



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

Minutes of a regular Common Council Meeting of the 35th Common Council held on July 18, 2023, at 7:45 pm., in the Council Chambers, 2000 N. Calhoun Road, Brookfield, WI

Call to Order: Council President Gary Mahkorn called the meeting to order at 7:53 pm.

Public Comment: None.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, August 15, 2023, at 7:45 pm held in the Council Chambers of City Hall.

Roll Call: City Clerk Michelle Luedtke called the roll and noted the following members in attendance:

14 members present: Bill Carnell, Dave Christianson, Rick Owen, Bob Reddin, Thomas Szews, Jason Anderson, Mike Hallquist, Chuck Bloom III (via phone), Gary Mahkorn (Council President), Scott Berg, Christopher Blackburn, Jerry Mellone, Kathryn Wilson, Kris Seals. (Number of members needed to meet quorum requirements: 10)

0 members excused: Alderman Bloom was not in attendance after the consent agenda approval.

Staff Present: *City Attorney Jenna Merten, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, Director of Finance and Administration Robert Scott, Police Chief Jim Adlam, Director of Human Resources Jim Zwerlein, Director of Parks & Recreation John Kelliher, Assistant Chief of Police Chris Garcia, City Clerk Michelle Luedtke*

Pledge: Alderman Carnell led the Council in the Pledge of Allegiance.

7/18/2023 - Minutes

Public Hearing #1: Request of the City of Brookfield to amend portions of Title 17 "Zoning" to allow for more than one building and to clarify regulations for those buildings for conditional uses located in residential districts.

No one present to speak.

Motion by Alderman Reddin, seconded by Alderman Owen, to close the public hearing. Motion carried 14-0.

Public Hearing #2: Request of Shoppes at The Corridor and Irgens to amend the zoning regulations, "PDD Dimensional Standards" of "PDD" Planned Development District Commercial (Mixed Use) #20, Ord #2503-18, and corresponding PDD General Plan for The Corridor, in association with the proposed development of the remaining vacant commercial lot of the PDD at 350 Discovery Drive.

No one present to speak

Motion by Alderman Owen, seconded by Alderman Seals, to close the public hearing. Motion carried 14-0.

Public Hearing #3: Request of City of Brookfield to amend Subsections 17.108.040.C.3.c and 17.108.040.F of the Mun. Code and create Subsection 17.108.040.E.6 to require temporary use

applicants to pay the City's direct costs of staffing and equipment for the use.

Robb Lied - 15055 Santa Maria Dr. - St John Vianney Finance Manager. Wants to keep a great relationship with the Brookfield Police Department. In the future, wants to know what the budget numbers will be well in advance for budget purposes.

Michael Ricci - 3645 Arroyo Road - St. Dominic Church Manager. Mimics what Mr. Lied stated. Noted these are community events. He spoke about the possibility of billing afterward, knowing the amount ahead of time, the number of officers needed, and what role the standard officers already on duty pay.

David Marcello - 3035 N Brookfield Road - Reiterated that these are community events. We don't charge ourselves for police services during city events. Asking the Council to table this item.

Motion by Alderman Owen, seconded by Alderman Reddin, to close the public hearing. Motion carried 14-0.

Public Hearing #4: Request of the City of Brookfield to amend Ch. 17.88 Floodplain District and associated overlay zoning district boundaries for adopting the Revised Preliminary Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) issued by Federal Emergency Management Agency (FEMA).

Jeff Mierow - 17635 Bolter Lane - He is trying to build a home on the property with more flood plain on it than before.

Motion by Alderman Owen, seconded by Alderman Reddin, to close the public hearing. Motion carried 14-0.

Consent Agenda

Alderman Owen requested Item #2a be removed from the Consent Agenda.

Motion by Alderman Reddin, seconded by Alderman Anderson, to approve all items on the Consent Agenda except for Items #2a which was removed. Motion carried 14-0.

1. **Approval of Minutes.**

- a. Minutes of the June 20, 2023, regular meeting of the Common Council.

2. **Plan Commission**

- a. Resolution approving minor revision to plan and method of operation permitting site and exterior building modifications to Chick-fil-A, 12625 W. Capitol Drive.

Removed from the Consent Agenda - Motion by Alderman Owen, seconded by Alderman Hallquist, to approve the minor revision to plan and method of operation permitting site and exterior building modifications to Chick-fil-A located at 12625 W. Capitol Drive. Motion carried 13-0 with Alderman Bloom unable to be reached via telephone. Resolution No. 10740-23*

- b. Resolution approving revised plan and method of operation permitting for The Plaza and Cafe Zupas, 17105 W. Bluemound Road.

Resolution No. 10741-23*

- c. Resolution approving revised plan and method of operation for 3240 Gateway Road for Western Contractors Inc.

Resolution No. 10742-23*

- d. Resolution rejecting the annexation petition of Rupesh Agrawal for land located in the Town of Brookfield.

Resolution No. 10743-23*

3. **Finance Committee**

- a. Vouchers exceeding \$50,000 requiring immediate action.
- b. Resolution approving 2023 Water Utility budget amendment requested by the Director of Public Works: appropriate \$22,750 to expenditure account 50198009-601000-W2302 for purposes of funding replacement of SCADA computer equipment.

