



OFFICIAL NOTICE AND AGENDA

Notice is hereby given that the 33rd Common Council of the City of Brookfield, Wisconsin will hold a regular meeting on the date, time and location shown below.

Notice posted: 11/27/2019 @ 2:00 pm.

Regular Meeting of the:	COMMON COUNCIL OF THE CITY OF BROOKFIELD
Date/Time:	Tuesday, December 3, 2019 @ 7:45 pm
Meeting Location:	City Hall, 2000 N. Calhoun Road, Brookfield WI 53005, Council Chambers
Council Members:	Daniel Sutton, Bill Carnell, Bob Reddin, Rick Owen, Ron Balzer, Jeff McCarthy, Buck Jurken, Mark Nelson, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Renee Lowerr, Brad Blumer

Call to Order:	By the Mayor/Chair of the Common Council.
Public Comment:	<u>Attention Citizens:</u> The Council has reserved up to 15 minutes for the public to address the Council on any matter, other than for a public hearing listed below. To address the Council, please pick up a "Sign Up" form and submit it to the City Clerk prior to the meeting or indicate your inclination to address the Council upon the Chair's announcement of the public comment segment. If the Chair determines that no one is present or that no one else wishes to address the Council, the Chair may end the segment earlier than the allotted time. For public hearings, comments can be made at the time of the public hearing once the Chair recognizes the speaker.
Announcement:	The next scheduled Common Council meeting is December 17, 2019, at 7:45 pm.
Roll Call / Pledge:	The Pledge of Allegiance led by Webelos 2 Den for Pack 119 from St. Dominic's Parish will follow calling of the roll.

COMMITTEE	#	CONSENT AGENDA
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Note: Prior to voting on the Consent Agenda, items may be removed at the request of any Aldermen and placed immediately following action on the Consent Agenda. The procedures to follow the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.

	1)	Minutes of the Regular Common Council meeting of November 19, 2019.
Finance	2)	Vouchers exceeding \$50,000 requiring immediate action.
Finance	3)	Resolution renewing investment services agreement with BMO Harris Bank (BMO Global Asset Management).
Finance	4)	Resolution declaring official intent to reimburse expenditures from proceeds of borrowing (Rivendell Drive water main).
Finance	5)	Resolution approving 2020 budget amendment requested by the Director of Finance and Administration: increase Wastewater Utility maintenance of plant account 40183032-825000 by \$315,000 for purposes of funding for clarifier maintenance.
Finance	6)	Resolution approving change order no. 5 to Brookfield Conference Center bid package 2 contract with JP Cullen.
Legislative & Licensing	7)	Resolution approving the applicants for Original Operator's (Bartender) licenses: Jared S. Bellis, Allison R. Chang, Lisa K. George, Taylor A. Haltner, Ashley K. Hubal.
Legislative & Licensing	8)	Resolution denying an Original Bartender License for an applicant with a record: James T. White.

- Legislative & Licensing** 9) **Resolution** approving an Original Class B Beer and Liquor license: Capitol Café/Grecian Inn Restaurant, 14375 W. Capitol Dr.; George Dimitropoulos – Agent.

COMMITTEE	#	NON-CONSENT AGENDA
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10) Act on items removed from the consent agenda as necessary.

Council as a Whole 11) Mayor's assignment of legislative referrals and requests for services.

Council as a Whole Adjournment.

Steven V. Ponto, Mayor
Kelly Michaels, City Clerk

Please note that any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meetings or materials be in an accessible location or format, contact the City Clerk at (262) 782-9650 or in writing to 2000 North Calhoun Road, for accommodations. Requests for accommodations should be made at least 3 business days prior to the meeting. Every effort will be made to arrange accommodations for all meetings. Advance notice is appreciated.

RESOLUTION NO. ___ of the FINANCE COMMITTEE		
Committee Date: December 3, 2019	Committee Action: Carried 7-0	
RESOLUTION RENEWING THE INVESTMENT SERVICE AGREEMENT WITH BMO HARRIS BANK N.A. FOR THE CITY OF BROOKFIELD		
Public Hearing: Na	Date Introduced: December 3, 2019	Council Action:

WHEREAS, the City of Brookfield has contracted with BMO Harris Bank N.A. to manage a portion of the City's core investment portfolio and has delegated investment authority per Wisconsin State statutes 66.0603 to BMO Harris Bank N.A.; and

WHEREAS, Wisconsin State statutes 66.0603 requires the governing body to review the performance of said institution and renew the investment agreement annually; and

WHEREAS the Finance Committee has reviewed the performance of BMO Harris Bank N.A.,

NOW, THEREFORE BE IT RESOLVED that the contract for investment advisory services be continued with BMO Harris Bank N.A. for the period January 1, 2020 to December 31, 2020.

