



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 33RD COMMON COUNCIL HELD ON **MARCH 17, 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 8:00 pm.
- Public Comment:** None
- Announcements:** The next regularly scheduled meeting of the Common Council is Tuesday, April 7, 2020 at 7:00 pm. Also, the start times for the April 21 and May 5 Common Council meetings have been changed to 7:00 pm.
- Roll Call:** City Clerk Kelly Michaels called the roll and noted the following members in attendance:
- 12 members Present: *Daniel Sutton, Rick Owen, Bob Reddin, Ron Balzer, Jeff McCarthy, Buck Jurken, Mark Nelson, Scott Berg, Christopher Blackburn, Jerry Mellone, Renee Lowerr, Brad Blumer (Number of members needed to meet quorum requirements: 10)*
- 2 members Excused: Bill Carnell, Gary Mahkorn
- Staff Present: *City Attorney Jenna Merten, City Clerk Kelly Michaels, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, Human Resources Director James Zwerlein, Director of Finance and Administration Robert Scott, Police Chief Dan Tushaus, Parks Director John Kelliher, Economic Development Coordinator Todd Willis*
- Pledge:** Alderman Scott Berg led the Council in the Pledge of Allegiance.
- Public Hearing:** (8:02 pm – 8:20 pm) Mayor Ponto read the request of the City of Brookfield to repeal and recreate various sections in the Zoning Code regarding Conditional Uses.
- Motion by Alderman Nelson, seconded by Alderman Reddin to close the public hearing. Motion carried unanimously. (Separate minutes were taken)*
- Consent Agenda:** Items removed from the consent agenda.

Alderman Berg requested Items #4-7 & 15 be withdrawn. Alderman Blackburn requested Items #12-13 be removed from the Consent Agenda.

Motion by Alderman Nelson, seconded by Reddin to approve all items on the consent agenda except Items #4-7 and #12-13 & 15. Motion carried unanimously.

1. Minutes of the March 3, 2020, meeting of the Common Council.

Plan Commission

2. Plan Review Board actions and recommendations from February 20, 2020:

- a. Request of Bohmann and Vick Inc. for approval of a minor revision to plan and method of operation allowing pavement expansion and fenced outdoor storage at 3530 N. 127th Street.
- b. Request of BPZ Enterprises LLC for approval of a minor revision to plan and method of operation permitting landscape plan modifications in association with hardscape and landscape improvements at 2965 N. Brookfield Road.
3. Request of CG Schmidt for approval of a temporary use to operate a concrete crushing operation at 555 S. Executive Drive.
- ~~4. Request of Elmbrook School District, 13780 Hope St., Brookfield, WI 53005, Randal Johnston, Director of Facilities, for approval of a special exception amending special exception Ordinance #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.~~
- ~~5. Ordinance amending special exception Ordinance #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.~~
- ~~6. Request of Elmbrook School District, 13780 Hope St., Brookfield, WI 53005, Randal Johnston, Director of Facilities, for approval of a special exception amending special exception Ordinance #1010 and Conditional Use Ordinance #2143-08 allowing modifications to the football/soccer field and track lighting pole height, frequency of use and hours of operation at Brookfield Central High School, 16900 Gebhardt Road.~~
- ~~7. Ordinance amending special exception Ordinance #1010 and conditional use Ordinance #2143-08 allowing modifications to the football/soccer field and track lighting pole height, frequency of use and hours of operation at Brookfield Central High School, 16900 Gebhardt Road.~~
8. Request of Cornerstone Development of SE WI LLC, N63 W23849 Main St., Sussex, WI, Joe Orendorf, representative, for approval of a minor revision to plan and method of operation permitting façade alterations at Fox Hollow Condominiums located at 21945 – 21985 W. North Avenue.
9. Request of Cornerstone One LLC, 20865 Enterprise Ave., Brookfield, WI 53005, Robert Anderson, CFO, for approval of a minor revision to plan and method of operation permitting pavement and landscape alterations at 20865 Enterprise Avenue.
10. Request of HSA Commercial Inc., 100 S. Wacker Dr., Suite 950, Chicago, IL 60606, Tim Blum, Executive Vice President, for approval of a revised plan and method of operation in association with an approximate 2,600 sq. ft. retail building addition with outdoor seating at 16720 W. Bluemound Road.
11. Request to schedule a public hearing amending Section 17.98.050 of the Municipal Code creating the Moorland Road Area Overlay District and the respective regulations and design standards.
- ~~12. Request of the Department of Community Development for adoption of the City of Brookfield 2050 Comprehensive Plan. (Common Council members may access the Comprehensive Plan from the previously submitted flash drive.)~~

