



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33<sup>rd</sup> COMMON COUNCIL HELD AT **7:45 P.M.**, TUESDAY, **DECEMBER 17, 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 January 21, 2020 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, Bob Reddin, Rick Owen, Jeff McCarthy, Ron Balzer, Mark Nelson, Edward “Buck” Jurken, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Renee Lowerr, Brad Blumer

ALDERMAN EXCUSED: Bill Carnell

STAFF PRESENT: City Attorney Jenna Merten, City Clerk Kelly Michaels, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, Director of Finance and Administration Robert Scott, Human Resources Director James Zwerlein, Fire Chief Charlie Myers, Police Chief Dan Tushaus

**PLEDGE:** Alderman Ron Balzer led the Council in the Pledge of Allegiance.

**PUBLIC HEARING:** (7:46 pm – 8:02 pm) Mayor Ponto read the request of the 18550 W. Bluemound LLC, W5073 County Rd. O, Plymouth, WI 53073, Randy Goll, Development Project Manager, to rezone property located at 18550 W. Bluemound Road from B-3 Regional Business to PDD Plan Development District No. \_\_ - General Plan (Commercial). (*Separate minutes were taken.*)

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

### **ACTIONS OF THE COMMON COUNCIL**

#### **CONSENT AGENDA:**

Items removed from the consent agenda: None

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 December 3, 2019.

*As recommended by the Plan Commission*

- 2) Request of State Bank of Chilton for approval of a monument sign at 14040 W. Capitol Dr.,

Brookfield.

- 3) Request of State Bank of Chilton for approval of two wall signs at 14040 W. Capitol Dr., Brookfield.
- 4) Request for public hearing to amend Section 17.98.050 of the Municipal Code creating the Northern Brookfield Square Area Overlay and the Northern Executive Drive Area Overlay areas and their respective regulations and design standards; and establishing the Modified Suburban Overlay Zoning District with Context Suburban Pattern on certain properties and rezoning the property located at 205 N. Moorland Rd. from B-3 Regional Business to O&LR/C #2 Office and Limited Residential/Commercial No. 2 with Modified Suburban Overlay Zoning District with Context Suburban Pattern.

As recommended by the Finance Committee

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

<b>DONOHUE</b>	
Low Level Phosphorous Removal .....	\$ 62,213.87
<b>MICHAELS SIGNS INC</b>	
BCC Signage .....	\$ 81,649.00
<b>PTS CONTRACTORS LLC</b>	
2019 Water Main Relay .....	\$ 244,635.77
<b>PTS FINDORFF &amp; SON</b>	
Bid Package 1 – Conference Center. ....	\$ 943,426.76
Payment #13	
<b>JP CULLEN &amp; SONS INC</b>	
Bid Package 2 – Conference Center. ....	<u>\$1,891,293.53</u>
Payment #11	
<b>TOTAL.....</b>	<u>\$3,223,218.93</u>

- 6) Resolution approving 2019 Wastewater Utility budget amendment requested by the Director of Public Works: appropriate \$165,000 biosolids hauling expense account 40183032-822007, for purposes of funding extraordinary hauling costs. **Resolution No. 9779-19\***
- 7) Resolution approving use of prior year Public Safety radio upgrade debt proceeds to fund school resource officer equipment costs. **Resolution No. 9780-19\***
- 8) Request of the Fleet Services division to purchase replacement highway patrol truck chassis from Lakeside International for \$97,547 (2020 budget).
- 9) Request of the Police Department for approval of 2020 police squad car replacement purchases from Ewald Automotive Group.
- 10) Request of the Water Utility for approval of 2020 purchases:
  - i. Water meters (Badger Meter) - \$320,000
  - ii. Accu Tab chlorine tablets (Energenecs) - \$100,000
  - iii. Aqua Mag solution (Martelle Water Treatment) - \$75,000
- 11) Request of the Director of Finance and Administration for approval 2020 fuel purchases from E.H. Wolf and Sons, Inc.

