



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 35TH COMMON COUNCIL HELD ON **MARCH 21, 2023** 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 7:47 pm.

Public Comment:

Erin Booher – 21730 W North Avenue – Supports chickens. She was not present.

James Tupta – 3720 Fiebrantz Drive – Opposes the Wheel and Sprocket project. Did not speak.

Mike Mooney – 19000 W Bluemound Road – Supports the Wheel and Sprocket project. Spoke.

Lance Nielsen – 14220 Woodland Place – Opposes the Wheel and Sprocket project. Did not speak.

Rebecca Cholka – 2405 N Brookfield Road – Supports chickens. Spoke.

Barbara Feest – 3875 Westwood Court – Opposes the Wheel and Sprocket project. Spoke.

Jim D’Ambrisi – 3605 Chesterwood Drive – Opposes the Wheel and Sprocket project. Spoke.

David Golab – 14055 Newell Drive – Opposes the Wheel and Sprocket project. Spoke.

Judge Fred Strampe – 515 Moreland Boulevard – Just wanted to introduce himself. Spoke briefly.

Chris Loweth – 21800 W North Avenue – Supports chickens. Spoke.

Michelle Miller – 14265 Newell Drive – Opposes the Wheel and Sprocket project. Did not speak.

Robert Fallon – 14140 Hyland Drive – was opposed to Wheel and Sprocket project and supported chickens of 6 coops or less. Did not speak.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, April 4, 2023, at 7:00 pm held in the Council Chambers of City Hall. (NOTE CHANGE IN TIME)

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

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

0 Members excused & 1 vacancy: (vacancy in District #3)

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, Director of Human Resources Jim Zwerlein, City Clerk Michelle Luedtke, Planning Administrator Richard Vanderwal

Pledge: Alderman Christopher Blackburn led the Council in the Pledge of Allegiance.

Public Hearing: None.

Consent Agenda:

The following items were removed from the Consent Agenda: Aldermen Carnell and Bloom requested Item #2 be removed from the consent agenda. Alderman Christianson requested Items #14, #15, #16 be removed from the consent agenda.

Motion by Alderman Mahkorn, seconded by Alderman Reddin, to approve all items on the Consent Agenda, except for Items #2, #14, #15, and #16. The motion carried unanimously.

1. Minutes of the March 7, 2023, meeting of the Common Council.

Plan Commission

2. ~~Removed from the Consent Agenda - Resolution approving Plan Commission's approval of new Plan and Method of Operation for Raising Cane's at 12660 W. Capitol Drive (Noby West Capitol).~~
3. Resolution approving Plan Commission's approval of revised Plan and Method of Operation for Milwaukee Electric Tool for 13135 W. Lisbon Road. **Resolution No. 10615-23***

Finance Committee

4. Vouchers exceeding \$50,000 requiring immediate action.
5. Resolution approving contract with Bassett Mechanical for replacement of HVAC equipment at the Fox River Water Pollution Control Center for a total of \$99,910. **Resolution No. 10616-23***
6. Resolution approving purchase of monopole (wireless communications site) from Sprint located at 127 S. Moorland Road. **Resolution No. 10617-23***

Forestation Committee

7. Resolution approving request of the Parks, Recreation and Forestry Department to contract with the qualified low bid for the Calhoun Road North Landscaping Project to Dan Larsen Landscaping Inc. for \$116,575.00. **Resolution No. 10618-23***

Human Resources & Public Safety Committee

8. Resolution approving a Non-Discrimination Policy related to Programs funded by the U.S. Department of Homeland Security. **Resolution No. 10619-23***
9. Ordinance adopting the 2023 Salary Ordinance Addendum Amendment. **Ordinance No. 2827-23***
10. Ordinance adopting the 2023 Positions Ordinance Amendment. **Ordinance No. 2828-23***

Legislative & Licensing Committee

11. Resolution approving Original Bartender/Operator licenses: Aaron Larson, Amber Vomberg.
12. Resolution approving Original Bartender/Operator license for an applicant with violations – Benjamin Gesell. **Resolution No. 10621-23***
13. Resolution approving Original Bartender/Operator license for an applicant with violations – Samantha L. Everson. **Resolution No. 10622-23***

Board of Public Works

14. ~~Removed from the Consent Agenda - Resolution awarding the 2023 Road Resurfacing Project #R-22-01 to Stark Pavement Corporation for \$3,464,557.60.~~

Water & Sewer Board

15. ~~Removed from the Consent Agenda - Resolution awarding the Arrowhead Well Station Filter Replacement Project #W-22-03 to August Winter & Sons, Inc. for \$674,000.00.~~
16. ~~Removed from the Consent Agenda - Resolution awarding the WPCC Digester Mixing, Gas Handling Improvements and Final Clarifier Rehabilitation Proj. #WW-23-01 to August Winter & Sons Inc. for \$7,754,000 (base bid & alternate #1).~~

17. Resolution to increase fees for laboratory work as part of the WPCC Industrial pretreatment program.
Resolution No. 10626-23*

Council as a Whole

18. Resolution approving the Mayor's Appointments of Nick Tirnanich to the Information Technology Subcommittee to fulfill a 2-year appointment, commencing March 22, 2023, and expiring May 1, 2024.
Resolution No. 10627-23*
19. Proclamation proclaiming April 28, 2023, as "Arbor Day Celebration."

