



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33rd COMMON COUNCIL HELD AT **7:45 P.M.**, TUESDAY, **MARCH 19, 2019**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

Mayor Ponto called the meeting to order at 7:58 pm.

PUBLIC COMMENT: None

ANNOUNCEMENTS: The next scheduled Common Council meeting is April 2, 2019 at 7:00 pm.

COMMON COUNCIL ROLL CALL: Deputy City Clerk Renee Tadych called the roll and noted the following members in attendance.

13 ALDERMEN PRESENT AND 1 APPEARING BY TELEPHONE: Dan Sutton, Bill Carnell, Bob Reddin, Rick Owen, Ron Balzer, Jeff McCarthy, Mark Nelson, Edward “Buck” Jurken, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Brad Blumer (telephone), Renee Lowerr

0 ALDERMAN EXCUSED: none

STAFF PRESENT: City Attorney Jenna Merten, Deputy City Clerk Renee Tadych, Director of Community Development Dan Ertl, Director of Finance and Administration Robert Scott, Director of Public Works Tom Grisa, Director of Human Resources Jim Zwerlein, Fire Chief Charlie Myers

PLEDGE: Alderman Mark Nelson led the Council in the Pledge of Allegiance.

ACTIONS OF THE COMMON COUNCIL

CONSENT AGENDA:

Motion by Alderman Nelson, seconded by Alderman Reddin to approve all items on the consent agenda. Motion carried unanimously.

- 1) Minutes of the Regular Common Council meeting of March 5, 2019.

As recommended by the Plan Commission

- 2) Request of Landmark Credit Union, 5445 S. Westridge Dr., New Berlin, WI 53151, c/o Eppstein Uhen Architects, 533 E. Chicago St., Milwaukee, WI 53202, Peter Kucha, Senior Project Manager, for approval to schedule a public hearing for the purpose of establishing “MSO” Modified Suburban Overlay zoning designation and dimensional standards at 555 S. Executive Drive in association with construction of a 158,000 sq. ft. Phase One and 148,000 sq. ft. Phase Two office building.
- 3) Request of The Glen at Woodside Creek LLC, N27 W24025 Paul Ct., Suite 100, Pewaukee, WI 53072, Steve DeCleene, Managing Member, for approval of a preliminary survey map and final certified survey map for The Glen at Woodside Creek, a 76 dwelling unit, single-story condominium development with clubhouse.
- 4) Request of the City Attorney’s Office to relieve applicant (Boulder Venture LLC/Taco Bell) a

condition of approval adopted by the Plan Commission on February 11, 2019.

- 5) Request of the Elmbrook School District, 13780 Hope St., Brookfield, WI 53005, Kristin Sobocinski, Assistant Superintendent for Business Services, for approval to schedule a public hearing for the purpose of amending the Official Map, discontinuing a road reservation depicted upon 3525 and 3555 N. Calhoun Road and approving a conditional use at 3555 N. Calhoun Road in association with construction of a 15,000 sq. ft. Central Administration Office building at 3555 N. Calhoun Road.
- 6) Request of Noby Lilly LLC and Noby Wisconsin Real Estate LLC, 2505 N. 124th St., Suite 215, Brookfield, WI 53005 – Ramkrishna Subedi, Sole Member, for approval of a revised plan and method of operation permitting façade alterations, 443 sq. ft. building addition and site alterations at 14040 W. Capitol Drive.
- 7) Request of the Department of Community Development for approval to establish permanent zoning of vacant land detached from the City of Pewaukee and attached to the City of Brookfield. Said land fronts upon Gumina Road with tax key number 1034-996-002.
- 8) Ordinance establishing permanent zoning on vacant land detached from the City of Pewaukee and attached to the City of Brookfield. Said land fronts upon Gumina Road with tax key number 1034-996-002. **Ordinance No. 2551-19***

