



OFFICIAL NOTICE AND AGENDA OF A COMMON COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT A REGULARLY SCHEDULED PUBLIC MEETING WILL BE HELD ON THE DATE, TIME AND LOCATION SHOWN BELOW. UPON ATTAINING A QUORUM OF MEMBERS, ALL ITEMS LISTED ON THE AGENDA SHOWN BELOW MAY BE CONSIDERED (DISCUSSED AND/OR ACTED UPON).

Date and Time: Tuesday, May 2, 2023, at 7:45 pm

Location: Council Chambers, City Hall, 2000 North Calhoun Road, Brookfield

Members: Dave Christianson, Bill Carnell, Bob Reddin, Rick Owen, Tom Szews, Jason Anderson, Mike Hallquist, Chuck Bloom, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Kathryn Wilson, Kris Seals (Number of Members needed to meet quorum requirements: 10)

Call to Order: BY MAYOR STEVEN V. PONTO / CHAIR OF THE COMMON COUNCIL

Public Comment: Attention Citizens: The Council has reserved up to 15 minutes for the public to address the Council on any matter, other than for a public hearing listed below (if applicable). To address the Council, please complete a "public comment sign up" form and submit it to the City Clerk prior to the meeting or indicate your inclination to address the Council upon the Chair's announcement of the public comment segment of the agenda. If the Chair determines that no one is present or that no one else wishes to address the Council, the Chair may end the segment earlier than the allotted time. If the Chair determines that 15 minutes is not adequate time for public comment, the Chair may enlarge the time unless the Council objects. For public hearings, comments can be made at the time of the public hearing segment of the agenda when the Chair recognizes the speaker. Alternatively, citizens can submit any commentary to the following email address: publiccomment@ci.brookfield.wi.us.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, May 16, 2023, at 7:45 p.m. in the Council Chambers of City Hall.

Roll Call/Pledge: The Pledge of Allegiance led by Alderman Seals will follow calling of the roll.

Public Hearing #1:

Request of the City of Brookfield, pursuant to Wis. Stat. § 66.0301, the City and Village of Elm Grove have negotiated a proposed intergovernmental boundary agreement providing for mutual agreed upon boundaries between the two municipalities along North Avenue. Specifically, three parcels of land owned by Waukesha County and located within the North Avenue right-of-way would be transferred from the Village of Elm Grove to the City of Brookfield as a result of the agreement. A copy of the proposed agreement is

available at the Brookfield City Clerk's office.

Documents:

[ph elm grove boundary agreement 05-02-2023 notice.pdf](#)

Public Hearing #2:

Request of the City of Brookfield to amend Section 17.64.010(A)(2) of the Municipal Code to add " q. General or clerical offices" as a Permitted Use to the B-3 Regional Business District.

Documents:

[ph zoning code general or clerical offices b-3 notice 05-02-2023 notice and ord.pdf](#)

Consent Agenda

Note that prior to voting on the Consent agenda, items may be removed at the request of any Alderman and placed in the Non-Consent segment immediately following action on the consent agenda.

1. Approval of Minutes.

- a. The April 18, 2023 regular meeting minutes of the Common Council.

Documents:

[cc 04-18-2023 min.pdf](#)

2. Finance Committee

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

Documents:

[vouchers.pdf](#)

- b. Resolution approving amendments to the 2023 capital improvement budgets requested by the Director of Finance and Administration.

Documents:

[memo - 2023 cip budget revision.pdf](#)
[2023 cip revision resolution.pdf](#)
[city funding source summary final, p1.pdf](#)
[city projects by department final, p2.pdf](#)
[sewer funding source summary, p3.pdf](#)
[sewer projects by department, p4.pdf](#)
[water funding source summary, p5.pdf](#)
[water projects by department, p6.pdf](#)
[changes in 2023 debt amounts for cc.pdf](#)

- c. Initial resolution authorizing General Obligation Bonds in an amount not to exceed \$450,000: street improvements.

Documents:

[initial bonds \(2023-06-22 go corp pur bonds\) initial resolutions.pdf](#)

- d. Initial resolution authorizing General Obligation Bonds in an amount not to exceed \$2,200,000: water utility improvements.
- e. Initial resolution authorizing General Obligation Bonds in an amount not to exceed \$605,000: park improvements.
- f. Initial resolution authorizing General Obligation Bonds in an amount not to exceed \$825,000: acquisition of fire equipment.
- g. Initial resolution authorizing General Obligation Bonds in an amount not to exceed \$700,000: acquisition of a horizontal grinder.
- h. Initial resolution authorizing General Obligation Bonds in an amount not to exceed \$1,000,000: DPW building roof and door replacement.
- i. Resolution to declare official intent under reimbursement bond regulations.

