



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 33RD COMMON COUNCIL HELD ON JANUARY 21, 2020 AT 7:45 PM., IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N CALHOUN ROAD, BROOKFIELD WISCONSIN.

Call to Order: Mayor Steven V. Ponto called the meeting to order at 7:48 pm.

Public Comment: Attorney Jack Melvin, 1738 River Lakes Rd North, Oconomowoc WI, indicated he is running for Waukesha County Judge and gave a brief introduction and summary of his candidacy.

Attorney Mike Schober, 2835 S Moorland Blvd, New Berlin WI, spoke with reference to the request of Bridget Fassett (Item #3 on the agenda).

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, February 4, 2020 at 7:45 pm.

Roll Call: City Clerk Kelly Michaels called the roll and noted the following members in attendance.

14 Members Present: Daniel Sutton, Bill Carnell, Bob Reddin, Rick Owen, Ron Balzer, Jeff McCarthy, Buck Jurken, Mark Nelson, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Renee Lowerr, Brad Blumer

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, Director of Human Resources James Zwerlein, Fire Chief Charlie Myers, City Engineer Jeff Chase and Director of Parks and Recreation John Kelliher

Pledge: Alderman Jeff McCarthy led the Council in the Pledge of Allegiance.

Consent Agenda: Items removed from the consent agenda.
Alderman Blackburn requested items #3, #4, #5 be removed from the consent agenda.
Alderman Berg requested items #6, #7, #10 and #19 be removed from the consent agenda.
Motion by Alderman Nelson, seconded by Alderman Reddin to approve all items on the consent agenda except items #3, #4, #5, #6, #7, #10 and #19. Motion carried unanimously.

1. Minutes of the December 17, 2019 meeting of the Common Council.

Plan Commission

2. Plan Review Board actions and recommendations from December 19, 2019:
 - a. Request of Deborah Bramel for a detached garage at 17980 Martin Drive.
 - b. Request of Kiddie Academy for approval of a monument sign at 15425 W. Capitol Drive.
 - c. Request of Kiddie Academy for approval of a wall sign at 15425 W. Capitol Drive.

3. ~~Request of Bridget Fassett, CPA, MST, owner, 1529 Upper Parkway South, Wauwatosa, WI 53213, c/o Schober and Mitchell, S.C. Attorneys, 2835 S. Moorland Road, New Berlin, WI 53151, T. Michael Schober, Attorney, for approval of a preliminary survey map, final certified survey map and subdivider agreement depicting a three-lot landsplit at 15965 Gebhardt Road. Two new lots will be created. Adoption of Findings of Fact, as amended.~~
4. ~~Request of 18550 W. Bluemound LLC, W5073 County Road O, Plymouth, WI 53073 — Randy Goll, Development Project Manager, for approval to rezone 18550 W. Bluemound Road from B-3 Regional Business District to Planned Development District No. 26 Commercial — General Plan in association with construction of a 3,000 sq. ft. commercial building at said address.~~
5. ~~Ordinance rezoning 18550 W. Bluemound Road from B-3 Regional Business District to Planned District No. 26 Commercial — General Plan in association with construction of a 3,000 sq. ft. commercial building at said address. **Ordinance No. ???-20***~~
6. ~~Request of Elmbrook School District, 13780 Hope St., Brookfield, WI 53005, Randal Johnston, Director of Facilities, for approval to schedule a special exception public hearing amending special exception Ord. #1757 allowing modifications to the football field/track lighting frequency of use and hours of operation at Brookfield East High School, 3305 N. Lilly Road.~~
7. ~~Request of Elmbrook School District, 13780 Hope St., Brookfield, WI 53005, Randal Johnston, Director of Facilities, for approval to schedule a special exception public hearing amending special exception Ord. #1010 and Conditional Use Ord. #2143-08 allowing modifications to the football field/track lighting pole height, frequency of use and hours of operation at Brookfield Central High School, 16900 Gebhardt Road.~~
8. Request of Orthopaedic Associates of Wisconsin, N15 W28300 Golf Rd., Pewaukee, WI 53072, Mark Smith, Chief Administrative Officer, c/o Jeffrey Holzauer, Architect, for approval of a new plan and method of operation in association with construction of an 18,600 sq. ft. orthopedic medical clinic at 117 S. Moorland Road.
9. Request of the Dept. of Community Development to approve scheduling a public hearing with recommendation regarding adoption of the City of Brookfield 2050 Comprehensive Plan.
10. ~~Request of the Dept. of Community Development to approve scheduling of a public hearing for the purpose of repealing, amending and creating certain portions of Title 17, the Zoning Code, related to Conditional Uses, Permitted Uses and Restrictions in Certain Zoning Districts, Definitions, Findings for Site Plan Approval Requirements, and Pavement Setbacks and Offsets and Landscape Surface Ratio in Residential Districts for Conditional Uses.~~

