



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 34TH COMMON COUNCIL HELD ON **MARCH 16, 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 7:45 pm.

Public Comment: Terry R. Nickerson, 2405 Brooksprings Drive, spoke regarding the burn restrictions ordinance. He noted he was against the summer burning ban and questioned whether there was an opportunity to reconsider it.

Phil Ritter, 18880 Quail Hollow, spoke regarding the 2021 Watermain Project and the unfair costs to the residents in the area. He noted most of the properties in the area are paying on average \$13,000, however his costs are over \$40,000. He asked whether he could obtain an exception.

Mary Jo Lange, 2385 Hillsdale Dr. West, gave a brief summary of her background as an Engineer and DPW Director in another community. Spoke regarding the calculations for assessments on the watermain project as it relates to non-assessable calculations on corner lots. She requested the resolution be tabled until an answer can be obtained from the LWM or some other research on this matter.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, April 6, 2021, at 7:00 pm held in the Council Chambers of City Hall (subject to change). **CHANGE IN TIME DUE TO THE SPRING ELECTION.**

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

14 members present: David Christianson, Bill Carnell, Rick Owen, Bob Reddin, Jenna Meza, Michael Jurken, Mike Hallquist, Mark Nelson, 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 Community Development Dan Ertl, Director of Public Works Tom Grisa, Director of Human Resources Jim Zwerlein, and Director of Finance and Administration Robert Scott.

Pledge: Alderman Kathryn Wilson led the Council in the Pledge of Allegiance.

Presentation: None

Public Hearing: None

Consent Agenda:

The following were removed from the Consent Agenda: Alderman Wilson requested Items #3, #4 be removed. Alderman Reddin requested Item #11 to be removed. Alderman Blackburn requested Item #15 be removed.

Alderman Meza noted she is good friends Austin Moore who is the subject of appointment in Item #18 on the consent agenda. She indicated she doesn't believe the friendship causes a conflict of interest in this case, however, she wanted to disclose it for the record.

Motion by Alderman Nelson, seconded by Alderman Reddin to approve all items on the Consent Agenda except for Items #3, #4, #11, and #15. Motion carried unanimously.

1. Minutes of the March 2, 2021, meeting of the Common Council.

Plan Commission

2. Plan Review Board actions and recommendations of February 18, 2021:
 - a) Request of the Estate of Adeline I. Kuchenbecker for approval of a preliminary and final Certified Survey Map combining two lots, lot 3 and 4 in Block 17 of Kinsey's Garvendale at 12955 Robinwood Street.
 - b) Request of John Spitz, 3240 Gateway Rd., for approval of a minor revision to plan and method of operation in association with expansion of pavement at said address.
3. ~~Removed from Consent Agenda - Creating Section 17.66 entitled "B-5" Gateway Business District within Title 17 "Zoning" of the Municipal Code; rezoning certain properties located along Moorland Road and Greenfield Avenue to the B-5 Gateway Business District; repealing the "MSO" Modified Suburban Overlay District designation on the following properties: 880 S. Moorland Rd.; 1360 S. Moorland Rd.; 15500 W. Greenfield Ave.; and 16040 W. Greenfield Ave.; repealing Special Exception Ordinances granted to the following properties: 1005 S. Moorland Rd., 1200 S. Moorland Rd., 1250 S. Moorland Rd., 14870 W. Greenfield Ave., and 15650 W. Greenfield Ave.; and amending Sections 17.112.010.C and 17.112.120 regarding "Setback"; 17.04 Definitions; 17.52.010 Local Business District and 17.62.010 General Business District (further details of properties available in public hearing notice).~~
4. ~~Removed from Consent Agenda - Ordinance creating Section 17.65 "B-5 Gateway Business District"; Rezoning properties to the B-5 District; Amending provisions in Sections 17.04, 17.52.010, 17.60.010, 17.64.010, 17.112.010 and 17.112.120 of the Brookfield Municipal Code; and Repealing Modified Suburban Overlay District and Special Exception Ordinances previously granted to the properties that are rezoned to B-5.~~
5. Request of Curly's LLC, c/o Howard Kingman, 174 Evelyn Ave., Delafield, WI 53018, for approval of a Final Plat, Landscape Plan and Subdivider's Agreement for Red Road Estates, a 23 lot single-family subdivision located at Springdale Road and Barberry Street extended.
6. Request for a public hearing to retire the *North Avenue Corridor Land Use Plan or Study* (Corridor Plan) and amend the *City of Brookfield 2050 Comprehensive Plan* (Comprehensive Plan) for Certain Areas located along or near North Avenue.
7. Request for a public hearing to amend the land use recommendations of the *Development Plan for Brookfield's 124th Street Corridor* and *City of Brookfield 2050 Comprehensive Plan*; amend Section 17.67 entitled "B, O&LI" Regional Business, Office and Limited Industry District within Title 17 "Zoning" of the Municipal Code; and rezone certain properties located along 124th Street to the Regional Business, Office and limited Industry District.
8. Request for a public hearing to amend the Residential Development Landscape Standards.

Finance Committee

9. Vouchers exceeding \$50,000 requiring immediate action.
10. Request of the Wastewater Utility to purchase replacement deep bed sand filter valves from Dorner Company for \$195,240.