~~13. Ordinance adopting the 2050 Comprehensive Plan of the City of Brookfield, Wisconsin.~~

Finance Committee

14. Vouchers exceeding \$50,000 requiring immediate action:

Xubitz Inc

BCC Entry Sculpture	\$24,022.31
BCC Entry Sculpture	\$29,133.54
	\$53,155.85

Ewalds Harford Ford LLC

New Squad 35 SRO Vehicle	\$39,785.00
New Squad 35 SRO Vehicle	\$39,785.00
	\$79,570.00

MTS Seating

Brookfield Conference Center – FFE (Chairs)	\$37,596.15
Brookfield Conference Center – FFE (Chairs)	\$49,470.11
	\$87,066.26

Reesmans Excavating & Grading Inc

Rivendell Watermain Lining	\$123,606.25
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Advance Construction Inc

Underwood (North Ave) Sanitary Sewer Relay	\$317,224.48
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TOTAL VOUCHERS **\$660,622.84**

~~15. Resolution approving potential change orders nos. 119 and 127 to Brookfield Conference Center bid package 2 contract with JP Cullen (landscape work).~~

16. Resolution approving 2020 Computer Replacement Fund budget amendment requested by the Director of Finance and Administration: appropriate \$51,000 to expenditure account 25121264-601000, for purposes of funding city-wide document management application needs analysis study. *Resolution No. 9832-20**

17. Resolution approving 2020 General fund budget amendment requested by the Director of Public Works: transfer \$8,000 from the contingency appropriations account 07001700-590000 to Inspection Services contracted services account 03047006-560000, for purposes of funding cross connection inspections costs. *Resolution No. 9833-20**

18. Resolution approving professional services agreement with AVI Systems, Inc. for installation of Council Chambers and meeting broadcasting equipment for \$74,243.23. *Resolution No. 9834-20**

Human Resources & Public Safety Committee

19. Resolution approving the Intergovernmental Agreement for Law Enforcement Services for the 2020 Democratic National Convention in Milwaukee, Wisconsin. *Resolution No. 9835-20**
20. Ordinance amending Chapter 2.24 – Miscellaneous Employment Issues, Sections 2.24.120, 2.24.130, 2.24.160 and 2.24.170 of the Municipal Code regarding Pay Structure Adjustments. *Ordinance No. 2601-20**
21. Ordinance adopting the 2020 Salary Ordinance Addendum Amendment. *Ordinance No. 2602-20**

Legislative and Licensing Committee

22. Resolution approving the applicants for Original Operator's (Bartender) licenses: Chandler P. Benatti, Bryan c. Hanson, Rebecca M. Lechmaier, Chris W. Lundskow, Alexis B. Minor, Jessica N. Olson, Lika Ram Pokharel. *Resolution No. 9836-20**
23. Resolution approving an Original Bartender/Operator license for an applicant with a record: Heather G. Bosanac. *Resolution No. 9837-20**
24. Resolution approving an Original Bartender/Operator license for an applicant with a record: Jan S. Jackson. *Resolution No. 9838-20**
25. Ordinance repealing and recreating provisions of the Fence Code, Section 15.04.340, regarding Special Needs Fences and Fence Permit Processing. *Ordinance No. 2603-20**

NON-Consent Agenda: Items Removed from Consent (if applicable): Items 4-7 and 12-13 & 15

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

4. **Motion by Alderman Owen, seconded by Alderman Reddin to approve the request of Elmbrook School District, 13780 Hope St., Brookfield, WI 53005, Randal Johnston, Director of Facilities, for approval of a special exception amending special exception Ordinance #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 12-0 by electronic vote.**

5. **Motion by Alderman Owen, seconded by Alderman Reddin to approve the ordinance amending special exception Ordinance #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 12-0 by electronic vote. *Ordinance No. 2598-20****

6. **Motion by Alderman Owen, seconded by Alderman Reddin to approve the request of Elmbrook School District, 13780 Hope St., Brookfield, WI 53005, Randal Johnston, Director of Facilities, for approval of a special exception amending special exception Ordinance #1010 and Conditional Use Ordinance #2143-08 allowing modifications to the football/soccer field and track lighting pole height, frequency of use and hours of operation at Brookfield Central High School, 16900 Gebhardt Road. Motion carried 12-0 by electronic vote.**

