



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33rd COMMON COUNCIL HELD AT **7:45 P.M.**, TUESDAY, **NOVEMBER 5, 2019**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

Mayor Ponto called the meeting to order at 7:48 pm.

PUBLIC COMMENT: None

ANNOUNCEMENTS: The next scheduled Common Council meeting is November 19, 2019 at 7:45 pm.

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

14 ALDERMEN PRESENT: Daniel Sutton, 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

ALDERMAN EXCUSED: None

STAFF PRESENT: City Attorney Jenna Merten, City Clerk Kelly Michaels, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, and Director of Finance and Administration Robert Scott, Police Chief Dan Tushaus, Economic Development Coordinator Todd Willis

PLEDGE: Alderman Bob Reddin led the Council in the Pledge of Allegiance.

PUBLIC HEARING: (7:50 pm – 8:05 pm) Mayor Ponto read the request of the City of Brookfield to amend Section 17.98.010, 17.98.020, 17.98.030 and 17.98.040 of the Zoning Code regarding Modified Suburban Overlay Districts’ Purposes, Relation to Other Zoning, Requirements and Matrices; Creating Section 17.98.050 of the Zoning Code regarding Specific Zoning Overlay Areas, and the Brookfield Square Area Overlay, and amending Sections 17.04.020 and 17.116.050 of the Code regarding Definitions and Landscape Surface Ratio. *(Separate minutes were taken.)*

Motion by Alderman Nelson, seconded by Alderman Reddin to close the public hearing. Motion carried unanimously.

ACTIONS OF THE COMMON COUNCIL

CONSENT AGENDA:

Items be removed from the consent agenda: Alderman Blackburn requested Items 6, 7, 8 & 11 be removed.

Motion by Alderman Nelson, seconded by Alderman Reddin to approve all items on the consent agenda, except for Items #6,7,8,&11. Motion carried unanimously.

- 1) Minutes of the Regular Common Council meeting of October 15, 2019.

As recommended by the Plan Commission

- 2) Request of St. Dominic Catholic Parish, 18255 W. Capitol Dr., Brookfield, WI, Michael Ricci, Managing Director, for approval of a conditional use and minor revision to plan and method of operation permitting construction and operation of columbaria.
- 3) Ordinance granting a conditional use permitting construction and operation of columbaria at 18255 W. Capitol Dr., St. Dominic Catholic Parish. **Ordinance No. 2574-19***
- 4) Request of Milwaukee Tool, 13135 W. Lisbon Rd., Brookfield, WI, Jeremy A. Ferch, SVP, Business Operations, for approval of a revision to the approved amendment of a development agreement extending the deadline for completion of roadway improvements in association with construction at 12930 Lisbon Road.
- 5) Request of PMAT, 8 Trianon Plaza, New Orleans, LA, Ben Bolz, VP Acquisitions and Asset Management, c/o Esencia Architecture and Urban Design, 1743 E. McNair Dr., Suite 200, Tempe, AZ, 85263, Kat Alvarez, Project Manager, for approval of minor revision to plan and method of operation permitting building and order station canopy installations at 12625 W. Capitol Drive (Chick-fil-A).
- 6) ~~Request of CBL & Associates Properties, Inc., c/o Clay Whitfield, Project Manager, 2030 Hamilton Place, Chattanooga, TN for approval of a preliminary survey, Certified Survey Map, Declaration of Restrictions and Temporary Limited Easements for a portion of the lands encompassing the former Sears at Brookfield Square Mall, 115 S. Moorland Road. Said request includes approval of variations to Sections 16.16.040(E), (G), and (K) of the Municipal Code regarding standards for land divisions.~~
Removed from Consent
- 7) ~~Request of the Community Development Department for approval to amend the Zoning Code, 17.80.030, Industrial District Building and parking locations, reducing parking setbacks from 50 feet to 15 feet, and reducing parking offsets from 10 feet to 0 feet in instances of shared access and/or shared parking.~~ **Removed from Consent**
- 8) ~~Ordinance amending Section 17.80.030, Industrial District to Update to Parking Setbacks and Offsets and 17.120.060 for clarity.~~ **Removed from Consent**

As recommended by the Finance Committee

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

Donohue & Associates Inc. – Low Level Phosphorous Removal	\$ 50,690.30
Wausau Equipment Company – Patrol Truck Upfit	103,728.00
JH Findorff & Son – Bid Package 1 Conference Center, Pymt #12	136,952.70
Payne & Dolan Inc – Patrick Drive Extension Phase II	179,583.71
Payne & Dolan Inc – 2019 Road Resurfacing	432,540.90
JP Cullen & Sons Inc – Bid Package #2 Conference Center, Pymt #9	<u>1,961,403.20</u>
TOTAL VOUCHERS	<u>\$2,864,898.81</u>
- 10) Denial of claim of Mitchell Barrock, 14285 Chesterwood Dr., Brookfield, WI.
- 11) ~~Resolution approving amendment to 2019 Economic Development Fund budget: appropriate funds for transfer to the Conference Center Debt Service Fund, for purposes of funding 2020 conference center~~

debt service payments. **Removed from Consent**

- 12) Resolution approving amendment to 2019 Conference Center Debt Service Fund budget: recognize transfer from the Economic Development Fund and appropriate funds for 2019 debt service payments approved as part of the 2019 conference center bond issue. **Resolution No. 9733-19***
- 13) Resolution approving agreement between members of the Suburban Critical Incident Team for purchase of an armored vehicle. **Resolution No. 9734-19***
- 14) Resolution approving amendment to 2019 Vehicle/Equipment Replacement fund budget requested by the Police Chief: appropriate expenditures of \$33,000 for purposes of City contribution towards purchase of Police critical incident team armored vehicle. **Resolution No. 9735-19***
- 15) Resolution approving change orders OCO 8 and 9 to Brookfield Conference Center bid package 1 contract with J.H. Findorff & Son, Inc. **Resolution No. 9736-19***
- 16) Resolution approving change orders no. 3 and 4 to Brookfield Conference Center bid package 2 contract with JP Cullen. **Resolution No. 9737-19***