Finance Committee

11. Vouchers exceeding \$50,000 requiring immediate action.
12. Ordinance repealing and recreating Chapter 15.04.780 of the Municipal Code, the schedule of permit fees for the Building Code. **Ordinance No. 2585-20***
13. Ordinance repealing and recreating Chapter 15.08.240 of the Municipal Code, the schedule of permit fees for the Electrical Code. **Ordinance No. 2586-20***
14. Ordinance repealing and recreating Chapter 15.12.060 of the Municipal Code, the schedule of permit fees for the Plumbing Code. **Ordinance No. 2587-20***
15. Ordinance repealing and recreating Chapter 8.08.190 of the Municipal Code, the schedule of permit fees relating to Fire Protection and Life Safety. **Ordinance No. 2588-20***
16. Resolution authorizing the continued participation in the Cities and Villages Mutual Insurance Company for 2021-22. **Ordinance No. 9786-20***
17. Resolution approving contract with North Central Group for Brookfield Conference Center FF&E receiving services. **Resolution No. 9787-20***
18. Resolution approving change order no. 8 to Brookfield Conference Center bid package 2 contract with JP Cullen. **Ordinance No. 9788-20***

- ~~19. Consider claim of excessive assessment pursuant to Wisconsin Statutes 74.37 and claim for recovery of unlawful taxes pursuant to Wisconsin Statutes 74.35 of Sunset Investment Co. Limited Partnership, tax key number BRC 1035-012.~~

Human Resources & Public Safety Committee

20. Ordinance amending the 2020 Salary Ordinance Addendum regarding Uniform Allowance. **Ordinance No. 2589-20***
21. Resolution amending the City of Brookfield Commercial Driver's License (CDL) Drug and Alcohol Testing Program. **Resolution No. 9789-20***

Legislative and Licensing Committee

22. Resolution approving the applicants for Original Operator's (Bartender) licenses: Isabel M. Downs, Emily R. Dressel, Charles R. Simmons III, Gabriel J. Spsychalla. **Resolution No. 9790-20***
23. Resolution approving an Original Bartender License for an applicant with a record: Genavie Grzesiak. **Resolution No. 9791-20***
24. Ordinance amending Sections 2.08.020 of the Municipal Code regarding the Composition, Duties, and Terms of the Board of Review and Renumbering Subsection 2.08.020 B. to Subsection 2.08.020 C. (*Legislative Referral*) **Ordinance No. 2590-20***
25. Ordinance creating Section 2.16.060 of the Brookfield Municipal Code providing for the Canvassing of Absentee Ballots for all Elections in the City of Brookfield by the Municipal Board of Absentee Ballot Canvassers commonly referred to as Central Count. **Ordinance No. 2591-20***

Parks and Recreation Commission

26. Resolution accepting the "Agreement for Purchase and Sale of Real Estate" of City owned lands located adjacent to Wirth Park South (parcel 25, 16200 W. North Avenue) to Waukesha County for the reconstruction of North Avenue. **Resolution No. 9792-20***
27. Resolution accepting the "Agreement for Purchase and Sale of Real Estate" of City owned lands located adjacent to Wirth Park South (parcel 35, 16200 W. North Avenue) to Waukesha County for the reconstruction of North Avenue. **Resolution No. 9793-20***

Public Works Board

28. Resolution denying the amendment to the contract with J.H. Findorff & Son, Inc. for completion of BP-1 elements of the construction of the Brookfield Conference Center relative to issuance of a Certificate of Substantial Completion and Certificate of Occupancy. **Resolution No. 9794-20***
29. Resolution approving the Agreement between Waukesha County and the City of Brookfield to transfer of lands associated with widening of CTH M (North Avenue) and Calhoun Road and approving the Land Transfer Agreement between City of Brookfield and Thomas Tang for land located near the southeast intersection of CTH M (North Avenue) and Calhoun Road. **Resolution No. 9795-20***
30. Resolution reconfirming the Lighted Pedestrian Crossing Sign policy. **Resolution No. 9796-20***
31. Resolution approving the recommended revisions to the Solid Waste and Recycling Collection and Disposal Policy. **Resolution No. 9797-20***

Public Works Board and Water & Sewer Board

32. Ordinance amending, repealing; and repealing and recreating certain portions of Title 12 related to the Applicability of Chapters 12.15-12.19 to City-owned land and Easement Interests, Restoration of Land, Permit Expiration, Elimination of Supplemental Permits, Deposit Refundability, Fees and Fee Exemptions, Insurance Requirements, Abandonment and

Disconnection of Utilities; and Creating certain portions of Titles 3, 13, and 15 related to the Administration and Creation of Connection Permits. **Ordinance No. 2592-20***

Water and Sewer Board

33. Resolution approving partial termination of a water main easement across a portion of the southerly area of Brookfield Square Mall. **Resolution No. 9798-20***
34. Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703, Wis. Stats. for the 2020 Water Main Extension Project #W-20-01. **Resolution No. 9799-20***

Council as a Whole

35. Resolution recognizing International Migratory Bird Day and celebrating observance on the first Saturday in June at the Brookfield Farmer's Market. **Resolution No. 9800-20***

NON-Consent Agenda: Items removed from the consent.