7. **Motion by Alderman Owen, seconded by Alderman Reddin to approve an ordinance amending special exception Ordinance #1010 and conditional use Ordinance #2143-08 allowing modifications to the football/soccer field and track lighting pole height, frequency of use and hours of operation at Brookfield Central High School, 16900 Gebhardt Road. Motion carried 12-0 by electronic vote. Ordinance No. 2599-20***

12. **Motion by Alderman Owen, seconded by Alderman Reddin to approve the request of the Department of Community Development for adoption of the City of Brookfield 2050 Comprehensive Plan.** (Common Council members may access the Comprehensive Plan from the previously submitted flash drive.)

Motion by Alderman Blackburn, seconded by Alderman Mellone to amend the 2050 Comprehensive Plan to change the wording on p. 31, paragraph 3 from “Maintain the City’s existing neighborhoods and housing stock while focusing expanded market rate housing option within the TIA’s” to “*Focus on maintaining the City’s existing neighborhoods and housing stock while considering market rate housing options within the TIA’s*”. The vote on the amendment carried 8-4 with Alderman Berg, Jurken, McCarthy and Nelson casting the dissenting votes.

Motion by Alderman Blackburn, seconded by Alderman Mellone, to amend the 2050 Comprehensive Plan on p. 42, the last bullet point, to add the following language at the end of the paragraph (*bold/italicized print*) “.....in order to more systematically control traffic increases and provide for appropriate on and off site transportation improvements *and prevent any reduction in the level of services for existing users.*” The Council discussed whether this matter should be referred to the Board of Public Works and/or Plan Commission. No vote was taken on this motion.

Motion by Alderman Blackburn, seconded by Alderman Mellone, to amend the 2050 Comprehensive Plan on p. 43, the first bullet point, to change the text to “*Levy a special assessment for the initial and ongoing service delivery impacts upon life safety components especially the provision of Fire and EMS services and response time impacts of any building that due to its size or construction precipitates the need for the City to add staff or equipment for emergency services.*” After discussion and different points of view on the details of the amendment, Alderman Blackburn couldn’t re-state his amendment for further clarity. After discussion, Alderman Blackburn withdrew his motion. Alderman Mellone didn’t object to the withdrawal.

Motion by Alderman Blackburn, seconded by Alderman Mellone, to amend the 2050 Comprehensive Plan on #11, it reads, “increase street connections, minimize block sizes and provide for private cross access between adjoining lots wherever possible to improve circulation and minimize congestion” to change that to “*increase street connections, minimize block sizes and provide for private cross access between adjoining lots whenever it will result in a measurable improvement of circulation or reduction of congestion.*” After discussion, Alderman Blackburn withdrew his motion. Alderman Mellone didn’t object to the withdrawal.

On the main motion to accept the 2050 Comprehensive Plan as amended, the motion carried 11-1 with Alderman Blackburn casting the dissenting vote by electronic vote.

13. **Motion by Alderman Owen, seconded by Alderman Reddin to adopt an ordinance accepting the 2050 Comprehensive Plan of the City of Brookfield, Wisconsin, as amended. Motion carried 10-2 with Alderman Blackburn and Alderman Mellone casting the dissenting votes. Ordinance No. 2600-20***

Finance Committee

15. **Motion by Alderman Berg, seconded by Alderman Sutton to approve the resolution for PCO 119 and PCO 129 as presented provided the contractor presents new PCO's that are no greater in costs than 67% of the amounts listed in the submitted PCO's dated February 28, 2020. If not so reduced as stated, the PCO's should be resubmitted for additional review and considerations. Motion carried 12-0 by electronic vote. Resolution No. 9831-20***

ADDENDUM: 1

Motion by Alderman Nelson, seconded by Alderman McCarthy, to approve the Resolution approving a Declaration of State of Emergency for the City of Brookfield. An electronic vote was taken and carried 12-0 by electronic vote. Resolution No. 9839-20*

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

Referral to the Legislative & Licensing Committee to consider an ordinance to ban wildlife feeding, to bolster the City's public nuisance ordinance, and to prohibit human health hazards (referred by Mayor Ponto, Ald. Sutton, Ald. Carnell).

28. Adjournment

Motion by Alderman McCarthy, seconded by Alderman Jurken, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:43 pm.

RESPECTFULLY SUBMITTED
KELLY MICHAELS, MMC, WCPC
CITY CLERK

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