As recommended by the Finance Committee

9) Vouchers exceeding \$50,000 requiring immediate action.	
Milwaukee Economic Development Corp.	\$ 50,000.00
Loan Participation Agreement	
P3 Purnell Premier Properties LLC	
Yes Equipment & Services Inc	\$ 91,740.00
Wheel Loader – Highway	
JP Cullen & Sons Inc.	<u>\$657,971.67</u>
Bid Package 2 – Conference Center	
Payment #2	
TOTAL VOUCHERS	<u>\$799,711.67</u>

- 10) Resolution approval General Fund budget amendments requested by the Director of Finance and Administration, to implement the provisions of the 2019 salary ordinance and to adjust budgeted health and other insurance costs. **Resolution No. 9568-19***
- 11) Resolution approving Economic Development Fund budget amendment requested by the Director of Finance and Administration, to implement the provisions of the 2019 salary ordinance and to adjust budgeted health and other insurance costs. **Resolution No. 9569-19***
- 12) Resolution approving Fleet Services Fund budget amendment requested by the Director of Finance and Administration, to implement the provisions of the 2019 salary ordinance and to adjust budgeted health and other insurance costs. **Resolution No. 9570-19***
- 13) Resolution approving Wastewater Utility fund and Water Utility fund budget amendments requested by the Director of Finance and Administration, to implement the provisions of the 2019 salary ordinance and to adjust budgeted health and other insurance costs. **Resolution No. 9571-19***

14) Resolution approving Health Insurance fund budget amendment requested by the Director of Finance and Administration, to reflect employee and retiree elections for 2019 health insurance coverage. **Resolution No. 9572-19***

15) Resolution approving Employee Retirement fund budget amendment requested by the Director of Finance and Administration, to reflect expected 2019 expenditures for retiree health insurance coverage. **Resolution No. 9573-19***

As recommended by the Legislative & Licensing Committee

16) Resolution affirming the Legislative and Licensing Committee's recommendation re: applicants for Original Operator's (Bartender) licenses: Brendan C. Adams, Kasey M. King, Donald J. Luebke, Lester T. Proctor, Molly M. Schulteis. **Resolution No. 9574-19***

17) Resolution affirming the Legislative and Licensing Committee recommendation re: applicants for Renewal Class B Beer (6 months) licenses:
a. Brookfield Jaycees Inc., 2585 Pilgrim Rd. (Wirth Park), Agent – Alan Nosbusch.
b. Bulldogs/Blue Sox Baseball Club, 18875 Wilderness Way (McCoy Field), Agent – Jason Booth. **Resolution No. 9575-19***

18) Ordinance repealing and recreating Section 9.04.010 of the Municipal Code regarding General Offenses; Creating Ordinance repealing and recreating Section 9.04.010 of the Municipal Code regarding General Offenses; Creating 5.14.020 regarding Restrictions on Sale or Gift of Cigarettes or Nicotine or Tobacco Products; Creating Subsection 1.12.010 H. of the Municipal Code regarding City Attorney enforcement authority; Amending Subsection 1.12.010 C. of the Municipal Code regarding the Bond Schedule; Creating Sections 9.08.130, 9.12.080, 9.24.060, 9.28.060, 5.12.050, 520.030, 5.32.090, 5.44.030, 6.04.030, 6.08.100, 8.04.040, 8.08.260, 8.12.050, 8.16.110, 8.20.060, 8.24.070, 8.28.050, 8.32.090, 8.36.020, 12.08.060, 12.12.080, 12.20.040, 12.28.070, 13.08.020, 13.12.040, 13.15.150, 15.24.080, 16.08.080, 16.12.040, 16.16.100, 16.20.190, 5.14.030 and Amending Sections 9.20.100, 5.04.120, 5.16.160, 5.18.150, 5.36.090, 5.41.040, Subsection 5.24.010 C, Subparagraph 13.20.320.K.1, Subparagraph 13.24.040.G.6.b. and Repealing and Recreating Section 9.32.050 of the Municipal Code regarding Penalties for Violations - **Legislative Referral. Ordinance No. 2552-19***

