



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

Mayor Ponto called the meeting to order at 7:45 pm.

PUBLIC COMMENT: None

ANNOUNCEMENTS: The next scheduled Common Council meeting is December 3, 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: Daniel Sutton, Bill Carnell, Bob Reddin, Rick Owen, Ron Balzer, Mark Nelson, Edward “Buck” Jurken, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Renee Lowerr, Brad Blumer

ALDERMAN EXCUSED: Jeff McCarthy

STAFF PRESENT: City Attorney Jenna Merten, City Clerk Kelly Michaels, Director of Community Development Dan Ertl, Director of Human Resources Jim Zwerlein, Director of Public Works Tom Grisa, and Director of Finance and Administration Robert Scott, Director of Parks & Recreation John Kelliher, Director of Library Services Edell Schaefer, Police Chief Dan Tushaus, Police Chief Charlie Myers

PLEDGE: Alderman Rick Owen led the Council in the Pledge of Allegiance.

PUBLIC HEARING: (7:47 pm – 8:07 pm) Mayor Ponto read the request of the City of Brookfield regarding the 2020 Budget. (*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 removed from the consent agenda: Alderman Blackburn requested Items #3 & #4 be removed.

Motion by Alderman Nelson, seconded by Alderman Reddin to approve all items on the consent agenda, except for Items #3 & #4. Motion carried unanimously.

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

As recommended by the Plan Commission

- 2) Plan Review Board actions and recommendations of October 25, 2019:
 - a. Request of Richard and Marcia Bienz, owner, 2665 N. 130th St., for approval of a two lot preliminary survey map and final Certified Survey Map dividing 2665 N. 130th Street into two lots. One new lot will be created.

b. Request of Village LTD for approval of a temporary use permit to conduct a tree lighting ceremony in the Village of Brookfield area.

c. Request of Deer Creek Corporate Center for a replacement monument sign at 445 N. Moorland Road.

3) ~~Amending Sections 17.98.010, 17.98.020, 17.98.030, and 17.98.040 of the Brookfield Municipal Code regarding Modified Suburban Overlay Districts' Purposes, Relation to Other Zoning, Requirements, and Matrices; Creating Section 17.98.050 of the Brookfield Municipal Code regarding Specific Zoning Overlay Areas, and the Brookfield Square Area Overlay; and Amending Sections 17.04.020 and 17.116.050 of the Brookfield Municipal Code regarding Definitions and Landscape Surface Ratio.~~

Removed from Consent

4) ~~Ordinance amending Section 17.98.010, 17.98.020, 17.98.030, and 17.98.040 of the Brookfield Municipal Code regarding Modified Suburban Overlay Districts' Purposes, Relation to Other Zoning, Requirements, and Matrices; Creating Section 17.98.050 of the Brookfield Municipal Code regarding Specific Zoning Overlay Areas, and the Brookfield Square Area Overlay; and Amending Sections 17.04.020 and 17.116.050 of the Brookfield Municipal Code regarding Definitions and Landscape Surface Ratio.~~ **Removed from Consent**

5) Request of Chabad Lubavitch of Waukesha Inc., 1222 E. Broadway, Waukesha, WI 53186, Rabbi Levi Brook, for approval of a conditional use and minor revision to plan and method of operation permitting occupancy of 1275 N. Barker Road by a conditional religious use with classrooms and daycare.

6) Ordinance granting a conditional use permitting occupancy of 1275 N. Barker Road by a conditional religious use with classrooms and daycare (Chabad Lubavitch). **Ordinance No. 2578-19***

7) Request of Take 5 Oil Change, Take 5 Properties SPV LLC, 440 S. Church St., Suite 700, Charlotte, NC 28202, Jessica Ryles, President, for approval of a minor revision to plan and method of operation allowing application of "trade dress" to the building located at 14245 W. Capitol Drive.

8) Request for a public hearing amending Section 17.98.050 of the Brookfield Municipal Code creating the Southern Brookfield Square Area Overlay and the Southern Executive Drive Area Overlay areas and their respective regulations and design standards.