Adopted by the Common Council this ____ day of _____, 2019

APPROVED:

ATTESTED:

Steven V. Ponto, Mayor

Kelly Michaels, City Clerk

Memo

To: Finance Committee
From: Therese M. Hrica, Revenue Manager
Date: 11/27/19
Re: Investment Services Renewal
Cc: Robert W. Scott, Finance Director

To enhance and expand the return on the City's investment portfolio, in November of 2002 the Finance Committee endorsed the use of Dana Investment Advisors, Inc. and M&I Trust Company (now BMO Harris Bank N.A.) to manage a portion of the City's "core" investment portfolio. The advisors were reappointed in December 2007 following a proposal process and in 2013 the contract was extended through January 31, 2018, and further extended in 2018 through July 31, 2023.

State statutes section 66.0603 allows for delegation of investment authority to a "...state or national bank, or trust company, which is authorized to transact business in this state if all of the following conditions are met:

- (a) The institution is authorized to exercise trust powers under s.221.0316 or ch.223.
- (b) The governing board renews annually the investment agreement under which it delegates its investment authority, and reviews annually the performance of the institution with which its funds are invested."

This section of the statutes pertains to the relationship the City has with BMO Harris Bank (BMO Global Asset Management).

City staff reviews the performance of BMO Harris on a monthly basis and continues to be satisfied with its service. The City portfolio currently is outperforming the benchmark in all comparison time periods. With the Federal Open Market Committee (FOMC) lowering the overnight interest rate three times in 2019, citing a slowing global economy and negative repercussions from continued trade tensions, the BMO managers expect yields to remain low, and trading within a volatile but narrow range. In addition, as the anticipation level around the speed and size of future Fed policy adjustments has lessened the managers will retain a duration near the benchmark. With an expectation of continued volatility, particularly in the front-end of the yield curve, they will pursue an opportunistic strategy with regards to term structure. They will continue to utilize an overweight exposure in the corporate and securitized sectors where spreads remain attractive.

Staff has prepared a resolution affirming continuation of the investment arrangement with BMO Global Asset Management, a part of BMO Harris Bank N.A. and respectfully requests Finance Committee approval and recommendation to the Common Council.

City of Brookfield, Wisconsin

RESOLUTION NO. _____ of the Finance Committee			
Committee Date:	December 3, 2019	Committee Action:	
RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING			
Public Hearing:	N/a	Council Date:	December 3, 2019
		Council Action:	

WHEREAS, the City of Brookfield, Waukesha County, Wisconsin (the "Municipality") plans to undertake the relaying of the Rivendell Drive water main (the "Project"); and

WHEREAS, the Municipality may finance the Project on a long-term basis by issuing tax-exempt bonds or promissory notes (the "Bonds"); and

WHEREAS, because the Bonds will not be issued prior to the commencement of the Project, the Municipality must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Municipality, that:

Section 1. Expenditure of Funds. The Municipality shall make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.

Section 2. Declaration of Official Intent. The Municipality hereby officially declares its intent under Treas. Regs. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$200,000.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside by the Municipality pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at the Municipal Clerk's office after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19 of the Wisconsin Statutes, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

Adopted by the Common Council this ___ day of _____, 2019.

APPROVED:

ATTESTED:

Steven V. Ponto, Mayor

Kelly Michaels, City Clerk

Memo

To: Finance Committee
From: Robert W. Scott, Director of Finance and Administration
cc: Mayor and Common Council
Date: November 26, 2019
Re: Reimbursement resolution – Rivendell Drive water main relay

As you may recall, the 2019 water utility capital budget included two projects for replacement of failing water main – one in the Lisa Lane and Chapel Road areas, and another near Rivendell Drive. A total of \$1,485,000 in new 2019 borrowed monies and unexpected debt proceeds from prior year projects was made available for the projects.

Bids for the first project were significantly higher than expected, and inclusive of inspection and other ancillary costs total estimated project costs were \$1.437 million, or nearly all of the funds that have been allocated for the failing water main projects.

Bids were recently solicited for the Rivendell project, and at the November 19 Council meeting, the Council approved the award of the contract for that work, with a total all-inclusive expected cost of \$180,615. As a result, additional funds will be necessary to complete that project.

