



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33<sup>rd</sup> COMMON COUNCIL HELD AT **7:45 P.M.**, TUESDAY, **OCTOBER 15, 2019**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

Mayor Ponto called the meeting to order at 7:47 pm.

**PUBLIC COMMENT:** Mike Hallquist, 21500 Hollycrest Dr., spoke in support of the vaping and electronic cigarette devices ordinance.

**ANNOUNCEMENTS:** The next scheduled Common Council meeting is November 5, 2019 at 7:45 pm.

**COMMON COUNCIL ROLL CALL:** City Clerk Kelly Michaels called the roll and noted the following members in attendance.

13 ALDERMEN PRESENT: Bill Carnell, Bob Reddin, Rick Owen, Ron Balzer, Jeff McCarthy, Mark Nelson, Edward “Buck” Jurken, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Renee Lowerr, Brad Blumer

1 ALDERMAN EXCUSED: Daniel Sutton

STAFF PRESENT: City Attorney Jenna Merten, City Clerk Kelly Michaels, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, and Finance Manager Mary Reeves, Parks Director John Kelliher, (Carol Ann Wirth, President of Wisconsin Public Finance Professionals LLC)

**PLEDGE:** Alderman Bill Carnell led the Council in the Pledge of Allegiance.

**ACTIONS OF THE COMMON COUNCIL**

**CONSENT AGENDA:**

Items be removed from the consent agenda: Alderman Blackburn requested Item #4 be removed. Alderman Owen requested Item #11 be removed.

Motion by Alderman Nelson, seconded by Alderman Reddin to approve the consent agenda, except for Items #4 and #11. Motion carried unanimously.

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

*As recommended by the Finance Committee*

- 2) Vouchers exceeding \$50,000 requiring immediate action.

V & T Painting LLC – Sunny Slope Standpipe Painting	\$ 59,800.00
Axon Enterprise Inc – Axon Camera License Renewal	69,018.00
MTS Seating- BCC Chairs & Wheel Hand Trucks	84,447.00
Musson Brothers Inc – Sanitary Sewer Lateral Lining	98,581.13
Mitylite Inc – BCC Tables and Table Carts	122,310.77
Northern Pipe – 2019 Televiser Sanitary Sewers & Laterals	110,155.44
PTS Contractors LLC – 2019 Water Main Relay	244,119.40

UPI LLC – 2019 Water Main Extension  
TOTAL VOUCHERS

299,944.20  
\$1,088,375.94

- 3) Resolution authorizing the issuance and awarding the sale of \$1,960,000\*\* **\$1,925,000** General Obligation Refunding Bonds; providing the form of the bonds; and levying a tax in connection therewith. [\*\*Dollar amount is preliminary and subject to change at the meeting.] **Resolution No. 9715-19\***
- 4) ~~Resolution authorizing the issuance and awarding the sale of \$3,600,000\*\* Taxable General Obligation Community Development Bonds; providing the form of the bonds; and levying a tax in connection therewith. [\*\*Dollar amount is preliminary and subject to change at the meeting.]~~ **Removed from Consent**
- 5) Resolution declaring intent to reimburse expenditures from proceeds of borrowing (Clean Water Fund loans – Fox River Water Pollution Control Center). **Resolution No. 9717-19\***
- 6) Resolution approving Brookfield Conference Center furniture purchases from Schroeder Solutions (including pre-function spaces, boardroom, and outdoor terrace) for a total of \$157,951.89. **Resolution No. 9718-19\***

As recommended by the Legislative & Licensing Committee

- 7) Resolution approving the applicants for Original Operator’s (Bartender) licenses: Bruce R. Baumgart, Cory M. Erickson, Paige M. McMullen; Karie M. Mueller, Lilly A. Perkins; Jared E. Salisbury; Andrea R. Shopofski; Kayla N. Simon; Joshua Spano; Tami G. Swanto. **Resolution No. 9719-19\***
- 8) Resolution approving the Original Class B Beer and Liquor license: LTF Club Operations Company Inc.; d/b/a Life Time Athletic, 17585 Golf Pkwy.; Agent – John Dahman. **Resolution No. 9720-19\***
- 9) Resolution approving the Premise Description Change for Class B Beer and Liquor licensed premise to include the park area for a special sculpture stroll at the Sharon Lynne Wilson Center for the Arts, 19805 W. Capitol Dr.; October 18, from 5:00-7:00 pm. **Resolution No. 9721-19\***
- 10) Resolution approving a Change of Agent for a Class B Beer license: Portillo’s Hot Dogs, 17685 W. Bluemound Rd.; Agent – Dejan Radisic. **Resolution No. 9722-19\***