As recommended by the Finance Committee

9) Vouchers exceeding \$50,000 requiring immediate action.	
Edward Don & Company – BCC Kitchen/Banquet Dinnerware Items	\$ 180,262.96
1/3 deposit	
JP Cullen & Sons Inc – Bid Package #2 Conference Center Pymt #10	2,346,878.96
Milwaukee Electric Tool-Incentive Pymt per the Tax Incremental	
Financing Agmt, Tax Increment District 7	<u>3,467,950.00</u>
TOTAL VOUCHERS	<u>\$ 5,995,091.92</u>

10) Resolution approving commitments and assignments of general, special revenue, and capital projects fund balances in accordance with governmental accounting standards. **Resolution No. 9746-19***

As recommended by the Human Resources & Public Safety Committee

- 11) Resolution approving the 2020 Health Insurance program for City of Brookfield employees and eligible retirees. **Resolution No. 9747-19***
- 12) Ordinance amending Subsection 2.24.050 of the Brookfield Municipal Code regarding Medical Coverage for Elected Officials. **Ordinance No. 2579-19***

As recommended by the Legislative & Licensing Committee

- 13) Resolution approving the applicants for Original Operator's (Bartender) licenses: David J. Cleppe, Keldon L. Crampton, JoAnne K. Eckman, Thomas J. Ewig, Ryan R. Flor, James A. Hillmer, Eric T. Hunsader, Satnam Khera, John W. Kruse, Anne E. Kube, Andrea L. Lawden-Henderson, Shelbi L. Marquardt, David J. Marshall, Brooke Minik, Sarah E. Piccione, Clinton T. Plowman, Ricky Schmid, Brandon L. Siegfried, Landon J. Smith, Shauna M. Snodie, Nuduccha Yang, Rattana Yang. **Resolution No. 9748-19***
- 14) Resolution approving Temporary Bartender/Operator Licenses: Harold J. Farchmin, Patti A. Schimmel. **Resolution No. 9749-19***
- 15) Resolution approving an applicant for a Change of Agent for a Class B Beer and Liquor License premise for American Legion Post 449: Darlene L. Baczek – Agent. **Resolution No. 9750-19***
- 16) Intentionally left blank.
- 17) Resolution approving an applicant for a Temporary Class B Beer and Wine license: Brookfield International Friendship Association for the German Holiday Market & Tree Lighting on Saturday, December 7th from 1-7 p.m. at City Hall Civic Plaza and north parking lot. **Resolution No. 9751-19***

As recommended by the Board of Public Works

- 18) Resolution approving the first addendum to Professional Services Agreement between the City of Brookfield and Refrigerant Depot LLC for providing up to four appliance and electronic recycling events in Brookfield. **Resolution No. 9752-19***
- 19) Resolution accepting dedication of roadway, pathway and surface water drainage system for CADDIS Memory Care (Heartis Brookfield Partners) located at 4065 N. Calhoun Road. **Resolution No. 9753-19***
- 20) Resolution accepting dedication of sidewalk for The Reserve at Brookfield located at 405 Bishops Way. **Resolution No. 9754-19***

As recommended by the Water & Sewer Board

- 21) Resolution awarding Alternate No. 1 Open Cut of the contract for the Rivendell Water Main Rehabilitation #W-19-03 to Reeseman's Excavating and Grading Inc. for \$147,614.50. **Resolution No. 9755-19***
- 22) Resolution approving Lease of land at the Fox River Water Pollution Control Center to Brian

Hansen, d/b/a Russ's Mulch and Topsoil Inc. **Resolution No. 9756-19***

- 23) Resolution approving purchase of deep bed sand filter strainers and media for the Fox River Water Pollution Control Center. **Resolution No. 9757-19***
- 24) Resolution approving the amendment to agreement with Clean Harbors Environmental Services Inc. to remove filter media from the deep bed sand filters. **Resolution No. 9758-19***
- 25) Resolution approving a perpetual water main easement for water main for Kiddie Academy, 15425 W. Capitol Drive. **Resolution No. 9759-19***
- 26) Resolution approving a perpetual water main easement for water main for Associated Bank, 17100 W. Capitol Drive. **Resolution No. 9760-19***
- 27) Resolution approving a perpetual water main easement for water main for Brookfield Care Group LLC, 4065 N. Calhoun Road. **Resolution No. 9761-19***
- 28) Resolution approving a perpetual municipal utility easement for water main and sanitary sewer for the School District of Elmbrook Central Administration office at 3555 N. Calhoun Road. **Resolution No. 9762-19***
- 29) Resolution approving a perpetual sanitary sewer easement for sanitary sewer for Landmark Credit Union at 555 Executive Drive. **Resolution No. 9763-19***
- 30) Resolution approving a perpetual water main easement for water main for Landmark Credit Union at 555 Executive Drive. **Resolution No. 9764-19***
- 31) Resolution accepting dedication of sanitary sewer and water distribution systems for JEA Senior Living Development at 4065 N. Calhoun Road. **Resolution No. 9765-19***
- 32) Resolution accepting dedication of water distribution system for The Reserve at Brookfield at 405 Bishops Way. **Resolution No. 9766-19***
- 33) Resolution accepting dedication of sanitary sewer and water distribution systems for CADDIS Memory Care at 4065 N. Calhoun Road. **Resolution No. 9767-19***

~ END OF CONSENT AGENDA ~

NON-CONSENT AGENDA:

