.m.
2. Announcements:
 - a. The next regularly scheduled meeting is Tuesday, December 17, 2019.
3. Minutes
 - a. Minutes of the November 19, 2019 meeting.

Motion by Alderman Blumer, second by Alderman Jurken to approve the November 19, 2019 meeting minutes as presented. Motion carried 5-0.

4. New Business
 - a. Legislative Referral: Consider amending Chapter 15, with regard to the Special Needs Fence requirements for medical substantiation.

Attorney Merten explained the first concern Attorney Julie Aquavia had was the ADA (American with Disabilities Act) issue. When someone submits a medical certification, from his or her doctor under this act, it is open-ended. It did not say what medical certification is required or what the medical certification was for. You need to have criteria to define why someone is being denied/approved, for special needs fencing. There is also the open records issue. We do not want to take in personal medical information, as we may have a duty to provide it to requestors under open record laws.

Other items were cleaning up the code, defining what requirements we want regarding the fence, landscaping issues, etc.

Attorney Merten added that a resident did ask for a special needs fence and provided certification from a Psychologist. She recommended the medical certification must come from a medical doctor, ex: Psychiatrist. The applicant was asked to provide certification from a medical doctor. Alderman Carnell added that the Board of Appeals granted the applicant permission to keep the fence, as there were no objections from the neighbors. The applicant knew he should not have constructed the fence before approval was given. Alderman Mahkorn was in favor of the requirements for medical certification. He felt there would not be abuse concerning this issue.

Alderman Carnell questioned the documentation, noting it does not indicate how large of an area you could have fenced in. The landscaping could be quite expensive if we are requesting 50 percent of the fence be screened with landscaping. Alderman Mahkorn felt it was important to have screening along the fence and did not believe the city should diminish its requirements; stating there should be more rather than less requirements.

Alderman McCarthy noted that the special needs fence must be maintained until the need no longer exists. He questioned whether the owner would have to remove the fence before they could sell the home. He felt the new homeowner should not be burdened with taking down a fence they cannot have. He also questioned what would happen to the landscaping along the fence? Attorney Merten said technically everyone should check with the city prior to purchasing to check the home and outside structure permits, however, they rarely do. If this situation would occur, the city prosecutor could cite the previous owner; assuming they are still in the state. The previous owner would be responsible for the fence removal, which would be tricky, as they'd have to get permission from the new homeowner.

Alderman Mahkorn said the ordinance should say 'upon sale, the new owner should be informed about the removal of the fence'. There needs to be steps in place, so the city can cite someone. Alderman McCarthy indicated the ordinance should say 'until the fence is no longer needed or upon selling the property'.

Attorney Merten suggested a provision in the ordinance regarding if the home is sold to another family with a special needs child, they must submit an application for a permit right away. Alderman Jurken noted what happens if the special needs child is only at the home on a part-time basis, such as weekends.

Alderman Mahkorn felt the committee had given Attorney Merten some revisions and instructions so the ordinance could be back on a future meeting agenda when it is ready for review.

Motion by Alderman McCarthy, second by Alderman Jurken to direct staff to make revisions to the ordinance as discussed and then brought back to the committee when ready for review. Motion carried 5-0.

b. Resolution regarding applicants for Original Bartender/Operator Licenses.

Buggs, Elizabeth A.	Miezin, Michael J.
Cain, Savanna	Nelson, Sharice A.
Cecil, Carlos A.	Nevels, Satayya A.
Crawl, Lanise Y.	Nuccio, Paul G.
Donohue, Tabitha N.	Robertson, Roberta S.
German, Brittney L.	Schmitt, Jacob M.
Gilhousen, Alex C.	Sherman, Bennett E.
Gordon, Dawn A.	Smith, Ashley N.
Kloehn, Brandon T.	Warren, Patricia A.

Motion by Alderman McCarthy, second by Alderman Carnell to approve Original Bartender/Operator Licenses for the above named applicants. Motion carried 5-0.

Motion by Alderman Jurken, second by Alderman Blumer to adjourn the Legislative & Licensing Committee meeting. Motion carried 5-0. Meeting adjourned at 7:48 p.m.

Minutes respectfully submitted by Kelly Michaels, City Clerk