The water utility has monies available to pay the project costs, but it may be more advantageous to fund the costs with proceeds from borrowing and reimburse the utility reserves. The next City bond issue will not take place until June 2020. Under federal tax regulations, municipalities who use funds on hand to pay project costs and seek to be reimbursed with tax-exempt bond proceeds must adopt a resolution noting the intent to obtain such reimbursement (a “reimbursement resolution”). You may recall that the Council recently adopted a similar resolution in conjunction with the Clean Water Fund loan to be issued to fund the phosphorus reduction project at the Fox River Water Pollution Control Center.

Adoption of this resolution will provide flexibility in determining the optimal funding mix for this project. Staff respectfully requests the Committee’s approval of the reimbursement resolution and positive recommendation to the Council. Please contact me with any questions in advance of the meeting.

City of Brookfield, Wisconsin

RESOLUTION NO. _____ of the Finance Committee		
Committee Date:	December 3, 2019	Committee Action:
Resolution approving 2020 Wastewater Utility budget amendment requested by the Director of Finance and Administration: increase maintenance of plant account 40183032-825000 by \$315,000, for purposes of providing funding for clarifier maintenance.		
Public Hearing:	n/a	Council Date: December 3, 2019
		Council Action:

BE IT RESOLVED that the following Wastewater Utility fund budget amendment for 2020 requested by the Director of Finance and Administration, to correct an administrative error in the adopted 2020 budget and provide funding for the clarifier maintenance project, is hereby approved.

<u>Expenditures:</u>	<u>Increase</u>
40183032-825000 Maintenance of plant equipment	\$315,000

BE IT FURTHER RESOLVED that this resolution be published as a Class 1 notice within 10 days of adoption.

Adopted by the Common Council this _____ day of _____, 2019

Approved:

Attested:

Steven V. Ponto, Mayor

Kelly Michaels, City Clerk

Memo

To: Finance Committee
From: Robert W. Scott, Director of Finance and Administration
cc: Mayor and Common Council
Date: November 25, 2019
Re: Resolution amending 2020 Wastewater Utility budget

Following the Council's adoption of the 2020 budget, staff was preparing the typical update of the budget module in the City's accounting system to make amounts available for departments to expend in 2020. As part of the reconciliation process, staff discovered that a change in the proposed budget for the wastewater utility maintenance of plant account (40183032-825000) that was identified late in the process of developing the executive budget had been updated in the budget module. However, that change was not included in the Excel spreadsheets which are included in the executive budget document that was submitted to the Finance Committee and Council for review.

The change was to add \$315,000 to the maintenance account for an expanded scope of repairs to the clarifiers at the wastewater treatment plant. That project was originally anticipated and funded in the 2019 wastewater operating budget, but due to the expanded scope of work, such repairs cannot be completed in 2019. As a result, the funds allocated in 2019 are being used to rehabilitate the deep bed sand filters (funding had been proposed for 2020), which must be completed prior to the phosphorus reduction capital project scheduled for next year. Please note that this change was referenced in the wastewater budget narrative on page 179 of the executive budget document.

To correct this administrative error, staff respectfully requests that the Committee and Council adopt the attached resolution to amend the 2020 wastewater utility budget. Please contact me with any questions.

City of Brookfield, Wisconsin

RESOLUTION NO. _____ of the Finance Committee		
Committee Date: 12/3/2019	Committee Action:	
Resolution approving change order no. 5 to Brookfield Conference Center bid package 2 contract with JP Cullen.		
Public Hearing: n/a	Council Date: December 3, 2019	Council Action:

WHEREAS, the budget for the Brookfield Conference Center (BCC) as approved by the Common Council contains an allowance for change orders for items that may arise during the construction process;; and

WHEREAS, JP Cullen, the contractor for BCC bid package 2 has submitted an additional change order totaling \$37,174, encompassing several modifications to the project scope as shown on the attached exhibit*; and

WHEREAS, Kahler Slater, the BCC architect, and Concord Group, the City's owner's representative for the BCC project have reviewed and approved change order no. 5 to the JP Cullen contract;

NOW, THEREFORE, BE IT RESOLVED that change order no. 5 to Brookfield Conference Center bid package 2 contract with JP Cullen is hereby approved, and the proper City officials are hereby authorized and directed to sign the change orders on behalf of the City of Brookfield.

Approved:

Attested:

Steven V. Ponto, Mayor

Kelly Michaels, City Clerk

* Can be viewed in the City Clerk's Office during normal working hours.