- 34) Items removed from the consent agenda:
 - 3) Motion by Alderman Mahkorn, seconded by Alderman Owen to approve the Plan Commission recommendation to amend Sections 17.98.010, 17.98.020, 17.98.030, and 17.98.040 of the Brookfield Municipal Code regarding Modified Suburban Overlay Districts' Purposes, Relation to Other Zoning, Requirements, and Matrices; Creating Section 17.98.050 of the Brookfield Municipal Code regarding Specific Zoning Overlay Areas, and the Brookfield Square Area Overlay; and Amending Sections 17.04.020 and 17.116.050 of the Brookfield Municipal

Code regarding Definitions and Landscape Surface Ratio. Motion carried 11-2 with Alderman Blackburn and Alderman Mellone casting the dissenting vote.

4) Motion by Alderman Mahkorn, seconded by Alderman to adopt an ordinance amending Section 17.98.010, 17.98.020, 17.98.030, and 17.98.040 of the Brookfield Municipal Code regarding Modified Suburban Overlay Districts' Purposes, Relation to Other Zoning, Requirements, and Matrices; Creating Section 17.98.050 of the Brookfield Municipal Code regarding Specific Zoning Overlay Areas, and the Brookfield Square Area Overlay; and Amending Sections 17.04.020 and 17.116.050 of the Brookfield Municipal Code regarding Definitions and Landscape Surface Ratio. Motion carried 11-2 with Alderman Blackburn and Alderman Mellone casting the dissenting votes. **Ordinance No. 2577-19***

Finance Committee

35) Motion by Alderman Berg, seconded by Alderman Sutton to adopt a resolution approving adjustment to state property tax levy limit for 2020 budget. Motion carried 13-0. **Resolution No. 9768-19***

36) Motion by Alderman Berg, seconded by Alderman Sutton to adopt an ordinance appropriating the necessary funds and adopting the budgets for the operation of the government and administration of the City of Brookfield for the year 2020. Motion carried 13-0. **Ordinance No. 2580-19***

37) Motion by Alderman Berg, seconded by Alderman Reddin to adopt an ordinance levying property taxes for the General, Wastewater Utility, Non-Major Special Revenue/Capital Projects and Debt Service Funds of the City of Brookfield for the year 2020. Motion carried 13-0. **Ordinance No. 2581-19***

38) Motion by Alderman Berg, seconded by Alderman Reddin to adopt an ordinance approving the authorized positions for departments of the City of Brookfield for the year 2020. Motion carried 13-0. **Ordinance No. 2582-19***

Legislative & Licensing Committee

39) Motion by Alderman Mahkorn, seconded by Alderman Jurken to adopt a resolution denying an Original Bartender License for an applicant with a record: Loren M. Watson (*recommended 4-1 with Ald. Blumer voting no at the Leg. & Lic. Comm.*). Motion carried 13-0. **Resolution No. 9769-19***

Board of Public Works

Closed Session:

Pursuant to Section 19.85(1)(e) of the Wisconsin Statutes to consider Item 40, 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: 8:19 p.m.

40) Motion by Alderman Owen, seconded by Alderman Jurken to consider Calhoun Road Right-of-Way Acquisition: Authorization for Offer to Purchase all of Parcel 57, located at the corner of Calhoun Road and north of Martha Drive.

Present during Closed Session: Mayor Steven Ponto, 13 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, Park and Recreation Direction John Kelliher, Fire Chief Charlie Myers and City Clerk Kelly Michaels.

Motion by Alderman Nelson, seconded by Alderman Reddin 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. Motion carried unanimously by roll call vote. Back into Open Session at 8:29 p.m.

City Clerk Michaels read the motion on record: Motion by Alderman Owen, seconded by Alderman Jurken to authorize the Offer to Purchase all of Parcel 57, located at the corner of Calhoun Road north of Martha Drive for the Calhoun Road Right-of-Way Acquisition. Motion carried 13-0.

Council as a Whole

41) Motion by Alderman Nelson, seconded by Alderman Reddin to approve the Schedule of 2020 Common Council meetings. Motion carried unanimously.

42) Mayor's Assignment of legislative referrals and requests for services:
a. Referred to the Legislative & Licensing Committee to amend Chapter 15.16, the Sign Code, to permit sublessees the ability to apply for signage. (*Referred by Ald. Blumer*)

ADDENDUM)

43) Motion by Alderman Nelson, seconded by Alderman Owen to approve the resolution approving a Letter of Intent to Pay WE Energies for burying the power lines on North Avenue in advance of Waukesha County's North Avenue widening project. Motion carried 13-0. ***Resolution No. 9770-19****

ADJOURNMENT:

Motion by Alderman Owen, seconded by Alderman Nelson to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:33 pm.

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