Documents:

[reimbursement resolution-wastewater system improvement projects 2023.pdf](#)

- j. Resolution approving 2023 Police Grant fund budget amendment requested by the Director of Finance and Administration: appropriate \$88,317 to expenditure account 21030153-579516, to be funded by state law enforcement grant (American Rescue Plan Act monies).

Documents:

[2023 police grant fund amend resolution - state apra grant funds.pdf](#)
[memo - state police grant amendment may 2023.pdf](#)

3. **Legislative & Licensing Committee**

- a. Resolution approving Original Bartender/Operator license for an applicant with violations - Dyllan J. Brown

Documents:

[brown dyllan orig bart vio ll 4-18-23 to cc 5-2-23.pdf](#)

- b. Resolution approving Original Bartender/Operator licenses: Gage L. Laluzerne.

Documents:

[orig bart licenses ll 4-18-23 to cc 5-2-23.pdf](#)

4. **Council As A Whole**

- a. Resolution re-appointing Rodney Carter to the Board of Zoning Appeals for a 3-year term, commencing May 1, 2023, and expiring May 1, 2026.

Documents:

[resolution rodney carter mayors appointments boa 05-02-23.pdf](#)
[memo - mayor appointments 05-02-23 boa.pdf](#)
[resume - carter rodney w._redacted.pdf](#)

5. **NON-Consent Agenda: Items Removed from Consent (if applicable)**

Act on any items removed from the consent agenda as necessary.

- a. Legislative & Licensing Committee - Ordinance amending Sections 15.12.070, 15.12.130, 15.04.200 and 15.04.780 of the Plumbing Code regarding homeowner plumbing permits. (Recommended approval at the Leg. & Lic. Comm. 3-1 with Ald. Szews voting no.)

Documents:

[ordinance plumbing code 15.12 homeowner permits.pdf](#)
[memo - plumbing code amendment request for legislative referral.pdf](#)
[examples of other regulations plumbing code.pdf](#)

- b. Council As A Whole - Resolution and Ordinance for an Intergovernmental Boundary Agreement with Village of Elm Grove

Documents:

[resolution elm grove boundary agreement.pdf](#)
[ordinance elm grove boundary agmt.pdf](#)
[elm grove boundary agreement exhibit e.pdf](#)
[elm grove boundary agreement exhibits a, b, c, d, f, g, h, j.pdf](#)
[elm grove and brookfield northave exhibit i.pdf](#)
[elm grove boundary agreement exhibit a.pdf](#)

- c. Plan Commission - Ordinance amending Section 17.64.010 of the Brookfield Municipal Code of the B-3 District

Documents:

[ordinance 17.64 b-3 district 5-2-23 ja 4-27 b clean.pdf](#)
[staff report for 17.64 change in language b-3 2023-04-27.pdf](#)
[1. code amendment narrative - copy.pdf](#)
[2. map of properties zoned b-3 - copy.pdf](#)
[3. ch. 17.64 b-3 regional business district - copy.pdf](#)
[4. ch. 17.52 b-1 local business district - copy.pdf](#)

- d. Plan Commission - Ordinance for amending the Lilly Road and Capitol Drive Neighborhood Plan.

Documents:

[wheel sprocket common council report.pdf](#)
[ordinance pc draft neighborhood plan amendment.jennaedit.rv.may27.pdf](#)
[resolution pc draft neighborhood plan amendment.jennaedit.rv.may27.pdf](#)
[lilly and capitol neighborhood plan excerpts.pdf](#)

- e. Plan Commission - Resolution for approval of the General Plan for two lots at 13925 W. Capitol Drive and 3950 Lilly Road, Property Tax Keys BRC1054035 and BRC1054038. (Recommended 5-1 at the Plan Commission with Ald. Owen voting no.)