As recommended by the Legislative & Licensing Committee

- 17) Resolution approving the applicants for Original Operator's (Bartender) licenses: Elizabeth V. Aldrich, Jamie L. Folk, Sierra J. Gamez, Jesse W. Gerringer, Robert W. Gogin, Jack R. Ketterhagen, Journey L. Kopka, Adam E. Levetzow, Merissa T. McKnight, Daniel M. Nesheim, Richard C. Smeltzer, Samuel TR Tom, William J. Twitchell, Daniel K. Wilson, Dawn L. Zabel, Ashley A. Zimmermann. **Resolution No. 9738-19***
- 18) Resolution denying an Original Bartender license for an applicant with a record less than 18 months (pending): Marshall P. Manner. **Resolution No. 9739-19***
- 19) Resolution approving an Applicant for a Change of Agent for a Class A Beer and Liquor license premise: Pick N Save #6397, 15170 W. Greenfield Ave., Agent – Dominique M. McLure. **Resolution No. 9740-19***
- 20) Resolution approving an Applicant for a Change of Agent for a Class B Beer and Liquor License premise: Sheraton Brookfield/Milw., 375 S. Moorland Rd., Agent – Lisa A. Sheets. **Resolution No. 9741-19***
- 21) Resolution approving an Applicant for a Change of Agent for a Class B Beer and Liquor license premise: Sharon Lynne Wilson Center for the Arts, 19805 W. Capitol Dr., Agent – Matthew P. Scales. **Resolution No. 9742-19***
- 22) Resolution approving an Original Class C Wine license: The Jar, 200 N. Moorland Rd., Agent – Tami G. Swanto. **Resolution No. 9743-19***
- 23) Resolution authorizing North Central Management Inc. to operate the Brookfield Conference Center for the purpose of obtaining a "Class B" permit for the retail sale of Intoxicating Liquor on the premises to the Department of Revenue. **Resolution No. 9744-19***

24) Ordinance amending Subsections 2.08.020 B.6.a-b and 2.08.020 B.6.e-f regarding the Composition and Duties of the Economic Development Committee. **Ordinance No. 2576-19***

~ END OF CONSENT AGENDA ~

NON-CONSENT AGENDA:

25) Items removed from the consent agenda:

6) Motion by Alderman Mahkorn, seconded by Alderman Owen to approve a request of CBL & Associates Properties, Inc., c/o Clay Whitfield, Project Manager, 2030 Hamilton Place, Chattanooga, TN for approval of a preliminary survey, Certified Survey Map, Declaration of Restrictions and Temporary Limited Easements for a portion of the lands encompassing the former Sears at Brookfield Square Mall, 115 S. Moorland Road. Said request includes approval of variations to Sections 16.16.040(E), (G), and (K) of the Municipal Code regarding standards for land divisions. Motion carried 14-0.

7) Motion by Alderman Mahkorn, seconded by Alderman Owen to approve a request of the Community Development Department for approval to amend the Zoning Code, 17.80.030, Industrial District Building and parking locations, reducing parking setbacks from 50 feet to 15 feet, and reducing parking offsets from 10 feet to 0 feet in instances of shared access and/or shared parking. Motion carried 12-2, with Alderman Blackburn and Alderman Mellone casting the dissenting votes.

8) Motion by Alderman Mahkorn, seconded by Alderman Owen to adopt an ordinance amending Section 17.80.030, Industrial District to Update to Parking Setbacks and Offsets and 17.120.060 for clarity. Motion carried 12-2, with Alderman Blackburn and Alderman Mellone casting the dissenting votes. **Ordinance No. 2575-19***

11) Motion by Alderman Berg, seconded by Alderman Reddin to approve a resolution approving amendment to 2019 Economic Development Fund Budget: appropriate funds for transfer to the Conference Center Debt Service Fund, for purposes of funding 2020 conference center debt service payments. Motion carried 14-0. **Resolution No. 9732-19***

Council as a Whole

26) Motion by Alderman Nelson, seconded by Alderman Reddin to approve the resolution awarding the 2019 Sanitary Sewer Rehabilitation Project #SA-19-04 to Visu-Sewer, Inc. for \$251,300.40. Motion carried 14-0. **Resolution No. 9745-19***

27) Mayor's Assignment of legislative referrals and requests for services:

a. Referred to the Legislative & Licensing Committee amending Chapter 9.08, Sections 110 and 120 to add a definition of smoking to include the use of an electronic smoking device. (*Referred by Ald. Blumer*)

b. Referred to the Legislative & Licensing Committee to consider amending Section 2.08.020 B.1. of the Code to eliminate the alternate member of the Board of Review provision and to ensure that the aldermanic members terms coincide with their terms in office. (*Referred by Mayor Ponto*)

ADJOURNMENT:

Motion by Alderman Mahkorn, seconded by Alderman McCarthy to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:35 pm.

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

Minutes respectfully submitted by Kelly Michaels, City Clerk