As recommended by the Parks & Recreation Commission

- 11) ~~Resolution recommending to maintain Imperial Park as a neighborhood park and to begin negotiations with the School District of Elmbrook to acquire the property.~~ **Removed from Consent**

As recommended by the Board of Public Works

- 12) Resolution conveying Fee and Temporary Limited Easement interests in City owned lands located adjacent to Mound Zion Cemetery (parcel 132, currently held as highway right-of-way, no address) to Waukesha County for the reconstruction of North Avenue. **Resolution No. 9724-19\***

As recommended by the Board of Public Works & Water and Sewer Board

13) Resolution approving the Inter-municipal agreement with Waukesha County to reconstruct North Avenue and N. 124<sup>th</sup> Street to Calhoun Road. **Resolution No. 9725-19\***

As recommended by the Board of Public Works

14) Resolution approving the perpetual pedestrian and bicycle way easement with Academy for Basic Education, d/b/a Brookfield Academy, at 3155 N. Brookfield Road. **Resolution No. 9726-19\***

15) Resolution approving a perpetual storm sewer and drainage easement with NFI Properties LLC for The Shire Addition #2 Subdivision located at Misty Mountain Parkway. **Resolution No. 9727-19\***

As recommended by the Water & Sewer Board

16) Resolution approving the Intergovernmental Cooperation Agreement with the Milwaukee Metropolitan Sewerage District for Incorporation of Brookfield's biosolids into Milorganite Fertilizer. **Resolution No. 9728-19\***

17) Resolution granting a Utility Easement Agreement to Cellco Partnership, d/b/a Verizon Wireless, across a portion of the City of Brookfield's well site south of Brookfield Square Drive. **Resolution No. 9729-19\***

18) Resolution granting a Utility Easement Agreement to Cellco Partnership, d/b/a Verizon Wireless, across a portion of the City of Brookfield's Fox River Pollution Control Center lands. **Resolution No. 9730-19\***

~ END OF CONSENT AGENDA ~

**NON-CONSENT AGENDA:**

19) Items removed from the consent agenda:

4) Motion by Alderman Berg, seconded by Alderman Reddin adopting a resolution authorizing the issuance and awarding the sale of ~~\$3,600,000\*\*~~ **\$3,570,000** Taxable General Obligation Community Development Bonds; providing the form of the bonds; and levying a tax in connection therewith. [\*\*Dollar amount is preliminary and subject to change at the meeting.] Motion carried 12-1, with Alderman Blackburn casting the dissenting vote. **Resolution No. 9716-19\***

11) Motion by Alderman Mellone, seconded by Alderman Nelson to adopt a resolution recommending to maintain Imperial Park as a neighborhood park and to begin negotiations with the School District of Elmbrook to acquire the property. Motion carried 13-0. **Resolution No. 9723-19\***

**Legislative & Licensing Committee**

20) Motion by Alderman Mahkorn, seconded by Alderman Jurken to adopt an ordinance creating Chapter 9.05 of the Municipal Code regarding Electronic Smoking Devices and amending Subsection 1.12.010 C. regarding the Bail Schedule for a violation of Chapter 9.05 (*legislative referral*).

*(Recommended 3-1 by the Legislative & Licensing Committee with Alderman Carnell casting the dissenting vote)*

Motion by Alderman Carnell to amend the ordinance to remove the section relating to use of minors for sting operations. Motion died for lack of second.

Motion by Alderman Carnell, seconded by Alderman Berg to amend the ordinance to lower the fine for possession from a maximum of \$500 to \$200. Motion failed 2-11 with Alderman Blackburn and Alderman Carnell casting the affirmative votes.

Motion on the original motion carried 13-0. ***Ordinance No. 2573-19\****

### **Council As A Whole**

21) Motion by Alderman Nelson, seconded by Alderman Reddin to adopt a resolution approving a release of an easement agreement with Erie-Deer Creek, LLC and Zeller Deer Creek, LLC and entering into an easement agreement with Erie-Deer Creek, LLC and Zeller Deer Creek, LLC for the Brookfield Conference Center. Motion carried 13-0. ***Resolution No. 9731-19\****

22) Mayor's Assignment of legislative referrals and requests for services: None.

### **ADJOURNMENT:**

Motion by Alderman McCarthy, seconded by Alderman Reddin to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:21 pm.

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