Memo

To: Finance Committee
From: Robert W. Scott, Director of Finance and Administration
cc: Mayor and Common Council
Date: November 26, 2019
Re: Brookfield Conference Center construction contracts - change order approvals

On the December 3 agenda for the Committee and Common Council is a resolution to approve an additional change order for the bid package no. 2 construction contract for the Brookfield Conference Center (BCC) with JP Cullen.

An explanatory memorandum from the City's owner's representative, Concord Group, is included with the resolution for the various items included in the change order being submitted for approval, noting the reasons for each of the items. The actual change order documents will be available for reference at the Committee meeting.

Please note that as indicated in Concord's memo, after approval of this change order and consideration of future projected change orders, the change order contingency included in the overall project budget has been exhausted. However, as further in the memo, there remains an owner contingency balance of \$1,056,561 in the project budget for any further unanticipated costs. As previously discussed with the Committee, this contingency would also be used relative to any claims from either contractor for additional compensation due to delays or other issues not related to change orders resulting from changes in project scope, design modifications, etc.

Staff respectfully requests the Committee's approval of the resolution and recommendation to the Common Council. Staff also requests that if an alderman has detailed questions about the nature of any particular element of the change order that staff be contacted in advance so appropriate documentation can be made available for the Committee's review.

MEMO

Date: Tuesday, November 26, 2019
To: Robert Scott, Director of Finance – City of Brookfield
Dan Ertl, Director of Community Development – City of Brookfield
Todd Willis, Economic Development Coordinator – City of Brookfield
CC: Andrew Braatz – JP Cullen
Greg Kempen – Kahler Slater
Company: City of Brookfield
Address: 2000 N Calhoun Rd
Brookfield, WI 53005
Subject: Brookfield Conference Center – Bid Package 2 – Owner Change Order #5

Dan, Todd, and Robert,

Attached to this memo you will find the fifth Owner Change Order (OCO) from JP Cullen for the Brookfield Conference Center. This OCO covers work within the scope of Bid Package 2.

OCO #5 will add \$37,174 to the previous contract total of \$18,251,479 for a new total of \$18,288,653. Please note that these change orders are increases to JP Cullen's contract amount and are not invoices.

The OCO has been approved by JP Cullen, Kahler Slater, and The Concord Group. Each Potential Change Order (PCO) encapsulated in the OCO has also been approved by these groups. The PCOs have been included for your reference, and further backup for each PCO is available upon request.

Below is a brief explanation of each PCO. Many of the PCOs in this OCO are costs associated with the initial turnover issues between the Bid Pack 1 and Bid Pack 2 scopes of work. The intent is to have the City pay for these issues up front, but the City and project team are working on assigning these costs to Findorff and seeking reimbursement.

OCO #5 PCOs to be assigned to Findorff:

- PCO 47 - \$1,761
 - Anchor rod projection and concrete issues. Many anchor bolts were too short for columns to be installed
- RQ 42 - \$4,197
 - Work associated with correcting a baseplate that did not line up with the anchor rod locations along the gridline
- RQ 53 - \$3,768
 - Work required to correct column anchor rods that were initially set a few inches off their location
- RQ 54 - \$2,861
 - Two column base plates were removed and re-fabricated due to anchor rods that were installed out of tolerance
- **Total cost of PCOs to be assigned to Findorff: \$12,587**

MEMO

OCO #5 PCOs to be paid by the City:

- RQ 49 - \$2,478
 - Installation of anchor rods that were missing in 4 locations
- RQ 55 - \$1,441
 - Work completed to install missing anchor rods at 16 locations in the building interior
- PCO 78 - \$483
 - Work done to create a recess in the vestibule wall where the dedication plaque will be installed
- PCO 79 - \$2,693
 - Extra trim added to the interior head of curtain wall openings to cover exposed wood blocking
- PCO 80 - \$7,514
 - Modification to the upper areas of ballroom closets to mitigate a constructability issue due to the small size of those areas
- PCO 92 - \$3,705
 - Work to relocate roll-in warming cabinet in the kitchen to accommodate kitchen carts
- PCO 96 - \$1,031
 - Rerouting a condensate pipe to drain in the connector rather than the storage/mechanical room
- PCO 99 - \$3,189
 - Ceiling heights in 7 door alcoves raised and vertical ceiling transition installed to the hallway ceiling height
- PCO 104 - \$2,053
 - Reduction of quantity of Wireless Access Points (WAPs) in the building interior and addition of 3 WAPs in the courtyard and associated weatherproofing per NCG request. Due to the timing of this request, 5 of the interior WAPs that were removed have cabling already installed, but this change includes the termination of those cables above the ceiling.
- **Total cost of City PCOs in this Change Order: \$24,587**

There are additional PCOs from JP Cullen that the project team is currently vetting. Below is a summary of these PCOs, which are expected to be at future common council meetings once they are compiled into OCOs.