- 12) Request of the Library to purchase books and other library materials from Baker and Taylor for up to a total of \$170,000 (2020 budget).
- 13) Request of the Wastewater Utility for approval of 2020 purchase of liquid aluminum sulfate from Alexander Chemical Company for up to a total of \$115,500.
- 14) Resolution approving change order no. 6 to Brookfield Conference Center bid package 2 contract with JP Cullen. **Resolution No. 9781-19\***
- 15) Resolution approving change no. 10 to Brookfield Conference Center bid package 1 contract with JH Findorff. **Resolution No. 9782-19\***

*As recommended by the Legislative & Licensing Committee*

- 16) Resolution approving the applicants for Original Operator's (Bartender) licenses: Elizabeth A. Buggs; Savanna Cain; Carlos A. Cecil; Lanise Y. Crawl; Tabitha N. Donohue; Brittney L. German; Alex C. Gilhousen; Dawn A. Gordon; Brandon T. Kloehn; Michael J. Miezin; Sharice A. Nelson; Satayya A. Nevels; Paul G. Nuccio; Roberta S. Robertson; Jacob M. Schmitt; Bennett E. Shermann; Ashley N. Smith; Patricia A. Warren. **Resolution No. 9783-19\***

*Council as a Whole*

- 17) Resolution commending Glenn Carriveau for his service to the City of Brookfield upon his retirement on January 3, 2020. **Resolution No. 9778-19\***
- 18) Appointment of Election Inspectors 2020-2021.

~ END OF CONSENT AGENDA ~

**NON-CONSENT AGENDA:**

- 19) Items removed from the consent agenda: None

**Legislative & Licensing Committee**

- 20) Motion by Alderman Mahkorn, seconded by Alderman Owen to adopt an ordinance amending sections 15.08.040, 15.08.050, 15.08.220, and 15.08.250; Subsections 15.08.070 B and 15.08.130 G, and Repealing Section 15.08.140 of the Brookfield Municipal Code regarding the Adoption of Chapter SPS 316 of the Wisconsin Administrative Code, Correcting the Electrical Reinspection Fee and Penalty Language, and Changing the Identity of the Hearing Board to Comply with Wisconsin law. Motion carried unanimously. **Ordinance No. 2583-19\***

**Council as a Whole**

- 21) Motion by Alderman Nelson, seconded by Alderman Reddin to approve a resolution awarding the Brookfield Road Bike Path project #BP-19-01 to Blaze Landscape Contracting for \$199,385.00. Motion carried unanimously. **Resolution No. 9784-19\***
- 22) Motion by Alderman Nelson, seconded by Alderman Owen to approve a resolution authorizing

burying of cable lines on North Avenue in advance of Waukesha County widening project (Charter Communications/Spectrum). Motion carried unanimously. **Resolution No. 9785-19\***

23) Mayor's assignment of legislative referrals and requests for services: None

**Closed Session:**

*Pursuant to Section 19.85(1)(g) of the Wisconsin Statutes to consider Item 24, for the purpose to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is likely to become involved as authorized under §19.85(1)(g), statutes. You are further notified that at the close of the closed session, the Council may convene an open session pursuant to Section 19.85(2) of the Wisconsin Statutes for possible additional discussion and action concerning any matter discussed in closed session 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)(g) of the Wisconsin Statutes as stated above. Motion carried unanimously by roll call vote. Closed Session start time: 8:07 p.m.

24) Consider City's action and litigation strategy regarding the potential incorporation by the Town of Brookfield and Town of Brookfield's cooperative boundary agreements with the Town of Waukesha and City of New Berlin.

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, Human Resources Director James Zwerlein 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. Meeting reconvened in open session at 8:22 p.m.

Motion by Alderman Nelson, seconded by Alderman Reddin to authorize the City Attorney and Mayor to take all necessary action, including litigation, and sign any necessary documents and agreements to represent and maintain the City's interests in regard to the Town of Brookfield's potential incorporation and the Town of Brookfield's cooperative boundary agreements with the Town of Waukesha and City of New Berlin. Motion carried unanimously.

**ADJOURNMENT:**

Motion by Alderman McCarthy, seconded by Alderman Owen to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:24 pm.

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