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

20. Act on any items removed from the consent agenda as necessary:
 2. Motion by Alderman Mahkorn, seconded by Alderman Owen, to approve the Resolution approving the Plan Commission's approval of new plan and method of operation for Raising Cane's at 12660 W. Capitol Drive (Noby West Capitol).

Motion by Alderman Carnell, seconded by Alderman Bloom, to amend the Resolution to show the closing time to be 1:00 AM. This is per correspondence between Alderman Bloom and Raising Cane's. The motion on the amendment carried unanimously.

The motion as amended carried unanimously. **Resolution No. 10614-23***
 14. Motion by Alderman Owen, seconded by Alderman Blackburn, to approve the Resolution awarding the 2023 Road Resurfacing Project #R-22-01 to Stark Pavement Corporation for \$3,464,557.60. The motion carried unanimously. **Resolution No. 10623-23***
 15. Motion by Alderman Blackburn, seconded by Alderman Berg, to approve the Resolution awarding the Arrowhead Well Station Filter Replacement Project #W-22-03 to August Winter & Sons, Inc. for \$674,000. The motion carried unanimously. **Resolution No. 10624-23***
 16. Motion by Alderman Blackburn, seconded by Alderman Bloom, to approve the Resolution awarding the WPCC Digester Mixing, Gas Handling Improvements and Final Clarifier Rehabilitation Project #WW-23-01 to August Winter & Sons Inc. for \$7,754,000 (base bid & alternative #1). The motion carried unanimously. **Resolution No. 10625-23***

Council as a Whole

21. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution approving a Perpetual Water Main Easement for Primrose School, 18430 W. Capitol Drive. Motion carried unanimously. **Resolution No. 10628-23***
22. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution approving an Updated Perpetual Sanitary Sewer Easement for Primrose School, 18550 W. Capitol Drive. Motion carried unanimously. **Resolution No. 10629-23***
23. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution approving an Emergency Access Easement by Aegis Partners LLC, Childhood Education & Development LLC and the City of Brookfield. Motion carried unanimously. **Resolution No. 10630-23***

Plan Commission

24. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution approving the preliminary concept map and Subdivider's Agreement for property located at 12930 W. Lisbon Road, property tax keys BRC 1012-999-016 and BRC 1012-999-013. Motion carried unanimously. **Resolution No. 10631-23***

25. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution approving the Certified Survey Map for property located at 12930 W. Lisbon Road, property tax keys BRC 1012-999-016 and BRC 1012-999-013. Motion carried unanimously. **Resolution No. 10632-23***
26. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the revised Resolution approving Plan Commission's approval of revised plan and method of operation for Milwaukee Electric Tool for 12930 W. Lisbon Road. Motion carried unanimously. **Resolution No. 10633-23***
27. Discussion about amending the Lilly Road and Capitol Drive Neighborhood Plan, approval of a General Plan PDD ordinance amending the zoning of two lots addressed 13925 W. Capitol Drive and 3950 Lilly Road, property tax keys BRC 1054-035 and BRC 1054-038 respectively, from "B-1" Local Business District to Planned Development District General Plan – Mixed Use No. ___ for the purpose of redeveloping the southeast corner of Lilly Road and Capitol Drive with a mixed-use project of commercial retail space and apartment units with Wheel & Sprocket to operate from new commercial space on the site (Kegel Real Estate LLC). *(Recommended 5-1 by the Plan Commission with Ald. Owen voting no.)*

Alderman Mahkorn announced the opening of the discussion and that tonight was for discussion only. Director Ertl spoke about the revised request from Wheel and Sprocket. Members from the Wheel and Sprocket team spoke about the project.

Closed Session Notice: The Common Council for the City of Brookfield may vote to go into Closed Session for Item #27 for the purpose to deliberate and confer with city staff to recommend the creation of a Planned Development District General Plan for properties located at 13925 W. Capitol Drive and 3950 Lilly Road. A Closed Session for these purposes is authorized pursuant to Wis. Stat. Section 19.85(1)(g), which authorizes a governmental body, upon motion duly made, seconded, and approved upon by the majority of the members present as required under Wis. Stat. Sec. 19.85(1), to meet in Closed Session to conduct other specified public business whenever conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Upon conclusion of the Closed Session, the Common Council may reconvene in Open Session, pursuant to Wis. Stats. Sec. 19.85(2), for possible additional discussion and action concerning any matter discussed in Closed Session or further business on the agenda. Persons attending or potentially attending the Closed Session would be the Mayor, Common Council members, Director of Finance and Administration, Director of Community Development, Planning Administrator, City Attorney, City Engineer, Fire Chief, Director of Public Works, and City Clerk.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to convene into Closed Session per Wis. Stats. Section 19.85(1)(g) regarding Item #27. The motion carried Ayes 10, No's 3 with Aldermen Christianson, Blackburn and Reddin voting no. 9:00 pm

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to reconvene into Open Session per Wis. Stats. Section 19.85(2). 10:09 pm

28. Mayor's announcement of legislative referrals and requests for services: none.
29. Motion by Alderman Christianson, seconded by Alderman Bloom, to adjourn the meeting. Motion carried unanimously. 10:11 pm.

RESPECTFULLY SUBMITTED

MICHELLE LUEDTKE, CITY CLERK

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