Documents:

[resolution approval wheel sprocket general plan.pdf](#)
[23.01.09 heimat brookfield ws general plan.pdf](#)

[2023.01.09_general plan submittal_11x17.pdf](#)
[2023-02-15 fire comments - wheel and sprocket mixed use.pdf](#)
[dot letter and traffic analysis.pdf](#)
[edc resolution.pdf](#)

- f. Plan Commission - Ordinance for Amending the Zoning of two lots at 13925 West Capitol Drive and 3950 Lilly Road, Property Tax Key Numbers BRC1054035 and BRC1054038 from B-1 Local Business District to Planned Development District General Plan – Mixed Use No. __ for the purpose of redeveloping the southeast corner of Lilly Road and Capitol Drive with a mixed-use project of commercial retail space and apartment units with Wheel & Sprocket to operate from new commercial space on the site.

Documents:

[ordinance pdd zoning wheel sprocket.pdf](#)
[draft rezoning map exhibit.pdf](#)
[sign-in sheets and submitted public comments.pdf](#)

- g. CLOSED SESSION NOTICE 1:

The Common Council for the City of Brookfield may vote to go into Closed Session for item 5d, 5e, 5f for the purpose to deliberate and confer with city staff to recommend the creation of a Planned Development District General Plan for properties located at 13925 W. Capitol Drive and 3950 Lilly Road. A Closed Session for these purposes is authorized pursuant to Wis. Stat. Sec. 19.85 (1)(g), which authorizes a governmental body, upon motion duly made, seconded, and approved upon by the majority of the members present as required under Wis. Stat. Sec. 19.85(1), to meet in Closed Session to conduct other specified public business whenever conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Upon conclusion of the Closed Session, the Council will reconvene in Open Session, pursuant to Wis. Stat. Sec.19.85(2), for possible additional discussion and action concerning any matter discussed in Closed Session or further business on the agenda. Persons attending or potentially attending the closed session would be the Mayor, Common Council Members, Director of Community Development, Director of Finance and Administration, Planning Administrator, City Attorney, City Engineer, Fire Chief, Director of Public Works, and City Clerk.

- h. Plan Commission - Resolution approving a Project Plan for Tax Increment District Number Nine (TID No. 9) in the City of Brookfield, Wisconsin, Waukesha County for the creation of said district, designate and establish the boundaries of the TID Number 9, name TID Number 9, certify that the properties contain sufficient areas of environmental pollution, establish a creation date of TID Number 9, among other statutory requirements. (Recommended 5-1 voted no at Plan Commission with Ald. Owen voting no)

Documents:

[resolution.council.tid9.docx de.final.clean.pdf](#)
[0 - heimat ertid.pdf](#)
[1 - draft version tid 9 - er tid 3-30-23_.pdf](#)

- 2 - draft table 1 for tid 9.pdf
- 3 - pc resolution tid 9.pdf
- 4 - wheel and sprocket executive summary opinion letter 2023_1_13.pdf
- 5 - cda resolution.pdf
- 6 - contamination map p.pdf
- 7 - edc resolution wheel and sprocket.pdf
- 8 - powerpoint slides.pdf
- 9 - wheel sprocket informational sheet final-revised 4-20-23.pdf

i. **CLOSED SESSION NOTICE 2:**

The Common Council for the City of Brookfield may vote to go into Closed Session for item 5h for the purpose to deliberate and confer with city staff to recommend the creation of an Environmental Remediation Tax Increment District for properties located at 13925 W. Capitol Drive and 3950 Lilly Road. A Closed Session for these purposes is authorized pursuant to Wis. Stat. Sec. 19.85 (1)(e), which authorizes a governmental body, upon motion duly made, seconded, and approved upon by the majority of the members present as required under Wis. Stat. Sec. 19.85(1), to meet in Closed Session to conduct other specified public business whenever deliberating or negotiating the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Upon conclusion of the Closed Session, the Council will reconvene in Open Session, pursuant to Wis. Stat. Sec. 19.85(2), for possible additional discussion and action concerning any matter discussed in Closed Session or further business on the agenda. Persons attending or potentially attending the closed session would be the Mayor, Common Council members, Director of Community Development, Director of Finance and Administration, Planning Administrator, City Attorney, City Engineer, Fire Chief, Director of Public Works, and City Clerk.

Mayor's announcement of legislative referrals and requests for services.

Adjournment

STEVEN E. PRODT@EMMAYORCLERK

Any person who has a qualifying disability as defined by the Americans with Disability Act that requires the meeting or materials to be in an accessible location or format, may contact the City Clerk at (262)782-9650 or 2000 North Calhoun Road, for accommodations. Requests for accommodations for meetings should be made at least 3 business days in advance of the meeting. Every effort will be made to arrange accommodations for all meetings.