- **Concord and Kahler currently reviewing**
 - PCO 70 \$25,514 NCG storage room conversion
 - PCO 87 \$1,469 RFI 122, North Wall Change in office 208
 - PCO 93 \$39,365 RFI 147, Plumbing inspection roof drainage cleanouts
 - PCO 105 \$3,125 Bulkhead for ceiling transition in visible areas
 - PCO 106 \$2,991 RFI 188, Concrete column base preparation for paint finishing
 - PCO 110 \$3,557 RFI 176, Automatic operator mounting and painting
 - PCO 114 \$2,452 RFI 169, Ballroom 4'x4' ceiling tile accessibility
 - PCO 117 \$3,167 RFI 186, Projector screen mounting

The project budget includes the current cost for all submitted PCOs, some of which are still in the review and vetting process. Including all PCOs submitted from both BP1 and BP2 contractors, the Change Order Allowance item has been fully used; however, the project budget contains an Owner Contingency line item that currently contains \$1,056,561.35, which is the balance after the currently projected PCOs have been incorporated.

We are happy to address any additional questions that you may have.

Regards,
Patrick Condron

MEMO

Project Executive
The Concord Group
Construction Consultants
1000 North Water Street
Suite 1550
Milwaukee, WI 53202
414.225.5305 office
708.846.0167 cell
www.concord-cc.com

City of Brookfield, Wisconsin

RESOLUTION NO. _____ of the Legislative and Licensing Committee		
Committee Date: November 19, 2019	Committee Action: Approved 4-0	
Applicants for Original Bartender/Operator licenses.		
Public Hearing: n/a	Council Date: December 3, 2019	Council Action:

WHEREAS, the Legislative and Licensing Committee of the City of Brookfield has recommended approval of Original Bartender/Operator Licenses for the following applicants who have met the applicable qualifications of Chapter 125 of the Wisconsin Statutes and Brookfield Municipal Code.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Brookfield that it hereby affirms the recommendation of the Legislative and Licensing Committee to grant the licenses as indicated.

Bellis, Jared S.
Chang, Allison R.
George, Lisa K.
Haltner, Taylor A.
Hubal, Ashley K.

Adopted by the Common Council this _____ day of _____, 2019

Approved:

Attest:

Steven V. Ponto, Mayor

Kelly Michaels, City Clerk

City of Brookfield, Wisconsin

RESOLUTION NO. _____ of the Legislative and Licensing Committee		
Committee Date: November 19, 2019	Committee Action: Denied 4-0	
Denial of an Original Bartender License for an applicant with a record: James T. White		
Public Hearing: n/a	Council Date: December 3, 2019	Council Action:

WHEREAS, the Legislative and Licensing Committee of the City of Brookfield has recommended denial an Original Operator’s (Bartender) License for the following applicant with a record: James T. White.

BE IT RESOLVED, by the Common Council of the City of Brookfield that it hereby affirms the recommendation of the Legislative and Licensing Committee to deny the license.

Adopted by the Common Council this _____ day of _____, 2019

Approved:

Attest:

Steven V. Ponto, Mayor

Kelly Michaels, City Clerk

City of Brookfield, Wisconsin

RESOLUTION NO. _____ of the Legislative and Licensing Committee		
Committee Date: November 5, 2019	Committee Action: Approved	
Original Class B Beer and Liquor License: Capitol Café/Grecian Inn Restaurant		
Public Hearing: n/a	Council Date: December 3	Council Action:

WHEREAS, the Legislative and Licensing Committee of the City of Brookfield has recommended approval of an Original Class B Beer and Liquor License for the following applicant who has met the applicable qualifications of Chapter 125 of the Wisconsin Statutes and Brookfield Municipal Code.

BE IT RESOLVED, by the Common Council of the City of Brookfield that it hereby affirms the recommendation of the Legislative and Licensing Committee to approve the license as indicated.

George D Incorporated; d/b/a: Capitol Café/Grecian Inn Restaurant
14375 W. Capitol Drive; Agent: George I. Dimitropoulos

Adopted by the Common Council this _____ day of _____, 2019

Approved:

Attest:

Steven V. Ponto, Mayor

Kelly Michaels, City Clerk