



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 34TH COMMON COUNCIL HELD ON **JANUARY 19, 2021** AT 7:45 PM., IN THE COUNCIL CHAMBERS, 2000 N. CALHOUN ROAD, BROOKFIELD, WI

- Call to Order: Mayor Steven V. Ponto called the meeting to order at 7:55 pm.
- Public Comment: OWNER OF KIDDIE ACADEMY KULDEEP GUPTA SPOKE IN FAVOR OF THE SPORTS FENCE NETTING.
- Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, February 2, 2021, at 7:45 pm held in the Council Chambers of City Hall (subject to change).
- Roll Call: City Clerk Kelly Michaels called the roll and noted the following members in attendance:
- 13 Members present and 1 attended by phone: David Christianson, Bill Carnell, Rick Owen, Bob Reddin, Jenna Meza, Michael Jurken, Mike Hallquist, Mark Nelson (attended by phone), Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Kathryn Wilson, Brad Blumer. (Number of members needed to meet quorum requirements: 10)*
- Member excused: None*
- Staff Present: City Clerk Kelly Michaels, City Attorney Jenna Merten, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, and Director of Finance and Administration Robert Scott and Human Resources Director James Zwerlein, Chief Dan Tushaus .*
- Pledge: Alderman Gary Mahkorn led the Council in the Pledge of Allegiance.
- Presentation: None
- Public Hearing #1: (8:02 pm – 8:12 pm) Mayor Ponto read the request of the City of Brookfield to create an ordinance ensuring annual notice of list to obtain notice about zoning or comprehensive plan changes affecting property and to update provisions of the Zoning Code amendment process in Section 17.08.070. *(Separate minutes were taken.)*
- Motion by Alderman Mahkorn, seconded by Alderman Reddin to close the public hearing. Motion carried unanimously.*

Consent Agenda:

The following were removed from the Consent Agenda: None

Motion by Alderman Reddin, seconded by Alderman Mahkorn to approve all items on the Consent Agenda.
Motion carried unanimously.

1. Minutes of the December 15, 2020, meeting of the Common Council.

Plan Commission

2. Amend, repeal, and repeal and recreate various provisions in Title 17 Zoning Code to be consistent with the regulations in Chapter 15.16 Sign Code.

3. Ordinance amending, repealing, and repealing and recreating various provisions in Title 17, Zoning Code, to be consistent with the regulations in Chapter 15.16 Sign Code. **Ordinance No. 2021-011903***
4. Amending Chapter 17 regarding Setbacks for Canopies Supporting Automobile Fuel Stations, Adding a Definition of “Institutional”, Clarifying which Uses Require Plan and Method Approval, Adding a Standard for Conditional Uses and Amending the Village Area Business District regarding Parking Locations and Conditional and Prohibited Uses.
5. Ordinance amending Chapter 17 regarding Setbacks for Canopies Supporting Automobile Fuel Stations, Adding a Definition of “Institutional”, Clarifying which Uses Require Plan and Method of Operation Approval, Adding a Standard for Conditional Uses and Amending the Village Area Business District regarding Parking Locations and Conditional and Prohibited Uses. **Ordinance No. 2021-011905***
6. Request of Waukesha County, 515 W. Moreland Blvd., Waukesha, WI 53188, c/o Stephen Siodlarz, Senior Landscape Architect, for approval of a conditional use permit for depositing fill and material in the Floodway District and Floodfringe District in association with the development of the Pewaukee to Brookfield Connector Multi-use Trail.
7. Request of Frasier Inc., dba Chick-fil-A, for approval of a Temporary Use permit to located three (3) secondary drive-thru structures at 12625 W. Capitol Drive.
8. Request of Loweth LLC, 1 N. Moorland Rd., Brookfield, WI 53005, c/o James Weschler, Restaurant Development – Facilities & Equipment, for approval of a minor revision to plan and method of operation for installation of a drive-thru shelter at 1 N. Moorland Road.