As recommended by the Board of Public Works

19) Resolution awarding the 2019 Road Surface Treatment Project #R-19-03 to Struck & Irwin Paving for \$181,696.00. **Resolution No. 9576-19***

20) Resolution approving the Collection Event Agreement with Waukesha County, through its Department of Parks and Land Use, for Residential Electronics and Applicant Recycling. **Resolution No. 9577-19***

As recommended by the Water & Sewer Board

21) Resolution rejecting the bid for the Underwood (North Avenue) Sanitary Sewer Relay project #SA-19-01. **Resolution No. 9578-19***

- 22) Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703 Wis. Stats. for the 2019 Water Main Extension Project #W-19-01. ***Preliminary Resolution No. 9579-19****
- 23) Resolution approving revisions to the Private Property Infiltration and Inflow Reduction Program Guidelines. ***Resolution No. 9580-19****
- 24) Resolution approving the Third Amendment to 30'-50' Wide Municipal Utility Easement for water main and sanitary sewer for the Corridor-Mid Box located at 315, 295 and 285 Discovery Drive. ***Resolution No. 9581-19****

~ END OF CONSENT AGENDA ~

NON-CONSENT AGENDA:

- 25) Items removed from the consent agenda: None.

Council As A Whole

Closed Session:

Pursuant to Section 19.85(1)(e) of the Wisconsin Statutes to consider Item 26, for the purpose of deliberating or negotiating the purchasing of public properties, investing of public funds, and conducting other specified public business where competitive and bargaining reasons require a Closed Session, and then reconvene into Open Session pursuant to Section 19.85(2) of the Wisconsin Statutes for the purpose of acting on items from Closed Session if necessary and/or continuing the remainder of the agenda.

Motion by Alderman Nelson, seconded by Alderman Reddin to enter into Closed Session pursuant to Section 19.85(1)(e) of the Wisconsin Statutes as stated above. Motion carried unanimously by roll call vote. Closed Session start time: 8:01 p.m.

- 26) Consider Vacant Land Offer to Purchase located at 17550 W. Greenfield Ave., Tax Key No. 1140-233.

Present during Closed Session: Mayor Steven Ponto, 14 Aldermen, City Attorney Jenna Merten, Director of Community Development Dan Ertl, Director of Finance and Administration Robert Scott, Director of Public Works Tom Grisa, Director of Human Resources Jim Zwerlein, and Deputy City Clerk Renee Tadych.

Motion by Alderman Nelson, seconded by Alderman Mahkorn, to reconvene into Open Session pursuant to Section 19.85(2) of the Wisconsin Statutes for the purpose of acting on items from Closed Session if necessary and/or continuing the remainder of the agenda. 8:17 p.m.

No action was taken for Item 26.

- 27) Mayor's Assignment of legislative referrals and requests for services:
- a. Referred by Mayor Ponto to the Board of Public Works consideration of revisions and/or a new ordinance in regard to Excavation and Placement of Facilities in City Right-of-Way.
 - b. Referred by Mayor Ponto to the Legislative & Licensing Committee consideration of an

ordinance for investigation of license applicants.

c. Referred by Mayor Ponto to the Legislative & Licensing Committee consideration of revisions to the Abandoned Vehicle Ordinance to comply with federal law.

d. Referred by Mayor Ponto to the Legislative & Licensing Committee consideration of an ordinance to create or amend the Municipal Code to give the Police Department and/or Humane Officer additional enforcement options in regard to dangerous dogs.

e. Referred by Mayor Ponto to the Legislative & Licensing Committee to consider amending Section 2.08.045 of the Municipal Code related to the composition and duties of the Plan Review Board.

ADJOURNMENT:

Motion by Alderman McCarthy, seconded by Alderman Jurken to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:18 pm.

* May be viewed in the City Clerk's Office.
Minutes respectfully submitted by Kelly Michaels, City Clerk