Human Resources & Public Safety Committee

11. ~~Removed from the Consent Agenda - Ordinance amending Ordinance #2623-20, the 2021 Salary Ordinance Addendum, effective April 1, 2021.~~

Legislative & Licensing Committee

12. Resolution approving Original Bartender/Operator licenses for an applicant with a record: Georgina C. Gonzales. **Resolution No. 2021-031612***
13. Resolution approving an Original Class B Beer and Liquor license: Sonesta International Hotels Corp., d/b/a Sonesta Select Milwaukee Brookfield; 16865 W. Bluemound Rd., Agenda – Shawn Jaremko (new owner, currently Courtyard by Marriott). **Resolution No. 2021-031613***

Water & Sewer Board

14. Resolution awarding the contract for the 2021 Water Main Extension Project #W-21-01 (Base Bid) to Five Star Energy Service LLC for \$997,647. **Resolution No. 2021-031614***
15. ~~Removed from the Consent Agenda - Final Resolution authorizing the installation of water main and levying of special assessments against benefitted property – 2021 Water Main Extension Project #W-21-01.~~
16. Resolution awarding the engineering contract for the Replace/Relocate Waste Gas Burners Project at the Fox River Water Pollution Control Center with Donohue & Associates for \$66,865. **Resolution No. 2021-031616***
17. Resolution approving a Perpetual Water Main Easement with Petawa Residence and Cultural Center, 16830 W. North Avenue. **Resolution No. 2021-031617***

Council As A Whole

18. Mayor's Reappointments and Appointments:
 - a) Economic Development Committee:
 - i. Glen Allgaier – reappoint to a 3-year term expiring 1/2/24.
 - ii. Scott Oleson – reappoint to a 3-year term expiring 1/2/24.
 - iii. Brian Shecterle – reappoint to a 3-year term expiring 1/2/24.
 - b) Library Board:
 - i. Jeanmarie Deuster – appoint to fulfill the 3-year term of Richard Brandt expiring 7/1/22.
 - c) Plan Commission:
 - i. Austin Moore – appoint to fulfill the 3-year term of Mike Smith expiring 5/1/21, and reappoint to a 3-year term expiring 5/1/24.
19. Proclamation proclaiming April 30, 2021 as "Arbor Day Celebration".

NON-Consent Agenda:

20. Act on items removed from the consent agenda:
 3. Motion by Alderman Mahkorn, seconded by Alderman Owen to adopt an ordinance creating Section 17.66 entitled "B-5" Gateway Business District within Title 17 "Zoning" of the Municipal Code; rezoning certain properties located along Moorland Road and Greenfield Avenue to the B-5 Gateway Business District; repealing the "MSO" Modified Suburban Overlay District designation on the following properties: 880 S. Moorland Rd.; 1360 S. Moorland Rd.; 15500 W. Greenfield Ave.; and 16040 W. Greenfield Ave.; repealing Special Exception Ordinances granted to the following properties: 1005 S. Moorland Rd., 1200 S. Moorland Rd., 1250 S. Moorland Rd., 14870 W. Greenfield Ave., and 15650 W. Greenfield Ave.; and amending Sections 17.112.010.C and 17.112.120 regarding "Setback"; 17.04

Definitions; 17.52.010 Local Business District and 17.62.010 General Business District (further details of properties available in public hearing notice). Motion carried 14-0 by roll call vote.

4. Motion by Alderman Mahkorn, seconded by Alderman Owen to adopt an ordinance creating Section 17.65 "B-5 Gateway Business District"; Rezoning properties to the B-5 District; Amending provisions in Sections 17.04, 17.52.010, 17.60.010, 17.64.010, 17.112.010 and 17.112.120 of the Brookfield Municipal Code; and Repealing Modified Suburban Overlay District and Special Exception Ordinances previously granted to the properties that are rezoned to B-5.

Amendment to the Main Motion: Motion by Alderman Wilson, seconded by Alderman Blumer to amend a paragraph on page 8 of 10 as indicated below (highlighted text added and strike out text in red deleted from paragraph). Motion FAILED 6-8 by roll call vote with Aldermen Reddin, Meza, Blackburn, Wilson, Blumer and Carnell casting the affirmative votes.

17.65.040 Height Restrictions

Principal building: thirty-five (35) feet maximum unless the principal building is a hotel, office or institutional use then eighty (80) feet maximum; when such building or use is located on a major street and does not abut a collector and minor local street; 55 feet maximum when located on a major street and a collector and minor local street as ~~that is~~ those terms are defined in Title 16. Accessory buildings; fifteen (15) feet maximum.

On the Main Motion. Motion carried 12-2 by roll call vote with Alderman Blackburn and Blumer casting the dissenting votes. **Ordinance No. 2021-031604***

11. Mayor Ponto indicated he is withdrawing this item from the agenda and referring it back to the Human Resources and Public Safety Committee as there is an error on the ordinance amending Ordinance #2623-20, the 2021 Salary Ordinance Addendum, effective April 1, 2021.

15. Motion by Alderman Owen, seconded by Alderman Berg adopt the final resolution authorizing the installation of water main and levying of special assessments against benefitted property – 2021 Water Main Extension Project #W-21-01. Motion carried unanimously by roll call vote. **Final Resolution No. 2021-031615***

21. Mayor's announcement of legislative referrals and requests for services: None

22. Motion by Alderman Mahkorn, seconded by Alderman Reddin to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:22 pm.

RESPECTFULLY SUBMITTED

KELLY MICHAELS, MMC, WCPC

BROOKFIELD CITY CLERK

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