Finance Committee

9. Vouchers exceeding \$50,000 requiring immediate action.
10. Ordinance amending Section 3.24.020 of the Municipal Code relative to ambulance fees. **Ordinance No. 2021-011910***
11. Resolution approving 2020 General fund budget amendment requested by the Director of Finance and Administration: transfer \$126,080 from Contingency appropriation 07001700-590000 to various department salary accounts, for purposes of funding unanticipated payroll taxes and retirement contributions paid in 2020. **Resolution No. 2021-011911***
12. Resolution approving 2020 General fund budget amendment requested by the City Attorney and Director of Finance and Administration: transfer \$50,000 from Contingency appropriation 07001700-590000 to Attorney outside legal services account 02040006-560003, for purposes of funding contracted legal services expenditures. **Resolution No. 2021-011912***
13. Resolution approving 2021 Computer Replacement fund budget amendment requested by the Director of Finance and Administration: appropriate \$28,800 to Computer replacement expenditure account 25121264-601000, for purposes of funding the balance of the document management system needs analysis budgeted in 2020 but not completed until 2021. **Resolution No. 2021-011913***
14. Resolution approving 2021 Vehicle/Equipment Replacement fund budget amendment requested by the Director of Finance and Administration: appropriate \$351,432 to Fire vehicle expenditure account 25011562-612000, for purposes of funding (a) purchase of replacement ambulance and (b) fire engine frame rail repairs, both budgeted in 2020 but not received/completed until 2021. **Resolution No. 2021-011914***
15. Resolution approving 2021 Vehicle/Equipment Replacement fund budget amendment requested by the Police Chief: appropriate \$113,000 to Police vehicle expenditure account 25011562-611000, for purposes of funding police squad equipment and setup costs budgeted in 2020 but not completed until 2021. **Resolution No. 2021-011915***
16. Request of the Police Department for approval of 2021 police squad car replacement purchases from Ewald Automotive Group.

Human Resources & Public Safety Committee

17. Resolution approving the 2021 Compendium of City-wide Employment Policies. **Resolution No. 2021-011917***

Legislative & Licensing Committee

18. Resolution approving Original Bartender/Operator licenses for the listed applicants: Duc R. Hathaway, Ellie L. Valters. **Resolution No. 2021-011918***

Council as a Whole

19. Resolution recognizing International Migratory Bird Day as the first Saturday in June at the Brookfield Farmer's Market. **Resolution No. 2021-011919***

NON-Consent Agenda:

20. Act on any items removed from the consent agenda – None

Legislative & Licensing Committee

21. Motion by Alderman Mahkorn, seconded by Alderman Owen to adopt the ordinance authorizing sport netting fences. *(At the Legislative & Licensing Committee, it was recommended 4-1 with Ald. Carnell voting no.)*

Motion by Alderman Carnell, seconded by Reddin to amend the ordinance to require sports netting to be taken to the ground when not in use. "Not in use" defined as when the business is not operating. Motion failed 5-9 with Alderman Carnell, Alderman Reddin, Alderman Hallquist, Alderman Berg and Alderman Blackburn casting the affirmative votes (roll call vote).

*On the main motion, Motion carried 12-2 with Alderman Reddin and Alderman Carnell casting the dissenting votes (roll call vote). **Ordinance No. 2021-011921****

Council as a Whole

22. Motion by Alderman Nelson, seconded by Alderman Mahkorn to approve the resolution approving an underground Distribution Easement granted to WE Energies and Spectrum Mid-America LLC and the Declaration of Deed Restrictions near the corner of W. Burleigh Road and N. Calhoun Road (17240 W. Burleigh Road). Motion carried unanimously. **Resolution No. 2021-011922***
23. Mayor's assignment of legislative referrals and requests for services: None.
24. Motion by Alderman Mahkorn, seconded by Alderman Owen to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:47 pm.

RESPECTFULLY SUBMITTED
KELLY MICHAELS, CITY CLERK

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