Resolution No. 10744-23*

- c. Resolution accepting Assistance to Firefighters grant from the Federal Emergency Management Agency.

Resolution No. 10745-23*

- d. Resolution approving license agreements with AT&T (New Cingular Wireless PCS, LLC) for wireless communications facilities throughout the City.

Resolution No. 10746-23*

4. **Legislative & Licensing Committee**

- a. Resolution approving Original Bartender/Operator Licenses: Karly Lange, Allison Niles, Jossue Perez, Aaliyah Thomas.

Resolution No. 10747-23*

5. **Board of Public Works**

- a. Resolution awarding the contract for the 2023 Pathway Maintenance Replacement Project #BP-23-02, PK-23-04, and PK-23-06 to Blaze Landscaping Contracting Inc. for \$489,024.00.

Resolution No. 10748-23*

- b. Resolution consider petitioning for a rehearing of the Office of the Commissioner of Railroads, decision on the railroad crossing at Barker Road, Brookfield Road and Springdale Road.

Resolution No. 10749-23*

- c. Resolution petitioning the Office of the Commissioner of Railroads for establishing a new public pedestrian crossing of the SOO tracks west of Barker Road, at a location entirely within 25' from the edge of the traveled way.

Resolution No. 10750-23*

- d. Resolution approving the Snow and Ice Control Policy.

Resolution No. 10751-23*

- e. Resolution approving the Christmas Tree Pickup Policy.

Resolution No. 10752-23*

- f. Resolution approving the Lighted Pedestrian Crossing Sign Policy.

Resolution No. 10753-23*

- g. Resolution approving the Neighborhood Traffic Calming Policy.

Resolution No. 10754-23*

- h. Resolution approving the Solid Waste and Recycling Collection and Disposal Policy.

Resolution No. 10755-23*

6. **Water & Sewer Board**

- a. Resolution approving the Outdoor Water Sprinkling Policy.

Resolution No. 10756-23*

7. **Council As A Whole**

- a. Resolution commending Jim Berend upon his retirement from the City of Brookfield Highway Division.

Resolution No. 10757-23*

- b. Resolution commending Steve Nankin upon his retirement from City of Brookfield Public Works.

Resolution No. 10758-23*

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

- a. Plan Commission - Ordinance creating Section 17.108.050.T.2. and 17.28.010.F.13. and amending 17.104.010 to allow certain conditional uses more than one building on a parcel.

Motion by Alderman Owen, seconded by Alderman Hallquist, to adopt the Ordinance creating Section 17.108.050.T.2. and 17.28.010.F.13 and amending 17.104.010 to allow certain conditional uses more than one building on a parcel. Motion carried 12-1 with Alderman Anderson voting nay.

Ordinance No. 2836-23*

- b. Plan Commission - Ordinance amending the zoning of all properties within "PDD" Planned Development District Commercial (Mixed Use) #20 to apply the PDD Dimensional Standards dated May 11, 2023, in replacing "The Corridor - Development Summary" last amended April 17, 2018.

Motion by Alderman Owen, seconded by Alderman Hallquist, to postpone the Ordinance amending the zoning of all properties within "PDD" Planned Development District Commercial (Mixed Use) #20 to apply the PDD Dimensional Standards dated May 11, 2023, in replacing "The Corridor - Development Summary" last amended April 17, 2018. Motion carried 13-0.

- c. Plan Commission - Ordinance amending Subsections 17.108.040.C.3.c. and 17.108.040.F. and creating 17.108.040.E.6. relating to recouping city fees for Temporary Uses.

Motion by Alderman Reddin, seconded by Alderman Mellone, to postpone the Ordinance amending Subsections 17.108.040.C.3.c. and 17.108.040.F. and creating 17.108.040.E.6 relating to recouping city fees for Temporary Uses. Motion carried 13-0.

- d. Plan Commission - Ordinance amending Chapter 17.88, the Floodplain District.

Motion by Alderman Owen, seconded by Alderman Hallquist, to adopt the Ordinance amending Chapter 17.88, the Floodplain District. Motion carried 13-0. **Ordinance No. 2837-23***

- e. Legislative & Licensing Committee - Ordinance repealing and recreating Chapter 2.20 of the Mun. Code regarding the Ethics Code.

Motion by Alderman Owen, seconded by Alderman Hallquist, to adopt the Ordinance repealing and recreating Chapter 2.20 of the Municipal Code regarding the Ethics Code.

Motion by Alderman Carnell, seconded by Alderman Seals, to amend the term immediate family (p.2.) to be defined as an individual spouse and an individual's relative by marriage, lineal descent or adoption who receives directly or indirectly more than one-half of his or her support from the individual or from whom they receive directly or indirectly more than one-half of his or her support that is not a minor). Motion carried 12-1 with Alderman Berg voting nay.

Original motion as amended carried 8-5 with Aldermen Berg, Blackburn, Mellone, Seals, and Wilson voting nay. **Ordinance No. 2838-23***

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

- a. Referral to the Water & Sewer Board to regulate/prohibit the disposal of wipes and other materials into the sanitary sewer system which can have a detrimental effect on the sanitary sewer system and/or wastewater treatment plant (by Ald. Blackburn).

Adjournment

Motion by Alderman Hallquist, seconded by Alderman Owen, to adjourn the meeting. Motion carried 13-0. The meeting adjourned at 11:07 pm.