36. Act on items removed from the consent agenda: (Items 3, 4, 5, 6, 7, 10, 19)
 3. Motion by Alderman Mahkorn, seconded by Alderman Owen to approve the recommendation of the Plan Commission to deny a request of Bridget Fassett, CPA, MST, owner, 1529 Upper Parkway South, Wauwatosa, WI 53213, c/o Schober and Mitchell, S.C. Attorneys, 2835 S. Moorland Road, New Berlin, WI 53151, T. Michael Schober, Attorney, for approval of a preliminary survey map, final certified survey map and subdivider agreement depicting a three-lot land split at 15965 Gebhardt Road. Two new lots will be created. Adoption of Findings of Fact, as amended. Motion carried 12-2 with Alderman Berg and Alderman Blackburn casting the dissenting votes. (electronic vote 01212020a)
 4. Motion by Alderman Mahkorn, seconded by Alderman Owen to approve the request of 18550 W. Bluemound LLC, W5073 County Road O, Plymouth, WI 53073 – Randy Goll, Development Project Manager, for approval to rezone 18550 W. Bluemound Road from B-3 Regional Business District to Planned Development District No. 26 Commercial – General Plan in association with construction of a 3,000 sq. ft. commercial building at said address. Motion carried 12-2 with Alderman Blackburn and Alderman Lowerr casting the dissenting votes. (electronic vote 01212020b)
 5. Motion by Alderman Mahkorn, seconded by Alderman Owen to adopt an ordinance rezoning 18550 W. Bluemound Road from B-3 Regional Business District to Planned District No. 26 Commercial – General Plan in association with construction of a 3,000 sq. ft. commercial building at said address. Motion carried 13-1 with Alderman Blackburn casting the dissenting vote. (electronic vote 01212020c) **Ordinance No. 2584-20***
 6. Motion by Alderman Mahkorn, seconded by Alderman Owen to approve the request of Elmbrook School District, 13780 Hope St., Brookfield, WI 53005, Randal Johnston, Director of Facilities, for approval to schedule a special exception public hearing amending special exception Ord. #1757 allowing modifications to the football field/track lighting frequency of use and hours of operation at Brookfield East High School, 3305 N. Lilly Road. Motion carried 14-0. (electronic vote 01212020d)
 7. Motion by Alderman Mahkorn, seconded by Alderman Owen to approve the request of Elmbrook School District, 13780 Hope St., Brookfield, WI 53005, Randal Johnston, Director of

Facilities, for approval to schedule a special exception public hearing amending special exception Ord. #1010 and Conditional Use Ord. #2143-08 allowing modifications to the football field/track lighting pole height, frequency of use and hours of operation at Brookfield Central High School, 16900 Gebhardt Road. Motion carried 14-0. (electronic vote 01212020e)

10. Motion by Alderman Mahkorn, seconded by Alderman Owen to approve the request of the Dept., of Community Development to approve scheduling of a public hearing for the purpose of repealing, amending and creating certain portions of Title 17, the Zoning Code, related to Conditional Uses, Permitted Uses and Restrictions in Certain Zoning Districts, Definitions, Findings for Site Plan Approval Requirements, and Pavement Setbacks and Offsets and Landscape Surface Ratio in Residential Districts for Conditional Uses. Motion carried 14-0. (electronic vote 01212020f)

19. Motion by Alderman Berg, seconded by Alderman Sutton to approve the Finance Committee recommendation to deny the claim of excessive assessment pursuant to Wisconsin Statutes 74.37 and claim for recovery of unlawful taxes pursuant to Wisconsin Statutes 74.35 of Sunset Investment Co. Limited Partnership, tax key number BRC 1035-012. Motion carried 14-0. (electronic vote 01212020g)

Council as a Whole

37. Mayor's assignment of legislative referrals and requests for services.

No referrals presented.

38. Adjournment.

***Motion by Alderman Reddin, seconded by Alderman McCarthy to adjourn the meeting.
Motion carried unanimously. Meeting adjourned at 9:30 pm.***

*Respectfully Submitted
Kelly Michaels, MMC, WCPC
City Clerk*

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